# CITY OF HAMILTON

## PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
### Planning Division

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<th>Report to:</th>
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<td>Chairman and Members</td>
<td>Tim McCabe</td>
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<tr>
<td>Economic Development</td>
<td>General Manager,</td>
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<td>and Planning Committee</td>
<td>Planning and Economic</td>
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<td>Development Department</td>
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<td>Date:</td>
<td>Prepared by:</td>
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<tr>
<td>October 31, 2007</td>
<td>Cam Thomas</td>
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<tr>
<td>File:</td>
<td>(905) 546-2424, Ext. 4229</td>
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**SUBJECT:** Application to Amend the Hamilton Zoning By-law, for Property Located at 1 Hayden Street (PED07286) (Ward 7)

### RECOMMENDATION:

That approval be given to amended **Zoning Application ZAR-07-033, Dr. Russel Grover, Owner**, for a modification to the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit a dentist office within the existing building, for property located at 1 Hayden Street, as shown on Appendix “A” to Report PED07286, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED07286, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for and received approval for a Site Plan Application, to the satisfaction of the Manager of Development Planning.

(b) That the proposed change in zoning conforms to the City of Hamilton Official Plan and the Hamilton-Wentworth Official Plan.

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Tim McCabe  
General Manager  
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The recommended Zoning By-law Amendment permits a dentist office within the existing building on property at 1 Hayden Street. There were no major concerns provided by the commenting agencies. The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The rezoning would legalize a non-conforming use which has operated for a number of years in this location and would allow opportunities for improved access, parking and buffering through site plan approval.

BACKGROUND:

The applicant is requesting a Zoning By-law Amendment to change the zoning of the property at 1 Hayden Street from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to a modified "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to permit a dentist office for up to 2 professional dentists and support staff within the existing building.

The property has been under the ownership of the current owner (Dr. Russel Grover) since approximately 1988, and has been operating as a dental office since this time. Between 1977 and 1987, the property had been occupied as a residence and home occupation for a dentist. Between 1969 and 1977, the property was occupied as a residence and home occupation for a medical doctor.

A building permit application was submitted in 1997 for interior alterations to permit the building to be used as a commercial dentist office. Under the applicable zoning, the property could only be used as a home occupation for a dentist. The building permit application eventually lapsed as no action was taken to rezone the property. However, internal changes to accommodate a commercial dentist office appear to have been carried out without the benefit of a building permit or a change in zoning.

The dentist office currently employs 3 dentists and 12 support staff including hygienists, dental assistants and office staff on a rotating basis. The proposed dentist office is part of a larger dental company under the Grover Dental Group, which also has an office at 723 Rymal Road.

The dentist office is located on the ground floor of a single storey dwelling (constructed in 1966), which comprises 111.53 square metres of gross floor area. The internal side yard and rear yard of the subject property are paved to provide access and parking in the form of 4 parallel parking spaces along the side property line, and 2 parallel parking spaces along the rear lot line (see Appendix “C”). Three additional parking spaces also
encroach onto the Mohawk Road East road allowance. The parking on-site is used only by patients, and staff has been parking on the various side streets within the area.

The applicant has provided a revised parking layout which proposes angled and right angled parking within the rear yard and on the road allowance of Mohawk Road East (see Appendix “D”). In addition to an existing privacy fence, the revised plan also introduces planting strips to protect the adjacent residential properties and allows for additional landscaping opportunities on the site. This plan incorporates the provisions of the draft by-law which contains modifications allowing the dental office only within the existing building, permits limited on-site parking, permits off-site parking (within the road allowance), and regulates the location and width of planting strips, the minimum landscaped area and the minimum setback for an air conditioning unit.

Details of Submitted Application

Owner: Dr. Russel Grover

Location: 1 Hayden Street (see Appendix “A”)

Property Size: Frontage: 14.94 metres
Depth: 30.48 metres
Area: 455.67 square metres

Existing Land Use and Zoning:

<table>
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<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Dentist Office (Grover Dental Group)</td>
<td>&quot;D&quot; (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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<tr>
<td>West</td>
<td>Single Detached Dwelling</td>
<td>&quot;DE&quot; (Low Density Multiple Dwellings) District</td>
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<tr>
<td>North</td>
<td>Single Detached Dwelling</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District</td>
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<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwelling</td>
<td>&quot;D&quot; (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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ANALYSIS / RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan;

   (ii) It conforms to the general intent of the Hamilton Official Plan, which permits dental offices in the "Residential" designation, subject to meeting certain criteria (see Pages 10 and 11); and,

   (iii) It would legalize an existing non-conforming commercial use which appears to have operated harmoniously in this capacity for at least 19 years.

