



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 5
COMMITTEE DATE: April 17, 2012	
SUBJECT/REPORT NO: Heritage Permit Application HP2012-010 Under Part V of the <u>Ontario Heritage Act</u> for Erection of Structures at 870 Beach Boulevard (Hamilton) (PED12061) (Ward 5)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Meghan House (905) 546-2424, Ext. 1202
SIGNATURE:	

RECOMMENDATION:

That Heritage Permit Application HP2012-010 be approved for the erection of a new single detached residence, and attached garage, on the designated property at 870 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED12061, subject to the following conditions:

- (a) That the front and side façades of the new house shall be pre-finished wood or engineered wood cladding.
- (b) That final elevation drawings showing the material, composition, brand, style, model, colour, and/or any other descriptive attributes for the proposed construction materials, including the building cladding, trim, roofing, windows, doors, porch columns and railings, soffits and eaves, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (c) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55mm and 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.

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- (d) 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.
- (e) 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.
- (f) That any minor changes to the site plan or building 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.
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 30, 2014. If the construction and site alterations are not completed by April 30, 2014, 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. The applicant is applying for the erection of a new single detached residence and an attached garage on a vacant lot. This application is being supported, subject to conditions related to the protection of existing trees and/or planting new trees, and the provision of revised final drawings showing the construction materials, 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 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial - None.

Staffing - None.

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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.

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 an attached one-storey garage with loft to the rear (the plans and 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 22, 2012. The Sub-committee supported the proposed site plan and the design of the new house, in principle, subject to changes to the cladding materials and additional details regarding the proposed roofing, the materials for the porch and front door, and the height of the roof. These changes and details have been received, in writing, by staff and circulated to the Heritage Permit Review Sub-committee by email, and the Sub-committee was satisfied with the revisions. The submitted elevation drawings have not been updated to reflect these changes. Staff recommends that updated drawings be required as a condition of any Heritage Permit approval (Recommendation (b)).

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At its meeting on March 15, 2012, the Hamilton Municipal Heritage Committee affirmed this recommendation, and advised conditional approval of the application.

POLICY IMPLICATIONS

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);

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- 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 (i.e. avoid large, full-length, multi-storey, or picture windows) are appropriate;
- 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.

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 22, 2012, the Heritage Permit Review Sub-committee of the HMHC considered this application, together with comments from staff and the applicant. In principle, the Sub-committee supported the proposed lot layout and the design of the new house. However, the Sub-committee requested that the cladding materials be changed from vinyl siding to pre-finished wood or engineered wood siding on the front and sides of the house, that further details regarding the colour and profile of the proposed metal roofing be provided, that the roof height be revised to meet the Zoning By-law provisions, and that the porch columns and railings be painted wood instead of vinyl-clad wood. These changes and details have been agreed to by the applicant and received by staff, in writing. A description of the revisions was circulated to the Heritage Permit Review Sub-committee by email, and the Sub-committee was satisfied with the revisions. The Hamilton Municipal Heritage Committee affirmed this recommendation at its meeting on March 15, 2012, and advised conditional 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).

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Displacement: The existing lot is currently vacant with trees and shrubs to the rear of the lot. These trees and shrubs are primarily non-native and invasive species; however, the existing trees screen the Skyway and contribute to the landscape character of the area. Most of the existing trees will be displaced by the proposed grading and new construction. Staff recommends that a Tree Management Plan, or similar plan, depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted and reviewed as a condition of any Heritage Permit approval to ensure retention of some of the existing trees and/or appropriate planting of new trees (see Recommendations (c) and (d)).

Disruption: The new construction will impact the Beach Boulevard streetscape and the character of the Hamilton Beach HCD. However, 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 width, massing, and setbacks. The design of the new dwelling does not replicate a historical style, but incorporates sympathetic features, such as a gable roof, a front entrance porch, vertically-oriented windows, and a rear garage.

The applicant originally proposed pre-finished wood or engineered wood cladding on the front of the house and vinyl cladding on the side and rear elevations, as shown on the attached elevation drawings. Following discussions with staff and the Heritage Permit Review Sub-committee, the applicant has proposed to use pre-finished wood or engineered wood cladding on the house and garage, with pre-finished wood or engineered wood shingles in the gable ends (Recommendation (a)). The applicant originally proposed metal shingles, but has revised the application to include asphalt shingles. The applicant has not determined the final cladding product or submitted revised elevation drawings; therefore, staff recommends that revised drawings showing the revised cladding and roofing materials be required as a condition of any approval (Recommendation (b)). The porch columns and railings will be constructed of painted wood, the front door will be wood, and the windows will be double-hung vinyl sashes with pre-finished wood or engineered wood trim.

