



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 7
COMMITTEE DATE: December 4, 2012	
SUBJECT/REPORT NO: Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18 th Street (Hamilton) (PED12239) (Ward 7)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Delia McPhail (905) 546-2424 Ext. 6663
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAC-11-002, by 2110044 Ontario Inc. (Concession Medical Pharmacy) and Rita Corsini, Owners**, for changes in zoning from the “H” (Community Shopping and Commercial, Etc.) District to the “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Blocks 1 and 2); from the Neighbourhood Institutional (I1) Zone to the “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Block 3); from the “H” (Community Shopping and Commercial, Etc.) District to the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 4 and 5); from the Neighbourhood Institutional (I1) Zone to the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Block 6); and from the “C” (Urban Protected Residential) District to the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 7 and 8), to permit the establishment of a public parking lot for the existing commercial buildings, with site-specific parking requirements, on lands located at 438, 444, 446, and 450 Concession Street; and to permit the retention of the existing dwelling

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on lands located at 18 East 18th Street (Hamilton), as shown on Appendix “A” to Report PED12239 on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the amending By-law, attached as Appendix “B” to Report PED12239, be added to District Map Nos. E-15 and W-14 of Zoning By-law No. 6593.
- (c) That the Draft By-law, attached as Appendix “C” to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (d) That the lands referred to in the amending By-law, attached as Appendix “C” to Report PED12239, be removed from Map No. 1039 of Schedule “A” of By-law 05-200.
- (e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is to amend City of Hamilton Zoning By-law Nos. 6593 and 05-200, to provide consistent zoning in recognition of the existing commercial uses and the parking area on the subject properties, and to retain the existing single detached dwelling for residential purposes. It is recommended that an ‘H’ Holding provision be added to the proposed site-specific zoning to ensure that a site plan is approved for the proposed parking arrangement to be provided on site.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, Hamilton-Wentworth Official Plan, and City of Hamilton Official Plan.

Alternatives for Consideration - See Page 19.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for approval of a change in Zoning.

HISTORICAL BACKGROUND

Concession Medical Pharmacy owns two of the three properties, and leases space on the third (444 Concession Street). The uses of the properties have evolved over time and are now used for the following: a hair salon and hearing aid clinic operating from the ground floor of the building located at 438 Concession Street; two doctor's offices, physiotherapy and a pharmacy operating from 444 and 446 Concession Street; a naturopath clinic and the pharmacy utilizing space for staff rooms and laboratory within 450 Concession Street, and a dwelling unit located within the single detached dwelling located on the same property (18 East 18th Street).

In 2007, the Committee of Adjustment permitted 437m² of medical offices within both 446 and 450 Concession Street with the provision of only 3 parking spaces and 5 parking spaces, respectively, with the stipulation that ownership between the two lots be merged in title, and that access be guaranteed through a right-of-way over 450 Concession Street.

On July 21, 2008, the existing dwelling located at 18 East 18th Street was purchased by the pharmacy to accommodate additional parking space for the commercial uses. Without the zoning permission and grading approvals to do so, the applicants expanded the parking area at the rear of the subject lands with a gravel surface, which caused flooding on adjacent residential properties. Drainage easements and reciprocal agreements for access were established through Consent Applications (HM/B:10-167, HM/B:10-168, and HM/B:10-169) for the installation of catch basins to eliminate the drainage issues. As a condition of the consent approvals, the applicant was required to obtain any necessary variances to the Zoning By-law, as determined necessary by the Building Services Division. It was determined by Building Services staff that variances would not be required to implement the consents and, as a result, the consent applications were finalized on May 25, 2011 (see Appendix "D"). However, it was identified that parking and loading requirements for the subject lands would need to be addressed through the submission of a separate rezoning application.

The subject application, as submitted, was to legalize the parking area and provide additional commercial uses by providing uniform commercial zoning across the subject properties. Following staff review of the original submission, three alternative concept plans were provided by the applicants, and the application has been further amended to the current proposal (see Appendix "E"), which effectively recognizes the existing uses, the parking area, and the retention of the existing dwelling at 18 East 18th Street for residential purposes.

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Chronology:

- January 10, 2011: Zoning By-law Amendment Application received.
- February 9, 2011: Application was deemed incomplete because an Archaeological Assessment had not been submitted, as per requirements of Formal Consultation Document FC-10-088.
- March 18, 2011: Applicants submitted a Letter of Commitment to undertake an archaeological investigation at the time of installation of required storm sewer.
- March 25, 2011: Staff accepted the Letter of Commitment, and the rezoning application was deemed complete.
- April 14, 2011: Application was circulated.
- April 14, 2011: Circulation of Notice of Complete Application ZAC-11-010 to all residents within 120m of the subject lands.
- April 21, 2011: Public Notice Sign was posted.
- May 25, 2011: Consents for drainage easement and access to parking area became final.
- August 2011: Archaeological monitoring conducted during the installation of storm sewer.
- September 2, 2011: Applicants amended application to propose phased approach to redevelopment of parking area (retention of existing, followed by removal at a later date).
- September 29, 2011: Minor Site Plan Application received and deemed premature by Planning staff.
- October 7, 2011: Archaeological Assessment (monitoring report) received.
- February 29, 2012: Application amended to retain existing dwelling for office purposes only.
- May 22, 2012: Applicants further amended the application to retain the existing dwelling for residential purposes.

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September 14, 2012: Applicant provided details concerning the existing uses, including gross floor area calculations.

November 5, 2012: Sign was updated to reflect Planning Committee Date.

November 16, 2012: Notice of Public Meeting was circulated to residents within 120m of the subject lands.

