



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: July 25, 2025

Report No: PED25207

Subject/Title: Heritage Permit Application HP2025-016, Under Part IV of the *Ontario Heritage Act*, for the Demolition of an Existing One-and-a-Half Storey Dwelling and Construction of a New Two-Storey Dwelling at 2463 Highway 5 West, Flamborough

Ward(s) Affected: Ward 12

Recommendations

- 1) That Heritage Permit Application HP2025-016, for the demolition a one-and-a-half storey dwelling and the construction of a new two-storey dwelling at 2463 Highway 5 West, Flamborough, as shown in Appendix A attached to Report PED25207, **BE APPROVED**, subject to the approval of any required *Planning Act* applications and the following Heritage Permit conditions:
 - a) That a demolition and construction plan delineating a protection line and sufficient buffers for the designated heritage building to be retained 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;
 - b) That the applicant makes every reasonable effort to facilitate removal and salvage of heritage materials and any material which can be reused as to avoid additional waste as part of the demolition process and submit documentation of the salvage efforts, to the satisfaction and approval of the Director of Planning and Chief Planner;
 - c) 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

- d) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than August 31, 2027. If the alteration(s) are not completed by August 31, 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 2463 Highway 5 West, Flamborough, which is designated under Part IV of the *Ontario Heritage Act*.
- A Heritage Permit is required for the construction or demolition of any structures or buildings on a designated heritage property, regardless of whether the structure is identified as a designated heritage attribute or in the reasons for designation under the *Ontario Heritage Act*.
- The application includes the demolition of an existing one-and-a-half storey dwelling and the construction of a new two-storey dwelling on the property located at 2463 Highway 5 West, Flamborough. No changes are proposed to the designated structure on the property.
- Staff recommend approval of this Heritage Permit Application HP2025-016, subject to the submission of demolition and construction plans, provisions for salvage of heritage features prior to demolition, 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

N/A

Background

The subject property at 2463 Highway 5 West, Flamborough (see attached Appendix A to this Report PED25207), was designated by the former Town of Flamborough By-law Number 84-79 under Part IV of the *Ontario Heritage Act*. The property is comprised of two dwellings. One is a one-and-a-half storey clapboard dwelling, built prior to 1844, which is identified in the Reasons for Designation in the By-law. The second is a dwelling proposed for demolition, comprising of a one-and-a-half storey Gothic Revival style farmhouse built circa 1875, which is not identified as having heritage value in the designation by-law for the property. Images of both structures have been provided in Appendix B attached to this Report PED25207.

On February 20, 2025, a Heritage Permit Application was received, requesting approval for the demolition of the designated 1844 clapboard dwelling. Cultural Heritage Staff met with the applicant on site on Wednesday, March 5, 2025, to review the existing structures and discuss the proposed changes to the property. Staff provided follow up comments on March 12, 2025, that they would not be supportive of the demolition of the designated structure and guided applicants on next steps of the permit process. Materials necessary to support the demolition of this structure through a heritage permit and the application was deemed incomplete on April 22, 2025.

On May 2, 2025, the subject Heritage Permit Application was received requesting approval for retention of the designated structure, the demolition of the one-and-a-half storey dwelling instead, and construction of a new two-storey dwelling in a similar location. Alongside the application, staff received a site plan and drawings for the proposed new dwelling (see Appendix C attached to this Report PED25207).

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on May 20, 2025, along with the supporting materials submitted with the application (attached as Appendix C to this Report PED25207). After discussion of the application with the owners' representatives, the Subcommittee passed a motion recommending approval of the application subject to the standard Heritage Permit conditions regarding minor changes and expiry, and two additional conditions regarding salvage of material and submission of demolition protection plans.

Analysis

Section 34 of the *Ontario Heritage Act* requires an owner of a Part IV designated property to obtain Council approved prior to the demolition or removal of 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 City of Hamilton 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 Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application.

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. As per Section 34(4.2), the notice of Council's decision will be required to be served on the owner of the property, the Ontario Heritage Trust and shall be published in a newspaper having general circulation in the municipality. If Council consents to the application subject to terms or conditions, or refuses the application, owner of the property may appeal Council's

decision to the Ontario Land Tribunal within 30 days of receiving notice of Council's decision.

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

Heritage Permit HP2025-016

Heritage Permit application HP2025-016 has been submitted to request permission for the following scope of work at 2463 Highway 5 West, Flamborough, in accordance with the supporting materials submitted with the application:

- Demolition of an existing one-and-a-half storey dwelling; and,
- Construction of a new two-storey detached dwelling.

