



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 5
COMMITTEE DATE: September 5, 2012	
SUBJECT/REPORT NO: Heritage Permit Application HP2012-033 Under Part V of the <u>Ontario Heritage Act</u> for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Single Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (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 the City of Hamilton Municipal Heritage Committee advise Council:

That Heritage Permit Application HP2012-033 be approved for demolition of an existing single detached residence and ancillary structures, and erection of a new single detached residence at 975 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

- (a) That the history and construction methods and materials for all the existing structures shall be documented, to the satisfaction and approval of Planning staff, prior to demolition, including the identification of features or materials from the existing structures to be salvaged and, if feasible, reused in the new construction.
- (b) That as many existing trees as possible shall be retained, and/or that 1 to 3 new trees, of a minimum caliper of 55 mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling.

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 2 of 9

- (c) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals.
- (d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (e) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2014. If the construction and site alterations are not completed by August 31, 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 975 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 for the demolition of an existing single detached residence and ancillary buildings, and the erection of a new single detached residence. This application is being supported, subject to conditions related to documentation of the existing residence prior to demolition and the protection of existing trees and/or planting of new trees. Construction on the subject property is also subject to Site Plan Control under the Planning Act.

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 8.

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

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 3 of 9

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 of existing structures or erection of new structures.

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 975 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. The existing two-storey, frame residence was constructed in the late-1800s, and was at one time known as "Braemar" (an excerpt from the 1900 Fire Insurance Atlas is attached in Appendix "B"). The house was included in the Inventory of Buildings of Architectural and/or Historical Interest by the former City of Hamilton LACAC. The house is clad in stucco, with wood detailing in the gables and along the eaves, and originally had a porch or veranda around all sides. The building has been modified from its original construction, and few original features remain (photographs of the existing structures are attached as Appendix "B").

The applicant has applied for consent to demolish the existing residence and erect a new, two-storey, single detached residence (the plans and elevations for the proposed new construction are attached as Appendix "C"). The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application on June 27, 2012, and July 25, 2012 (see Relevant Consultation). The Heritage Permit Review Sub-committee recommended approval of the application, provided that the front yard setback was increased and subject to conditions related to the retention of existing trees and/or the planting of new trees, and that the existing residence be documented prior to demolition.

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 4 of 9

At its meeting on August 16, 2012, the Hamilton Municipal Heritage Committee advised conditional approval of the application, subject to the applicant being encouraged to salvage and reuse features of the existing building.

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

The Council-adopted Hamilton Beach Heritage Conservation District Guidelines for Conservation and Change (Section 5.0 - Design Guidelines for New Infill Construction) specify that new construction be compatible with the character of adjoining properties and the streetscape. However, new construction should be of contemporary design sympathetic to, but not attempt to replicate, existing heritage buildings or styles (Sub-section 5.3). Sub-section 5.4 provides detailed guidance for new construction, summarized as follows:

- New residences are intended to be 2-storeys or less in height, relatively narrow, and set back slightly further from the road than the pre-1900 houses (to a setback similar to those for the post-1900 buildings);

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 5 of 9

- Suitable construction is frame 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. Small areas of high quality synthetic cladding may be permitted;
- Roof forms are encouraged to be well proportioned front-gable, cross-gable, centre-gable, hipped, or truncated hip roofs;
- Windows of vertical and rectangular orientation that reflect traditional proportions and do not overwhelm the front façade (i.e. avoid large, full-length, multi-storey, or picture windows) are appropriate;
- Front entrances are intended to be prominent and easily identifiable, and can be recessed or projecting and/or accentuated by door surrounds or porches; and,
- Parking and other outbuildings are intended to be in the rear yard.

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.

On June 27, 2012, the Sub-committee supported the demolition of the existing residence and the proposed construction of a new residence, in principle. However, the Sub-committee had the following design recommendations: that the proposed house be setback further to reflect the front yard setback of the existing adjacent house to the north; that the height of the rear portion be reduced from 3-storeys to meet the provisions of the Zoning By-law; that the width of the driveway be reduced; and that the front entrance be more prominently located.

The recommended changes, except the increased front yard setback, were incorporated into revised drawings and presented to the Sub-committee at the July 25, 2012 meeting. The Heritage Permit Review Sub-committee recommended approval of the application provided that the front yard setback was increased and subject to conditions related to the retention of existing trees and/or the planting of new trees, and that the existing residence be documented prior to demolition. The submitted site plan drawing has been updated to show a front yard setback that is consistent with the setback of the adjacent existing residence to the north of the subject property.

