



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	October 29, 2021
SUBJECT/REPORT NO:	Heritage Permit Application HP2021-044, under Part V of the <i>Ontario Heritage Act</i> for the demolition of 983 Beach Boulevard, Hamilton (PED21208) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Stacey Kursikowski 905-546-2424 Ext. 1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Heritage Permit Application HP2021-044, for the demolition of the Part V designated heritage building and construction of a new single detached dwelling for lands located at 983 Beach Boulevard, under Section 42 of the *Ontario Heritage Act*, be **approved** with the following conditions:
- (i) Implementation of the demolition and construction of the new dwelling, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
 - (ii) That material specifications for the wood cladding proposed for the new dwelling and front of the new garage and cladding for the proposed addition be consistent with the Hamilton Beach Heritage Conservation District (HCD) guidelines and submitted for review, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (iii) That the existing leaded glass window in the front gable be salvaged prior to demolition and reincorporated into the front gable of the new dwelling;
 - (iv) That the existing wrought iron fence in the front yard be repaired and maintained in its current location;
- (b) That appropriate notice of the Council decision be served on the owner of 983 Beach Boulevard, Hamilton, as required under Section 42 of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY

The subject property is located at 983 Beach Boulevard, Hamilton on the east side of Beach Boulevard, south of Pandora Avenue (see Appendix “A” attached to Report PED21208). The property is designated under Part V of the *Ontario Heritage Act* as it is located within the Hamilton Beach Heritage Conservation District (HCD) by By-law No. 00-135 (see Appendix “B” attached to Report PED21208).

Staff concur with the advice of the HPRS and recommend that the Heritage Permit Application HP2021-044 to demolish and construct a new single detached dwelling for the lands known as 983 Beach Boulevard be approved, as discussed below.

In 2019, the applicant had applied for a Heritage Permit (HP2019-027) to demolish an addition at the rear of the dwelling and a garage addition, neither of which were original to the property. The applicant’s intention at the time was to retain and restore the original portion of the dwelling while constructing a new addition at the rear. This Heritage Permit was granted approval on September 3, 2019 and the development proposal was subject to Site Plan Control Application (DAB-19-135 reissued as DAB-20-110) which received final approval on November 10, 2020.

Since the approval in 2019, demolition work associated with Heritage Permit HP2021-027 has identified several structural deficiencies in the foundation of the original building, compromising its integrity. As a result, the agent representing the owner of 983 Beach Boulevard submitted a Heritage Permit Application proposing to demolish the original portion of the dwelling due to these unforeseen structural deficiencies.

The Heritage Permit Review Subcommittee (HPRS) of the Hamilton Municipal Heritage Committee (HMHC) were consulted at the September 21, 2021 meeting and were supportive of the application as submitted. Staff have also reviewed the submitted documentation and are of the opinion that the proposed demolition and new construction is warranted and supportable based on the evidence provided by the qualified consultants.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Given the property’s designation under Part V of the *Ontario Heritage Act*, this Heritage Permit Application has been processed and considered within the context of the applicable legislation, as per the date in which the application was submitted to the City of Hamilton (September 6, 2021). This application follows Section 42 of the *Ontario Heritage Act* for demolition of a Part V designated property and construction of a new single detached dwelling within the Heritage Conservation District.

Section 42 (1) of the *Ontario Heritage Act* states that:

“No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

- (1) Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property; and,
- (2) Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. 2005, c. 6, s. 32 (1).”

Section 42 (4) of the *Ontario Heritage Act* states that:

“Within 90 days after the notice of receipt is served on the applicant under Subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- (a) The permit applied for;
- (b) Notice that the council is refusing the application for the permit; or,
- (c) The permit applied for, with terms and conditions attached. 2005, c. 6, s. 32 (3).”

The City’s Heritage Permit process follows the legislative process required by the *Ontario Heritage Act* in relation to the requirement for Council approval to consent to

demolition or removal of a building or structure designated under Part IV or V of the *Ontario Heritage Act*.

The Heritage Permit Application (HP2021-044) was received on September 6, 2021 and the Notice of Receipt was issued on September 15, 2021. The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit Application within 90 days of the issuance of a Notice of Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application. The subject application's 90-day timeframe will be reached on December 5, 2021.

