TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: November 8, 2011

SUBJECT/REPORT NO:
Request to Include 1262 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value Under Part IV of the Ontario Heritage Act (PED11184) (Ward 11)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Joseph Muller
(905) 546-2424, Ext. 1214

Andrea Mikkila
(905) 546-2424, Ext. 7163

SIGNATURE:

RECOMMENDATION:

(a) That 1262 Highway 8 (Stoney Creek) be included in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (b) to Report PED11184, and that staff makes appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.

(b) That a copy of Report PED11184 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council approved inclusion of 1262 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest.

(c) That a copy of Report PED11184 be forwarded to the owner of 1262 Highway 8 (Stoney Creek) for information.

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EXECUTIVE SUMMARY

The Hamilton Municipal Heritage Committee (HMHC) requested that 1262 Highway 8 (Stoney Creek) (see location map and photographs attached as Appendices “B” and “C”) be included in the Register of Property of Cultural Heritage Value or Interest on October 28, 2010. The 2-storey brick residence was for sale at the time of the request, and HMHC expressed concern over potential demolition by any new owner. HMHC did not request that the property be considered for designation under the Ontario Heritage Act, and limited its request to including the subject property in the Register. The following Report contains background on this request and an evaluation of the subject property using the criteria contained in Ontario Regulation 9/06.

The subject property comprises a brick and stone house of typical Ontario Edwardian Classicism architecture, characteristic of rural construction in early 20th Century Stoney Creek, not currently listed in Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest. A preliminary assessment of the property has been undertaken by staff using the criteria contained in Ontario Regulation 9/06. The property meets two of the three classes of criteria, and is considered to have design and physical value, and historical and associative value.

Through this Report, staff recommends that 1262 Highway 8 (Stoney Creek) be included in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act.

Alternatives for Consideration - See Page 6.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: Council must consult with their Municipal Heritage Committee prior to including a property in the Register or removing reference to a property from the Register. Inclusion in the municipal Register of Property of Cultural Heritage Value or Interest requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property.
HISTORICAL BACKGROUND

1262 Highway 8 (Stoney Creek)

At its meeting on October 28, 2010, the Hamilton Municipal Heritage Committee (HMHC) expressed concern that the subject property was for sale, and that any future owner may propose to demolish the house without the City having the opportunity to obtain documentation of the building’s history and construction. Accordingly, the HMHC requested that the property located at 1262 Highway 8 (Stoney Creek) be included in the City Register of Properties of Cultural Heritage Value or Interest, as follows:

“That the Hamilton Municipal Heritage Committee request that Council direct staff to carry out a preliminary screening evaluation of 1262 Highway 8 (Stoney Creek) to determine whether the property is of cultural heritage value, and worthy of inclusion in the Register of Property of Cultural Heritage Value or Interest, as a non-designated property, as per the provisions of the Ontario Heritage Act, and if so, that staff report back to Council with recommendations respecting appropriate amendments to the Register of Property of Cultural Heritage Value or Interest, as required.”

This resolution was subsequently ratified by Council on December 15, 2010, through Hamilton Municipal Heritage Committee Report 10-002 (see Appendix “A”).

Section 27 (1.2) of the Ontario Heritage Act speaks to “property” of cultural heritage value or interest, and does not provide for the definition of specific buildings, structures, or features when including a property in the Register.

HMHC did not request that the property be considered for designation under the Ontario Heritage Act, and a formal process has not been defined for requests to solely nominate properties to the City Register of Properties of Cultural Heritage Value or Interest. A screening has been undertaken through this staff Report, using the criteria contained in Ontario Regulation 9/06 (see Appendix “D”), to determine if the property warrants inclusion in the municipal Register: no recommendation is made for designation. Inclusion of the subject property in the Register enables staff to monitor any changes to the site, encourages the retention of its heritage attributes, and ensures adequate documentation prior to demolition.
POLICY IMPLICATIONS

Ontario Heritage Act

Inclusion in the municipal Register of Property of Cultural Heritage Value or Interest under Section 27 (1.2) of the Ontario Heritage Act requires that Council be given 60-days notice of the intention to demolish or remove any building or structure on the property, and the demolition and removal of any building or structure is prohibited during this time period.

Stoney Creek Official Plan

Sub-section E.5 - Historic and Architectural Resources of the former City of Stoney Creek Official Plan supports the preservation, enhancement, and rehabilitation of cultural heritage resources (E.5.1) and the consideration of cultural heritage resources during the review of any proposal for development and re-development (E.5.2.1). The recommendations of this Report are consistent with these policies.

