

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Building Services Division*

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 13
<b>COMMITTEE DATE:</b> March 21, 2011	
<b>SUBJECT/REPORT NO:</b> Demolition Permit - 219 King Street West (Dundas) (PED11045) (Ward 13)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Maria Romano 905 546 2424 ext. 2722
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the Director of Building Services be authorized and directed to issue a demolition permit for 219 King Street West (Dundas) 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. The applicant has indicated that he will develop the property at a later date.

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 4***

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

**Financial:** Not applicable

**Staffing:** Not applicable

**Legal:** Not applicable

#### **HISTORICAL BACKGROUND (Chronology of events)**

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PRESENT ZONING: "RCC" – Residential and Commercial Conversion Zone

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: A recent inspection revealed that the building is a one and one half storey siding structure with a rear addition. In general, the building is in good condition.

This land is located in Ward 13. Please see attached location map shown as Appendix A to Report PED11045.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: 13.0 m x 38.4 m and having a lot area of 499.2 m<sup>2</sup>.

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

Keith Douglas Mann  
215 King Street West  
Dundas, ON L9H 1V6

**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 upon the demolition the owner intends to leave the land vacant for development at a later date. The neighbourhood is well established with an urban neighbourhood character. It should be noted that this property is located in an RCC (Residential and Commercial Conversion) zone and the purpose of this zone is to provide for residential development and the conversion of existing residential uses to office and service commercial-type uses. Therefore, without a successful zoning change or modification, the demolition of the dwelling would limit the permitted uses on the property to; a single detached dwelling, a

semi-detached dwelling, a duplex dwelling, a lodging house, a group home and accessory building to any of the permitted uses, subject to compliance with the applicable provisions of the by-law. 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 219 King Street West (Dundas) 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.

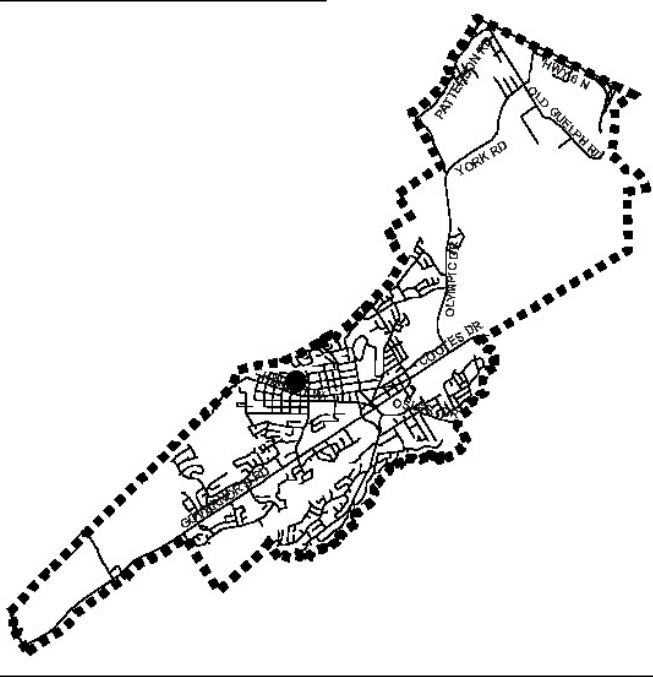
#### **APPENDICES / SCHEDULES**

Appendix "A": Location Map

:MR  
Attach (1)



● Site of the Application



Ward 13 Key Map

N.T.S. 

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
219 King St W/PED11045


**Date:**  
February 14, 2011

**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
MR/NB

**Subject Property**

 219 King Street West, Dundas