SUBJECT: Application for a Change in Zoning for Lands Located at 547 and 549 Main Street East (Hamilton) (PED08207) (Ward 3)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-08-025, by Snifferdog Corporation, Owner, for a change in Zoning from the “H” (Community Shopping and Commercial, etc.) District to the “E/S-1594” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, to fulfill a condition of Consent Application HM/B-07:122, for the lands located at 547 and 549 Main Street East (Hamilton), as shown on Appendix “A” to Report PED08207, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08207, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until:

i) The owner provides a letter signed by a qualified professional, to the satisfaction of the City’s Manager of Building Engineering and Zoning, confirming that the door on the western side of the 9 unit apartment building is not a required means of ingress and egress in accordance with the Ontario Building Code.

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

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

The purpose of the application is to change the zoning on the subject lands to recognize the current multiple dwelling uses on the property. The change in zoning will facilitate the severance of the subject lands into two separate lots, and allow one building to be located on each lot.

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The existing multiple dwelling use is compatible with the surrounding area and the proposal will allow an appropriate residential zone to be applied to the subject lands.

BACKGROUND:

Proposal

The applicant proposes to amend the City of Hamilton Zoning By-law No. 6593 by changing the zoning on the subject lands from the “H” (Community Shopping and Commercial, etc.) District to the “E/S-1594” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified (see Appendix “A”). The modified zoning divides the property into two separate Blocks, and applies specific changes to the zoning regulations for each block. The effect of the application will be to fulfill Condition 2 of Consent Application HM/B-07:122 by rezoning the property to legalize the existing multiple dwelling uses on the site and the existing lot conditions, as shown on the attached sketches marked as Appendices “C” and “D”.

Committee of Adjustment Application HM/B - 07:122

Application HM/B-07:122 was approved by the Committee of Adjustment on October 25, 2007 (see Appendix “E”), and became final and binding on November 14, 2007. The purpose of this application was to permit the conveyance of a parcel of land containing an existing 2½-storey, 3 dwelling unit apartment building, and to retain a parcel of land containing an existing 3-storey, 9 dwelling unit apartment building.

As both apartment buildings on the lot are legal, non-conforming uses located in an “H” (Community Shopping and Commercial, etc.) District, which only permits multiple dwellings above commercial uses, Condition 2 of the consent application required that “the applicant apply for and receive final approval of a rezoning application” to legalize the existing uses on the subject lands by changing the zoning on the property to an appropriate zone which recognizes the multiple dwelling uses. The rezoning application will also recognize zoning deficiencies on the site, which are outlined in the “Analysis/Rationale” section of this report.
Minor Site Plan Application MDA-08-094

A Minor Site Plan Application MDA-08-094 for the subject lands has been submitted by the applicant. The Site Plan Application was accepted on July 18, 2008, and is currently being processed. The purpose of this application is to fulfil Condition 3 of Consent Application HM/B-07:122, which requires that the “applicant/owner apply for and receive final approval of a Site Plan Control Application for each property”. The site plan application will allow the owner to make improvements to the parking area at the rear of the nine unit apartment building, which includes the removal of two shed structures and the construction of a new parking area containing nine parking spaces. Minor improvements to the access driveway for the existing four car garage serving the three unit apartment dwelling will also be required (see sketch of parking areas in Appendices “C” and “D”).

Details of Submitted Application

Location: 547-549 Main Street East (see Appendix “A”)  
Owner/Applicant: Snifferdog Corporation  
Agent: IBI Group  

Property Description:  
- Total Lot Area: 1,335.4 square metres  
- Total Lot Frontage: 32.3 metres  
- Total Lot Depth: 41.86 metres  
- Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwelling (3 units), and Multiple Dwelling (9 units)</td>
<td>“H” (Community Shopping and Commercial, etc.) District</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
</tr>
<tr>
<td>West</td>
<td>Private Club (OS Lusiadas Portuguese Club)</td>
<td>“H” (Community Shopping and Commercial, etc.) District</td>
</tr>
<tr>
<td>South</td>
<td>Mixed Use</td>
<td>“H” (Community Shopping and Commercial, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Neighbourhood Shopping Centre</td>
<td>“H” (Community Shopping and Commercial, etc.) District</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
• It is consistent with the Provincial Policy Statement.

