TO: Chair and Members Planning Committee
WARD(S) AFFECTED: WARD 8

COMMITTEE DATE: September 7, 2011

SUBJECT/REPORT NO:
Demolition Report - 631 Rymal Road West, Hamilton (PED11151) (Ward 8)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Kim Roberts 905-546-2424, ext. 2581

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 631 Rymal Road West, 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, together with accessory buildings, in order to accommodate redevelopment of the property that will occur in conjunction with the adjacent Parkside Courts Draft Plan of Subdivision (File # 25T-95001). The applicant indicates that demolition of the dwelling is necessary to the project at this time as the property will be serviced in tandem with the Parkside Courts Subdivision. A suitable replacement dwelling is proposed in the future and is intended to be designed to meet either the requirements of the “B” district or another zoning district which may result from a future rezoning application to be brought forward by the applicant. The applicant has recently been granted a consent application (File No. HM/B-11:53) to sever a rear vacant parcel (shown as Part 2 on attached Appendix B) which is to be added to the adjoining Parkside Courts Draft Plan of Subdivision and to retain two parcels of land; one vacant parcel (shown as Part 3 on attached Appendix B) which is also to be added to the adjoining Parkside Courts Draft Plan of Subdivision and the second retained parcel (shown as Part 1 on attached Appendix B) which contains the existing single family dwelling known as 631 Rymal Road West. The present “B” district allows for the reconstruction of a single detached dwelling subject to compliance with the zone provisions.

It is staff’s opinion that while redevelopment of the property (once the severance has been finalized) in conjunction with the adjacent draft plan of subdivision might be convenient for servicing purposes, this parcel will not be tied to the subdivision.

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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<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
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<tbody>
<tr>
<td>Financial: Not applicable</td>
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<td>Staffing: Not applicable</td>
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<td>Legal: Not Applicable</td>
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<th>HISTORICAL BACKGROUND (Chronology of events)</th>
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<td>PRESENT ZONING: B and C</td>
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<td>PRESENT USE: Single Family Dwelling</td>
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<td>PROPOSED USE: Vacant but intended for a future single family dwelling</td>
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<td>BRIEF DESCRIPTION: A recent inspection revealed that the one storey brick veneer and aluminum 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.</td>
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There are four existing accessory structures which are metal sheds.

This land is in the Carpenter neighbourhood and is located in Ward 8. Please see attached location map shown as Appendix "A" to Report PED11151.

No interest to the Hamilton Municipal Heritage Committee.

Existing lot size 22.86m x 140.8m and having a lot area of 2,986m²; however, once Consent Application HM/B-11:53 is final and binding the lot size will be 22.86m x 85.36m and have a lot area of 1,950.4m².

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

Anthony DiCenzo
DiCenzo Construction Company Limited
205 Quigley Road, Unit 2
Hamilton, ON L8W 5M8
POLICY IMPLICATIONS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The present single detached dwelling is in fair condition and the applicant is proposing to demolish this single family dwelling and leave it as a vacant lot so that it can be developed at the same time as the adjoining Draft Plan of Subdivision. The neighbourhood is well established with an urban character. To prevent a vacant lot from occurring within the existing neighbourhood the imposition of conditions for its replacement are deemed appropriate. Should the dwelling be demolished without conditions, the existing accessory structures will be required to be demolished, removed or obtain a successful application for minor variance to allow these structures to remain where there is no principal residential use.

ALTERNATIVES FOR CONSIDERATION:

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 631 Rymal Road West, Hamilton in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act as amended.

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 new single family dwelling 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
- Appendix “B”: Severance Sketch

:KR
Attach (2)