



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: August 14, 2012	
SUBJECT/REPORT NO: Heritage Permit HP2012-034 Under Part V of the <u>Ontario Heritage Act</u> for Alterations to 1044 Beach Boulevard (Hamilton) (PED12152) (Ward 5)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Meghan House (905) 546-2424 Ext. 1202
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2012-034, for alterations of an existing rear addition at 1044 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton, be refused.

EXECUTIVE SUMMARY

The subject property, located at 1044 Beach Boulevard (Hamilton), is designated as part of the Hamilton Beach 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 or demolition of any structures or buildings on the property. The applicant is applying to undertake alterations to a recently constructed rear addition that was previously approved by the Director of Planning under his delegated approval authority as Heritage Permit HP2011-026 (approved May 5, 2011). At the time of the previous Heritage Permit approval, the applicant agreed to use board-and-batten cladding on the side and front façades of the addition, with stone cladding on the rear façade, and along the

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foundation of the side and front façades of the addition. The current application is to clad the entire addition with stone, with only the gable ends and front dormer remaining as board-and-batten.

Full stone cladding is not in keeping with the character of the Hamilton Beach Heritage Conservation District, and is not consistent with the policies of the *Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change*. Accordingly, the current Heritage Permit application, as submitted, is not supported by staff. The Hamilton Municipal Heritage Committee has advised that the application be approved, as submitted.

Alternatives for Consideration - See Page 7.

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, Sub-section 33(16) of the Ontario Heritage Act further defines the scope of this power as “Council’s power to consent to alterations”. Accordingly, By-law No. 05-364 states that “the delegated powers in Section 1 do not include the power to refuse an application”.

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 alterations to any building or structure on property in a Heritage Conservation District.

HISTORICAL BACKGROUND

The subject property at 1044 Beach Boulevard (Hamilton) (see the Location Map attached as Appendix “A”) is located in the Hamilton Beach Heritage Conservation District (HCD), designated by the former City of Hamilton By-law No. 00-135, approved by the Ontario Municipal Board under Part V, Section 41, of the Ontario Heritage Act in 2001. At the time of the designation of the HCD, Council also adopted the *Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change* (the “District Plan”) (see Policy Implications).

A permit is required from the municipality 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 and By-law No. 05-364 exclude the power to refuse an application (see Legal Implications).

The applicant previously received approval for the recently constructed rear addition from the Director of Planning under his delegated approval authority as Heritage Permit HP2011-026 (approved May 5, 2011). At the time of the previous Heritage Permit approval, the applicant agreed to use board-and-batten cladding on the side and front façades of the addition, with stone cladding on the rear façade, and along the foundation of the side and front façades of the addition.

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 meet the intent of this policy.

Urban Hamilton Official Plan

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council-adopted (July 9, 2009) Urban Hamilton Official Plan 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 (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, and the recommendations of this Report meet the intent of these policies.

Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change

Section 2.0 of the Council-adopted *Hamilton Beach Heritage Conservation District: Guidelines for Conservation and Change* (the "District Plan") describe the character of the HCD as comprising:

- A variety of architectural styles, predominately vernacular frame construction;
- Buildings with a height of two-storeys or less;
- Stucco, rough cast, pebble-dash, clapboard, board-and-batten, and shingles as the dominate cladding materials;
- The sparing use of brick and stone; and,
- Buildings featuring decorative wood features such as verandahs, porches, window surrounds, and detailing in the eaves.

Section 4.0 - Guidelines for Alteration and Additions to Buildings and Sites, sets out the principles and guidelines for the consideration of alterations and additions to heritage buildings in the HCD. The new rear addition on the subject property was recently approved and constructed under a previous Heritage Permit process. However, portions of the cladding on the rear, side, and front façades have not yet been installed, and the applicant is requesting changes to the approved cladding. Therefore, staff is of the opinion that the changes to the cladding for the addition do not fall under one set of guidelines, and the application has been evaluated using Sub-sections 4.2 through 4.4.

The applicable guidelines for alterations to heritage buildings and sites (Sub-section 4.2) are as follows:

- New materials or repairs should not confuse the historic character of the area by creating an impression of greater age or character of a different region.

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The applicable guidelines for additions to heritage buildings and sites (Sub-section 4.3) are as follows:

- New additions are best designed in a manner that distinguishes between old and new; and that avoids duplicating the exact style of the existing heritage building or imitating a particular historical style or period of architecture.
- Contemporary design for additions is appropriate when the design is compatible with mass, ratio of solids to voids, colour, materials and character of the property, neighbourhood, or environment.