HISTORICAL BACKGROUND

The subject property was designated under Part V of the *Ontario Heritage Act* in 2000 as part of the Hamilton Beach HCD by By-law No. 00-135. The HCD Plan area was historically known as a lakeside community with a long, rich history of human settlement, hunting and fishing grounds, as well as an important travel route around the lake. The HCD Plan area has an eclectic mix of single detached dwellings, many still reminiscent of the original summer cottage and seasonal homes constructed along the beach strip in the early twentieth century.

The dwelling located at 983 Beach Boulevard was built in 1920 as a seasonal cottage/summer residence. It is a one-storey single detached dwelling, constructed of conventional wood framing, clad with painted pebble dash stucco which is believed to have covered original wood shiplap siding. The dwelling remains quite simple, lacking any decorative wooden detailing, ornamental craftsmanship, porches or verandahs that were common features identified within the HCD Plan. The interior of the dwelling has been significantly modified over time with very few original features still present. The dwelling's architectural design, scale and massing compliments the character of the HCD Plan area, while contributing to the understanding of the community as a historic beach strip and vacation destination.

Over time, various additions were made to the original structure including a one-storey rear living space and one-and-a-half storey attached garage. These additions were sympathetic in scale and clad in similar materials to complement the original cottage structure. In 2019, the applicant received Site Plan and Heritage Permit approval to demolish the rear addition and attached garage to make way for a new addition and detached garage. This proposal is in keeping with that approval. Earlier this year, demolition of these sections of building was completed, exposing the structural deficiencies of the original cottage portion, resulting in the current request to demolish and construct a new single detached dwelling on exact footprint of the existing structure, with minor expansion of the garage footprint.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

Volume 1, Chapter B, Section 3.4.6.3-5 of the Urban Hamilton Official Plan (UHOP) speaks to Heritage Conservation Districts and states that “the City may in accordance with the Ontario Heritage Act by by-law prohibit or set limitations with respect to property alteration, erection, demolition, or removal of buildings or structures, or classes of buildings or structures, within the heritage conservation district study area.”

While the intent of the Official Plan policies pertaining to cultural and built heritage is to ensure the preservation and conservation of these resources and demolition being a last resort, there are certain situations in which preservation cannot be achieved. Staff review each application on its own merits and policies set out a number of requirements in order to ensure the proposal is adequately and appropriately assessed by qualified candidates. Demolition of heritage resources is seen as a last resort, however, based on the assessment provided through supporting documentation, staff are of the opinion that the applicant has demonstrated that the proposed reconstruction is in keeping with the overall intent of the Official Plan.

RELEVANT CONSULTATION

Previous Applications

In 2019, a Heritage Permit Application (HP2019-027) was submitted for the subject property. The applicant proposed to extensively renovate and restore the existing original cottage, demolish the existing rear addition and garage, and construct a new two-storey addition at the rear and a new detached garage. This Heritage Permit Application was granted approval on September 3, 2019. A subsequent Site Plan Control Application (DAB-19-035 reissued as DAB-20-110) was approved on November 10, 2020 for the above noted scope of work. This proposal is consistent with the plans approved through the Site Plan Control Application as the constructed dwelling will generally maintain the same setbacks, massing, finished floor elevation and dimensions of the existing structure. The new dwelling will be required to comply with the Zoning By-law and a detailed zoning review will be done at the Building Permit stage.

Heritage Permit Review Subcommittee

Pursuant to Section 28 (1) of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (Report PED05096), the HMHC advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*.

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The HPRS of the HMHC reviewed the subject application at the September 21, 2021 meeting. After a presentation and question and answer period with the applicant's project team, the Subcommittee passed a motion to recommend approval of the application as submitted, subject to the following conditions:

- (a) Implementation of the demolition, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (b) That material specifications for the wood cladding proposed for the reconstructed dwelling and front of the new garage and cladding for the proposed addition be consistent with the Hamilton Beach HCD guidelines and submitted for review, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- (c) That the existing leaded glass window in the front gable be salvaged prior to demolition and reincorporated into the front gable of the new dwelling.

