



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 5
<b>COMMITTEE DATE:</b> April 16, 2013	
<b>SUBJECT/REPORT NO:</b> Heritage Permit Application HP2013-006, Under Part V of the <u>Ontario Heritage Act</u> , for Erection of Structures at 870 Beach Boulevard (Hamilton) (PED13068) (Ward 5)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Alissa Golden (905) 546-2424 Ext. 1214
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That Heritage Permit Application HP2013-006 be approved for the erection of a new single detached residence and detached garage, on the designated property at 870 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13068, 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 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;
- (c) That the recommendations outlined in the Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated April 16, 2012, be implemented, to the satisfaction and approval of Planning staff;

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- (d) That as many existing trees as possible shall be retained, and a minimum of one replacement tree of a minimum caliper of 55mm 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;
- (e) 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; and,
- (f) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 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 870 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.

In April 2012, Council approved a previous Heritage Permit Application HP2012-010 (PED12061) for the construction of a single detached residence and an attached garage on the subject property. In January 2013, the applicant proposed a new design that constituted more than "minor" changes to the approved Heritage Permit HP2012-010 and, therefore, submitted a new Heritage Permit application. The applicant is applying for the erection of a new single detached residence and a detached garage on a vacant lot.

This application is being supported, subject to conditions related to the retention of existing trees and/or planting new trees, 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 of the application.

*Alternatives for Consideration - See Page 8.*

### **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 870 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.

In April 2012, Council approved Heritage Permit Application HP2012-010 (PED12061) for the construction of a single detached residence and an attached garage on the subject property. The applicants encountered problems with implementing the approved design and submitted a new concept to staff in January 2013. The new design constituted more than "minor" changes to the previously approved Heritage Permit HP2012-010. As such, a new Heritage Permit Application was submitted to staff and received as complete on February 20, 2013 for the proposed design.

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The existing lot is vacant, with trees and shrubs to 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 a detached one-storey garage at the rear (the 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 February 27, 2013. The Sub-committee supported the proposed site plan (see Appendix "D") and the design of the new house, subject to the conditions recommended by staff.

At its meeting on March 21, 2013, the Hamilton Municipal Heritage Committee affirmed this recommendation, and advised conditional approval of the application.

#### **POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

##### **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 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 façade 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 in 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. At its meeting of February 27, 2013, the Heritage Permit Review Sub-committee of the HMHC considered this application, together with comments from staff. The Sub-committee supported the proposed lot layout and the design of the new house, subject to the conditions recommended by staff. The Hamilton Municipal Heritage Committee affirmed this recommendation at its meeting on March 21, 2013, and advised conditional approval of the application.

## **ANALYSIS / 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 trees and vegetation towards the rear (west) of the lot. A Tree Preservation Report was prepared by Arborwood Tree Service Incorporated, dated April 16, 2012, as part of the previous Heritage Permit Application (HP2012-010). The Report provides an inventory of trees on site, and outlines the protection measures required to limit the amount of damage done to the trees during construction of the proposed dwelling and grading on site. The Report recommends preserving the Chestnut and Manitoba Maple trees at the rear of the property, and removing all other trees that are identified as not being valuable species to the landscape.

The site plan proposed as part of this Heritage Permit Application (HP2013-006) will preserve the Chestnut tree and displace the Manitoba Maple tree due to grading for a swale along the southern lot line (see Appendix "D"). Staff recommends that implementing the measures outlined in the Tree Preservation Report pertaining to the subject property be a condition of Heritage Permit approval (see Recommendation (c)). Staff also recommends that a plan be prepared depicting the removed, retained, and new trees, including the caliper size, locations, and species, to the satisfaction and approval of Planning staff, prior to any grading or tree removals. These conditions will

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help ensure the retention of the Chestnut tree and the appropriate planting of new trees (see Recommendations (d) and (e)).

Disruption Effects: Any new construction in the Hamilton Beach HCD will impact the Beach Boulevard streetscape and the character of the District. The HCD plan speaks to encouraging new development only where it is demonstrated that such changes will have no adverse effects to the heritage attributes of the District and will positively contribute to the character of the area.

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 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 a front gable roof with simulated shakes; vertically-oriented single-hung windows, a front entrance porch, and horizontal siding.