2. The proposed dental office has generally proven to be an appropriate use within the neighbourhood as there have been no complaints from the abutting neighbours and very few complaints have been received throughout the history of the site. The use of the property as a dental office has been firmly established on the property through the provision of parking and a continuous driveway, and by the internal changes to the building and external signage. The dental office is also at its capacity for the site and the building cannot be physically expanded as there is no space to provide additional parking.

3. It is recognized that all staff have been using local streets for their daily parking needs in order to accommodate customer parking on-site, which is typical of many medical and dental practices which are located within residential neighbourhoods. The dental office has a total staff complement of approximately 15 persons, including part-time employees with up to 10 staff in the office at one time. The number of staff is not regulated under the standard provisions of the Zoning By-law for medical and dental offices because the size of the practice would generally be dictated by the number of practitioners, the size of the building and parking requirements (1 space/19m²). In the City’s new Comprehensive Zoning By-law there are also no restrictions being placed on the number of staff in a dental office at one time.

4. The proposed modified “D” District would require the following special zoning provisions to address parking, manoeuvring, landscaping and setbacks to allow for the development of an improved parking arrangement, improved ingress and egress, and buffering on the site (see Appendix “D”):
(i) To permit a minimum of 3 parking spaces on the property and 3 spaces on the Mohawk Road East road allowance, whereas the By-law requires a minimum of 6 parking spaces on the property.

This modification is to address the provision of an improved parking layout as the requirement for a minimum of 6 parking spaces cannot be accommodated on-site. This change will accommodate, on-site, two 90 degree angled parking spaces, one in the front yard and one along the easterly property line, and one 40 degree angled parking space along the easterly property boundary, which replaces the undersized parallel parking spaces which are currently in use. Additional parking within the road allowance will include 2 angled parking spaces and a 90 degree angled parking space. A Boulevard Parking Agreement will be required for these parking spaces through the Site Plan Approval process.

(ii) To permit a manoeuvring aisle to have a minimum width of 4.7 metres to accommodate a 90 degree angled parking space to be located in the front yard, whereas the By-law requires a minimum 6.0 metre wide manoeuvring aisle.

This modification is required to access a proposed 90 degree angled parking space within the front yard, in lieu of the requirement for a 6 metre wide manoeuvring aisle. The location of the parking space would allow for improved driveway access and the provision of a 1 metre wide planting strip along the southerly property line through the removal of parallel parking.

(iii) To permit a parking space to be angled at 40 degrees and to have a manoeuvring aisle that is 3.5 metres in width, whereas under the By-law 40 degree angled spaces are not permitted (a 45 degree angled parking space would require a manoeuvring aisle to be a minimum width of 4.5 metres).

The 40 degree angled parking spaces are more efficient than 30 degree and 45 degree angled spaces given the limited amount of space for parking in the rear yard. There is a recognized deficiency of 1 metre in the aisle width, which is less than the 4.5 metre width required for 45 degree angled parking spaces. The provision of a wider aisle of 4.4 metres along the south side of the property would enable vehicles to generally manoeuvre around the building to access the angled parking spaces (see Appendix “D”).

(iv) To permit the boundary of a parking area with 5 or more parking spaces to be located 0 metres from an adjoining residential district boundary, whereas a minimum 1.5 metres setback is required.
SUBJECT: Application to Amend the Hamilton Zoning By-law, for Property Located at 1 Hayden Street (PED07286) (Ward 7) - Page 6 of 13

This modification facilitates the provision of 4 parking spaces and a driving aisle along the interior side and rear property lines and road allowance, and is required due to site restrictions, which include a shallow rear yard of 9.3 metres and the limited width of the property and boulevard. The angled spaces would be positioned so that only a corner of the spaces would directly abut the residential property to the east. A modified landscaping strip would be provided for the angled parking spaces to offer improved aesthetics and buffering for the abutting properties.

