SUBJECT: Demolition Permit – 17 Park Street East (Dundas) (PED09036) (Ward 13)

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue demolition permits for 17 Park Street East (Dundas) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The owner of this property is proposing to demolish the existing one storey single family dwelling at the front portion of the property, a legally established non-conforming one storey townhouse building containing five (5) dwelling units at the rear of the property and detached accessory building (shed). The proposal, upon the demolition, is that five (5) single detached dwellings will be constructed on a private condominium road pursuant to a site-specific Zoning By-law which was recently approved by City Council. The applicant has submitted an application for Site Plan Approval (DA-08-152) which is scheduled for discussion at the Development Review Committee meeting of Wednesday, January 21, 2009. As of this date the required building permit applications have not been submitted for the replacement dwellings.

In light of the owner’s demonstrated commitment to the redevelopment of this property and given the fact that the greatest impact of the proposed demolitions is at the rear of this irregular shaped lot, it is not reasonable to impose conditions for replacement dwellings in this situation.
Further, the removal of the legally established non-conforming five (5) unit townhouse dwelling will bring the lands into conformance with the current zoning of the property and would not have a negative impact on the surrounding neighbourhood.

**BACKGROUND:**

**PRESENT ZONING:** RM1-FP/S-110
P5

**PRESENT USE:** Single Family Dwelling, a Legally Established Non-Conforming Five (5) unit One Storey Townhouse Building together with an accessory building (shed)

**PROPOSED USE:** Five (5) Detached Single Family Dwellings

**BRIEF DESCRIPTION:** A recent inspection revealed that the one storey single family dwelling of double brick construction is structurally sound, appears to be of very old construction with no recent updates/additions and is in fair condition. The one storey five (5) unit townhouse building of protected frame construction is structurally sound with no recent updates/additions and is in fair to poor condition. The detached accessory structure (shed) of protected frame construction is structurally sound and is in fair condition.

This land is in the York Heights neighbourhood and is located in Ward 13. Please see attached location map shown as Appendix A to Report PED09036.

No interest to the Hamilton Municipal Heritage Committee.

Lot size ± 14.6m x ± 82.7m

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

2125746 Ontario Inc.
7049 Twenty Road East
Hannon, ON L0R 1P0

**ANALYSIS/RATIONALE:**

N/A
ALTERNATIVES FOR CONSIDERATION:

Committee/Council may wish to consider approving the application and attaching the standard conditions. However, this may present some complications on how best to approach this option since two (2) buildings containing six (6) units in total are being replaced with five (5) buildings, each with one single unit. The standard $20,000 per unit penalty on six (6) units when Council has approved, in principle, the five (5) unit redevelopment would not be reasonable.

As mentioned earlier, the owner has demonstrated commitment to the redevelopment of this property by successfully rezoning the subject lands and submitting the required Site Plan Application (to be considered at the Development Review Committee on January 21, 2009); therefore it is not appropriate to impose the conditions for replacement dwellings in this situation.

Notwithstanding the aforementioned, should Committee/Council wish to impose the conditions, the following recommendation may be appropriate:

That the Director of Building Services be authorized and directed to issue a demolition permits for 17 Park Street East (Dundas) in accordance with By-Law 08-226 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 minimum of two (2) building permits for replacement buildings on this property (one building permit for each of the two buildings to be demolished);

(b) That the said building permits specify that the replacement buildings be erected within two years of the demolition of the existing buildings on this property;

(c) That the said building permits for the replacement buildings specify if such replacement buildings are not erected within the said two year time limit, that the City be paid the sum of $20,000 for each of the six (6) dwelling units to be demolished for a total of $120,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permits), 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 buildings are 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.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A
POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

N/A

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Replacing older dwellings with new construction will enhance and add to the stability of the neighbourhood.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No

Investment in Hamilton is enhanced and supported.

Redevelopment of this property with the construction of five (5) new single family dwellings will enhance the neighbourhood, provide additional taxes and curb urban sprawl.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

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Attach. (1)