



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 12, 2014
SUBJECT/REPORT NO:	Heritage Permit Application HP2014-015, Under Part V of the <u>Ontario Heritage Act</u> , for the Erection of a Structure at 978 Beach Boulevard, Hamilton (PED14151)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1214
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2014-015 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 978 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown in Appendix “A” to Report PED14151, subject to the final approval of a Site Plan application and the following conditions:

- a) That the specifications for the proposed windows, front garage door, porch, railings, soffits, eaves and downspouts shall be submitted, to the satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit;
- b) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning, in accordance with the Site Plan approval process and prior to installation;
- c) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning, prior to installation;
- d) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of the Director of Planning, prior to planting;

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- e) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit; and,
- f) That construction and site alterations, in accordance with this approval, shall be completed no later than September 30, 2016. If the construction and site alterations are not completed by September 30, 2016, 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 978 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 erection of a new single detached dwelling on a vacant lot. This application is being supported, subject to conditions, as agreed to by the applicant in discussions with staff and the Heritage Permit Review Sub-committee. 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 subject to a completed Site Plan and the conditions recommended by staff.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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 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 978 Beach Boulevard, Hamilton (see the Location Map attached as Appendix “A”) is located in the Hamilton Beach Heritage Conservation District (HCD), designated by former City of Hamilton By-law No. 00-135, and was approved by the Ontario Municipal Board under Part V, Section 41, of the Ontario Heritage Act in 2001.

The existing lot is vacant with low-lying vegetation and a number of trees near the rear of the lot (a photograph of the existing lot is attached as Appendix “B”). The applicant has applied for consent to erect a new, two storey, single detached dwelling, with an attached garage (the elevations and site plan for the proposed new construction are attached as Appendix “C” and Appendix “D”, respectively). The Heritage Permit Review Sub-committee and the Hamilton Municipal Heritage Committee have reviewed this application and have advised conditional approval subject to a completed Site Plan and the conditions recommended by staff.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan (UHOP):

Section B.3.4 - *Cultural Heritage Resources Policies* of the UHOP 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” (B.3.4.2.1(a)).

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:

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- New residences are intended to be two storeys or less in height, relatively narrow, and set back slightly further from the road than the earlier pre-1900 houses (to a setback similar to those for the post-1900 buildings);
- Suitable construction is frame with horizontal facades 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 facade are appropriate (i.e. avoid large, full-length, multi-storey, or picture windows);
- 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.

The Council-adopted guidelines also specify landscape character and conservation guidelines in Section 6.0. Sub-section 6.3.1 provides guidance for new infill development on vacant lots, summarized as follows:

- The existing vegetation around the perimeter of vacant lots should be retained and protected during construction. New driveways will be located in a manner that ensures the retention of mature trees; and,
- Building setbacks should be aligned with adjacent buildings.

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 subject application was reviewed as a pre-submission application by the Heritage Permit Review Sub-committee of the HMHC, at its meeting on March 26, 2014. The Sub-committee considered the pre-submission application, together with advice from staff, and was supportive of the general design, in principle.

Revised drawings and supporting information were submitted by the applicant as part of a complete application on April 22, 2014. At its meeting of April 23, 2014, the Heritage Permit Review Sub-committee considered this application, together with comments from

staff. The Sub-committee supported the preliminary Site Plan (see Appendix “D”), and the design of the new dwelling (see Appendix “C”), subject to a completed Site Plan and the conditions recommended by staff.

At its meeting on June 19, 2014, the Hamilton Municipal Heritage Committee affirmed this recommendation and advised conditional approval of the application subject to a completed Site Plan and the conditions recommended by staff.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Two key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are:

- 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 Effects: The existing lot is currently vacant except for low-lying vegetation and a number of trees near the rear of the lot. The preliminary Site Plan proposed as part of this heritage permit application, does not address grading-related impacts to the design or to the existing trees and vegetation on site. Staff recommends that a plan be prepared depicting the planting of any new trees, including caliper size, locations and species, to the satisfaction and approval of Planning staff (see Recommendation d)), and that any new tree plantings be a minimum caliper of 55 mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Index. These recommendations will help ensure the suitable retention of existing trees and the planting of new trees, where applicable.