The proposed building cladding consists of dark blue wood-based composite horizontal siding. The drawings depict the use of the wood-composite horizontal siding on all elevations of the proposed house and the rear detached garage (see Appendix "C"). The front and rear deck, beams and posts tops are depicted as wood, and the supporting documents with the submission indicate that the wood will have a hand-stained finish.

The drawings depict the use of charcoal grey asphalt shingles cladding all roof surfaces, with wood-composite light blue Victorian octagonal shakes in the front gable and the bay window in the first storey of the front façade. The supporting documentation indicates that the trim, soffits, fascia, and eaves will be white-painted wood. The front door is indicated as being a fiberglass entrance door, resembling a wooden door. The detached garage is shown as having two overhead doors; however, the materials and finish are not specified. Staff recommends that the final drawings showing these materials 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)).

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

Staff recommends conditional approval of Heritage Permit Application HP2013-006, 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 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.**

The Hamilton Municipal Heritage Committee may recommend that Council approve this application with additional or amended conditions of approval. This 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 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 and 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.

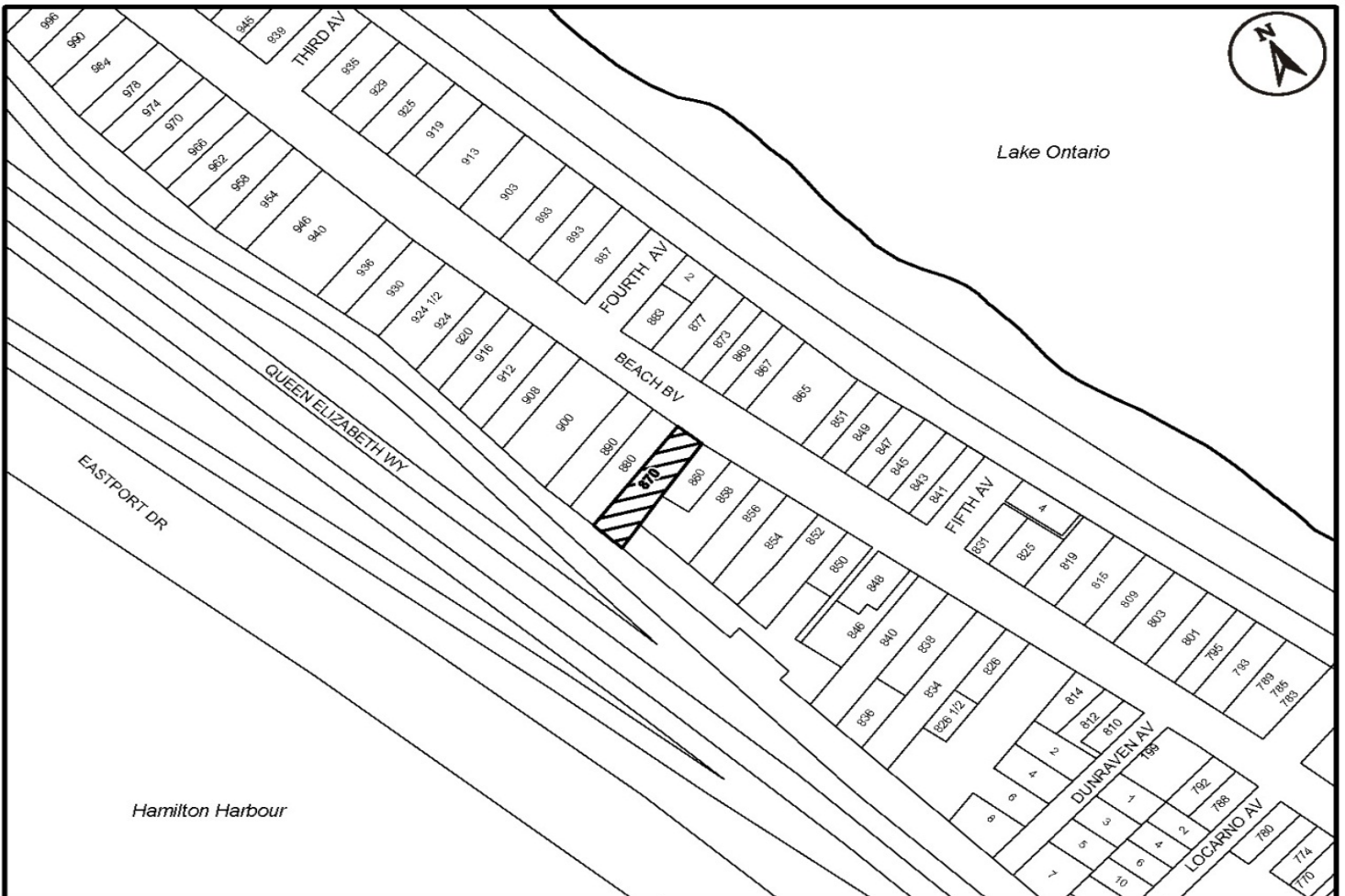


**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Photographs of the Subject Property
- Appendix "C": Elevations for the Proposed Dwelling and Detached Garage
- Appendix "D": Proposed Site Plan

:AG

Attachs. (4)