Details of Submitted Application

Owners: 2110044 Ontario Inc. (c/o Jennifer Hudecki)
Rita Corsini

Agent: IBI Group (Matthew Johnston)

Location: 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton)

Description: Frontage: 110.1m
Depth: 43.6m
Lot Area: 4,330.3m²

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Mixed-Use Buildings and Single Family Dwelling	“H” (Community Shopping and Commercial, Etc.) District, “C” (Urban Protected Residential, Etc.) District, and Neighbourhood Institutional (I1) Zone
<u>Surrounding Lands:</u>		
North	Single Detached Residential and Commercial	“H” (Community Shopping and Commercial, Etc.) District
South	Single Detached Residential	“C” (Urban Protected Residential, Etc.) District

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East	Public Elementary School	Neighbourhood Institutional (I1) Zone
West	Commercial	"H" (Community Shopping and Commercial, Etc.) District

POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with those policies that promote efficient development and land use patterns, including Policy 1.1.1, which states that:

"Policy 1.1.1 Healthy, liveable, and safe communities are sustained by:

- (a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- (c) Avoiding development and land use patterns, which may cause environmental or public health and safety concerns."*

The application is in keeping with Policy 1.1.3.1, which identifies Settlement Areas as being the focus of growth and regeneration, as well as Policy 1.1.3.4, which promotes appropriate development standards which facilitate intensification and redevelopment and compact form, while maintaining appropriate levels of public health and safety.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to be consistent with the policies that manage growth and direct general intensification to the built-up areas, as per the Policies contained in Sections 2.2.2 and 2.2.3.

Accordingly, the proposal conforms to the Growth Plan, in that it provides a compatible mix of land uses to support vibrant neighbourhoods through an appropriate transition of built form to adjacent residential areas.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, as defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Policy C-3.1.1 states that a compact higher density urban form, with mixed-use development along corridors, best meets the environmental, social, and economic principles of sustainable development. The portion of Concession Street where the subject properties are located is identified as a High Density Mixed-Use Corridor, and mixed forms of development within an Urban Area is preferable to widespread, low density residential development, and scattered rural development.

“C-3.1.1.6 *Each centre or corridor will:*

- (a) *Have a range of residential, commercial, retail, institutional, and related employment opportunities, which is appropriate for its size and function;*
- (b) *Be relatively self-contained to reduce the need for commuting;*
- (c) *Have a full range of housing types to provide opportunities to live/work in the same community;*
- (d) *Be easily accessible to public transit and provide for good internal pedestrian movements;*
- (e) *Provide an identity for the Area Municipality and a focus for local activity; and,*
- (f) *Permit various combinations of retail, residential, institutional, and commercial uses in individual buildings within corridor designations.”*

The proposal conforms to the Hamilton-Wentworth Official Plan by directing growth to the Urban Area and providing a mixed-use development in support of the Concession Street Corridor.

Hamilton Official Plan

As shown on Schedule “A” - Land Use Concept, the “Commercial” designation extends in a linear fashion along both sides of Concession Street. Although it is the intent of the Official Plan Designation to capture those properties fronting onto Concession Street within the “Commercial” designation, a portion of the lands on which the proposed parking lot is to be located fall within both the “Commercial” and “Residential” designations. Sub-section D.8.2 of the City of Hamilton Official Plan acknowledges that the boundaries between classes of land uses are not intended to form the exact limits of any land use or policy. Minor adjustments may be made in respect of such boundaries by way of Zoning By-law Amendment without the necessity of an Official Plan Amendment, so long as the Zoning By-law conforms with the general intent and purpose of the Plan. On this basis, the subject lands have been determined to fall within the “Commercial” designation on Schedule “A” of the Hamilton Official Plan and, as such, it is the general intent of the Plan that development occurs in an orderly manner, consistent with the needs of the community.

This area of Concession Street is identified as an Arterial Road on Schedule “F” and, under Policy 2.2.14, may be categorized under the term “Extended Commercial”; more specifically, “Ribbon” Commercial, as Commercial uses in the area are located on smaller lots, serving residents and pedestrians in the vicinity, as stated in the following Policy:

- “A.2.2.14 *The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:*
- i) “Ribbon” Commercial uses on smaller lots serving predominately residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.”*

The proposed development, which seeks to provide for commercial uses in an existing Institutionally zoned portion of the site, as well as to provide additional parking for the existing uses, is considered to meet the intent of this Policy.

As detailed in the application, the retention of the residential uses within the subject lands, as well as the balance of existing residential to the south of the lands, triggers the review of the application against Policies A.2.2.17, A.2.2.1 (i) (c), and C.7, below.

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“A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies, as set out in this Sub-section.”

Given that the residential use currently exists, and does not limit the functionality of the site, the above Policy has been satisfied.

“A.2.2.1 In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

- i) Residential uses subject to the following provisions:*
 - a) Access drive and parking will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;*
 - b) Any impacts emanating from adjacent COMMERCIAL USES, which will detract from the amenity of the Residential Use, will be minimized;*
 - c) In the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component, and be physically separated from the COMMERCIAL component and associated customer parking areas; and,*
 - d) Satisfy the provisions of Sub-sections A.2.1 and C.7.”*

With respect to Policy A.2.2.1 (c) above, the proposal includes the retention of the existing dwelling and a portion of the rear yard for residential purposes. As detailed in the Analysis/Rationale section of this Report, staff is satisfied that sufficient amenity space will be provided, which is appropriately buffered from the Commercial component. Therefore, the proposal complies with this policy.

The intent of the Residential Use Policies of Sub-section A.2.1 and Residential Environment and Housing Policies of Section C.7 are to ensure that the demands for varied residential styles and densities are accommodated, and that redevelopment is appropriately located and compatible with the character of the existing neighbourhood. Policy C.7.3 (xi) also encourages the rehabilitation and renovation of existing dwellings as an alternative to demolition.

