



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

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| TO: Chair and Members Planning Committee | WARD AFFECTED: WARD 5 |
| COMMITTEE DATE: February 5, 2013 | |
| SUBJECT/REPORT NO: Heritage Permit Application HP2012-058 Under Part V of the <u>Ontario Heritage Act</u> for Erection of Structures at 974 Beach Boulevard (Hamilton) (PED13029) (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 HP2012-058 be approved for the erection of a new single detached residence, including attached garage, on the designated property at 974 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 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.
- (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 Planning staff, prior to any grading or tree removals.
- (c) That specifications for the proposed windows, doors, cladding, porch columns, and railings 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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- (d) That the width of the driveway shall be reduced from the 4.72m (15'-6") width shown on the drawings, and that the width shall be mitigated through the design of the associated walkway and/or the use of alternative paving materials, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (e) That the design of the porch shall be revised, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (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 February 28, 2015. If the construction and site alterations are not completed by February 28, 2015, 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 974 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, including 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 of new trees, reduction or mitigation of the width of the proposed driveway, design modifications to the proposed porch, and the provision of revised final drawings showing all construction materials and details. 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 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

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 974 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 a permit to erect a new, two-storey, single detached dwelling, including a single garage within the main building mass (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 December 12, 2012. The Sub-committee supported the proposed site plan and the design of the new house, in principle, subject to a reduction to the width of the driveway and/or alternative paving treatment to mitigate the proposed driveway width, and that the detailing of the front porch be revised to incorporate more columns with a larger diameter and railings. At its meeting on January 17, 2013, 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 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 December 12, 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 width of the proposed driveway be reduced and/or that the proposed width be mitigated by the use of alternative paving materials, and that the porch detailing incorporate railings and more substantial columns. The Hamilton Municipal Heritage Committee reviewed the application at its meeting on January 17, 2013, 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).

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Displacement: The existing lot is currently vacant, with trees and shrubs to the rear of the lot. The ecological value of these existing trees and shrubs has not been assessed; however, the existing trees screen the Skyway and contribute to the landscape character of the area. Many 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 gable roof, a front porch, front door with sidelites, and board-and-batten cladding.

A single bay garage within the main massing of the house has been proposed. The District Plan states that "garages should not form part of the front facade of the main building" and should be located to the rear of the lot. However, staff is of the opinion that the design of the garage doors and setback of the garage (approximately 10 feet or 3m deeper than the front porch) will mitigate the impact of the garage on the character of the District. The applicant has shown a 4.72m (15'-6") wide driveway, in addition to a walkway. Driveways wider than a single car width (approximately 3.0m) are not consistent with the character of the area or the policies of the District Plan. Staff and the Heritage Permit Review Sub-committee have recommended that the width of the driveway be reduced, and that the impact of the proposed width be mitigated through the design of the associated walkway and/or the use of alternative paving materials (see Recommendation (d)).

Staff and the Heritage Permit Review Sub-committee have recommended modifications to the design of the front porch to better reflect the proportions of the proposed house and allow the porch to be a more significant component of the front elevation. Specifically, that the porch columns should be increased in diameter, and a railing should be provided on the lower level (see Recommendation (e)).

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 (f)).

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It is also recommended that the Heritage Permit have an expiry date of February 28, 2015 (see Recommendation (g)). An expiry date of two years after approval is standard on all approved Heritage Permits, and the February 28, 2015, date will reflect the expected end date of the new construction.

Staff recommends conditional approval of Heritage Permit Application HP2011-058, as per the recommendations of this Report.

Construction on the 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

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

- ◆ Council and SMT are recognized for their leadership and integrity.
- ◆ Staff Comment: The approval of the proposed new construction 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.

