



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD AFFECTED:</b> WARD 5
<b>COMMITTEE DATE:</b> June 19, 2012	
<b>SUBJECT/REPORT NO:</b> Heritage Permit Application HP2012-011 Under Part V of the <u>Ontario Heritage Act</u> for Erection of Structures at 880 Beach Boulevard (Hamilton) (PED12109) (Ward 5)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Joseph Muller (905) 546-2424, Ext. 1214 Andrea Mikkila (905) 546-2424, Ext. 7163
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

That Heritage Permit Application HP2012-011, be approved for the erection of a new single detached dwelling, and detached garage, on the designated property at 880 Beach Boulevard (Hamilton Beach Heritage Conservation District), (Hamilton), as shown on Appendix "A" To Report PED12109, subject to the following conditions:

- (a) That the front and side façades of the new house shall be 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, lighting and hardware, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.

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- (c) That as many existing trees as possible shall be retained and that 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.
- (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 June 30, 2014. If the construction and site alterations are not completed by June 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 880 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 and a detached garage on a vacant lot (see Appendix "C"). This application is considered to be worthy of support, in principle, subject to conditions related to grading and landscaping and the detailed review of the proposed construction materials. Construction on the subject property is also subject to site plan control under the Planning Act, and the proposed lot layout and building design may require a successful application to the Committee of Adjustment for minor variances.

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 6.*

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

**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.

**HISTORICAL BACKGROUND**

The subject property at 880 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 at the front and rear of the lot (photographs of the existing lot are 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 to the rear (the plans and elevations for the proposed new construction are attached as Appendix "C").

**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 are consistent with this policy.

### **Urban Hamilton Official Plan**

Volume 1, Section 3.4 - Cultural Heritage Resources Policies of the Council adopted (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)). 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 are consistent with 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) specifies that new construction be compatible with the character of adjoining properties and the streetscape. However, new construction should also avoid replication of historical styles, and be of modern design sympathetic to 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 (that is, 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,

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- 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 incomplete application, together with comments from staff and the applicant. The Sub-committee supported the proposed site plan and the design of the new house in principle. However, the Sub-committee requested confirmation that the cladding materials were engineered wood siding on the front and sides of the house, and that the roof height be revised to meet the Zoning By-law provisions. These changes and details have been agreed to by the applicant and received by staff as a complete application on March 30, 2012. A description of the revisions was circulated to the Heritage Permit Review Sub-committee by email, and the consensus was a recommendation for conditional approval of the application.

At its meeting on May 17, 2012, the Hamilton Municipal Heritage Committee affirmed this recommendation, 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).

Displacement: The existing lot is currently vacant with trees at the front and rear of the lot. These trees 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,

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such as a gable roof, a front entrance porch, vertically oriented windows, and a rear garage.

Following discussions with staff and the Heritage Permit Review Sub-committee, the applicant has proposed to use engineered wood cladding on the house and garage, with engineered wood shingles in the gable ends (Recommendation (a)). Roofing will be asphalt shingles. The porch columns and railings will be constructed of wood, and comprising engineered wood. Details have not yet been finalized with respect to the door or window materials and additional hardware such as exterior lighting and hardware (Recommendation (b)).

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 has an expiry date of June 30, 2014 (Recommendation (g)). An expiry date of two years after approval is standard on all approved Heritage Permits, and the June 30, 2014 date will reflect the expected end date of the new construction.

Accordingly, staff recommends conditional approval of Heritage Permit Application HP2012-011, as per the recommendations of this Report.

Construction on the subject property is also subject to site plan control under the Planning Act, and the proposed lot layout and building design may require a successful application to the Committee of Adjustment for minor variances.

#### **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.

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**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 the review by staff 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

**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.

**Environmental Stewardship**

- ◆ Reduced impact of City activities on the environment.
- ◆ Staff Comment: The approval of the recommendations of this Report will permit new construction on an existing vacant lot that is already serviced by municipal infrastructure.

