SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2665 Binbrook Road East (Glanbrook) (PED06160) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-13, by Dr. Hasija Vujovic, Owner, for a change in zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone in order to permit a Dental Office, for the lands located at 2665 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED06160, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED06160, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “H”, Binbrook Settlement Area, of Zoning By-law No. 464.

(c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit a proposed Dental Office within the existing single-detached dwelling.

The proposed change in zoning has merit and can be supported as it is appropriate and complementary to the surrounding area, it is consistent with the Provincial Policy Statement, and it conforms to both the “Community Core” policies of the Township of Glanbrook Official Plan and the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

BACKGROUND:

Proposal

The applicant proposes a change in zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone. The purpose of the application is to permit the conversion of the existing single-detached dwelling into a Dental Office. The preliminary site plan shows a total of six proposed parking spaces (see Appendix “B”). The City will conduct a more detailed technical review of this development proposal through the site plan control process.

The nature of this new business involves a single practitioner providing dental treatment for residents in the community and existing patients from the surrounding area. The lands are currently serviced with a private well and septic system; however, full municipal services are available and will be mandatory for this proposal. The applicant has been made aware of the watermain/sanitary sewer best efforts, recovery costs required to be paid to the City. The applicant is agreeable and willing to pay these required special local improvement charges.

Location: 2665 Binbrook Road East, Glanbrook (Town of Binbrook)

Owner and Applicant: Dr. Hasija Vujovic

Property Description:

Lot Area: 1,785 m²

Lot Frontage: 35 metres

Lot Depth: 50 metres
Existing Land Use and Zoning

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
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<td>Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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<th>Surrounding Lands:</th>
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<tr>
<td>North:</td>
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<tr>
<td>Single Detached Dwelling with floral/gift shop</td>
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<tr>
<td>West:</td>
</tr>
<tr>
<td>Bank (CIBC)</td>
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<tr>
<td>South:</td>
</tr>
<tr>
<td>Pharmacy/LCBO/Food Market/Residential</td>
</tr>
<tr>
<td>East:</td>
</tr>
<tr>
<td>Single Detached Dwelling</td>
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</tbody>
</table>

**ANALYSIS/RATIONALE:**

1. The proposed zoning amendment has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms with, and implements, the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   (iii) The proposal is consistent with the “Community Core” designation of the Township of Glanbrook Official Plan.

   (iv) The proposal is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding area.

   The Glanbrook Zoning By-law No. 464 does not have a Zone category that directly corresponds to the “Community Core” land use designation in the Glanbrook Official Plan. The General Commercial “C3” Zone is the most appropriate as it reflects the intent of the “Community Core” designation and is consistent with surrounding commercial properties.

2. The applicant proposes to operate the Dental Office in the existing single-detached dwelling, as shown on Appendix “B”. To accommodate the proposed use, the existing dwelling will need to undergo a series of external and internal works. Two modifications are required to the By-law in order to recognize the existing front yard
setback of 7.48 metres, whereas 9.0 metres is required, and to ensure that parking is only located in the rear yard as per the Binbrook Urban Design Guidelines.

The existing accessory structure is comprised of a detached frame garage. The structure complies with the standard General Commercial "C3" Zone regulations.

The proposed six parking spaces shown on the preliminary site plan (see Appendix “B”) are less than the By-law requirement of seven. This calculation is provided through Section 7.35 of the By-law. The By-law requires that one parking space be provided for every 25 square metres of gross floor area, the preliminary plan shows the existing building’s gross floor area at 168 square metres, which places the required amount of parking spaces at 6.72. The By-law further provides that if the calculation results in a fraction, the higher whole number shall apply. The applicant has indicated in the application that one dentist and two staff will be employed in the proposed Office. The provision of the required seven parking spaces will not be a concern given the size of the site.

