



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: March 28, 2025

Report No: PED25092

Subject/Title: Heritage Permit Application HP2025-003, Under Part V of the *Ontario Heritage Act*, for the Demolition of Two Rear Detached Accessory Structures and the Construction of a new Rear Detached Accessory Structure at 155 Main Street North, Flamborough

Ward(s) Affected: Ward 15

Recommendations

- 1) That Heritage Permit Application HP2025-003, for the demolition of two rear detached accessory structures and the construction of a rear detached accessory structure on the designated property at 155 Main Street North, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix A to Report PED25092, **BE APPROVED**, subject to the approval of any required *Planning Act* applications and the following Heritage Permit conditions:
 - a) That the final details of the windows, garage doors, siding and roofing material of the new structure be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
 - b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
 - c) That demolition, construction, and site alterations, in accordance with this approval, shall be completed no later than April 30, 2027. If the construction and site alterations are not completed by April 30, 2027, then this approval

expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Key Facts

- This report addresses a Heritage Permit application for the property located at 155 Main Street North, Flamborough, which is designated as part of the Mill Street Heritage Conservation District under Part V of the *Ontario Heritage Act*.
- A Heritage Permit is required for the demolition or construction of any buildings or structures on a property located within a Heritage Conservation District.
- The application includes the demolition of two existing rear structures not recognized as heritage assets within the Heritage Conservation District, and the construction of a new accessory structure at the rear of the property.
- Staff recommend approval of Heritage Permit application HP2025-003, subject to the final details for the design of the new structure being submitted to staff's satisfaction, and to the City's standard Heritage Permit conditions, as discussed with the applicant and advised by the Heritage Permit Review Sub-committee.

Financial Considerations

Not applicable.

Background

The subject property at 155 Main Street North, Flamborough (see Appendix A to Report PED25092) is in the Mill Street Heritage Conservation District, which is designated by the former Town of Flamborough By-law No. 96-34-H. The property is comprised of a two-and-a-half storey red brick residence influenced by the Edwardian Classicism style of architecture, known as Crimson Maples, fronting on to Main Street North. The rear yard, comprised of a detached contemporary two-car garage and detached woodshed, is accessible from John Street West. On January 27, 2025, a Heritage Permit application was received requesting approval for the demolition of two rear accessory structures (see Appendix B to Report PED25092) and the construction of a new rear detached accessory structure. The supporting materials provided with the Heritage Permit application are attached as Appendix C to Report PED25092.

Heritage Staff met with the applicant on January 14, 2025, on site to review the existing structures and discuss the proposed changes to the property.

The Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee reviewed this application at their meeting on February 18, 2025, along with the supporting materials submitted with the application (attached as Appendix C to Report PED25092) and recommended approval subject to the standard Heritage Permit

conditions regarding minor changes and expiry, and for the final design and material details of the new structure to be submitted to staff's satisfaction.

The Notice of Complete Application was issued on February 19, 2025.

Analysis

Section 42 of the *Ontario Heritage Act* requires that an owner of a property located in a heritage conservation district designated under Part V of the Act obtain a permit to demolish or remove a building or structure, or erect any building or structure, on the property. The power to consent to alterations to property designated under the *Ontario Heritage Act* was delegated by Council to the Director of Planning under By-law No. 05-364. However, the *Ontario Heritage Act* provisions exclude the delegation of Council's authority to consent to an application for the demolition of existing structures or erection of new structures. The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit application within 90 days of the issuance of a Notice of Complete Application. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application. As the Notice of Complete Application was issued on February 19, 2025, a Council decision is required by May 20, 2025.

In response to a Heritage Permit application, Council may: consent to the permit applied for; provide notice that Council is refusing the application for the permit; or consent to the permit applied for, with terms and conditions attached. Section 42 (4.1) of the *Ontario Heritage Act* provides that Council must consult with its Municipal Heritage Committee before taking any action with respect to an application to demolish or remove any building or structure on property in a heritage conservation district.

This Heritage Permit application has been processed and considered within the context of the applicable legislation.

Heritage Permit HP2025-003

Heritage Permit application HP2025-003 has been submitted to request permission for the following scope of work at 155 Main Street North, Flamborough, located in the Mill Street Heritage Conservation District, in accordance with the supporting materials submitted with the application:

- Demolition of the existing contemporary one storey detached (24' x 24') garage;
- Demolition of the detached rear woodshed (approximately 140 sq ft); and,
- Construction of a new two-storey detached (24' x 29') structure, including:
 - A two-door garage in the first storey with carriage-style doors;
 - White vinyl windows with mullions;
 - Clapboard siding (materials to be confirmed); and,
 - Asphalt shingles.

The existing property is comprised of a two-and-a-half storey red brick residence influenced by the Edwardian Classicism style of architecture. Its features include a rectangular plan with a front gable oriented to Main Street North, a symmetrical façade, and central entrance with a raised porch with panelled posts and a flared gable roof with heavy eaves and cornice. The property features a moderate set back from Main Street North with the driveway and existing contemporary two-car garage accessed from John Street West.

Two key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are displacement and disruption effects. The analysis of the effects related to HP2025-003 are outlined below.

Displacement Effects

Displacement effects are those adverse actions that result in the damage, loss, or removal of valued heritage features.

The two existing detached accessory structures to be demolished are located at the rear southwest corner of the property, as shown in the site plan drawing attached in Appendix C to Report PED25092. The demolition of the detached rear accessory structures will not result in the displacement of any of the heritage features on the property as they were extant at the time of the designation of the District, however they were not mentioned in the plan's description of the property or identified as having cultural heritage value or interest (see photographs of the structures in Appendix B to Report PED25092).

