

ISSUE DATE:

**Sept. 2, 2005**

DECISION/ORDER NO:

**2327**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

**RECEIVED**

SEP 07 2005

LAW DEPARTMENT

PL041238

025-05  
finder  
only

05-392

John Waugh has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 04-279 of the City of Hamilton

OMB File No. R040267

## APPEARANCES:

### Parties

John Waugh and Bogdan Wilk  
935251 Ontario Inc. and John & Dale Yates

City of Hamilton

### Counsel

T.A. Richardson

A. Zuidema

### DECISION DELIVERED BY J.P. ATCHESON AND G.C. O'CONNOR AND ORDER OF THE BOARD

This is a hearing of the Board in the matter of an appeal by John Waugh from a decision of the City of Hamilton to enact Zoning By-law Amendment 04-279. The purpose of the by-law is to change the zoning from single residential "R2" to a site specific zoning "R2-52" and "R5-8" to permit a condominium development consisting of semi detached and single family dwellings on a property known as 257 Carla Avenue and 143 Green Road being part of Lot 21 Concession 3 in the former City of Stoney Creek.

At the commencement of the hearing the Board was advised that there has been some success among the parties in limiting the issues that are still outstanding. The parties are in agreement that the type of development proposed being a low-density condominium development consisting of single family detached and semi detached units is appropriate development for the site. There is agreement that the proposed development conforms to the Official Plan policies of the former Region of Hamilton

Wentworth, the policies of the former City of Stoney Creek Official Plan, the secondary plan covering the area and the Council approved Neighbourhood Plan.

The issue still outstanding is one of urban design and more particularly the location of the entrance to the proposed development and its impacts on the surrounding neighbourhood. The developers and the City believe that the entrance to the development should be from Carla Avenue while the appellants believe that the entrance should be located on Green Road.

It was also agreed among the parties that the City and the applicant would present their case first followed by Mr. Waugh (the appellant).

The site is an internal property of approximately 0.689 hectares in the Corman Neighbourhood of the former City of Stoney Creek. To the east the property has access to Green Road a minor arterial road and on the south the property has access to Carla Avenue a local collector road. The original proposal submitted to the City was to develop the site with four single detached dwelling units and fourteen semi-detached dwelling units within a plan of condominium and to develop a semi detached dwelling on the Green Road frontage. The condominium development would have its access from a property known as 257 Carla Avenue. 257 Carla Avenue was deeded to the municipality in the mid 1960's as a future road allowance to service the subject lands and other lands to the north. The provision that these lands be used as a future road allowance was included in the then subdivision agreement and some infrastructure in the form of a storm sewer was constructed on a portion of the property. The larger area to the north and west of the subject property has developed in part with multi-family development with access to highway #8.

The City on October 3, 2003 deemed the lands known as 257 Carla Avenue as surplus and recommended that the property be sold back to the developer at a nominal cost on the condition that the owner to the immediate north (the applicant) apply for and obtain final approval of a rezoning to develop the property and subject to the City retaining an easement for the existing storm sewer on the property.

The original site plan proposal upon which the By-law 04-279 was based proposed 14 semi detached dwellings, and four single detached dwellings within the

condominium project and a semi detached unit facing Green Road, a portion of the 257 Carla Avenue property was to be used for vehicle parking for the development.

The applicant, with the endorsement of the City presented a revised site plan found at Exhibit 7 which modified the design by locating the parking area internal to the development and placing a single family dwelling unit on a portion of the Carla Avenue property. The dwelling unit yield in this plan was also modified creating 12 semi detached and 6 single detached units. The Board was advised that the revised site plan would require appropriate modification to the proposed By-law 04-279 the subject of this appeal. These modifications were agreed to by the applicant in an attempt to improve the site plan design and address some of the concerns of the neighbourhood with respect to the location of off street parking.

The Board heard from Mr. MacDonald a qualified land use planner with the City of Hamilton who reviewed the application from the City's perspective. He pointed out that the by-law only permits the proposed development to utilize the Carla Avenue access and that none of the lands beyond the subject development would be permitted access to Carla Avenue. He pointed out that the by-law requires off street parking to be and set back some 35 metres from Carla Avenue in response to neighbourhood concerns. He endorses the revised site plan and sees little impact from the proposed development on the surrounding neighbourhood. It was his evidence that the proposed entrance utilizing Carla Avenue is appropriate and that the revised site plan represents good planning.

