




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	October 25, 2024
<b>SUBJECT/REPORT NO:</b>	Heritage Permit Application HP2024-023, Under Part V of the <i>Ontario Heritage Act</i> , to Permit the Demolition of the Existing Dwelling and Garage at 940 Beach Boulevard, Hamilton (PED22124(a)) (Ward 5)
<b>WARD AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Dawn Cordeiro (905) 546-2424 Ext. 6145
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Heritage Permit Application HP2024-023, for the demolition of the existing dwelling and detached garage on the Part V designated lands located at 940 Beach Boulevard, Hamilton, under Section 42 of the *Ontario Heritage Act*, be APPROVED with the following condition:
  - (i) That implementation of the demolition of the dwelling and detached garage, in accordance with this approval, shall be completed no later than November 30, 2026. If demolition is not completed by November 30, 2026, then this approval expires as of that date and no demolition shall be undertaken without a new approval issued by the City of Hamilton;
- (b) That appropriate notice of the Council decision on Heritage Permit Application HP2024-023 be served on the owner of 940 Beach Boulevard, Hamilton, and the Ontario Heritage Trust, as required under Section 42 of the *Ontario Heritage Act*.

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**EXECUTIVE SUMMARY**

The subject property, located at 940 Beach Boulevard, Hamilton, is located in the Hamilton Beach Heritage Conservation District and designated under Part V of the *Ontario Heritage Act*. On May 25, 2022, Council approved Heritage Permit Application HP2022-007, to permit the demolition of the existing dwelling and garage on site to facilitate a severance into three parcels and to allow for future residential construction on the property. A Cultural Heritage Impact Assessment was submitted in support of the original Heritage Permit Application HP2022-007 (see Appendix “B” of Report PED22124(a)), which confirmed that the existing twentieth-century structures on the property do not have any heritage value and do not contribute to the character of the Hamilton Beach Heritage Conservation District.

Heritage Permit HP2022-007 expired on April 30, 2024, prior to the demolition of the structures on site. On July 31, 2024, staff received a request to renew the permit after its expiry, which requires new Council approval. The scope of the permit has not changed from the original application and staff remain supportive of the proposal to demolish the buildings on the property, as previously advised by the Heritage Permit Review Subcommittee and the Hamilton Municipal Heritage Committee.

The applicant also applied for consent to sever the property as part of Application B-24:48, which was considered and conditionally approved by the Committee of Adjustment on September 10, 2024. Any proposed new construction following severance of the property would require additional Heritage Permit application(s) and Council approval, in accordance with the *Ontario Heritage Act* and the policies and guidelines for new construction in the Hamilton Beach Heritage Conservation District Plan, to ensure they are compatible and sympathetic to the historic character of the area.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: This Heritage Permit Application has been processed and considered in accordance with Section 42 of the *Ontario Heritage Act* for the demolition of a Part V designated property within the Heritage Conservation District. Section 42 (1) of the *Ontario Heritage Act* requires that an owner obtain a permit from the municipality to demolish or remove a building or structure on

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the property. Council may decide to approve the permit, approve with conditions, or refuse it.

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.

## **HISTORICAL BACKGROUND**

The subject property located at 940 Beach Boulevard, Hamilton (see Appendix “A” attached to Report PED22124(a)) was designated under Part V of the *Ontario Heritage Act* in 2000 as part of the Hamilton Beach Heritage Conservation District by By-law No. 00-135. The Hamilton Beach District 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 District 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.

As identified in the property history included in the Cultural Heritage Impact Assessment attached as Appendix “B” to Report PED22124(a), the existing dwelling located on the property was constructed prior to 1954 and the garage after 1967. Previously the “Heath Cottage,” a single-storey frame dwelling with a wrap-around porch and single-storey accessory structure, was located on the northern half of the property, however, the Heath Cottage was removed prior to the construction of the current dwelling, a mid-century vernacular bungalow constructed of red brick on a concrete foundation with a small rear addition. Cut stone cladding is included on the east (front) elevation. The detached garage is also constructed of red brick with cut stone cladding on the east (front) elevation.

On May 25, 2022, Council approved Heritage Permit Application HP2022-007, to permit the demolition of the existing dwelling and garage on site to facilitate a severance into three parcels and to allow for future residential construction on the property. A Cultural Heritage Impact Assessment was submitted in support of the original Heritage Permit Application HP2022-007 (see Appendix “B” attached to Report PED22124(a)), which confirmed that the existing twentieth-century structures on the property do not have any heritage value and do not contribute to the character of the Hamilton Beach Heritage Conservation District. The Heritage Permit Review Subcommittee and the Hamilton Municipal Heritage Committee were consulted and recommended approval of the previous application at their meetings on April 19, 2022, and May 13, 2022, respectively.

