

**AFFECTS  
WARD 11**

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Development and Real Estate Division**

<b>Report to:</b> Chair and Members Planning & Economic Development Committee	<b>Submitted by:</b> Lee Ann Coveyduck General Manager Planning and Economic Development Department
<b>Date:</b> March 17, 2006 <b>File:</b> ZAC-05-113	<b>Prepared by:</b> Greg Macdonald (905) 546-2424, Ext. 4283

**SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 3087 Highway No. 56 (Glanbrook) (PED06049(a)) (Ward 11)**

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**RECOMMENDATION:**

That approval be given to **Zoning Application ZAC-05-113, by Dr. Richard Johnson, Applicant**, for a change in zoning from the Existing Residential "ER" Zone to a modified General Commercial "C3-210" Zone, in order to permit a Veterinary Service Establishment, with no outside runs, for the lands located at 3087 Highway No. 56 (Glanbrook), as shown on Appendix "A" to Report PED06049(a), on the following basis:

- (a) That By-law No. 06-051 be repealed in its entirety.
- (b) That the draft By-law, attached as Appendix "E" to Report PED06049(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

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Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 3087 Highway No. 56 (Glanbrook) (PED06049(a)) (Ward 11) - Page 2 of 7**

**EXECUTIVE SUMMARY:**

The purpose of the application is for a change in zoning to permit various commercial uses, including the proposed Veterinary Service Establishment on the subject property.

The proposed change in zoning has merit and can be supported as it is appropriate and complementary to the surrounding area, it conforms to the "Community Core" policies of the Township of Glanbrook Official Plan, the "Urban Polices" of the Hamilton-Wentworth Official Plan, and is consistent with the Provincial Policy Statement.

This application was previously approved by the Planning and Economic Development Committee at its meeting of February 21, 2006, and By-law No. 06-051 was passed by City Council on March 1, 2006. However, as public notification was not provided for the Public Meeting, a new public notice must be mailed to neighbouring property owners, a new Public Meeting of the Planning and Economic Development Department must be held, and a new By-law must be passed by City Council.

**BACKGROUND:**

**Proposal**

The applicant proposes a change in zoning from the Existing Residential "ER" Zone to a modified General Commercial "C3-210" Zone. The purpose of the application is to permit conversion of the existing dwelling unit into a Veterinary Service Establishment.

The nature of the use involves a clinic providing medical treatment for pets. The Veterinary Service Establishment would be operated by one doctor. The hours of operation would be 8 a.m. to 6 p.m. daily, Monday to Friday, and 9 a.m. until noon, Saturdays. Emergencies outside of these hours would be directed to the Hamilton-Wentworth Emergency Veterinary Clinic on King Street West, Hamilton. Generally, animals arrive between 8 a.m. and 9 a.m. for routine surgery that day and go home later the same day, or the next morning during those same hours. All animals are expected to be under leash control by their owners or contained in carriers when they arrive and depart. Medical or surgical cases requiring prolonged stay would be housed in indoor kennels and runs. Animals would only be taken outside under strict control for short (5 min. or less) walks in the back yard. There would be minimal noise from this facility as there would be no outside runs. A total of five parking spaces are proposed, as shown in Appendix "B".

In addition to the Veterinary Service Establishment, a limited range of uses contained in the General Commercial "C3" Zone that implement the "Community Core" land use designation of the Official Plan would also be permitted.

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**Zoning By-law No. 06-051**

Zoning Application ZAC-05-116 (3087 Highway No. 56) was originally approved by the Planning and Economic Development Committee on February 21, 2006. Subsequently, Zoning By-law No. 06-051 was passed by City Council on March 1, 2006. Through the circulation of the notice of passing of the By-law, it was identified that no Public Meeting notice for the Planning and Economic Development Committee had been circulated to property owners within 120 metres of the subject property. The circulation of a Public Meeting notice is a requirement of the Planning Act and, therefore, the By-law that was passed by City Council is not valid. In this regard, a new Public Meeting notice has been mailed to neighbouring property owners and the application was rescheduled to the April 4, 2006, Planning and Economic Development Committee meeting.

**Location:** The subject property is located on the east side of Highway No. 56, south of Binbrook Road East, municipally known as 3087 Highway No. 56 (See Appendix “A”).