● Site of the Application



Ward 5 Key Map

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
HP2013-006

Date:  
Mar 6, 2013

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AG/DB

**Subject Property**

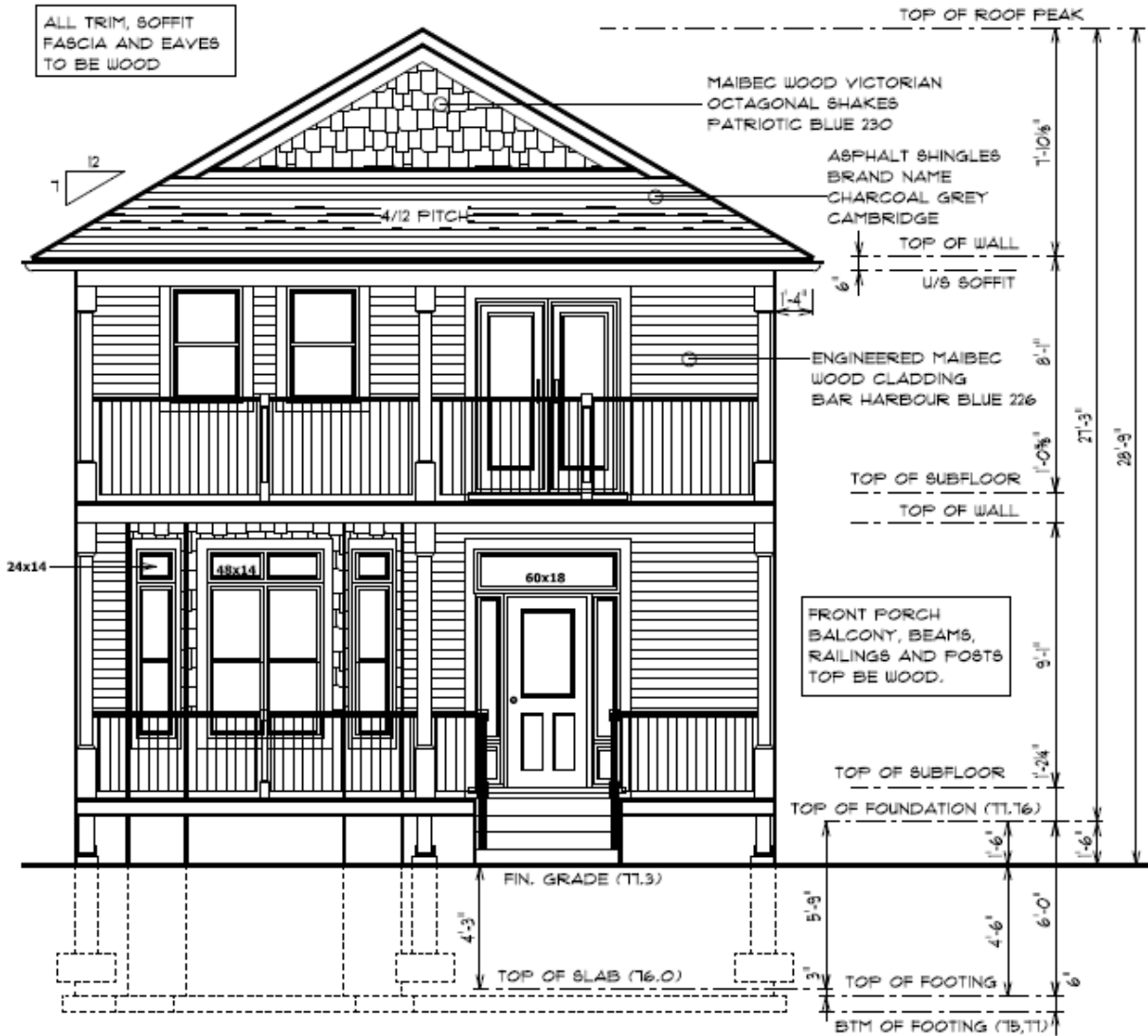