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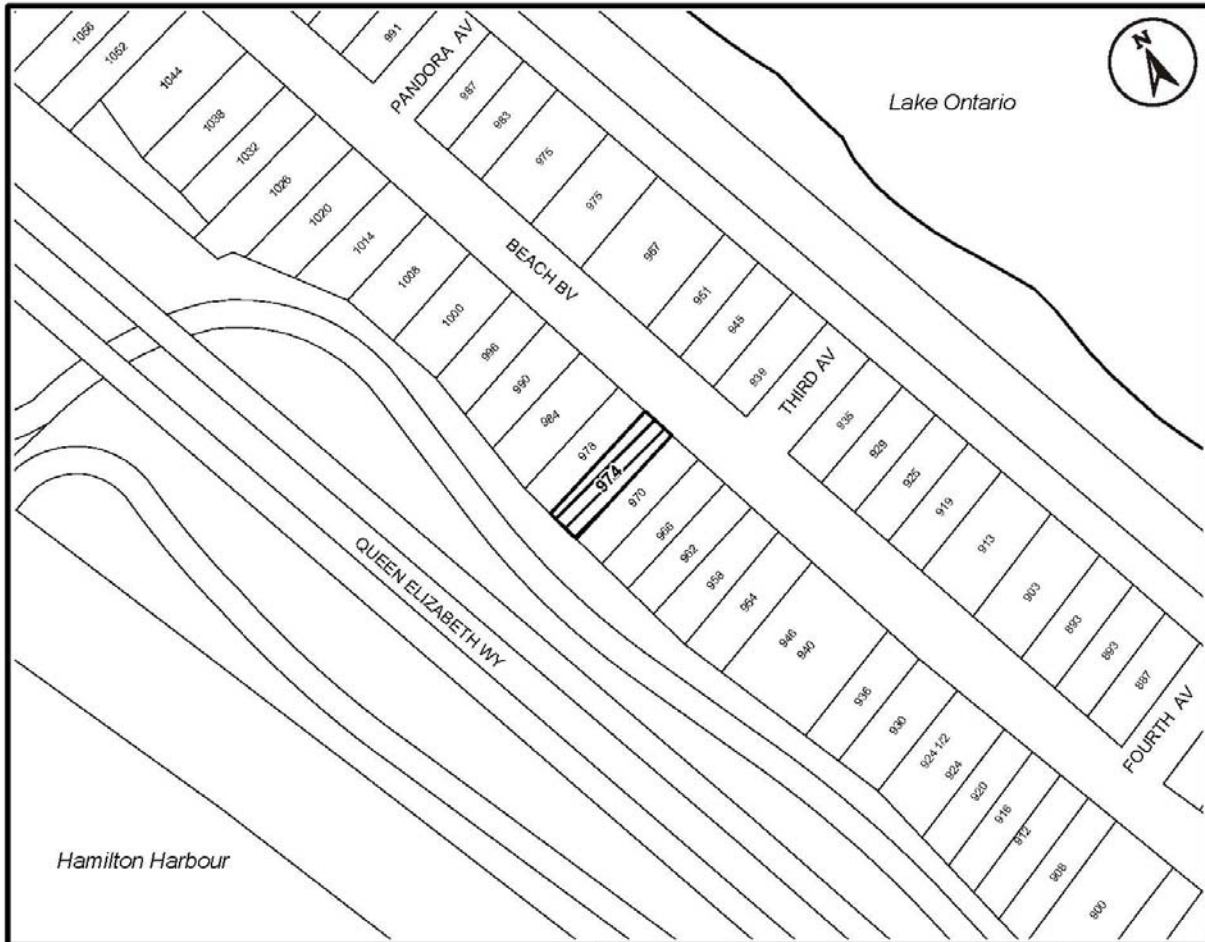
Healthy Community

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

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| APPENDICES / SCHEDULES |
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- 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:
HP2012-058

Date:
January 8, 2013

Appendix "A"

Scale:
N.T.S.

