

Mr. Daniel Barnett, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – West Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ontario L8P 4Y5

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FEB 19 2013

**RE: Zoning Amendment Application No. ZAR-12-055**

February 18, 2013

Further to your letter of February 5, 2013, we wish to provide the following preliminary comments on the application noted above. I note that we may have additional comments and concerns to note at the time of the public meeting, as the full extent of the zoning amendments are not known at the present time, due to incomplete information on the application with the drawing of a building envelope and no specific plans for layout of the building. I would like to thank you for the additional details you provided concerning the details of the proposed zoning amendment.

We live at 20 McDonald Court, and are immediate neighbours of the proposed lot to be severed and the resulting request for zoning amendment to permit the severance application, which was denied, to proceed to the Ontario Municipal Board.

The severance application related to this request (File No. FL/B-10:63) was denied by the Committee of Adjustment on June 24, 2010 for the following reasons:

- “1. The Committee is of the opinion that severing the subject parcel into two lots that are both undersized in terms of lot frontage and lot area is not in the interest of proper planning and development and is not in keeping with the existing character of this neighbourhood.
2. The proposal does not comply with the requirements of the Zoning By-law as both the severed and retained lots are deficient in lot frontage and lot area.
3. The proposal does not comply with Section 51(24) of The Planning Act (ie. the dimensions of the proposed lot in comparison to existing lots in the surrounding area).”

We concur with this decision and the reasons for the decision. In fact, this is the second severance application to be turned down on this property, due to being extremely undersized and not in keeping with the existing character of the neighbourhood. An application for severance was also applied for and turned down approximately 13 to 14 years earlier.

### **Unique Neighbourhood**

In 1990, when the Town of Flamborough passed Zoning By-law # 90-145-Z, they recognized the unique character of the McDonald Court subdivision by providing a unique Residential Zone, the R1-6 zone, to protect the unique character of the neighbourhood. The zoning requirements of the R1-6 zone exceed the zone provisions of the Urban Residential R1 zone in many requirements – including the minimum lot area, lot frontage, interior side yard, and minimum rear yard. In addition, the provisions of the R1-6 zone provide more restricted development of the lot by providing more restrictive zone provisions for maximum height, and maximum lot coverage.

For Lot Area:

For the retained lot, the application will result in 775.6 square metres, rather than the 1390 square metres required – only 56% of the requirement.

For the severed lot, the application will result in 622.8 square metres, rather than the 1390 square metres – only 45% of the requirement. I would note that this lot size does not even meet the minimum requirement of the Urban Residential R-1 zone (665 square metres), let alone the provisions of the R1-6 zone which were implemented to protect the character and nature of the neighbourhood.

For Lot Coverage:

No details have been provided about the lot coverage for either the retained lot or the lot to be severed. Based on the sketch of the building envelope in the drawing submitted, the severed lot which is next to our lot would provide lot coverage of 61.5%, without any garden sheds or accessory buildings, substantially exceeding the permitted lot coverage of 15%. At the time of the severance there were no details provided about the size of house being proposed. Had a house the size of the existing small house on the lot been proposed on the severed lot, it would have reached a lot coverage of 19%, not including a garage or shed – substantially exceeding the permitted lot coverage of 15%. Now, at the time of the zoning application, lot coverage of over 60% is applied for – in a unique neighbourhood where maximum lot coverage allowed is only 15%.

Rear Yard:

At the time of the severance, the retained lot rear yard was to be 10 feet (3 metres), while the by-law minimum is 10 metres or 30 feet – certainly too small to be considered in keeping with the neighbourhood. This was required in order to squeeze in a severed lot, leaving a lot well less than half of the required lot size.

**Other Zone provisions:**

As an adjacent neighbour, we are quite concerned with the scale of development, as it has a direct impact on our property, and the value of our property. This is in addition to our concern, in common with the other neighbours and owners of property in the court about the destruction of the character of the neighbourhood. At the time of writing this letter, the details of the application and the number of amendments to the zoning provisions that are required are not fully known. Therefore, we have no knowledge of the complete nature of all of the changes that are being requested to other zoning requirements.