(v) To permit a parking space to have a minimum stall length of 5.5 metres, whereas the By-law requires a minimum 6.0 metres.

The modification is required to allow for a 3.6m aisle at the rear of the building to accommodate 4 parking spaces, of which 3 are angled at 40 degrees. For the other parking spaces, the allowance for 5.5 metre stalls would preserve additional landscaped area on the property, and would be consistent with the City’s new Comprehensive Zoning By-law related to the size of a parking space.

(vi) To permit no planting strip between the boundary of the parking area and the easterly lot line, whereas the By-law requires a minimum 1.5m wide planting strip.

This modification is in recognition of the limited amount of space (approximately 9.3 metres) within the rear yard for accommodating angled parking spaces and a manoeuvring aisle. The requirement is to address the provision of a 90 degree angled parking space and the corner of the angled parking spaces which would abut the residential district along the easterly property line. A modified landscaping strip is to be provided along the easterly property boundary through an added zoning provision requiring a minimum of 23% of the property to be landscaped. This matter will be addressed through Site Plan Approval.

(vii) To require a minimum 1 metre wide planting strip along the southerly property line, except within 3 metres of the front property line, whereas the By-law requires a planting strip between the boundary of a parking area and a residential district.

This special regulation would allow for an improvement to the driveway by providing a planting strip by removing the parallel parking spaces which will allow for improved site aesthetics, access and privacy for the residential neighbour to the south. The planting strip should not be required within 3 metres of the front property line in order to access the 90 degree angled parking space which is to be provided within the front yard.
(viii) To permit a parking space to be located 0 metres from the adjoining residential district for the first 6.0 metres from the street line, whereas the By-law requires that a parking area containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be no closer to the street line than 6 metres for that portion of the parking area within 3 metres of a residential district.

This modification is required to accommodate the angled parking spaces along the easterly and northerly property lines directly abutting the easterly residentially zoned property.

(ix) To permit the minimum setback for an air conditioning unit from a side lot line to be 0.5 metres, whereas the By-law requires a minimum setback of 2.4 metres from a side lot line.

This modification is required to enable the existing air conditioning unit to be relocated to the north wall of the building from its current location along the easterly wall. The change is required to ensure that the manoeuvring aisle for the angled parking spaces would be a minimum of 3.5 metres in width. The new Comprehensive Zoning By-law permits air conditioning units within 0.6 metres of a side lot line. Landscaping will be required under Site Plan Approval to screen the air conditioning unit from view of Mohawk Road East.

5. The applicant is agreeable to applying for Site Plan Approval to address the proposed modified parking arrangement on the site, and the provision of planting strips along the southerly and easterly property lines. Through Site Plan Approval the owner will be required to enter into a Boulevard Parking Agreement to allow 3 of the required parking spaces to encroach on the Mohawk Road East road allowance.

The proposed changes (Appendix “D”), as shown on the applicant’s parking plan, would allow the site to function better in terms of access by establishing one-way traffic flow on the site with ingress from Hayden Street and egress to Mohawk Road East. It would allow for a more functional parking arrangement and the establishment of planting strips that will mitigate the impacts from vehicular traffic on the adjacent residential neighbours.

6. The concerns presented in the 2 letters from pre-circulation provided in Appendix “E” are examined as follows:
Parking on the Street

There are concerns that given the large number of staff associated with the dental office that there are problems with having long term parking for staff on the street. With the staff parking permanently on the street for several hours a day, it is considered difficult for visitors to find parking before 8:00 p.m. There are instances of staff showing little regard for residents, blocking driveways or parking too close to driveways. A suggestion is to have the east side of Hayden Street as "no parking" and to limit parking on the west side of the street during weekdays between 7:00a.m. and 8:00p.m.

Comment: Parking Services has advised that there is no history of parking complaints along Hayden Street and only 1 complaint in 2003, which is tied to the dentist office. It, therefore, appears that the dentist office is recognized as an accepted land use in this neighbourhood. In the event that there are problems with street parking from the dentist office, a petition could be provided to Parking Services for review. If staff deems that changes to street parking are necessary, a staff report and recommendation would be provided for Committee and Council approval. To date, there have been no petitions by residents of Hayden Street to indicate that the use of street parking has been a long-term problem. The owner has advised that staff also park on other local streets in addition to Hayden Street.