The Zoning By-law permits a maximum building height of 9 metres (29'-6"), and the height of the proposed house, as shown on the submitted drawings, is 31'-0". However, the applicant has agreed to redesign the roof slopes to reduce the roof height to comply with the By-law. The drawings have not been revised to reflect this change, and staff recommends that the drawings be revised as a condition of any approval (Recommendation (b)).

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The applicant has indicated that they may wish to erect fencing on the property, but they have not determined the location, design and materials. Therefore, staff recommends that the fencing location, design, and materials be submitted for staff review and approval (Recommendation (e)). In addition, the grading and drainage of the site will be reviewed through Site Plan Control, and minor amendments to the grading and side yard setbacks may be required. Accordingly, it is recommended that staff be authorized to approve minor amendments to the plans and elevations (Recommendation (f)).

It is also recommended that the Heritage Permit have an expiry date of April 30, 2014 (Recommendation (g)). An expiry date of two years after approval is standard on all approved Heritage Permits, and the April 30, 2014, date will reflect the expected end date of the new construction.

Staff recommends conditional approval of Heritage Permit Application HP2011-038, 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.

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.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative, and Respectful Organization

- ◆ A culture of excellence.
- ◆ Council and SMT are recognized for their leadership and integrity.
- ◆ Staff Comment: The approval of the recommendations of this Report demonstrates Council's commitment to the Council-approved Hamilton Beach Heritage Conservation District - Guidelines for Conservation and Change, and to the City's Official Plan policies.

Financial Sustainability

- ◆ Generate assessment growth/non-tax revenues.
- ◆ Staff Comment: The approval of the recommendations of this Report will permit new construction on an existing vacant lot and will increase the property's assessed value. The existing lot is located in an area that is already serviced by municipal infrastructure.

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.
- ◆ Staff Comment: 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.