**Owner and Applicant:** Anthony Anker (owner) and Dr. Richard Johnson (applicant).

**Property Description:**

<u>Total Lot Area:</u>	2,250.00m <sup>2</sup>
<u>Total Lot Frontage:</u>	30.48 (100 feet)
<u>Lot Depth:</u>	73.86 metres (242 feet)
<u>Servicing:</u>	private services

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Land:</b>	Residential	Existing Residential “ER” Zone
<b>North:</b>	Residential with retail and service component	Existing Residential “ER-036” Zone
<b>West:</b>	Residential	Existing Residential “ER” Zone
<b>South:</b>	Residential	Existing Residential “ER” Zone
<b>East:</b>	Residential	Residential Multiple “RM3-157(A)”

**ANALYSIS/RATIONALE:**

1. The proposed zoning 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 Township of Glanbrook Official Plan.

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- The proposal is compatible with the existing and planned development in the immediate area.
2. The current Glanbrook Zoning By-law No. 464 does not have a Zone category that directly corresponds to the “Community Core” land use designation in the Glanbrook Official Plan. As such, to ensure the property is developed in a manner that implements the intent of the designation of the Official Plan, the range of permitted uses should be limited to the following:

Banks and financial institutions, liquor, beer or wines stores, commercial schools, custom workshops, dairies, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, medical centre, offices, personal service shops, photographic studios, places of entertainment or recreation, post office, printing establishments, private and commercial clubs, professional and business offices, public transportation depots, standard restaurant, take-out restaurants, fast-food, restaurant, retail stores, service shops, taverns, taxi establishments, veterinary service establishment with no outside runs; and uses, buildings and structures accessory to the above permitted uses.

3. The applicant proposes to operate the Veterinary Service Establishment from the existing dwelling unit, as shown on Appendix “B”. To accommodate the proposed use in the existing dwelling unit, the following modifications will be incorporated into the amending Zoning By-law:
- A minimum northerly side yard of 5.1 metres, whereas 7.5 metres is required.
  - A minimum southerly side yard of 3.1 metres, whereas 7.5 metres is required.
  - A minimum northerly side yard of 0.41 metres for an accessory structure, whereas 7.5 metres is required.
  - Section 7.35(a)(xii) relating to parking spaces abutting residential zones shall not apply.
  - Section 7.35(a)(xiv) relating to the curbing of landscaped areas abutting parking areas shall not apply.

The reduction in the side yards is supported because they recognize the existing setbacks. Further, the By-law requires a 7.5 metre setback when abutting residential zones and 3.0 metres when abutting all other zones. The subject lands will comply with the 3.0 metre setback when the abutting properties are developed in accordance with the “Community Core” designation.

The accessory structure is currently an existing frame garage. By supporting a 0.41 metre setback for this structure, the property maintains its residential appearance.

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When the property is redeveloped, any new structure would have to comply with the standard General Commercial “C3” Zone regulations.

The proposed five parking spaces exceeds the minimum By-law requirement. The intent of the By-law requirements is to regulate larger scale commercial parking lots. With one Veterinarian working in the establishment, only one parking space is required by the By-law. However, exceeding the By-law requirement by four spaces creates the need for the above noted exceptions.

The modifications to the landscape requirements are supported because the commercial use would operate out of the existing dwelling unit. The intent of the General Commercial “C3” Zone landscape requirements is to provide adequate buffering between residential properties and larger scale commercial developments. The landscape strips and chain-link fence on the north property line, as proposed, are of sufficient width to act as a buffer between the two uses. In addition, the applicants have proposed to extend an existing privacy fence along the south property line and provide a post and board fence along the northerly property line. Eventually, the abutting properties are intended for commercial uses, in which case, no landscape strip would be required.

The change in occupancy to the existing structure requires a building permit. Prior to the issuance of this permit, a site plan application will be required. The development application would allow staff to review parking, landscaping, etc., and implement the zone requirements and modifications noted above.

In the event the property redevelops, the standard General Commercial “C3” Zone regulations would apply.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the use of the subject property would continue to be regulated by the Existing Residential “ER” Zone provisions contained in Zoning By-law No. 464.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a change in Zoning.