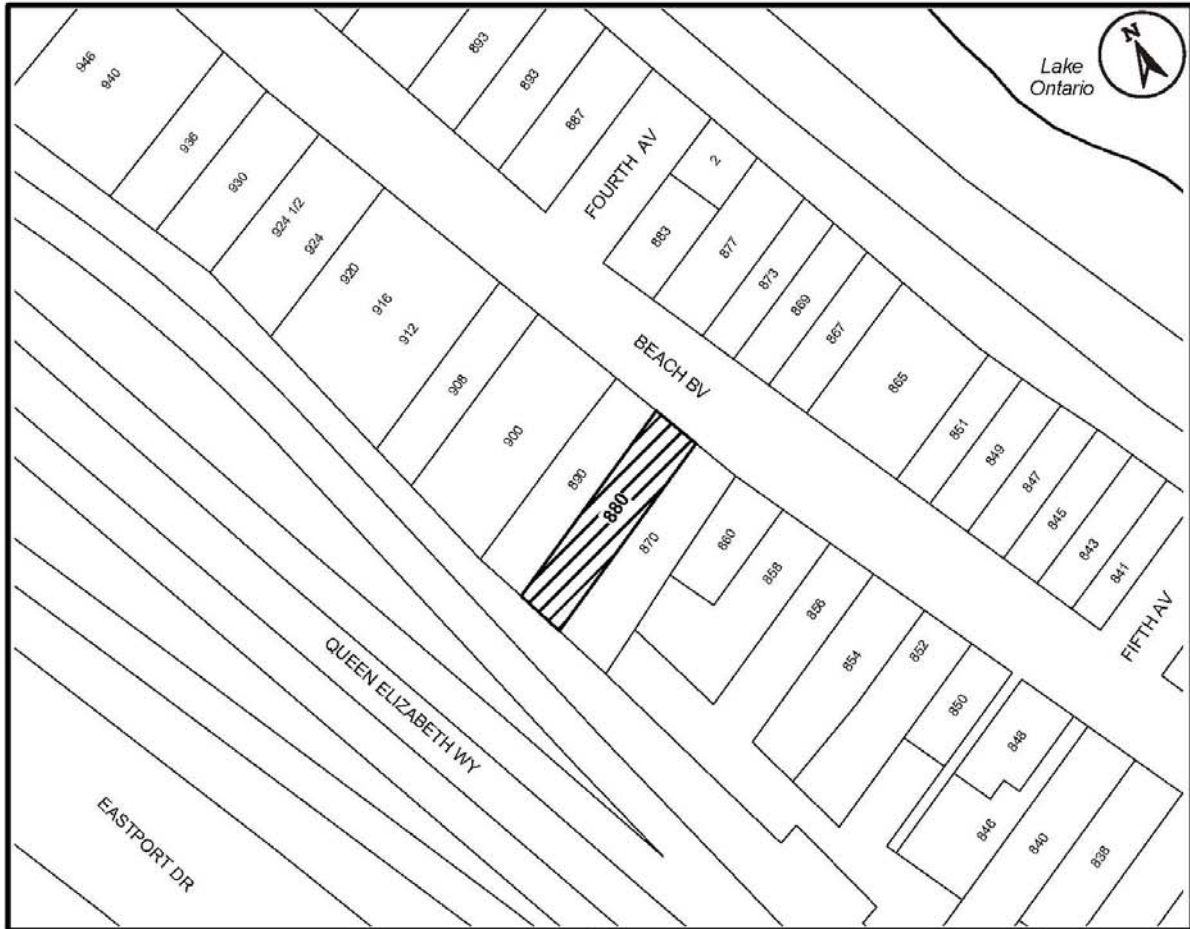
**Healthy Community**

- ◆ 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

:JPM  
Attachs. (3)



● Site of the Application



Ward 5 Key Map

N.T.S.