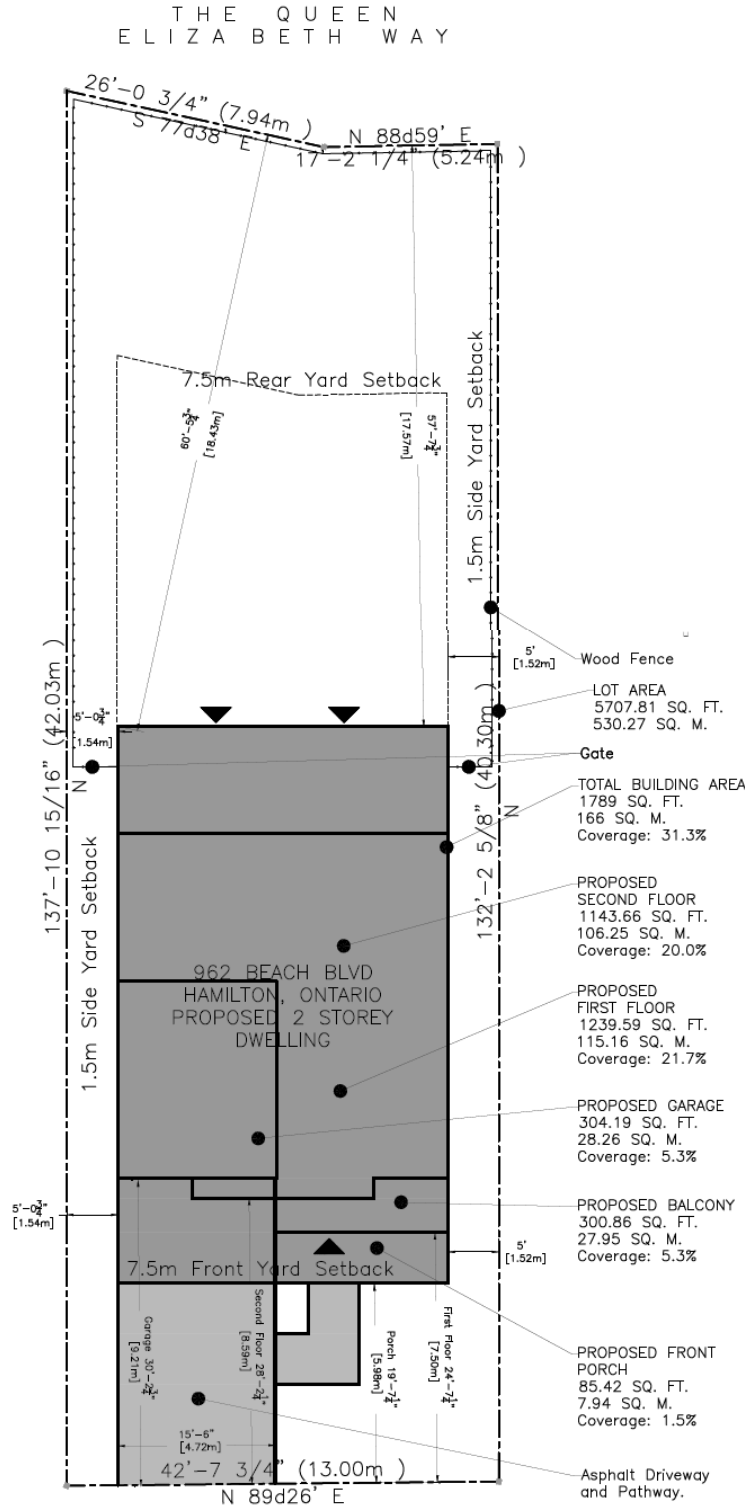
Planner/Technician:
MH/AL

Subject Property

