



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 15
COMMITTEE DATE: October 16, 2012	
SUBJECT/REPORT NO: Heritage Permit Application HP2012-045 Under Part V of the <u>Ontario Heritage Act</u> for Demolition of an Existing Garage and Erection of a New Garage at 115 Mill Street North (Waterdown) (PED12190) (Ward 15)	
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 HP2012-045 be approved for the demolition of an existing garage and erection of a new garage at 115 Mill Street North (Mill Street Heritage Conservation District) (Waterdown), subject to the following conditions:

- (a) That the replacement retaining wall shall be a natural stone wall constructed of materials of an appropriate scale, and that the details for the wall shall be submitted, to the satisfaction and approval of Planning staff, prior to any alteration of the existing retaining wall.
- (b) That any minor changes to the 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.
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than September 30, 2014. If the alteration is 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.

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EXECUTIVE SUMMARY

The subject property, located at 115 Mill Street North (Waterdown), is designated as part of the Mill Street 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, demolition, or removal of any structures or buildings on the property. The applicant is applying for the demolition of an existing garage, the erection of a new garage in the rear yard, removal of an existing shed, extension of the existing driveway, and the replacement of a retaining wall along the southerly property boundary. This application is being supported, subject to conditions related to the detailed review of the design and materials for the proposed replacement retaining wall. 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.

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 or removal 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.

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HISTORICAL BACKGROUND

The subject property at 115 Mill Street North (Waterdown) (see Appendix “A”) is located in the Mill Street Heritage Conservation District (HCD), designated by former Town of Flamborough By-law No. 96-34-H.

The existing lot includes a single detached dwelling built circa 1950-60s, a shed, and a single car garage in the rear yard (photographs of the existing lot are attached as Appendix “B”). A second storey addition to the original house was approved and constructed in 2009 (Heritage Permit HP2009-004), and front and side yard landscaping was approved and implemented earlier this year (Heritage Permit HP2012-035). The applicant has now applied to demolish and remove the existing garage, erect a 2-storey garage to be located towards the rear lot line, removal of an existing shed, extension of the existing driveway, and replacement of an existing retaining wall along the southerly property boundary (the proposed site plan and elevations for the new garage 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 demolition of the existing garage and shed, the erection of a new garage in the rear yard, and the extension of the existing driveway. The Sub-committee indicated that the replacement of the retaining wall was also supportable, but that more details were required prior to its construction to ensure that the design and materials will be sympathetic to the character of the area. At its meeting on September 20, 2012, the Hamilton Municipal Heritage Committee advised conditional approval of the application.

POLICY IMPLICATIONS

Former Town of Flamborough Official Plan

Section E.2.1 of the former Town of Flamborough Official Plan states that: “Council shall encourage the conservation and restoration of heritage features in the Town, which may include archaeological sites, buildings, structures, and streetscapes of historical and architectural value”. The recommendations of this Report meet the intent of these policies.

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.

Mill Street Heritage Conservation District Plan

The Council-adopted Mill Street Heritage Conservation District Plan, Section 4.0 - Guidelines for Alterations, Additions and New Construction, addresses Alterations to Non-Heritage buildings in Sub-section 4.4. Specifically, Sub-section 4.4 indicates that “work undertaken on non-heritage buildings should respect the overall character of the HCD and be sensitive to the neighbouring historic buildings” and provides the following additional considerations:

- Non-heritage buildings should not attempt to create a sense of being “old” by using historic forms and features that would be inappropriate on a new building.
- Skylights, roof vents, and dormers should be located to the rear and side away from the main elevation.
- New garage and parking spaces should be located in unobtrusive areas, normally to the rear and side yards.
- Additions must be sensitive to the character of its neighbours in size and height.

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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. The Heritage Permit Review Sub-committee considered this application at their meeting of August 22, 2012, and the majority of the Sub-committee advised approval of the demolition of the existing garage and shed, the extension of the driveway, replacement of the existing retaining wall, and the construction of a new garage, subject to the condition that the replacement retaining wall be constructed of a natural stone product. Two members of the Sub-committee were recorded as opposed to the construction of the new garage, due to concerns that the structure will be oversized.