Urban Hamilton Official Plan

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted Urban Hamilton Official Plan (adopted July 9, 2009) states that the City shall “protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes” (Volume 1, 3.4.2.1(a)), and “identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources” (Volume 1, 3.4.2.1(b)). The policies also provide that the “City may, by By-law, designate individual and groups of properties of cultural heritage value under Parts IV and V, respectively, of the Ontario Heritage Act” (Volume 1, 3.4.2.3). The Urban Hamilton Official Plan has been approved by the Ministry of Municipal Affairs and Housing, but has been appealed in its entirety to the Ontario Municipal Board. While the plan is not in full force and effect, these policies demonstrate Council’s commitment to the identification, protection, and conservation of the cultural heritage resources, and the recommendations of this Report are consistent with these policies.

RELEVANT CONSULTATION

This Report considers a request for inclusion of a property to the City Register of Properties of Cultural Heritage Value or Interest. Although this request originates from the Municipal Heritage Committee, the owner of the property was consulted in the preparation of this Report, and does not object to its recommendations.
Staff will formally consult with the Hamilton Municipal Heritage Committee prior to inclusion of the subject property in the Register. The owner will be forwarded a copy of this Report, and advised of whether the property has been added to the City Register of Properties of Cultural Heritage Value or Interest.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

The subject parcel, located at 1262 Highway 8 (Stoney Creek) as part of Lot 5, Concession 2 (see Appendix “B”), is currently occupied, and has been of concern to the Hamilton Municipal Heritage Committee with respect to potential demolition. Under Section 27(3) of the Ontario Heritage Act, an application to demolish or remove buildings or structures on a property listed in the Register that is not otherwise designated under Part IV of the Act requires 60-days notice, in writing, to Council, providing sufficient time to document the property and any buildings or structures thereon prior to demolition taking place. Demolition of a property designated under Part IV of the Ontario Heritage Act requires a Heritage Permit, which may be refused, approved, or approved with conditions by a Council, in addition to an approved demolition permit. The Hamilton Municipal Heritage Committee has limited its request to inclusion of the subject property to the Register, and has not requested that the property be considered for designation under the Ontario Heritage Act.

The date of construction is in the early 1900’s. Historical topographic maps indicate that the current structure was present in 1907. The all brick and stone house is an example of typical Ontario Edwardian Classicism architecture, characteristic of rural construction in early 20th Century Stoney Creek. Leading up to the northerly veranda, the subject property includes perennial gardens, a private rear yard, and original rich wood flooring and trim throughout the interiors. The subject property also includes a storage shed to the southeast. The two-and-a-half storey building is zoned Local Commercial “LC”, and lies within the proposed Winona Centre for expected commercial and residential uses.

The acreage of the subject property has remained consistent since the construction of the current residence, while the surrounding area has become increasingly suburban in character. The Crown Patent for Lots 5 and 6, Concession 2 (Stoney Creek), was granted to Nathaniel Pettit, of the John Pettit family, a prominent early family in Saltfleet, in 1787, and was registered in 1796. The lot originally comprised 200 acres. The property currently comprises 0.28 acres. In 1875, the property was owned by Edward Pettit, and there was an orchard on the north side of Highway 8 with a structure, and another orchard on the south side of Highway 8. In 1903, the property was owned by Dr. James McKay, with a different building on the north side of Highway 8.

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Evaluation - *Ontario Regulation 9/06*

The following provides an evaluation using the criteria contained in *Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest* (see Appendix “D”):

**Design Value or Physical Value**

The subject property contains a brick and stone house that has design and physical value, as it exemplifies typical Ontario four-square Edwardian Classicism commonly used for twentieth-century accessory structures and rural dwellings. The building’s Edwardian characteristics include smooth brick walls, a hipped roof, plain dormers that follow the slope of the roof, and a large portico.

**Historical Value or Associative Value**

The subject building is well-maintained, and is said to have been built in 1907. The property has associations with the Pettit family, who were conveyed very large shares of land throughout Stoney Creek in the late 1700’s. Ownership of this land by the Pettit family was continuous until the late 1800’s.

**Contextual Value**

The contextual value has been compromised due to the altered setting from rural land to suburban over the past few decades. Therefore, the property does not meet this part of the criteria.

**Conclusion**

Staff concludes that the property located at 1262 Highway 8 (Stoney Creek) is of cultural heritage interest sufficient for the property to warrant inclusion in the municipal *Register of Property of Cultural Heritage Value or Interest*.

**ALTERNATIVES FOR CONSIDERATION:**

The *Ontario Heritage Act* enables a Council to include properties that it believes to be of cultural heritage value in the municipal *Register of Properties of Cultural Heritage Value or Interest*. Council may decide not to include the subject property in the City’s Register. If this property is not included in the municipal Register, then the municipality would be unable to protect this heritage resource from demolition and/or review any potential re-development. This alternative is not considered to be an appropriate conservation alternative.