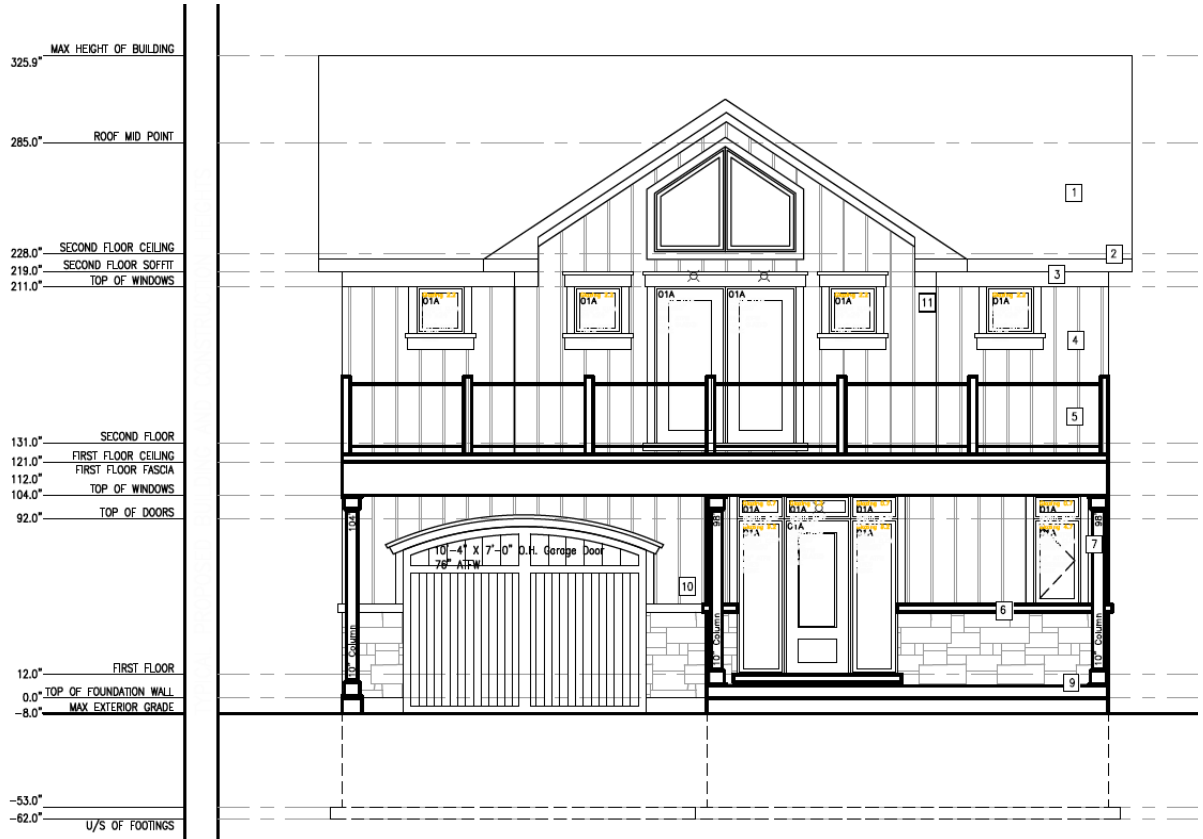
974 Beach Boulevard



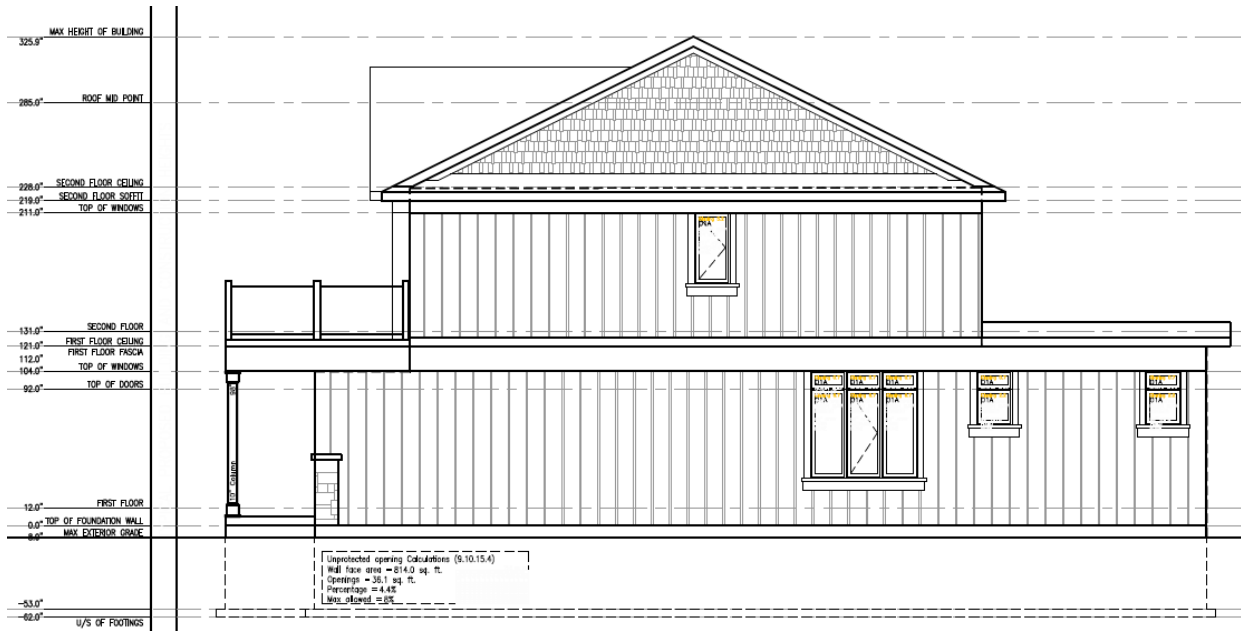
Photograph of the