TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: WARD 1

COMMITTEE DATE: January 31, 2012

SUBJECT/REPORT NO:
Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning
By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton) (PED12018) (Ward 1)

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

PREPARED BY:
Timothy Lee
(905) 546-2424, Ext. 1249

SIGNATURE:

RECOMMENDATION

(a) That approval be given to Official Plan Amendment Application OPA-11-021, by Canadian Commercial (McMaster) Inc., Owner, to amend Schedule “B” Special Policy Areas of the Hamilton Official Plan and Schedule “1” Land Use Plan of the Ainslie Wood Westdale Secondary Plan in order to add a Site-Specific Policy to the “Residential” designation, as shown on Schedule “A” of Appendix “B” to Report PED12018, and add a Site-Specific Policy to the “Low Density Residential” designation, as shown on Schedule “B” of Appendix “B to Report PED12018”, on lands located at 15 Emerson Street (Hamilton), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12018, be adopted by Council.
(b) That approval be given to Amended Zoning Application ZAC-11-043, by Canadian Commercial (McMaster) Inc., Owner, for a change in zoning from the “C/S-1335a” (Urban Protected Residential, etc.) District, Modified, to the “G-3/S-1653” (Public Parking Lots) District, Modified, with a Special Exception, to permit a parking lot accessory to a commercial use, on lands located at 15 Emerson Street (Hamilton), as shown on Appendix “A” to Report PED12018, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED12018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as “G-3/S-1653”.

(iii) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and will be in conformity with the City of Hamilton Official Plan upon finalization of proposed Official Plan Amendment No.

(c) That approval be given to Urban Hamilton Official Plan Amendment No. to add a Site-Specific Policy to portions of the subject lands on Map B.2.6-1 - Ainslie Wood Westdale - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 15 Emerson Street (Hamilton), as shown on Appendix “C” to Report PED12018.

EXECUTIVE SUMMARY

The purpose of this application is to amend the Hamilton Official Plan and modify the Hamilton Zoning By-law on lands municipally known as 15 Emerson Street in order to permit a parking lot accessory to a commercial use, and to establish site-specific regulations with respect to landscaping, setbacks, and parking lot layout (see Appendix “A”).

A final approved Site Plan Application (DA-11-038) will facilitate the construction of a new retail building on the commercially zoned portion of the subject lands (see Appendix “E”). Most recently, the applicant submitted a Site Plan Amendment Application (SPA-11-163) to facilitate the proposed parking lot and associated landscaping (see Appendix “F”) on the subject lands.
The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Places to Grow Growth Plan and the Hamilton-Wentworth Official Plan. The proposal will provide additional parking for the intended commercial uses on 1341 Main Street West, and will address potential spill-over of parking from the commercial uses onto adjacent residential areas.

Alternatives for Consideration - See Page 18.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

- **Financial:** None.
- **Staffing:** None.
- **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 and Official Plan Amendment.

**HISTORICAL BACKGROUND**

**Proposal**

The subject property, known as 15 Emerson Street, is located south of Main Street West on the east side of Emerson Street (see Appendix “A”). The applicant purchased the subject property and has since merged it in title with the adjacent property known as 1341 Main Street West. Once the proposed commercial redevelopment is complete, the subject property will function as one single property.

The subject property is currently designated “Residential” in the Hamilton Official Plan and “Low Density Residential” in the Ainslie Wood Westdale Secondary Plan, where the proposed use is not permitted under the policies of the respected designations. An amendment to the Hamilton Official Plan is, therefore, required to facilitate the proposal.

The previous residential use is reflected in the current “C/S-1335a” (Urban Protected Residential, etc.) Zone, Modified. All buildings and structures previously existing on the property have now been demolished following the issuance of demolition permits in October, 2011. A Zoning By-law Amendment is required to permit the proposed parking lot accessory to a commercial use on 1341 Main Street West.
The purpose of this application is to amend the Hamilton Official Plan and to change the zoning to permit vehicular parking in conjunction with the adjacent commercial lands (1341 Main Street West), to modify landscaping and setback requirements for the parking lot, and to reduce the minimum parking space dimensions to be consistent with the new parking standards in the Hamilton Zoning By-law 05-200 (see Appendix “D”).

**Minor Variance Application (HM/A:11-64 and HM/A:11-173)**

The applicant submitted two Minor Variance applications to facilitate the proposed commercial development. These applications apply only to the portion of lands known as 1341 Main Street West; however, certain provisions directly affect the subject lands. Minor Variance Application HM/A:11-64 was approved on May 18, 2011, to permit commercial vehicle access on lands within a residential district (see Appendix “G”). This would permit commercial vehicles to access the commercial development through the northerly portions of 15 Emerson Street until the Zoning By-law Amendment and Official Plan Amendment applications are approved, and Site Plan Amendment Application SPA-11-163 is given final approval (see below).

Minor Variance Application HM/A:11-173 was approved on September 7, 2011, and addressed additional zoning deficiencies with respect to landscaping and planting strips for parking lots, location of accessory buildings and structures, and distance of ingress and egress from a residential district (see Appendix “H”). There were no objections to either of the applications.