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 subject property is within the Mill Street HCD; however, the existing structures were built post-1950, and were not identified as heritage resources in the HCD Study and Plan. Accordingly, no heritage resources are being displaced through the demolition of the existing garage and removal of an existing shed.

Disruption: The proposed new garage will be located to the rear of the property, which is consistent with the guidelines contained in the HCD Plan. The proposed garage incorporates design features and materials that are sympathetic to the character of the District, including wood board-and-batten siding, “carriage-style” doors, a gambrel roof, dormers, and cedar shingles. The height of the proposed garage is lower than the existing house, and the proposed setback of the garage will mitigate any disruption impacts to the streetscape. The increased setback of the garage does result in the extension of the existing paved driveway; however, the new portions of the driveway will be located behind the house and will not disrupt the streetscape.

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The applicant also proposes to remove the existing low concrete retaining wall and vegetation along the southerly lot boundary. The applicant has not provided any details on the design and materials for the replacement retaining wall. Staff and the Heritage Permit Review Sub-committee have no objections to the removal and replacement of the retaining wall, provided that the replacement is constructed of appropriate materials, such as a natural stone product. Accordingly, staff and the Heritage Permit Review Sub-committee recommend that the applicant be required to submit the specifications for the proposed wall as a condition of any Heritage Permit approval (see Recommendation (a)).

Often building and zoning review of proposals result in minor amendments to the plans and elevations subsequent to Heritage Permit approval. Accordingly, it is recommended that staff be authorized to approve minor amendments to the plans and elevations to avoid the requirement for further Heritage Permit applications (see Recommendation (b)).

It is also recommended that the Heritage Permit has an expiry date of September 30, 2014 (see Recommendation (c)). An expiry date of 2 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.

Accordingly, staff recommends conditional approval of Heritage Permit Application HP2012-045, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION:

1. Refuse the Heritage Permit Application.

Refusal of the Heritage Permit to demolish the existing garage, erect a new garage, remove an existing shed, and replace an existing retaining wall does not contribute to the built heritage landscape of the Mill Street Heritage Conservation District (HCD), and does not advance the Mill Street 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 Mill Street 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.

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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 consistent with the district guidelines 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 Mill Street Heritage Conservation District Plan, 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 policies and guidelines.

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

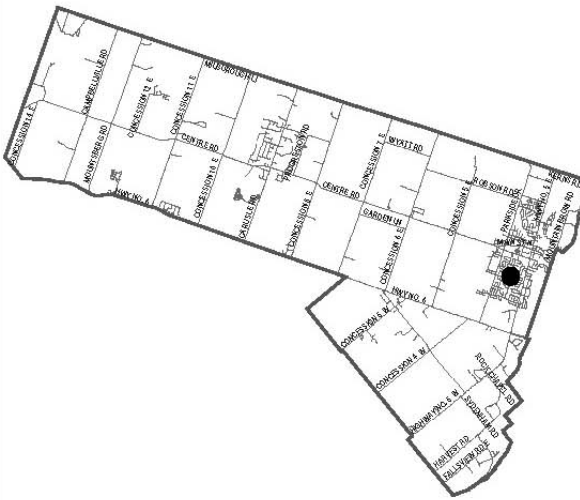
- Appendix "A": Location Map
- Appendix "B": Photographs of the Existing Property and Garage
- Appendix "C": Proposed Site Plan and Garage Elevations

:MH

Attachs. (3)



● Site of the Application



Ward 15 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2012-045


Date:
August 23, 2012

Appendix "A"

Scale:
N.T.S.