Existing Vacant Lot



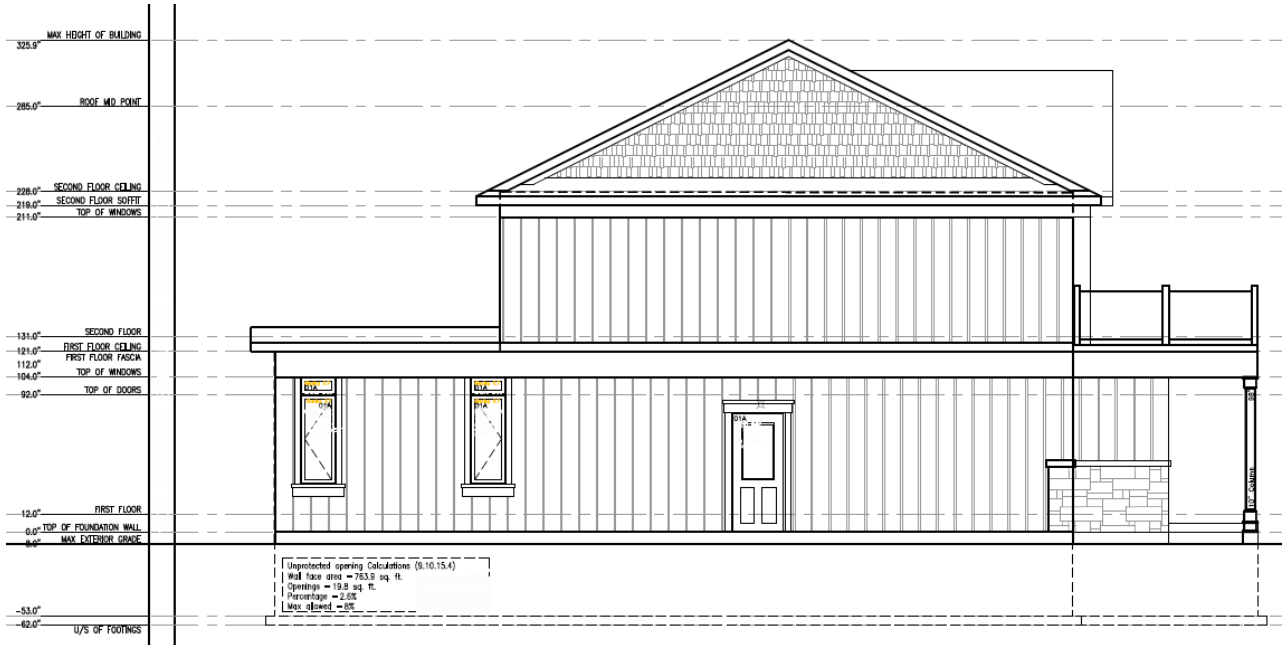
Proposed Site Plan



