



## 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> October 16, 2012	
<b>SUBJECT/REPORT NO:</b> Heritage Permit Application HP2012-047 Under Part V of the <u>Ontario Heritage Act</u> for Erection of a New Single Detached Residence and Detached Garage at 912 Beach Boulevard (Hamilton) (PED12185) (Ward 5)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Meghan House (905) 546-2424 Ext. 1202
<b>SIGNATURE:</b>	

#### RECOMMENDATION:

That Heritage Permit Application HP2012-047 be approved for erection of a new single detached residence and detached garage at 912 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

- (a) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55 mm, 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.
- (b) 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 the Manager of Development Planning, prior to any grading or tree removals.
- (c) That the design and materials for the proposed porch, frieze board and trim, and the doors and windows on the front and side elevations shall be submitted, to the satisfaction and approval of Heritage Planning staff, prior to submission as part of any application for a Building Permit.

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- (d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Heritage Planning staff, prior to submission as part of any application for a Building Permit.
- (e) That construction and site alterations, in accordance with this approval, shall be completed no later than September 30, 2014. If the construction and site alterations are not completed by September 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 912 Beach Boulevard (Hamilton), is designated as part of the Hamilton Beach Heritage Conservation District under Part V of the Ontario Heritage Act (see 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 detached garage on a vacant lot. This application is being supported, subject to conditions regarding the protection of existing trees and/or planting new trees, and the submission of details regarding the design and materials for the doors and windows on the front and side elevations. The Heritage Permit Review Sub-committee and the Hamilton Municipal Heritage Committee have reviewed this application, and have advised conditional approval of the application. Construction on the subject property is also subject to Site Plan Control under the Planning Act.

*Alternatives for Consideration - See Page 6.*

**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.

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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 912 Beach Boulevard (Hamilton) (see 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 throughout 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 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 August 22, 2012. The Sub-committee supported the proposed site plan and design of the new house. At its meeting on September 20, 2012, the Hamilton Municipal Heritage Committee 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

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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 pre-1900 houses (to a setback similar to those for the post-1900 buildings);
- Suitable construction is frame with horizontal façades 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.

On August 22, 2012, the Heritage Permit Review Sub-committee reviewed the subject application and advised that the application be conditionally approved. The Hamilton Municipal Heritage Committee reviewed the application at its meeting on September 20, 2012, and advised that the application be approved, subject to the conditions in the staff recommendation.

## **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 and shrubs through the property. 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 (a) and (b)).

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 stucco cladding, gable roof, a front entrance porch, vertically-oriented windows, and a rear garage.

The property to the south of the subject property comprises a recently constructed two storey house and detached garage, and the property to the north is a vacant lot. The proposed new dwelling has a front yard setback that is consistent with the new construction to the south and the existing house to the north side of the adjacent vacant lots.

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The house is proposed to be clad with stucco, and the garage is proposed to be clad with vinyl siding. The details and materials for the porch, the frieze board and trim, and the doors and windows have not been submitted, and staff is recommending that the submission of these details be a condition of any approval (see Recommendation (c)).

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 (see Recommendation (d)).

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

Staff recommends conditional approval of Heritage Permit Application HP2012-047, as per the recommendations of this Report.

Construction on the subject property is also subject to Site Plan Control under the Planning Act.

<b>ALTERNATIVES FOR CONSIDERATION:</b>
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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 alternative 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.

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**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.

