Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Services Division

<table>
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<tr>
<th>TO:</th>
<th>Chair and Members Planning Committee</th>
<th>WARD(S) AFFECTED: WARD 7</th>
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<td>COMMITTEE DATE:</td>
<td>November 8, 2011</td>
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<tr>
<td>SUBJECT/REPORT NO:</td>
<td>Demolition Report - 1354 Upper Sherman Avenue (PED11186) (Ward 7)</td>
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| SUBMITTED BY: | Tim McCabe  
General Manager  
Planning and Economic Development Department | PREPARED BY: Victoria Brito 905-546-2424 Ext. 7628 |
| SIGNATURE: |                                       |

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 1354 Upper Sherman Avenue, Hamilton, 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, in order to implement the development of sixteen (16) townhouse units fronting on a private road.

The current “AA” (Agricultural) district does not permit the intended townhouse development. In order to permit the proposed use, a successful rezoning application is required to take place. Accordingly, the applicant has made a rezoning application to The Development Planning (West) Section of the Planning and Economic Development Department and it is currently being reviewed. Based on the application details, the applicant is proposing to rezone the subject lands to a modified “RT-20” (Townhouse – Maisonette) district. The proposed townhouse dwelling development is permitted in the proposed modified “RT-20” (Townhouse – Maisonette) district and is a suitable residential replacement.

Should a successful rezoning of the lands be granted, the lands are subject to the Site Plan Control process at which time the applicant will be required to make application to The Development Planning (West) Section of the Planning and Economic Development Department prior to the issuance of a building permit.

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 a 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 new dwelling 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 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**

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<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
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**HISTORICAL BACKGROUND** (Chronology of events)

- **PRESENT ZONING:** AA (Agricultural)
- **PRESENT USE:** Single Family Dwelling
- **PROPOSED USE:** Vacant but intended for a development consisting of sixteen (16) block townhouse units fronting on a private road.

**BRIEF DESCRIPTION:** A recent inspection revealed that the one storey brick veneer and metal sided single family dwelling is structurally sound but is in fair condition. **NOTE:** The above inspection information is based on a cursory exterior inspection only.

There are no existing accessory structures located on the property.

This land is in the Rushdale neighbourhood and is located in Ward 7. Please see attached location map shown as Appendix “A” to Report PED11186.

No interest to the Hamilton Municipal Heritage Committee.

Lot size 30.4m x 121.9m and having a lot area of 3706.3m$^2$.

The owner of the property as per the demolition permit application is:
Gino Malesta  
Malesta Brothers Construction Company Limited  
161 Reid Avenue South  
Hamilton, ON L8K 3V4

**POLICY IMPLICATIONS**

Not applicable.

**RELEVANT CONSULTATION**

The Development Planning (West) Section of the Planning and Economic Development Department has advised that a re-zoning application (ZAC-11-050) has been made.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(Include Performance Measurement/Benchmarking Data, if applicable)

While the present single family dwelling is in fair condition, the applicant has advised that the dwelling is vacant and that all utilities have been disconnected making it difficult to obtain proper insurance coverage on this property. The applicant is proposing to demolish this single family dwelling and leave the property vacant only until such time that all required approvals have been granted from The Development Planning (West) Section of the Planning and Economic Development Department for the proposed block townhouse development.

Should the rezoning application not have a positive outcome, imposing the conditions for a replacement are deemed appropriate in order to prevent a vacant lot from occurring within the existing urbanized neighbourhood.

**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 1354 Upper Sherman Avenue, Hamilton in accordance with By-law 09-208 pursuant to Section 33 of The Planning Act as amended.
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CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Growing Our Economy

- Investment in Hamilton is enhanced and supported.
- Redevelopment of this property with the construction of a townhouse dwelling development 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

::VB
Attach (1)
Appendix A to Report PED11186
Page 1 of 1

Location Map

File Name/Number: PED11186_1354UpperShermanAve
Date: October 8, 2011
Appendix "A"
Scale: N.T.S.
Planner/Technician: VB/KA

Subject Property

1354 Upper Sherman Avenue

Ward 7 Key Map N.T.S.