Hearing Sub-Committee
Minutes
Tuesday, June 5, 2001
9:30 a.m.
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present: Deputy Mayor L. Dilanni

Councillors D. Braden, M. Caplan, C. Collins,
M. Ferguson, A. Horwath, M. McCarthy,
S. Merulla, D. Mitchell, B. Morelli,

Absent with Regrets: Mayor R. Wade – City Business
A. Bain - City Business
F. D’Amico - City Business
T. Jackson - City Business
B. Kelly - City Business
R. Powers - City Business

Also Present: L. Coveyduck, Planning
P. Mallard, Planning
S. Robichaud, Planning
H. Groen, Transport, Operations & Environment
K. Christenson, City Clerk’s Office
A. Rawlings, City Clerk’s Office
S. Glover, City Clerk’s Office

Deputy Mayor L. Dilanni called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL:

1. Application for an Official Plan Amendment and Further Modification in Zoning for Lands Located at 723 Rymal Road West (PD01118) (Item 3.1)

   (Caplan/Ferguson)
   (a) That approval be given to Official Plan Amendment No.171, for lands located at 723 Rymal Road West for a further modification to Special Policy
Area No. 81 to permit medical related commercial uses and medical and business or professional office uses within the existing heritage building.

(b) That approval be given to **Zoning Application ZAC-01-16, Jomar Development Corporation, owner**, for a further modification to the established “DE-3” (Multiple Dwellings) District to permit medical related services and medical and business or professional office uses within the existing heritage building for lands located at 723 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the “DE-3” (Multiple Dwellings) District regulations as set out under Section 10C of Zoning By-law No. 6593, as amended by By-law No. 99-058, applicable to the subject lands, be further modified to include the following variances as special provisions:

(1) That Subsection 3.(a)(ii) of Zoning By-law No. 99-058 is hereby amended by adding the phrase “medical related services and medical and business or professional office uses” after the word “restaurant” such that subsection 3.(a)(ii) shall read as follows:

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3.(a)(ii) a restaurant, medical related services and medical and business or professional office uses provided that:

a) it is located within the existing dwelling at the time of passage of the by-law;
b) the external appearance and character of the dwelling shall be preserved and maintained;
c) a drive-thru or take-out shall not be permitted; and,
d) it is accessory to a “Community and Residential Care Access Centre”.
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(2) That Subsection 3.(g)(ii) of Zoning By-law No. 99-058 is hereby deleted in its entirety and replaced with the following:

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3.(g) For the restaurant, medical related services and medical and business or professional office uses, an unlighted ground sign having an area of not more that 1.2 square metres and located adjacent to the existing building shall be permitted;
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(ii) That the General Manager, Planning and Development Department, be authorized and directed to prepare the necessary By-law in a form satisfactory to the Corporate Counsel to amend
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Zoning By-law No. 6593, as amended by By-law No. 99-058, and Zoning District Map E-3 for presentation to City Council;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1421b, and that the subject lands on Zoning District Maps E-3 be notated as S – 1421b;

(iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon finalization of the proposed Official Plan Amendment No.171.

CARRIED

2. Application for a Change in Zoning for Lands Located South and West of Edgehill Drive, Known Municipally as 130 Edgehill Drive (PD01119) (Item3.2)

(Caplan/Collins)

That approval be given to **Zoning Application ZAC-01-15, Visplar Holdings Ltd. (c/o E. LaBerge), owner**, for a for a change in zoning from “RT-20” (Townhouse – Maisonette) District to “C” (Urban Protected Residential, etc.) District to permit the development of 2 single detached dwellings for lands located south and west of Edgehill Drive, known municipally as 130 Edgehill Drive, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That Blocks “1” and “2” be rezoned from “RT-20” (Townhouse - Maisonette) District to “C” (Urban Protected Residential, etc.) District;

(b) That the “C” (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593 (City of Hamilton), applicable to Block “2”, as referred to in Section (i) be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 9.(1), Subsection 18.(4) and Subsection 18.(13) of Zoning By-law No. 6593 (City of Hamilton), no building or structure, except a fence, shall be permitted;

(c) That the General Manager, Planning and Development Department, be authorized and directed to prepare the necessary By-law in a form satisfactory to the Corporate Counsel to amend Zoning By-law No. 6593 (City of Hamilton), as amended by By-law No. 98-210, and Zoning District Map W-37D for presentation to City Council;

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1405c, and that the subject lands on Zoning District Map No. W-37d be notated as S – 1405c;
(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That upon finalization of the implementing zoning by-law, that the subject lands be redesignated from “Innovative Housing” to “Single and Double” Residential in the Falkirk West Neighbourhood Plan.