**Site Plan Application (DA-11-038)**

Final approval was granted for the Site Plan application, which was submitted concurrently with this application for the subject lands and the adjacent lands (15 Emerson Street and 1341 Main Street West) to facilitate the proposed commercial development (see Appendix “E”). Based on the approved Site Plan, the portion of land that is municipally known as 1341 Main Street West is being redeveloped for commercial retail uses, including a coffee shop and pharmacy. The portion of lands known as 15 Emerson Street is to be used for landscaping, additional parking, and vehicular access from Emerson Street for the commercial development. As commercial uses (including parking associated with a commercial use) on 15 Emerson are not permitted under the current zoning and Official Plan designation, approval of the Zoning By-law Amendment and Official Plan Amendment applications are being sought and, therefore, the commercial development is proceeding as a phased development.

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The first phase of the development includes the construction of the 1,089 square metre, 1-storey commercial building and associated 18 parking spaces with driveway access to Main Street West. No drive-thru facility is being proposed for the restaurant (see Appendix “E”). The second phase includes 15 Emerson Street (see Appendix “A”) to facilitate the construction of a second driveway with access to Emerson Street, 16 additional parking spaces, and a landscaped buffer along the southerly lot line.

Site Plan Amendment Application (SPA-11-163)

A Site Plan Amendment application was submitted in late-November, 2011, to facilitate the construction of the parking lot and planting strip for 15 Emerson Street (see Appendix “F”). The concept plan shows a vehicular access to Emerson Street and 33 parking spaces for the entire property. The Site Plan Amendment application has been held in abeyance until such time as the amended Zoning By-law Amendment application has been approved by Council.

Chronology

August 26, 2011: Application ZAC-11-043 is deemed complete.
August 31, 2011: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 metres of the subject lands.
October 13, 2011: Demolition Permits approved for 15 Emerson Street.
November 25, 2011: Final Approval of Site Plan Application DA-11-038.
January 9, 2012: Application OPA-11-021 is deemed complete.
January 15, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Application:

Location: 15 Emerson Street
Owner/Applicant: Canadian Commercial (McMaster) Inc.
Agent: Webb Planning Consulting (James Webb)

Property Description:
Lot Frontage: 15.2 metres
Lot Depth: 45.5 metres
Total Lot Area: 691.6 square metres
EXISTING LAND USE AND ZONING

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Surrounding Lands:

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POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. In particular, the application is consistent with Section 1.1.1b), where it accommodates an appropriate range and mix of residential and employment uses to meet long term needs, and Section 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs.

The proposed accessory parking lot on the subject lands further facilitates a comprehensive redevelopment in conjunction with the adjacent commercial site and, as such, is consistent with Policies 1.1.3.1 and 1.3.1 with respect to focusing growth and regeneration within existing Settlement Areas and supports land use patterns based on a variety of uses.

Based on the foregoing, the proposal to permit a parking lot accessory to the commercial use within the subject property is consistent with the Provincial Policy Statement.
Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-up Area, as defined in the Places to Grow Growth Plan. The application conforms to Section 1.2.2, where some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

The application will also conform to Section 2.2.2, where the proposed development will reduce the dependence on the automobile through the development of mixed-use and transit supportive urban environments, providing a balance of jobs and housing in communities reducing the need for long distance commuting, and encouraging the development of complete communities with a diverse mix of land uses, and a range and mix of employment and housing with easy access to local stores and services.

The proposal to permit additional parking and landscaping buffers accessory to the proposed commercial retail uses conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses such as retail uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Policy 3.1.1 encourages compact, mixed-use development to ensure people are close to shopping and their workplace, and that growth can be accommodated within the existing urban area.

Based on the foregoing, the proposed change in zoning complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept Plan, in the City of Hamilton Official Plan and, as such, the following policies apply:

“2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.”
Based on the above policies, the proposed use does not fall within the range of uses identified within the “Residential” designation, and an Official Plan Amendment has been submitted to permit a parking lot accessory to an adjacent commercial use. A draft Official Plan Amendment (see Appendix “B”) will add site-specific policies to the subject lands (see Schedule “A” - Appendix “B”) to only permit a parking lot in conjunction with the commercial use on 1341 Main Street West. As a result, the following “Commercial” policies would apply:

“A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade.

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

The subject lands will be redeveloped to provide additional parking for the commercial use on 1341 Main Street West, thereby addressing potential spill-over of parking onto neighbouring residential areas. Issues such as enhanced landscaping and fencing will be addressed through Site Plan Control to ensure that buffering from the adjacent residential properties will be provided and maintained. In addition, the draft By-law (see Appendix “D”) will ensure that no new buildings or the addition to the commercial building on 1341 Main Street West will be permitted on the subject lands. Prohibiting buildings or additions to buildings on the subject lands would result in an appropriate buffer and separation from more intensive commercial activities on the stable residential areas. An Official Plan Amendment would be required if the owner proposes an expansion to the commercial building or to construct a new building on the subject lands.

Consequently, Planning staff believes that the change in designation would not represent an indiscriminate extension of commercial uses into the stable residential areas, but conversely, will more firmly identify an appropriate separation and definitive boundary between commercial and residential uses. Furthermore, as already detailed, the additional parking is considered to alleviate existing parking demands within the area and, in particular, potential spill-over of parking from the commercial use into the residential area, which will conform to the above policies with respect to permitting commercial development where traffic and/or parking problems will not be created.
“2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:

i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,

ii) Preferably to the rear of the EXTENDED COMMERCIAL development, where their use will not adversely impact the amenity of adjacent Residential areas subject to the General Provisions herein.”