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 6 of 9

At its meeting on August 16, 2012, the Hamilton Municipal Heritage Committee advised conditional approval of the application, as per the staff recommendation; however, the Committee also advised that the applicant should be encouraged to salvage and reuse features of the existing building, such as the wood “sun” motif in the front gable.

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: All of the existing structures and several trees on the property will be displaced by demolition and new construction. The existing building is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest, and was identified as a heritage resource in the Heritage Assessment Report (June 2000) completed prior to the designation of the Hamilton Beach Heritage Conservation District. The existing house has been altered significantly since its original construction, and is in poor structural condition. A report by an engineer and member of the Canadian Association of Heritage Professionals has been submitted with the application, and indicates many structural and building envelope deficiencies. The history and construction methods and materials of the existing building(s) should be documented prior to demolition (Recommendation (a)). As part of the documentation process, the applicant is encouraged to identify any features or materials that could be salvaged and, if possible, reused in the new construction.

The existing trees and vegetation contribute to the landscape character of the area. The applicant has retained an arborist to assess the existing trees, and the preliminary findings conveyed by the applicant suggest that many of the trees are either dead or in decline. Staff recommends that a Tree Management Plan, or similar plan, depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted and reviewed as a condition of any Heritage Permit approval to ensure retention of some of the existing trees and/or appropriate planting of new trees (see Recommendations (b) and (c)).

Disruption: The new construction will impact the Beach Boulevard streetscape and the character of the Hamilton Beach HCD. However, the site plan and design of the new structures are consistent with the character of the HCD and previously approved new buildings within the District in terms of width, massing, and setbacks.

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 7 of 9

The footprint of the proposed new house is in the northerly half of the existing lot. The applicant's intent is to sever the property into 2 lots and construct another new dwelling on the southerly half. Should this severance be applied for and approved, the width of each lot would be approximately 40 ft. (12m) - consistent with the existing zoning and character of the area.

The design of the new dwelling does not replicate historical styles, but incorporates features and materials that are sympathetic to the character of the area, including a prominent front entrance, side gable roof, board-and-batten cladding, wood shakes in the gables, a front porch/balcony, and double-hung windows.

A garage within the main massing of the house has been proposed. The District plan states that "garages should not form part of the front facade of the main building" and should be located to the rear of the lot. However, staff is of the opinion that the design of the garage doors and setback of the garage (11'-0" or 3.35m deeper than the front porch) will mitigate the impact of the garage on the character of the District. The rear of the house is contemporary in character with a flat roof, stucco and metal cladding, glass curtain walls, and tiered balconies with glass railings. However, this contemporary portion of the building will be largely screened from the streetscape by adjacent dwellings and mature trees.

The front yard setback has been changed from the initially proposed 7.8m to 9.8m (8.0m setback, plus 1.8m deep porch), which is consistent with recommendations of the Heritage Permit Review Sub-committee, the Municipal Heritage Committee, and staff.

The grading and drainage of the site will be reviewed through Site Plan Control, and minor amendments to the grading and side yard setbacks may be required. Accordingly, it is recommended that staff be authorized to approve minor amendments to the plans and elevations (see Recommendation (d)).

It is also recommended that the Heritage Permit have an expiry date of August 31, 2014 (see Recommendation (e)). An expiry date of 2 years after approval is standard on all approved Heritage Permits, and the August 31, 2014, date will reflect the expected end date of the new construction.

Staff recommends conditional approval of Heritage Permit Application HP2012-033, as per the recommendations of this Report.

Construction on the subject property is also subject to Site Plan Control under the Planning Act.

ALTERNATIVES FOR CONSIDERATION:

1. Refuse the Heritage Permit Application.

Refusal of the Heritage Permit to demolish the existing dwelling and erect the new structure does not contribute to the built heritage landscape of the Hamilton Beach Heritage Conservation District (HCD), and does not advance the Hamilton Beach 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 Hamilton Beach 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 staff review of additional details to ensure that the Heritage Permit approval will result in high-quality construction 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 Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change, and to the City's Official Plan policies.

SUBJECT: Heritage Permit Application HP2012-033 Under Part V of the Ontario Heritage Act for Demolition of an Existing Single Detached Residence and Ancillary Structures and Erection of a New Detached Residence at 975 Beach Boulevard (Hamilton) (PED12167) (Ward 5) - Page 9 of 9

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.