870 Beach Boulevard



870 Beach Boulevard - vacant lot

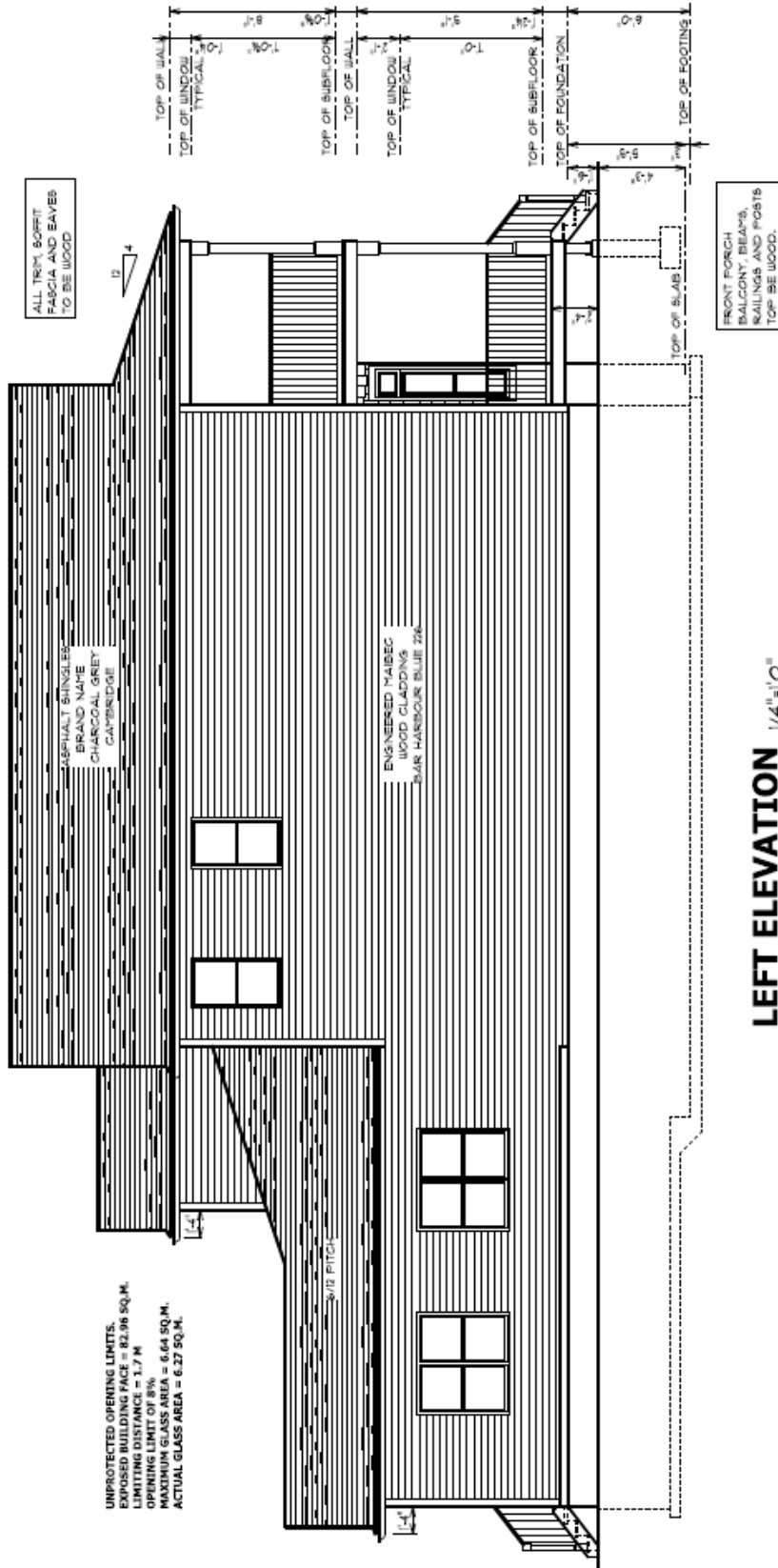


View of the streetscape from the north - three contiguous vacant lots, 870, 880 and 890 Beach Boulevard (from left to right)



