Authority: Item 19, Committee of the Whole
Report 03-015 (PD03113)
CM: May 28,2003

Bill No. 211

City of Hamilton

BY-LAW NO. 03-211

To Designate:

LAND LOCATED AT MUNICIPAL NO. 34-36 HESS STREET SOUTH, CITY OF HAMILTON

As Property of:

ARCHITECTURAL VALUE

WHEREAS the Council of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 34-36 Hess Street South, Hamilton, Ontario and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of architectural value.

2. The Corporate Counsel is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

(i) to cause a copy of this by-law, together with reasons for the designation, to be served on The Ontario Heritage Foundation by personal service or by registered mail;

(ii) to publish a notice of this by-law once in a newspaper having general circulation in the City of Hamilton.

PASSED and ENACTED this 13TH day of August, 2003.



Mayor



City Clerk

Schedule "A"
To
By-Law No. 03-211

34-36 Hess Street South
Hamilton, Qntario

FIRSTLY:
COMMENCING at a point on the westerly limit of Hess Street, distant 52 feet 31/2 inches southerly from the southwest corner of Hess and George Streets, and being a point opposite the middle of the dividing wall between houses numbers 34 and 36 Hess Street South;
THENCE westerly to and along the dividing wall between said houses numbers 34 and 36 Hess Street South, and the same continued and produced a distance of one hundred and thirty-two feet and eight inches (132' 8") more or less to a point;
THENCE southerly and parallel to the said westerly limit of Hess Street twenty-seven feet and eleven inches (27' 11") more or less to a point between said houses numbers 36 and 38 Hess Street South;
THENCE easterly to and along the dividing wall between houses number 36 and 38 Hess Street South and the same continued and produced a distance of one hundred and thirty-two feet and eight inches (132' 8") more or less to a point in the westerly limit of said Hess Street;
THENCE northerly along the westerly limit of Hess Street, twenty five feet and four and one-half inches (25' 41/2") more or less to the place of beginning.
On the lands described is erected dwelling, premises and appurtenances known as City Number 36 Hess Street South.
TOGETHER with a free and uninterrupted right of way for the mortgager, its successors and assigns, for ingress and egress in perpetuity in common with all others entitled hereto, through, over and along the rear ten feet of premises known as numbers 32 and 34 Hess Street South, being part of Lot number four on the south side of George Street in the block bounded **by** George, Hess, Main and Queen Streets, described as follows:
COMMENCING at a point on the southerly limit of George Street, distant one hundred and nineteen feet and six inches (119' 6") measured westerly from the southwest corner of George Street and Hess Street South;
THENCE in a westerly direction a distance of fifty-four feet and four inches (54' 4') to a point in the dividing line between houses number 36 and 34 Hess Street South, in the said City of Hamilton, which point is distant one hundred and twenty-one feet and four inches (121' 4") west from the westerly limit of Hess Street;
THENCE easterly along the said dividing line a distance of ten feet (10') to a point;

THENCE northerly and parallel to the westerly limit of the lands hereby mortgaged a distance of fifty-four feet and four inches (54'4") more less to a point in the south limit of said George Street;
THENCE westerly along the said south limit of George Street, a distance of ten feet (10') to the place of beginning. The said right of way to be used by the owners and occupants of 34 and 36 Hess Street South, such owners and occupants of the said two properties to provide and maintain half the cost of the upkeep of the said right of way and provide a suitable surface for the passage of automobiles or other vehicles and shall keep and maintain the same in proper repair and condition.

SECONDLY:
COMMENCING at a point on the westerly limit of Hess Street and parallel to the easterly limit of said Lot Six distant twenty-six feet eleven inches (26'11") southerly from the southwest corner of Hess Street and George Street being the northeast angle of said Lot number Six;
THENCE westerly to and along the dividing wall between houses numbers 32 and 34 Hess Street South and the same continued and produced a distance of one hundred and thirty-two feet eight inches (132'8") more or less to a point;
THENCE southerly and parallel to the westerly limit of Hess Street twenty-seven feet eleven inches (27'11") to a point on a line produced westerly between houses numbers 34 and 36 Hess Street South;
THENCE easterly to and along said party wall between houses 34 and 36 Hess Street South and the same produced a distance of one hundred and thirty-two feet eleven inches (132'11") more or less to the westerly limit of Hess Street South;
THENCE northerly along the westerly limit of Hess Street twenty-five feet four and one-half inches (25'4½") more or less to the place of beginning.
On the lands hereby mortgaged or intended so to be is erected the dwelling premises and appurtenances known as City Number 34 Hess Street South, in the City of Hamilton.
TOGETHER with a free and interrupted right of way for the mortgager, its successors and assigns, for ingress and egress in perpetuity in common with all other entitled thereto, through, over and along the rear ten feet of premises known as number 32 Hess Street South, being part of Lot number Four on the south side of George Street in the block bounded by George, Hess, Main and Queen Streets, described as follows:
COMMENCING at a point on the southerly limit of George Street, distant one hundred and nineteen feet and six inches (119'6") measured westerly from the southwest corner of George Street and Hess street South;
THENCE in a southerly direction a distance of twenty-six feet and five inches (26'5") to a point in the dividing line between the limits of the Mortgager and the lands to the north herein and known as municipal numbers 32 and 34 respectively Hess Street South in the said City of Hamilton, which point is distant one hundred and twenty-one feet four inches (121'4") west from the westerly limit of Hess Street;

THENCE easterly along the said dividing line a distance of ten feet (10') to a point;
THENCE northerly along and parallel to the westerly limit of the lands hereby mortgaged a distance of twenty-six feet and five inches (26' 5") more or less to a point in the south limit of said George Street;
THENCE westerly along the said south limit of George Street, a distance of ten feet (10') to the place of beginning.

Schedule "B"
To By-law No. 03-211

34-36 Hess Street South
City of Hamilton

REASONS FOR DESIGNATION

Architectural Value

The architectural value of 34-36 Hess Street South is attributed to its Classical Revival architecture, pre-Confederation brick and stone construction and its contribution to the streetscape of Hess Street South.

The subject building, constructed as two semi-detached residential units *circa* 1853, comprises a brick structure with tooled limestone ashlar applied to the east faqade. The building comprises six bays, both units having three bays each. The front faqade and foundation are stone with a watertable above the foundation. The main floor windows and entrance doors are capped with triangular stone pediments with brackets. Classical hood moulds with brackets are situated atop the second floor windows. All of the windows have stone sills. The original entrances contain double leaf wood doors and transoms.

The side gable roof has chimneys at each end and side brick parapet walls extending slightly above the gable and roofline. The building has a box cornice with simple moulded wood fascia.

The Reasons for Designation apply to the front (east) elevation, the roof and forecourt including all entranceways, window openings, stairs and retaining walls together with construction materials of wood, tooled ashlar, brick and stone, and all associated building techniques.