



Conservation
Review Board

Ministry of
Culture and
Communications

Commission des
biens culturels

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**CONSERVATION REVIEW BOARD HEARING
HELD AT COUNCIL CHAMBERS
CITY OF HAMILTON**

M. E. Burnham, Member
B. A. Widdrington, Member

February 18, 1991

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337 of the Notice of Intention to Designate given by the Council of the City of Hamilton to designate 74 Charlton Avenue East as a property of historic and architectural value or interest.

Appearing for the City of Hamilton:

Lorne Farr	City of Hamilton Legal Department
Nina Chapple	Heritage Planning Local Planning Branch
Mary Lou Tanner	Planning Department
Larry Harvey	Supervisor, Building Standards Hamilton
David Cuming	Chairman Hamilton Historical Board
Terry L. Winchie	<u>By Letter</u> - Feb. 5, 1991 Solicitor for Thomas Scoccia

Owner of the Property: St. Elizabeth Home Society, the registered owner of the property, 74 Charlton Avenue East, did not appear at the hearing but in a letter from their solicitor, filed with the Board in advance of the hearing, indicated their support for the designation. (Exhibit 2)

Objection: A letter of objection was also filed in advance of the hearing from Terry L. Winchie on behalf of Thomas Scoccia (Exhibit 3), owner of a property at 263 John Street, on an opposite corner to 74 Charlton Avenue East. The

objections related only to the condition of the building and did not question the heritage value of the property. The objector did not appear at the hearing.

View: The board, accompanied by City Solicitor Lorne Farr, viewed both the interior and exterior of the property with the project manager for the owner, Julian Gaspar.

Facts: The Board wishes to note that the submission by the City of Hamilton was excellent and well documented. Nina Chapple's presentation of the reasons for requesting designation of the property was concise and factual with supporting photographs etc.

Context: This two-and-one-half storey brick Italianate house, situated at the south-east corner of Charlton Avenue East and John Street South, was built in 1878-9 for merchant Joseph Hancock. The house now forms part of an isolated cluster of nineteenth century buildings on John Street South, whose focal point is the impressive Gothic Revival stone structure of the Church of the Ascension. Across the street stands a row of late Victorian brick houses and to the south, Joseph Hancock's House. This surviving group is important as representative of a far larger Victorian neighbourhood in Corktown which once extended to the foot of the escarpment. A group of photographs (Exhibit 12, a-g), were presented to the Board showing 74 Charlton Avenue East, the church, Victorian brick houses and neighbourhood.

Architectural Importance: 74 Charlton Avenue East constitutes a distinctive example of the Italianate style which gained widespread popularity for houses built across the country in the 1870s. Moreover, it one of relatively few surviving in Hamilton and one of even fewer representing the classical interpretation of this style. Typical of Italianate houses are the tall round-headed windows and doorway and the low-pitched hip roof with wide, bracketed eaves. Characteristic of the classical Italianate ones are the cubic form, symmetrical facade and central projecting frontispiece with a pedimental gable roof. Noteworthy details include the stone lintels and caps with prominent keystones, the stone corner quoins and the paired wooden eave brackets.

This well-built and designed house still has most of its original exterior features intact, the only significant alteration being the removal of the original pairs of arched wooden entrance and vestibule doors, the latter of which displayed elaborate leaded and bevelled glass panels.

History: The house was occupied by the original owner, Joseph Hancock, until his death ca. 1887 and then by postmaster H.N. Case until 1895. In 1904, it was sold by Hancock's trustees to merchant George F. Glassco, who lived there until his death ca. 1932. The house was sold again in 1938 and was then subdivided to accommodate four tenants. After changing ownership several more times, 74 Charlton Avenue East was last purchased in 1977 by the current owner, the St. Elizabeth Home Society.

Designated Features: Important to the preservation of 74 Charlton Avenue East are the original features of north, east and west facades, including the decorative stone quoins, lintels and arches and bracketed eaves.

The property is in an area covered by the Niagara Escarpment Commission and development is subject to the Commission.

Under the Official Plan of Hamilton (Exhibit of Mary Lou Tanner - Planner with City) the area is zoned for major institutional use with residential uses also permitted and subject to site plan control by-law No. 9-285.

This property has been subject to a long chronology of events, (summarized in Exhibit 15), from 1986 to the present, which culminated in the Minister of municipal Affairs directing the Niagara Escarpment Commission not to issue a demolition permit for the demolition of the existing house (Notice of Decision, June 2, 1987). In a letter dated September 23, 1987, from the Minister to the Mayor of the City of Hamilton, the Minister confirmed this position and expressed the hope that a thorough investigation be made by all parties, (including the developer, the Ministry of Citizenship of Culture, the City of Hamilton and the Hamilton LACAC), of the possibility of preserving this heritage building as recommended by the hearing officer.

The owner made a request to the City to designate the property under the Ontario Heritage Act (Exhibit 14). On October 9, 1990, Council approved designation (Exhibit 21) upon the recommendation of LACAC.