The applicable guidelines for additions and alterations to non-heritage buildings (Sub-section 4.4) are as follows:

- Non-heritage buildings should not attempt to create a sense of being “old” by using historic forms and features.

Although the subject structure is not new construction on a vacant lot, Section 5.0 - Design Guidelines for New Infill Construction also provides context with respect to the compatibility of new features within the HCD. Sub-section 5.4 provides detailed guidance for new construction, including the statement that “suitable construction is framed with horizontal façades and cladding in wood (clapboard, board-and-batten, or shingle), stucco, pebble-dash, or rough-cast, with no or minimal brick or stone”.

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 June 27, 2012, the Heritage Permit Review Sub-committee of the HMHC considered this application, together with comments from staff and the applicant. The Sub-committee indicated that they generally discourage the use of stone cladding in the Hamilton Beach HCD, but that they have supported the use of the stone as an accent detailing along foundations and at the base of porches and columns for new houses in the HCD. The majority of the Sub-committee indicated that they could support stone cladding on the front of the addition and around the doorway, as it is a limited area, but could not support the addition of stone cladding on the two side façades. The remaining Sub-committee members recommended that the Heritage Permit be refused.

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This advice is consistent with the advice that the Sub-committee provided on the previous Heritage Permit Application (HP2011-026) for the construction of the addition, where the addition was approved after the applicant agreed to limit the use of stone cladding to the rear façade of the addition and along the foundation line of the side and front façades of the addition.

At its meeting of July 19, 2012, the Hamilton Municipal Heritage Committee advised that the application be approved, as submitted.

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: No heritage materials or features will be displaced.

Disruption: The applicant has applied to use stone cladding on the sides and front of a recently constructed one-and-one-half-storey addition attached to the rear of an original one-storey frame cottage. The Heritage Permit approval (HP2011-026) for the rear addition included the use of stone cladding on the rear façade and along the foundation of the sides and front of the addition as currently installed (see photographs attached as Appendix “B”).

The new rear addition is higher than the original cottage and the side and front façades of the addition are visible from the street. Stone cladding is not a common material in the HCD, and it is not consistent with the historical or contemporary character of area. Staff is of the opinion that the complete cladding of the rear addition will create disruption effects to the character of the HCD and to the character of the original one-storey cottage.

The use of stone cladding is discouraged by the District Plan, both as being an uncommon material in the area and for its potential to produce a false sense of the age and character of the area. Stone and brick have been consistently discouraged by staff and the Heritage Permit Review Sub-committee when considering other Heritage Permit applications in the area. Since the designation of the HCD, no large areas of brick or stone cladding have been approved through the Heritage Permit process, and at least three previous applicants have formally modified their Heritage Permit applications, after submission, to reduce the amount of stone or brick.

Based on the foregoing, staff recommends that Heritage Permit Application HP2012-034 be refused.

ALTERNATIVES FOR CONSIDERATION

1. **Approve the Heritage Permit.**

Council may approve the Heritage Permit application, as submitted. This alternative is supported by the Municipal Heritage Committee, but is not recommended.

2. **Approve the Heritage Permit with a Condition that the Extent of the Stone Cladding be Reduced.**

Council may approve the Heritage Permit application, with conditions. The conditions of approval could require that the extent of the additional stone cladding be reduced to comprise only the lower portion of the front façade of the new addition. This alternative would reflect the Heritage Permit Review Sub-committee's recommendation, and would partially satisfy the applicant's request. This alternative was suggested to the applicant, and the applicant did not agree to modify the application.

CORPORATE STRATEGIC PLAN

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: Refusal of this Heritage Permit application demonstrates Council's commitment to the Council-approved Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change, and to the City's Official Plan policies.