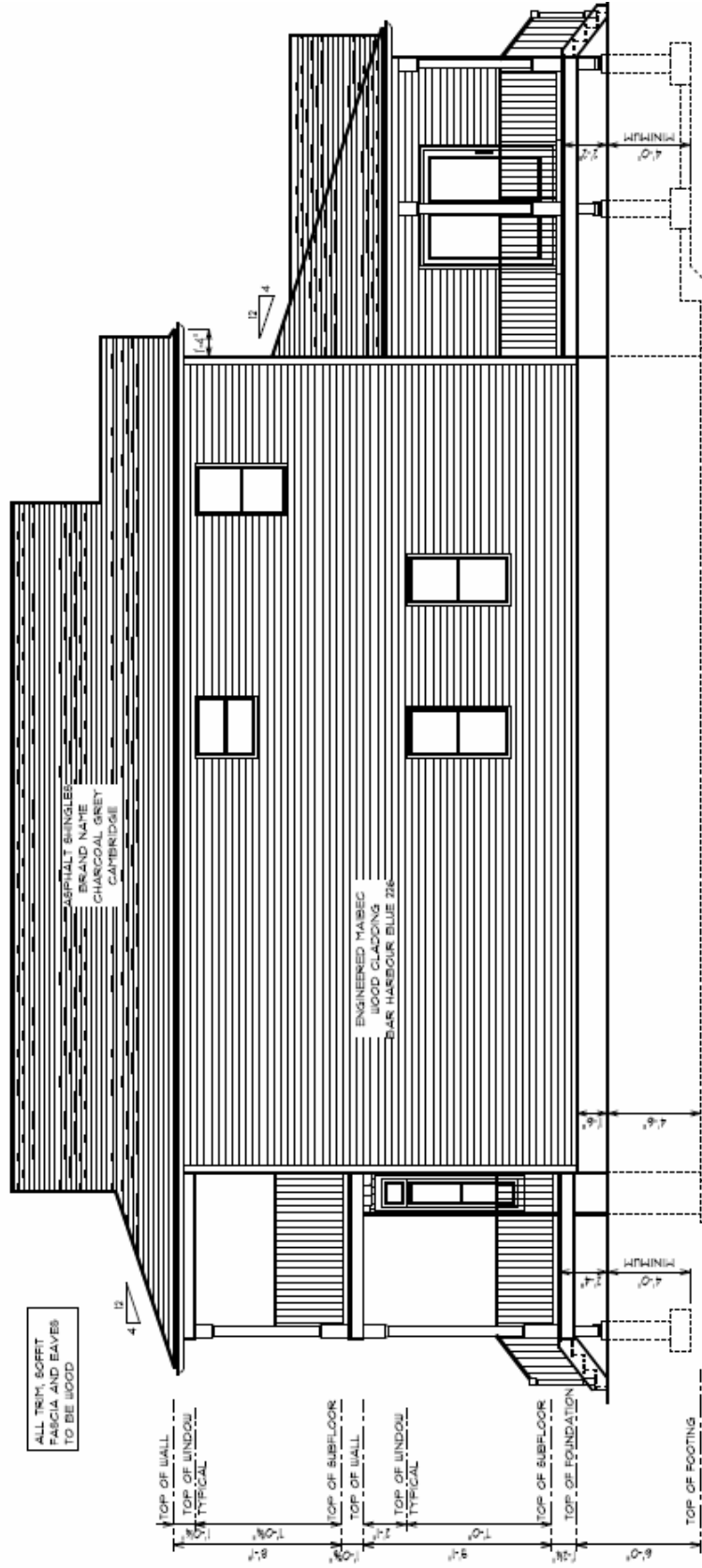
**FRONT ELEVATION** 1/4"=1'0"

(East Elevation)