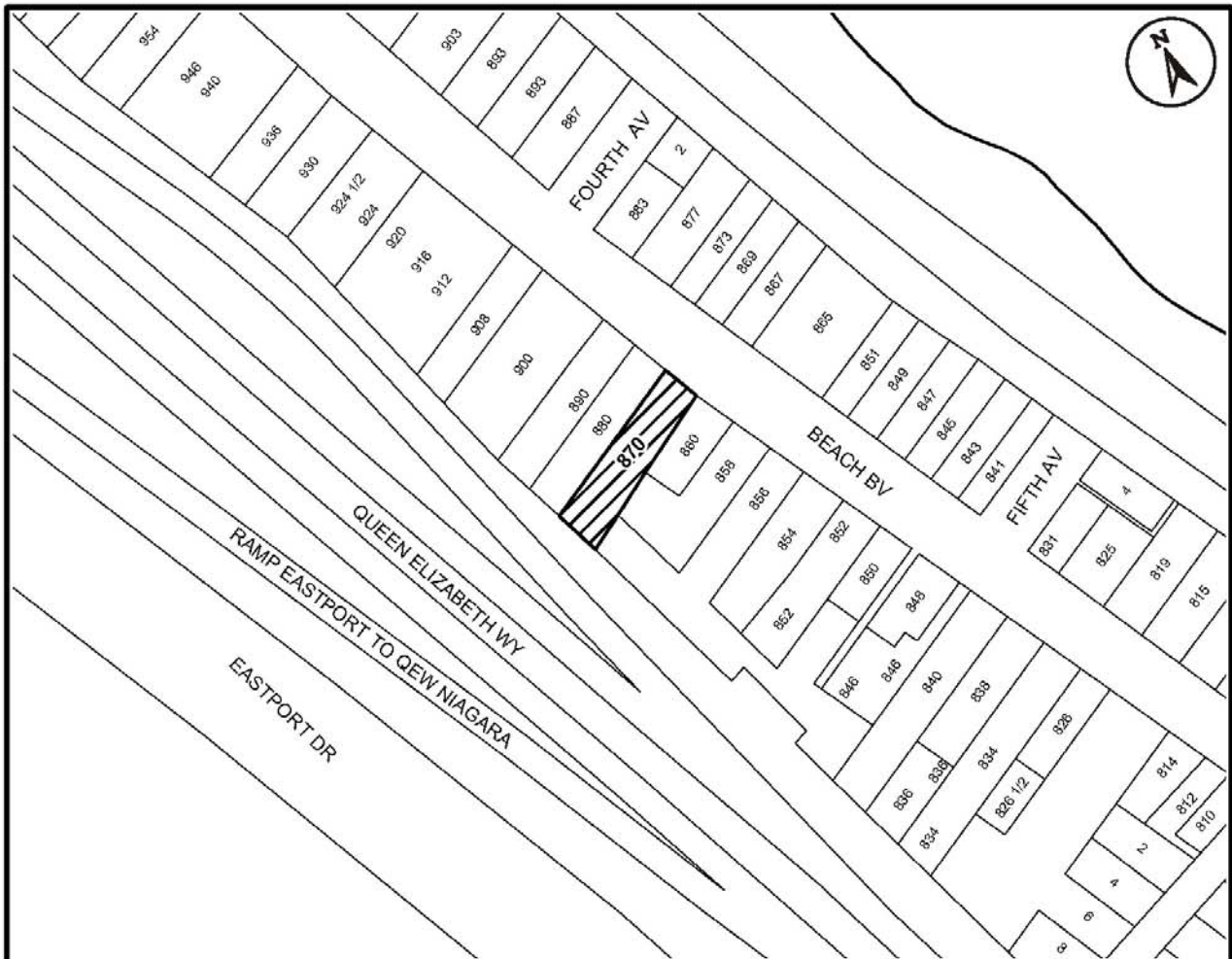
Healthy Community

- ◆ Plan and manage the built environment.
- ◆ Staff Comment: The proposed new construction will conserve and enhance the character of an existing neighbourhood.

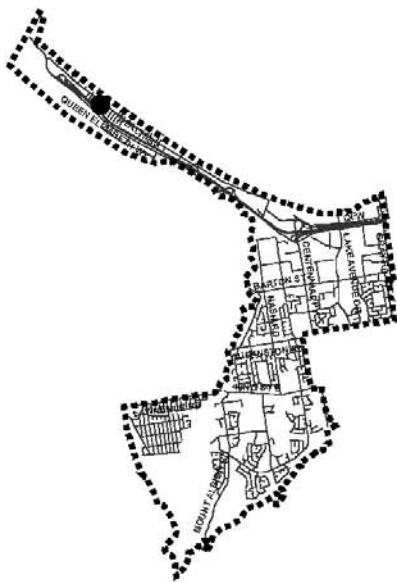
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Photographs of the Existing Lot
- Appendix "C": Plans and Elevations for the Proposed New Construction


:MH - Attachs. (3)



