SUBJECT: Modification in Zoning for Lands Located at 272-274 Main Street West (Hamilton) (PED07146) (Ward 1)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-106, Susan Kai, applicant, for a modification to the existing “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a ground floor apartment to be converted to general offices, for lands located at 272-274 Main Street West (Hamilton), as shown on Appendix “A” to Report PED07146, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07146, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is for a Zoning By-law Amendment to permit the conversion of a ground floor apartment to a general office (accountant’s office).
The proposal has merit and can be supported as the modification in zoning is consistent with the Provincial Policy Statement and the Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is compatible with existing and planned development in the area.

**BACKGROUND:**

The lands are located on the north-east corner of Main Street West and Ray Street South, as shown on Appendix “A”.

There is a seven unit multiple residential dwelling on the subject property with two municipal addresses (272 and 274 Main Street West). The portion of the building known municipally as 272 Main Street West contains two dwelling units, and five dwelling units are contained in the part of the building known municipally as 274 Main Street West.

The applicant is requesting a modification in zoning to permit a general office (accountant’s office) to occupy the ground floor of 272 Main Street West.

The property has been used for residential purposes for over 50 years.

**Details of Submitted Application**

- **Applicant:** Susan Kai
- **Owner:** Zvonimir Nizic
- **Location:** 272-274 Main Street West (see Appendix “A”)

**Property Size**

- **Frontage:** 12.6 metres (41.4 feet)
- **Depth:** 24.2 metres (79.5 feet)
- **Area:** 303.75 square metres (3,259.5 square feet)

**EXISTING LAND USE AND ZONING**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
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<td>Multiple Residential</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
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<td>Dwelling</td>
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<th>Surrounding Lands:</th>
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<td>South</td>
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ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and the Places to Grow Plan.

   (ii) It conforms to and implements the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

   (iii) It will allow a compatible commercial use to serve the existing and planned uses in the surrounding area.

   (iv) It provides for an adaptive reuse of a building listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest.

2. The subject lands contain a multiple residential dwelling that contains a total of seven dwelling units. No new development is proposed, only a partial conversion of the existing building. The rezoning of the subject property will implement the RESIDENTIAL policies of the Official Plan, which permit limited commercial uses that will serve the needs of local residents and be compatible with surrounding uses. The lands to the south and west are used for multiple dwellings and professional offices. The additional use of an accountant’s office would be complementary to the mixed use nature of the neighbourhood. The property is suited for an accountant’s office as it is in close proximity to existing residential development in an established downtown neighbourhood, and is situated on a major arterial road served with transit. The permitted uses for the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District include a range of residential uses, offices of charitable institutions, long-term care facilities, day nurseries, private clubs, and personal clinic services. The proposal is compatible with the other uses permitted as-of-right in this zone.

3. The lot area, lot width, parking for the property and other provisions pertaining to the building were legally established prior to 1950. As such, the building and parking area are legal non-conforming. The floor area of the proposed use will occupy less than 450 square metres. In this regard, the Zoning By-law provides that general office uses under 450 square metres are not required to provide parking. However, there are five spaces on-site for the residential uses.

4. Staff received no written comments or phone calls as a result of the Public Notice sign placed on the property.
5. The subject property is listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest. No exterior alterations are proposed and this proposal will not affect the architectural integrity of the building.

6. The property is appropriately serviced with municipal services.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, then the lands may only be used in accordance with the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions.

**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 application is consistent with the policies that focus growth in settlement areas, as per Policy 1.1.3.1.

The application is consistent with the Provincial Policy Statement (PPS) as the application concentrates development in the urban area and the method of servicing is appropriate for the location.

**Places to Grow Plan**

Section 2.2.2 contains policies that indicate growth should be directed to areas where municipal water and wastewater systems are available and where transit is available. The proposal is consistent with the Places to Grow Plan as these lands are serviced by municipal water and sewer services and the lands are located on Main Street West where transit is available.

**Hamilton-Wentworth Official Plan**

The subject lands are designated as “Urban Area – High Density Mixed Use Corridor” within the Hamilton-Wentworth Official Plan. Policy 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.
Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. The subject property is listed in the City’s Inventory of Buildings or Architectural and/or Historical Interest. No exterior alterations have been proposed through the application. The change in use will not interfere with the architectural integrity of the existing building.

The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject site is designated as “Residential” in the City of Hamilton Official Plan. Section A.2 contains the following policies which are applicable to the application:

“2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectares in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan.

2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the “Regional Centre”), to Local Commercial Uses of a convenience type. Except for the Central Policy Area and Sub-Regional Centres, the hierarchy is not designated on Schedule “A” to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans as set out in Subsection D.2.”

The applicant is proposing to convert an apartment on the ground floor to a general office that will serve the residents in the area. The application conforms to the policies of the City of Hamilton Official Plan.

**Strathcona Neighbourhood Plan**

The Neighbourhood Plan designates the site as “Medium Density Apartments.” The City is in the process of preparing a new Strathcona Secondary Plan and Community Strategy. An amendment to the Neighbourhood Plan is not required at this time, as any required change will be addressed as part of general housekeeping with the new Secondary Plan.
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Hamilton Municipal Parking System, Downtown Renewal Division.
- Corporate Services Department.
- Public Works Department, Open Space and Park Planning Section.
- Public Works Department, Traffic Engineering and Operations Section.
- Public Works Department, Strategic and Environmental Planning Section.
- Hamilton Street Railway.
- Hamilton-Wentworth District School Board.
- Union Gas.

PUBLIC CONSULTATION:

The Public Participation Policy, adopted by Council on May 29, 2003, states that preliminary circulation shall not be required if, in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, preliminary circulation of the application is seen to have minimal purpose and effect. This application is considered minor and the effect is to only add a single non-objectionable type use and the Ward Councillor agreed to waive this requirement. As such, the application was exempted from the preliminary circulation requirements. Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act. A public notice sign has also been posted on the property.

CITY STRATEGIC COMMITMENT:

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

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

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

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

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

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

:DS
Attachs. (2)
Modification in zoning to the existing “E” (Multiple Dwellings, Lodges, Clubs, etc.) District
CITY OF HAMILTON

BY-LAW NO. [Blank]

To Amend Zoning By-law No. 6593
Respecting Lands Located at 272 and 274 Main Street West

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 municipality known as the “The Corporation of the City of Hamilton” 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 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 [Blank] of Report of the Economic Development and Planning Committee at its meeting held on the day of [Blank], 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. W-12 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to the “E/S-1578” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, the lands, the extent and boundaries of which are shown on the map hereto annexed as Schedule “A”.

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 described in Section 1 of this By-law, are modified to the extent only of the following special requirement:

   (a) That notwithstanding Section 11 (1)(x) of By-law No. 6593, General Offices shall be permitted only on the ground floor of the building existing on the date of the passing of this by-law being the day of , 2007.

3. No building or structure shall be erected, altered, extended or enlarged, 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 requirement referred to in Section 2 of this by-law.

4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1578.

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 Christensen
Mayor                    City Clerk

ZAR-06-106
Schedule “A”

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

to Amend By-law No. 6593

This is Schedule “A” to By-Law No. 07—

Passed the ___________ day of ___________ 2007

Clerk

Mayor

Subject Property

272 - 274 Main Street West