High Traffic Volumes

A concern is noted with high traffic volumes along Mohawk Road East which has made it difficult to access Hayden Street for westbound traffic on Mohawk Road East.

Comment: The high traffic volumes cited are a function of Mohawk Road East being an arterial road and do not relate specifically to the use of the property as a dentist office. As noted, offices for medical practitioners (including a dentist office) are permitted by the Official Plan to be located within residential areas if they are on a major road and subject to meeting other functional criteria.

Concern with Insufficient On-site Parking

There is a concern that the current supply of on-site parking is inadequate to serve the customers of the dentist office.
Comment: Required parking for the proposed use is based on the floor area of the building and not the number of practitioners/staff. The minimum required parking for the existing use is 6 spaces (111.53 m² divided by 19 square metres of gross floor area), which can be met subject to Site Plan Approval and the granting of a Boulevard Parking Agreement. It is recognized that the actual use requires parking on local streets due to the number of staff and that this matter has occurred for a number of years without a history of complaints/problems.

7. The existing “tooth-shaped” commercial ground sign located along the road allowance of Mohawk Road East is non-conforming and would be subject to the approval of a sign permit under the City’s new Sign By-law (By-law 06-243).

8. Under the Building Code, a change of use permit would be required to ensure that the conversion of the former dwelling meets the Code requirements for a dental office. As the new zoning would need to be in place to issue the required building permits for the change of use, it is not possible to tie this to the rezoning approval. Rather, it will need to be addressed separately by the Building Services Division following the passing of the amending By-law.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for amendment to the Zoning By-law be denied, the subject lands may be used in accordance with the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District as a single detached dwelling with a dental office as a home occupation.

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.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal is consistent with Policy 1.1.3.1 that encourages growth to be focused in settlement areas.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area- High Density Mixed Use Corridor” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 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. As the nature of the application is for a change in zoning to recognize an existing use, where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept in the Hamilton Official Plan. The policies which are of relevance to this application are:

“2.1.5 Notwithstanding Policy 2.1.4 (Home Occupations), a medical practitioner’s office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:

(i) Is situated on a major road;

(ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;

(iii) Will provide an acceptable amount of on-site parking; and,

(iv) Will otherwise not detract from the character of the RESIDENTIAL area;”

Concerning Item (i), the subject property is located on Mohawk Road East which is classified as an arterial road, and, therefore, a major road. The property is also located at an intersection which permits access to the site from Hayden Street, a local road. There is also a signalized crosswalk situated near the easterly boundary of the property which aligns with Terrace Drive to the north permitting pedestrian access across Mohawk Road East.

With respect to Item (ii), the existing building is of the same character and scale as the original dwelling. The building is appropriately sited in relation to the adjacent dwellings. The main change to the property over time has been the removal of landscaped area in order to provide a continuous driveway and parallel parking spaces between the building and the perimeter of the site. While the location of the existing parallel spaces adjacent to residential properties has been developed without site plan approval and
includes only a solid board fence as screening, there is an opportunity to improve the parking and driveway areas through the introduction of buffering and angled parking through the Site Plan approval process, as shown in Appendix “D”.

Concerning Item (iii), the proposal can meet the requirement for parking under the Hamilton Zoning By-law, which is a minimum of 6 parking spaces based on the floor area of 111.53 square metres, by providing special parking provisions, reduced buffers and encroachments. Due to site constraints, the provision of parking is required within the road allowance of Mohawk Road East and in the front yard to meet the minimum parking requirements for this use.

Concerning Item (iv), the external character of the dwelling has not been altered and is consistent with that of other dwellings in this area. The property is also on the periphery of the neighbourhood, on a corner abutting arterial and local roads. The site also has a small but attractive landscaped area within the front and exterior side yards. It is recognized that the residential character of the property has been altered through the removal of substantial landscaping to accommodate the parking area and driveways. The applicant’s proposed design would allow landscaping to be re-integrated into the site, which will improve the site aesthetics.

**RELEVANT CONSULTATION:**

**Departments/Agencies having no concerns or objections:**

- Community Services Division, Culture and Recreation Department
- Forestry and Horticulture, Operations and Maintenance, Public Works

**Traffic Engineering and Operations, Public Works Department**

This Section has no comments regarding the proposed change in zoning.