The Board then heard from Mr. Pongracz a qualified site plan designer with over 19 years of experience. His firm was retained by the applicants to do a site analysis and to prepare design concepts for the project. He also prepared an alternative design utilizing Green Road as the access for the development, which is found at Exhibit 11. He compared for the Board this alternative with the alternative found at Exhibit 7, which utilizes the 257 Carla Avenue as its entrance. It was his evidence that the Exhibit 7 alternative is preferable in that it preserves more of the natural vegetation on the site, provides better orientation of dwelling units on the site, provides a parkette open space area, requires less driveway pavement and yields 130 square metres more open space than the Exhibit 11 alternative. It was his evidence that Exhibit 7 is the preferred way to develop the site.

The Board heard from Mr. G. Aston a qualified transportation engineer who was retained by the applicant to undertake a transportation impact analysis of the proposed development. His report is found at Exhibit 13. As there were no current traffic counts for Green Road or Carla Avenue he did his own counts on Friday June 11, 2004 to determine the PM peak hour traffic volumes. It was his evidence that the existing traffic volumes on Carla Avenue in the vicinity of the proposed driveway is 63 vehicles per hour in the peak PM hour. It was his estimate that the proposed development in the peak PM hour would generate a total of 23 trips. With 15 being inbound and 8 trips being outbound. It was his uncontradicted evidence that the proposed development would have little or no impact on the functioning of Carla Avenue, that there were no safety issues or site line problems with the proposed entrance, that the internal road layout functions properly and that no improvements would be required to the existing roadway as a result of this development. It was also his evidence that the Carla Avenue entrance is to be preferred to the entrance on Green Road from a traffic safety point of view.

The Board heard from Mr. John Ariens a qualified land use Planner who was retained in March of 2003 by the applicants to investigate and advised them on the development of the subject property. It was his evidence that the proposed development meets all the policy and density objectives of the approved Official Plans governing the area. He concurs and endorsed the evidence of Mr. Pongracz with respect to the preferred site plan found at Exhibit 7. He provided the Board with photo displays of the area found at Exhibits 15 and 16. It was his evidence that the impact of vehicle lights coming from this development is no different than what currently exists at street end within the current development and is a normal occurrence in urban areas with curvilinear road designs. It was his uncontradicted evidence that the proposed development provides a good transition from the higher density development to the north and that the revised site plan found at Exhibit 7 represents good planning in this case.

The Board then heard from Mr. Bogdan Wilk a local resident who resides across the road from the proposed entrance. He is concerned that the proposed development will have a negative impact on the quality of life enjoyed by residents on Carla Avenue. He would prefer that the entrance for the development be from Green Road and that parallel parking be provided along the long driveway leading to the development. He

indicated that he had no problem with the form of development being proposed but that his only concern was with the location of the entrance. He advised the Board that he was not aware that 257 Carla Avenue had been reserved for a future road allowance when he purchased his property but admitted under cross-examination that the parcel was identified in the subdivision agreement register when the area was developed.

The Board then heard from Mr. Waugh a long-term local resident who resides on the corner lot at Carla Avenue and DeMarchi Court just east and south of the proposed entrance. He expressed the concerns that the proposed location of the entrance would have a negative impact on the residents of Carla Avenue, that the entrance would pose a safety hazard for school buses and school children who use the sidewalk along the north side of Carla Avenue. He indicated that he was not aware that 257 Carla had been set aside as a future road allowance even though it had been set aside for this purpose when the subdivision developed in the mid 1960's.

The Board recognizes that change from the status quo can be distributing to long-standing residents of an area, and that the perceptions of potential impacts are real in the minds of individuals. However the Board in arriving at its decision must rely on the evidence that is placed before it and not on unsubstantiated conjecture.

After carefully considering all of the evidence and the submissions made the Board finds that the proposed development as found at Exhibit 7 will provide little or no impact on the surrounding area. The Board is concerned that the zoning by-law amendment as written does not in and of itself ensure that the development as set out in Exhibit 7 would in fact be built.

The Board accepts the evidence of both planners that the by-law should be amended in clause 2 so that "14 semi detached and that 4 single detached dwellings" now reads as "12 semi detached and 6 single detached dwellings".

The uncontradicted evidence before the Board by all professional witnesses is that the site plan found at Exhibit #7 is the preferred design for the development.

In order to ensure that this development takes place in accordance with Exhibit 7 the Board will amend By-law 04-279 in clause 2 with the addition of the following wording "generally as shown on Schedule B attached hereto." Schedule B will be the

site plan found at Exhibit 7 and is to be included as a Schedule to the Board amended by-law.

