



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 3
COMMITTEE DATE: June 19, 2012	
SUBJECT/REPORT NO: Heritage Permit Application HP2012-021 Under Part V of the <u>Ontario Heritage Act</u> for Demolition, Removal and Erection of Structures at 231 Saint Clair Boulevard (Hamilton) (PED12110) (Ward 3)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Joseph Muller (905) 546-2424, Ext. 1214
SIGNATURE:	

RECOMMENDATION:

That Heritage Permit Application HP2012-021 be approved for the demolition and removal of an existing garage, and erection of a replacement garden shed in a portion of the former garage footprint, in the rear yard of the designated property at 231 Saint Clair Boulevard (Saint Clair Boulevard Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED12110, subject to the following conditions:

- (a) That final elevation drawings showing the material, composition, brand, style, model, colour, and/or any other descriptive attributes for the proposed construction materials, including the building cladding, trim, roofing, windows, door, soffits and eaves, lighting and finishes, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.

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- (b) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2014. If the construction and site alterations are not completed by June 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

EXECUTIVE SUMMARY

The subject property, located at 231 Saint Clair Boulevard (Hamilton), is designated as part of the Saint Clair Boulevard Heritage Conservation District under Part V of the Ontario Heritage Act (see the location map attached as Appendix "A"). A Heritage Permit is required for the alteration of any part of the property, and for the erection, demolition or removal of any structures or buildings on the property. The applicant is applying for the demolition and removal of an existing garage and erection of a replacement garden shed in a portion of the former garage footprint in the rear yard (see Appendix "C"). This application is considered to be worthy of support, in principle, subject to a condition related to the detailed review of the proposed construction style and materials.

The Heritage Permit Review Sub-committee and the Hamilton Municipal Heritage Committee have reviewed this application, and have advised conditional approval of the application.

Alternatives for Consideration - See Page 6.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial - None.

Staffing - None.

Legal - Under Section 42 of the Ontario Heritage Act, a permit from the municipality is required for alteration of any part of the property or to erect, demolish, or remove 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 or removal of existing structures or erection of new structures.

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In response to an application for a permit, 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.

HISTORICAL BACKGROUND

The subject property at 231 Saint Clair Boulevard (Hamilton) (see the Location Map attached as Appendix "A") is located in the Saint Clair Boulevard Heritage Conservation District (HCD), designated by the former City of Hamilton By-law No. 92-140, approved by the Ontario Municipal Board under Part V, Section 41, of the Ontario Heritage Act in 1993.

The existing lot includes a single detached dwelling and two car garage in the rear yard (photographs of the existing lot are attached as Appendix "B"). The applicant has applied to demolish and remove the existing 18 foot by 18 foot two car garage and erect a 9 foot by 12 foot replacement garden shed in a portion of the former garage footprint in the rear yard (the sketched partial plan of the existing garage and proposed garden shed is attached as Appendix "C"). The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application on April 25, 2012. The Sub-committee supported the proposed demolition and removal of the existing garage, and erection of a replacement garden shed in a portion of the former garage footprint in the rear yard in principle, subject to confirmation of the final elevations, cladding materials and additional details on the finish of the proposed garden shed.

POLICY IMPLICATIONS

City of Hamilton Official Plan

Section C.6 - Heritage Resources of the former City of Hamilton Official Plan encourages the preservation, maintenance, reconstruction, restoration, and management of property considered to have historic, architectural, or aesthetic value (C.6.1). The recommendations of this Report implements this policy, or meets the intent of this policy.

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)). 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 (OMB). 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. The recommendations of this Report implement this policy, or meet the intent of this policy.

Saint Clair Boulevard Heritage Conservation District Plan - Objectives, Policies, Guidelines, and Recommended Actions

The Council adopted Saint Clair Boulevard Heritage Conservation District Objectives, Policies, Guidelines and Recommended Actions (Sub-section 7.2.3.4 - New Construction) specifies that new construction be compatible with the character of adjoining properties and the streetscape. New garages (and other ancillary structures) should be located in the rear yards (Sub-section 7.2.3.4.b.i) and new structures should be of design and material similar to the original garage, employing traditional features, details and materials (Sub-section 7.2.3.4.b.ii).