**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.

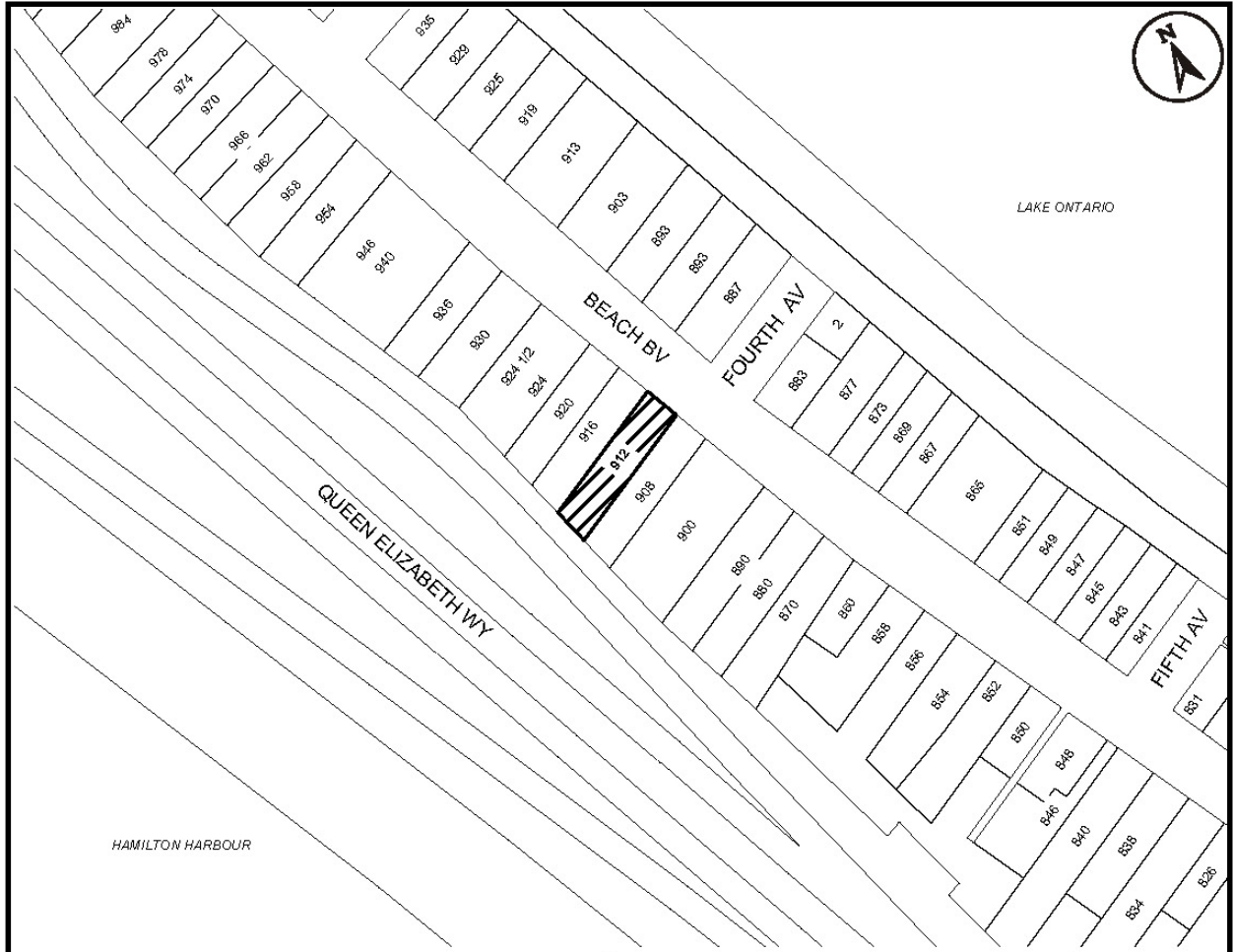
**Healthy Community**

- ◆ Plan and manage the built environment.
- ◆ Staff Comment: The approval of the recommendations of this Report will conserve and enhance the character of an existing neighbourhood.

**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Photograph of the Existing Vacant 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:  
HP2012-047