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“C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- (i) Encourage the maintenance, renovation, and rehabilitation of RESIDENTIAL properties, subject to the provisions of Sub-section C.5;*
- (xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area...”*

Staff has considered the appropriateness of the retention of the existing dwelling within the context of the surrounding neighbourhood, and has concluded that the dwelling appears to have been well maintained, in accordance with property standards within Sub-section C.5; the residential streetscape along East 18th Street will be maintained and, therefore, the retention of the dwelling is more appropriate than demolition, in keeping with the policies stated above.

In assessing the merits of the expansion of the existing parking area, Policy A.2.2.19 must also be complied with:

“A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and on Arterial Roads identified on Schedule "F".”

Staff considers the proposal to be an appropriate consolidation of the commercial uses on the subject lands, so as to ensure the viability of this portion of Concession Street and East 18th Street, which does not indiscriminately extend into the stable residential neighbourhood to the south, and which provides appropriate buffering and sufficient parking spaces, in accordance with Policy A.2.2.19, above.

The subject application maintains the intent of Policy 2.2.22 through the retention of the existing commercial buildings which complement the scale and character of businesses along Concession Street, and by encouraging redevelopment improvements, through appropriate landscaping and the coordination of local business interests, to achieve the policy goals set out in the Official Plan. The proposed parking area is accessible from the main thoroughfare through the alleyway, and seeks to provide adequate off-street

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parking that will not adversely impact the adjacent residential areas, as provided in Policy 2.2.24.

The general provisions for commercial uses, found in Policies 2.2.34 to 2.2.40, stress the importance of a well-conceived site design to ensure that the said uses are screened and buffered such that noise, light, or undesirable visual impacts are mitigated, and that adequate parking and loading space is provided. In particular, Policy A.2.2.38 states:

“A.2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent, to the satisfaction of Council, that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.”

The proponent has identified that the existing commercial uses currently operate without a loading space and will not require such a space through the redevelopment of the site. The parking relief being sought for the medical use amounts to the reduction of 10 parking spaces which, as discussed further in the Rationale/Analysis section of the Report, is not considered to create ‘nuisances’ on the land or adjacent streets. Furthermore, as detailed in the Historical Background section of this Report (Page 3), previous Committee of Adjustment applications established a parking ratio for the medical uses at a rate of 1 per 54m² and, as such, the additional parking areas proposed through this application will serve to improve this ratio to 1 per 25m².

Sub-section B-3.3 of the Official Plan provides that public and private parking should be efficiently designed, and access points be shared by similar adjoining uses, so as not to interfere with the safe movement of traffic on major roads.

“B.3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms, or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby.”

As stated earlier, the subject proposal concerns the legal establishment of an existing unpaved parking area, among other matters, and it is through this rezoning and subsequent Site Plan process that the parking area will be paved, thereby upholding Policy B-3.3.6, above. Landscaping, fencing, and tree planting will also be secured through the Site Plan process to enhance the physical appearance of the site and mitigate potential impacts on surrounding lands.

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Based on the foregoing, the proposal conforms to the Hamilton Official Plan.

New Urban Official Plan

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and was approved, with modifications, by the Minister of Municipal Affairs and Housing on March 16, 2011. A number of appeals have been filed with the Ontario Municipal Board; therefore, the plan is not yet in effect.

The subject lands are designated “Mixed-Use - Medium Density” on Schedule E-1 of the Urban Hamilton Official Plan, and Section E.4.6 includes policies that permits range of residential, commercial, and institutional uses intended to serve the surrounding community at a moderate scale (generally 6-storeys in height). Such uses shall be provided in single or mixed-use buildings, and include retail sales and personal services; and development applications shall be encouraged to provide a mix of uses on the site.

Concession Street is shown as a Minor Arterial on Schedule C of the Urban Official Plan, and is further identified as a pedestrian predominant street, which is intended to provide an environment which creates a sense of place for residents and visitors. The proposed parking area and change of use from “Institutional” to “Commercial” for 450 Concession Street is considered to meet this general intent.

With regard to parking, staff has considered the following Policy:

“E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

Based on the above, the reduction in required parking for the existing uses is considered to be in keeping with the above Policy direction, particularly given the number of transit options available to service the site. The proposal will also permit greater landscaping and buffering for adjacent properties, while still maintaining sufficient parking on-site.

Based on the foregoing, the application would conform to the new Urban Hamilton Official Plan.

RELEVANT CONSULTATION

Agencies/Departments Having No Comments/Objections

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Recreation Division, Community Services Department.
- Forestry and Horticulture Section, Public Works Department.
- Waste Management Division, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Bell Canada.
- Horizon Utilities.

Traffic Engineering Section (Public Works Department):

According to Department records, the north-south alley between the properties is public un-assumed and, therefore, the City of Hamilton cannot guarantee access to/from Concession Street. Comments also included the provision of sufficient vehicle manoeuvring to be provided on-site, appropriate signage, fencing, etc., which have been considered through the revisions to the concept plan submitted with this rezoning application, but will be reviewed in greater detail at the Site Plan Stage of development.

Hamilton Municipal Parking System:

Staff has reviewed the revised concept plan and has expressed concern with the removal of parking spaces. The applicants should ensure that all existing and future parking requirements are met on-site.

As discussed in the Analysis/Rationale section of this Report, the parking requirements are considered to have been satisfied on site.

Urban Renewal Section:

The subject properties along Concession Street are located within the Concession Street BIA. Staff recommends a parking layout that addresses an appropriate number of parking spaces, as well as adequate landscape strip/buffering between the parking area and the abutting residential properties. Following subsequent review and redesign of the site, Planning staff is satisfied that the proposal successfully achieves the balance between parking and landscaping in order to address the commercial demands of the properties without sacrificing the existing residential environment.

