

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 6
COMMITTEE DATE: June 5, 2012	
SUBJECT/REPORT NO: Demolition Report - 109 Organ Crescent, Hamilton (PED12091) (Ward 6)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Kim Roberts 905-546-2424, ext. 2581
SIGNATURE:	

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 109 Organ Crescent, Hamilton in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish the existing single family dwelling and leave the property vacant so that a new single family dwelling can be constructed in the future, once the property is sold. The present owner (TD Insurance) submitted a letter to clarify the reason for the demolition request which indicated that the previous homeowner discovered in December 2009 that a valve on the base of the oil tank had given way resulting in an estimated 300 litres of oil being lost to the basement floor. Since December 2009, the present owner has determined that the basement floor surface and subsurface, structural footing and lower course of foundation block on portions of the exterior foundation and support columns, partition walls, and the soil beneath the basement floor and structural footing will need to be removed due to contamination of the fuel oil leak. As such, the owner wishes to demolish the entire building rather than complete remedial work to repair the damage. For your information, a Building Permit was issued on March 29, 2010 to the previous property owner to underpin a portion of the footings and replace the first row of concrete block as a result of a home heating fuel oil spill; however, this permit is still open and has not been finalized.

Under Section 4 of the Demolition Control By-law 09-208, the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning would permit a replacement residential use. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued, in conjunction with the demolition permit, and the new dwelling to be substantially completed within two years of the date of the demolition would apply, in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to issue, including imposing the standard rebuild conditions, or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 4

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

Financial: Not applicable

Staffing: Not applicable

Legal: Not applicable

HISTORICAL BACKGROUND (Chronology of events)

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant but intended for a future single family dwelling

BRIEF DESCRIPTION: A recent inspection revealed that the one storey brick veneer single family dwelling is structurally sound and is in good condition. NOTE: The above inspection information is based on a cursory exterior inspection only.

This land is in the Huntington neighbourhood and is located in Ward 6. Please see attached location map shown as Appendix "A" to Report PED12091.

No interest to the Hamilton Municipal Heritage Committee.

Lot size 15.24m x 30.48m and having a lot area of 464.5m².

The owner of the property, as per the demolition permit application, is:

TD Insurance
3650 Victoria Park Avenue, 9th Floor
Toronto, Ontario M2H 3P7

POLICY IMPLICATIONS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The present single detached dwelling is in good condition and the present owner is proposing to demolish this single family dwelling so that it may be sold as a vacant lot. The neighbourhood is well established with an urban character. To prevent a vacant lot from occurring within the existing neighbourhood, the imposition of conditions for its replacement are deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Director of Building Services be authorized and directed to issue a demolition permit for 109 Organ Crescent, Hamilton, in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act as amended.

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

Growing Our Economy

- ◆ Investment in Hamilton is enhanced and supported.
- ◆ Redevelopment of this property with the construction of a new single family dwelling will enhance the neighbourhood, provide additional taxes and curb urban sprawl.

Environmental Stewardship

- ◆ Redevelopment within established neighbourhoods uses existing infrastructure and provides an opportunity to use green products and technologies.