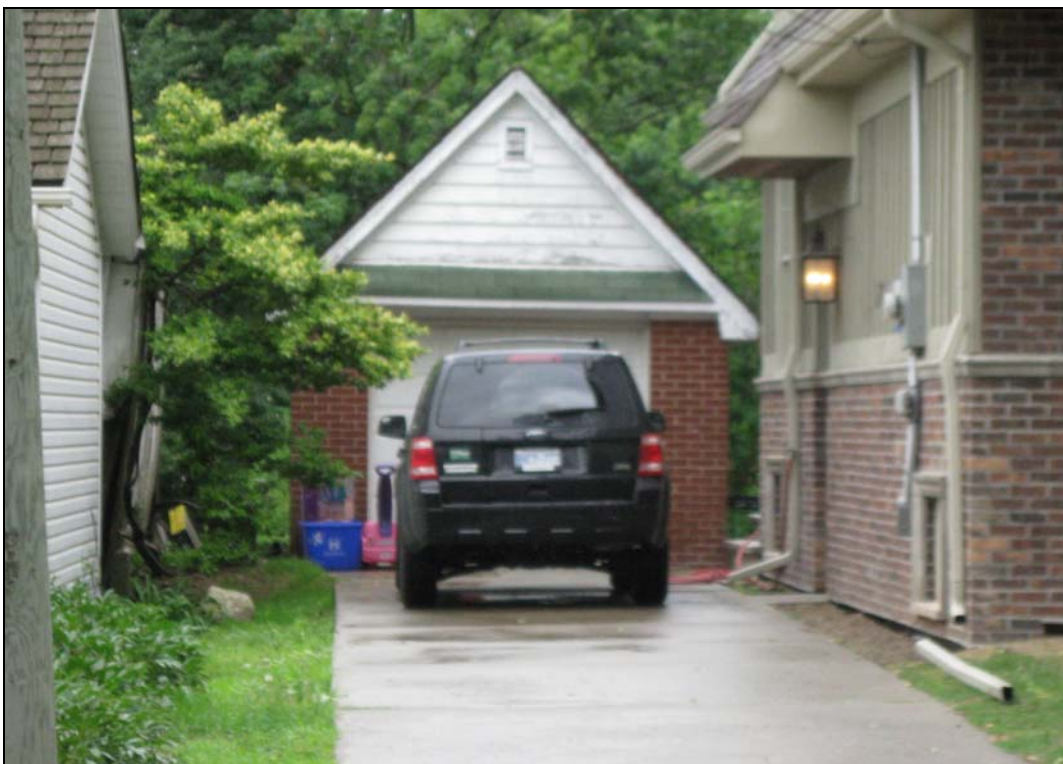
Planner/Technician:
JM/NB

Subject Property

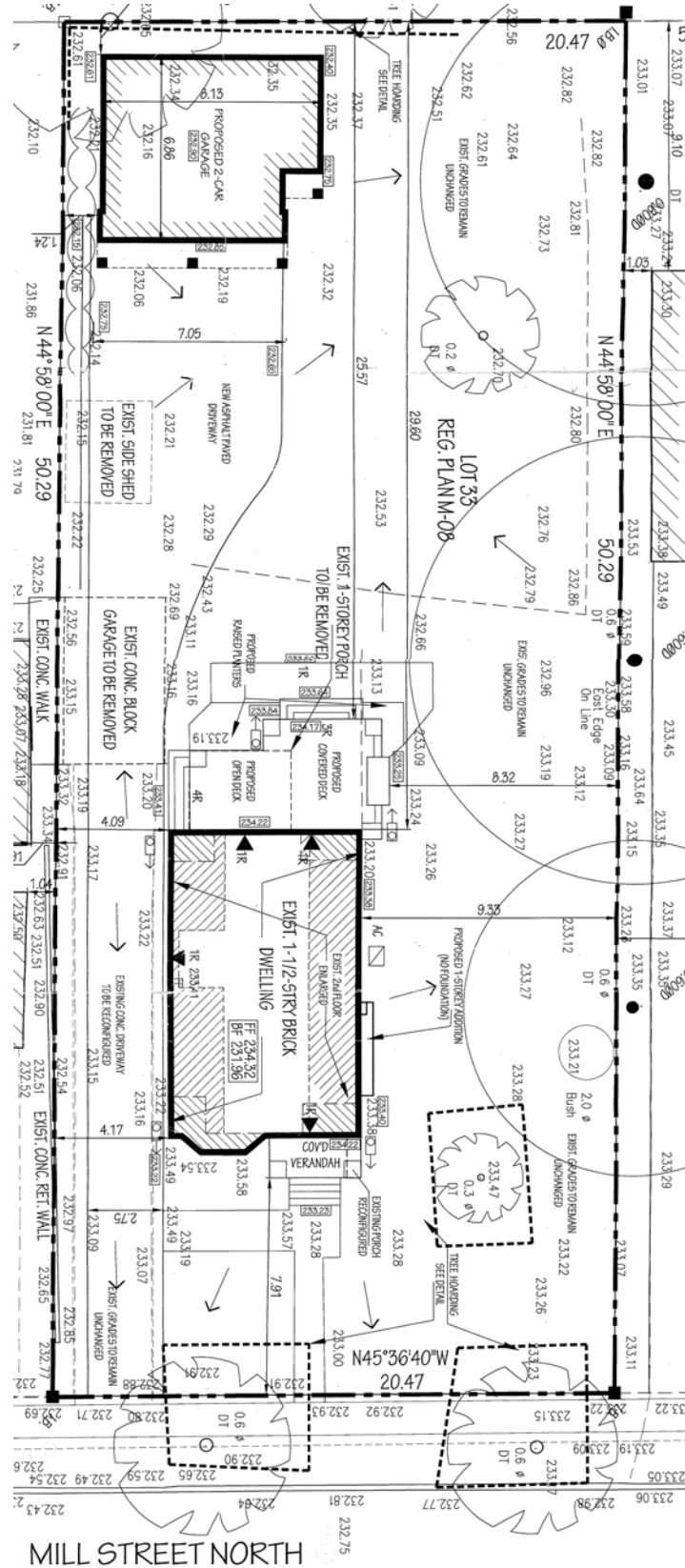