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Growth Management Division:

The subject property is fully serviced by existing watermains and combined sewer along both Concession Street and East 18th Street adjacent to the site. The required re-surfacing and extension of the existing parking area, as well as an updated SWM Brief, will be required at the Site Plan Stage of development. Road widening is not required at the present time.

Public Consultation

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, a Preliminary Circulation was sent to 221 property owners within 120m of the subject lands on April 14, 2011, and a Public Notice sign was placed on the property on April 21, 2011. The Public Notice sign was removed during the installation of a new sign advertising one of the businesses on the subject property; however, it was reinstalled on October 2, 2012, and was updated on November 5, 2012 to reflect the Public Meeting date. In response to the preliminary notice of circulation, one letter requesting additional information was received from a local business owner (see Appendix "F").

Staff replied upon receipt of the correspondence, and clarified that the proposal did not involve any change to the existing buildings/structures on the site, but that the existing gravel parking area would be improved with appropriate storm sewers and paving at the Site Plan Stage of development. Staff advised that it was the need to provide consistent zoning on the subject property that prompted the subject rezoning application. At the time, staff advised that the existing dwelling was to be removed, however, the proposal has since been changed to retain the dwelling for residential purposes, and the writer has been informed of the said change to the proposal.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and Hamilton Official Plan; and,
 - ii) It is compatible with the type and form of development in the surrounding neighbourhood.

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2. The subject lands are located at the southwest corner of the intersection of Concession Street and East 18th Street, within the Concession Street Business Improvement Area. Commercial businesses front along Concession Street within the neighbourhood block, with the exception of residential dwellings scattered along the north side of the street, across from the subject property. Although 440 Concession Street has no residential component, the property further to the west, known as 432-436 Concession Street, contains a dwelling unit on the second floor. An elementary school is located on lands to the east, and existing residential dwellings are located to the south of the subject property. Three bus transit routes connect the subject property to the downtown and the broader mountain area.

A public un-assumed alleyway bisects the subject lands and continues along the length of the rear of the residential properties to the south; however, evidence of its continuation is not present on the ground since fences have been erected and rear yards have encroached into the right-of-way. Although the alleyway creates two separate parcels of land, the site itself is otherwise contiguous and functions, in principle, as a single site for the purpose of parking. Consequently, one By-law to deal with both parcels of land has been considered appropriate.

3. As briefly discussed in the Historical Background Section of this Report, 450 Concession Street was once legally recognized as a church. The subject lands were, therefore, identified for inclusion for the City-Wide implementation of the Institutional Zones for Hamilton Zoning By-law 05-200. However, it has been the intention of the applicants to consolidate the lands for commercial purposes since the institutional use ceased a few years ago. The subject application will rezone 450 Concession Street from the Neighbourhood Institutional (I1) Zone to the Modified "H" (Community Shopping and Commercial, Etc.) District, which effectively restores the previous zoning ("H" District), and more appropriately, will recognize the existing medical office as a permitted use.
4. After a number of renditions, the Concept Plan (see Appendix "E") has been brought forward by the applicants, and it includes the retention of the existing commercial buildings fronting Concession Street, the paving of the parking area at the rear, and the retention of the residential dwelling on East 18th Street for a dwelling unit. Applying the general "H" (Community Shopping, Etc.) District to the entire subject lands could result in the redevelopment of the lands, with additional commercial buildings closer to the existing residential properties. What could also result is the establishment of other commercial uses that have different land use requirements (i.e. parking or loading). Instead, staff recommends applying the "G-3/S-1656" (Parking Lots, Etc.) District, Modified, to the parking area, in order to ensure that the lands retain the intended purpose of providing required parking for the existing commercial uses that will be

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recognized through the site-specific “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified.

Staff included a provision in the draft By-law which states that, for the purposes of the By-law, the commercial buildings located at 444 - 450 Concession Street shall be considered one lot. Such a provision thereby allows the commercial uses regardless of property lines (i.e. storage, staff room, etc.). In order to improve site functionality, the owners had purchased additional lands (18 East 18th Street) to alleviate a recognized parking deficiency, notwithstanding the previous relief to the By-law provisions that were granted by the Committee of Adjustment, which allowed the medical uses to operate at a parking rate of 1 per 54m² (see Historical Background Section, above). The draft By-law, attached as Appendix “B”, which now provides a parking ratio of 1:25m² (or 18 parking spaces) for the existing medical office uses, and the overall provision of 21 parking spaces for all the existing commercial uses on site, achieves an acceptable balance between maximizing the total number of parking spaces that could be physically accommodated on the site with the provision of an appropriate parking arrangement within the context of the residential environs.

Furthermore, parking would not be a requirement for the subject lands in the future should the Pedestrian Predominant Commercial (C7) Zone, which is intended to apply to lands within the City’s Business Improvement Areas, be implemented as currently drafted. The existing commercial uses currently operate without a loading space and, with no planned change in operation, staff can support the removal of the said requirement, particularly as it would allow for additional landscaping and parking, which is more critical to the functionality of the site.

Also included in the proposed site-specific “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, Zoning is the provision of required parking and manoeuvring on another lot within the “G-3/S-1656” (Parking Lots, Etc.) District, Modified. Furthermore, the requirement to have an agreement registered on title will ensure the provision of parking in perpetuity, despite any future changes in ownership of the subject lands.

Finally, it is noted that only a medical office use, which is specified in the amending By-law is subject to reduced parking requirements. As it is through the Building Permit process that a change of use is established, the existing uses shall be subject to the issuance of a Change of Use Permit to become legally recognized. Any other use permitted within the “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, will be subject to the standard parking provisions identified in Section 18A (1) and Table 1 of Hamilton Zoning

SUBJECT: Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) - Page 17 of 20

By-law 6593, and shall be subject to the issuance of a Change of Use Permit to establish the use.

The following modifications to the “G-3” (Public Parking, Etc.) District are proposed.

