TO: Chair and Members
Planning Committee
WARD(S) AFFECTED: WARD 10

COMMITTEE DATE: July 5, 2011

SUBJECT/REPORT NO:
Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street (Stoney Creek) (PED11113) (Ward 10)

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

PREPARED BY:
Greg Macdonald
(905) 546-2424, Ext. 4283

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-11-007, by the Bosnian Islamic Association of Hamilton, Owner, for changes in zoning from the Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200 (Block “1”) and the Single Residential “R2” Zone in Stoney Creek Zoning By-law No. 3692-92 (Block “2”) to the Neighbourhood Institutional (I1, 41) Zone, with a Special Exception, in Hamilton Zoning By-law No. 05-200, in order to permit a Place of Worship, for the lands located at 202 and 208 Barton Street (Stoney Creek), as shown on Appendix “A” to Report PED11113, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED11113, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the owner/applicant submits a revised Archaeological Assessment, to the satisfaction of the Director of Planning, City of Hamilton, in consultation with the Ministry of Culture.

(ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.
(iii) That upon finalization of the implementing By-law, the subject lands within the Eastdale Neighbourhood Plan be re-designated from “Low Density Residential” to “Institutional”.

(b) That approval be given to Urban Hamilton Official Plan Amendment No. blank to amend Map 7.1-1 - Western Development Area Secondary Plan from the “Low Density Residential 2b” designation and the “Local Commercial” designation to the “Institutional” designation, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 202 and 208 Barton Street (Stoney Creek), as shown on Appendix “C” to Report PED11113.

EXECUTIVE SUMMARY

The purpose of this application is to amend City of Hamilton Zoning By-law No. 05-200 in order to permit the development of the properties at 202 and 208 Barton Street for a Place of Worship. The property located at 202 Barton Street already contains a Place of Worship, and this use is being expanded onto the adjacent property at 208 Barton Street. The existing buildings on the joint property would be demolished and a new Place of Worship constructed with 72 parking spaces (see Appendix “D” for the preliminary site plan).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Stoney Creek Official Plan, and the “Neighbourhoods” designation of the Ministry Approved Urban Hamilton Official Plan. An amendment to the Western Development Area Secondary Plan within the Ministry Approved Urban Hamilton Official Plan is also required. The proposed development would be located on a major arterial road in an area containing a mix of existing and planned land uses including employment, commercial, and residential uses at various densities and built form. The expansion of the existing Place of Worship also allows a greater amount of on-site parking to be provided.

Alternatives for Consideration - See Page 18.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.
HISTORICAL BACKGROUND

Proposal

The applicant has applied to rezone the lands from the “Single Residential “R2” Zone in Stoney Creek Zoning By-law No. 3692-92 (Block “1”) and the Neighbourhood Institutional (I1) Zone (Block “2”) in Zoning By-law No. 05-200 to the Neighbourhood Institutional (I1, 41) Zone, Modified, in Zoning By-law No. 05-200 in order to permit a Place of Worship on the properties located at 202 and 208 Barton Street (Stoney Creek). The proposal would include demolishing the existing Place of Worship and a single-detached dwelling in order to construct a new Place of Worship on the easterly side of the property with 72 parking spaces provided on the west and rear portions of the property (see Appendix “D”).

The applicant has requested that the Neighbourhood Institutional (I1) Zone be modified to include a number of further zoning modifications including:

- Minimum of 72 parking spaces (1 space for every 10.75 square metres of gross floor area), whereas 78 are required;
- Parking spaces shall be permitted within 2.0 metres of a street line with a 2.0m planting strip, whereas parking spaces must be setback 3.0 metres from a street line, and are subject to a 3.0 metre wide planting strip and a hammerhead (vehicular manoeuvring area) is permitted to encroach within the 2.0 metre setback and planting strip;
- Minimum front yard of 4.0 metres shall be provided, whereas 6.0 metres is required; and,
- A special requirement for a board-on-board fence and a 1.5m planting strip along the southerly lot line, whereas only a visual barrier (defined as either a fence or a planting strip) is required.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

Chronology:

July 17, 2008: Site Plan Control Application DA-08-049 (202 Barton Street) to construct a new 773 square metre Place of Worship with 17 parking spaces at 202 Barton Street is deemed to be approved, subject to conditions.
September 16, 2008: Economic Development and Planning Committee gave approval to a Housekeeping Amendment to Zoning By-law No. 05-200 to require 1 parking space for every 10 square metres of Gross Floor Area for a Place of Worship, whereas staff recommended a revised parking ratio of 1 parking space for every 15 square metres of Gross Floor Area.

July 17, 2009: Approval of Site Plan Control Application DA-08-049 (202 Barton Street) lapses as applicant is unable to meet all conditions of approval as the proposed Place of Worship with 17 parking spaces would be deficient with respect to the amount of parking now required. Instead of pursuing a Minor Variance to Zoning By-law No. 05-200, the Site Plan Control Application was put on hold to pursue options of the applicant acquiring additional lands for increased parking.

August 19, 2009: Development Review Committee Meeting for Formal Consultation Application FC-09-149 (198 and 202 Barton Street). Proposal included acquisition of the property at 198 Barton Street to the west of the existing Place of Worship at 202 Barton Street. At this meeting, applicant also discussed, as an alternative, the possible acquisition of the abutting property to the east of the existing Place of Worship.


February 10, 2011: Application ZAC-11-007 is deemed complete.

February 18, 2011: Circulation of Notice of Complete Application for Application ZAC-11-007 to all residents within 120 metres of the subject lands.

June 10, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications:

Location: 202 and 208 Barton Street (Stoney Creek)

Owner: Bosnian Islamic Association of Hamilton

Applicant: Ernad Eno Causevic

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Property Description

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Area</th>
<th>0.3308 hectares</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Frontage</td>
<td>68.2 metres</td>
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<tr>
<td></td>
<td>Depth</td>
<td>46.6 metres (west property line)</td>
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</table>

Servicing: Full Municipal Services

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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</thead>
<tbody>
<tr>
<td>Place of Worship and Single-Detached Dwelling</td>
<td>Neighbourhood Institutional (I1) Zone (202 Barton Street) and Single Residential “R2” Zone (208 Barton Street)</td>
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</table>

Surrounding Lands:

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<thead>
<tr>
<th>North</th>
<th>Industrial (Employment) Uses Including Business Offices</th>
<th>Small Scale Industrial “MS” Zone and Special Purpose Industrial “MSP-16” Zone (Zoning By-law No. 3692-92) and Prestige Business Park (M3) Zone (Zoning By-law No. 05-200)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Semi-Detached Dwellings and Single-Detached Dwellings</td>
<td>Residential “R5” Zone and Single Residential “R2” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single-Detached Dwelling</td>
<td>Single Residential “R2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>General Commercial “GC-9” Zone</td>
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</tbody>
</table>

POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.1(b), which states that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial, and institutional uses), recreational, and open space uses. It is also consistent with Policy 1.1.3.1, as it focuses growth in Settlement Areas.