The **BOARD ORDERS** that the appeal against By-law 04-279 of the City of Hamilton is allowed in part and By-law 04-279 is amended as set out in Attachment 1 to this order. In all other respects, the Board orders that the appeal is dismissed.

The Board so Orders.

"J.P. Atcheson"

J.P.ATCHESON  
MEMBER

"G.C. O'Connor"

G.C. O'CONNOR  
MEMBER

PL041238

**ATTACHMENT 1**

**Authority:** Item 14, Planning and Economic  
Development Committee  
Report; 04-020 (PD04247)  
CM; November 10, 2004

**Bill No. 279**

**CITY OF HAMILTON**

**BY-LAW NO. 04-279**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands located in Part of Lot 21, Concession 3 (northwest corner of  
Carla Avenue and Green Road)**

**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 City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 14 of Report 04-020 of the Planning and Economic Development Committee at its meeting held on the 10th day of November, 2004, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone, and the site-specific Residential "R5-8" Zone, on the lands located in Part of Lot 21, Concession 3, the extent and boundaries of which are shown as Blocks 1 and 2 on a plan hereto annexed as Schedule "A", as follows:
  - i) That Block 1 be rezoned from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone; and,
  - ii) That Block 2 be rezoned from the Single Residential "R2" Zone to the site-specific Residential "R5-8" Zone.
2. That Subsection 6.3.7, "Special Exemptions" of Section 6.3, Single Residential "R2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R2-52", as follows:

**"R2-52      North of Carla Avenue, West of Green Road, within Part of Lot 21, Concession 3, Schedule "A", Map No. 6**

Notwithstanding Section 6.3.2 of Zoning By-law No. 3692-92, the permitted uses for each lot on these lands shall include only single detached dwellings and semi-detached dwellings fronting onto a private road, **generally as shown on Schedule B attached hereto**

Notwithstanding the provisions of Section 6.3.3 of Zoning By-law 3692-92, the total number of dwelling units permitted on lands zoned "R2-52 shall be **12** semi-detached and **6** single detached dwellings.

Notwithstanding the provisions of Paragraphs (a), (b), (d), (e), and (g) of Section 6.3.3 of the "Zone Regulations" of the Single Residential "R2" Zone on those lands zoned "R2-52" by this by-law, the following shall apply:

- |     |                      |   |                    |
|-----|----------------------|---|--------------------|
| (a) | Minimum Lot area     | - | 4000 square metres |
| (b) | Minimum Lot Frontage | - | 20 metres          |
| (d) | Minimum Side Yard    | - | 7.5 metres         |
| (e) | Minimum Rear Yard    | - | 3 metres           |
| (g) | Maximum Lot Coverage | - | 30%                |



## By-law respecting Carla Avenue 3

- (h) Minimum Distance between Buildings on the Same Lot
  - 2 metres, except 15 metres between an end wall and a front wall
- (i) Privacy Area
  - Notwithstanding the yard requirements above, each unit shall have at least one area which serves as a privacy area which is adjacent to the dwelling unit and shall have a minimum depth of 6 metres
- (j) Minimum Landscaped Open Space
  1. Not less than 50 percent of the lot area shall be landscaped including the privacy areas.
  2. Not less than 1.5 metres of landscaped strip shall be provided adjacent to any lot line, including sidewalks.
  3. A landscaped strip having a minimum width of 4.5 metres shall be provided adjacent to every portion of any lot that abuts a street except for points of ingress and egress.
- (k) No vehicular access to the lands to the north shall be permitted.

Notwithstanding the regulations of 6.3.4 "Regulations for Parking", the following shall apply:

1. Two (2) parking spaces plus 0.5 visitor parking spaces shall be provided per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
  2. No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached or duplex dwellings or 5 metres to any dwelling unit located on a lot other than said lot, or 3 metres to any dwelling unit located on the same lot.
  3. No required parking spaces shall be permitted in the required front yard.
  4. No non-visitor parking spaces shall be located closer than 1.5 metres to any lot line.
  5. No parking spaces shall be permitted within 35 metres of Carla Avenue, except for a maximum of two (2) spaces in association with a single family dwelling that fronts onto Carla Avenue.
3. That Subsection 6.6.7, "Special Exemptions" of Section 6.6, Residential "R5" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R5-8", as follows:

**"R5-8        143 Green Road, Schedule "A", Map No. 6**

Notwithstanding the provisions of Paragraph (b), of Section 6.6.3 of the "Zone Regulations" of the Residential "R5" Zone on those lands zoned "R5-8" by this by-law, the following shall apply:

By-law respecting Carla Avenue 4

(b) Minimum Lot Frontage

1. Undivided Semi-Detached Lot - 15 metres
2. Divided Semi-Detached Lot - 7.5 metres"

3. 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.