The objections from the neighbouring property owner relate solely to the condition and state of repair of the property and not to the designation of the property under the Heritage Act.

The Hamilton Historical Board, represented by its Chairman, David Cuming, a heritage consultant, made a submission (Exhibit 27) to the Board which supported the reasons for designation and said that the building is a "significant

heritage building and satisfies many accepted heritage evaluation criteria for identifying important heritage structures".

The submission also said: "Significant heritage buildings are those buildings or structures that have one or more heritage attributes i.e historical associations, architectural qualities and landscape importance. 74 Charlton Avenue East possesses:

- **Historical associations** with a once substantial, Victorian, residential neighbourhood known as Corktown;

- **Architectural qualities**, particularly:

74 Charlton Avenue East has been well executed within the conventions of a recognized period style, the Italianate;

74 Charlton Avenue East is now one of a remaining few of this type of Italianate residence in the City of Hamilton, i.e. it is rare;

- **Landscape significance** derived from

its landmark status in the streetscape due to its prominent corner location;

its landmark status as part of a surviving cluster of buildings that represent the former Corktown neighbourhood at the foot of the Niagara Escarpment."

The Board is satisfied on the evidence produced by the City of Hamilton that the property is worthy of designation and that the City has acted in the best interests in approving the designation of 74 Charlton Avenue East under Part IV of the Ontario Heritage Act. The property is important to the nucleus of the City of Hamilton in an area known as Corktown and if restored would add a stately and lively appearance to the street. The designation was supported by the owner and by the presentation of the Hamilton Historical Board. It was clearly felt to be worthy of protection by the Ministry of Municipal Affairs.

The Board is concerned, however, that this property was left a long period of time without being designated and the property has been allowed to deteriorate to a deplorable state of repair. The Board urges the parties involved to work to an agreeable solution to protect this historic property.

We therefore recommend that the property in question should be designated by by-law under Part IV of the Ontario Heritage Act, as being of architectural and historical value and interest, to ensure its preservation.

(Original Signed by)
M. E. Burnham, Member

B. A. Widdrington, Member

LIST OF EXHIBITS

- 1 Copy of Notice of Hearing published in the Hamilton Spectator January 30, February 6 and 13, 1991.
- 2 Copy of letter from Terence A. Whelan, Q.C., solicitor for the St. Elizabeth Home Society, saying that neither would be present at the hearing.
- 3 Letter from Terry L. Winchie, Q.C., representing T. R. Scoccia, saying neither would be at the hearing and giving reasons for objections.
- 4 Copy of Deed of ownership of the property of 74 Charlton Avenue East, Hamilton.
- 5 Curriculum vitae of witness, Mary Lou Tanner.
- 6 Copy of official Land Use Plan showing location of the property.
- 7 Copy of special policy areas, schedule B to the Official Plan for the City of Hamilton.
- 8 Copy of Corktown Area Approved Plan
- 9 Copy of Plan for Residential Uses, Subsection A.2.1
- 10 Land use match map showing south Corktown existing zoning
- 11 Curriculum Vitae for Nina Chapple, Supervisor, heritage planning for City of Hamilton.
- 12 Photographs, February 1990, of 74 Charlton Avenue East (numbering A to G)
- 13 Copy of 74 Charlton Avenue East - views of neighbouring contemporary buildings - cover page plus 1-6 pages.
- 14 Copy of letter from T. A. Whelan, Q.C., representing the owners, to Mr. V. J. Abraham, Director of Local Planning and Development Department, consenting to designation or alternative of making a gift of the building to the City and requesting proposal be submitted to Hamilton LACAC.
- 15 Copy of chronology of events pertaining to 74 Charlton Avenue East from 1986 to 1990.

- 16 Copy of letter to Martin Kilian, Planner, Niagara Escarpment Commission, from Anne M. de Fort-Menares, discussing demolition plan.
- 16.a) Letter to Martin Kilian from Carl Thorpe, Manager, Heritage Programs, asking for protection of property.
- 17 "Notice of Decision" of Minister of Municipal Affairs to stop demolition of property.
- 18 Copy of Decision, of July 27, 1990, Niagara Escarpment Commission decision re application for demolition (second application) of 74 Charlton Avenue East.
- 19 omit - (second copy of 14)
- 20 Minutes of Hamilton LACAC meeting held Monday, September 24, 1990, re designation of the property.
- 21 Copy of Minutes of City Council meeting, held October 9, 1990, giving reasons for designation.
- 22 Declaration by City Clerk, of the City of Hamilton, of the Notice of Intention to Designate, plus notice of objection.
- 23 Colour drawings (2) of Fire Insurance Atlas, 1898, up up-dated to 1916, showing areas of old stone buildings.
- 24 Computerized photograph of 74 Charlton Avenue East.
- 25 Copy of Reasons for Designation of the Church of the Ascension which forms a focal point in the area.
- 26 Copy of an aerial view of Hamilton in 1893.
- 27 Submission from the Hamilton Historical Board, given by David Cuming, Chairman, showing that the property is worthy of designation.