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However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. An Archaeological Assessment, titled “Stage 1 Archaeological Assessment 202 Barton Street Stoney Creek, Ontario”, dated December 7, 2010, and prepared by Earthworks Archaeological Services, was submitted with the subject application. This Report has been reviewed, and certain deficiencies have been identified. Therefore, a revised Archaeological Assessment is required and the implementing By-law will be held in abeyance pending submission of a revised Report, to the satisfaction of the Director of Planning, in consultation with the Ministry of Culture.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated through the development of mixed-use urban environments and encourages cities to develop as complete communities. Providing a Place of Worship in an established urban, built-up area, surrounded by a mix of land uses, would conform to the policies in the Places to Grow Plan in that it contributes to building complete, mixed-use communities.

**Hamilton-Wentworth Official Plan:**

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

However, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As previously noted, an Archaeology Assessment was submitted, and revisions are required. Staff has recommended that the implementing By-law be held in abeyance pending submission of a revised Report.
Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule ‘A’ - General Land Use Plan and “Low Density Residential” on Schedule ‘A-1’ - Western Development Area Secondary Plan in the Stoney Creek Official Plan. The following policies, among others, are applicable to the subject lands:

“A.1.2.2 Home occupations and housing for special purposes such as senior citizen housing, Group Homes and Residential Care Facilities may be permitted in areas designated Residential by this Plan. Uses that are deemed necessary to serve adequately the needs of local residents and which are compatible with surrounding development may also be permitted provided that they comply with the Secondary Plan provisions of this Plan. Such uses include, but are not limited to:

c) Churches, day nurseries, and similar small scale institutional uses designed primarily to serve the local area.

A.1.2.16 Sites designated in Secondary Plans for low density residential uses may be developed for non-residential uses permitted under the Residential designation provided the proposal is in compliance with the conditions outlined in Policy A.1.2.15 (a) to (d), inclusive, of this Sub-section.

A.1.2.15 Sites designated on Secondary Plans for medium, medium-high, and high density residential uses may be considered for lower densities or for any other use permitted under the Residential designation, upon the request of the land owner, without an amendment to this Plan provided:

a) The proposed use would comply with Policies A.1.2.6 and A.1.2.22 and with any other relevant policies of this Plan;

b) The proposed use is compatible with existing and proposed surrounding development;

c) The proposed use would not create a detrimental effect upon existing development within the area, especially from the aspect of traffic; and,

d) The implementing Zoning By-law is amended to permit the proposed use.

A.1.2.21 The introduction of compatible permitted non-residential uses in the Residential area shall:
a) be required to provide adequate yards, off-street parking and loading, landscaping, screening, buffering, or such other site planning measures as determined by Council;

b) not be of a nature so as to have a detrimental effect on the adjacent residential uses.

In addition to the above, where compatible non-residential uses are proposed, the policies of Sub-section A.13, F.3, and other relevant policies of this Plan shall apply.

A.1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

a) Provision and maintenance of adequate off-street parking;

b) Provision, improvement and/or maintenance of on-site landscaping; and,

c) The provision and maintenance of adequate separation distances and the placement of buffering features between residential uses of differing densities as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.

A.5.2.2 Schedule "A" the General Land Use Plan shows the lands designated Institutional except for "local type" institutional uses. Local type small scale institutional uses such as elementary schools and Places of Worship primarily serving the immediate needs of the surrounding residents are permitted within other relevant land use designations. Their location shall be guided by the policies of the respective designations and the relevant Secondary Plan policies of this Plan.

A.5.2.5 Local type Institutional Uses may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable. In addition, local type Institutional Uses, except public and separate schools, may be permitted to locate in areas designated by this Plan for Commercial Uses in accordance with the provisions of Sub-section A.3 of this Plan.
A.13.1 THE WESTERN DEVELOPMENT AREA - SECONDARY PLAN

A.13.2 Schedule A.1 and the policies of this Secondary Plan, in addition to other applicable policies of this Plan, constitute the Secondary Plan for the Western Development Area Planning District. It is expected that this Planning District will accommodate an ultimate population of approximately 25,000 persons based on full Municipal services.

D.3.3.2.11 Where parking or loading facilities for a non-residential development are to be located adjacent to residential uses, Council shall require the developer of the site intended for the non-residential use to suitably screen or buffer the residential uses from the parking or loading facilities through the use of fences, berms, or other appropriate landscape treatment designed in accordance with City standards.

Based on the above, the proposed Place of Worship would be permitted within the “Residential” and “Low Density Residential” designations. The Stoney Creek Official Plan notes that lands designated for “Low Density Residential” uses may be developed for certain non-residential uses, including Places of Worship, subject to a number of tests of compatibility. The policies of the “Institutional” designation also state that local type uses are not indicated on Schedule “A”, but are guided by their respective land-use designations and Secondary Plan policies. The Western Development Area Secondary Plan does not contain detailed land use policies and, instead, the “Residential” polices would apply which, as noted above, permit Places of Worship on the subject lands. A Place of Worship to serve an existing congregation in a mixed-use area serves the immediate needs of surrounding residents.

The applicant has indicated that many of the congregation members live and/or work in the general area. The surrounding area already contains a mix of land uses including prestige industrial uses on the north side of Barton Street, and existing and planned commercial and mixed-use development on the south side of Barton Street. The property is on a major arterial road with no driveway access through any adjacent residential street.