The Section suggests that consideration be given to restricting the use to one dentist/practitioner if sufficient on-site parking cannot be provided for more than one dentist/practitioner.

The following comments are based on the site plan (current development) included with the rezoning application:

- The dental office identification sign is located within the Mohawk Road East road allowance and must be relocated to private property.
There are landscape rocks within the road allowance behind the sidewalk at the corner of Mohawk Road East and Hayden Street. The rocks create a safety concern on the City road allowance and should be removed.

There is a large area of asphalt within the Mohawk Road East road allowance that is noted as existing and does not accommodate parking. The Section recommends that the portion of this asphalt within the road allowance be removed and re-instated with sod.

These issues can be addressed at the Site Plan Approval stage.

Parking Services Section, Planning and Economic Development Department

Parking Services has advised that they have no concerns with the proposed rezoning. In addition, the following comments were provided:

- A Boulevard Parking Agreement is required for parking spaces which are within the road allowance of Mohawk Road East.

- Since 2002, there have only been 8 enforcement requests for Hayden Street, of which only one request (in 2003) was tied directly to the dental office.

- Street parking has existed for a long period associated with the dental office and would be permitted to continue without formal arrangements with the City.

Public Consultation

In accordance with Council’s Public Participation Policy, this application was precirculated to all property owners within 120 metres of the subject lands and a sign was posted on the site. A total of 274 notices were circulated. To date, there have been 2 letters received which are evaluated in the Analysis/Rationale Section of this report.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and the through the posting of a sign on the property.
CITY STRATEGIC COMMITMENT:

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

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

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

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

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

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

:CT
Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. [REPLACE WITH BILL NO.]

To Amend Zoning By-law No. 6593 (Hamilton), Respecting 1 Hayden Street

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the 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 of the City of Hamilton;

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section [REPLACE WITH SECTION NUMBER] of Report [REPLACE WITH REPORT NUMBER] of the Economic Development and Planning Committee at its meeting held on the [REPLACE WITH DATE] day of [REPLACE WITH MONTH], 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

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

1. That Sheet No. E9 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended:
(a) by changing from the “D” (Urban Protected Residential, One and Two Family Dwelling, etc.) District to the “D/S-1584” (Urban Protected Residential, One and Two Family Dwelling, etc.) District, Modified,

the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential, One and Two Family Dwelling, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) That notwithstanding Section 10(1) of Zoning By-law 6593, a dentist office having not more than 2 dentists, shall be permitted only within the building existing on the day of the passing of this By-law, being the __________ day of __________, 2007.

(b) That notwithstanding Sections 18A.(a) and 18A.(i) and Table 1 of By-law 6593, a minimum of 6 parking spaces shall be provided for a dentist office, of which 3 parking spaces may be provided and maintained within the road allowance of Mohawk Road East.

(c) That notwithstanding Section 18A.(1)(f) and Table 6 of Zoning By-law 6593, a manoeuvring aisle having a minimum width of 4.7 metres shall be permitted for a 90 degree angle parking space located in the front yard.

(d) That notwithstanding Section 18A.(1)(f) and Table 6 of Zoning By-law 6593, a manoeuvring aisle having a minimum width of 3.5 metres shall be permitted for parking spaces which are situated at 40 degree angles.

(e) That notwithstanding Section 18A.(7) of Zoning By-law 6593, the minimum dimensions of a parking space, other than a parallel parking space shall be 2.7 metres wide by 5.5 metres long.

(f) That notwithstanding Section 18A.(11)(a) of Zoning By-law 6593, the boundary of a parking area containing five or more parking spaces located on the surface of a lot adjoining a residential district may be located 0.0 metres from the adjoining residential district boundary.

(g) That notwithstanding Section 18A.(11)(b) of Zoning By-law 6593, a parking area may be located a minimum of 0.0m from the adjacent Residential District for the first 6.0m from the street lines.

(h) That notwithstanding Section 18A.(12)(a) of Zoning By-law 6593, a landscape area with a planting strip shall not be required between the boundary of a parking area and the easterly lot line.
(i) That notwithstanding Section 18A.(12)(a) of Zoning By-law 6593, a minimum landscape strip of 1 metre in width, shall be provided and maintained along the southerly property line, except within 3 metres of the front lot line.