CARRIED

3. Outdoor Boulevard Café – 94 MacNab Street North, Hamilton (TOE01071)(Item 3.3)

(Horwath/Collins)

(a) That due to a negative response received, recommendation b) be forwarded for public consultation to the Hearings Sub Committee, and that all individuals previously contacted regarding this application be so advised;

(b) That the application of 1176807 Ontario Inc., to erect an outdoor boulevard café at 94 MacNab Street North, on the Vine Street and MacNab Street road allowances, operating as Backstreet Bar and Grill, be approved, subject to the following conditions:

i) That the applicant enter into an Outdoor Boulevard Café Agreement in a form satisfactory to the General Manager, Transportation, Operations and Environment and the Director, Legal Services and Corporate Counsel; and

ii) That the applicant will pay an annual fee at such time as the current moratorium on encroachment fees ends; and

iii) That the applicant provides proof of $5,000,000. public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and

iv) That the applicant occupy the licenced area of the boulevard from May 1 to October 31 only, and that all furniture, equipment, etc. be removed from the road allowance at all other times; and

v) That the applicant provide access for the physically challenged utilizing the Barrier Free Standards adopted by the former City of Hamilton Council on October 25, 1994; and
(c) That the Boulevard Café Agreement be executed by the General Manager, Transportation, Operations & Environment or his designate, in accordance with the delegated authority granted by Section 3 of the 3rd

(d) Report of the 1999 Finance and Administration Committee, adopted by the former City of Hamilton Council on February 9, 1999. CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION PURPOSES:

(a) Declarations of Interest (Item 1)

None

(b) Adoption of Minutes – May 29, 2001 (Item 2.1)

The Minutes of the Hearings Sub-Committee meeting held on May 29, 2001 were adopted as presented.

(c) Application for an Official Plan Amendment and Further Modification in Zoning for Lands Located at 723 Rymal Road West (PD01118) (Item 3.1)

A Public Meeting was held.

Chairman Dilanni advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

No members of the public came forward to address Committee on this proposal.

Councillor Ferguson asked questions regarding the final elevation of the house and was informed that the applicant is reviewing lowering the building to surrounding grade level.

(d) Application for a Change in Zoning for Lands Located South and West of Edgehill Drive, Known Municipally as 130 Edgehill Drive (PD01119) (Item 3.2)

A Public Meeting was held.
Chairman DiIanni advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

No members of the public came forward to address Committee on this matter.

On behalf of the applicant, Mr. Adi Irani supported the staff report.

(e) **Outdoor Boulevard Café – 94 MacNab Street North, Hamilton (TOE01071)**
(Item 3.3)

A Public Meeting was held.

Ann Sous, one of the owners, addressed Committee in support of the application.

Kenneth Lamb, President of the Army and Navy Club, addressed Committee in opposition to the application, citing concerns of general disturbance and existing traffic hazards in the area.

Committee discussed the matter and agreed that the application should be approved for one season only, with a review thereafter.

(f) **Liz Weaver, Volunteer Centre of Hamilton and District, respecting Bay Area Leadership**
(Item 4.1)

Ms. Weaver addressed Committee and provided a handout regarding the Bay Area Leadership. She noted that the City of Burlington was in support of the programme and requested Council support.

Committee requested a staff report on the subject.

(g) **Motions**
(Item 5)

None

(h) **Notices of Motion**
(Item 6)

None

(k) **General Information**
(Item 7)
Councillor Mitchell noted concerns regarding area rating and the issue of Fire Services. Councillor Caplan noted concerns regarding using reserve funds.

(l) In-Camera

None

(j) Adjournment

(McCarthy/Mitchell)
The Hearings Sub-Committee adjourned at 10:07 a.m.

CARRIED

Deputy Mayor L.. Dilanni, Chairman
Hearings Sub-Committee

Kevin C. Christenson, City Clerk
June 5, 2001
Appendix "A" to Report P001119

Planning and Development Department

Location Map

Legend

Block 1
- Change in Zoning From "K-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District

Block 2
- Change in Zoning From "K-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District, Modified

Site of the Application
City of Hamilton

Reference File No. PL01-0332C-001-15
Scale NOT TO SCALE
Data April, 2001
Drawn By

APPENDIX "A"