The new detached accessory structure will be located in the rear, southwest portion of the property and will not result in the displacement of any of the heritage features on the property.

Disruption Effects

Disruption effects are those actions that result in detrimental changes to the setting or character of the heritage feature.

Staff are of the opinion that the proposed demolition of the accessory structures will not detrimentally change the setting of the Mill Street Heritage Conservation District. The structures were extant at the time of the designation of the District, however they were not mentioned in the plan's description of the property or identified as having cultural heritage value or interest. Therefore, no disruption effects are anticipated from their demolition.

The new detached accessory structure will be visible from John Street West and partially visible from Main Street North when looking at the subject property. Staff are of

the opinion that the proposed accessory structure will not detrimentally change the setting of the Mill Street Heritage Conservation District.

Furthermore, the accessory structure has been designed to be compatible with the existing dwelling on the property and the surrounding properties. This is evidenced by the location of the structure, the compatible design echoing the gable roof of the demolished garage and existing dwelling, the style of the proposed windows and the choice of distinct, but historically appropriate, building materials that clearly demonstrate that the accessory building is new.

The proposed design of the structure features a gable roof with dormers, horizontal clapboard siding, asphalt shingles and single hung windows on the second storey. The proposed height of the building will be 6.62 m (21.90 ft). Staff are of the opinion that the proposed height of the accessory structure is not out of character with the area and that any visual impacts from the height will be mitigated by its placement to the rear of the property and at the edge of the existing District boundary to the west. The proposed design and materials incorporate features that are sympathetic to the character of the area and respect the District guidelines that new buildings do not attempt to replicate historical facades. The applicant has provided a description and samples of the proposed style of the windows and garage door to be installed on the accessory structure. Staff are generally supportive of the proposed styles, however, final details for the windows and garage doors are still pending. Staff recommend these details be submitted to staff's approval prior to installation.

Conclusion

Staff recommend approval of Heritage Permit application HP2025-003 for the demolition of two existing rear detached structures and the construction of a new detached rear structure at 155 Main Street North, Flamborough, subject to approval of any required *Planning Act* applications and to the final details of the windows, garage doors, siding and roofing material of the new structure being submitted, prior to installation (see Recommendation (1)(a) of this Report). Staff also recommend that the standard heritage permit conditions be applied to this approval, including that any minor changes to the plans and elevations following approval be submitted to staff's satisfaction and approval (Recommendation (1)(b)) and a permit expiry date of March 21, 2027 (Recommendation (1)(c)).

The Recommendations of this Report are consistent with municipal and provincial legislation, including:

- Ensuring that protected heritage property is conserved (*Provincial Planning Statement*, 2024, Sub-section 4.6.1);
- Protecting and conserving the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes (*Urban Hamilton Official Plan*, Section B.3.4.2.1(a)); and,

- Ensuring that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources (*Urban Hamilton Official Plan*, Section B.3.4.1.3).

The Recommendations of this Report are also consistent with the Mill Street Heritage Conservation District Plan and its policies regarding new construction in the District, outlined in Section 4.5, including that:

- The structure should look new and not pretend to be historic by replicating or copying older facades;
- Building height of new structures should maintain the building height of adjacent properties and the immediate streetscape and should be neither noticeably higher nor lower;
- Garages are best located to the rear of the building or set back from the principal façade;
- The use of traditional roof styles on new construction is encouraged;
- Wood or asphalt shingles are appropriate for new construction;
- Window designs that generally reflect vertical and rectangular dimensions are encouraged; and,
- Wall materials of new construction should reflect the predominant traditional materials and their respective colours: brick, stucco, and wood.

Alternatives

1. **Deny the Heritage Permit Application.**
The Hamilton Municipal Heritage Committee may advise Council to deny this application in its entirety. This is not being recommended as the application is in character with the built heritage landscape of the Mill Street Heritage Conservation District and conforms to the District Plan guidelines that permit the erection of new dwellings and other site alterations which are sympathetic to the existing building fabric and maintain the character of the District.
2. **Approve the Heritage Permit Application with Additional or Amended Conditions.**
The Hamilton Municipal Heritage Committee may advise Council to approve this application with additional or amended conditions of approval, as appropriate. This is not being recommended as staff feel that the three Heritage Permit conditions are sufficient.
3. **Approve the Application with No Conditions.**
The Hamilton Municipal Heritage Committee may advise Council to approve this application with no conditions. This alternative is not recommended, as it would prevent staff from reviewing any additional details to ensure that the application

approval will result in high-quality construction and the implementation of the project design, as submitted.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 3: Responsiveness & Transparency
 - 3.2: Get more people involved in decision making and problem solving.

Previous Reports Submitted

Not Applicable.

Consultation

The Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee reviewed this application at their meeting on February 18, 2025, along with the supporting materials submitted with the application (attached as Appendix C to Report PED25092) and recommended approval of the application subject to the standard Heritage Permit conditions regarding minor changes and expiry, and for the final design and material details to be submitted to staff's satisfaction.

The owner was advised of the staff recommendations and timing of the report in an email sent on February 19, 2025.

In addition, Planning Staff notified Councillor (McMeekin) for Ward 15 by e-mail on February 19, 2025, with information about the proposed changes and the process for new construction on a Part V designated property within a Heritage Conservation District. Staff also indicated that the applicant received support from the Heritage Permit Review Subcommittee on February 18, 2025, and that a subsequent staff report was forthcoming to the March 28, 2025, Hamilton Municipal Heritage Committee meeting.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix B: Photographs of Existing Structures

Appendix C: Application Submission Materials

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**Submitted and
recommended by:**

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