The structure proposed for demolition is comprised of a one-and-a-half storey dwelling constructed circa 1875, exhibiting characteristics of the Gothic revival architectural style. Its features include its high-pitched gables with decorative bargeboard and finials, and dormers with pointed arch window openings. Additional notable features include its: t-shaped plan, wooden clapboard siding, stone foundation, side gabled roof with projecting front gable, a central entrance with transom and sidelights, and first storey porch with decorative turned posts. The historic features of the dwelling remain relatively intact, with minimal modification to the front elevation.

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 HP2025-016 are outlined below.

Displacement Effects

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

The demolition of the one-and-a-half storey dwelling constructed circa 1875 is not considered to have any displacement effects on the overall property. The Reason for Designation in the By-law for this property identify the one-and-a-half storey clapboard dwelling, built prior to 1844 in a simple Georgian style architecture, as having heritage value and significance. The applicant intends to retain this structure, as such the proposed scope of work will not have any displacement effects on the heritage features of the property.

Disruption Effects

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

The demolition of the existing one-and-a-half storey dwelling and construction of a new two-storey dwelling in a similar location will have moderate disruption effects on the setting of the heritage feature. The existing one-and-a-half storey dwelling constructed circa 1875 has a deep setback on the property and its removal should not dramatically change the setting of the property. However, the proposed new dwelling is expected to be located closer to the historic 1840s dwelling on the property, is proposed to be two storeys in height and feature a retaining wall which extends west from the new construction towards the retained heritage dwelling. Staff did discuss options for locating the new construction further from the retained heritage dwelling and the applicant did indicate that the proposed location allows them continued use of existing farm buildings and driveway, which would not be possible if moved further east on the lands. As a result, staff have requested construction protection plans to ensure that the proposed development will have minimal impacts on the retained heritage dwelling.

As part of staff's evaluation of the property, Cultural Heritage staff conducted an evaluation under Ontario Regulation 9/06 (see Appendix D attached to this Report) and determined that the circa 1875 Gothic farmhouse dwelling meets 5 of the 9 criteria, consequently possessing cultural heritage value. The heritage value of the property was discussed at length during the Heritage Permit Review Sub-committee meeting. While staff feel that the existing Gothic farmhouse does have cultural heritage value or interest, staff acknowledge that the financial burden associated with restoring and maintaining two historic dwellings on the property is not feasible. Staff further recognize that the demolition of this structure will result in the physical irreversible loss of its identified physical heritage value. As such staff have included a condition which requires the applicant to salvage heritage and non-heritage features from the structure prior to demolition for reuse on other buildings. Please note we will not require the applicant to reinstall these features in the new build.

Conclusion

Staff recommend approval of Heritage Permit Application HP2025-016 for the demolition of the existing one-and-a-half storey dwelling and construction of a new two-storey dwelling at 2463 Highway 5 West, Flamborough, subject to approval of any required *Planning Act* applications and the submission of a demolition plan and a construction plan delineating a protection line and sufficient buffers for the heritage building to be retained. Staff also recommended 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 and a

permit expiry date of August 31, 2027. Finally, staff also recommend a condition for the salvage of any heritage features prior to demolition, as feasible.

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)

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 structure identified in the reason for designation for the property is being retained.

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 and the Heritage Permit Review Subcommittee believe the Heritage Permit conditions to be 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 ensuring that protection measures are in place during the demolition and new construction to protect the remaining heritage building on site.

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 City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on May 20, 2025, along with the supporting materials submitted with the application (attached as Appendix B to this Report) and recommended approval of the application subject to the standard Heritage Permit conditions regarding minor changes and expiry, and with conditions regarding the salvage of heritage materials prior to demolition, and provisions for ensuring the remaining heritage structure is not impacted during the construction activities.

The owner was advised of the staff recommendations and timing of the Report in an email sent on June 17, 2025.

In addition, Planning Staff emailed the Councillor (Cassar) for Ward 12 on June 26, 2025, and provided them with information about the proposed changes and the process for demolition and new construction on a Part IV designated property. Staff also indicated that the applicant received support from the Heritage Permit Review Sub-committee and that a subsequent staff report was forthcoming to the July 25, 2025, HMHC meeting.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix B: Photographs of Existing Structures

Appendix C: Application Submission Materials

Appendix D: Ontario Regulation 9/06 Evaluation for the dwelling to be demolished

Prepared by:

Lisa Christie, Cultural Heritage Planner
Planning and Economic Development, Planning Division

Kira Cook, Cultural Heritage Planning Technician
Planning and Economic Development, Planning Division

Submitted and recommended by:

Steve Robichaud, Director of Planning and Chief Planner
Planning and Economic Development, Planning Division