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**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.

**Hamilton-Wentworth Official Plan**

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

Therefore, as the nature of the application is requesting a zoning amendment to allow commercial uses, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan.

**Township of Glanbrook Official Plan**

The Township of Glanbrook Official Plan designates the subject property as “Community Core”. Section B.2.2.2.2 of the Plan identifies lands designated Community Core “as the main location for mixed-use development, retail stores, business and service uses, offices and community uses such as the library and post office, to serve the needs of Binbrook Village and the surrounding area.” As such, the application to change the Zoning from the Existing Residential “ER” Zone to a modified General Commercial “C3-210” Zone implements the “Community Core” land use designation.

Given the location of the subject property, the application has also been reviewed with respect to the Binbrook Village Community Core Urban Design Guidelines, which were developed in consultation with the public and public agencies, and adopted by Council in August 2005. The intent of these Guidelines is to allow the City to achieve a vision for the core based on the Binbrook Village Secondary Plan.

This application is the first step for this property in achieving the vision of the Binbrook Village core. By rezoning the subject property from the Existing Residential “ER” Zone to a modified General Commercial “C3-210” Zone, the application brings a mix of uses which is encouraged by the “Community Core” designation. The second part of the vision for the Binbrook Village Core is to preserve and maintain the Village character. The Design Guidelines are a tool that will be used and implemented by staff at such time as the structures on the property are redeveloped. Currently, the application involves conversion of the existing dwelling and the construction of a parking area consisting of five spaces.

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**RELEVANT CONSULTATION:**

**Public Consultation**

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application and the Notice of Public Meeting were pre-circulated to 145 property owners within 120 metres of the subject lands, and a Public Notice sign has been posted on the property.

One letter of objection was received and is attached as Appendix "C". The letter does not raise any specific areas of concern; however, staff met with the neighbouring resident to discuss the proposal. The main areas of concern included, potential for wandering animals on his property, decrease in property values, and lack of awareness of the land use designation in the Binbrook Village Secondary Plan.

To address the concern regarding wandering animals, the applicant and neighbour have discussed the issue and it has been agreed that a privacy fence will be extended along a portion of the shared property line, as described in Appendix "D". This fence will be a requirement of site plan approval. In terms of a decrease in property values associated with the application, staff has no evidence to indicate the proposed amendment would have a negative impact on property values of surrounding properties. Staff also discussed the nature of the Binbrook Village Secondary Plan with the resident and advised him that his property, the subject property, and surrounding lands, all have the same "Community Core" land use designation.