Date:  
August 23, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JM/NB

**Subject Property**

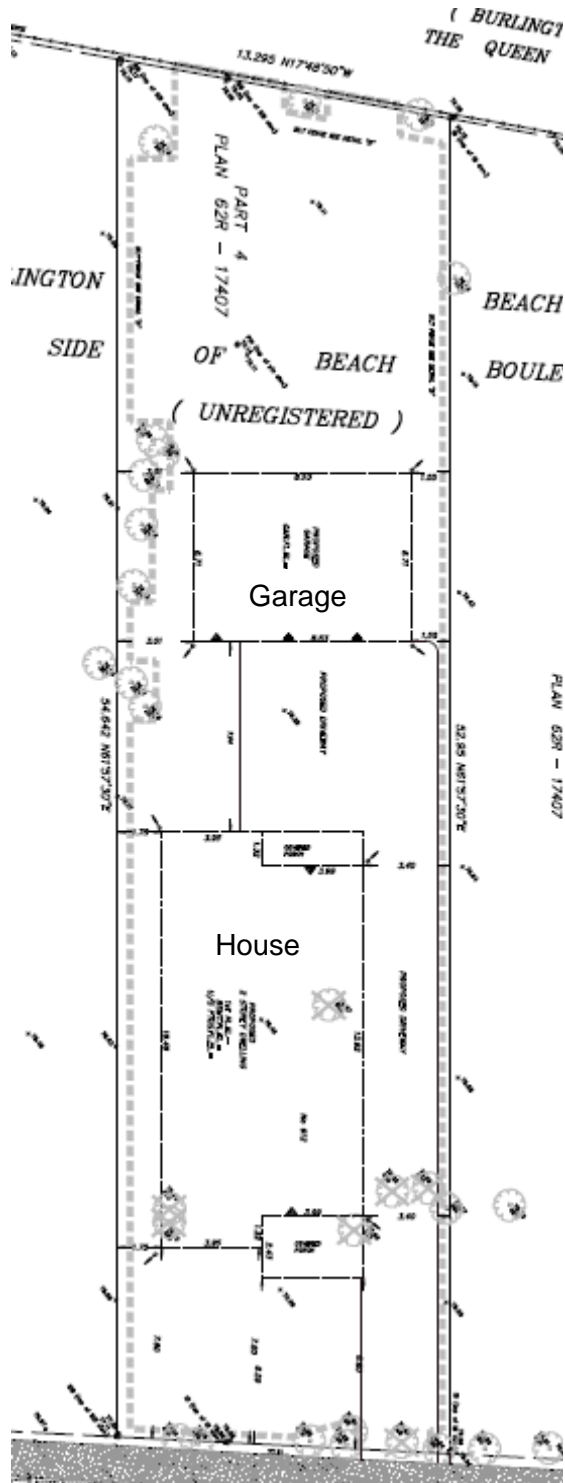


912 Beach Boulevard

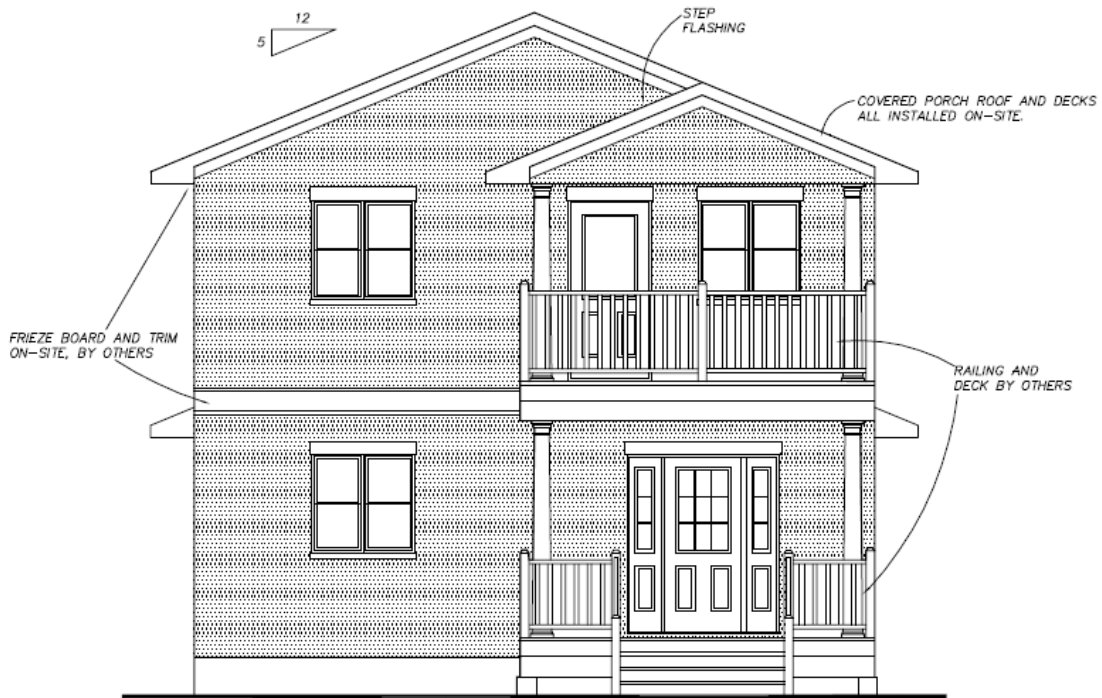




Photograph of the Existing Vacant Lot