● Site of the Application



Ward 5 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2012-010

Date:
March 7, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MH/AL

Subject Property



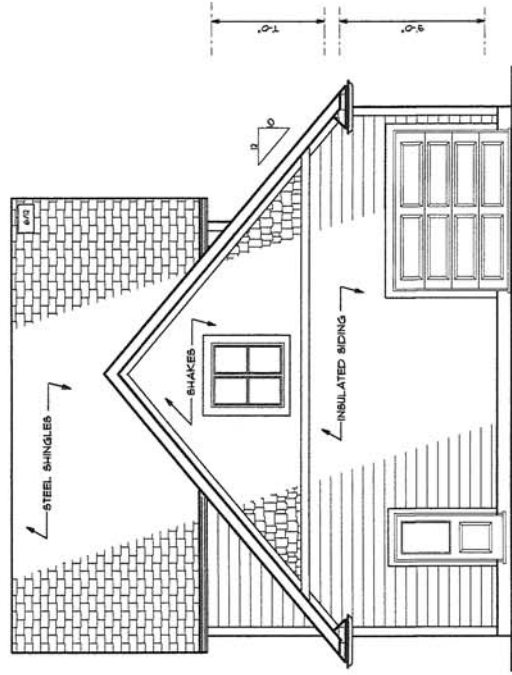
870 Beach Boulevard



870 Beach Boulevard – vacant lot

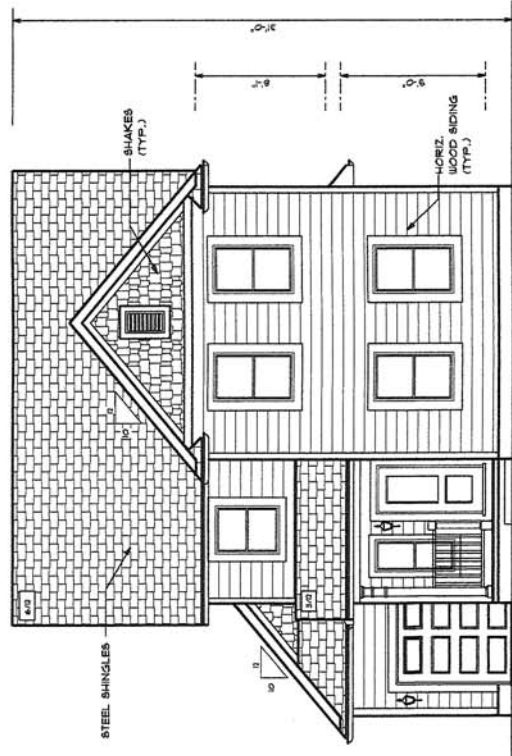


View of the streetscape from the north – three contiguous vacant lots, including 870 Beach Boulevard



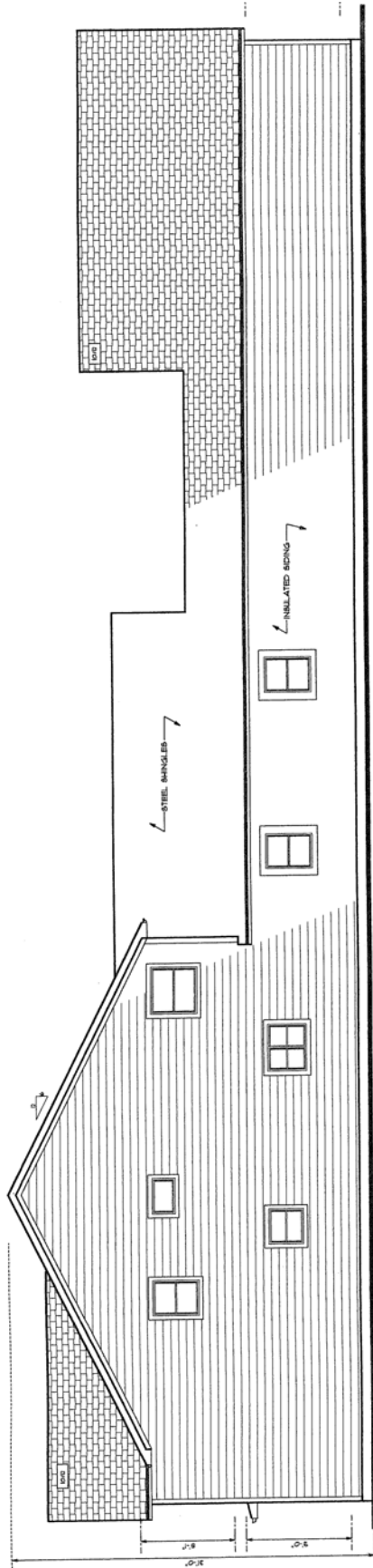
REAR ELEVATION D
SCALE: 1/8" = 1'-0"

Rear (West) Elevation

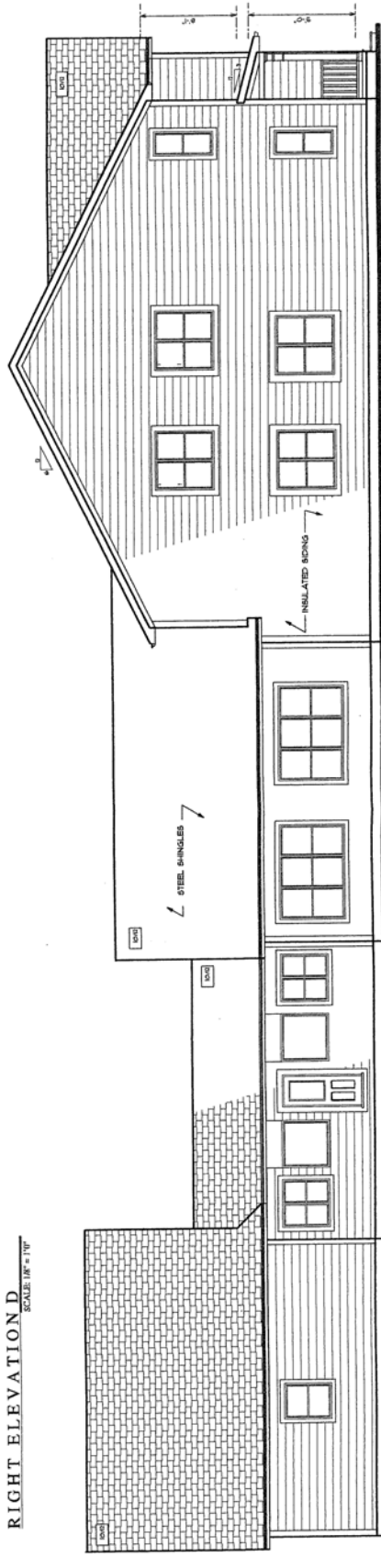


FRONT ELEVATION D
SCALE: 1/8" = 1'-0"