For the severed lot, there is a proposed change to the front yard set-back from a requirement of 7.5 m. (25 feet) to 6m (20 feet). This may not sound like much of a change, but in a neighbourhood when you can look down the street and there is a fairly common street line, allowing building closer to the street will stick out in front of all the other houses and ruin the nature and appeal of the street.

The side yard setback being requested is 1.2 metres (4 ft) rather than the 3 m (10 ft) requirement – again well less than half.

We do not know if there is to be additional degradation of the requirements for height, interior side yard, minimum rear yard set back, maximum floor space, as none of these details are available. Any further changes proposed would further degrade the protection of the unique character of the neighbourhood.

In summary, neither the retained lot nor the severed lot would come anywhere near to the zoning provisions of the R1-6 zone, and therefore, it underscores the reason why the severance was denied twice already. It would challenge incredulity to claim that the proposed zoning amendments and resulting severance is in keeping with the neighbourhood, or that it is in keeping with protecting the unique nature of the neighbourhood, which was the purpose of the R1-6 zone.

**Other Concerns:**

In addition, without a plot plan of the proposed dwelling unit, we have concerns about the location of the driveway as the proposed driveway will have to have a minimum setback from the nearby corner, and the lot grading and drainage impacts of the proposed dwelling are of concern. The street still retains a rural cross-section, even though it is in the middle of Waterdown. There are open ditches with culverts. If the driveway is too close to ours, there is a concern that the culverts will not handle the storm drainage from our lot to the ditch and down the ditch in front of the retained lot. The location of the driveway is of concern, as is the grading. Our lot is higher than the retained lot and drains naturally to the proposed severed lot. If approved, we want to ensure that the grading plan does

not impede our drainage, nor that the drainage from our lot creates any problems for the neighbouring house.

It is our understanding that the sewer connection to the existing house on the retained lot comes in through the back yard and passes through the lot to be severed. We are concerned that, should the application be approved, that there be no negative impacts or sewer back-ups during the major reconstruction that will result in order to address this.

**Intensification:**

20 years have passed since By-law 90-145-Z proposed a zoning category to protect this neighbourhood – Council has not taken steps to change the zoning throughout the neighbourhood to permit the significant change being proposed today. We are somewhat aware of the Provincial requirements for growth targets, and the desire to protect agricultural lands. But nowhere in the City's planning documents does it say that there should be infilling at any cost. We briefly reviewed several of the background documents utilized and developed in the preparation of GRIDS, which we understand outlined the preferred approach to growth in Hamilton.

The existing Official Plan Designation of A.2 Urban Residential, notes the desire to have a range of dwelling unit types and densities. It does not propose that any density is permitted anywhere. It also lists as one objective that Urban Residential re-development must ensure that it is compatible with existing development. This proposal is not compatible with the existing neighbourhood, as it doesn't even approach 50% of many of the requirements.

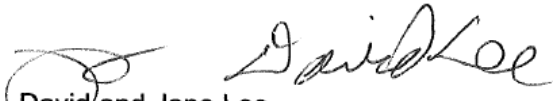
With respect to the Preferred Growth Option, the existing neighbourhood was not in an area identified for intensification, nor is it in a Community Node. The Dillon Report, Growth Related Integrated Development Strategy: Growth Report references that initially the growth can be accommodated through intensification and on existing vacant, but not developed lands. This is not a vacant undeveloped lot. It is an existing developed lot. The sections of the report on intensification propose that intensification will occur through a participatory public process of secondary planning. To my knowledge there is no secondary plan in this area proposing intensification for our neighbourhood. In addition, the report notes that the majority of the intensification units will be targeted around key nodes and corridors. McDonald Court is not identified as either a node or a corridor. One of the key principles in the methodology of the report was that "stable residential lands will be protected to the extent possible". It is our contention that McDonald Court represents stable residential lands and that an application for zoning to permit a severance which was denied does not entitle the applicant to an approval. A second principle is that urban development is fully serviced. McDonald Court is not fully serviced – we have no storm sewers,

but a rural cross-section with open ditch. We have no sidewalks, and no street lights – only limited corner lights.

Finally, I would point out that the Nine Directions to Guide Development used from the beginning of the GRIDS process in 2003, reflect the sustainability principles in Vision 2020, and were to guide development. One of these principles is to "Maintain ...and respect the unique character of existing...neighbourhoods." This application proposal does not do that.

We believe that the job of the Planning staff and, ultimately of Council, is to implement the zoning provisions that are in place; upholding the principles of protecting the unique character of our neighbourhood. To do so would mean that staff would recommend against this application and Council would deny the application due to the significant deviation from the existing zoning requirements put in place to recognize and protect the unique character of this neighbourhood. The application should be denied; development should not be based on an "intensification at any cost" approach. Even the City's planning documents and espoused principles do not contemplate an "intensification at any cost and in any place" approach.

Thank you for the opportunity to provide these comments.

  
David and Jane Lee  
20 McDonald Court  
Flamborough, ON L9H 7C4

cc. Councillor Partridge

Mr. Daniel Barnett, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – West Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ontario L8P 4Y5

RE: ZONING AMENDMENT APPLICATION NO. ZAR-12-055

February 24, 2013

We live at 21 McDonald Court and have resided at this address for the past 47 years, and live directly across from the proposed lot to be severed and are opposed to the request for a zoning amendment to permit this severance.

The denial by the Committee of Adjustment on June 24, 2010 under file NO. FL/B-10:63) listed numerous reasons for the refusal all of which we concur. Primarily the second severance application was turned down on this property in that it was extremely undersized and not keeping with the existing character of the neighbourhood. Further to this another application was applied for and turned down approximately 14 years ago.

Further concerns include:

1. Zoning requirements of the R1-6 zone exceed to zone provisions of the Urban Residential R1 zone in many requirements including the minimum lot area, lot frontage, interior side yard, and minimum rear yard.
2. No details have been provided about the lot coverage for either the retained lot or the lot to be severed.
3. No details on the size of the house being proposed.
4. Lot grading and drainage impact is of concern.

This application should be denied for the reasons listed above.

Thank you for the opportunity to provide these comments.

Monday, February 25, 2013

To Whom It May Concern:

Re: Application No. Zar-12-055 Zoning By-law Amendment for 24 McDonald Crt.,  
Waterdown, Ontario

We are writing this letter to voice our concerns regarding the request for severance of land at 24 McDonald Crt.

First and foremost we are opposed to this application for several reasons of which you may note in the following.

1. The aforementioned land is not **vacant**, there is a house on the property. This terminology implies that there is **no** residence on the property as it sits now. If it were already severed it could be called vacant land. **This is not the case.**
2. Our residential area is noted for our **large lots of land and green space**, which is a major selling feature for our area. By allowing this severance you decrease our land value and put our property value at risk.
3. We have voiced our concerns on other severances in the area as to building allowances and to what sort of buildings are suitable for our area. Once again if this is allowed and no restrictions are in place as to suitability of residence ie. size and square footage of a structure, our property value will decrease. The property allowances mentioned and the irregularity of the lot size that this application is alluding to, only reiterate the question as to what possible style of structure will be built.
4. Allowing this severance with the parameters as listed opens the feasibility for lots to be severed with very little frontage and destroying the ambience of our neighbourhood, all at the cost of intensification.
5. Two previous applications on this particular lot over the last number of years have been denied on the grounds of incompatibility.

Sincerely,  
Yvan and Janice Laurin  
48 McDonald Crt

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