

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 15
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Heritage Permit Application HP2013-057 Under Part V of the <u>Ontario Heritage Act</u> for Erection of a New Garage at 43 Mill Street North (Waterdown) (PED13212) (Ward 15)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Meghan House 905-546-2424, Ext. 1202
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2013-057 be approved for the erection of a new garage at 43 Mill Street North (Mill Street Heritage Conservation District) (Waterdown), subject to the following conditions:

- (a) 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.
- (b) That construction of the proposed garage, in accordance with this approval, shall commence no later than December 31, 2015. If the construction has not commenced by December 31, 2015, 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 43 Mill Street North (Waterdown), is designated as part of the Mill Street Heritage Conservation District under Part V of the Ontario Heritage Act (see 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 has applied for the erection of a new detached garage in the rear yard. The construction of a detached garage is being supported by staff.

This application is for construction that will be completed in conjunction with construction of a rear addition and other alterations to the existing house that may be approved by the Director of Planning under the authority to approve alterations that has been delegated by Council.

Alternatives for Consideration – See Page 5

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.

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 43 Mill Street North (Waterdown) (see Appendix “A”) is located in the Mill Street Heritage Conservation District (HCD), designated by former Town of Flamborough By-law No. 96-34-H.

The existing lot includes an existing, one-storey, single detached, stone dwelling built circa 1850 (photographs of the property are attached as Appendix “B”). The applicant is proposing a one-storey, two-bay garage with hip roof (the proposed site plan and elevations for the new garage are attached as Appendix “C”).

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application on October 23, 2013. The Sub-committee recommended approval of the proposed garage and associated extension of the gravel driveway.

The Hamilton Municipal Heritage Committee reviewed this application on November 21, 2013 and recommended approval of the application.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the 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).

These policies demonstrate Council’s commitment to the identification, protection, and conservation of cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

Mill Street Heritage Conservation District Plan

The Council-adopted Mill Street Heritage Conservation District Plan, Section 4.0 - Guidelines for Alterations, Additions and New Construction, addresses Alterations to Heritage Buildings and Sites (4.2).

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Sub-section 4.2.2 – Features and Spaces around Buildings, encourages maintaining traditional views of the property by keeping parking areas and outbuildings to the side or rear and to continuing to use historic means of access, drives, paths and doorways.

Sub-section 4.3 – Additions to Heritage Buildings and Sites, Sub-section 4.3.1 provides guidance as follows:

- Exterior additions should be located to the rear or on an inconspicuous side of the building, limited in size and scale to complement the existing building and neighbouring property.
- Additions at the rear should always be slightly lower than the existing roofline and stepped in at the sides in order not to overpower or dominate the existing heritage building and the view from the street.

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. The Heritage Permit Review Sub-committee considered this application at their meeting of October 23, 2013, and the Sub-committee advised approval of the application. The Hamilton Municipal Heritage Committee reviewed this application on November 21, 2013 and recommended 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 proposed new detached garage will not result in the displacement of heritage features.

Disruption: The proposed new detached garage will be located to the rear of the property, which is consistent with the guidelines contained in the District Plan and the character of the area. The proposed garage incorporates design features and materials that are sympathetic to the character of the District, including board-and-batten wood siding, “carriage-style” doors, and a hip roof. The highest point of the roofline of the proposed garage (18’-9” or 5.7 m) is the same as the highest point of the roof of the

existing house and the location of the garage will mitigate any disruption impacts to the streetscape and the existing house. The existing gravel driveway will be extended and widened in front of the garage.

Often building and zoning review of proposals result in minor amendments to the plans and elevations subsequent to Heritage Permit approval. Accordingly, it is recommended that staff be authorized to approve minor amendments to the plans and elevations to avoid the requirement for further Heritage Permit applications (see Recommendation (a)).

It is also recommended that the Heritage Permit has an expiry date of December 31, 2015 (see Recommendation (b)). An expiry date of 2 years after approval is standard on all approved Heritage Permits, and the December 31, 2015, date will reflect the expected end date of the new construction.

Accordingly, staff recommends conditional approval of Heritage Permit Application HP2013-0057, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the Heritage Permit Application.

Refusal of the Heritage Permit to erect a new garage does not contribute to the cultural heritage landscape of the Mill Street Heritage Conservation District (HCD), and does not advance the Mill Street 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 Mill Street HCD.

