



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Building Division*

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 11, 2018
<b>SUBJECT/REPORT NO:</b>	Demolition Permit 1796 King Street East (PED18248) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Jorge Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the Chief Building Official be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, 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 if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
  - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
  - (ii) is a lien or charge on the property until paid; and
- (c) 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 in a form satisfactory to the Chief Building Official and the City Solicitor.

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

## **EXECUTIVE SUMMARY**

The owner of this property is proposing to demolish the existing single family dwelling and propose a parking lot to be used in conjunction with the existing retirement home located on the adjacent property known as 1800 King Street East. The required Site Plan Application to permit the parking lot has not been submitted to the Development Planning Section.

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 the 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 replacement 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 condition; issue without 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 3***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable.

Staffing: Not applicable.

Legal: Not applicable.

## **HISTORICAL BACKGROUND**

**PRESENT ZONING:** “H” (Community Shopping and Commercial) (Hamilton Zoning By-law 6593). Also note that By-law 17-240 changed the zoning of this property from “H” to “C3” (Community Commercial) under Hamilton Zoning By-law 05-

200. However, By-law 17-240 has been appealed and therefore is not yet final.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant/Parking Lot

BRIEF DESCRIPTION: A recent inspection revealed that the one storey single family dwelling at 1796 King Street East is structurally sound and not unsafe. However, the dwelling is in poor condition.

This land is located in Ward 4. Please see Appendix "A" for a location map.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: 10.67 m x 54.76 m and having a lot area of 584.29 m<sup>2</sup>.

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

Mark Smith  
1909380 Ontario Limited  
14845 Young Street  
Aurora, ON  
L4G 6H8

#### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not applicable.

#### **RELEVANT CONSULTATION**

Not applicable.

#### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Not applicable.

#### **ALTERNATIVES FOR CONSIDERATION**

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 Division be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

JMC:ll