(j) That a minimum landscaped area of 23% shall be provided and maintained.

(k) That notwithstanding Section 18(4)(v)(b) of Zoning By-law 6593, an air conditioning unit may be located within 0.5 metres of the northerly side lot line.

3. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1584

4. Sheet No. E-9 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1584.

5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2007.

________________________________________  ______________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                      Clerk

ZAR-07-033
Schedule "A"

Map Forming Part of
By-Law No. 07-____

to Amend By-law No. 6593

Subject Property
1 Hayden Street

Change from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District to the "D/H/S-1584" (Urban Protected Residential, One and Two Family Dwellings, etc., Holding) District, Modified.

This is Schedule "A" to By-Law No. 07-
Passed the .......... day of .................., 2007

Clerk

Mayor

Scale: N.T.S.
File Name/Number: ZAR-07-033
Date: October 16, 2007
Planner/Technician: CT/MB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton
Appendix “C” to Report PED07286 (Page 1 of 1)
Site Plan Showing Existing Parking Arrangements
From: Antoinette Somo
Sent: Thursday, July 12, 2007 2:58 PM
To: Thomas, Cameron
Subject: ZAR-07-033

Dear Committee,

RE:ZAR-07-033

I am writing with opposition to the zoning change of 1 Hayden Street. Although I am not opposed to the Dental office being in that location I am opposed to the parking situation that goes with it. Our street is full with cars from 7:30 am to about 8:00 pm every day often times going into Saturdays when appointments are booked then, it is the staff that uses the street parking.

This is a residential area not a commercial location. Would it then allow 5 Hayden or 16 Hayden to then become Commercial locations as well? Where would it stop?

The address in question has quite a large property, it could be converted into parking for both staff and patients. Even if the staff used the parking, I am not opposed to patients parking on the street as they would come and go. With the staff parking permanently on the street for several hours a day, makes it difficult to have visitors with vehicles during the day or before 8:00 pm.

The staff has very little regard for residents as they have not been concerned, until recently, of where they parked either, blocking driveways or very close to edges of driveways.

I repeat, I am not opposed to the operation uses, I am opposed to the parking issues that go with it.

If the City would agree to make the East side of the street no parking and a 2 hour time limit on the west side of the street - Mondays - Fridays or from 7:00 am to 8:00 pm, I’m sure there are precendants, then I would reconsider my position on the zoning change.

This is not a family business, this is a very large practise so large that another office has opened on Rymal Road. There are approximately 10-12 employees that park on a street where there are only 7 residential offices. The office staff out numbers the residents. There are apartments at the end of the street that already take up some of the street parking as well.

Sincerely,

Antoinette Somo
Dear Mr. Ken Thomas

I spoke to you on Thursday afternoon. My concern’s is very much on this application that Dr. Russell Grover has brought forward to this planning Committee. I, don’t think this would be to the better of the community. I find it very disturbing that we have an ongoing problem with traffic traveling east and west on Mohawk Rd E at a very high volume and at great speed. We also have traffic coming out at the far end of Canadian Tire Store where the Automotive repairs come out to Mohawk Rd and some try to cross over media to go down Hayden and it is very dangerous when you have high volume traffic. It is no wonder we don’t have more accidents. We, also have cars parked on both sides of Hayden St making it very congested and very uncomfortable driving up and down Street. I know for a fact as I use this street a lot, I believe this application is not very favorable as for my thoughts Dr. Grover does not have proper space to accommodate his clients with parking. He has only a small area around his property consisting of about the very most 7-10 cars I believe, that this is not sufficient as he has staff and also family. Where do these people park? On Hayden St. If this location on 1 Hayden St is up for re-zoning, it should not be passed by committee as it is not feasible for a business and a family dwelling.

Around this area it is mostly residential. I would think if Dr. Grover wants to continue on with his business then he should find suitable accommodations for his business and adequate parking for his clients. I, have lived in this area for a long time and we do not need any more congesting of traffic and fears of someone getting knocked down trying to get across Mohawk Rd or trying to get onto Hayden St. I would appreciate hearing more of this matter as it progresses. Thank you kindly.

I remain

Dorothy Galvin [Resident of Area.]

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