TO: Chair and Members Planning Committee

WARD AFFECTED: WARD 13

COMMITTEE DATE: August 13, 2013

SUBJECT/REPORT NO:
Heritage Permit Application HP2013-034, Under Part V of the Ontario Heritage Act, for the Demolition of an Existing Garage and Erection of a New Garage at 6 Victoria Street (Dundas) (PED13148) (Ward 13)

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 HP2013-034 be approved for the demolition of an existing garage and erection of a new garage, on the designated property at 6 Victoria Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:

(a) That the design and location for any light fixtures on the front elevation shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(b) That detailed plans and elevations, including any minor changes following Heritage Permit 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 August 31, 2015. If the construction and site alterations are not completed by August 31, 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 6 Victoria Street (Dundas), is designated as part of the Cross-Melville Heritage Conservation District under Part V of the Ontario Heritage Act. 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 demolition of an existing detached garage and the construction of a new detached garage. The Cross-Melville Heritage Conservation District Advisory Committee and the Heritage Permit Review Sub-committee have reviewed the application and advised that this application be approved, subject to the conditions in the staff recommendation. At its meeting of July 18, 2013, the Hamilton Municipal Heritage Committee recommended approval of the subject application.

Alternatives for Consideration - See Page 6.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

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.
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 6 Victoria Street (Dundas) (see the location map attached as Appendix “A”) is located in the Cross-Melville Heritage Conservation District (HCD), designated by the former Town of Dundas By-law 3899-90, approved by the Ontario Municipal Board under Part V, Section 41, of the Ontario Heritage Act in 1992. Under Section 42 of the Ontario Heritage Act, a permit is required for alterations to a 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 (see Legal Implications).

The date of construction of the existing garage is unknown; however, the structure has contemporary features, including a flat roof and aluminum garage doors, and likely originally dates from the 1940-50s with later alterations. The Committee of Adjustment approved variances in 2006 (DN/A-06:83) for a decreased westerly side yard from 2.0m to 0.6m, for an increased footprint from 42m² to 71.3m², and an increased height from 4.0m to 6.0m. These approved variances accommodate the proposed design in terms of the side yard setback and footprint; but an additional variance will be required for the height, which is currently proposed as 6.6m (21’-6”).

**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

**Town of Dundas Official Plan:**

The Town of Dundas Official Plan provides the policy basis for the designation of Heritage Conservation Districts (2.4.3.1 e)), and that “all infilling situations, construction of new buildings, or the renovation of existing buildings shall be sympathetic to and consistent with the existing heritage environment in terms of building materials, colour, scale, and design” (2.4.3.5). 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) and, at the time of preparation of this Report, a decision on the appeals has not been made by the 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.

Cross-Melville Heritage Conservation District Plan:

The date of construction of the existing garage structure is unknown, and the structure is not described as a heritage resource in the Cross-Melville Heritage Conservation District Study - Background Report (1988). Staff has evaluated the proposal, using the policies of the Cross-Melville Heritage Conservation District Plan that pertain to Additions to Existing Buildings (Section 6.3). Specifically, the following policies apply to the subject application:

- Exterior additions, including garages, balconies, and greenhouses are encouraged to be located at the rear or on an inconspicuous side of the building, limited in size and scale to complement the existing building and neighbouring property.

- Contemporary design of additions or those additions that reference or recall design motifs of the existing building are to be encouraged. Successful and compatible additions will be those that are complementary in terms of mass, materials, ratio of solids to voids (walls to windows), and colour.
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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 Cross-Melville Heritage Conservation District Advisory Committee reviewed the subject application on June 6, 2013, and recommended approval. Further, on June 26, 2013, the Heritage Permit Review Sub-committee of the HMHC considered this application, together with comments from staff and the recommendation of the Cross-Melville Heritage Conservation District Advisory Committee. The Sub-committee supported the proposed location and the design of the new garage, subject to the conditions in the staff recommendation.

At its meeting of July 18, 2013, the Hamilton Municipal Heritage Committee recommended approval of the subject 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 Effects: The existing garage will be displaced. The date of construction of the existing garage is unknown; however, the structure has contemporary features, including a flat roof and aluminum garage doors, and may even date from the 1940-50s with later alterations. The existing garage was not identified as a heritage resource in the District Study, and is not in keeping with the character of the District. Therefore, staff is of the opinion that no heritage features will be displaced through the removal of the garage.

Disruption Effects: The proposed new garage is a detached, two-storey and two-bay garage with a gable roof. The cladding is proposed to be stucco to reflect the painted brick exterior of the existing house. The windows are proposed to be double hung vinyl windows of similar size, proportions, and sill detail as the windows on the existing house, and the garage doors are proposed as two separate carriage-style roll up doors. An easterly side entrance and a single garage door to the rear are also proposed, but will have no impact to the character of the subject property or the overall District.
The overall height of the proposed garage is 6.6m (21’-6”). The previously approved variances were for 6.0m (19’-8”), and additional minor variances are required to construct the proposed design. In the Cross-Melville area, there are few garages and, of these, converted detached carriage houses with lofts are the common typology (e.g. 22 Cross Street and 22 Victoria Street, both over 8m to the ridge). In 2001, a one-and-one-half storey garage was approved at 9 Victoria Street through the Heritage Permit process. This previously approved garage/carriage house is one bay wide and 6.3m (20’-8”) to the ridge, with a steeply pitched roof. The proposed garage will be lower in height than the existing house (8.4m or 27’-6”), and be setback towards the rear of property.

Staff is of the opinion that the proposed design will be complementary to the character of the existing property and the District in terms of massing, height, materials, and ratio of solids to voids.

Staff recommends conditional approval of Heritage Permit Application HP2013-034, as per the recommendations of this Report. The recommended conditions of approval include the submission of the details of any lighting for the front elevation of the garage, and that high-quality, detailed plans and elevations be submitted, prior to any application for a Building Permit.

**ALTERNATIVES FOR CONSIDERATION**

1. **Refuse the Heritage Permit application.**

   Council may refuse the Heritage Permit. Refusal of the Heritage Permit does not advance the intent of the Cross-Melville Heritage Conservation District Plan to permit the erection of new buildings and make other site alterations which are sympathetic to the existing building fabric and maintain the character of the District.

2. **Approve the Heritage Permit with additional or amended conditions.**

   Council may approve this application with additional or amended conditions of approval other than the staff recommendations. 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 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.
ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

**Strategic Priority #1 - A Prosperous and Healthy Community:**
*WE enhance our image, economy, and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective:**

1.6 Enhance Overall Sustainability (financial, economic, social, and environmental).

**Staff Comments:**

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.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Photographs of the Subject Property
- Appendix “C”: Site Plan and Elevations for the Proposed Garage

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Attachs. (3)
Front (north) façade of the existing house

Front (north) and side (west) of the existing house, showing the existing detached garage and driveway
View of the property from the west, with the parking lot for Knox Presbyterian Church in the foreground (the roof of the existing garage is barely visible over the fence).

Front (north) elevation of the existing garage.
Proposed garage door design.