The proposal would provide a significant increase in on-site parking, which would reduce any nuisance impacts from parking currently being experienced by the neighbourhood. The proposed redevelopment provides all required setbacks, screening, and buffering of the proposed Neighbourhood Residential (I1) Zone, and the implementing By-law will require both a board-on-board fence and a 1.5m landscape strip along the southerly lot line in order to further ensure compatibility with the existing low density residential uses to the south. The proposed Place of Worship is appropriately located in that it is close to both the residential neighbourhoods the use would serve, while being located on a major road surrounded by a mix of existing and planned land uses. Adequate buffering in the
form of both a fence and a planting strip is also required between the proposed use and the existing residential neighbourhood to the south.

Based on the foregoing, the proposal conforms to the Stoney Creek Official Plan.

**Urban Hamilton Official Plan**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice in the staff report and notice of adoption.

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations and “Local Commercial” (202 Barton Street) and “Low Density Residential” (208 Barton Street) in the Western Development Area Secondary Plan (Map B.7.1-1).

Policy E.6.2.1 states that lands used for institutional purposes less than 4 hectares shall be permitted within the Neighbourhoods designation, subject to the provisions of the Official Plan (the subject lands are 0.3308ha in size). Policy E.3.2.3 of the “Neighbourhoods” designation permits a range of residential uses as well as local community facilities/services, the definition of which includes Places of Worship. The proposed Place of Worship would, therefore, be permitted. Policy E.3.2.8 set out tests for supporting uses within the “Neighbourhoods” designation. The proposed redevelopment would meet these evaluation criteria for supporting uses, as it is compatible with the surrounding area, has access to a major arterial road, and provides adequate off-street parking and buffering.

The Western Development Area Secondary Plan designates the west side of the subject lands (202 Barton Street) as “Local Commercial”. This designation permits Places of Worship. The east side of the subject lands (208 Barton Street) is designated as “Low Density Residential 2b”. This designation does not permit Places of Worship. However, the proposed redevelopment is supportable in the context of the Secondary Plan as an expansion of the existing Place of Worship, in order to provide for a new facility with expanded parking along a major arterial road, which is considered to be compatible with surrounding land uses.
SUBJECT: Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street (Stoney Creek) (PED11113) (Ward 10) - Page 11 of 19

The portion of the application applying to 208 Barton Street (Block “2” on Appendix “A”) does not conform to the land use designation of the Western Development Area Secondary Plan in the new Urban Hamilton Official Plan. As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend the Secondary Plan to re-designate the lands from “Low Density Residential 2b” and “Local Commercial” to “Institutional” as it is not in force and effect. Therefore, the proposed amendment to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

Eastdale Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Eastdale Neighbourhood Plan. Therefore, upon finalization of the implementing By-law, the subject lands should be re-designated from “Low Density Residential” to “Institutional”.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Operations and Waste Management Division, Public Works Department.
- Hamilton Municipal Parking System.
- Hamilton Conservation Authority.
- Horizon Utilities.

The following Departments and Agencies submitted the following comments:

Public Works Department (Forestry and Horticulture Section) has advised that there are four Municipal Tree Assets in varying degrees of condition located on the road allowance of 202 Barton Street which may be impacted by the development. As a condition of a future Site Plan Control Application a Tree Management Plan is required to be submitted in order to determine whether the trees can be retained.

Public Works Department (Traffic Engineering Section) has advised that a SU9 Design Vehicle would not be able to access the refuse area if passenger vehicles are parked in the noted spaces and, therefore, garbage pickup should be scheduled in consideration of scheduled services or events. A suggestion that the long parking aisle at the west side of the property be provided with a looped outlet was also made in order to reduce the potential for drivers reversing out of the aisle if it were full. The driveway width should also be revised to 7.5m at the property line. These matters will be addressed through a future Site Plan Control Application.

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Public Consultation

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 149 property owners and tenants within 120 metres of the subject property on February 18, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on February 25, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, seven responses have been received expressing concerns about the proposal primarily based on parking and traffic, noise, buffering, grading and drainage, tree removal, and property value depreciation. These concerns are addressed in the Analysis/Rationale for Recommendation section of this Report. The seven letters are attached as Appendix “E”. Notice for the Public Meeting has been given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment 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 (Growth Plan for the Greater Golden Horseshoe);

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the “Residential” and “Low Density Residential” designations in the Stoney Creek Official Plan;

   (iii) It provides for an expansion of an existing Place of Worship on a major arterial road, which will substantially increase the amount of available on-site parking to reduce possible previous nuisance impacts from overflow parking;

   (iv) It is compatible with the range of existing and planned uses in the immediate vicinity of the property and will provide buffering between the subject property and residential lands to the south; and,

   (v) The proposal implements the “Neighbourhoods” designation in the new Urban Hamilton Official Plan.

2. In order to implement the development as proposed on the preliminary site plan (see Appendix “D”), a number of further zoning modifications are required. A review of the required modifications is as follows:
Minimum of 72 parking spaces, whereas 78 spaces are required

The property at 202 Barton Street, which contains a Place of Worship, currently provides approximately 30 parking spaces. The applicant had initially proposed to construct a new Place of Worship of approximately the same size as currently proposed on the original property at 202 Barton Street. A Site Plan Control Application in 2008 was submitted for this proposal. This property was zoned Neighbourhood Institutional (I1) Zone through the implementation of the Institutional Zoning in Zoning By-law No. 05-200 in March, 2007. At that time, the parking requirements for Places of Worship in Zoning By-law No. 05-200 were 1 for every classroom, plus 1 for each 7 seat capacity in that part of the building used for worship; or 1 for every classroom, plus 1 for each 23.0 square metres of floor area used for hall, auditorium, or similar use involving the assembly of persons, not including the Place of Worship, whichever results in the greater requirement. The approximately 800 square metre Place of Worship (ground floor plus basement) proposed in 2008 would, therefore, have required only 17 parking spaces. The proposed site plan provided the required 17 parking spaces at 202 Barton Street, and was approved accordingly.

However, as a result of public concerns, Zoning By-law Reform staff were directed to review the parking requirements for Places of Worship in Zoning By-law No. 05-200 and reported back to the Economic Development and Planning Committee in September, 2008. The Economic Development and Planning Committee revised the parking standard to 1 space for each 10 square metres of gross floor area. Based on the size of the proposed Place of Worship, the new standard meant that the property at 202 Barton Street was not large enough to accommodate the required increase in parking and, as a result, the applicants acquired the adjacent property at 208 Barton Street (after first contemplating acquiring 198 Barton Street to the west).

The proposed reduction in required parking from 78 parking spaces to 72 parking spaces (1 parking space per 10.75 square metres of gross floor area instead of 1 parking space per 10 square metres of gross floor area) can be supported for the following reasons:

- The requested reduction is for only 6 fewer spaces (or 7.7% less parking than required). This reduction is minor in nature as the proposal provides for a 140% increase in existing parking. The proposed 72 parking spaces exceeds the initial parking requirements for Places of Worship in Zoning By-law No. 05-200 and the amount of required parking proposed by staff through their follow-up review of parking standards for Places of Worship;
The applicant has indicated that the size of the congregation is not increasing as the local Bosnian Muslim community’s population is static (due to a reduction in emigration to Canada from Bosnia at the end of the Bosnian War in the 1990’s and the opening of European borders);

The proposed increase in parking from that existing would mitigate any nuisance impacts currently being experienced at local businesses from overflow parking, and would reduce any safety hazards of congregation members crossing Barton Street mid-block where the existing Place of Worship has informal agreements with industrial properties for overflow parking, as these parking arrangements would no longer be necessary;

The applicant has indicated that the Place of Worship would not be used for large community gatherings and major religious festivals that draw larger groups as the size of the proposed Place of Worship could not accommodate these numbers and there are religious incompatibilities between these uses. For these types of festivals, a local Armenian Hall is rented;

It is possible to require the applicant to reduce the size of the proposed Place of Worship by 60 square metres in order to bring the property into conformity with the amount of proposed parking. However, this minor reduction in building size would not result in a corresponding increase in the amount of parking, and neither would it reduce the existing size of the congregation or accompanying parking demand. Therefore, this is an impractical solution to the proposed zoning modification to permit 72 instead of 78 parking spaces; and,

The applicant has also indicated that there are very few occasions where most of the parking spaces would be full as it is usually only Friday prayers that draw a large congregation. Other prayer occasions draw a more dispersed number of congregation members through the week.

Parking spaces and vehicular manoeuvring areas shall partially be permitted within 3.0 metres of a street line and within the required 3.0 metre wide planting strip, whereas parking spaces must be setback 3.0 metres from a street line and are subject to a 3.0 metre wide planting strip;

Providing as much on-site parking as possible is a desirable outcome, but appropriate landscaping and buffering must still be provided to provide an attractive streetscape and minimize the visual impact of the proposed parking on the west side of the property. The proposed preliminary site plan (see Appendix “D”) provides the required 3.0m planting strip between the proposed parking area and the front property line, except for a hammerhead (vehicular manoeuvring) area located at the end of the main aisle. If this hammerhead had to be
relocated outside of the 3.0m planting strip, then at least one row of 3 parking spaces would need to be eliminated. Therefore, as the hammerhead would only reduce the planting strip in a small area, the modification can be supported.

Providing a landscaped buffer along the south property line would also be beneficial in order to reduce the impact of cars parking adjacent to the rear yard of adjoining residences, and implements policies in the Stoney Creek Official Plan. The Neighbourhood Institutional (I1) Zone does not specifically require such a buffer, and instead, only requires a visual barrier which can be provided by either a solid fence or a planting area to screen the mutual property line. The preliminary site plan (see Appendix “D”) only provides an approximately 0.5m landscaped area between the parking and the southerly lot line, while the City of Hamilton Site Plan Guidelines generally promote a 3.0m wide buffer. In conjunction with staff and the Ward Councillor’s input, the applicant has suggested providing a 1.5m planting strip and a visual barrier in the form of a board-on-board fence along the southerly lot line. While less than the 3.0m buffer in the Site Plan Guidelines, this would still allow sufficient room for a row of trees in conjunction with a board-on-board fence.

In order to increase this rear landscaped area by an additional 1.0m, the entire proposed rear parking area must be shifted northerly by this same distance. For the parking proposed at the rear on the east side of property, this can be accommodated by either shifting the Place of Worship 1.0m closer to Barton Street or by reducing some proposed Landscaping on the south side of the church. However, for the parking at the rear on the west side of the property, a 1.0m shift may eliminate a row of 3 parking spaces. For a 3.0m buffer, a further row of 3 parking spaces would be eliminated. As noted above, it is important to maintain all of the proposed 72 parking spaces to ensure adequate on-site parking. Therefore, as a compromise, a modification to the front planting strip to permit a reduction to 2.0m in width where parking abuts a street is proposed, and can be supported. There is already an existing 7.5m boulevard containing a number of street trees that provides a substantial buffer. Therefore, the intent of the By-law is being maintained. A special zoning provision will also be included to require a 2.0 metre high board-on-board fence along the southerly lot line, as well as a minimum 1.5m wide planting strip.

Minimum front yard setback of 4.0m, whereas 6.0m is required

The east side of the subject property contains an existing single-detached dwelling that is proposed to be demolished. No road widening has ever been taken from this portion of the subject property. The existing single-detached dwelling on that portion of the property currently provides an approximate front yard setback of 11.5m. The newly proposed Place of Worship proposes a setback to the existing front lot line of 12.42m. The designated right-of-way width
for Barton Street is 36m. As a condition of approval of a future Site Plan Control application, a 7.5m road widening will be required. The proposed preliminary site plan (see Appendix “D”) would provide a 5.0m setback from the future widened limits. However, as discussed above, this setback may need to be reduced to 4.0m in order to accommodate a 1.5m planting strip along the southerly lot line. Therefore, a modification to permit a 4.0m setback is included in the implementing By-law. This reduction can be supported, as it is necessary in order to ensure sufficient parking is available and that a landscaped buffer is provided on the southerly property line. It would still provide for a consistent streetscape as both the existing dwelling on the property and the existing dwelling on the property to the east already provide the same 4.0m setback to the future widened limits of Barton Street. A 4.0m setback, together with a 7.5m boulevard between the existing sidewalk and the widened front lot line, would provide ample room for landscaping and street trees.

3. As noted in the policy Analysis section of this Report, in order to address Provincial Policy Statement and Hamilton-Wentworth Official Plan policies pertaining to preservation of archaeological resources, an Archaeological Assessment was required to be submitted. The Study submitted with the application has been reviewed and deficiencies have been identified. The applicant was advised that a “revised” Archaeological Assessment must be submitted to the City of Hamilton and the Ministry of Culture. At the time of writing of this Report, the “revised” Archaeological Assessment had not yet been submitted to the City of Hamilton and the Ministry of Culture and, therefore, the implementing By-law will be held in abeyance pending submission of a “revised” Archaeological Assessment, to the satisfaction of the City of Hamilton and the Ministry of Culture.

4. The Public Consultation section of this Report noted that seven letters were received from area residents noting a number of concerns about the proposed change in zoning (see Appendix “E”). These issues include:

**Traffic and Parking**

The primary concern raised by many of the residents is that there may be insufficient parking provided and, as such, that overflow parking may cause a nuisance impact in that attendees may park on abutting commercial properties or on nearby local roads. It is clear that in the past some overflow parking issues have occurred, although limited primarily to people parking in nearby commercial plaza parking lots. Most of the concerned residents live on Celtic Drive to the rear, and there is no history of overflow parking concerns on this street as it is a long walk through the neighbourhood to return to Barton Street. As discussed in detail in the Zoning Modification section of this Report, staff is satisfied that a 140% increase in on-site parking is sufficient to mitigate these impacts and, while
the building size is increasing, there is not a related increase in size of the congregation. The expanded Place of Worship with a larger on-site parking lot would result in a decrease in parking impacts on the surrounding neighbourhood. In addition, the subject lands front directly onto a major arterial road (Barton Street) and no driveway access to local streets is proposed. The Public Works Department (Traffic Engineering Section) has not advised of any concerns with regard to any potential traffic increase on Barton Street, and the Hamilton Municipal Parking System also has no concern with the application other than to note that parking demands should be accommodated on-site.

Property Values

Concerns have been raised regarding the potential loss of property values that would occur should the proposed application be approved. Staff is not aware of any supporting real estate information that would substantiate this concern. The proposed Place of Worship is oriented on the property as close to the street as possible, the furthest location away from the stable residential neighbourhood as possible.

Engineering and Grading

A number of residents on Celtic Drive expressed concerns over increased stormwater runoff onto their properties from the proposed development and whether there are sufficient services available to accommodate the expected demand from the Place of Worship. The proposed Place of Worship is subject to Site Plan Control. As part of this future application, the applicant must submit detailed grading, servicing, stormwater management, and erosion and sediment control plans. These plans would only be approved if it is shown that there would be no impact on abutting properties from drainage and runoff. In addition, the proposed parking lot would be required to be engineered to ensure water does not flow onto the properties to the south. The additional requirement for a 1.5m planting strip on the southerly lot line would also aid in this effort. The Development Engineering Section is not aware of any sewer or water deficiencies in the existing services on Barton Street.

Tree Removal

The rear of the property at 202 Barton Street (the existing Place of Worship property) contains a number of flowering fruit trees on private property. It is likely that these trees would have to be removed in order to accommodate the new Place of Worship and parking. Residents to the rear expressed concerns over the loss of these fruit trees. Removal of private trees in Stoney Creek is subject to Stoney Creek Tree By-law No. 4401-96, but this By-law does not apply to trees being removed as part of a Site Plan Control application. A Tree
Management Plan will be required as a condition of Site Plan Approval to determine whether existing street trees along Barton Street can be retained. Through the Site Plan Control Process, additional trees along Barton Street can be planted, as well as vegetation within the required 1.5m planting strip along the southerly lot line to provide screening above and beyond the provision for a board-on-board fence.

**Noise and Other Nuisance Impacts**

General concerns were expressed over the potential for increased noise from traffic, children playing in the rear yard, and the visual impact of the Place of Worship and minaret tower. As indicated by the applicant, it is only certain limited times of the week when the rear parking area would be heavily used and that very few congregation members attend early morning weekday prayers. Any increase in traffic on Barton Street would be minor in the context that Barton Street is already a major arterial road. It is likely that other potential multi-residential or commercial uses would generate a greater movement of vehicles on a daily basis than the proposed Place of Worship. As the proposed design of the property has to maximize potential parking, there is minimal open space provided, which would reduce the potential for children playing. In addition, the basement of the proposed Place of Worship contains a single classroom that the applicant indicated would be used as a ‘Sunday School’ during services for children. As noted previously in this Report, major festivals and special events are generally not proposed to be held on the property. With regard to the visual impact of the church, the proposed preliminary site plan (see Appendix “D”) provides for a location at the extreme front of the property, furthest from the residential development at the rear. The proposed building conforms to the height requirement of the Zoning By-law, although ornamental domes and the minaret are exempt from the height requirement. The applicant has advised that the minaret location could be revised to be located on the northwest side of the building, even further away from the abutting properties. These details will be addressed through the Site Plan Control stage of development.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current Neighbourhood Institutional (I1) Zone, applicable to the west side of the subject lands and the Single Residential “R2” Zone, applicable to the east side of the subject lands. A new Place of Worship could still be constructed on the westerly side of the subject property subject to adequate parking being provided, unless an application for a Minor Variance was made.
Corporate Strategic Plan


Social Development

- People participate in all aspects of community life without barriers or stigma.

Appendices / Schedules

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Amendment to the New Urban Hamilton Official Plan
- Appendix “D”: Preliminary Site Plan
- Appendix “E”: Public Comments

:GM
Attaches. (5)
Location Map

Subject Property
202 and 208 Barton Street, Stoney Creek

- **Block 1:** Change in Zoning from the Neighbourhood Institutional (II) Zone to the Neighbourhood Institutional (II, 41) Zone, Modified
- **Block 2:** Change in Zoning from the Single Residential "R2" Zone to the Neighbourhood Institutional (II, 41) Zone, Modified
CITY OF HAMILTON

BY-LAW No. [Redacted]

To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 202 and 208 Barton Street (Stoney Creek)

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, S.O. 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 Council of the City of Hamilton, in adopting Item [Redacted] of Report 11-[Redacted] of the Planning Committee, at its meeting held on the [Redacted] day of [Redacted], 2011, 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 (the Official Plan of the former City of Stoney Creek);

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

1. That Map 1145 of Schedule “A” to Zoning By-law No. 05-200 is amended by:

(a) Changing the zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 41) Zone, Modified, applicable to Block “1”, boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”; and,
(b) Incorporating the Neighbourhood Institutional (I1, 41) Zone, applicable to Block "2", boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule "C" - Special Exceptions of By-law No. 05-200 is amended by adding an additional Exception as follows:

41. That notwithstanding Sections 8.1.3.1(d), 5.1(a)(v), 5.2(a), and 5.6(c) of this By-law, on those lands zoned Neighbourhood Institutional (I1, 41) Zone, on Map 1145 of Schedule "A" - Zoning Maps and described as 202 and 208 Barton Street (Stoney Creek), the following regulations shall also apply:

(a) A minimum front yard of 4.0 metres shall be provided and maintained;

(b) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 2.0 metres of a street line, and subject to a 2.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle;

(c) A hammerhead (paved area to provide vehicular maneuvering) is permitted in a 2.0 metre wide planting strip between the street line and parking spaces or aisles, as noted in Clause (b), above;

(d) A minimum 1.5 metre wide planting strip and a 2.0 metre high board-on-board fence shall be provided and maintained along the southerly rear lot line; and,

(e) Parking shall be provided for a Place of Worship at a ratio of 1 parking space for every 10.75 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.