• It conforms to the Hamilton Wentworth Official Plan and the City of Hamilton Official Plan.

• It is compatible with the land uses in the area, and applies an appropriate zone to an existing use.

• It satisfies the condition of approval for Consent Application HM/B-07:122, as approved by the Committee of Adjustment in October, 2007 (see Appendix “E”, Condition 2).

2. A number of zoning provisions for the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District will need to be modified in the “E/S-1594” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, which is proposed for 547 Main Street East (Block 1 on Appendix “B”). The modifications with regards to frontage, yards, landscaped area and accessory buildings are required to recognize existing conditions, as well as zoning deficiencies that will result from the property being severed. These proposed modifications, as well as parking modifications discussed in detail in Part 4 of the Analysis section, are outlined in the chart below.

<table>
<thead>
<tr>
<th>Zoning Provision</th>
<th>Requirement</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>12.2 metres</td>
<td>10 metres</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>4.5 metres</td>
<td>3.5 metres for building,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.7 metres for steps</td>
</tr>
<tr>
<td>Minimum Westerly Side Yard</td>
<td>1.2 metres</td>
<td>0.3 metres (0.0m for eaves)</td>
</tr>
<tr>
<td>Minimum Easterly Side Yard</td>
<td>1.2 metres</td>
<td>To remain as existing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.71 metres or greater)</td>
</tr>
<tr>
<td>Minimum Landscaped Area</td>
<td>25% of lot area</td>
<td>8% of lot area</td>
</tr>
<tr>
<td>Accessory Building Setback</td>
<td>0.45 metres</td>
<td>0.25 metres (existing parking</td>
</tr>
<tr>
<td>(from lot line)</td>
<td></td>
<td>garage)</td>
</tr>
<tr>
<td>Maximum Rear Yard Coverage</td>
<td>30%</td>
<td>43% (existing parking garage)</td>
</tr>
<tr>
<td>for Accessory Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>1.33 spaces per unit (</td>
<td>1 space per unit (no visitor</td>
</tr>
<tr>
<td></td>
<td>includes visitor parking)</td>
<td>parking)</td>
</tr>
</tbody>
</table>
The proposed modifications to the lot frontage and side yards recognize the setbacks and lot configuration which will result from the severance, and are considered appropriate as the lands will continue to be able to function properly as an individual lot. The landscaping reduction is appropriate, as the amount of landscaping which is currently provided for the three unit multiple dwelling will not be reduced. Existing balconies provide additional amenity space for the three dwelling units. The modifications to the accessory building requirements are also considered appropriate, as they recognize the existing location and size of the parking structure at the rear of the apartment dwelling, which provides the required parking for the three dwelling units.

3. A number of zoning provisions for the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District will also need to be modified in the “E/S-1594” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, which is proposed for 549 Main Street East (Block 2 on Appendix “B”). The modification to the loading space requirement is required to recognize an existing condition, and the modifications to side yard requirements recognizes zoning deficiencies that will result from the adjacent building being severed. The proposed modifications, as well as parking modifications discussed in detail in Part 4 of the Analysis section, are outlined in the chart below.

<table>
<thead>
<tr>
<th>Zoning Provision</th>
<th>Requirement</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Northerly and Westerly Side Yard</td>
<td>5.1 metres</td>
<td>0.0 metres</td>
</tr>
<tr>
<td>Parking</td>
<td>1.25 spaces per unit (includes visitor parking)</td>
<td>1 space per unit (no visitor parking)</td>
</tr>
<tr>
<td>Loading Space</td>
<td>1 loading space</td>
<td>No loading space</td>
</tr>
</tbody>
</table>

The yard modifications are considered appropriate, as they recognize the existing location of the nine unit apartment building, and allow for the adjacent severed lot to have an appropriate lot size. The exemption from the requirement for a loading space is also appropriate as the existing site has functioned without a loading space for an extended period of time.