RELEVANT CONSULTATION

Pursuant to Sub-sections 42(1) and 42(4.1) of the Ontario Heritage Act, the City of Hamilton Municipal Heritage Committee (HMHC) advises and assists Council on matters relating to Part V of the Ontario Heritage Act. At its meeting of April 25, 2012, the Heritage Permit Review Sub-committee of the HMHC considered this application, together with comments from staff and the applicant. The Sub-committee supported the proposed demolition and removal of the existing garage, and erection of a replacement garden shed in a portion of the former garage footprint in the rear yard, in principle, subject to confirmation of the final elevations, cladding materials and additional details on the finish of the proposed garden shed, as presented.

At its meeting on May 17, 2012, the Hamilton Municipal Heritage Committee affirmed this recommendation, and advised conditional approval of the application.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are consideration of “displacement effects” (those adverse actions that result in the damage, loss, or removal of valued heritage features) and “disruption effects” (those actions that result in detrimental changes to the setting or character of the heritage feature).

Displacement: The existing garage may have been constructed concurrent with the single detached dwelling on the subject property. Demolition of this structure will result in displacement of this original heritage fabric. The applicant is arguing for demolition and removal of the structure, owing to its poor structural condition and disuse as a garage, due to the driveway being shortened and access blocked by an existing fence and pedestrian gate near the mid-point of the house.

Disruption: Demolition and removal of the existing garage will result in minor impacts to the Saint Clair Boulevard streetscape and the character of the Saint Clair Boulevard HCD, as the garage is located at the rear of the property and is only partially visible from the roadway. This garage (among others) is specifically identified in the HCD background study as being of limited significance, visually. Construction of a new garden shed within a portion of the footprint of the existing garage, in a style sympathetic to the garage and single detached dwelling on the subject property, is consistent with the character of the HCD, and will conform to the intent of the Council adopted district guidelines.

Details have not yet been finalized with respect to the elevations, cladding materials and additional details on the finish of the structure, and are required (Recommendation (a)).

It is also recommended that the Heritage Permit has an expiry date of June 30, 2014 (Recommendation (b)). An expiry date of two years after approval is standard on all approved Heritage Permits, and the June 30, 2014 date will reflect the expected end date of the new construction.

Accordingly, staff recommends conditional approval of Heritage Permit Application HP2012-021, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION:

1. Refuse the Heritage Permit Application.

Refusal of the Heritage Permit to demolish and remove the existing garage and erect the proposed garden shed does not contribute to the built heritage landscape of the Saint Clair Boulevard Heritage Conservation District (HCD), and does not advance the Saint Clair Boulevard HCD Guidelines that permit the erection of new buildings and other site alterations which are sympathetic to the existing building fabric and maintain the character of the Saint Clair Boulevard HCD.

2. Approve the Heritage Permit with Additional or Amended Conditions.

Council may approve this application with additional or amended conditions of approval. This is not being recommended.

3. Approve the Heritage Permit with no Conditions.

Council may approve this application with no conditions. This alternative is not recommended, as it would prevent the review by staff of additional details to ensure that the Heritage Permit approval will result in high-quality construction consistent with the district guidelines and the implementation of the project design, as submitted.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative, and Respectful Organization

- ◆ A culture of excellence.
- ◆ 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 Council-approved Saint Clair Boulevard Heritage Conservation District - Objectives, Policies, Guidelines and Recommended Actions, and to the City's Official Plan 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 level policies.

Healthy Community

- ◆ Plan and manage the built environment.
- ◆ Staff Comment: The proposed new construction will conserve and enhance the character of an existing neighbourhood.

APPENDICES / SCHEDULES

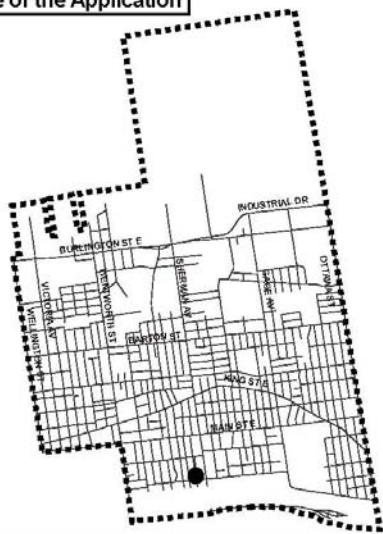
- Appendix "A": Location Map
- Appendix "B": Photograph of the Existing Property and Garage
- Appendix "C": Sketch of Existing and Proposed Partial Site Plan and Example of Proposed Garden Shed

:JPM
Attachs. (3)

Location Map



● Site of the Application



Ward 3 Key Map

N.T.S.