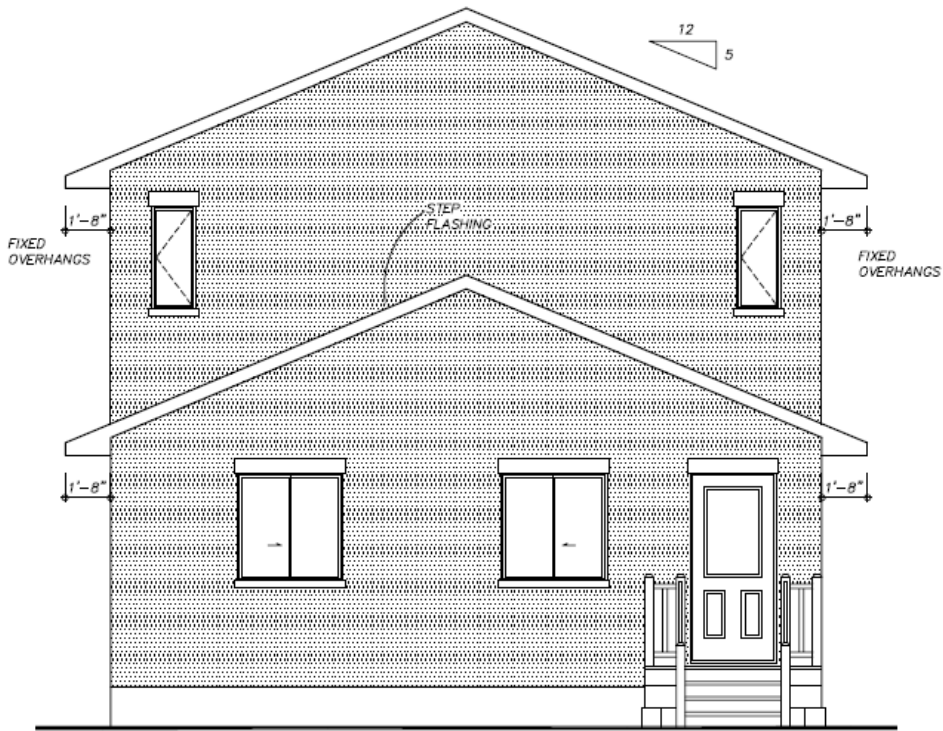
Proposed Site Plan



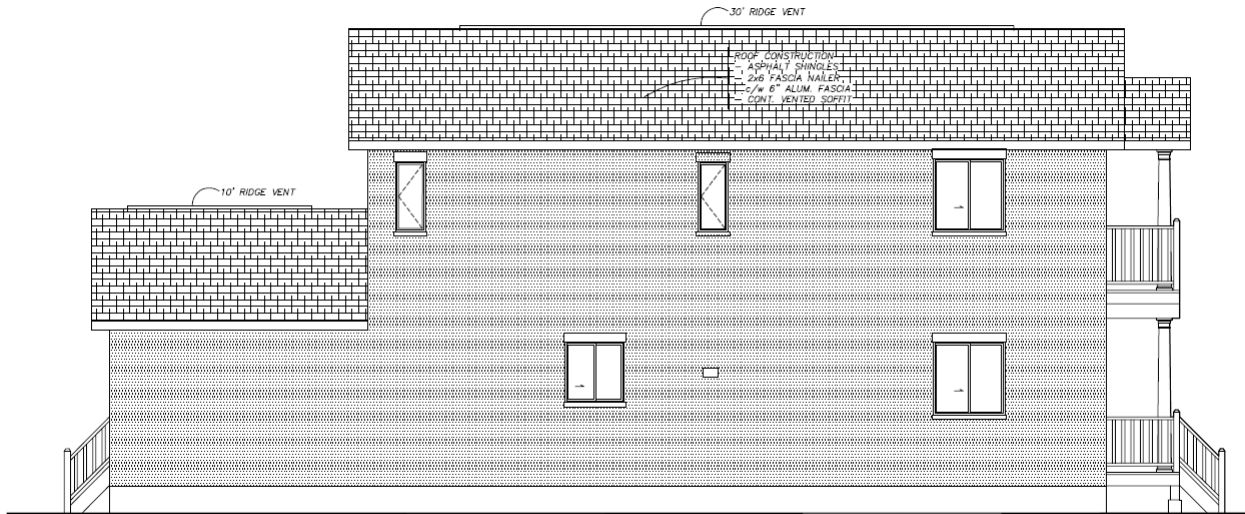
**FRONT ELEVATION**

NOTES:  
1. STUCCO CLADDING BY OTHERS

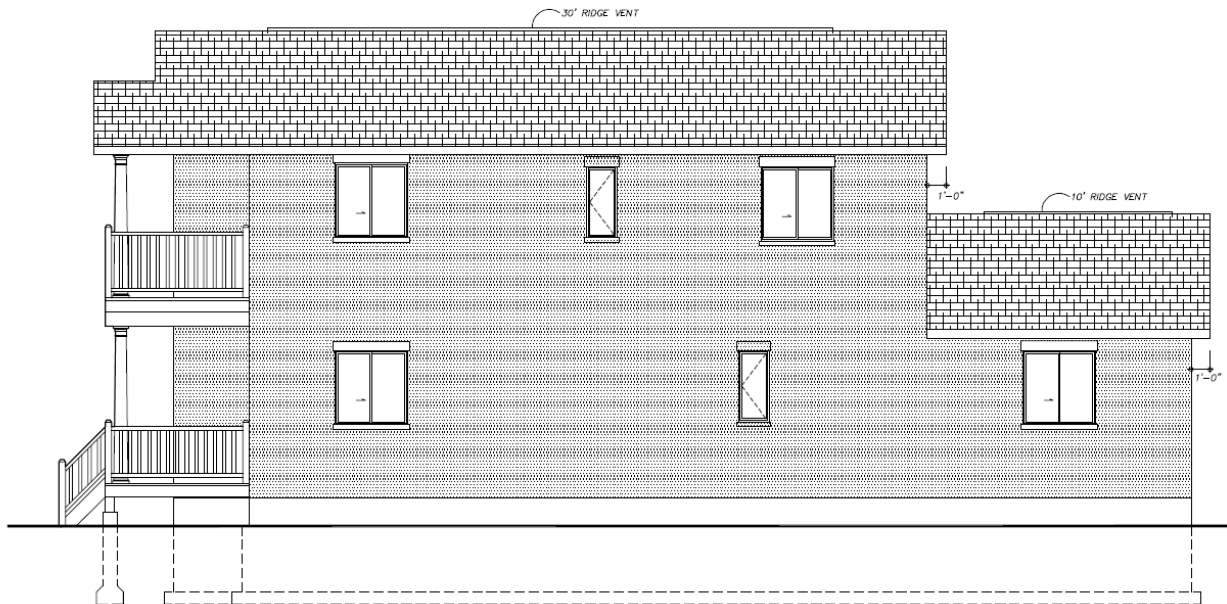
DECORATIVE COLUMN'S  
BY OTHERS



**REAR ELEVATION**



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

42" GUARD RAIL AT DOOR OR  
 IF DECK IS BUILT—42" GUARD RAIL IF TOP  
 OF DECK IS MORE THAN  
 5'-11" ABOVE GRADE  
 —35" GUARD RAIL IF TOP  
 OF DECK IS LESS THAN  
 5'-11" ABOVE GRADE

