

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: August 14, 2012	
SUBJECT/REPORT NO: Demolition Report - 1361 Barton Street, Stoney Creek (PED12139) (Ward 11)	
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 1361 Barton Street, Stoney Creek 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 elementary school can be constructed in the future. The property is presently the subject of a consent application (File No. SC/B-12:15) which was granted by the Committee of Adjustment on April 5, 2012, with conditions. The Hamilton Wentworth Catholic District School Board is intending to build a new elementary school on the lands to be conveyed (severed) which will serve the Winona community. The lands to be retained (the balance of the property) are intended to be assembled with the adjoining Foothills of Winona Phase II Draft Plan of Subdivision for residential purposes. Both the property to be conveyed and the property to be retained will require applications for a Zoning By-law Amendment and an Official Plan Amendment to permit the intended uses. The applicant indicates that demolition of the dwelling is necessary to achieve two objectives, being: removal of the dwelling will assist in the clearing of the conditions of the consent; and, removal of the dwelling will facilitate the planned construction of the new elementary school which is slated for construction in 2013 pending planning approvals.

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 building. 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 building 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: AS (Agricultural Specialty)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant but intended for a future elementary school on the portion to be conveyed to the Hamilton Wentworth Catholic District School Board and a future subdivision on the lands to be retained.

BRIEF DESCRIPTION: A recent inspection revealed that the one storey single family dwelling, which is wood frame with siding, is structurally sound and is in poor condition. NOTE: The above inspection information is based on a cursory exterior inspection only.

This land is located in Ward 11. Please see attached location map shown as Appendix "A" to Report PED12139.

No interest to the Hamilton Municipal Heritage Committee.

Lot size 263.469m x 250.046m and having a lot area of 4.84 hectares.

The joint owners of the property, as per the demolition permit application, are:

Hamilton Wentworth Catholic District School Board
57 Stuart Street
Hamilton, Ontario L8L 1B5

and

1800615 Ontario Inc.
c/o 1070 Stone Church Road East, Unit 41
Hamilton, Ontario L8W 3K8

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 poor condition and the present owner is proposing to demolish this single family dwelling so that a portion of the lot may be developed in the future for a new elementary school. 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 building, then the following recommendation may be appropriate:

That the Director of Building Services be authorized and directed to issue a demolition permit for 1361 Barton Street, Stoney Creek, 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

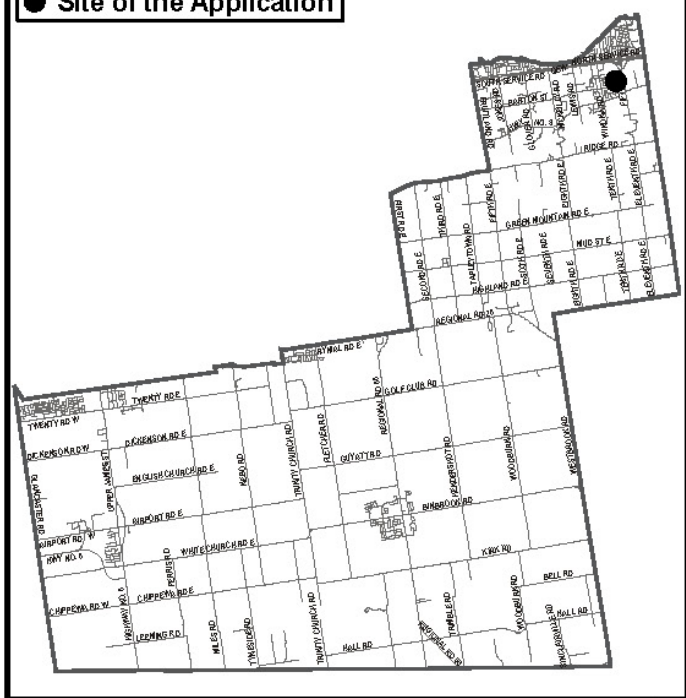
- ◆ Plan and manage the built environment
- ◆ Replacing an older dwelling with new construction will enhance and add to the stability of the neighbourhood.

APPENDICES / SCHEDULES

Appendix "A": Location Map
:KR
Attach (1)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
1361 Barton Street - PED12139

Date:
July 3, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KR/NB

Subject Property

1361 Barton Street, Stoney Creek

- Lands to be Retained (future Subdivision)
- Lands to be Severed (future School)
- Existing buildings to be removed