SUBJECT: Demolition Permit – 63 East 39th Street (PED09093) (Ward 6)

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 63 East 39th Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

EXECUTIVE SUMMARY:

The owner of this property is proposing to demolish the existing single family dwelling and construct a new Pioneer Gas Bar. Site Plan Application DA-08-131 received conditional approval at the Development Review Committee meeting of October 29, 2008 for the construction of an automobile service station, convenience store and mechanical car wash. The demolition of this dwelling is required in order to proceed with the development. Therefore it is not deemed to be appropriate to impose conditions for a replacement dwelling in this situation.

BACKGROUND:

PRESENT ZONING: “H”/S-1588 (Amending By-Law 08-208)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Pioneer Gas Bar
BRIEF DESCRIPTION: A recent inspection revealed that this is a one storey stucco and siding single family dwelling. The outside appearance, front and rear porches are in extremely poor condition. This land is located in the Raleigh Neighbourhood of Ward 6. Please see attached location map shown as Appendix A to Report PED09093.

No interest to the Hamilton Municipal Heritage Committee.

Lot size 12.1 m± x 30.4 m±

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

Andy Ferland
Claybar Contracting
424 MacNab Street
Dundas, Ontario

ANALYSIS/RATIONALE:

The property is located in a Community Shopping and Commercial District; The Site Plan approval (application # DA-08-131) is for an automobile service station, convenience store and mechanical car wash. The By-Law prohibits separate residential uses on lands containing any other main use; and, to apply the conditions for a replacement dwelling would create a contravention of the Zoning By-Law. Furthermore, the removal of a dwelling will not have an adverse effect as in an established neighbourhood. Therefore, the removal of this dwelling will be required to proceed with the development of the commercial use on site.

ALTERNATIVES FOR CONSIDERATION:

As mentioned earlier, it is not deemed to be appropriate to impose conditions for a replacement dwelling in this situation since the demolition of the existing dwelling is required in order to proceed with the development of the Pioneer Gas Bar, and said requirement would unfairly limit the permitted uses for the property.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:
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 an older dwelling with new construction will enhance and add to the stability of the neighbourhood.

**Environmental Well-Being is enhanced.**  ☑ Yes  ☐ No
Human Health and safety are protected.

The demolition of this deteriorated building reduces risk of possible accidents that could occur on the property.

**Economic Well-Being is enhanced.**  ☑ Yes  ☐ No
Investment in Hamilton is enhanced and supported.

Redevelopment of this property with the construction of a new Pioneer Gas Bar will provide additional taxes to the municipality and provide opportunities for employment.

**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

MR:mr
Attach. (1)