3. 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.
4. That this By-law No. [redacted] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this [redacted] day of [redacted], 2011.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-11-007
Schedule "A"

Map Forming Part of By-Law No. 11-

to Amend By-law No. 05-200

Map 1145

Subject Property
202 and 208 Barton Street, Stoney Creek

Block 1: Change in Zoning from the Neighbourhood Institutional (II) Zone to the Neighbourhood Institutional (II, 41) Zone, Modified

Block 2: Lands to be Zoned Neighbourhood Institutional (II, 41) Zone, Modified

This is Schedule "A" to By-Law No. 11-

Passed the .......... day of ................., 2011

Clerk

Mayor
Amendment No. [blank] to the Urban Hamilton Official Plan

The following text, together with:

- Schedule “A” (Volume 2, Map B.7.1-1- Western Development Area Secondary Plan – Land Use Plan);

attached hereto, constitute Official Plan Amendment No. [blank] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of the Amendment is to redesignate the subject lands to “Institutional” within the Western Development Area Secondary Plan to permit the redevelopment of an existing Place of Worship.

2.0 Location:

The lands affected by this Amendment are known municipally as 202 and 208 Barton Street, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows:

The Proposal:

- Is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);

- Conforms to the Hamilton-Wentworth Official Plan and the “Residential” and “Low Density Residential” designations in the Stoney Creek Official Plan;

- Provides for the redevelopment of an existing Place of Worship that serves the local community on a major arterial road, which will substantially increase the amount of available on-site parking to reduce possible previous nuisance impacts from overflow parking;
• Is compatible with the range of existing and planned uses in the immediate vicinity of the property, and will provide buffering between the subject property and residential lands to the south; and,

• Implements the “Neighbourhoods” designation in the new Urban Hamilton Official Plan.

4.0 Actual Changes:

4.1 Mapping Changes:

4.1.1 Urban Hamilton Official Plan Volume 2, Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan

This Schedule is revised by:

a) redesignating the subjects lands as “Institutional” from “Local Commercial” and “Low Density Residential 2b”, as shown on the attached Schedule “A” to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment. This is Schedule “” to By-law No. passed on the day of .

The
City of Hamilton

______________________________  ________________________________
R. Bratina  Rose Caterini
MAYOR  CLERK
308 Celtic Drive  
Stoney Creek, ON  L8E 3S2  
February 24, 2011  

Greg Macdonald, City of Hamilton  
Planning & Economic Development Dept.  
Planning Div. - Development Planning  
71 Main Street West, 5th Floor  
Hamilton, ON  L8P 4Y5  

Subject: Zoning By-law Amendment Application  
File No: ZAC-11-007  

Dear Mr. Macdonald:  

This letter is to state that we, Collette Johnson and Herta Brandhorst, are against the proposed Zoning By-law amendment application.  

As property owners living directly behind this area, we have numerous concerns about a building this size and numerous parking spaces being located so close to residential property lines:  

- Parking spots are to be located directly behind our property. Traffic in and out of 202 Barton Street begins before sunrise. The noise of the cars and the headlights shining into bedroom windows already disrupts our sleep in the early morning hours. Having inadequate buffering and separation of the proposed parking spots from the existing residential properties will only cause an increase of the noise levels and air pollution for adjacent residents.  

- Paved areas located so close to residential backyards could increase water drainage issues. We currently have a slight water drainage issue at the end of our backyard. Having paved areas so close to our backyard could potentially increase our drainage issues.  

- Traffic on Barton Street could potentially be increased thus increasing noise levels.  

- There is the potential for vandalism to neighbouring properties when the building at 202 Barton Street is unoccupied.  

Cont’d....2
- There is the potential for increased noise levels in the neighbourhood due to the large membership of the Bosnian Islamic Centre (400 members, according to what we were told in April 2009). We already find the noise level unacceptable on weekends, during the warmer months, due to members congregating outdoors and children playing. We enjoy spending quiet time in our backyard during the warmer months, but the noise levels sometimes drives us back indoors. The noise levels could further escalate if the basement of the proposed building were to be rented out for formal gatherings (i.e. weddings, parties, etc.).

- Garbage containers are shown as being located directly behind one of the current residents of Celtic Drive. This could potentially create offensive odours and make it extremely unpleasant for residents in the immediate vicinity to spend time in their backyards, especially during the hot weather months.

- There is the potential impact to the environment (i.e. a decrease in the bird population in the area) due to numerous beautiful fruit trees that will be torn out and the grassy areas that will be paved over.

When we moved to Stoney Creek 34 years ago, we never imagined that the zoning could be changed from residential to institutional. If anything, we expected it to be changed from residential to commercial and expected a one storey strip mall to be built there one day. Changing the zoning from residential to institutional is something that we can’t come to terms with. Institutional zones should not be located directly adjacent to Residential zones.

Our neighbourhood is currently a nice, quiet, and safe place to live; and we’d like to keep it that way. Thank-you for your consideration.

Yours truly,

Collette Johnson

Herta Brandhorst
Subject: Zoning By Law Amendment Application File # ZAC-11-007

This letter is to state, that I Natalie Vladetic (owner of Dutchman Florist), have some serious concerns about the proposed zoning by-law amendment and am opposed to the application by the Bosnian Islamic Association of Hamilton.

Two of the key issues are availability of parking and the overall flow of traffic.

The parking lot that currently exists at the location is too small to accommodate the existing demands by their membership. As a result, their parking requirements have imposed on many of the local businesses because Mosque members have been parking in private property lots that should be reserved for customers of the businesses in question. Every Friday at least 20 of our 25 parking spots are taken by members attending prayer services.