 115 Mill Street North

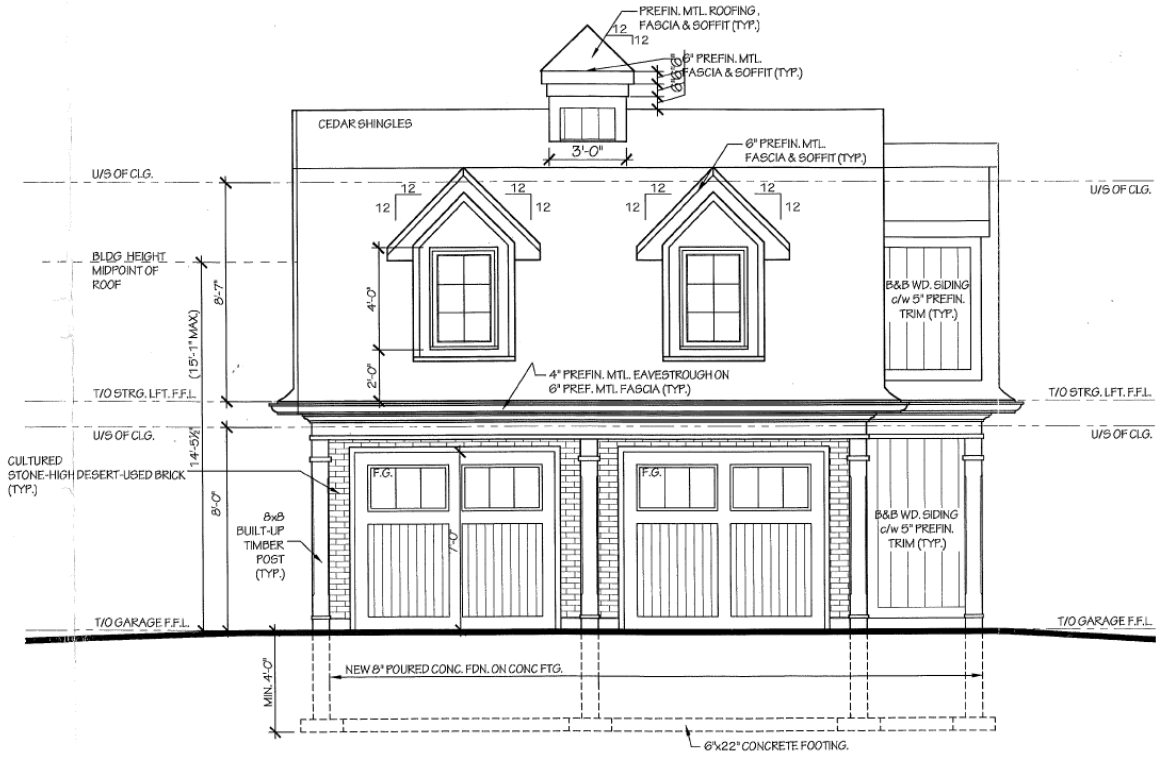


Existing house and garage.