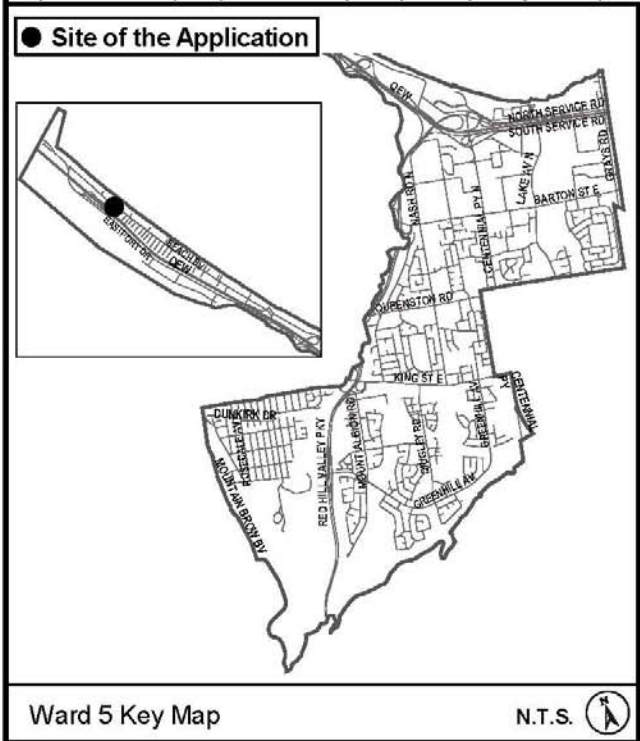
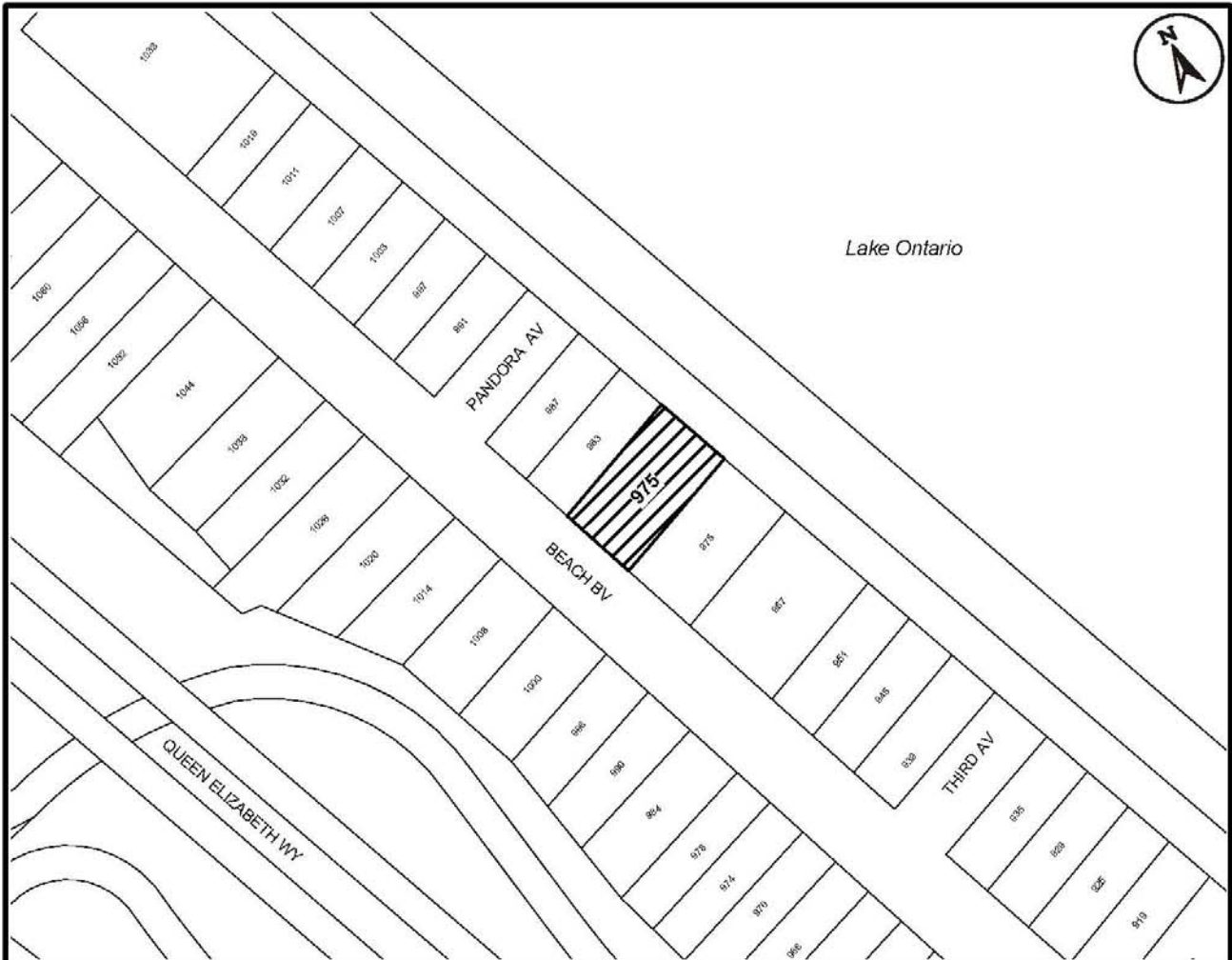
Healthy Community