The original plan for the property included only 17 parking spots. Since the congregation has acquired 208 Barton Street, the proposed parking allowance has grown to 72 parking spots. This is not enough space however, considering that when the rezoning application was initially submitted, the Bosnian Islamic Centre had approximately 400 members. This number has surely increased over 2 years, and I would suspect that given the much larger size of the new Mosque, their expectation is that it will continue to increase, and result in even higher off site parking demands.

Dutchman Florist has been in business in the same location for over 20 years. In recent years various staff members have made several attempts to deal with the situation by placing signs in the parking lot stating that parking is reserved for customers, and by approaching anyone parking in the lot, requesting that they park elsewhere because it is a private lot. Unfortunately, I am most often met with disrespect. We have made efforts to find a solution to our problem, but have not had much luck. At an instance not too long ago, I was told to “Shut the f*** up”, and have since stopped having any contact with the members as I do not want to put myself, my customers, or my business in any danger.

In terms of traffic flow, Barton Street already has a large volume of traffic, particularly due to the many businesses located on Barton Street. The proposed parking at the Mosque only has one entrance, which will result in considerable congestion anytime there is a gathering of people in the Mosque. Because there is only one side street in the general vicinity where members would consider parking, I am not sure where anyone expects the rest of the cars to park? I would anticipate that eventually even Barton
Street will be used for parking, which will further impact traffic flow. The City may make efforts to monitor parking infractions, but this will increase the burden on our City's already limited resources.

There are also other issues that will arise. Presently there are many trees and shrubs on the properties slated for development by the Mosque. The greenery would all be eliminated and replaced with concrete, and asphalt to accommodate their new parking lot. Barton Street has already lost much of it's green space to development, and this will only add to the current situation.

I am also concerned about potential water run-off as the ground which currently absorbs much of the rainfall and melting snow is being replaced by concrete and asphalt.

What will be done about the increase in pollution due to idling of cars? There are members that come and go five times per day, every day of the week. This will especially affect the residents of the homes located behind the back property line.

I have looked at the architectural schematic, and have not been able to confirm that there is a wheelchair accessible bathroom for females. Has one been considered?

Like many people in the neighbourhood, I wonder why there is no "rezoning sign" on the property. I often see these signs as I'm driving around the city, and often times, they are there for weeks on end. Most people in the area may not be aware of what is happening.

In conclusion, if the proposal for rezoning 202 and 208 Barton Street is passed, it will affect many people in a negative way. This property is not suited for a Mosque of this size.

Natalie Vladetic
Dutchman Florist
218 Barton Street
Stoney Creek, ON
L8E 2K2
March 9, 2011

To:
Mr. Greg Macdonald – Planning and Economic Development
Ms. Maria Pearson – Councilor Ward 10
P. Mallard Director Planning Division
S. Robichaud – Manager of Development Planning

I am responding to a Notice of Application for Amendment to a Zoning Bylaw on lands located at 202 and 208 Barton Street, Stoney Creek.

As a resident of 301 Celtic Drive in Stoney Creek, I would be in close proximity to this proposed construction of a Bosnian Islamic Association and therefore have interest in its impact on this area.

I wish to let you know that I am against this construction and feel it will have negative impact on the residential area backing onto its site.

Bylaws are made to protect the neighborhoods and keep things in the best interest of the community and city. To change bylaws to accommodate buildings, organizations or business that would not normally be able to locate because of the protection of these important limitations only undermines those who live in these communities.

This area is already quite busy. Eastdale avenue is a main entry point into the Eastdale Community and any added structure that will have regular traffic adding to this section of Barton Street is not warranted. Also if this property will be used for functions (Weddings, Socials, etc.) or will have a membership larger than planned parking spaces will permit, then local business will have to allow trespass parking. Failing this (which is most likely the case), then the only other option would be to park on the side streets closest to the structure – the Eastdale Community.

In closing I would like to say that I feel there are several other valid reasons to reject this structure being built. However the most important one is that our by-laws are meant to protect us, not meant to have politicians bend and change rules on a whim or as favours to a select few. This structure should not be built.

Sincerely
Robert & Barbara Woolvett
301 Celtic Drive, Stoney Creek
March 7, 2011

Christine Gawryls
290 Celtic Drive
Stoney Creek, ON
L8E 2T6

Greg Macdonald
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning Section
71 Main Street West, 5th Floor,
Hamilton, ON
L8P 4Y5
(Fax #: 905-546-4202)

Re: File #ZAC-11-007

Dear Sir/Madam

I am concerned about the proposed zoning change and ask that the zoning remain as residential and not be amended to institutional.

The proposed land backs into a residential area that has been there for more than 30 years. The proposed change will have a negative impact on the residential community as it will change the quiet residential character of the neighbourhood. As a resident of the area, I have several concerns. First, the increase in traffic volume in the area which will increase the noise levels in the area. Second, the proposed site on Barton Street is not a large enough area for an establishment of this scale on this site. Third, given that this area is not that large, there will not be sufficient parking. Fourth, the site is close to a Tim Hortons on the corner of Barton Street and close to the road that leads to the service road and the Queen Elizabeth Highway. The potential congestion in this area is high.

I ask that the zoning not be changed for these reasons.

I would like to thank you for giving me the opportunity to voice my concerns.

Yours truly,

Christine Gawryls
Dear Mr. Macdonald,

We (Gaetano and Maria Dicarlo) are writing this letter to express our concerns regarding the zoning by-law amendment application file # ZAC-11-007. We currently reside at 300 Celtic Drive which is directly behind the proposed location for the new place of worship on the combined properties at 202 and 208 Barton Street.

We are concerned for the following reasons:

- Increased noise and emission levels due to having a parking lot directly behind our property.
- Devaluation of our property as a result of changing the zoning from residential to institutional.
- Having a building that could dramatically change the landscape and further reduce the resale value of our property.
- Changing the dynamics of the entire neighbourhood.

We feel that the zoning by-law amendment should not be granted for the above reasons. This is a mature neighbourhood and residents have invested their time, money and effort into molding the area into what it is today.

We thank you for your attention to this matter.