The overall commercial development on the property will provide 33 parking spaces, 16 of which are to be located on the lands proposed to be rezoned to the “G-3 (Public Parking Lots) District (see Appendix “F”). In addition, there will be direct vehicular access to Main Street West, with a secondary access from Emerson Street, which is required for the purposes of fire route access and to allow for proper manoeuvring for garbage and goods trucks. Based on the foregoing, the proposed development maintains the general intent of the above policies.

“2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

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

The applications will conform to the performance related provisions of the Hamilton Official Plan with respect to the provision of sufficient off-street parking, landscaping, and buffering from adjacent residential uses. Lighting will be addressed at the Site Plan stage to ensure that lighting will be directed away from the adjacent residential properties. The subject lands will serve as a buffer from commercial activity located closer to Main Street West, and the proposed zoning will prevent the expansion of the commercial building closer to the adjacent residential properties to the south. In
addition, there will be enhanced landscaping to provide a buffer between the adjacent residential properties and the commercial use.

Based on the foregoing, Planning staff has no objection to the Official Plan Amendment as the proposed use will provide for additional parking and landscaping for the commercial use on 1341 Main Street West, and through landscaping and design, it will provide for a suitable buffer between the commercial and residential built forms.

**Ainslie Wood Westdale Secondary Plan**

The subject lands are designated “Low Density Residential” on Schedule 1: Land Use Plan of the Ainslie Wood Westdale Secondary Plan. Thus, the following “Low Density Residential” policies apply:

“6.4.1.2(i) Low Density Residential areas permit single detached dwellings, semi-detached dwellings, duplexes, and street townhouses. These uses will include dwellings with accessory apartments. Single detached housing will be the primary form of housing in most of these areas, especially in the interior of neighbourhoods.”

Based on the above policies, the proposed use does not fall within the range of uses identified in the current designation. A draft Official Plan Amendment will add a Special Policy Area to the property (see Schedule “B” - Appendix “B”) under the Land Use Plan of the Ainslie Wood Westdale Secondary Plan to permit a parking lot in conjunction with a commercial use on 1341 Main Street West.

The subject lands will be developed to provide additional parking for the commercial development (see Appendix “F”) on Main Street West, achieving the policy of meeting the daily parking demands of the commercial use. A secondary access from Emerson will be required for the purpose of the fire access route and to allow for proper manoeuvring for garbage and loading of trucks. In addition, locating the parking area to the rear yard will provide a buffer from the more intensive commercial uses along Main Street West. Issues with respect to traffic speed can be addressed at the Site Plan process stage.

The proposed development will consist of a 1.5 metre planting strip and visual barrier along the south and east lot lines, which will provide for buffering of the commercial use from the adjacent residential uses (see Appendix “E”). In addition, there will be sufficient parking spaces on-site to accommodate parking demands of the commercial use.
Based on the foregoing, Planning staff has no objections to the amendment of the Ainslie Wood Westdale Secondary Plan, as the subject lands will provide additional parking for the commercial use and landscaping to provide buffering from the adjacent residential uses. The Official Plan Amendment will maintain the general intent of the Ainslie Wood Westdale Secondary Plan as the Special Policy Area will provide additional parking to the commercial development.

**New Urban Official Plan (Council Adopted)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. The Plan has been appealed to the Ontario Municipal Board (OMB), and no hearings have been set. 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 OMB, or through a future housekeeping amendment.

The subject lands are designated “Primary Corridor” on Schedule E - Urban Structure and “Mixed-Use - Medium Density” on Schedule E-1 Urban Land Use Designations. The following “Mixed-Use - Medium Density” policies apply:

“E.4.6.5 The following uses shall be permitted on lands designated Mixed-Use - Medium Density on Schedule E-1 - Urban Land Use Designations:

a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars.”

The proposed parking lot accessory to the proposed development will facilitate new commercial uses, including a pharmacy and restaurant (coffee shop), which are permitted uses within this designation. The subject property is within the Ainslie Wood Westdale Secondary Plan of the Urban Hamilton Official Plan, and is designated “Low Density Residential 2” on Land Use Plan Map B.6.2.1.

A housekeeping amendment is required to the Ainslie Wood Westdale Land Use Plan in the Urban Hamilton Official Plan to add a Site-Specific Area to the subject lands to permit a parking lot in conjunction to a commercial use on 1341 Main Street West (see Appendix “C”).

The proposed parking lot on the subject lands will maintain the stability of the adjacent neighbourhood by creating a separation distance between the commercial use on 1341 Main Street West and the residential uses to the south and east. Additional on-site parking for the proposed commercial development would mitigate potential spill-over of parking onto adjacent residential areas.
The parking lot accessory to the proposed commercial development will provide additional overall parking, reducing off-site parking demands within the residential community (see Appendix “F”). As such, Planning staff is recommending that the Urban Hamilton Official Plan be amended to add a Site-Specific Area on the subject lands in the Ainslie Wood Westdale Secondary Plan to permit a parking lot in conjunction to the commercial use on 1341 Main Street West.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the proposed application:

- Forestry and Horticulture Section, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Waste Management Division, Public Works Department.
- Recreation Division, Community Services Department.
- Taxation Division, Corporate Services Department.
- Horizon Utilities.