The change in use for the existing structure requires a building permit and site plan approval. Further, the preliminary site plan (see Appendix “B”) is an informal submission and for reference purposes only. The issue of site design and technical requirements such as landscaping, grading, servicing, parking, and privacy fencing will be formally reviewed at the site plan control stage. In accordance with the By-law being recommended, parking spaces are not permitted to be located in any part of the front yard.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the use of the subject property would continue to be regulated by the Existing Residential “ER” Zone provisions contained in Township of Glanbrook Zoning By-law No. 464.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

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

**POLICIES AFFECTING PROPOSAL:**

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.
SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2665 Binbrook Road East (Glanbrook) (PED06160) (Ward 11) - Page 5 of 6

Hamilton-Wentworth Official Plan

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

Therefore, as the nature of the application is requesting a zoning amendment to allow commercial uses, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The Township of Glanbrook Official Plan designates the subject property as “Community Core”. Section B.2.2.2.2 of the Plan identifies lands designated Community Core “as the main location for mixed-use development, retail stores, business and service uses, offices and community uses such as the library and post office, to serve the needs of Binbrook Village and the surrounding area.” As such, the application to change the Zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone implements the “Community Core” land use designation.

Given the location of the subject property, the application has also been reviewed with respect to the Binbrook Village Community Core Urban Design Guidelines, which were developed in consultation with the residents as well as with all relevant agencies, and adopted by Council in August 2005. The intent of these Guidelines is to allow the City to achieve a built vision for the core based on the Binbrook Village Secondary Plan.

Through a change in zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone, the application adds to the mix of uses, which is encouraged by the “Community Core” designation. The second part of the vision for the Binbrook Village Core is to preserve and maintain the Village character; this includes the elimination of vehicular storage or parking within front yards. The Design Guidelines are a tool that will be used and implemented by staff at such time as the properties are redeveloped. Currently, the application involves conversion of the existing dwelling and the construction of a parking area. Design elements will be implemented through the Zoning By-Law Amendment, and as part of the site plan approval process.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Hamilton-Wentworth District School Board
- Public Works Department (Operations and Maintenance - Forestry Section)
- Hamilton Street Railway
- Bell Canada
- Niagara Peninsula Conservation Authority
Corporate Services (Budgets Section)

The Budgets Section has advised that there are special charges which are applicable for local improvement and best efforts recovery for both watermain and sanitary infrastructure. The total cost required for this work to the owner is $21,336.09. The owner has been informed of this fee, and has agreed to a payment scheme. This will be handled as a condition of approval at the site plan control stage.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was pre-circulated to 137 property owners within 120 metres of the subject lands, and a Public Notice sign has been posted on the property. To date, no comments have been submitted from the public. Notice of the Public Meeting was also circulated in accordance with the provisions of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

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

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

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:JM
Attachs. (3)
Appendix “A” to Report PED06160 (Page 1 of 1)

Location Map

File Name/Number: ZAC-06-13
Date: March 2, 2006
Appendix “A”

<table>
<thead>
<tr>
<th>Scale</th>
<th>Planner/Technician: JM/MB</th>
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Subject Property
2665 Binbrook Road East, Glenbrook

Change in Zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2665 Binbrook Road East

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report 06- _______ of the Planning and Economic Development Committee at its meeting held on the _______ day of ________, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "C3-212", to include the following:

**C3-212  2665 Binbrook Road East**

Notwithstanding the regulations of **SECTION 25: GENERAL COMMERCIAL “C3” ZONE**, Subsection 25.2 – **REGULATIONS FOR PERMITTED USES IN SUBSECTION 25.1**, Clauses (f) and (j), the following regulations shall apply to the lands zoned “C3-212”;

(g) Minimum Front Yard 7.4 metres

(j) Minimum Parking Requirements

(iv) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within the front yard, or less than 4.5 metres (15 feet) from the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

3. 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** day of **, 2006.**

__________________________________________  _______________________________________
MAYOR  CLERK

ZAC-06-13
Subject Property
2665 Binbrook Road East, Glanbrook

Change in Zoning from the Existing Residential "ER" Zone to the modified General Commercial "C3-212" Zone

This is Schedule “A” to By-Law No. 06—

Passed the __________ day of __________ 2006

———       ————
       Clark          Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06—_____

to Amend By-law No. 464

Scale: Not to Scale

Date: March 2006

Planner/Technician: JM/MB

File Name/Number: ZAC-06-13