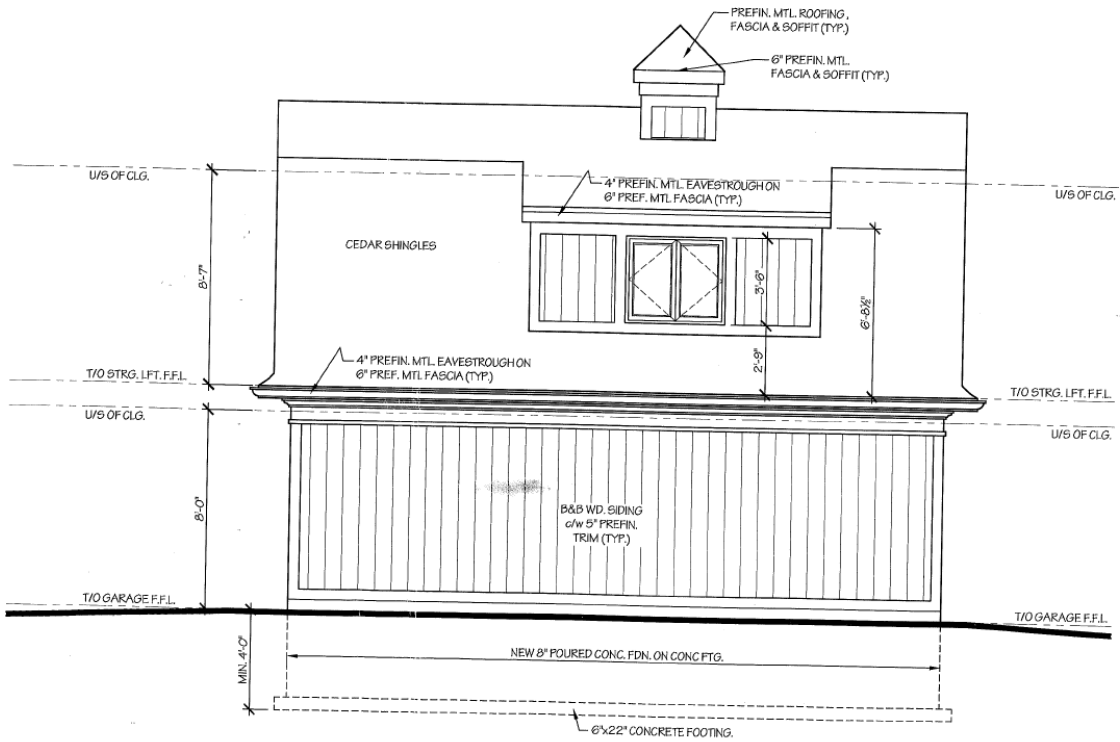


Existing single car garage.