## Location Map



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
880BeachBlvd

Date:  
February 14, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JM/KA

### Subject Property



880 Beach Boulevard

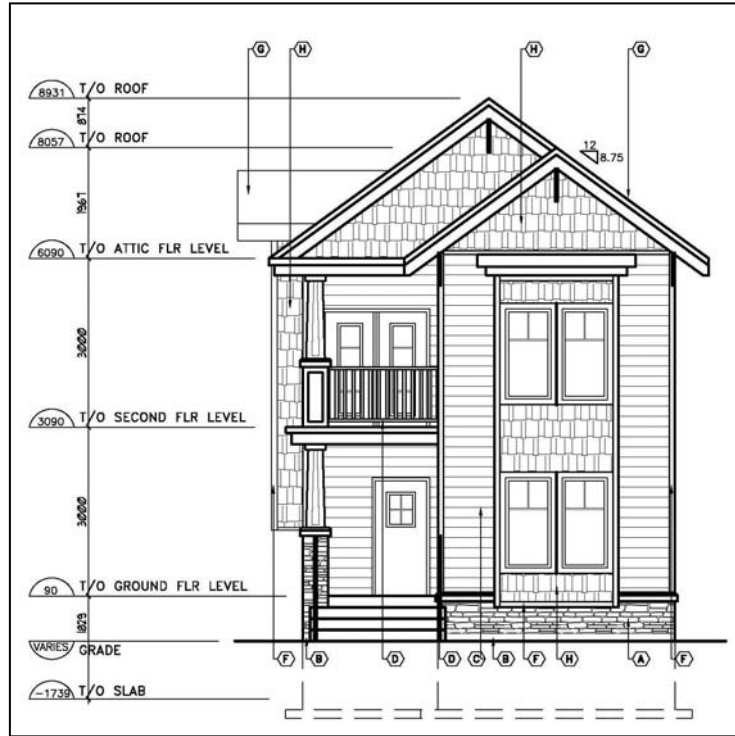




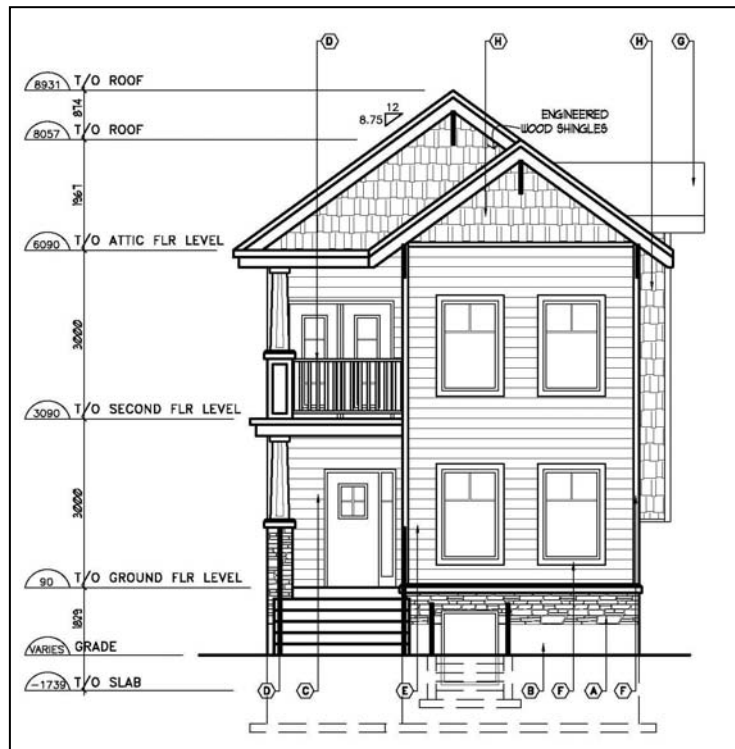
880 Beach Boulevard- Vacant Lot



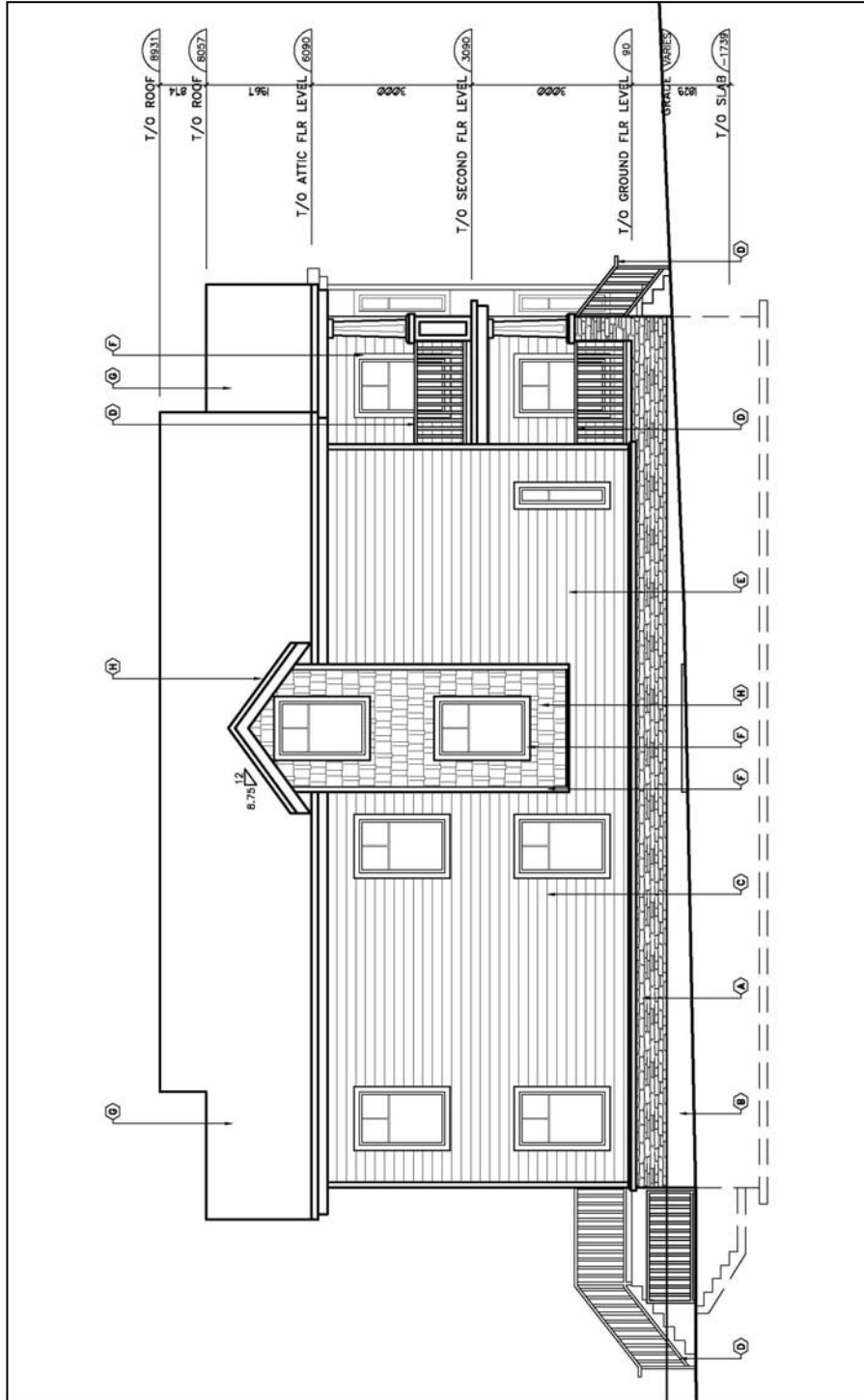
View of the streetscape from the north – three contiguous vacant lots, including 880 Beach Boulevard



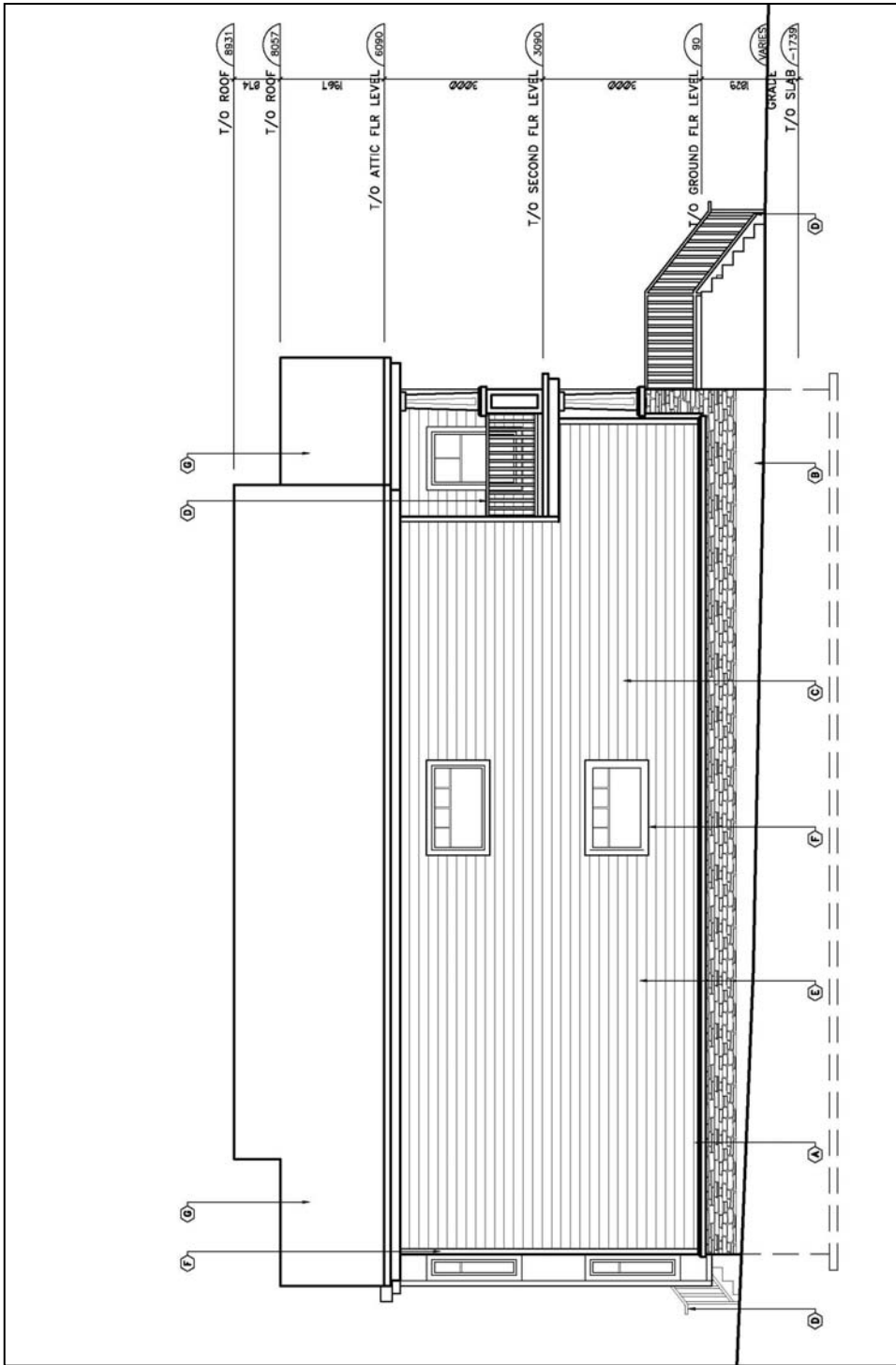
Front (East) Elevation



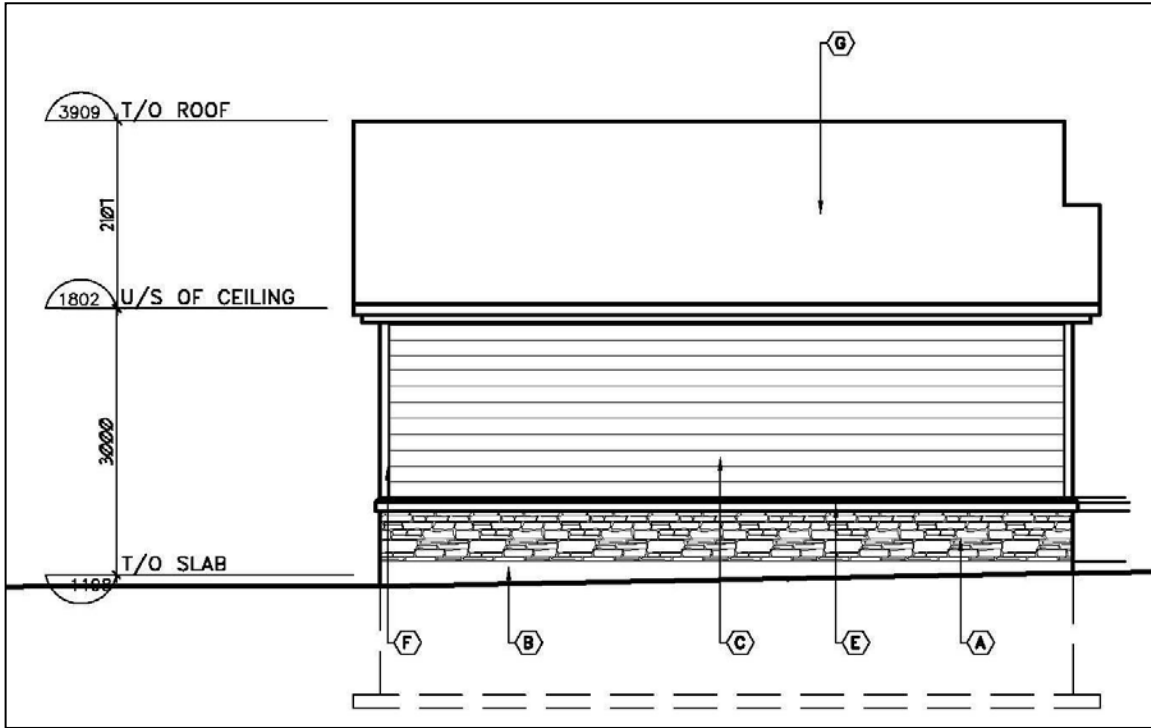
Rear (West) Elevation



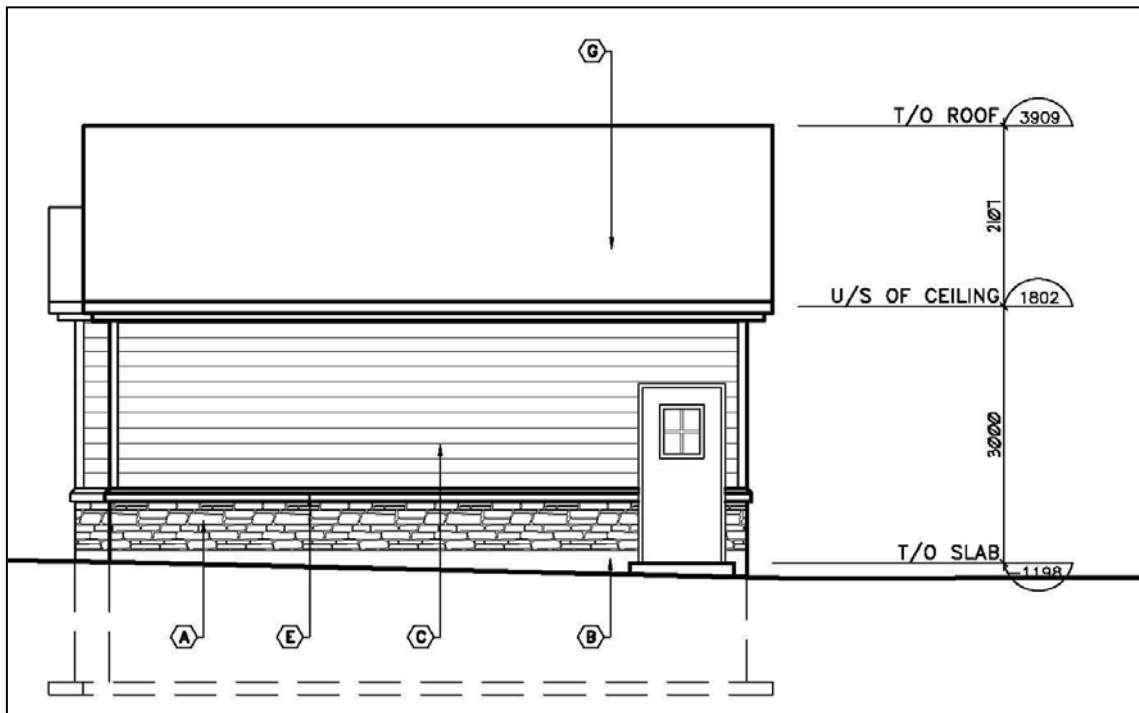
Side (South) Elevation



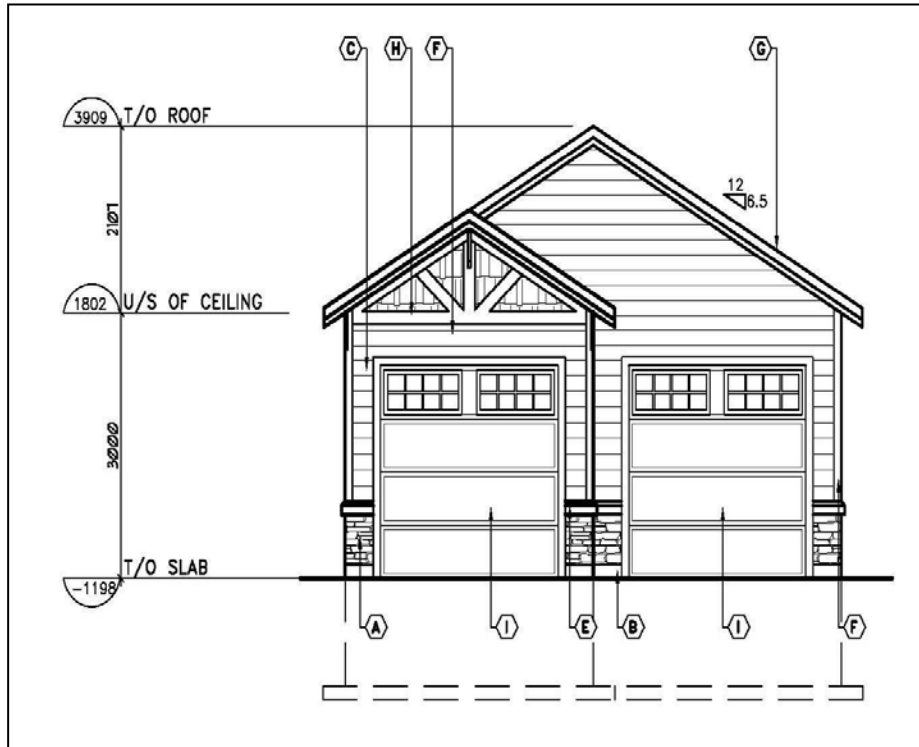
Side (North) Elevation



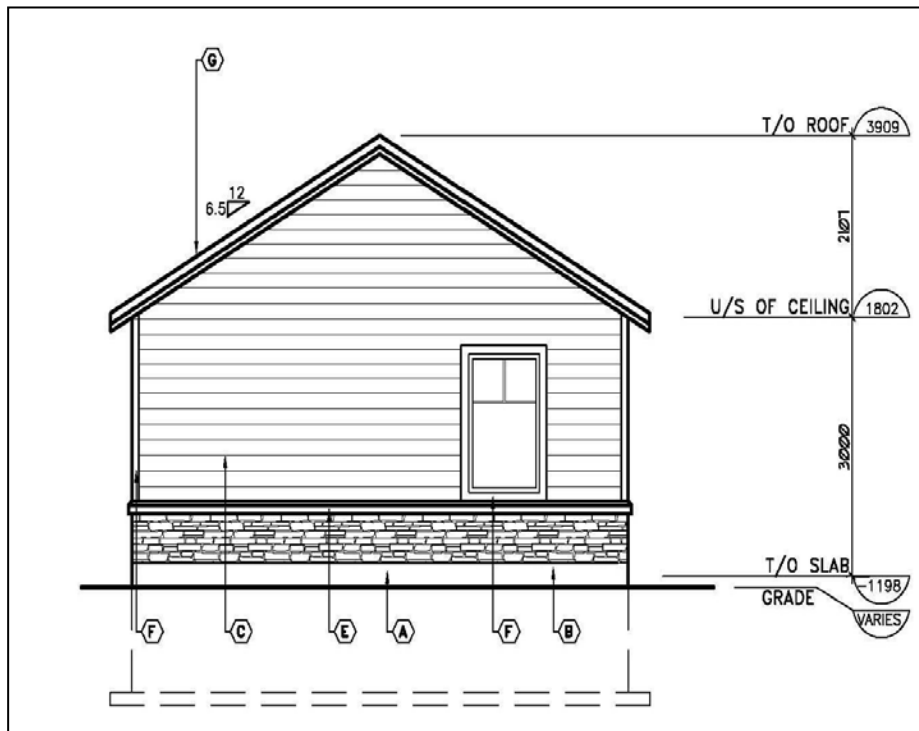
Garage South Elevation