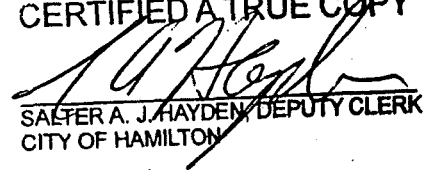
PASSED and ENACTED this 10th day of November, 2004.

  
\_\_\_\_\_  
MAYOR

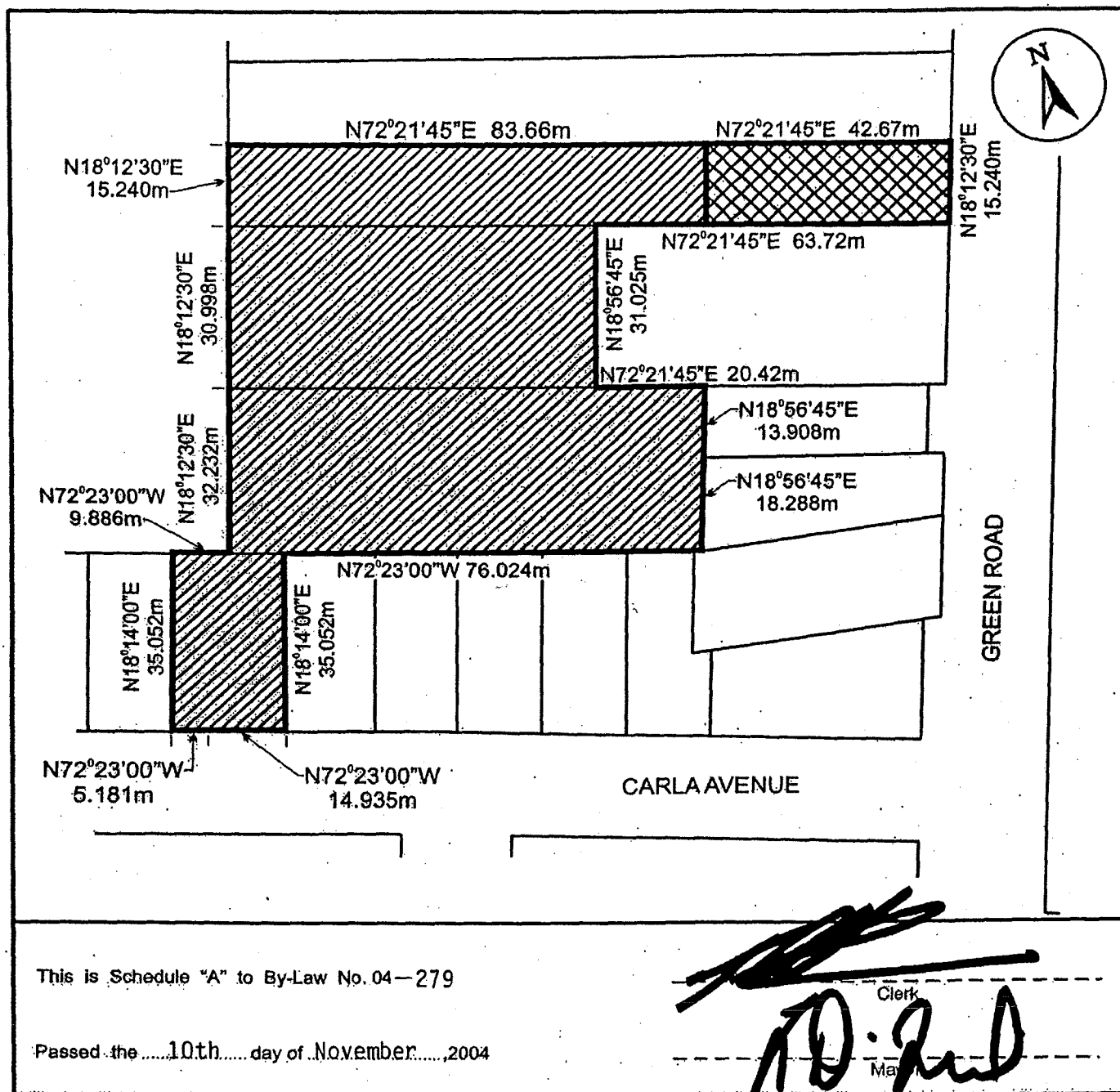
ZAC-04-42

  
\_\_\_\_\_  
CLERK

CERTIFIED A TRUE COPY

  
SALTER A. J. HAYDEN, DEPUTY CLERK  
CITY OF HAMILTON

By-law respecting Carla Avenue 5



## Schedule "A"

Map Forming Part of  
By-Law No. 04-279  
to Amend By-Law No. 3692-92



### Subject Property



Block 1 - Change from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone



Block 2 - Change from the Single Residential "R2" Zone to the site-specific Residential "R5-8" Zone

North



Scale:  
Not to Scale

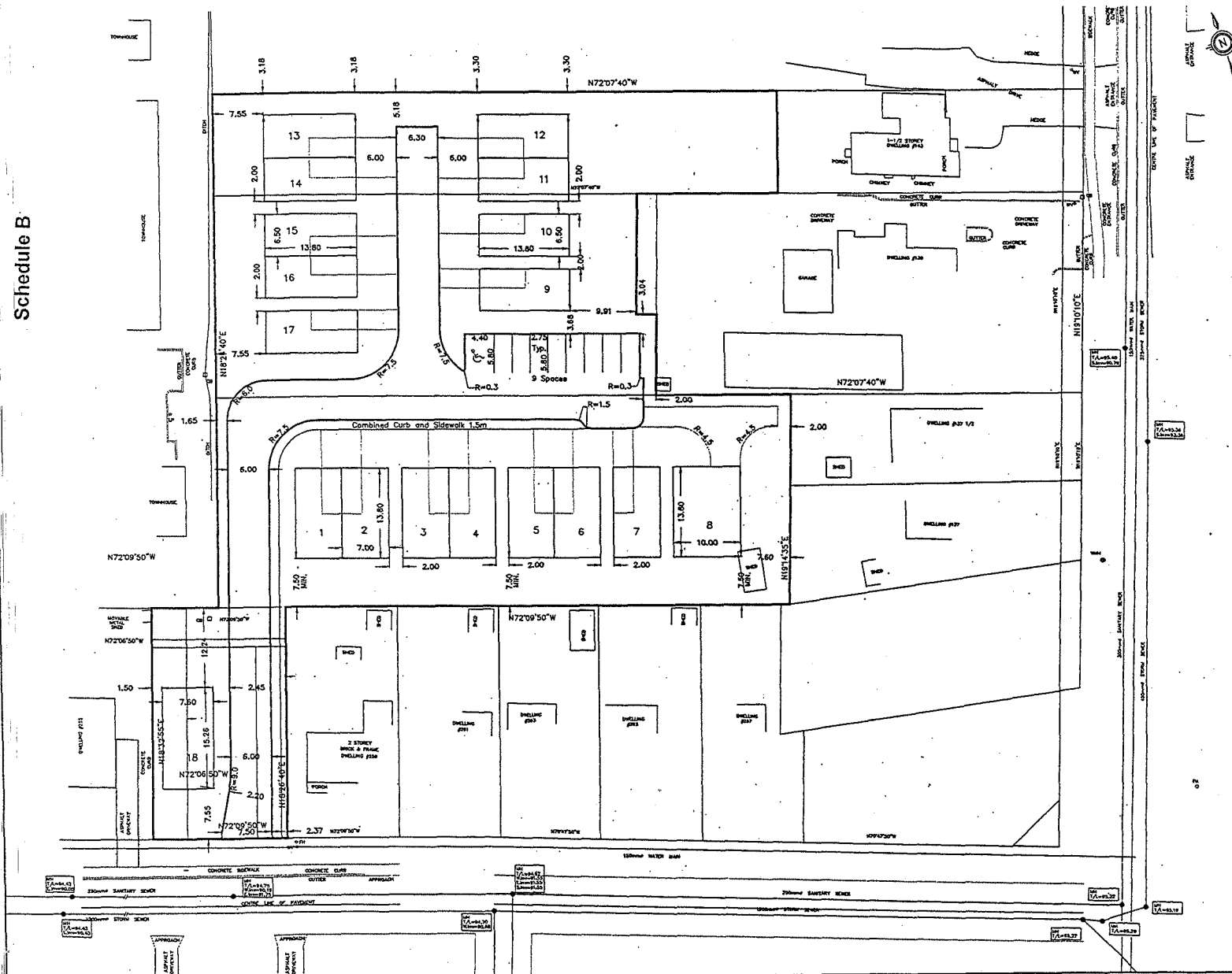
Date:  
August 25, 2004

File Name/Number:  
**ZAC-04-42**

Planner/Technician:  
KW/NB

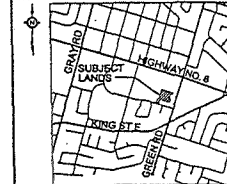
T&amp;C File Name:

128



# **SITE PLAN** **FORMER TOWN OF** **STONEY CREEK** **NOW IN THE CITY OF HAMILTON** **GREEN RD./CARLA AVE.**

KEY MAP - N.T.S.