**LEFT ELEVATION** 1/4"=1'-0"

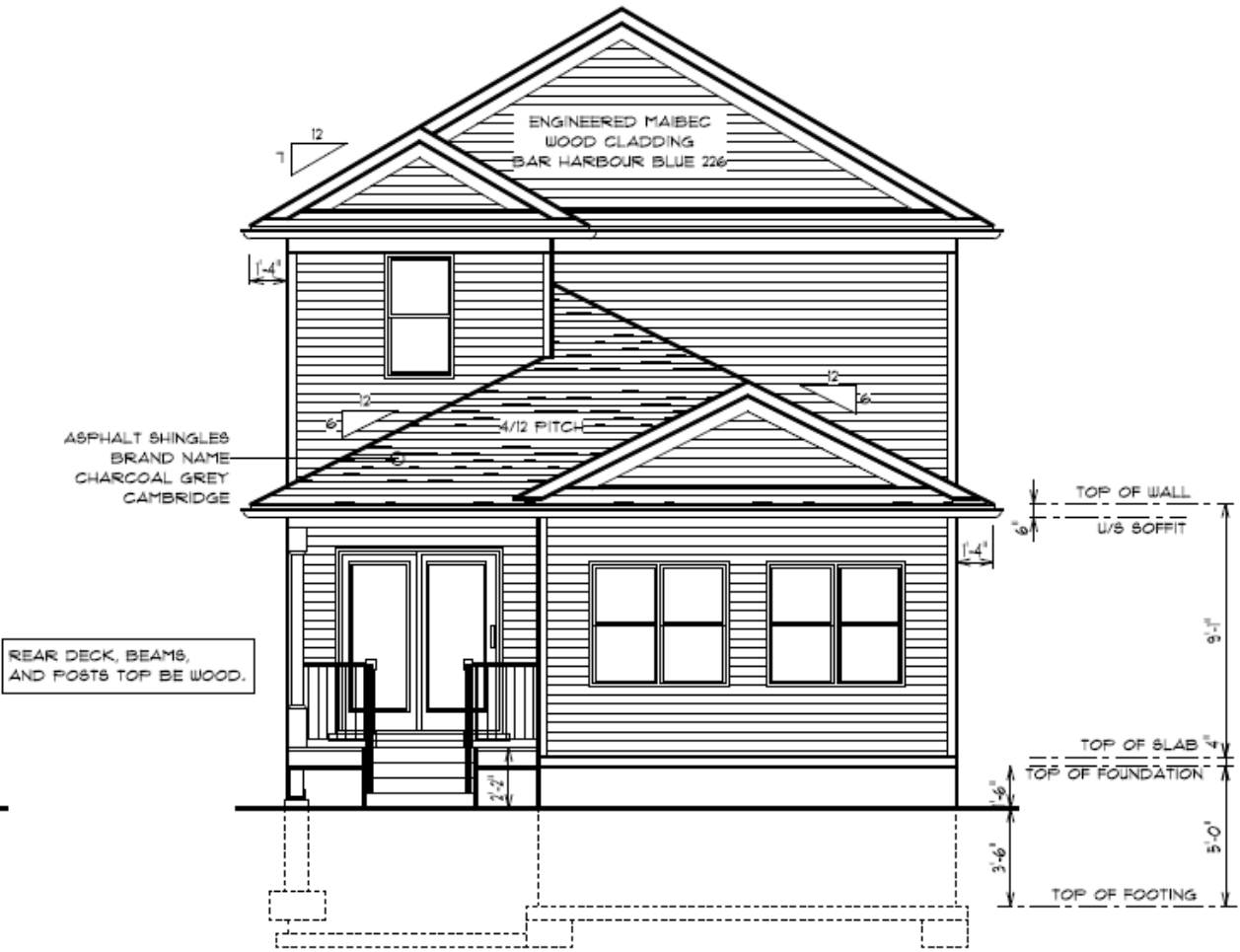
(South Elevation)



**RIGHT ELEVATION** 1/4"=1'0"

(North Elevation)