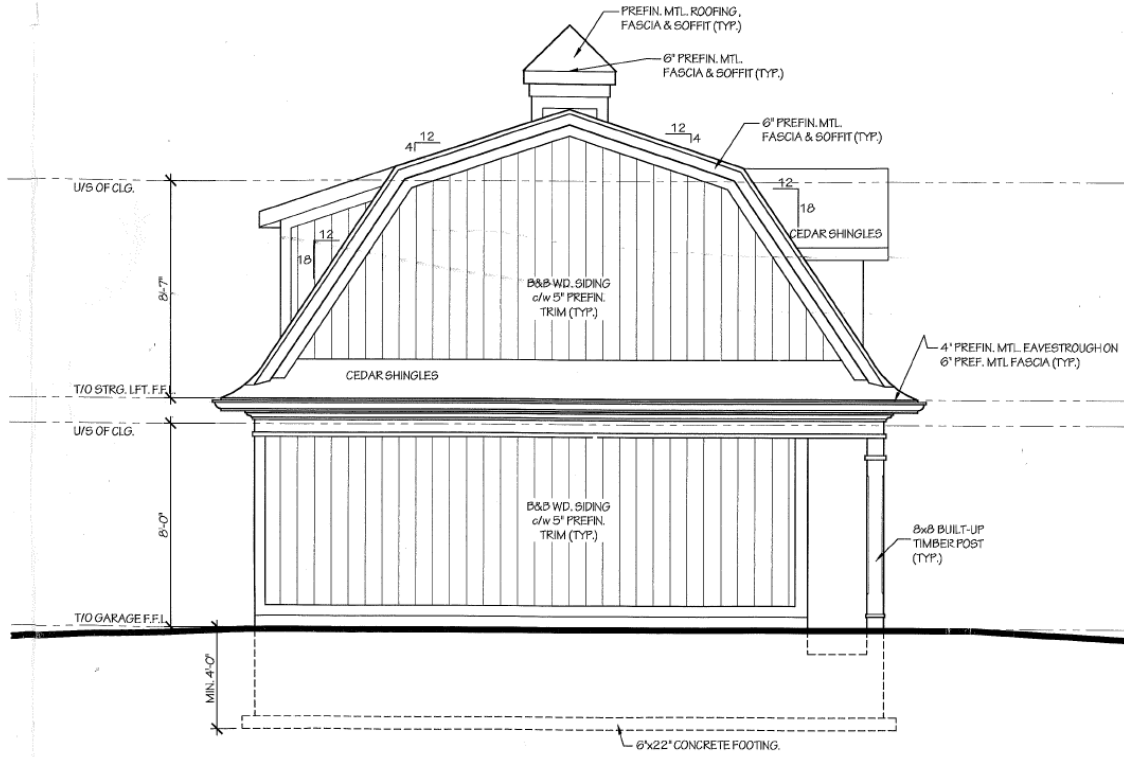




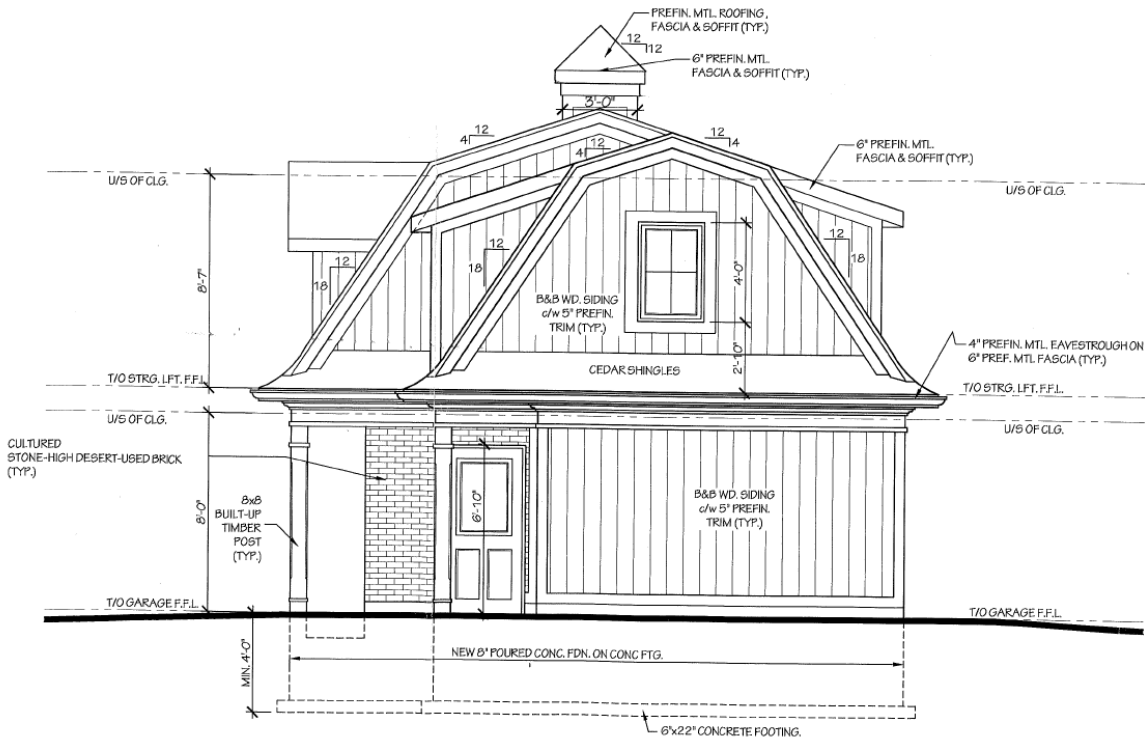
FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION