

City Council
City of Hamilton
71 Main Street West
Hamilton, ON

Dear Council:

I am submitting this written objection to the official plan amendment and zoning by-law amendment for 1354 Upper Sherman for the following reasons:

Density, Traffic and Privacy

I feel that the previous plans presented in the by Malatesta Brothers Co. Limited in the presentation at Bayview Gardens (July 2013) are too intense and that the new dwellings as proposed will drastically reduce the quality of enjoyment (including Privacy) of my property and will negatively impact on my value. Our neighborhood is full of medium to high density housing, Seniors residence to the South 150+ unit, townhouses to the East 40+, and just west of the seniors residence another 3 townhouse project to be in excess of 100 units. Traffic is problematic most times in exiting the survey onto Upper Sherman, it is very difficult to turn north on Upper Sherman due to back log of cars stopped and this will only add to the congestion.

Storm Water

The grade separation between my property and the subject is dramatic, water runoff and drainage may pose a problem in the future with the amount of 100 year storms we have been receiving over the last couple of years. My lot seems to be about 2M below the grade they are proposing for the finished floors as well as parking lot (according to the drawings I have received) , with such little distance from my lot line and home to the new buildings or parking lot the runoff may come over the existing retaining wall into my window wells and flood my home. They are showing the Elevation in relation to my roof not my grade.

Shadowing/Privacy

The height of the new buildings in relation to my property will just enhance the shadowing I experience from the existing townhouses located to the east of my property, and with the proposed development to the south will negatively impact on the light to my home and yard. With the number of units proposed this will also negatively impact on privacy. So this development will negatively impact on both light and privacy of my home. Maybe the homes and driveways should be reversed, townhouses facing north rather than south, and the driveway located on the north side of the property.

Minor Variances

The applicant is asking for minor variances for parking sizes and setbacks. If privacy is an issue with the proposed development requiring a reduction of separation from 15M to 3M for habitable room window, the buyers of these new properties have a choice to accept it or not, I am an existing owner and feel this will be forced on me, reducing my privacy. As the rear yard of the townhouses will be in my side yard and will only have a 6M distance from my property line to their rear doors, I feel this is too close. If the subject property does not meet the current setbacks and requirements maybe this development should be changed so that it can follow the proposed new zoning without variance. The existing official plan is for Institutional/Recreational maybe the development can explore possibilities that would fall under that zoning.

Blasting and or Jackhammering

Finally my last concern is with the possibility the developer will not put basements in the houses but build them slab on grade, this will just multiply the negative impact of grade separation, light and privacy. When the units were built to the east of my home I believe it caused damage to my home from the weeks of constant Jack Hammering that was needed to service the units, and these units are slab on grade and 3 stories high without basements. What is the city going to do to ensure that the builder when servicing or excavating does not cause structural damage to my home and ensure they are not 3 stories.

Thank you,

Paul Mariutti