**Parking and By-law Services Division (Hamilton Municipal Parking System)**

The Hamilton Municipal Parking System is satisfied with the parking layout of the proposed development. However, there is a high demand of short term, on-street parking within the vicinity of the subject property. Staff is satisfied that all parking requirements can be accommodated on-site, but should be ensured that all of the existing and future parking needs can be met on site.

**Public Consultation**

In accordance with Council’s Public Participation Policy, the application was pre-circulated to all property owners within 120 metres, and a sign was posted on September 26, 2011. A total of 119 notices were circulated. Two residents submitted a letter of objection to oppose the application (see Appendix “I”). The main issues include the proposed parking that is adjacent to the resident and the potential for litter, vandalism, and noise. An analysis of these issues is provided in the Analysis/Rationale for Recommendation section below.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands.

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ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed amendment to the Hamilton Zoning By-law, as amended, has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement, as it provides employment opportunities within the Settlement Area;

   (ii) It conforms to the Places to Grow Growth Plan and conforms to the Hamilton-Wentworth Official Plan, which encourages the development of complete communities with diverse land uses and services to residents;

   (iii) The proposed development represents good planning by providing additional parking spaces accessory to the commercial development, and reduces on-street parking demands within a stable residential community.

2. The subject property is located south of McMaster University on the southeast corner of Main Street West and Emerson Street (see Appendix “A”). The subject property is part of a larger parcel that previously included the former funeral home located at 1341 Main Street West and a single detached dwelling on 15 Emerson Street. Demolition permits were issued in October, 2011, and both these buildings have since been demolished.

   The parking layout for the former funeral home included a driveway providing vehicular access onto Emerson Street, and a separate driveway for the former single detached house located at 15 Emerson Street with access onto Emerson Street (see Appendix “J”). The proposed commercial use will have vehicular access to Emerson Street and Main Street West, and is not anticipated to create additional traffic concerns along Emerson Street.

   A Site Plan Control Amendment Application (SPA-11-163) was submitted in late-November to facilitate the parking lot accessory to the commercial use and to address landscaping and buffering concerns (see Appendix “F”). The final approval of the Site Plan will be held in abeyance until the applications to amend the Official Plan and Zoning By-law are approved.

3. Official Plan Amendment (OPA-11-021)

   The proposal to permit a parking lot accessory to the commercial use is not permitted based on the current designation of the subject lands. An Official Plan Amendment has been submitted to add a Special Policy Area to permit the proposed use (see Appendix “B”).
The amendment to the Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan is not anticipated to present an adverse impact on the surrounding area as the Special Policy Area will provide for additional parking for the commercial use on 1341 Main Street West. Appendix “F” shows that an additional 15 parking spaces will be provided within the subject lands, with a total of 33 parking spaces provided for the overall site. Providing for additional parking on the subject lands will reduce potential adverse impacts with respect to on-street parking. Providing additional landscaping and parking on the south side of the subject property will allow for buffering from the adjacent residential uses.

Based on the review of current policies and proposal, Planning staff has no objection to the amendment to the Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan to add a Special Policy Area to the subject lands to permit the parking lot in conjunction with the commercial development, as it is consistent with the Provincial Policy Statement, and complies to the policies of the Places to Grow Growth Plan. It also conforms to the policies of the Hamilton-Wentworth Official Plan. In addition, the proposal is in keeping with the policies of the “Mixed-Use - Medium Density” designation of the New Urban Hamilton Official Plan by providing additional parking and landscaping for the commercial use.

4. Zoning By-law Amendment (ZAC-11-043)

The subject property is to be rezoned to a “G-3” (Public Parking Lots) District, with modifications, to permit a parking lot accessory to the commercial retail development within the same property. The subject lands are being rezoned to a “G-3” District to prevent future expansions of the commercial building towards the residential properties to the south. Approval of the application, as amended, would necessitate the following modifications in zoning:

(a) Planting Strip within Boundary of Parking Lot

The easterly limits of the proposed parking lot will have a setback of 0.53 metres from the easterly lot line, whereas a minimum 1.5 metres is required, and has been added as a zoning provision in the draft By-law (see Appendix “D”). However, a 5.5 metre by 6.0 metre wide landscaped area will also be provided at the southeast corner of the subject lands (see Appendix “F”), which will provide the opportunity for enhanced landscaping (i.e. large calliper trees) and an average landscaped area of 3 metres in width along the easterly limits of the subject lands. Furthermore, a 1.8 metre high wooden visual barrier will be installed on the applicant’s side of the property line to provide privacy and noise attenuation from the
adjacent residential property. As such, Planning staff has no objections to the modifications to the planting strip.

(b) Parking Stall Dimensions

The applicant has requested a reduction in the minimum parking stall dimension to 2.6 metres wide by 5.5 metres long. This is consistent with the new standards within the Hamilton Zoning By-law 05-200 and, as such, Planning staff has no objections to the modification to the parking stall dimensions.

(c) Distance from Boundary of Parking Lot

A modification has been requested to reduce the distance of a parking lot adjoining a residential district from 3 metres to 1.5 metres on the southerly boundary, and 0.5 metres on the easterly boundary. The general intent of the provision will still be maintained, as visual barriers will be installed and maintained along the lot lines (see Appendices “E” and “F”), and landscaping will be provided on the southerly boundary.

A modification has also been made to reduce the distance between the proposed parking lot and street line from 6 metres to 3 metres. The reduction will continue to allow sufficient space for landscaping and a visual barrier to be provided, and can be supported by Planning staff.

(d) Required Distance of Parking Lot in Conjunction with Restaurant

The proposed commercial building located at 1341 Main Street West will contain a drug store and coffee shop. Pursuant to Section 18A(36)(1)(b), a minimum distance of 12 metres is required between the residential district and the driveway and the parking and manoeuvring area used in conjunction with a restaurant. The applicant has requested that this distance be reduced to 1.5 metres along the south rear lot line. The modification can be supported as the restaurant will be located on the northwest corner of the subject property, adjacent to the intersection of Main Street West and Emerson Street (see Appendix “E”), with the primary access from Main Street. In addition, the restaurant will not have a liquor license or function as a drive-thru.
(e) Points of Ingress/Egress to the Restaurant

A modification has been requested to reduce the point of ingress and egress for a restaurant from 30 metres to 6 metres to facilitate the vehicular entrance on Emerson Street. This reduction can be supported as the reduction in the distance between the point of ingress and egress will continue to provide an adequate distance from abutting residential districts. As the nature of the restaurant is smaller in scale, and the primary driveway access is to Main Street West, a reduction in the points of ingress and egress can be supported.

5. A combined Urban Design Brief and Heritage Impact Assessment was submitted as part of the complete planning application. The following design elements will contribute to mitigating potential spill-over impacts from the site onto the neighbouring properties:

- The majority of the parking lot, driveway, and manoeuvring areas will be located to the side and rear of the property. This will reduce the impacts of locating the parking lot at the front yard of the proposed building. In addition, the parking lot will provide some buffering from main activities of the building.

- The design of the property will include planting strips and visual barriers on the southerly and easterly lot lines that will provide privacy and noise attenuation for the neighbouring residential districts.

As such, Planning staff has no objection to the layout of the proposed parking lot, landscaping, and buffering, as it will provide privacy and noise attenuation for the residential properties to the east and south.

6. The subject lands formerly contained a single detached dwelling, which was recently demolished in late-November, 2011, as demolition permits were issued in October, 2011. Issues related to parking, landscaping, and placement of garbage bins have been addressed in the Heritage Impact Assessment and as part of the Site Plan process. Accordingly, Planning staff has no objections to the application and proposed development.

7. Area residents were pre-circulated on the proposal in late-September, 2011. A total of two letters of opposition were received by staff. The main concerns were the potential for noise, garbage, vandalism, traffic, and parking (see Appendix "I").
An Acoustical Study was submitted by the applicant as part of the Site Plan Application (DA-11-038). The recommendations to the Study included screening of the mechanical equipment on the rooftop. No additional acoustical mitigation was recommended for the parking lot, however, a 1.8 metre high visual barrier has been proposed in the Site Plan application that will provide additional privacy and noise mitigation for the adjacent residential properties.

Wall-mounted light standards are proposed to provide adequate lighting on the parking lot. This will provide appropriate security, while reducing the effects of glare onto the adjacent residential district.

The applicant has proposed a “Molok” waste disposal system (see Appendix “E”), as shown in the site plan. This form of disposal system is below grade and provides a greater capacity for waste disposal, reducing the need for frequent waste pick-up. This will potentially reduce the amount of garbage that will collect on adjacent properties and reduce potential odour impacts.

8. A secondary access on Emerson Street has been proposed on the property (see Appendix “F”). One resident had a concern with this access with respect to the potential increase in traffic and conflicts between vehicles, pedestrians, and cyclists. A Minor Variance Application (HM/A-11:64) was approved with a variance to permit commercial vehicular access on 15 Emerson Street. No objections were raised with respect to the Minor Variance application or the particular variance.

Planning staff is of the opinion that the proposed access on Emerson Street will provide more control on vehicular ingress and egress from the subject lands, and would be considered an improvement to the traffic layout compared to previous conditions (see Appendix “J”). The parking layout for the former funeral home included an approximate 20 metre driveway providing vehicular access onto Emerson Street, and a separate driveway for the former single detached house located at 15 Emerson Street with access onto Emerson Street (see Appendix “J”). The point of ingress and egress on Emerson Street will be 6 metres wide.

The resident had proposed to restrict access or close the Emerson Street access. Closing this access would disrupt the fire access route and the ability for garbage and goods trucks from manoeuvring safely within the parking lot. In addition, vehicles would be forced to use the Main Street West access, potentially causing a bottleneck and disrupting traffic flow on Main Street West, and blocking the intersection of Main Street West and Emerson Street. Any internal traffic circulation safety measures can be addressed at the Site Plan process stage.
9. Staff notes that there is no road widening dedication required from the subject lands as part of this development. All development engineering concerns were addressed at the Site Plan Application (DA-11-038) stage.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property known as 15 Emerson Street will retain the existing residential district. The property can continue to be used by commercial vehicles for the commercial use, pursuant to Minor Variance Application HM/A-11:64.

**CORPORATE STRATEGIC PLAN**


**Financial Sustainability**

- Effective and sustainable Growth Management.

**Growing Our Economy**

- Competitive business environment.
- A skilled and creative labour pool that supports new employers.

**Social Development**

- Hamilton residents are optimally employed earning a living wage.

**Healthy Community**

- Plan and manage the built environment.
- Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).
APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Hamilton Official Plan Amendment
- Appendix “C”: Draft Urban Hamilton Official Plan Amendment
- Appendix “D”: Draft Zoning By-law
- Appendix “E”: Site Plan Drawing (DA-11-038)
- Appendix “F”: Site Plan Drawing (SPA-11-163)
- Appendix “G”: Minor Variance Application Decision of HM/A:64
- Appendix “H”: Minor Variance Application Decision of HM/A:173
- Appendix “I”: Letter from Resident
- Appendix “J”: Survey of Previous Uses

:TL
Attachs. (10)
Location Map

Subject Property
15 Emerson Street

Change in Zoning from the "C/S-1335a" (Urban Protected Residential, etc.) District, Modified to the "G-3/S-1853" (Public Parking Lots) District, Modified.
Draft

Amendment No. [Redacted]

to the

Official Plan of the City of Hamilton

The following text, together with Schedule “A” (Schedule “B” - Special Policy Areas), and Schedule “B” (Schedule “1” - Ainslie Wood Westdale Land Use Plan), attached hereto, constitutes Official Plan Amendment No. [Redacted] to the Official Plan of the City of Hamilton.

Purpose:

The purpose of this Amendment is to add a Site-Specific Policy to the subject lands to permit only a parking lot accessory to the commercial use on 1341 Main Street West.

Location:

The lands affected by this Amendment are municipally known as 15 Emerson Street, generally located south of Main Street West, and on the west side of Emerson Street.

Basis:

The proposal can be supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement, and conforms to and implements the “Urban” designation of the Hamilton-Wentworth Official Plan.

- The proposed parking lot accessory to the permitted commercial use on 1341 Main Street West will provide additional parking that will sufficiently accommodate on-site parking demands, and will not put additional pressures on off-site parking demands within the residential neighbourhood.

- The proposal will meet the intent of the Ainslie Wood Westdale Secondary Plan with respect to locating on-site parking to the rear of the buildings, whenever possible, while providing for sufficient landscaping and buffering to ensure the residential amenities of the area are maintained.
Actual Changes:

Text Changes:

1. Sub-section 2.9.3 - “Other Policy Areas” be amended by adding additional policy, as follows:

“Notwithstanding the permitted uses set out in Sub-section A.2.1 - Residential Uses, for those lands shown on Schedule “B” as Special Policy Area, and located at 15 Emerson Street, only a parking lot in conjunction with the commercial use at 1341 Main Street West will be permitted.”

2. Sub-section 6.4.9 - “Special Policy Areas” be amended by adding additional policy, as follows:

“Notwithstanding the permitted uses set out in Sub-section 6.4.1.2 - Low Density Residential, for those lands shown on Schedule “1” as Special Policy Area, and located at 15 Emerson Street, only a parking lot in conjunction with the commercial use at 1341 Main Street West will be permitted.”

Schedule Changes:

1. Schedule “A” - (Schedule “B” - Special Policy Areas) is hereby amended by adding the subject lands as Special Policy Area, as shown on the attached Schedule “A” of this Amendment.

2. Schedule “B” - (Schedule “B” - Schedule “1” - Ainslie Wood Westdale Land Use Plan) is hereby amended by adding the subject lands as Special Policy Area, as shown on the attached Schedule “B” of this Amendment.

Implementation:

A Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This is Schedule "" to By-law No. 12-", passed on the day of , 2012.

The City of Hamilton

_______________________                                __________________________
R. Bratina        Rose Caterini
Mayor                                Clerk
Amendment No. [insert number] to the Urban Hamilton Official Plan

The following text, attached hereto, constitutes Official Plan Amendment No. [insert number] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect

The purpose and effect of this Amendment is to add a site-specific policy to the subject lands that are designated “Residential Low Density 2”, within the Ainslie Wood Westdale Secondary Plan, in order to permit only a parking lot accessory to the commercial use on 1341 Main Street West.

2.0 Location

The lands affected by this Amendment are located near the intersection of Main Street West and Emerson Street, and are known municipally as 15 Emerson Street, in the City of Hamilton.

3.0 Basis

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement.
- The proposed parking lot accessory to the permitted commercial use on 1341 Main Street West will provide additional parking that will sufficiently accommodate on-site parking demands, and will not put additional pressures on off-site parking demands within the residential neighbourhood.
- The proposal will meet the intent of the Ainslie Wood Westdale Secondary Plan with respect to locating on-site parking to the rear of the buildings, whenever possible, while providing for sufficient landscaping and buffering to ensure the residential amenities of the area are maintained.

4.0 Actual Changes

4.1 Text Changes

The lands located at 15 Emerson Street, designated as Low Density Residential 2, are identified as Site-Specific Policy – Area [insert number] on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan. The following policies shall apply to Site-Specific Policy – Area [insert number].
a) “Notwithstanding the permitted uses set out in Sub-section B.6.2.5.4 – Low Density Residential Designation, for those lands shown on Schedule “B” as Special Policy Area [insert], and located at 15 Emerson Street, only a parking lot in conjunction with the commercial use at 1341 Main Street West will be permitted.”