- ◆ Plan and manage the built environment.
- ◆ Staff Comment: The approval of the recommendations of this Report will conserve and enhance the character of an existing neighbourhood.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Excerpt from the 1900 Fire Insurance Atlas and Photographs of the Existing Residence and Ancillary Structures
- Appendix "C": Plans and Elevations for the Proposed New Construction

:MH
Attachs. (3)



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
975BeachBlvd

Date:
July 5, 2012

Appendix "A"

Scale:
N.T.S.

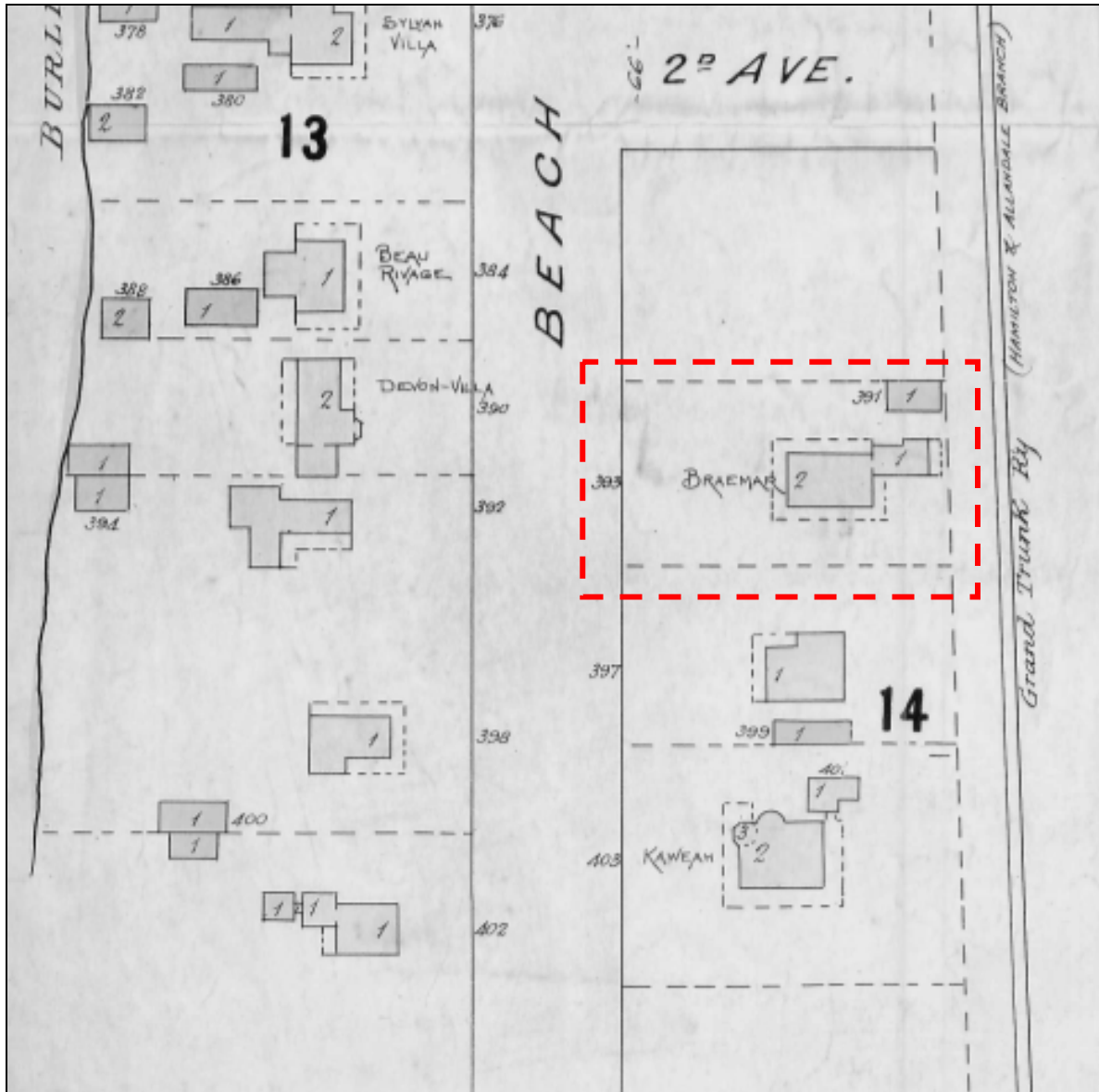
Planner/Technician:
MH/KA

Subject Property

975 Beach Boulevard

Hamilton

N.T.S.



Fire Insurance Atlas, July 1900



Front (west) façade of the existing residence.



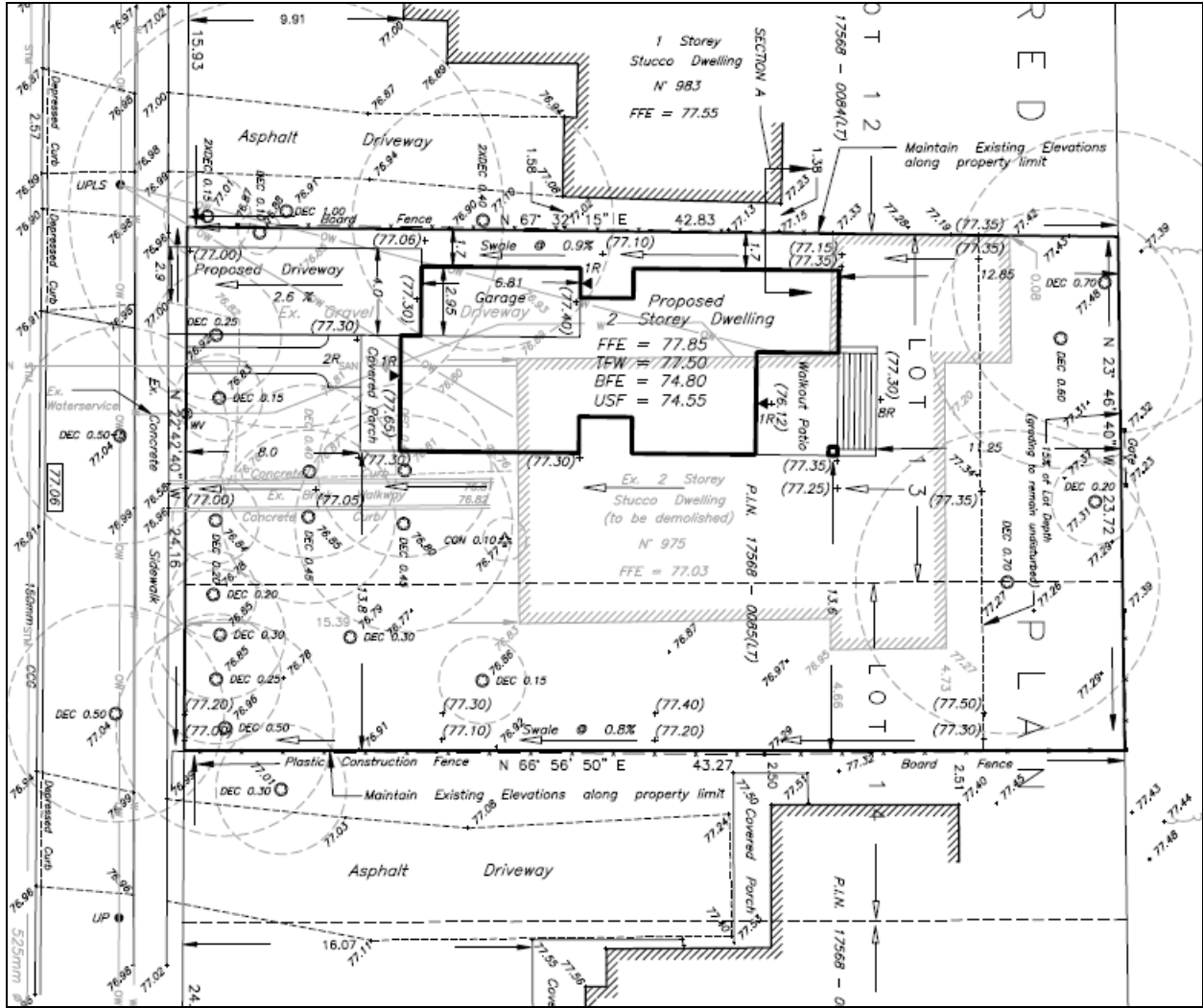
Driveway and side (north) façade of the existing residence.



