



City of Hamilton Report for Consideration

To: Chair and Members
Hamilton Municipal Heritage Committee

Date: July 25, 2025

Report No: PED25208

Subject/Title: Heritage Permit Application HP2025-017, Under Part V of the *Ontario Heritage Act*, for the Construction of a Detached Accessory Structure at 3 Union Street, Flamborough

Ward(s) Affected: Ward 15

Recommendations

- 1) That Heritage Permit Application HP2025-017, for the construction of a detached accessory structure on the designated property at 3 Union Street, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix A to Report PED25208, **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 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 August 31, 2027. If the construction and site alterations 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 3 Union Street, 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 construction or demolition of any structures or buildings on a property located within a Heritage Conservation District.
- The application includes the construction of a new detached accessory structure at the side of the property within the Heritage Conservation District.
- Staff recommend approval of this Heritage Permit Application HP2025-017, 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

N/A

Background

The subject property at 3 Union Street, Flamborough (see Appendix A to this Report) is located 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 vernacular frame structure set on a stone foundation. The principal entrance was likely once located on Main Street; however, it is currently located on Union Street. The rear yard is accessible from Main Street. On April 17, 2025, a Heritage Permit Application was received requesting approval for the construction of a new detached accessory structure. The supporting materials provided with the Heritage Permit Application are attached as Appendix B to this Report.

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 subject to the final design and material details to be submitted to staff's satisfaction.

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 and Chief Planner

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. 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 HP2025-017

Heritage Permit application HP2025-017 has been submitted to request permission for the following scope of work at 3 Union Street, Flamborough, located in the Mill Street Heritage Conservation District, in accordance with the supporting materials submitted with the application:

- Construction of new one-storey detached (24' x18') garage, including;
 - A one door garage on the first storey;
 - Horizontal wood siding; and
 - Asphalt shingles.

The existing property is comprised of a two-and-a-half storey vernacular frame structure set on a stone foundation. The structure features a gable roof, vinyl siding, and window openings randomly located across all elevations. The principal entrance was likely once located on Main Street; however, it is currently located on Union Street. The rear yard is accessible from Main Street.

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 HP2025-017 are outlined below.

Displacement Effects

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

The construction of a new detached accessory structure, as shown in the site plan drawing found in Appendix B to Report PED25208, will not result in the displacement of

heritage features on the property. The applicant does not intend to remove or damage any of the heritage features on the property, and the proposed construction will have no displacement effects on 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.

The new detached accessory structure will be visible from Main Street within the edge of the heritage conservation district, the new structure will not be visible from Union Street. Staff are of the opinion that the proposed accessory structure will not detrimentally change the setting of Union Street within 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 existing dwelling, and the choice of distinct, but historically appropriate, building materials that clearly demonstrate that the accessory building is new.

The proposed design of the one-storey structure features a gable roof with asphalt shingles, horizontal clapboard siding. Staff are of the opinion that the proposed accessory structure is not out of character with the area and that any visual impacts from the height and massing will be mitigated by its placement to the side and 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's guidelines which indicate that new buildings do not attempt to replicate historical facades. The applicant has provided a description and samples of the proposed material to be installed on the accessory structure. Staff recommend that windows be introduced on the west elevation of the garage to break up the expanse of the wall facing Main Street. Staff are generally supportive of the proposed scope, 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 HP2025-017 for the construction of a new detached side structure at 3 Union Street, Flamborough, subject to approval of any required *Planning Act* applications and to the final details of the garage doors, siding and roofing material being submitted to the satisfaction and approval of the Director of Planning and Chief Planner, 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 August 31, 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 City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on May 20, 2025, along with the supporting materials submitted with their 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 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 June 25, 2025.

In addition, Planning Staff emailed the Councillor (McMeekin) for Ward 15 on June 25, 2025, and provided them 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 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: Application Submission Materials

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Submitted and recommended by:	Steve Robichaud, Director of Planning and Chief Planner Planning and Economic Development, Planning Division