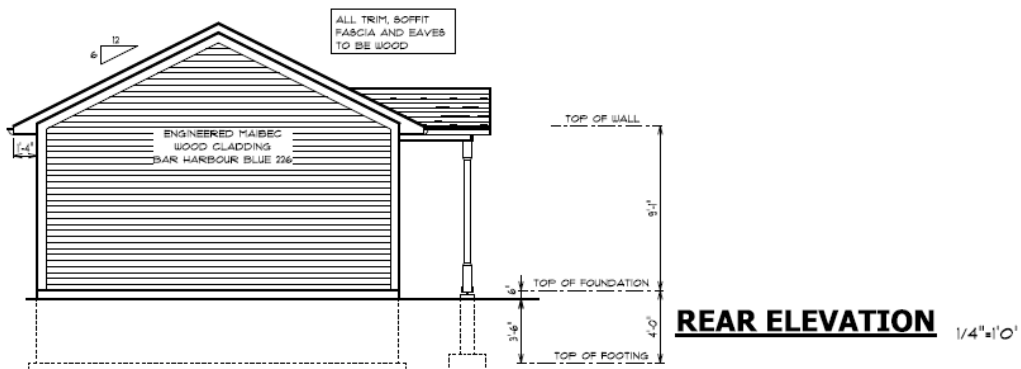
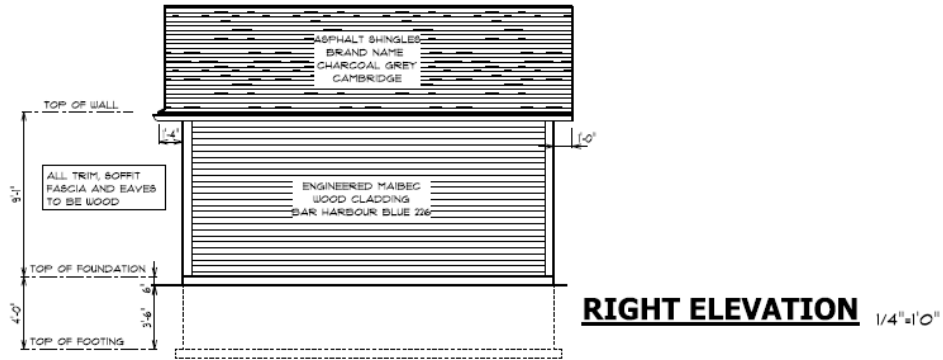
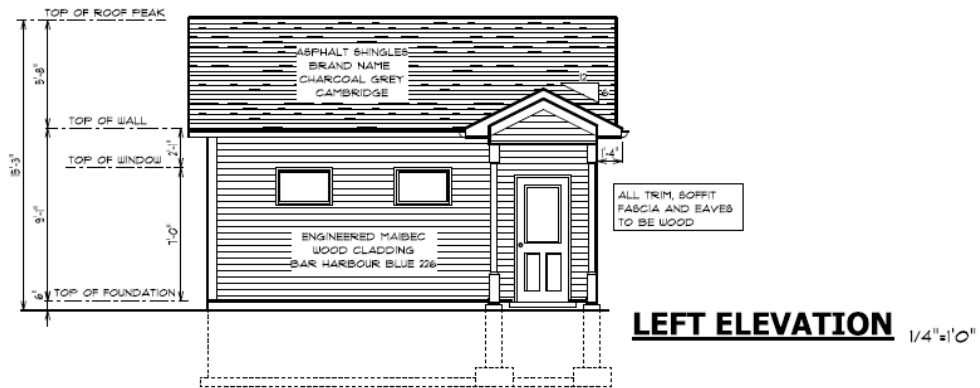
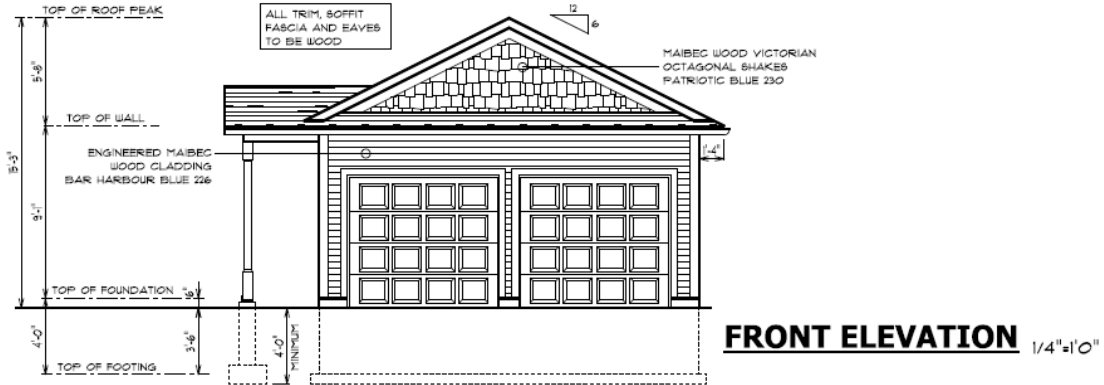