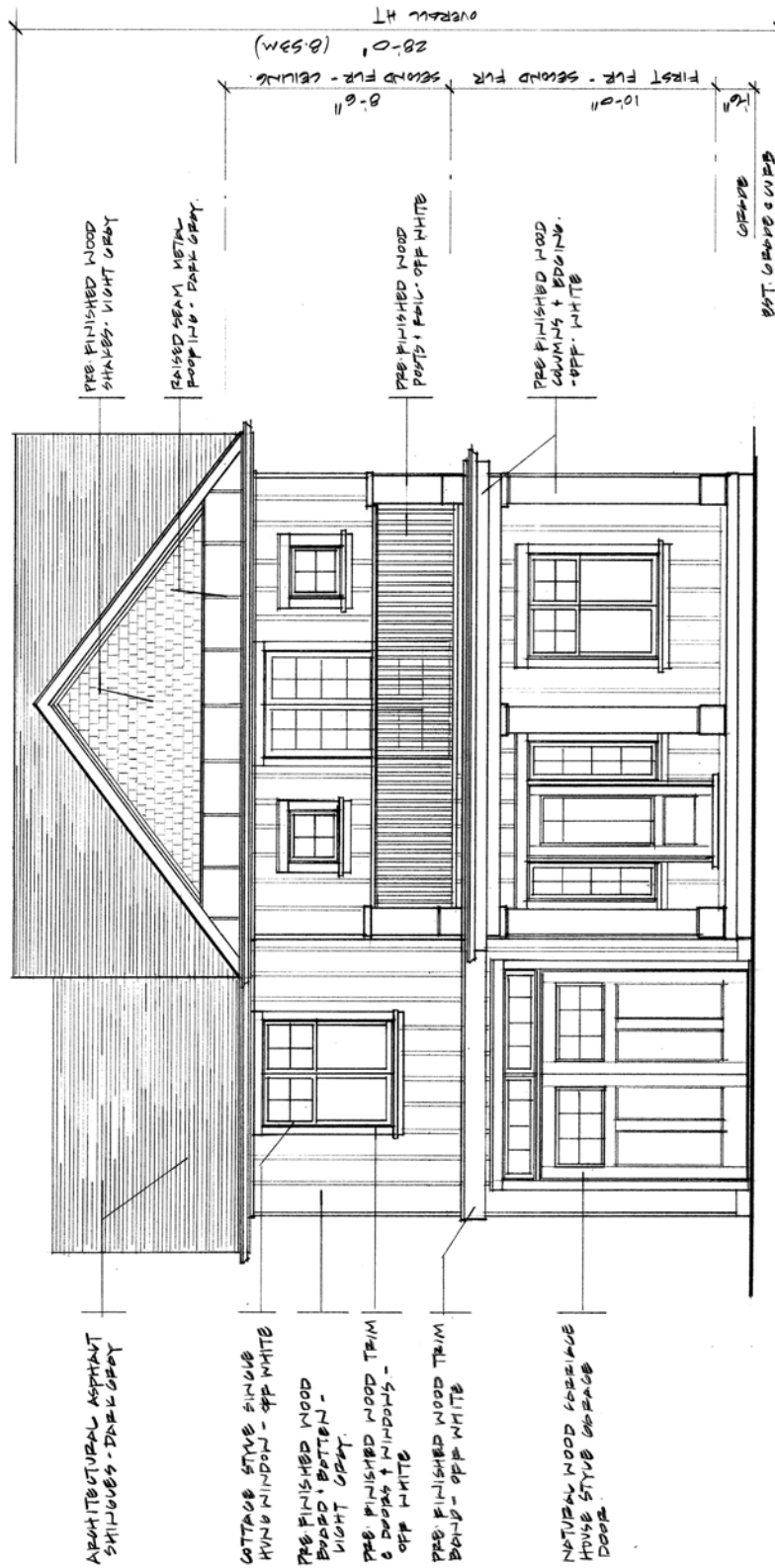
Side (north) and rear façades of the existing residence from the rear.