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
231SaintClairBld

Date:
April 26, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JM/KA

Subject Property

 231 St. Clair Boulevard

Photograph of the Existing Property and Garage



231 Saint Clair Boulevard
(existing garage is behind the gate at the end of the driveway)

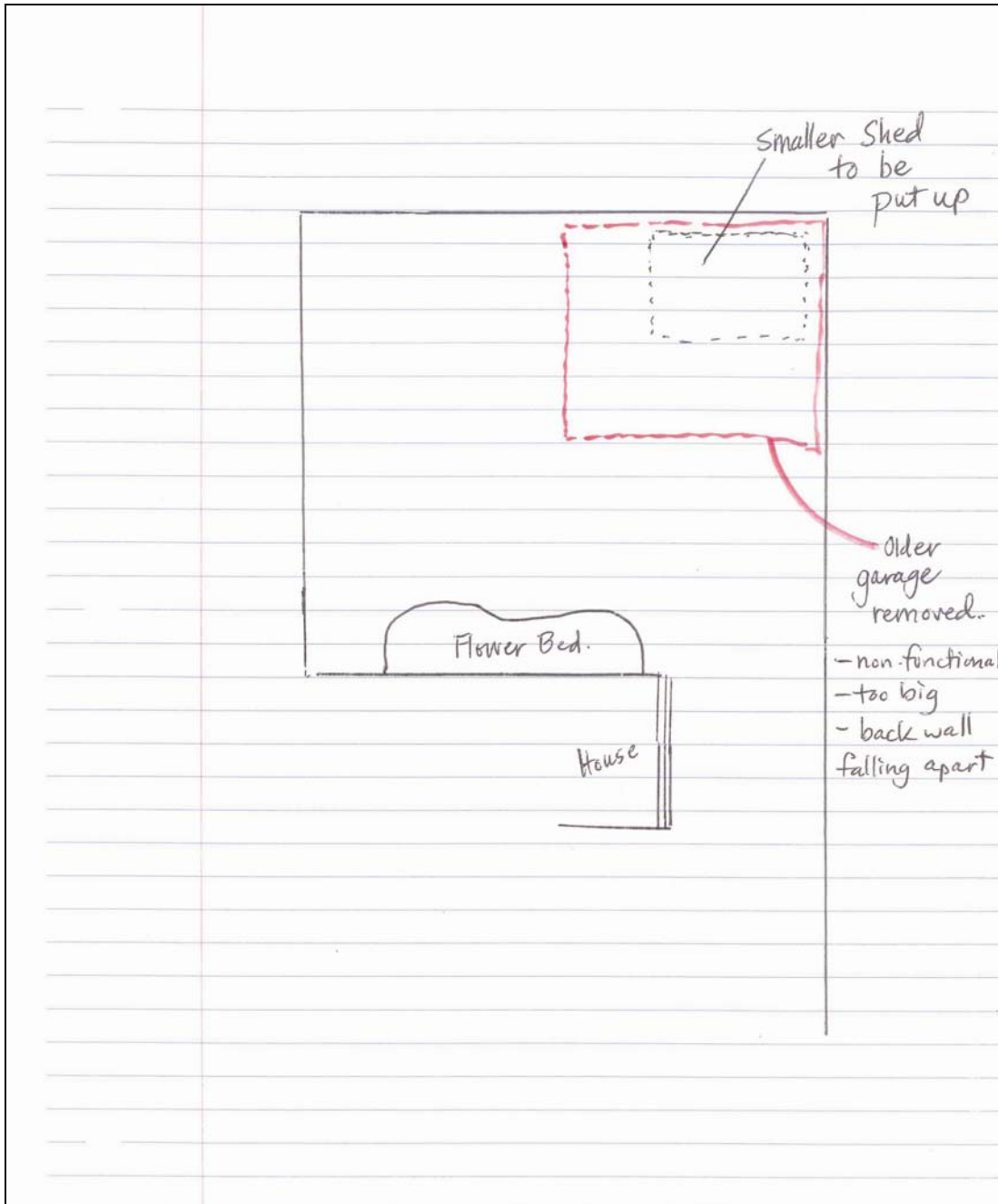


231 Saint Clair Boulevard
(existing garage side elevation)



231 Saint Clair Boulevard
(existing garage partial front elevation)

Sketch of Existing and Proposed Partial Site Plan and Example of Proposed Garden Shed



Sketch of Existing and Proposed Partial Site Plan



231 Saint Clair Boulevard
(catalog example of proposed garden shed, but not elevated/without steps)