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

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

3. Approve the Heritage Permit with No Conditions.

The Hamilton Municipal Heritage Committee may recommend that Council 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.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

Staff Comment: The approval of the recommendations of this Report demonstrates Council's commitment to the Council-approved Mill Street Heritage Conservation District Plan, and to the policies of the Urban Hamilton Official Plan.

APPENDICES / SCHEDULES

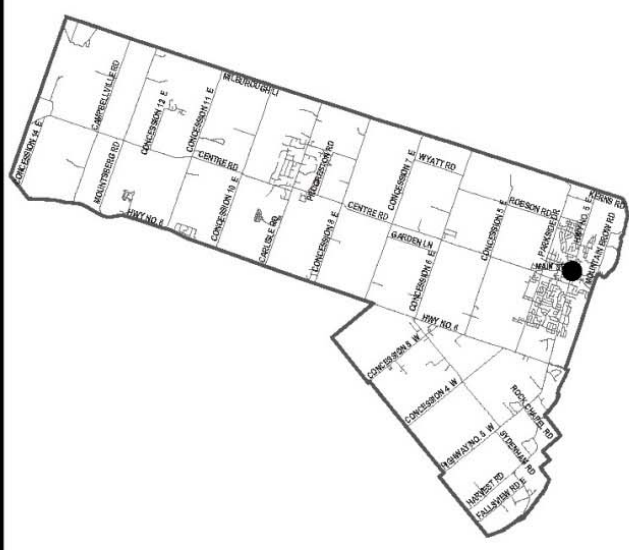
- Appendix "A": Location Map
- Appendix "B": Photographs of the Existing Property
- Appendix "C": Proposed Site Plan and Garage Elevations

:MH

Attachs. (3)



● Site of the Application



Ward 15 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2013-057

Date:
Nov. 12, 2013

Appendix "A"

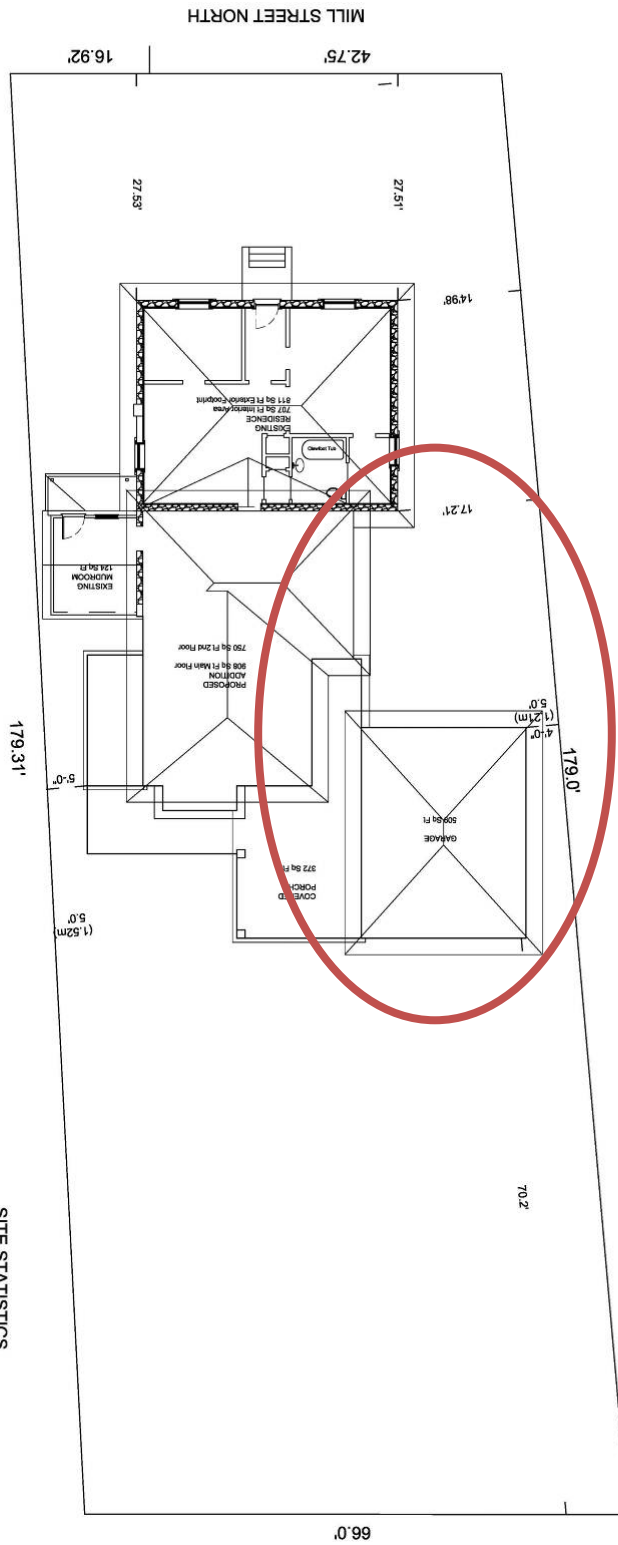
Scale:
N.T.S.