Disruption Effects: The new construction will impact the Beach Boulevard streetscape and the character of the Hamilton Beach HCD. However, the preliminary Site Plan and proposed design of the new structure are consistent with the character of the HCD and previously approved new buildings within the District, in terms of lot layout and building width, height and massing. The design and materials of the new dwelling do not replicate historical styles, but incorporate features that are sympathetic to the character of the area, such as: the hip roof; the symmetry of the front facade; the vertically-oriented windows; the cladding materials; and, the front porch.

The Heritage Permit Review Sub-committee reviewed the subject application at the pre-submission stage on March 26, 2014. The Sub-committee considered the pre-submission application together with advice from staff and comments from the applicant, and was supportive of the general design, in principle, and suggested that the applicant employ more sympathetic windows in the side elevations. In addition, staff

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provided the applicant with comments on the proposed design with regard to the projecting eaves, the design of the front garage door and windows, and the front porch.

The applicant submitted revised elevations and a preliminary Site Plan as part of a complete application on April 22, 2014. At its meeting of April 23, 2014, the Heritage Permit Review Sub-committee considered the complete application and supported the preliminary Site Plan and design of the new dwelling subject to a completed Site Plan and the conditions recommended by staff.

The drawings indicate that the proposed building will have a rectangular plan with a hip roof with projecting eaves. There is an attached garage to the north, setback 4.1 m from the front facade and 6.5 m from the front porch, with a flat roof to be used as a second storey balcony. The proposed cladding is James Hardie fiber-cement horizontal siding in the first storey, and straight-edge shingles in the second storey, with 8.89 cm (3.5 in) corner and window trim. The front porch will be comprised of three 25.4 cm (10 in) decorative posts over pressure-treated posts with brackets accenting the corners at the frieze.

The proposed windows are primarily vertically-oriented vinyl casement windows in the front, side and rear elevations. The drawings indicate that the front windows will have a four-over-one design. Staff recommend that external muntins be used rather than internal window grills. Staff recommend that the final elevations, including the final specifications for the proposed windows, front garage door, porch, railings, soffits, eaves and downspouts, be submitted to the satisfaction and approval of Planning staff prior to submission as part of any application for a Building Permit (see Recommendation a)).

The preliminary Site Plan indicates that the front porch is set back 4.4 m from the lot line. Recently approved heritage permits for the adjacent properties have front yard setbacks of approximately 6 m, and the setbacks of the dwellings across the street range from 6.5 m to 10.5 m. As such, staff recommend an increased setback of at least 6 m to be more in keeping with the setbacks of the adjacent properties, and to comply with the applicable zoning by-law requirement. The plan also depicts a side yard setback of 1.65 m to the south and 1.7 m to the north. The projecting eaves to the south encroach into the required side yard. The requirement for minor variances or minor modifications to the design may be identified through the Site Plan process. The proposed width of the driveway is 2.9 m. The driveway materials are not identified on the preliminary Site Plan. Staff recommend that the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas be submitted to the satisfaction and approval of Planning staff in accordance with the Site Plan approval process, and prior to installation (see Recommendation b)). In addition, staff recommend that the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation (see Recommendation c)).

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This heritage permit application is for the construction of a new dwelling on a vacant lot and requires approval by the Planning Committee and Council, as advised by the Hamilton Municipal Heritage Committee (see Relevant Consultation on Page 5 of this Report). Construction on the subject property is also subject to Site Plan Control under the Planning Act. Staff recommend 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 (see Recommendation e)). It is also recommended that the Heritage Permit have an expiry date of September 30, 2016 (see Recommendation f)). An expiry date of two years after approval is standard on all approved heritage permits, and the September 30, 2016, date will reflect the expected end date of the new construction.

Staff recommend conditional approval of Heritage Permit Application HP2014-015, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION

1. **Refuse the Heritage Permit Application.**

Refusal of the Heritage Permit to 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.

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

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Staff Comments:

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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Photograph of the Subject Property
- Appendix "C": Elevations for the Proposed Dwelling
- Appendix "D": Preliminary Site Plan

:AG/tp