4. The parking to be provided on the property, following approval of Minor Site Plan Application MDA-08-094, consists of nine parking spaces for the nine unit apartment building located at 549 Main Street East and four parking spaces for the three unit apartment building located at 547 Main Street East. Under the Zoning By-law, for a three unit multiple dwelling, the “E” District requires 1.33 parking spaces per unit, of which 0.33 spaces per unit are to be used for visitor parking. For a multiple dwelling with more than three units, the “E” District requires 1.25 parking spaces per unit, of which 0.25 spaces per unit are to be used for visitor parking. Therefore, the parking requirements for the subject lands have to be amended, as 547 Main Street East has the required amount of parking, but is not providing a visitor parking space, and 549 Main Street East is deficient by three visitor parking spaces. This reduction is
considered appropriate, as a minimum of one parking space will be available for each dwelling unit. The parking which will be provided is an increase from the parking which is currently available, as two sheds currently occupy the rear area behind the nine unit apartment building. These sheds are to be removed as part of the approval of the associated site plan, which will then allow the area to be used for parking. In addition to the available parking, the subject lands are also located on an arterial road which is well serviced by public transit.

5. In addition to modifications to the zoning provisions which are required to recognize existing zoning deficiencies, the applicant has also requested reductions in the landscaping and eastern side yard requirements for the property located at 549 Main Street East. The applicant has requested a reduction from the required 5.11 metre eastern side yard requirement to a side yard requirement of 1.0 metre, as well as a reduction in the requirement that 25% of the lot be landscaped, to the requirement that only 6% of the lot be landscaped.

At this time, both the eastern side yard and the landscaped area for 549 Main Street East comply with and exceed the minimum requirement. The area provided as landscaped space on the east side of the building is an important amenity area for the residents of the nine unit apartment building. As no justification has been submitted showing why the further reductions are needed, staff cannot support the proposed modifications to the Zoning By-law. The purpose of the submitted application is to recognize and legalize an existing situation. If the applicant wishes to pursue future development of the property or expansion to existing uses at a later date, any proposal would be required to undergo a full review at that time, and the applicant would be required to justify further reductions to the Zoning By-law requirements.

6. The applicant has also requested that the zoning requirement for a paved concrete or asphalt surface on the parking area be amended to allow for an existing gravel surface to be maintained on the rear parking areas. Staff cannot support this change to the zoning requirements.

The subject lands are located within an urban area of the City, and the paving of parking areas within areas that are urban is a standard requirement. The Zoning By-law requires parking areas and access driveways to be paved for a number of reasons. Paving the rear parking and access driveway areas on the subject property will provide these areas with a more stable surface and allow the parking areas and individual spaces to be properly marked, as required by the Zoning By-law. It will also enable the parking area to be easily maintained in accordance with required property standards. In addition, snow removal is more difficult on gravel surfaces and can damage the parking area, as well as cause gravel to be spread beyond the boundaries of the lot. Paving will facilitate easy snow removal and prevent gravel from travelling off of the site.

7. During the review process for the application to amend the zoning on the subject lands, it was identified that the eaves of the nine unit apartment building (Block 2) encroach over the new lot line between the two buildings which will be created by the related consent application. In order to allow for this encroachment,
encroachment and maintenance agreements will have to be established along the lot line created through the severance to allow the building to be properly maintained and to allow for the eaves of the nine unit apartment building to encroach beyond the westerly property line. In order to address these concerns, Planning staff has requested that the Committee of Adjustment amend the conditions of Consent Application HM/B-07:122 to add the following conditions to the original conditions of approval:

“(7) That the owner/applicant establishes a maintenance easement, in favour of the retained parcel, along the portions of the easterly and southerly side yards of the conveyed parcel which are adjacent to the nine unit apartment building and its attached structures.

(8) That the owner/applicant registers an encroachment agreement on title of both lots to allow the eaves of the nine unit apartment building to encroach beyond the western property line.”