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.
- ◆ Staff Comment: Refusal of this Heritage Permit application demonstrates Council's commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

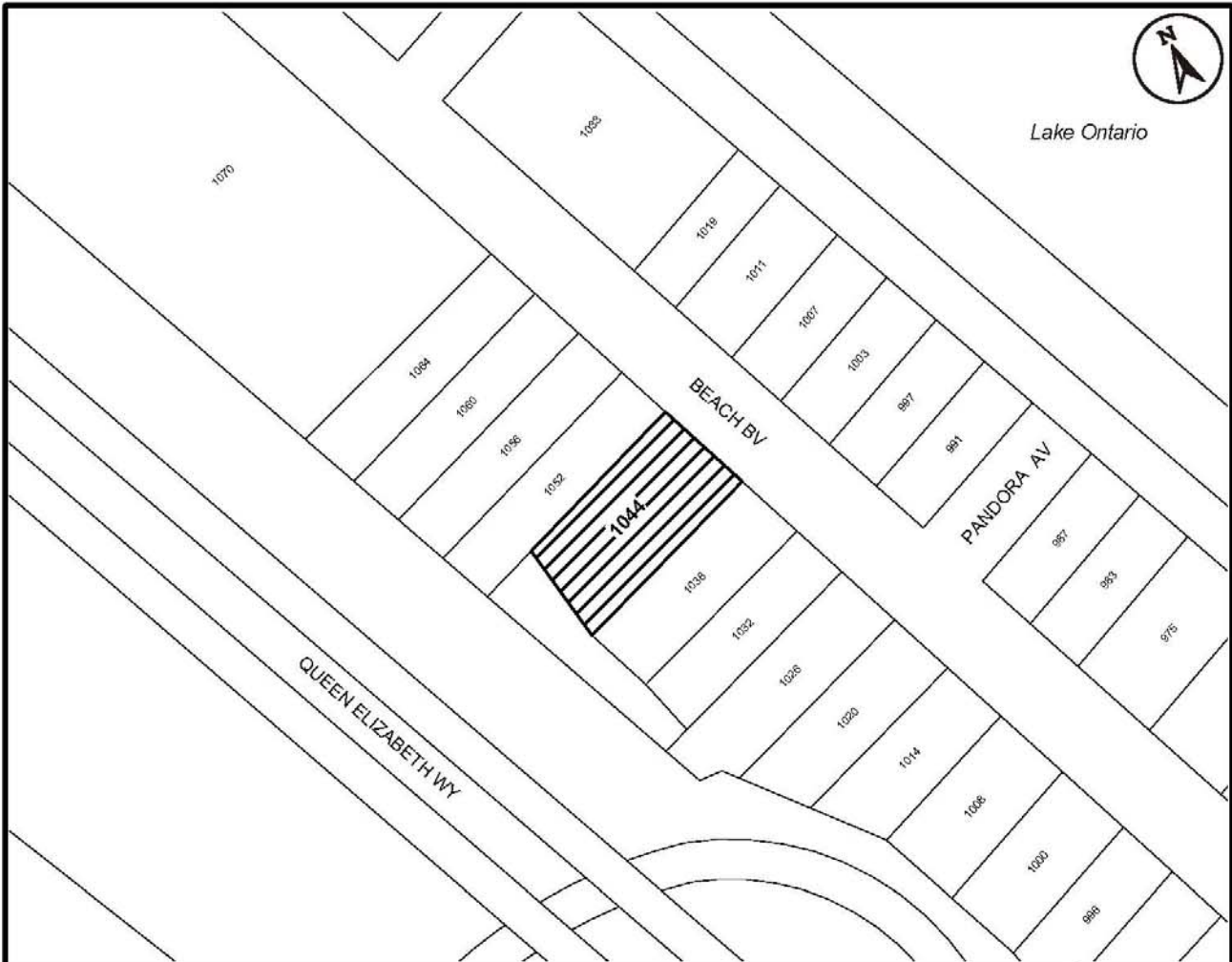
Healthy Community

- ◆ Plan and manage the built environment.
- ◆ Staff Comment: Refusal of the Heritage Permit application for the proposed alterations will conserve and enhance the character of an existing neighbourhood.

APPENDICES / SCHEDULES




- Appendix "A": Location Map
- Appendix "B": Photographs of the Original Cottage and New Rear Addition

:MH
Attachs. (2)



Lake Ontario



<h2>Location Map</h2>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: 1044BeachBlvd		Date: July 5, 2012
Appendix "A"	Scale: N.T.S.	Planner/Technician: MH/KA
<p>Subject Property</p> <p> 1044 Beach Boulevard</p>		
N.T.S.		



Original cottage and new rear addition from the street (south side)



Front façade of the original cottage with the new addition behind



Original cottage and new rear addition from the street (north side)



Front and north side of the new addition



South side of the new addition, with stone cladding along the foundation



South side and rear of the new addition from the rear