**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?**

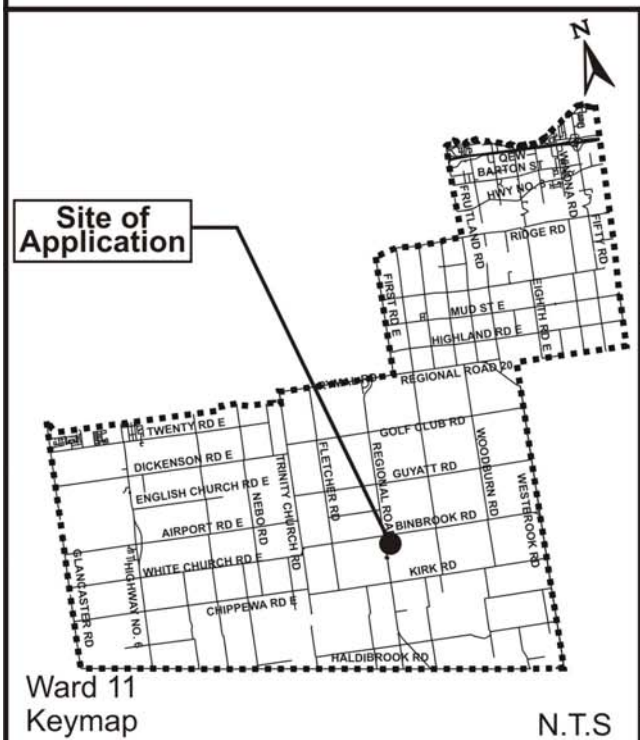
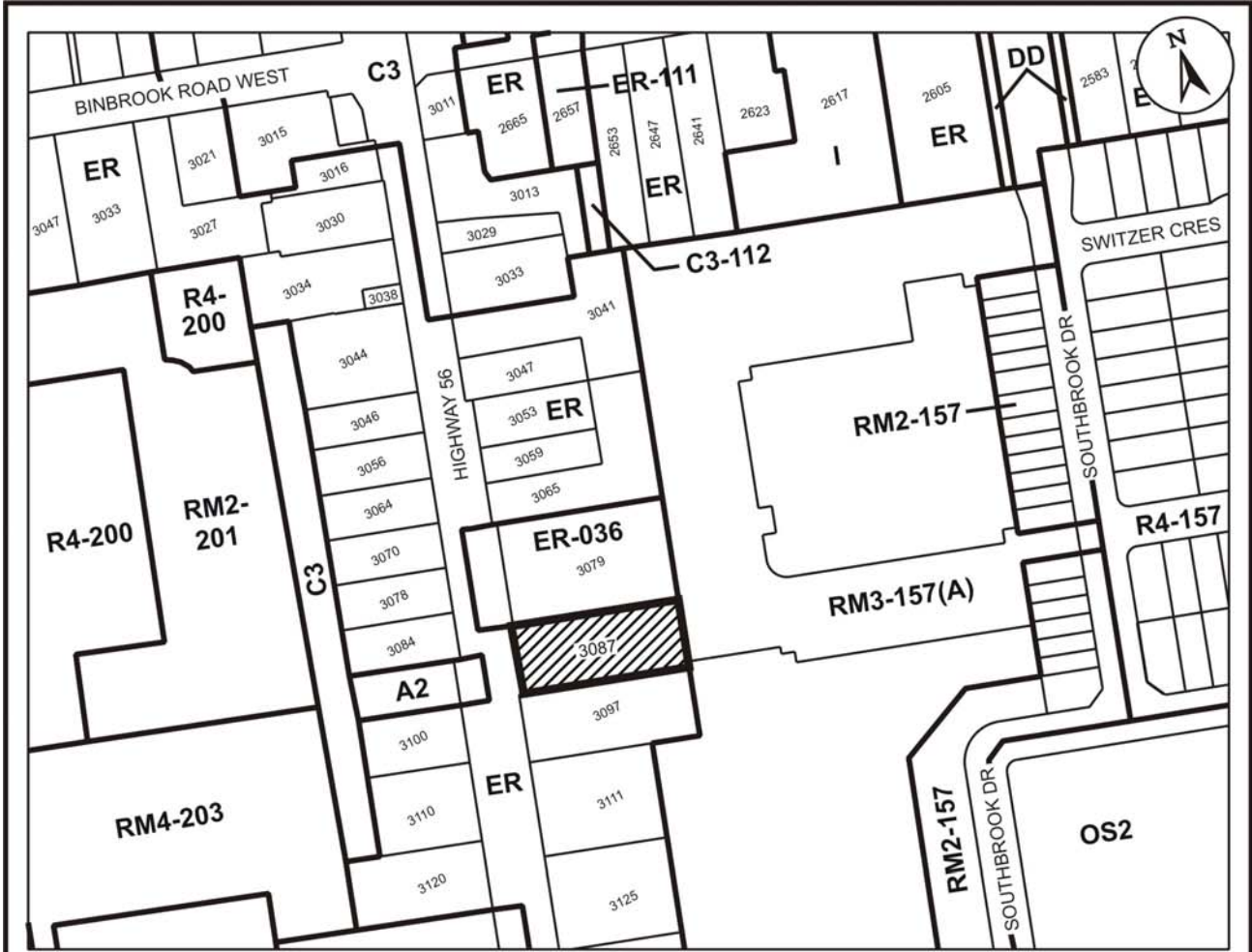
Yes  No


**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

Yes  No


:GM

Attachs: (5)




 Planning and Economic Development Department  
**Location Map**

File Name/Number: ZAC-05-113	Date: November 22, 2005
Appendix "A"	Scale: N.T.S
Planner/Technician: MJ/LM	


**Subject Property**  
 3087 Highway 56

T&C File Name:



TO PLANNING AND DEVELOPMENT

Jan 4/06

DEPT  
REALESTATE DIVISION  
CITY HALL 71 MAIN ST WEST  
HAMILTON ONT

RE FILE # ZAC O5 113

I WISH TO OPPOSE THE ABOVE APPLICATION FOR THE ZONE CHANGE ON 3087 HYWAY  
56 BINBROOK ONT

WAITING TO HERE FROM PLANNING

I REMAIN  
STAN KACHUR



From: Richard Johnson  
Sent: Sunday, January 15, 2006 5:36 PM  
To: Johnston, Matthew  
Subject: Rezoning 3087 hwy56 Binbrook

Matt-

I have spoken to my neighbours at 3097 Hwy #56 who have some concerns about clients visiting a business at 3087 and wandering with their animals onto the property at 3097. We have both agreed that a fence between the 2 properties at the front would prevent this possible occurrence. The yards are already separated by a row of cedars and a fence from the front of the buildings to the rear limit of the yards. I hope this will address any concerns the committee may have regarding any opposition to this application from that homeowner.

Sincerely,  
Richard Johnson, D.V.M.

**Authority:** Item \_\_\_\_\_, \_\_\_\_\_ Committee  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend Zoning By-law No. 464 (Glanbrook), and to Repeal  
By-law No. 06-051, Respecting Lands located at 3087 Highway No. 56**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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** Zoning By-law No. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section \_\_\_\_\_ of Report 06-\_\_\_\_\_ of the Planning and Economic Development Committee at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Existing Residential "ER" Zone to a modified General Commercial "C3-210" Zone, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "C3-210", to include the following:

**C3-210**                    **3087 HIGHWAY NO. 56**

Notwithstanding the uses permitted in **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.1 – **PERMITTED USES** of Zoning By-law No. 464, the uses permitted on the lands zoned "C3-210", shall be limited to Banks and financial institutions, liquor, beer or wines stores, commercial schools, custom workshops, dairies, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, medical centre, offices, personal service shops, photographic studios, places of entertainment or recreation, post office, printing establishments, private and commercial clubs, professional and business offices, public transportation depots, standard restaurant, take-out restaurants, fast-food, restaurant, retail stores, service shops, taverns, taxi establishments, veterinary service establishment with no outside runs; and uses, buildings and structures accessory to the above permitted uses.

Notwithstanding the regulations of **SECTION 25: GENERAL COMMERCIAL "C3" ZONE**, Subsection 25.2 – **REGULATIONS FOR PERMITTED USES IN SUBSECTION 25.1**, Clauses (g) and (l)(i), the following regulations shall apply to the buildings or structures existing at the date of passing of this amending By-law for lands zoned "C3-210";

- |     |  |                          |
|-----|--|--------------------------|
| (g) | Minimum Northerly Side Yard<br>Minimum Southerly Side Yard | 5.1 metres<br>3.1 metres |
|-----|--|--------------------------|
- (l)(i) A landscaped area in the form of a planting strip having a minimum width of 4.0 metres, except for an area occupied by a driveway or accessory structure, shall be provided and maintained along the northerly lot line; and, a landscaped area in the form of a planting strip having a minimum width of 3.1 metres shall be provided and maintained along the southerly lot line.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.35 – **MINIMUM PARKING REQUIREMENTS**, for lands zoned "C3-210", Clauses 7.35(a)(xii) and 7.35(a)(xiv) shall not apply to the buildings or structures existing at the date of passing of this amending By-law.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.13 – **ACCESSORY BUILDINGS**, for lands zoned "C3-210", Clauses 7.13(c)(ii), 7.13(c)(iv), and 7.13(c)(vii), accessory buildings or structures existing at the date of passing of this amending By-law may be located 0.4 metres from the north side yard.

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 General Commercial "C3-210" Zone provisions.
4. That By-law No. 06-051 be repealed in its entirety.
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            , 2006.