Front (East) Elevation

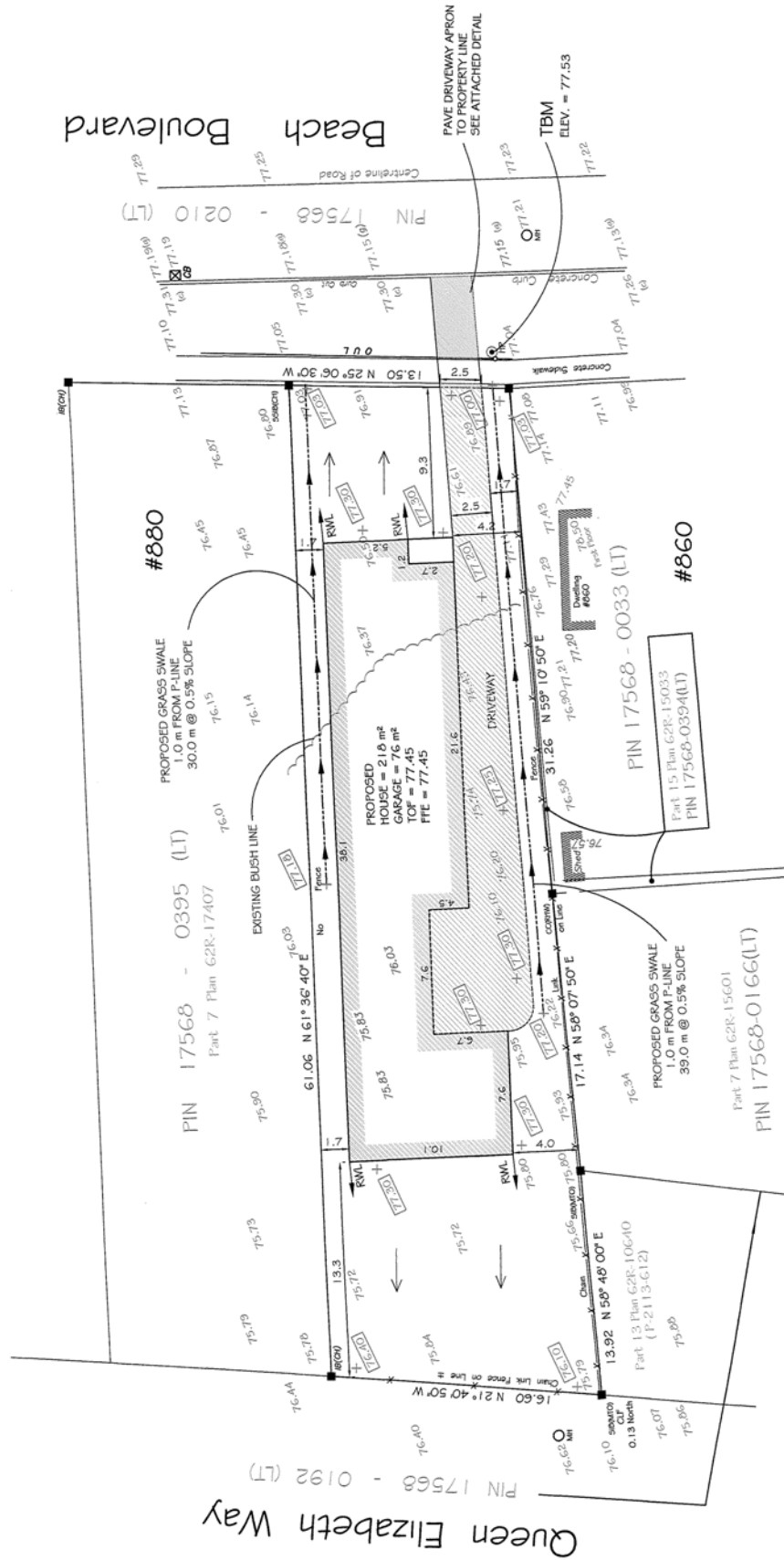


RIGHT ELEVATION D
SCALE: 1/8" = 1'-0"



LEFT ELEVATION D
SCALE: 1/8" = 1'-0"

Side Elevations



Site Plan