The amendment to the conditions of the consent application, to include the two conditions noted above, was approved by the Committee of Adjustment on August 21, 2008. In addition to adding these conditions to the consent decision, the proposed Zoning By-law Amendment is also required to be modified to permit the encroachments which will be created upon finalization of the consent. The General Provisions contained in Section 6 (3a) and (3b) of Zoning By-law No. 6593 permit eave encroachment for single detached dwellings along a side lot line, subject to a maintenance easement and an encroachment agreement being entered into and registered on title of both affected lots. The proposed zoning includes modifications to these provisions to permit an eave encroachment for the existing nine unit apartment building, subject to the same requirements for maintenance and encroachment agreements.

8. During the Site Plan and Zoning Application review process, issues of Building Code compliance were identified. There were concerns that the door on the west side of the nine unit apartment building, which was proposed to be closed and stopped up because it straddles the proposed new lot line, may be a required means of ingress and egress as per the Ontario Building Code requirements. As a result of this concern, staff has requested that the applicant confirm that the door to be permanently closed is not a required means of ingress and egress in accordance with the Ontario Building Code (Recommendation (a) (i)), and that this be resolved prior to finalization of the consent application.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, approval for Consent Application HM/B-07:122 will lapse, and the applicant will not be able to sever the subject property into two lots. The use of the subject lands would continue to be regulated by the existing “H” (Community Shopping and Commercial, etc.) District provisions and the existing multiple dwelling uses would continue to be legal, non-conforming.
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 Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement since Policy 1.1.3.1 states that ‘Settlement Areas’ shall be the focus of growth, and their vitality and regeneration shall be promoted.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of the rezoning application is to recognize and promote the continuance of existing residential uses, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Commercial” on Schedule ‘A’ - General Land Use Plan. Subsection 2.2.1 of the Official Plan states that in addition to the primary permitted commercial uses, the following uses may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

“2.2.1i) Residential uses subject to the following provisions:

a) Access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring commercial uses are mitigated;
b) Any impacts emanating from adjacent commercial uses which will detract from the amenity of the Residential Use will be minimized;

c) In the case of a Residential use ancillary to a commercial use, sufficient amenity spaces will be provided exclusively for the Residential component and be physically separated from the commercial component and associated customer parking areas; and,

d) Satisfy the provisions of Subsections A.2.1 and C.7.”

The existing residential uses are screened from adjacent commercial parking areas (to the east and the west) by the building walls of the adjacent uses, and through the use of plantings. The impacts from adjacent commercial uses are minimal, and constitute an existing situation, as the apartment buildings have existed adjacent to these uses for an extended period of time. With regards to Part (d), requiring that the provisions of Subsections A.2.1 (Residential) and C.7 (Residential Environment and Housing Policy) be satisfied, the following policies apply to the subject property:

“A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

   i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;

   ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”

Since the purpose of the rezoning application is to recognize an existing residential use, and will facilitate the maintenance of the property and the improvement of the rear parking areas, the proposal complies with these policies.

**Neighbourhood Plan**

The subject lands are designated “Commercial and Apartments” in the approved Gibson Neighbourhood Plan. Since the proposed zoning will recognize the existing use of the lands for residential apartments, the proposal conforms to this designation.
RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Communications Section, Hamilton Emergency Services
- Taxation Division, Corporate Services Department
- Budgets Section, Corporate Services Department
- Health Protection Division, Public Health Services
- Environmental Planning Section, Public Works Department
- Open Space Development Section, Public Works Department
- Traffic Engineering and Operations, Public Works Department
- Forestry and Horticulture Section, Public Works Department
- Infrastructure Planning & Source Water Protection Section, Public Works Department
- Hamilton Conservation Authority
- Horizon Utilities Corporation
- Hydro One
- Union Gas
- Bell Canada
- Cogeco Cable Canada Inc.
- Hamilton-Wentworth District School Board
- Hamilton-Wentworth Separate School Board
- French Public School Board
- French Catholic School Board
- Hamilton Police Services

The following Departments and Agencies submitted comments:

Parking Services, Hamilton Municipal Parking System

Staff has reviewed this application and has found that between the two buildings, the applicant will be short by four parking spaces, as per the zoning requirements. This site is likely to be self-sufficient with respect to meeting its regular parking demands as at least one parking space is being allocated on site per unit.