Staff are in agreement with the recommendations of the HPRS and the above noted conditions are reflected in Recommendations (a)(i-iii). Staff added a fourth recommendation pertaining to the repair and maintenance of the existing wrought iron fence.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Heritage Permit Application (HP2021-044) is seeking approval to demolish the one-storey wooden frame dwelling as a result of significant structural deficiencies. In support of the application, the following documents were submitted:

- Completed Heritage Permit Application form;
- Cultural Heritage Impact Assessment, prepared by Giaimo Architects, dated August 31, 2021;
- Structural Engineering Report, prepared by Hamann Engineering Structural Consultants Ltd., dated June 14, 2021 (see Appendix "C" attached to Report PED21208); and,
- Revised Plans, prepared by Way Back Architects, revision date July 21, 2021 (see Appendix "D" attached to Report PED21208).

Key factors that are considered in the evaluation of any change affecting a heritage resource 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.

In consideration of any Heritage Permit Application, staff must assess the impact of the displacement and disruption effects on the heritage resources. No heritage attributes for the subject property are identified but the proposal was assessed against the guidelines of the HCD Plan, while taking into account the recommendations of the supporting documentation and initial desire and intent of the owner to maintain the original dwelling given their appreciation of the structure.

As part of the supporting documentation, the Structural Engineering Report provided a detailed assessment and images of the issues compromising the building's structural integrity. The report noted that the dwelling was constructed in a manner that was typical for an unheated summer residence at that time. As a result, the foundation was built using timber posts or log sections situated directly on the insitu beach sand subsoil with no exterior foundation walls. Over time, the moisture and weather conditions have resulted in deterioration and decay of the timber posts. In an attempt to add support and shore the floor framing and exterior walls of the dwelling, masonry block piers were added below the dwelling. These piers were loosely laid on the beach sand subsoil and have since shifted, resulting in alignment issues with the framing. Due to the initial foundation's construction method, use of materials, in addition to exposure to natural elements and ground movement over the past 100 years, the building's structural integrity has significantly been compromised and restoration/preservation is deemed to be not repairable without demolition by the Structural Engineer. Staff agree with the findings of the Structural Engineering Report.

While the proposal would result in the displacement of the original structure, reconstruction will maintain the overall built form and design that currently exists, as per the approved Site Plan (DAB-19-035/DAB-20-110) which will ensure safe on-site conditions while maintaining the character within the HCD. Given the level of structural deficiencies documented through the Structural Engineer's Report and the Cultural Heritage Impact Assessment, the overall displacement and replacement is the most suitable and appropriate option in staff's opinion.

Minimal disruption effects are expected to the overall heritage context of the HCD Plan area as the applicant is seeking to reconstruct a dwelling that will be consistent with what exists on site today while ensuring appropriate scale, massing, detailing, materials

and visual impact, as per the approved Site Plan. Recommendations a) i) – iii) of Report PED21208 set out requirements to ensure that the new structure is constructed in a manner that reduces the overall disruption effects as a result of the proposal. In particular, the applicant is required to:

- Utilize building materials that are compatible with the character of the Hamilton Beach HCD while reinstating wood shiplap siding on the exterior of the reconstructed portion of the building, consistent with what was originally used;
- Restore the existing wrought iron fence around the perimeter of the front yard; and,
- Salvage and reuse the existing leaded glass window in the front gable.

all of which assist in contributing to the overall character of the property within the HCD Plan area.

(3) Conclusions:

Based on the review of the submission documents, Staff are of the opinion that Heritage Permit Application HP2021-044 can be supported as the existing condition of the dwelling is rapidly deteriorating due to the original construction of the building as a summer, seasonal cottage. While demolition and new construction is not a desired outcome for a heritage resource, the supporting documentation clearly indicate a significant concern for the safety on-site, as well as the feasibility for any rehabilitation. Staff are satisfied that the proposal will be in keeping with the character and overall intent of the HCD Plan and therefore recommend that the Heritage Permit application be approved with the outlined recommendations.

ALTERNATIVES FOR CONSIDERATION

(1) Refuse the Heritage Permit Application.

HMHC may advise Council to refuse this application. This is not being recommended.

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

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

(3) Approve the Heritage Permit with No Conditions.

HMHC may advise Council to approve this application with no conditions. This alternative is not recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21208 - Location Map

Appendix “B” to Report PED21208 - By-law No. 00-135

Appendix “C” to Report PED21208 - Structural Engineering Report, prepared by
Hamann Engineering Structural Consultants Ltd.

Appendix “D” to Report PED21208 - Proposed Plans, prepared by WayBack Architects

SK:sd