## **DEVELOPMENT DETAILS**

|                       |           |
|-----------------------|-----------|
| MIN. LOT AREA:        | 0.678 HA. |
| MIN. LOT FRONTAGE:    | 20.11m    |
| MIN. FRONT YARD:      | 6m        |
| MIN. SIDE YARD:       | 1.0m      |
| MIN. REAR YARD:       | 7.5m      |
| MAX. BUILDING HEIGHT: | 11m       |
| MAX. LOT COVERAGE:    | 25%       |
| PARKING:              | UNIT 36   |
| VISITOR               | 9         |
| NUMBER OF UNITS:      | 18 UNITS  |

## **APPROVALS**

|                                                                                                                                                            |        |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------|
| APPROVED:                                                                                                                                                  | DATE:  | DATE:            |
| DESIGN:                                                                                                                                                    | CHRD:  | DATE:            |
| DRAWN:                                                                                                                                                     | CHRD:  | DATE:            |
| SCALE:                                                                                                                                                     | 1:1000 | 1:1000           |
|                                                                                                                                                            |        |                  |
| 160 Avenue Daniel Smith<br>Suite 200, East York, Ontario, M4M 1B5<br>Tel: (416) 546-9100<br>Fax: (416) 546-9111<br>e-mail: hamilton@pel.net<br>www.pel.net |        |                  |
| PROJECT FILE NO.                                                                                                                                           | HP912  | SHEET NO. 1 OF 1 |

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OMB File No. R040267

**APPEARANCES:**

**Parties**

John Waugh and Bogdan Wilk  
935251 Ontario Inc. and John & Dale Yates

City of Hamilton

**Counsel**

T.A. Richardson

A. Zuidema

|                              |            |
|------------------------------|------------|
| OFFICE OF THE CITY CLERK     |            |
| SEP 07 2005                  |            |
| REC. BY <u>A. Rawlings</u>   | DATE _____ |
| REF'D TO <u>A. Zuidema</u>   | DATE _____ |
| REF'D TO <u>T. McLachlan</u> | DATE _____ |
| REF'D TO <u>L. Barrow</u>    | DATE _____ |
| cc: <u>G. MacDonald</u>      |            |
| ACTION: _____                |            |

**DECISION DELIVERED BY J.P. ATCHESON AND G.C. O'CONNOR AND ORDER OF THE BOARD**

This is a hearing of the Board in the matter of an appeal by John Waugh from a decision of the City of Hamilton to enact Zoning By-law Amendment 04-279. The purpose of the by-law is to change the zoning from single residential "R2" to a site specific zoning "R2-52" and "R5-8" to permit a condominium development consisting of semi detached and single family dwellings on a property known as 257 Carla Avenue and 143 Green Road being part of Lot 21 Concession 3 in the former City of Stoney Creek.

At the commencement of the hearing the Board was advised that there has been some success among the parties in limiting the issues that are still outstanding. The parties are in agreement that the type of development proposed being a low-density condominium development consisting of single family detached and semi detached units is appropriate development for the site. There is agreement that the proposed development conforms to the Official Plan policies of the former Region of Hamilton

condominium project and a semi detached unit facing Green Road, a portion of the 257 Carla Avenue property was to be used for vehicle parking for the development.

The applicant, with the endorsement of the City presented a revised site plan found at Exhibit 7 which modified the design by locating the parking area internal to the development and placing a single family dwelling unit on a portion of the Carla Avenue property. The dwelling unit yield in this plan was also modified creating 12 semi detached and 6 single detached units. The Board was advised that the revised site plan would require appropriate modification to the proposed By-law 04-279 the subject of this appeal. These modifications were agreed to by the applicant in an attempt to improve the site plan design and address some of the concerns of the neighbourhood with respect to the location of off street parking.