“G-3” District Provisions	Required By Hamilton Zoning By-law 6593	Proposed Modifications
Prohibited Uses [Section 4 (3) (a)]	No building can be used for residential purposes on a lot that contains another building which is not an accessory building.	The existing building together with an amenity area of 77 m ² may be used for residential purposes.
Permitted Uses [Section 13C (1)]	Only a parking area, one shelter for parking attendant, and directional signs are permitted.	Only a parking area, directional signs, and a single family dwelling within the existing building are permitted.
Shelter Requirements for Parking Attendant [Section 13C (1) (ii)]	One building for use only as a shelter for attendants in charge.	Shall not apply.
Landscaping Requirements [Section 13 C (4) (ii)]	An area landscaped with a planting strip of not less than 1.5 m in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use.	Shall not apply along the northerly boundary of the residential use within the building known as 18 East 18 th Street nor the westerly boundary adjacent the residential use existing within the building known as 436 Concession Street.
Number of Parking Spaces for Dwelling [Section 18A (1) (a)]	2	0
Dimensions of Parking Spaces [Section 18A (7)]	2.7 x 6.0m	2.6 x 5.5m (As per By-law No. 05-200)

SUBJECT: Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) - Page 18 of 20

“G-3” District Provisions	Required By Hamilton Zoning By-law 6593	Proposed Modifications
Location of Required Parking [Section 18A (9)]	Required parking space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building, or structure is located.	Required parking space and manoeuvring space may be provided on another lot within the “G-3/S-1656” (Public Parking Lots) District.
Setback of Parking Area Containing 5 or more Parking Spaces from the Street [Section 18A (11) (b)]	Not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0m of a residential district (6.0m).	Parking area shall be located a minimum of 3.0m from the street line adjacent to East 18 th Street.

The proposed modifications to the “G-3” (Public Parking, Etc.) District are intended to ensure that the streetscape is maintained and that appropriate buffering is incorporated into the site design, so as to mitigate potential impacts on the adjacent residential uses. As stated earlier, the setback of the parking area from the street (East 18th Street) is consistent with the parking provisions in Hamilton Zoning By-law 05-200, and the landscaping requirements are intended to maximize the area of the planting strip, which is intended to act as a buffer between the parking area and the adjoining residential district.

Through the evaluation of this mixed-use development, staff has deemed it appropriate to apply the “G-3/S-1656” (Public Parking Lot, Etc.) District to lands that comprise the existing dwelling and associated amenity area, and to recognize the residential use as a permitted use within the existing dwelling as it is the applicant’s intention to continue the said use. The existing dwelling would be afforded a minimum amenity area of 77m², which is considered comparable to the standard 90m² that would be achieved through the minimum lot width and rear yard requirements of the Residential “C” District and, as such, staff is satisfied that the retention of the dwelling is appropriate and would provide a suitable residential environment.

SUBJECT: Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) - Page 19 of 20

Notwithstanding this, staff notes that when the existing dwelling is removed, permission to have a residential use will cease, and the lands may be used only for parking.

5. The applicants have submitted a Site Plan application for the approval of the re-surfacing and extension of the existing parking area. However, the application has not been circulated because staff deemed it premature until such time as the subject rezoning application has been approved. At the Site Plan Stage of development, the requirement for stormwater management, site manoeuvring, and landscaping will be considered in greater detail. Following the finalization of the site plan, the applicant will be able to apply for and receive Change of Use Permits to recognize the existing uses.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the applicants must remove the expanded parking area (i.e. return the area to a grassed surface and continue to use the lands in accordance with those uses permitted in the “H” (Community Shopping and Commercial, Etc.) District, the “C” (Urban Protected Residential, Etc.) District, and the Neighbourhood Institutional (I1) Zone, which provides for a range of residential, commercial, and institutional uses.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Healthy Community

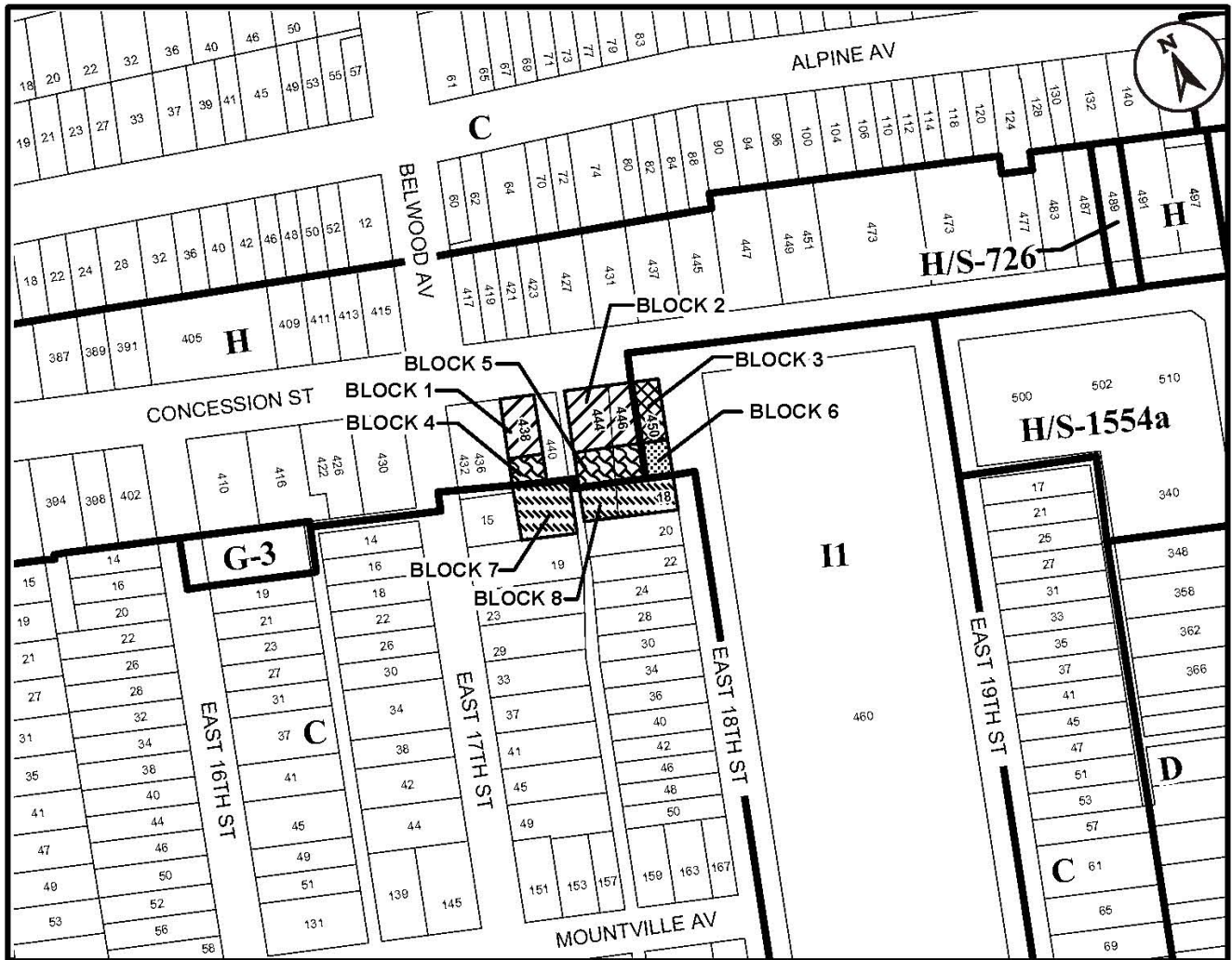
- ◆ An engaged Citizenry.
- ◆ Plan and manage the built environment.