Healthy Community

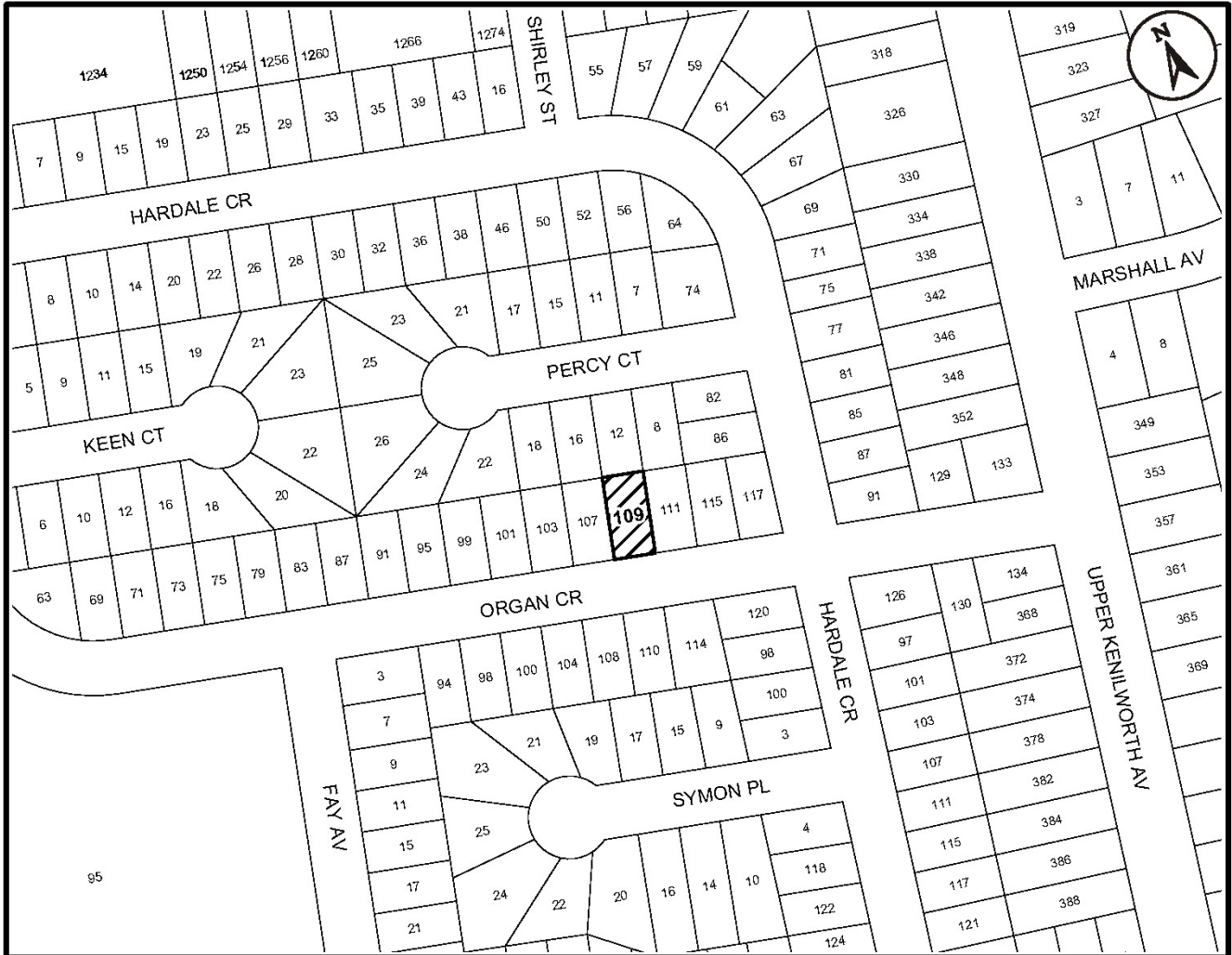
- ◆ Plan and manage the built environment.
- ◆ Replacing an older dwelling with new construction will enhance and add to the stability of the neighbourhood.

APPENDICES / SCHEDULES

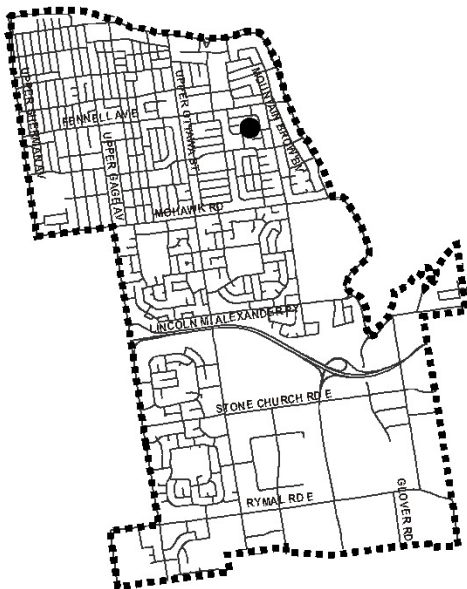
Appendix "A": Location Map

:KR

Attach (1)



● Site of the Application



Ward 6 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
109 Organ Cres_PED12091

Date:
April 30, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KRJ/AL

Subject Property

109 Organ Crescent