The Board heard from Mr. MacDonald a qualified land use planner with the City of Hamilton who reviewed the application from the City's perspective. He pointed out that the by-law only permits the proposed development to utilize the Carla Avenue access and that none of the lands beyond the subject development would be permitted access to Carla Avenue. He pointed out that the by-law requires off street parking to be and set back some 35 metres from Carla Avenue in response to neighbourhood concerns. He endorses the revised site plan and sees little impact from the proposed development on the surrounding neighbourhood. It was his evidence that the proposed entrance utilizing Carla Avenue is appropriate and that the revised site plan represents good planning.

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indicated that he had no problem with the form of development being proposed but that his only concern was with the location of the entrance. He advised the Board that he was not aware that 257 Carla Avenue had been reserved for a future road allowance when he purchased his property but admitted under cross-examination that the parcel was identified in the subdivision agreement register when the area was developed.

The Board then heard from Mr. Waugh a long-term local resident who resides on the corner lot at Carla Avenue and DeMarchi Court just east and south of the proposed entrance. He expressed the concerns that the proposed location of the entrance would have a negative impact on the residents of Carla Avenue, that the entrance would pose a safety hazard for school buses and school children who use the sidewalk along the north side of Carla Avenue. He indicated that he was not aware that 257 Carla had been set aside as a future road allowance even though it had been set aside for this purpose when the subdivision developed in the mid 1960's.

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After carefully considering all of the evidence and the submissions made the Board finds that the proposed development as found at Exhibit 7 will provide little or no impact on the surrounding area. The Board is concerned that the zoning by-law amendment as written does not in and of itself ensure that the development as set out in Exhibit 7 would in fact be built.

The Board accepts the evidence of both planners that the by-law should be amended in clause 2 so that "14 semi detached and that 4 single detached dwellings" now reads as "12 semi detached and 6 single detached dwellings".

The uncontradicted evidence before the Board by all professional witnesses is that the site plan found at Exhibit #7 is the preferred design for the development.

In order to ensure that this development takes place in accordance with Exhibit 7 the Board will amend By-law 04-279 in clause 2 with the addition of the following wording "generally as shown on Schedule B attached hereto." Schedule B will be the

PL041238

**ATTACHMENT 1**

**Authority:** Item 14, Planning and Economic  
Development Committee  
Report; 04-020 (PD04247)  
CM; November 10, 2004

**Bill No. 279**

**CITY OF HAMILTON**

**BY-LAW NO. 04-279**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands located in Part of Lot 21, Concession 3 (northwest corner of  
Carla Avenue and Green Road)**

**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 City of Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 14 of Report 04-020 of the Planning and Economic Development Committee at its meeting held on the 10th day of November, 2004, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

124



## By-law respecting Carla Avenue 3

- (h) Minimum Distance between Buildings on the Same Lot
  - 2 metres, except 15 metres between an end wall and a front wall
- (i) Privacy Area
  - Notwithstanding the yard requirements above, each unit shall have at least one area which serves as a privacy area which is adjacent to the dwelling unit and shall have a minimum depth of 6 metres
- (j) Minimum Landscaped Open Space
  1. Not less than 50 percent of the lot area shall be landscaped including the privacy areas.
  2. Not less than 1.5 metres of landscaped strip shall be provided adjacent to any lot line, including sidewalks.
  3. A landscaped strip having a minimum width of 4.5 metres shall be provided adjacent to every portion of any lot that abuts a street except for points of ingress and egress.
- (k) No vehicular access to the lands to the north shall be permitted.

