




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2024
SUBJECT/REPORT NO:	Demolition Permits – 3070, 3078, 3160, 3168 and 3190 Regional Road 56 (PED24229) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Robert Lalli Director, Building Division Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 3070 and 3160 Regional Road 56 be **GRANTED** since the houses are in poor condition;
- (b) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 3078 Regional Road 56 be **DENIED** since the house is in good condition, there are outstanding heritage issues, and staff consider the application to be premature;
- (c) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 3168 and 3190 Regional Road 56 be **DENIED** since the houses are in fair condition, boarded up and secure, and staff consider the application to be premature;
- (d) That the Chief Building Official be authorized to issue a demolition permit for 3078, 3168 and 3190 Binbrook Road in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property in accordance with section 6(b) of the Demolition Control Area By-law 22-101.

EXECUTIVE SUMMARY

On May 8, 2024, Council directed staff that reports were to be prepared and submitted to the Planning Committee with a recommendation for the issuance/refusal of demolition permits where the proposed demolition did not fall under one of the exemptions, or delegated authority, contained in the Demolition Control Area By-law 22-101.

The intent of demolition control is to retain housing stock, maintain the integrity of neighbourhoods, prevent the premature loss of dwelling units and the creation of vacant land, retain existing dwelling units until new uses have been considered, and prevent the premature loss of municipal assessment.

The owner of 3070, 3078, 3160, 3168 and 3190 Regional Road 56 has submitted the required demolition permit application and is proposing to demolish the existing houses prior to receiving final Site Plan Approval for the redevelopment of the property. Demolition of a house is subject to the Demolition Control Area By-law 22-101. Under By-law 22-101, in certain scenarios, Council delegates demolition approval of a Residential Property to the Chief Building Official.

The most common and applicable scenario for delegated approval is where the erection of a new building is proposed on the site of a Residential Property to be demolished and the required standard conditions are registered on title. The standard conditions require, prior to issuance of the demolition permit, that a building permit for the new building be issued in conjunction with the demolition permit and that the new building be erected within two (2) years of the date of the demolition; otherwise, \$20,000 shall be added to the tax roll. The Chief Building Official also has delegated authority to issue the demolition permit where a final Site Plan approval has been granted which would eliminate the requirement that a new dwelling be authorized through the issuance of a building permit.

Where the owner of the property does not agree with the required standard conditions, or where the Chief Building Official refuses to issue demolition control approval, the Demolition Control Area By-law requires the Chief Building Official to advise Council. Council then retains all power to issue or refuse to issue Demolition Control Approval.

This Report is presented to Council as the owner would like to demolish the existing houses prior to receiving final Site Plan approval.

Since the houses at 3070 and 3160 Regional Road 56 are in poor condition staff are recommending that Council approve the demolition. However, since the houses at 3078, 3168 and 3190 Regional Road 56 are in fair to good condition, boarded up and secure, staff consider the application to be premature and are recommending that Council deny the demolition permits and that the owner comply with the Demolition

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Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of By-law 22-101. Additionally, the house at 3078 Regional Road 56 still has an outstanding heritage item for photo documentation and salvage of features. This is expected to be a condition of Site Plan.

Alternately, if Council feels the request to demolish is reasonable for 3078, 3168 and 3190 Regional Road 56, Council could approve the alternative recommendation on page 4 of this report and approve the demolitions without the owner obtaining final site plan approval for redevelopment of the property.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Under the Demolition Control Area By-law, Council delegates the Chief Building Official it's authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit applications; however, they would like to demolish these houses prior to getting final Site Plan approval. The owner is also stating that the houses have been vacant for an extended period of time and are beyond repair at this point. They have also stated that they are constantly dealing with vandalism and people breaking into the dwellings notwithstanding their ongoing efforts to keep the buildings properly boarded up. In the owner's opinion, these homes are derelict, and they feel that given the impending development it seems unreasonable to maintain the homes that serve no future purpose. However, in the opinion of staff, these issues may be related to the current vacant status of the dwellings.

PRESENT ZONING: C5a, Mixed Use, Medium Density, Pedestrian Focus, Glanbrook Zoning By-law.

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PRESENT USE: 5 Single Detached Dwellings.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: 3070 Regional Road 56 is a 1 storey plus attic wood sided dwelling. House is vacant with all openings boarded up. Appears to be in poor condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24229 for photo.

3078 Regional Road a 2-storey brick dwelling. House is vacant with some openings boarded up. Appears to be in good condition. This property has an outstanding heritage item for photo documentation and salvage of feature which is expected to be a condition of Site Plan. See Appendix "A" to report PED24229 for photo.

3160 Regional Road 56 is a 1 storey wood sided dwelling. House is vacant with all openings boarded up. Appears to be in poor condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24229 for photo.

3168 Regional Road 56 is a 1 storey brick veneer dwelling. House is vacant with all openings boarded up. Appears to be in fair condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24229 for photo.

3190 Regional Road 56 is a 1 storey brick veneer dwelling. House is vacant with all openings boarded up. Appears to be in fair condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24229 for photo.

This land is located in Ward 11. Please see Appendix "B" to report PED24229 for a location map.

Since the houses at 3070 and 3160 Regional Road 56 are in poor condition staff are recommending that Council approve the demolition. However, since the houses at 3078, 3168 and 3190 Regional Road 56 are in fair to good condition, boarded up and secure, staff consider the application to be premature and are recommending that Council deny the demolition permits and that the owner comply with the Demolition

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Cultural Heritage Planning has been consulted and they stated that there is still an outstanding heritage item for photo documentation and salvage of features for 3078 Regional Road 56.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition of the houses at 3078, 3168 and 3190 Regional Road 56 the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue demolition permits for 3078, 3168 and 3190 Regional Road 56 in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24229 – Photos of Houses

Appendix “B” to Report PED24229 – Location Map

JMC:ll