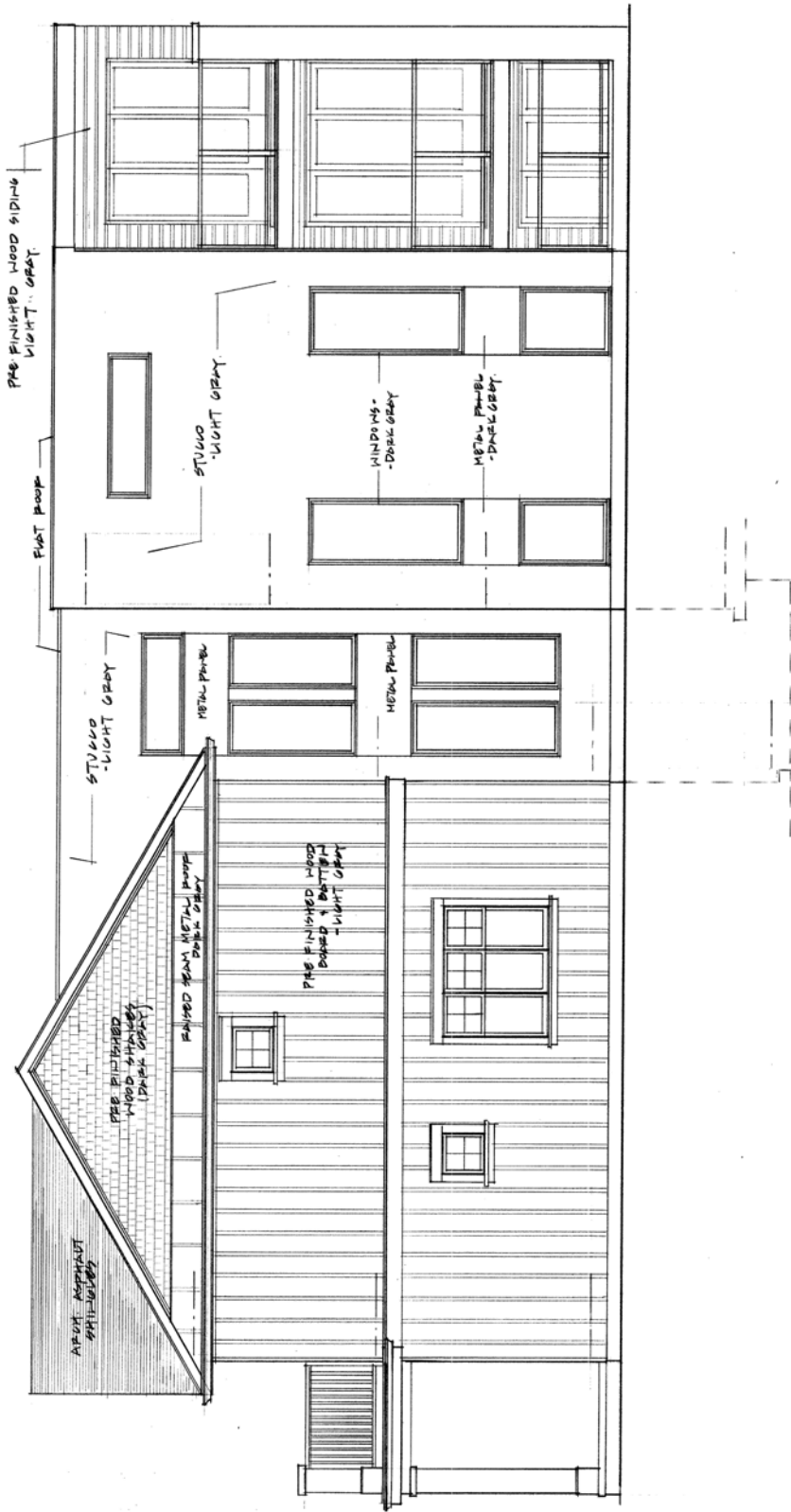
Side (south) façade of the existing residence from the adjacent property.