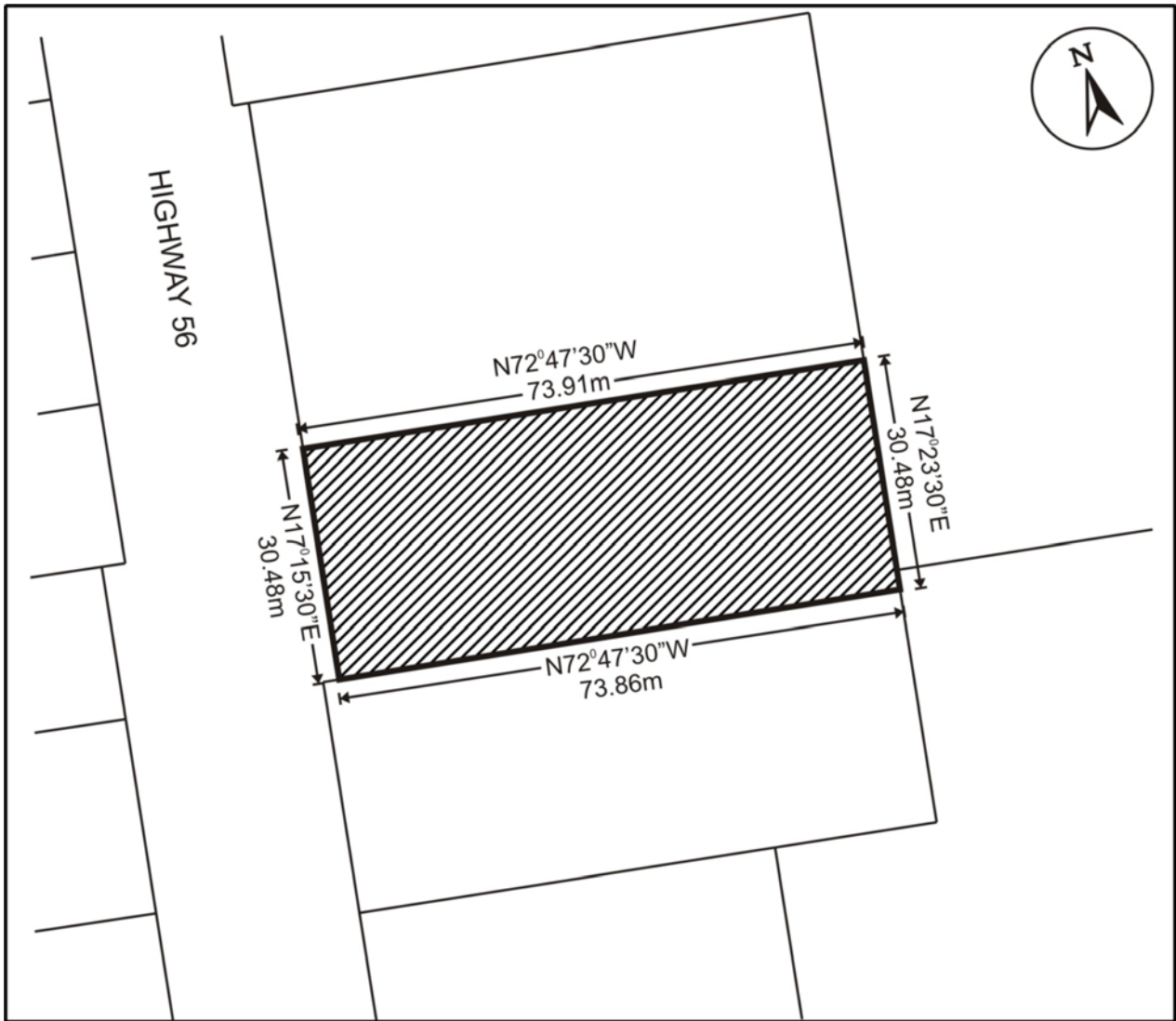
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MAYOR

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CLERK

ZAC-05-113



This is Schedule "A" to By-Law No. 06—

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Clerk

Passed the ..... day of ..... 2006

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Mayor

# Schedule "A"

Map Forming Part of  
By-Law No. 06-\_\_\_\_  
to Amend By-Law No. 464



## Subject Property 3087 Glover Road

 Change from the Existing Residential "ER" Zone  
to a Modified General Commercial "C3-210" Zone.



Scale:  
Not to Scale

File Name/Number:  
**ZAC-05-113**

Date:  
January 2006

Planner/Technician:  
MJ/MF