SUBJECT: Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) - Page 20 of 20

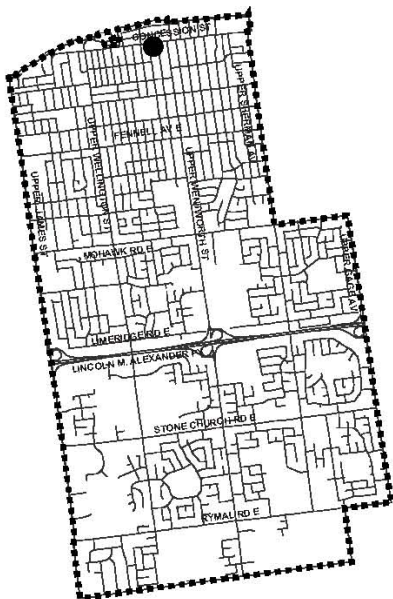
APPENDICES

- Appendix “A”: Location Plan
- Appendix “B”: Draft Zoning By-law Amendment (By-law 6593)
- Appendix “C”: Draft Zoning By-law Amendment (By-law 05-200)
- Appendix “D”: Committee of Adjustment Decisions (HM/B-10:167, HM/B-10:168, and HM/B-10:169)
- Appendix “E”: Concept Plan
- Appendix “F”: Public Comments

:DM
Attachs. (6)



● Site of the Application



Ward 7 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-002

Date:
Nov. 2, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DM / AL

Subject Lands:

438 Concession St., 444 Concession St., 446 Concession St.,
450 Concession St., and 18 East 18th St.



Blocks 1 & 2: Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.



Block 3: Lands to be Zoned "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.



Blocks 4 & 5: Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified.



Block 6: Lands to be Zoned "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified.



Blocks 7 & 8: Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified.

Authority: Item [REDACTED]
Planning Committee
Report 12-[REDACTED] (PED12239)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands located at 438, 444, 446, and 450 Concession Street
and 18 East 18th Street, in the City of Hamilton**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2012, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet Nos. E-15 and W-14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
 - (a) by changing from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, the lands comprised of Blocks 1 and 2;
 - (b) by applying the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, to the lands comprised of Block 3;
 - (c) by changing from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, the lands comprised of Blocks 4 and 5;
 - (d) by applying the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, to the lands comprised of Block 6; and,
 - (e) by changing from the "C" (Urban Protected Residential, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, the lands comprised of Blocks 7 and 8;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the 'H' symbol, applicable to the lands zoned "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, may be removed by further amendment to this By-law at such a time as:
 - (a) The owner/applicant receiving Final Approval of a Site Plan application for the subject lands, to the satisfaction of the Manager, Development Planning, Heritage and Design.
3. That the "H" (Community Shopping and Commercial, Etc.) District, regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks 1, 2, and 3 are modified to include the following special requirements:
 - (1) That notwithstanding Section 2 (2) J (xi), the lands shall be considered as one lot for the purposes of this By-law.
 - (2) That for the purposes of this By-law, the front lot line shall be Concession Street.
 - (3) That notwithstanding Section 18A (1) (a), Table 1, Paragraph 4 (a), Column 2, and Section 18A (2) of Zoning By-law No. 6593, a minimum of one parking space per 25 sq. m of gross floor area shall be provided and maintained for a medical office.