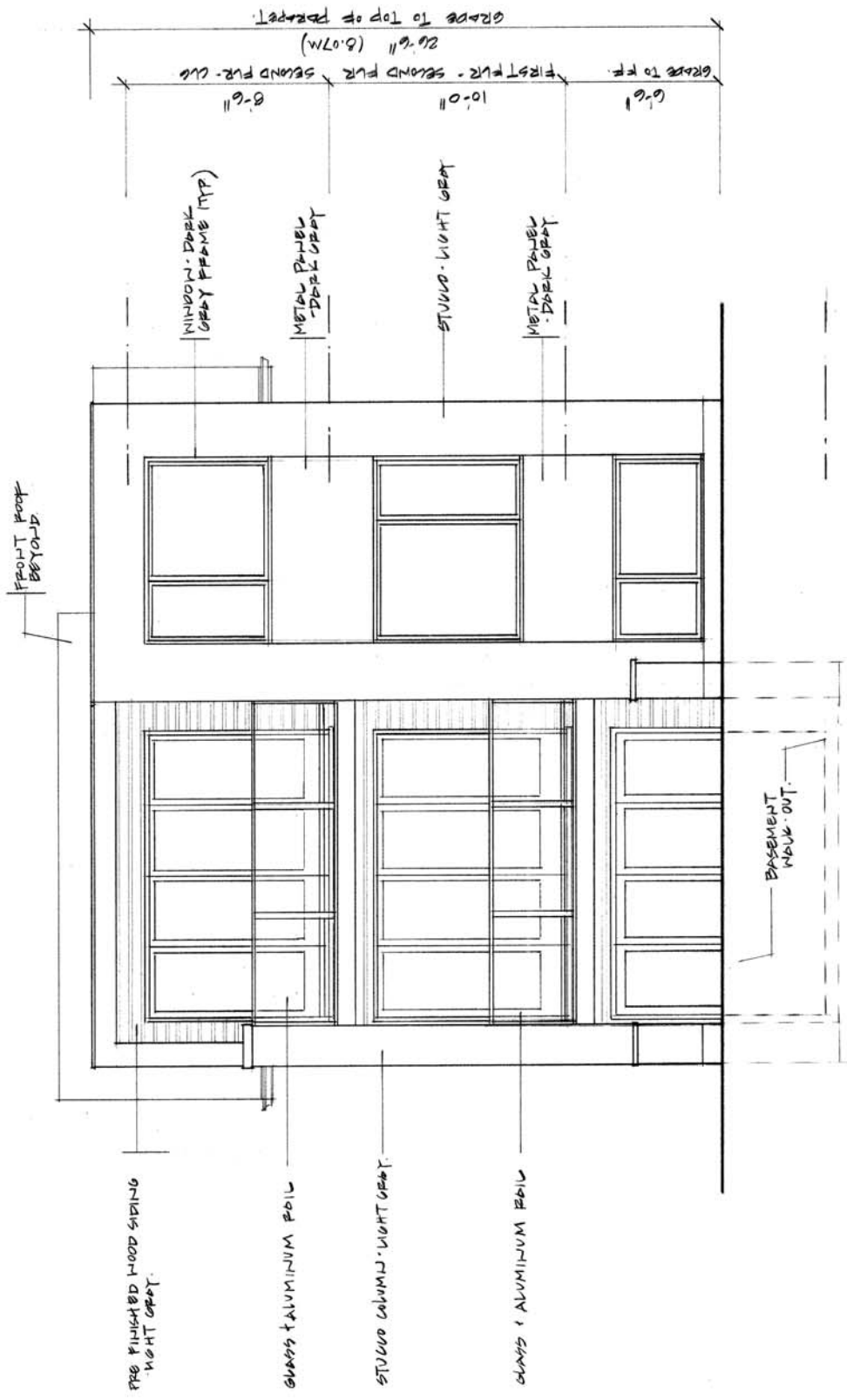
Proposed site plan



WEST ELEVATION - FACADE.



SOUTH ELEVATION



EAST ELEVATION - LAKESIDE