Access to the parking area is being provided via the public assumed alley at the rear of the property. The City does not guarantee maintenance or plowing services of the alley. The applicant should ensure that all existing and future parking requirements are met on-site, as on-street parking is very limited on the adjacent residential streets.

Strategic Planning Section, Public Works Department

The property is located along a proposed Rapid Transit Route. Studies are underway. Possible impacts are not yet known.
Transit (HSR) Section, Public Works Department

The Hamilton Street Railway operates various bus routes within this area with no planned changes in service. Street orientation and pedestrian entrances are important for transit. Direct short walking distances between dwellings and transit service are preferable. HSR supports the inclusion of high quality pedestrian amenities at this development.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy approved by Council, preliminary consultation shall not be required if the application is part of the implementation of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. The subject rezoning application is part of the implementation of Consent Application HM/B-07:122, which was conditionally approved on October 25, 2007 (Appendix “E”). Therefore, preliminary circulation was not required.

In accordance with the new provisions of the Planning Act, 693 notices of complete application were mailed to all property owners within 120 metres of the subject property. Further, a Public Notice sign was posted on the property on July 31, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, four members of the public have contacted the City of Hamilton for more information. No comments or concerns have been identified.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The proposal will promote the continued use of the property for residential purposes.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The utilization of existing development will not affect environmental well-being.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Housing opportunities in Hamilton are enhanced and supported.

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

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

:MP
Attachs. (5)
Location Map

File Name/Number: ZAC-08-025
Date: Aug 12, 2008

Appendix "A"

Subject Property
547-549 Main Street East

Block 1 - Change in Zoning from "H"
(Community Shopping and Commercial, etc.)
District to "E/S-1594" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

Block 2 - Change in Zoning from "H"
(Community Shopping and Commercial, etc.)
District to "E/S-1594" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 6593 (Hamilton)
Respecting the Property Located at 547-549 Main Street East

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

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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

AND WHEREAS 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 Item ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of _______, 2008, 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. E-22 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
   (a) by changing from the “H” (Community Shopping and Commercial, etc.) District to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, the lands composed of Blocks “1” and “2”, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, and;

2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised of "Block 1", be modified to include the following special provisions:
   (a) That notwithstanding Subsections 3(i)(a), 3(ii)(a), 4(ii) and 6 of Section 11 of Zoning By-law No. 6593, for the multiple dwelling existing at the time of passage of this by-law:
      (i) The minimum Front Yard shall be 3.5 metres, and steps may project an additional 0.8 metres into the required front yard.
      (ii) The minimum westerly Side Yard shall be 0.3 metres, and eaves may project into the required side yards up to 0.0 metres from a lot line.
      (iii) The easterly side yards between the main wall face and the lot line and between the existing addition and the lot line, shall be maintained, and no further encroachments are permitted.
      (iv) The minimum Lot Width shall be 10 metres.
      (v) A minimum of 8% of the lot area shall be provided as landscaped area.
   (b) That notwithstanding Subsections 18A(1)(a) and (b), Part (c) of Table 1 and Part (3) of Table 2, of Section 18A of Zoning By-law No. 6593 (Parking and Loading Requirements):
      (i) The minimum required parking shall be 1 space per dwelling unit.
      (ii) No visitor parking shall be required.
   (c) That notwithstanding Section 18(4)(iv), (Accessory Building Requirements) of Zoning By-law No. 6593:
      i) The existing accessory building may be set back not less than 0.25 metres from a lot line, and eaves on the existing accessory building may project up to 0.0 metres from a lot line.
ii) The maximum rear yard coverage for the existing accessory building shall be 43 percent.

3. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised of "Block 2", be modified to include the following special provisions for the multiple dwelling existing at the time of passage of this by-law:

(a) That notwithstanding Subsections 3(a) and 3(b) of Section 6 of Zoning By-law No. 6593:

i) Where a side yard of 0.0 metres is required for the existing building, eaves, gutters and footings may encroach onto an abutting lot in the same district, a distance of not greater than 0.4 metres.

ii) Notwithstanding Section (i) above, encroachments of eaves, gutters or footings shall only be permitted in accordance with an encroachment agreement between the owners of the abutting land and a maintenance easement entered into between the parties, properly registered on the title of each of the abutting lots.

(b) That notwithstanding Subsection 3(ii)(b) of Section 11 of Zoning By-law No. 6593, the minimum Westerly and Northerly Side Yards shall be 0.0 metres.

(c) That notwithstanding Subsections 18A(1)(a), (b) and (c), Part (g) of Table 1, Part (3) of Table 2 and Part (1) of Table 3, of Section 18A of Zoning By-law No. 6593 (Parking and Loading Requirements):

(iii) The minimum required parking shall be 1 space per dwelling unit.
(iv) No visitor parking shall be required.
(v) No loading space shall be required.

4. That no building or structure shall be erected, altered, extended or enlarge, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3.

5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1594.

6. That Sheet No. E-22 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1594.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [redacted] day of [redacted], 2008.

_________________________________________  _________________________________________
Fred Eisenberger                      Kevin C. Christenson
Mayor                                Clerk

ZAC-08-025
This is Schedule "A" to By-Law No. 08-

Passed the .......... day of .................., 2008

---

Clerk

Mayor

---

Schedule "A"

Map Forming Part of
By-Law No. 08-_____ to Amend By-law No. 6593

Subject Property
547-549 Main Street East

- Block 1 - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

- Block 2 - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.
### Appendix "D" to Report PED08207 (Page 1 of 1)

#### Development Details - E' District Modified

<table>
<thead>
<tr>
<th>Area</th>
<th>Section</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Line</td>
<td>10.00m</td>
<td>10.00m</td>
<td></td>
</tr>
<tr>
<td>Lot Depth</td>
<td>9.00m</td>
<td>9.00m</td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>15.00m</td>
<td>15.00m</td>
<td></td>
</tr>
<tr>
<td>Side Yard</td>
<td>5.00m</td>
<td>5.00m</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20.00m</td>
<td>20.00m</td>
<td></td>
</tr>
</tbody>
</table>

#### Site Plan

- **Location**: Main St. E.
- **Scale**: 1:50
- **Date**: April 2018

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**Title**: Development Details - E' District Modified

**Subject Lands**: Other Lands of Applicant

**Applicant**: [PEIL] 549 Main St. E.

**City of Hamilton**: Rezoning Sketch

**Scale**: 1:50

**Date**: April 2018

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**Note**: The details are subject to the approval of the City of Hamilton. For more information, please refer to Report PED08207.
IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal numbers 547 - 549 Main Street East, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Planning and Engineering Initiatives Limited on behalf of the owner Shiflett Dog Corporation (C/o Justin Kenneally), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 9.31m x 30.54m (30' x 100') containing an existing 3 dwelling unit 2½ storey apartment building for residential purposes, and to retain a parcel of land measuring 13.0m x 42.9m (42' x 137') containing an existing 9 dwelling unit 3 storey apartment building for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the applicant/owner apply for and receive final approval of a rezoning application.

3. That the applicant/owner apply for and receive final approval of a Site Plan Control Application for each property.

4. The applicant/owner must either provide separate independent sewer and water services to both the severed and retained lands or alternatively, if they already exist, provide proof thereof.

5. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building Services Division).

6. That the owner submit to the Committee of Adjustment Office an administration fee of $15.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lot.

DATED AT HAMILTON this 18th day of October, 2007.

M. Dubiec, Chairman

D. Servutty

D. Smith

L. Tew

HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 25th, 2008) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS November 14th, 2007.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.