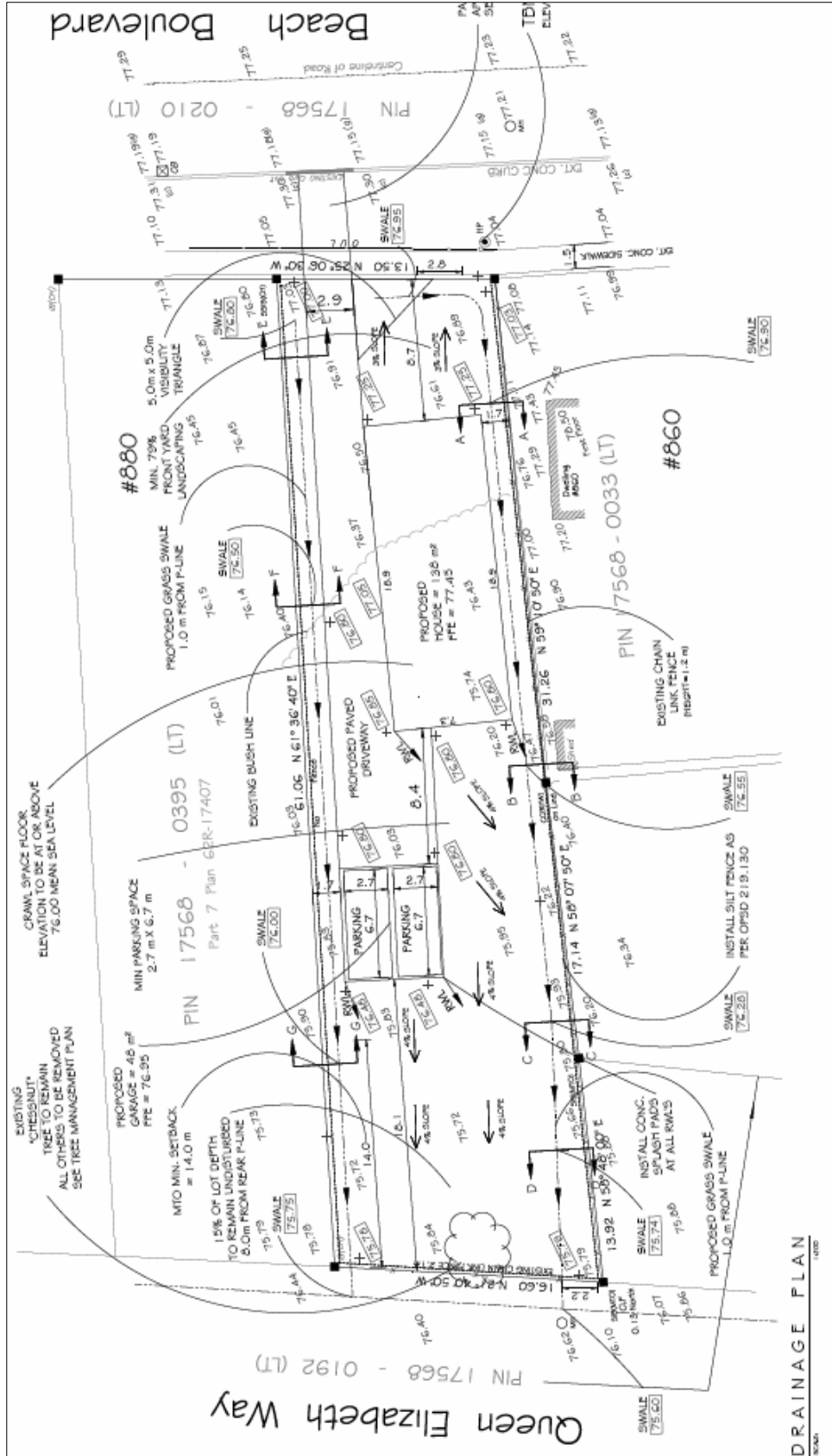
**REAR ELEVATION** 1/4"=1'0"

(West Elevation)

# Detached Rear Garage







Proposed Grading and Site Plan