Public Works Department
Corporate Assets and Strategic Planning Division

Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway at 640 Upper James Street, Hamilton (PW14010) – Ward 8

Public Works Committee – February 3, 2014

~Providing services that bring our City to life!
Outline of Presentation

- Overview of application
- Key Map and photographs
- Notification to Neighbouring Property Owners
- Notification to City Departments/Public Utilities
- Issues raised by Notification Process
- Evaluation of Application
- Aerial Drawing of Subject Lands
- Recap of staff recommendations
Overview

• The owner of 640 Upper James Street has applied to permanently close and purchase a portion of public unassumed alleyway abutting the property.

• The applicant advises that the closure and sale of the Subject Lands will address illegal dumping in the currently overgrown alleyway and possibly provide additional parking in the future.
Alley Closure – 640 Upper James Street, Hamilton

Key Map

Proposed alley closure at the rear of 640 Upper James St.
Photograph (Subject Lands)
Notification to Neighbouring Property Owners

- Notice was provided to the owners of the 53 properties within a 400’ (121.9 m) radius of the Subject Lands.
- There were 2 responses in support of the application.
- The owner of 636 Upper James Street provided a response in opposition to the application based on a concern that the closure would impede existing access. Staff attended the site and have determined that no change to the existing access will result from the proposed permanent closure and sale of the Subject Lands.
- No abutting property owners commented on the notice of the proposed closure and sale.
Location Map and Circulation Radius

Alley Closure – 640 Upper James Street, Hamilton
Notification to City Departments/Utilities

- Planning & Economic Development Department:
  - Development Engineering Division
  - Planning Division
  - Economic Development and Real Estate Division
  - Building Services Division

- Public Works Department:
  - Environmental Services Division
  - Transportation Division
  - Corporate Assets and Strategic Planning Division

- Community & Emergency Services Department

- Corporate Services Department:
  - Budgets and Finance Division

- The following were also notified of the proposal:
  - Wards 7 and 8 Councillors
  - Public Utilities: Bell, Hydro One, Horizon Utilities and Union Gas

Alley Closure – 640 Upper James Street, Hamilton
Issues raised through Notification Process

Planning and Economic Development

• Development Engineering commented that the closure and sale would “eliminate access for the adjacent residents to the remaining open portion of the subject alley exiting onto either Fennell Avenue East or Monarch Road.” However, as the owner of 636 Upper James will still have access to the alley from Fennell Avenue and as the rest of the alley is inaccessible due to the fact that it is overgrown, there will be no adverse impact on the area residents.
Building Services Division advises that “the alley is within two (2) districts. The westerly portion of the alley is within a residential “C” (Urban Protected Residential, etc.) district and the easterly portion of the alley is within the site-specific commercial “H/S-994” (Community Shopping and Commercial, etc.) district. The “C” portion of the alley does not permit commercial uses or a parking area related to a commercial use. Further, Section 18A(27) of Hamilton Zoning By-law 6593 states “No land in any residential district shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.” As such, a successful application for a rezoning maybe required for the portion of alley presently zoned “C”.
Evaluation of Application

Planning and Economic Development Concerns:

- The applicant will be required to apply for rezoning should the lands be proposed for parking in the future.
- This application cannot be submitted until the application for permanent closure and sale is approved.
Aerial Drawing Representing Proposed Closure and Sale
Summary of Recommendation

Staff is recommending that:

- The Subject Lands be permanently closed and transferred to the owner of 640 Upper James Street, Hamilton
Thank You

Andrew Grice
Manager of Policy and Programs
Corporate Assets and Strategic Planning