



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 18, 2018
<b>SUBJECT/REPORT NO:</b>	Demolition Permit for 14 Copes Lane (Stoney Creek) (PED18215) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Jorge M. 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 14 Copes Lane (Stoney Creek) in accordance with By-law 09-208.

### EXECUTIVE SUMMARY

The owner of 14 Copes Lane has merged this property with the adjoining property municipally known as 16-18 Copes Lane (which he also owns) and is proposing to demolish the existing detached single family dwelling and use the vacant area as landscaping for the adjoining property at 16-18 Copes Lane.

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 not been deemed a “routine application”, since this property is located in the middle of an established neighbourhood and the owner is not proposing to replace the demolished dwelling. Additionally, the property municipally known as 16-18 Copes Lane is in an RR (Rural Residential) zone and contains two single detached dwellings which were allowed as per Committee of Adjustment Decision No. SC/A-16:78. Therefore, under the current Stoney Creek Zoning By-law 3692-92 (and as per Committee of Adjustment Decision No. SC/A-16:78) the single detached dwelling at 14 Copes Lane would not be permitted on the merged lots unless additional variances or a rezoning was obtained for the property.

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Since this is not considered a “routine application” this Report is presented to the Planning Committee and Council since Council retains the power to issue or refuse to issue a demolition permit in accordance with Section 7 of the Demolition Control By-law 09-208, where a demolition permit application is not deemed a “routine application”.

***Alternatives for Consideration – See Page 3***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable

Staffing: Not applicable

Legal: Not applicable

**HISTORICAL BACKGROUND**

Present Zoning: RR (Rural Residential) (Stoney Creek Zoning By-law 3692-92)

Present Use: Single Family Dwelling

Proposed use: Landscaping, merged with the adjoining property

Brief Description: A recent inspection revealed that the existing single family dwelling at 14 Copes Lane is not unsafe. However, the dwelling is in poor condition.

The land is located in Ward 11.

This building is not designated or listed as being of Cultural Heritage value or interest.

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

Michael Schwenger  
18 Copes Lane  
Hamilton, ON  
L8E 5C7

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not applicable.

## **RELEVANT CONSULTATION**

Not applicable.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The present single family detached dwelling at 14 Copes Lane is in poor condition and the applicant has merged this property with 16-18 Copes Lane (which he also owns) and is proposing to demolish the dwelling and replace it with landscaping. Under the current Stoney Creek Zoning By-law provisions the two existing single detached dwellings located at 16-18 Copes Lane are permitted (as per Committee of Adjustment Decision No. SC/A-16-78); however, by merging these two properties an illegal situation has been created (three single detached dwellings instead of the permitted two single detached dwellings) and the removal of one of the dwelling would be required in order to bring it into compliance with the Stoney Creek Zoning By-law 3692-92 and Committee of Adjustment Decision No. SC/A-16-78.

## **ALTERNATIVES FOR CONSIDERATION**

The alternative would be to refuse the demolition permit; however, this would result in a contravention of the current Stoney Creek Zoning By-law since this property has been merged with the adjoining property creating a parcel of land with three separate single detached dwellings. Whereas, the Stoney Creek Zoning By-law 3692-92 and Committee of Adjustment Decision No. SC/A-16-78 only allows two single detached dwelling on this merged parcel of land.

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

### **Economic Prosperity and Growth**

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

### **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:II