- (4) That Section 18A (1) (d) of Zoning By-law No. 6593, shall not apply.
 - (5) That notwithstanding Section 18A (9) of Zoning By-law No. 6593 concerning required parking:
 - (a) Where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking spaces and maneuvering spaces may be located on another lot within the "G-3/S-1656" (Public Parking Lots) District, and shall be subject to Sub-section 5 (b), below.
 - (b) Where the required parking is provided in accordance with Sub-section 5 (a) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.
4. That the "G-3" (Public Parking Lots) District, regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks 4, 5, 6, 7, and 8, are modified to include the following special requirements:
- (1) That notwithstanding Section 4 (3) (a) and Section 13C (1) of Zoning By-law No. 6593, a single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the [REDACTED] day of [REDACTED] 2012, shall be permitted.
 - (2) That an outdoor, fenced, amenity area, having a minimum of 77 sq. m, shall be provided and maintained for the exclusive use of the occupants of the single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the [REDACTED] day of [REDACTED] 2012.
 - (3) That Section 13C (1) (ii) of Zoning By-law No. 6593 shall not apply.
 - (4) That Section 13C (4) (ii) of Zoning By-law No. 6593 shall not apply along the northerly boundary of the residential use within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the [REDACTED] day of [REDACTED] 2012, nor apply to the westerly boundary adjacent the residential use existing within the building known as 436 Concession Street.

- (5) That notwithstanding Section 18A (1) (a) of Zoning By-law No. 6593, no parking spaces shall be required for a single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the [REDACTED] day of [REDACTED] 2012.
 - (6) That notwithstanding Section 18A (7) of Zoning By-law No. 6593, the minimum dimensions of a parking space, other than a parallel parking space, shall be 2.6m in width by 5.5m in length.
 - (7) That notwithstanding Section 18A (9) of Zoning By-law No. 6593, only the required parking space and maneuvering space for those uses permitted within the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, may be provided on lands within the "G-3/S-1656" (Public Parking Lots) District, in accordance with Sub-section 3 (6) above.
 - (8) That notwithstanding Section 18A (11) (b) of Zoning By-law No. 6593, a parking area containing five or more parking spaces may be located a minimum of 3.0m from the street line adjacent to East 18th Street.
5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, Etc.) District, and the "G-3" (Public Parking Lots) District, provisions, subject to the special requirements referred to in Sections 3, 4, and 5 of this By-law.
 6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19 B as Schedule S-1656.
 7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-002









This is Schedule "A" to By-Law No. 12-
 Passed the day of, 2012

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 12-_____
 to Amend By-law No. 6593

- Subject Lands**
 438 Concession St., 444 Concession St., 446 Concession St.,
 450 Concession St., and 18 East 18th St.
-  **Blocks 1 & 2:** Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.
 -  **Block 3:** Lands to be Zoned "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.
 -  **Blocks 4 & 5:** Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.
 -  **Block 6:** Lands to be Zoned "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.
 -  **Blocks 7 & 8:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.

Scale: N.T.S.	File Name/Number: ZAC-11-002
Date: Nov. 2, 2012	Planner/Technician: DM/WAL
 Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12239)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Remove Lands from Zoning By-law No. 05-200 Respecting Lands Located at 450 Concession Street, Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" of By-law 05-200 is amended by deleting lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", from Map No. 1039.
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-002



This is Schedule "A" to By-Law No. 12- Passed the day of, 2012	----- Clerk ----- Mayor
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 12-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1039</p>	<p>Subject Property 450 Concession Street</p> <p> Lands to be removed from Zoning By-law 05-200.</p>
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Scale: N.T.S.	File Name/Number: ZAC-11-002	
Date: July 18, 2012	Planner/Technician: DM / MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION**

APPLICATION FOR CONSENT/LAND SEVERANCE

**APPLICATION NO. HM/B-10:167
SUBMISSION NO. B-167/10**

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 446 and 450 Concession Street and 18 East 18th Street, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent IBI Group on behalf of the owner 2110044 Ontario Inc. (Jennifer Hudecki), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the establishment of an easement over the rear portion of the land having an area of 475m² for storm water drainage and access in favour of properties known municipally as 438, 444 and 446 Concession Street, and to retain a parcel of land measuring 17.37m (56.98') x 45.73m (150.03') containing an existing two storey building for commercial purposes.

THE DECISION OF THE COMMITTEE IS:


That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

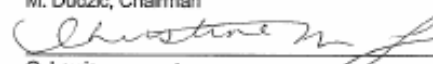
1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

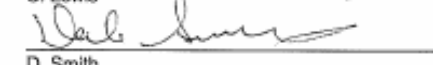
Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

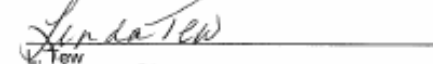
1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division), if required.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 9th day of December, 2010.


M. Dudzic, Chairman


C. Lewis


D. Smyth


L. Gaddy


D. Serwatuik


D. Drury


V. Abraham


M. Switzer

Appendix "D" to Report PED12239 (Page 2 of 6)

HMB-10:167
Decision
Page 2

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 16th, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE
OF DECISION (December 16th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED
(PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY
BE FILED IS January 5th, 2011.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 8th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HM/B-10:168
SUBMISSION NO. B-168/10

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 438 Concession Street, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent IBI Group on behalf of the owner 2110044 Ontario Inc. (Jennifer Hudecki), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the establishment of an easement over the rear portion of the land having an area of 482m² for storm water drainage and access in favour of properties known municipally as 444, 446 and 450 Concession Street and 18 East 18th Street, and to retain a parcel of land measuring 11.79m (38.68') x 49.40m (162.07') containing an existing 1½ storey building for commercial purposes.

THE DECISION OF THE COMMITTEE IS:


That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

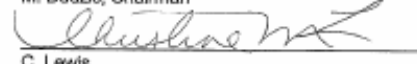
1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.


Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division), if required.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.


DATED AT HAMILTON this 9th day of December, 2010.