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Heritage Permit HP2022-007 expired on April 30, 2024, prior to the demolition of the structures on site. On July 31, 2024, staff received a request to renew the permit after its expiry, which requires new Council approval. The scope of the permit has not changed from the original application and staff remain supportive of the proposal to demolish the buildings on the property, as previously advised by the Heritage Permit Review Subcommittee and the Hamilton Municipal Heritage Committee.

On September 10, 2024, the Committee of Adjustment considered Application B-24:48 to sever the subject property into three parcels. The application was approved with conditions, including a condition to obtain heritage permit approval to demolish.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendations of this Report are consistent with Provincial and Municipal legislation, policy, and direction, including:

- *Protected heritage property*, which may contain *built heritage resources* or *cultural heritage landscapes*, shall be *conserved*. (Provincial Planning Statement, 2024, Sub-section 4.6.1);
- Conserving the character of areas of cultural heritage significance, including designated heritage conservation districts (Urban Hamilton Official Plan, Volume 1, Chapter B.3.4.2.1(h)); and,
- Managing change in the Hamilton Beach Heritage Conservation District in accordance with the District Plan (By-law No. 00-135).

### **RELEVANT CONSULTATION**

- Property Owner;
- Heritage Permit Review Subcommittee;
- Hamilton Municipal Heritage Committee; and,

The Ward Councillor (Councillor Francis) for Ward 5 has been advised that this matter was to be considered by the Hamilton Municipal Heritage Staff and has been provided an overview of the Heritage Permit application and recommendation for approval.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The subject Heritage Permit Application HP2024-023 is seeking approval to renew a previously approved and expired permit HP2022-007, to demolish the existing dwelling and detached garage on the Part V designated property located at 940 Beach Boulevard, Hamilton, in the Hamilton Beach Heritage Conservation District.

The proposed demolition is required to facilitate a severance of the property into three

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parcels for new residential construction. In support of the application, the following documents were submitted:

- Completed Heritage Permit Application form requesting renewal of previously approved Heritage Permit HP2022-007;
- Cultural Heritage Impact Assessment, prepared by LHC Heritage Planning and Archaeology (March 2022), attached as Appendix “B” to Report PED22124(a); and,
- Committee of Adjustment Application and Notice of Public Hearing for B-24:48.

The scope of the new application HP2024-023 is the same as the previously submitted and Council-approved permit HP2022-007, and staff’s analysis and recommendation remains the same, as outlined in Report PED22124.

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 Hamilton Beach Heritage Conservation District Plan, while taking into account the recommendations of the supporting documentation.

As part of the supporting documentation, the Cultural Heritage Impact Assessment provided a property history, evaluation in accordance with Ontario Regulation 9/06 of the *Ontario Heritage Act*, and assessment of existing conditions of the property, including images of the pre-1954 dwelling (which is not the original Heath Cottage), post-1967 garage and streetscape. The Cultural Heritage Impact Assessment noted that the structures on the property are not contributing heritage buildings within the Beach Boulevard streetscape, which staff concur with. As such, the demolition of the existing structures would not result in displacement effects since valued heritage features are not being removed.

Minimal disruption effects are expected to the overall heritage context of the Hamilton Beach District as the applicant is seeking to construct three new dwellings. Any proposed new construction following severance of the property would require additional Heritage Permit application(s) and Council approval, in accordance with the *Ontario Heritage Act* and the policies and guidelines for new construction in the Hamilton Beach Heritage Conservation District Plan, to ensure they are compatible and sympathetic to the historic character of the area. As noted in the Cultural Heritage Impact Assessment, the designs for new construction should be reviewed for compliance early in the process. However, the design of the new dwellings is beyond the scope of this Heritage Permit Application to demolish the existing dwelling and garage on site.

Therefore, staff are supportive of the application as proposed because of the absence

of displacement effects and minimal disruption effects as a result of the proposed work.

## **ALTERNATIVES FOR CONSIDERATION**

### **1. Deny the Heritage Permit Application**

Hamilton Municipal Heritage Committee may advise Council to deny this application in its entirety. This is not being recommended by staff as the proposed buildings to be demolished do not have any identified heritage value contributing to the Hamilton Beach Heritage Conservation District.

### **2. Approve the Heritage Permit Application with additional or amended conditions.**

Hamilton Municipal Heritage Committee may advise Council to approve this application with additional or amended conditions of approval, as appropriate. This is not being recommended as staff feel that the Heritage Permit standard condition for expiry is sufficient and in line with the previous advice provided by the Heritage Permit Review Subcommittee and Hamilton Municipal Heritage Committee during their review of the previous application.

### **3. Approve the Heritage Permit Application with no conditions.**

Hamilton Municipal Heritage Committee may advise Council to approve this application with no conditions. This alternative is not recommended, as a standard permit expiry condition ensures that, if the permit is not acted on in a reasonable amount of time, the approval expires and new approval is required prior to implementation of the proposed scope of work.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22124(a) - Location Map

Appendix “B” to Report PED22124(a) - Cultural Heritage Impact Assessment

DC:mb