Best Regards,

Maria and Gaetano Dicarlo.
306 Celtic Drive
Stoney Creek, ON  L8E 3S2

February 24, 2011

Greg MacDonald, City of Hamilton
Planning & Economic Development Dept.
Planning Div. - Development Planning
71 Main Street West, 5th Floor
Hamilton, ON  L8P 4Y5

Subject: Zoning By-law Amendment Application
File No: ZAC-11-007
Letter Dated February 18, 2011

Dear Mr. MacDonald:

This letter is to state that I, Donna Balcome, am against the proposed Zoning By-law amendment application.

We received your letter dated February 18, 2011, sent to limited existing residents, regarding the proposed by-law amendment to rezone land of 208 Barton Street East, Stoney Creek, from residential R2 to institutional II.

Included in this proposal is the Blanket Razed area of 202 Barton Street East, which was previously passed, without public input by neighbouring homes or businesses, by the City of Hamilton from the R2 zone to institutional II. Numerous issues need to be dealt with for this application of the Bosnian Islamic Centre.

Parking for the growing membership will create road hazards on busy Barton Street East, plus the excessive exhaust fumes from the proposed 70+ parking spaces adjacent to existing 1 storey high residential homes. Some homes having been built 30+ years ago.

According to this proposed “Site Plan” of 1/200 scale application letter, the many existing healthy fruit bearing trees, shrubs and grass will be removed, and nothing green to replace these environmentally friendly properties. There would be a necessity to provide a green buffer, as well as a sound proofing high barrier wall. These beautification green buffers would have to be compatible with our neighbourhood.

The Bosnian Islamic Centre will not only be used for the Place of Worship, but it will also be a community centre for the Muslim faith, educational teaching in 3 designated classrooms, and an entire basement (which has never been mentioned) can be rented out for other social and private functions. This Place of worship will increase in not only a larger membership, but it will need more parking. There will be more noise, more fumes, plus the constant coming and going of vehicles from sun up to sun down, 7 days a week for prayers.

The hard surface of the asphalt, covering possibly 3/4 of the combined properties, without green space, will create problems. Where will rain water and snow go? Flooding our backyards adjacent to this property?

Garbage disposal situated close to existing property lines will also cause offensive odours for adjacent home owners.

Cont’d...
This proposed rezoning for a Place of Worship:

- Will cause an overload of our existing City Works (e.g. sewer, water, hydro, etc.).
- Will result in extra traffic on the existing busy 4 lane wide Barton Street East.
- Will result in increased exhaust flames and increased noise.

This large, oversized facility will be situated on the undersized combined properties, measuring approx. 224' wide x 153' deep, including 70 parking spaces. The previous proposal, from approx. 2 years ago, for 400 members required 80 parking spaces.

The proposed building, 2 storeys high from grade level to the roof, measures 30 feet high with 3 copper cladded domes (highest dome measuring 14 feet from second floor roof), resulting in a 44 foot high structure of 5,668 sq. feet, and the minaret at 3 feet in dia. At the base will be 63 feet tall.

Why is there no “rezoning sign” on this proposed property amendment that shows the public the proposed by-law rezone project of 202 and 208 Barton Street East, Stoney Creek?

In conclusion, if this new proposal of the proposed rezoned property 208 and 202 Barton Street East is passed, it will affect our health and our daily lives in this surrounding neighbourhood of 157 existing homes in the 1 block radius.

I’ve been a resident of this beautiful and peaceful neighbourhood, with lots of trees and grass, for 30 years and would like to see it remain this way.

Yours truly,

Donna Balcome

CC: Bill Kelly (Fax: 905-540-2452)
Bob Brattina (Fax: 905-546-2340)
Maria Pearson (Fax: 905-546-2535)
Wayne Marston (Fax: 905-662-2285)
Joe Celtic Drive
Stoney Creek, ON.
L8E 3S2.
Feb. 24, 2011.

Greg Macdonald, City of Hamilton
Planning & Economic Development Dept.
Planning Div.-Development Planning
71 Main Street West, 6th Floor,
Hamilton, ON. L8P 4Y5.

Subject: Zoning By-law amendment application
File No: ZAC-11-007
Letter dated February 18, 2011.

Dear Mr. Macdonald,

This letter is to state that I, William Galloway, am against the proposed Zoning By-law amendment application.

Public Interest:

I wish to be notified of any changes in the application letter I received Feb. 18, 2011, of the rezoning of the 202 and 208 Barton St. East, Stoney Creek properties.

By 2009, the first application for the LP rezoning of 202 Barton St. East was approved by the City of Hamilton. In 2009, without knowledge to the surrounding neighbourhood, including businesses and our survey of one hundred and fifty-seven residential homes adjacent to the proposed rezoning in the one block radius
city of Hamilton
attn: Hugh Macdonald.

In 2009 it was brought to my attention that for 400 people, 80 parking spaces were required. The new proposed "Site Plan" shows only 70 spaces with no possibility for expansion for the growing membership.

- Increased exhaust emissions will be a health hazard for immediate surrounding properties for sure!
- Parking involves more than ½ the proposed combined properties and is covered with asphalt (hard surface).
- Paving for the designated spaces and driveway could cause a drainage problem if runoff of rain and snow are not properly drained. This could cause the immediate properties adjacent to 201 and 208 Barton Street E to receive their runoff.

- The excess of traffic on Barton Street East will definitely cause difficulties with cars, coming in and out continuously all day long, seven days a week.
- Local businesses and our local survey are used for the excess overflow.

Another concern if this new proposal is passed, the excavation at 201 and 208 Barton St. E, the existing grade level of adjacent properties will need to be considered.
City of Hamilton

attr: Greg Macdonald

cnt:from

Proposed mosque building:
approximately 1/4 of the proposed 5,668 sq ft mosque will be used for the “place of worship”, religious functions etc. The balance of space - eg. 2nd floor - possibly used for businesses, educational teaching in the three designated classrooms, etc., etc.

- the entire basement space of 5,138 sq ft
- square feet used possibly for social gatherings, parties, weddings, etc.

A very busy functioning facility of great interest to the Muslim faith.

City Utilities: Upgrades to enlarge main sewers on Barton St. E. to accommodate constant use of hundreds of extra people, and many more services that will be provided by the City of Hamilton - with no return to the City coffers.

In closing: I know there will be disappointment and a cry of discrimination from these well-meaning immigrants to Canada but:

If this Serbian Islamic Center is allowed to be built at 202+208 Barton St. East, it is not you but our Canadian citizens (who have lived here for years) who are being discriminated against.

Yours truly,

Timothy Balcombe