M. Dudzic, Chairman


C. Lewis


D. Smith


L. Tew


L. Gaddy


D. Serwatak


D. Drury


V. Abraham


M. Switzer

Appendix "D" to Report PED12239 (Page 4 of 6)

HMB-10:168
Decision
Page 2

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 16th, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE
OF DECISION (December 16th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED
(PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY
BE FILED IS January 5th, 2011.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HM/B-10:169
SUBMISSION NO. B-169/10

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 444 Concession Street, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent IBI Group on behalf of the owner Rita Emilia Corsini, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the establishment of an easement over the rear portion of the land having an area of 304m² for storm water drainage and access in favour of properties known municipally as 438, 446 and 450 Concession Street and 18 East 18th Street, and to retain a parcel of land measuring 15.24m (50') x 45.72m (150') containing an existing two storey building for commercial purposes.

THE DECISION OF THE COMMITTEE IS:


That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:


1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.


Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division), if required.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

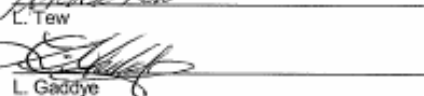
DATED AT HAMILTON this 9th day of December, 2010.


M. Dudzic, Chairman


C. Lewis


D. Smith


L. Tew


L. Gaddy


D. Serwotuk


D. Drury


V. Abraham


M. Switzer

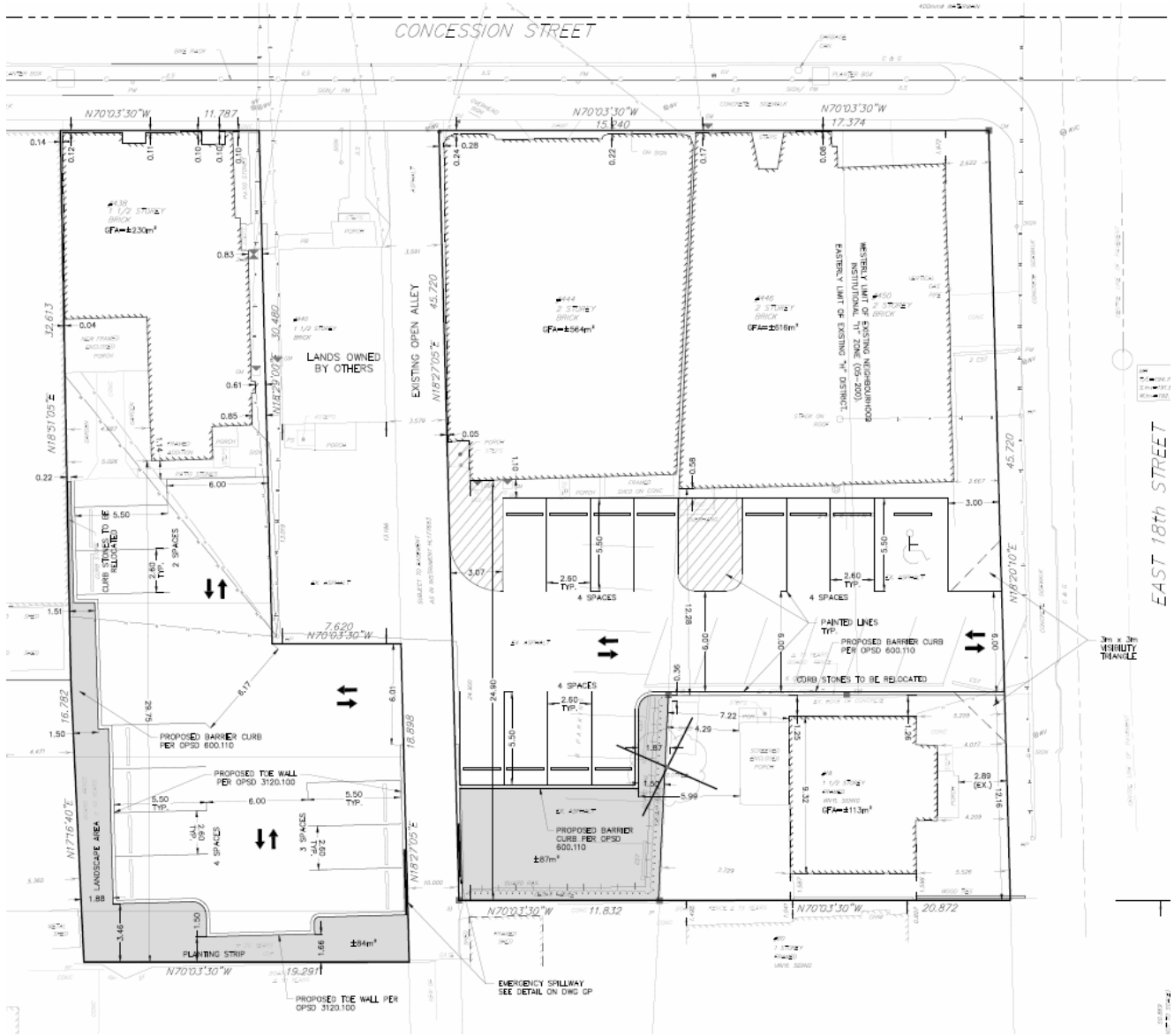
Appendix "D" to Report PED12239 (Page 6 of 6)

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THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 16th, 2010.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 16th, 2011) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS January 5th, 2011.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



McPhail, Delia

From: Rami Reda
Sent: May 4, 2011 8:08 PM
To: McPhail, Delia
Subject: ZAC 11-002

Hi Delia,

Thanks for your call back today, I was unfortunately in a meeting at the time.

I received this letter regarding Zoning Amendment File ZAC 11-002 for 438-450 Concession Street Hamilton, and the reason for my call and email is more of an inquiry, and by no means an objection. We have a couple of properties on Concession Street and also sit on the BIA for Concession Street and would like to be kept in the loop of the proposal and plans for this project. Will it be any residential? Or only just Commercial? If so, which types of commercial? etc....

Thank you again for your time, and I look forward to hearing from you,

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Best Regards

Rami Reda
Big Bee Corporation
784 Concession St
Hamilton, ON L8V 1C9

www.bigbee.ca