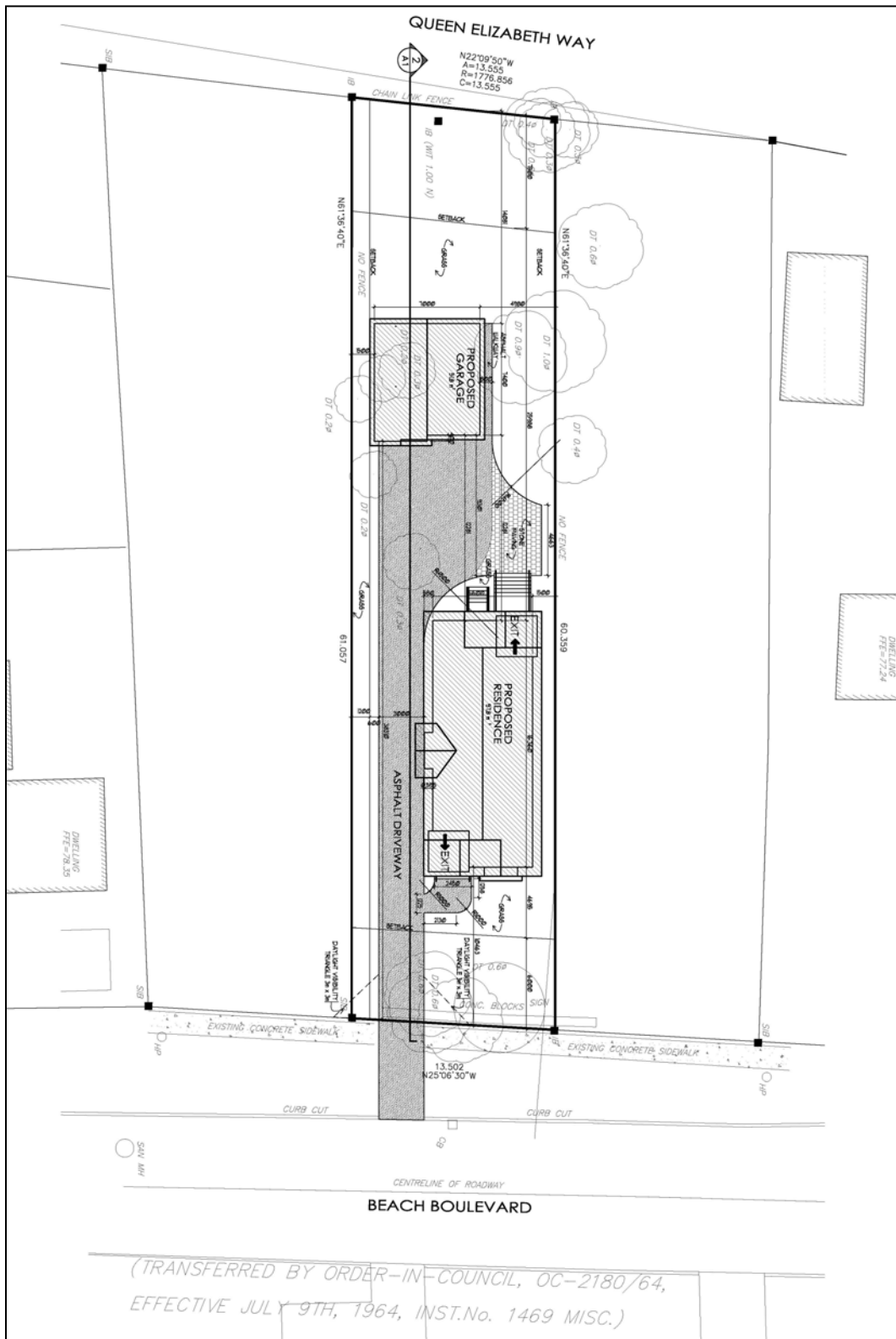
Garage North Elevation



Garage East Elevation



Garage West Elevation



Site Plan