Planner/Technician:
MH/DB

Subject Property

43 Mill Street North





SITE STATISTICS

thinkGrafite Silepian based on 1986 Survey
by A/T McLaren, O.L.S
Lot 17, Parcel 17-1, Section M-8
Range of Tolland
Estate of Tolland
New City of Hamilton

LOT SIZE

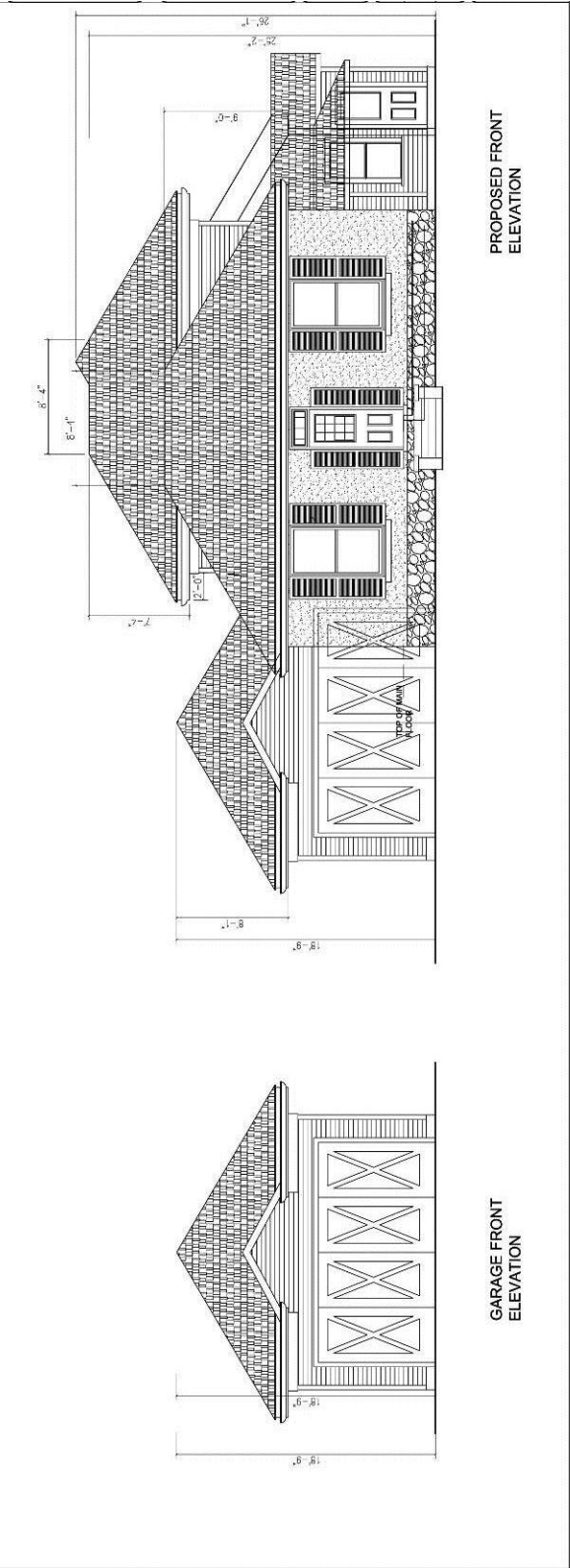
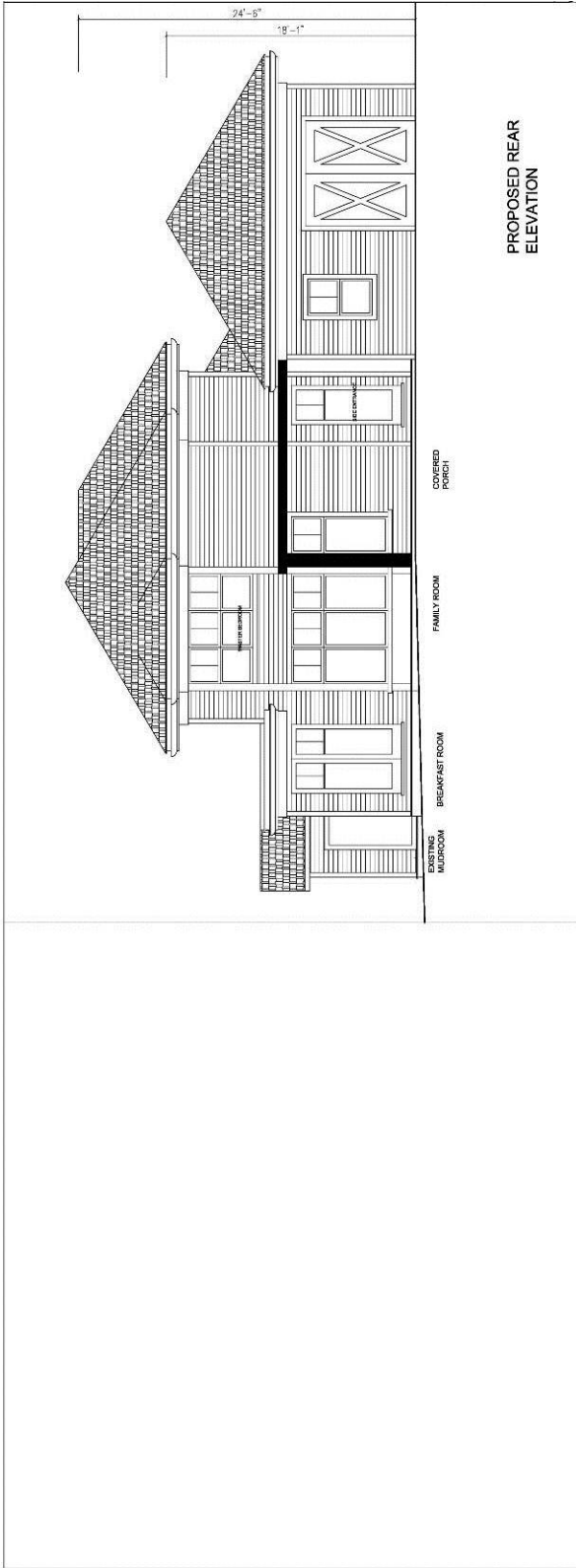
11,051 Sq Ft / 1,025 m²