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CORPORATE STRATEGIC PLAN


Skilled, Innovative, and Respectful Organization

- Council and SMT are recognized for their leadership and integrity.
- **Staff Comment:** The approval of the recommendations of this Report demonstrates Council’s commitment to the identification and conservation of cultural heritage resources, as articulated in existing planning policies.

Intergovernmental Relationships

- Maintain effective relationships with other public agencies.
- **Staff Comment:** The approval of the recommendations of this Report demonstrates Council’s commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

Healthy Community

- Plan and manage the built environment.
- **Staff Comment:** The identification of this property will allow staff to review any proposed demolition, development or re-development on the subject property to ensure consistency with the City’s planning policies.

APPENDICES / SCHEDULES

- Appendix “A”: Hamilton Municipal Heritage Committee Report 10-002
- Appendix “B”: 1262 Highway 8 (Stoney Creek) - Location Map
- Appendix “C”: 1262 Highway 8 (Stoney Creek) - Photographs
- Appendix “D”: Ontario Regulation 9/06

:JPM/AMK
Attachs. (4)
Appendix "A" to Report PED11184
(Page 1 of 2)

REPORT 10-002

HAMILTON MUNICIPAL HERITAGE COMMITTEE
Thursday, October 28, 2010
12:00 p.m., Room 264
Hamilton City Hall, 2nd Floor
71 Main Street West, Hamilton

Present:  A. French (Chair)
          A. Denham-Robinson (Vice Chair)
          Councillor M. Pearson
          M. Adkins, A. Charlton, M. Kirk, R. Simpson,
          S. Stewart-Greene, K. Wakeman, and G. Zajac

Absent with
Regrets:  Councillors B. Bratina and B. McHattie
          S. Wray, vacation and S. Nowak, personal commitment

Also Present: D. Cuming, Senior Project Manager, Heritage and Urban Design
              M. House, Cultural Heritage Planner
              J. Muller, Cultural Heritage Planner
              Y. Mantsvetov, Assistant Cultural Heritage Planner – Student
              I. Bedioui, Legislative Assistant, City Clerk’s Office

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 10-002 TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE AND RESPECTFULLY ADVISES AND REQUESTS:

1. Request to add 1262 Highway 8 (Stoney Creek) to the Register of Property of Cultural Heritage Value or Interest (New Item)

   That Council direct staff to carry out a preliminary screening evaluation of 1262 Highway 8 (Stoney Creek), to determine whether the property is of cultural heritage value, and worthy of inclusion in the Register of Property of Cultural Heritage Value or Interest, as a non-designated property, as per the provisions of the Ontario Heritage Act and if so, that staff report
back to Council with recommendations respecting appropriate amendments to the Register of Property of Cultural Heritage Value or Interest, as required.

FOR THE INFORMATION OF COMMITTEE

(a) NEW BUSINESS

(i) Request to add 1262 Highway 8 (Stoney Creek) to the Register of Property of Cultural Heritage Value or Interest (New Item)

Kathy Wakeman advised that she has learned that the property at 1262 Highway 8 (Stoney Creek) is for sale and she circulated a copy of the real estate ad. She is concerned that the building, which is a lovely brick house, may be demolished. In order to enable staff to take photos of the house, she proposed that it be added to the Register of Property of Cultural Heritage Value or Interest.

On a motion (Wakeman/Adkins) Committee approved the recommendation as outlined in Item 1 of this Report.

Respectfully submitted,

Art French, Chair
Hamilton Municipal Heritage Committee

Ida Bedioui
Legislative Assistant
Hamilton Municipal Heritage Committee
October 28, 2010
1262 Highway 8 – Exterior conditions of windows, brick and stone (consistent throughout)

1262 Highway 8 – southwest view of residence, with storage shed towards southeast of subject property
1262 Highway 8 – Easternly view of subject property

1262 Highway 8 – Original wood flooring and trim throughout interior
1262 Highway 8 – The location of the subject property relative to the hair salon which occupies 1260 Highway 8, also known as the former Winona post office
ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1.(1) The criteria set out in Sub-section (2) are prescribed for the purposes of Clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under Section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it:
   i. Is a rare, unique, representative or early example of a style, type, expression, material, or construction method;
   
   ii. Displays a high degree of craftsmanship or artistic merit; or,

   iii. Demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it:
   i. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;

   ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,

   iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

3. The property has contextual value because it:
   i. Is important in defining, maintaining, or supporting the character of an area;

   ii. Is physically, functionally, visually, or historically linked to its surroundings; or,

   iii. Is a landmark. O. Reg. 9/06, s. 1 (2).