SUBJECT: Demolition Permit – 181 Sherman Avenue North (PED09248) (Ward 3)

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 181 Sherman Avenue North in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended subject to the applicant applying for and receiving the proper planning approvals to permit the proposed development.

EXECUTIVE SUMMARY:

The owner of this property is proposing to demolish the existing single family dwelling in order to create a new parking lot and retain the existing accessory building located at the rear of the property. The current “H” (Community Shopping and Commercial) district permits the proposed public parking lot subject to compliance with Section 13C and Section 18A of the Hamilton Zoning By-law 6593.

The accessory building will be used for storage by the adjacent southerly property known as 177 Sherman Avenue North (City Kidz Play House Theatre). An accessory building on a lot without a principle building is contrary to Section 4 (3)(a) of the Hamilton Zoning By-law 6593. Therefore, the demolition of the existing dwelling will create a contravention of the Zoning By-law.
The required planning approval requirement as stated in the recommendation shall address the non-conformity of the accessory building located on the lot without a principle building and any other non-conformities of the proposed public parking lot.

The lands are subject to site plan control. As of this date an application has not been submitted for review.

**BACKGROUND:**

**PRESENT ZONING:** “H” (Community Shopping and Commercial)

**PRESENT USE:** Single family dwelling

**PROPOSED USE:** Parking lot

**BRIEF DESCRIPTION:** A recent inspection revealed the existing wood frame one storey single family dwelling with vinyl siding on the rear and sides and brick veneer on the front facing east is in a deteriorated state.

This property is in the Gibson neighbourhood and is located in Ward 3. Please see attached location map shown as Appendix A to Report PED09248.

No Hamilton Municipal Heritage Committee interest. Lot size 13.1m x 47.8m

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

Mike Pettigrew
430 McNeilly Road
Stoney Creek, ON L8E 5E3

**ANALYSIS/RATIONALE:**

The zone allows for a wide variety of commercial uses, including a building containing a combination of commercial and residential uses or reconstruction of a single family dwelling. Imposing conditions for a replacement residential use would unfairly limit the potential redevelopment of the property especially since the intended redevelopment plans do not include residential. Therefore, it is not appropriate to require that a building permit be issued for a replacement dwelling on the property or for reconstruction within a specific time frame in this situation.

**ALTERNATIVES FOR CONSIDERATION:**

Should the Committee wish to approve the demolition by imposing conditions for a replacement dwelling unit, then the following recommendation may be appropriate:
That the Director of Building Services be authorized and directed to issue a demolition permit for 181 Sherman Avenue North 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 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.

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

The proposed commercial use will support community needs.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Human health and safety are protected. A redeveloped property will improve the look of the neighbourhood while continue to provide essential needs.
Economic Well-Being is enhanced. ☑ Yes ☐ No

Investment in Hamilton is enhanced and supported.

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

VB:vb
Attach. (1)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 181 Sherman Avenue North_PED09248
Date: August 13, 2009

Appendix "A"

Subject Property

181 Sherman Avenue North

Ward 3 Key Map N.T.S.