LOT COVERAGE

2,726 Sq Ft Development
Including Existing Residence, Addition,
Covered Porch and 2-Car Garage
24.65%

ADDITION HEIGHT

26'-2" / 7.88M





SELECT THE DOOR OF YOUR DREAMS

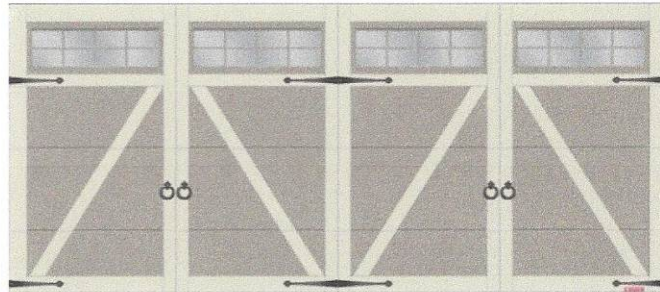
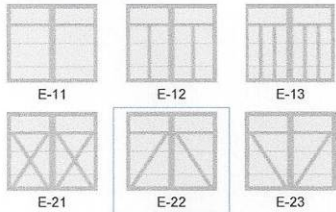
1 Models

Eastman Estate

2 Dimensions

Double door (16' x 7')

3 Model patterns



Try this door on your home

Get a copy of your project by email

Print your project

Get a free quote

4 Colors

Door(s)



Overlays



5 Decorative hardware

Knocker with hinges

Double kit

6 Windows