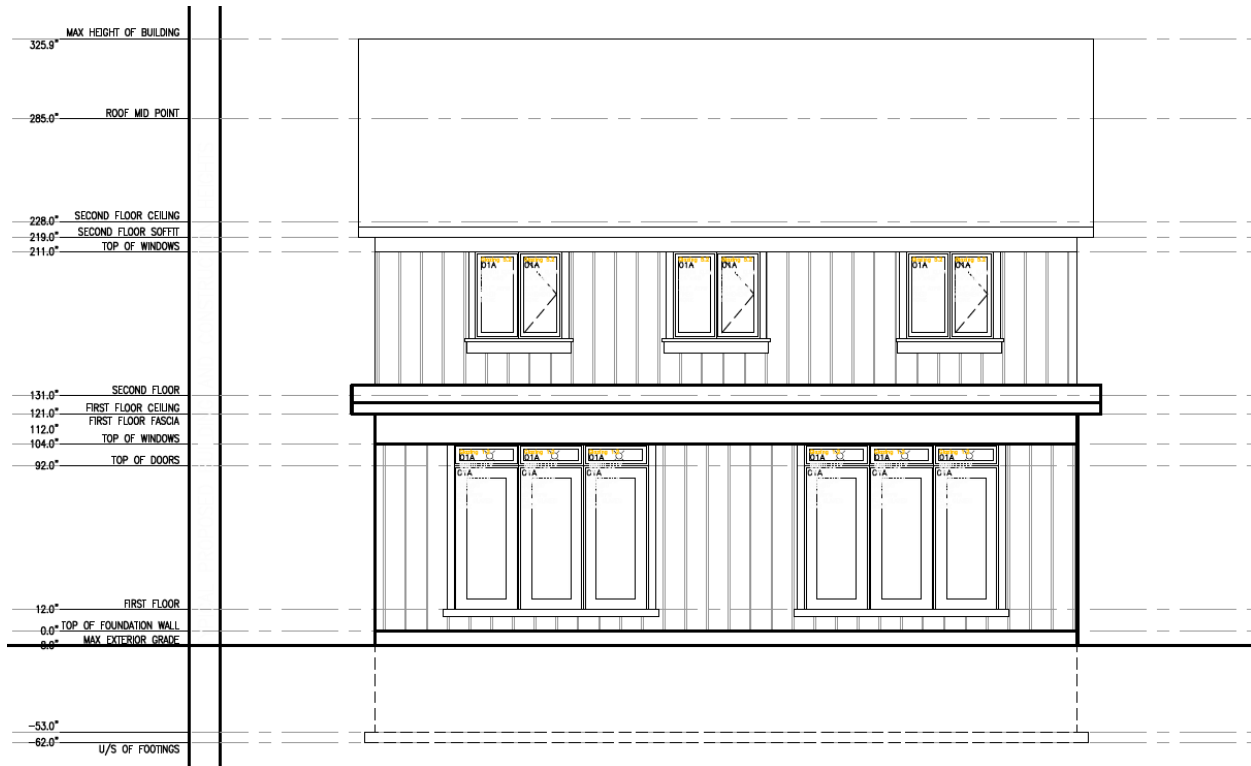
Front Elevation



North Side Elevation



South Side Elevation



Rear Elevation