4.2 Mapping Changes:

4.2.1 Urban Hamilton Official Plan Volume 2, Chapter B.2.6 – Ancaster Secondary Plans; Ainslie Wood Westdale Secondary Plan - Land Use Plan is amended by:

a) Adding a Special Policy Area to the subject lands as “Special Policy Area [insert]”,

as shown on Appendix “A” attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and site plan will give effect to this Amendment.

This is Schedule “[insert]” to By-law No.[insert] passed on the [insert] day of [insert].

The City of Hamilton

_____________________________  ______________________________
R. Bratina  Rose Caterini
Mayor        Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law 6593 (Hamilton) as Amended by By-law 95-02 and By-law 95-33, Respecting Lands Located at 15 Emerson Street (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule 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 City of Hamilton” and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

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

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

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

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-41 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended by changing the zoning from the “C/S-1335a” (Urban Protected Residential, etc.) District, Modified, to the “G-3/S-1653” (Public Parking Lot) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “G-3” (Public Parking Lot) District regulations, as contained in Section 13C of Zoning By-law No. 6593, are modified to include the following special provisions:

   (a) That Section 13C(3) does not apply.

   (b) That notwithstanding Sections 18A(11)(a) and 18A(11)(b) of Zoning By-law No. 6593, the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be not less than 1.5 metres on the southerly boundary, 0.0 metres on the easterly boundary, and 3.0 metres from the street line.

   (c) That notwithstanding Section 18A(12) of Zoning By-law No. 6593, no planting strip will be required on the easterly boundary of the parking area.

   (d) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a minimum parking space size of 2.6 metres wide by 5.5 metres long shall be provided and maintained.

   (e) That notwithstanding Section 18A(36)(1)(b) of Zoning By-law No. 6593, the driveway, parking area, and maneuvering area used in conjunction with a restaurant shall be a minimum of 1.5 metres from the southerly lot line.

   (f) That notwithstanding Section 18A(36)(2), a point of ingress and egress for a restaurant shall be a minimum of 6.0 metres from the residential district to the south.

3. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1653.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.
PASSED and ENACTED this __ day of __, 2012.

____________________________         ______________________________
R. Bratina                          Rose Caterini
Mayor                              Clerk

ZAC-11-043
Appendix "D" to Report PED12018

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

Schedule "A"
Map Forming Part of
By-Law No. 12-

to Amend By-law No. 6593

Subject Property
15 Emerson Street

[Diagram showing a change in zoning from "C/S-1335a" (Urban Protected Residential, etc.) District to "G-3/S-1659" (Public Parking Lots) District, Modified.]
IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13 as amended and of the Zoning By-Law No. 6593 of the City of Hamilton, Sections 9, 14, 18A and 18B Schedules S-1335, S-1335a

AND IN THE MATTER OF the Premises known as Municipal number 1341 Main Street West, in the City of Hamilton and in an "H/S-1335", "H/S-1335a", "C/S-1335" and "C/S-1335a" (Community Shopping and Commercial, etc.; and Urban Protected Residential, etc.) (Amending By-laws 95-02 and 95-33) district,

AND IN THE MATTER OF AN APPLICATION by the agents James Webb and Scott Disney on behalf of the owner 2107619 Ontario Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a commercial building notwithstanding that:

1) A minimum front yard depth of 0.0m shall be provided instead of the minimum required front yard depth of 3.0m;

2) A minimum parking space size of 2.6m wide x 6.5m long shall be provided instead of the minimum required parking space size of 2.7m wide x 6.60m long;

3) A minimum of eighteen (18) parking spaces shall be provided instead of the minimum required twenty-four (24) parking spaces;

4) The boundary of the parking area and loading space on a lot containing five (5) or more parking spaces shall be located not less than 0.3m from the adjoining residential district boundary and no planting strip shall be provided instead of the boundary of the parking area and loading space being not less than 1.5m from the adjoining residential district boundary and being landscaped with a planting strip; and,

5) Land in a residential district shall be used for the purpose of vehicular access to or egress from land in a commercial district.

NOTE:

vi) The variances were written as requested by the applicant with the exception of Variance 1 as the "H" district requires a 3.0m front yard depth and a front yard depth of 0.0m is shown on the site plan submitted.

vii) The requested variance for a 0.5m rear yard setback is not required as the site plan submitted provides for the minimum required 4.5m rear yard depth to the southerly rear lot line.

viii) The lands are subject to Site Plan Control. A comprehensive zone review will be completed at the Site Plan application stage. As such, further variances may be necessary.

ix) The number of seats in the proposed restaurant has not been indicated to determine the total number of required parking spaces for the entire building. As such, the parking variance was written as requested.

x) No building or elevation plans were submitted with the application.
That the said application is **GRANTED** subject to the following conditions:

1. "That a Heritage Impact Assessment/Urban Design Brief shall be submitted to the satisfaction and approval of the Manager of Development Planning prior to Site Plan Control approval."

2. The existing approach ramp located on the Emerson St. side of this facility, south of Main St W., should be removed and restored to curb and sidewalk if it will no longer be operational for this facility.