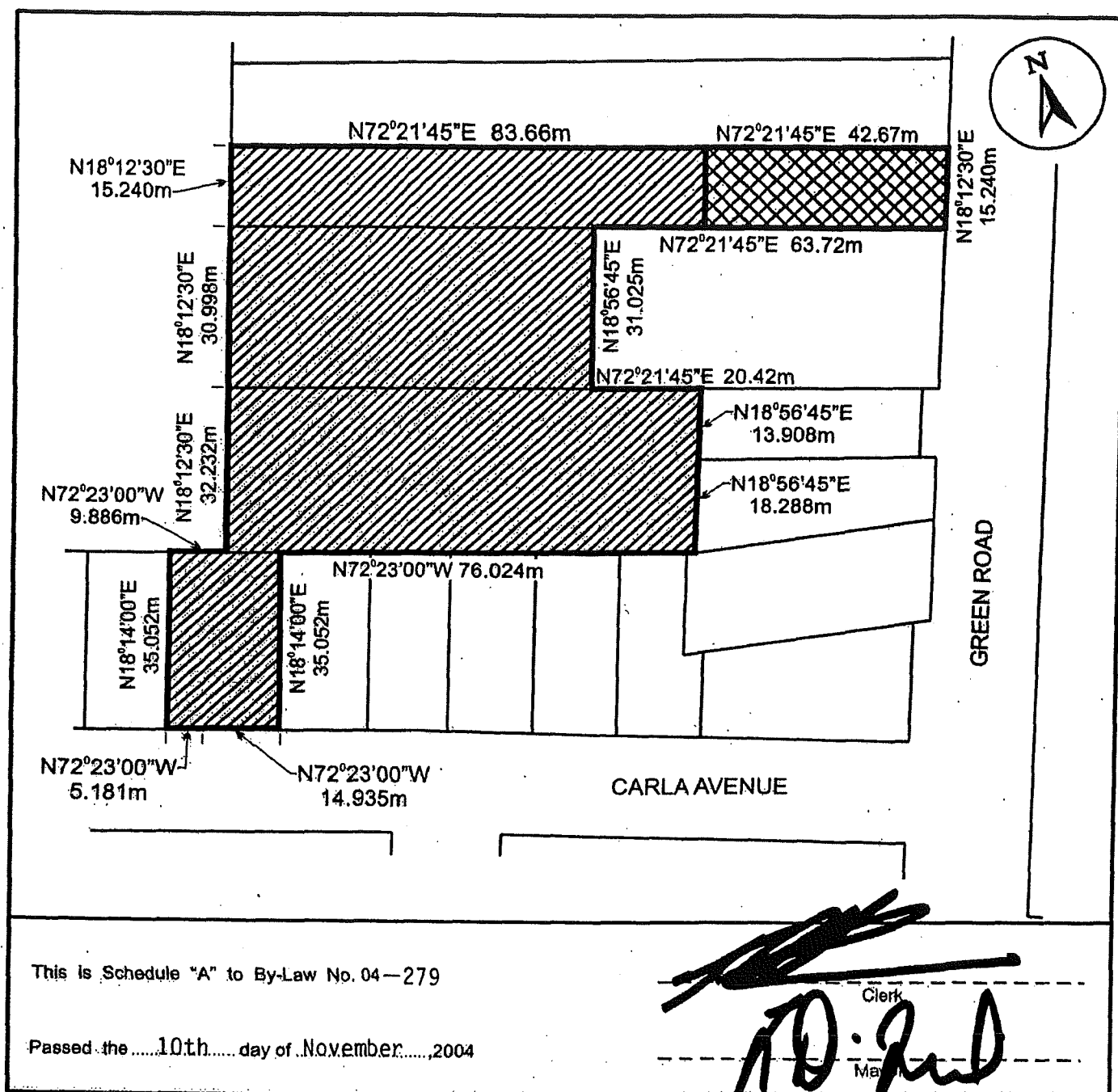
Notwithstanding the regulations of 6.3.4 "Regulations for Parking", the following shall apply:

1. Two (2) parking spaces plus 0.5 visitor parking spaces shall be provided per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
  2. No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached or duplex dwellings or 5 metres to any dwelling unit located on a lot other than said lot, or 3 metres to any dwelling unit located on the same lot.
  3. No required parking spaces shall be permitted in the required front yard.
  4. No non-visitor parking spaces shall be located closer than 1.5 metres to any lot line.
  5. No parking spaces shall be permitted within 35 metres of Carla Avenue, except for a maximum of two (2) spaces in association with a single family dwelling that fronts onto Carla Avenue.
3. That Subsection 6.6.7, "Special Exemptions" of Section 6.6, Residential "R5" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R5-8", as follows:

**"R5-8            143 Green Road, Schedule "A", Map No. 6**

Notwithstanding the provisions of Paragraph (b), of Section 6.6.3 of the "Zone Regulations" of the Residential "R5" Zone on those lands zoned "R5-8" by this by-law, the following shall apply:

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## Schedule "A"

Map Forming Part of  
By-Law No. 04-279  
to Amend By-Law No. 3692-92



Hamilton

### Subject Property

-  Block 1 - Change from the Single Residential "R2" Zone to the site-specific Single Residential "R2-52" Zone
-  Block 2 - Change from the Single Residential "R2" Zone to the site-specific Residential "R5-8" Zone

North



Scale:  
Not to Scale

Date:  
August 25, 2004

File Name/Number:  
ZAC-04-42

Planner/Technician:  
KW/NB

T&C File Name:

128