**DATED AT HAMILTON this 28th day of April, 2011**

D. Smith (Acting Chairman)

L. Galadje

M. Switzer

C. Lewis

D. Serwatuk

V. Abraham

L. Tew

**NOTE:** THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **May 18th, 2011.**

**NOTE:** This decision is not final and binding unless otherwise noted.
Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5th floor  
Hamilton, ON L8L 2X4  
Telephone (905) 519-0404, ext. 4124  
Fax (905) 546-4202  

COMMITTEE OF ADJUSTMENT  
DECISION OF THE COMMITTEE  

APPLICATION NO. HM/11-173  
SUBMISSION NO. A-173/11  

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13 as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 8, 14, 16 18A and 15B.  

AND IN THE MATTER OF the Premises known as Municipal number 1341 Main Street West, in the City of Hamilton and in an "H", "C/S-1335 and C/S-1335a" (Community Shopping and Commercial, etc. and Urban Protected Residential, etc.) (Amending By-law numbers 95-02 and 95-33) district;  

AND IN THE MATTER OF AN APPLICATION by the owner Canadian Commercial (McMaster) Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit construction of a new commercial building notwithstanding that:  

1. No planting strips shall be provided along the rear lot line and easterly side lot line adjoining a residential district and at the rear portion of the lot where the "H" district is separated by the residential “C/S-1335” and “C/S-1335a” district instead of a planting strip of not less than 1.5 metres in width to be provided and maintained along every side lot line and rear lot line adjoining a residential district or use;  

2. The access driveway providing access to the commercial use shall be located 0.0m from the residential district boundary on the lot where the "H" district is separated by the residential “C/S-1335” and “C/S-1335a” district and the access driveway shall be located within the portion of the lot within a residential “C/S-1335” and “C/S-1335a” district instead of the requirement for every access driveway providing access to or egress from or both access to and egress from the non-residential use to be located not less than 3.0 metres from the common boundary with the residential district;  

3. The driveway, parking area and manoeuvring area used in conjunction with a restaurant shall be 0.0m from the residential district boundaries to the south and east and the driveway used in conjunction with the restaurant shall be located within the portion of the lot within a residential “C/S-1335” and “C/S-1335a” district instead of the requirement that a distance of not less than 12.0 metres is required between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant;  

4. No landscaped area shall be provided along the westerly lot line between the north side of the Emerson Street access driveway and the building instead of the requirement for a landscaped area associated with a restaurant being not less than 1.5m in width along every side lot line and front lot line that abuts a highway and any public right-of-way;  

5. A point of ingress and egress for a restaurant shall be: 0.0m from the residential district and within the residential “C/S-1335” and “C/S-1335a” district located on the subject lands; 0.0m from the residential district to the south (19 Emerson Street) and 28.0m from the residential district to the east instead of the requirement that no points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situated closer than 30.0 metres to a residential district boundary; and,  

6. Accessory buildings and structures shall be permitted in the easterly side yard instead of being located in the rear yard only.  

.../2
NOTE:

i) The variances are necessary to facilitate Site Plan Application DA-11-038.

ii) The subject lands were subject of a recently approved minor variance (File No. HM/A-11:64.

iii) No building or elevation plans were submitted with the application.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1980.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 18th day of August, 2011

M. Dudzio (Chairman)

D. Smith

D. Drury

I. Dunlop

D. Serwatuk

V. Abraham

W. Pearce

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS September 7th, 2011.

NOTE: This decision is not final and binding unless otherwise noted.
Timothy Lee, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5  

Sent by E-mail  

Re: File No: ZAC -11-043  

Dear Mr. Lee:  

I received your letter of September 7, 2011 regarding the proposed zoning by-law amendment. I am very concerned about the proposal to create a parking lot at 15 Emerson Street. I purchased the house next door, 19 Emerson Street in May of this year, and paid a premium for the property, because it is a good location between two well kept homes. I have invested a great deal of time and money into the home, doing extensive renovations. I am very concerned that having a parking lot next to my home will cause a disturbance and bring the value of the house down.  

Parking lots of this kind often cause a great deal of problems, they create a gathering place, resuling in an increase in noise, garbage, vandalism and litter. The use of our back yard will no longer be able to be enjoyed due to automobile exhaust and noise. Not to mention a large number of people coming and going, creating a great deal of traffic and noise on an otherwise quiet and very private property.  

Had I known that there was going to be a parking lot installed next to the house, I would not have purchased it. I sincerely believe that had this house been on the market with a parking lot next to it, it would have been sold at a discounted rate, rather than at a premium.  

I strongly believe that installing a parking lot will be detrimental to both myself and the community and I ask that you consider all of the potential repercussions prior to allowing a corporation to bring down the property and social value of the area.  

Please be advised that I have already contacted my solicitor to discuss our options should this proposal be approved.  

I am available anytime should you wish to discuss this matter further.  

Thank you for your kind attention to this most serious matter.  

Respectfully,  

Brian Giannini  
Cc: Stephan Frankel LL.B
Good Morning Tim,

I have concerns with the project happening in my neighbourhood at Emerson and Main St. W. Please be advised that an entrance for a Starbuck/Shoppers off of Emerson St. should not be allowed. When vehicles turn left it backs up traffic into the intersection every time. Just as the bus stop on the right does; which is being moved because of it. I thought a no left turn sign would be helpful, but students would likely ignore that and police would not enforce it unless someone got hurt.

Sincerely,

Sonia Harms