

**AMENDED MINUTES**April 2<sup>nd</sup>, 2015

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Annalyla Irevan &amp; Morteza Irevan

111 Winston Avenue, Hamilton

Appearances were: Annalyla Irevan, Applicant. Interested parties were: Tordis Coakley, 23 Lower Horning Road, Hamilton, ON L8S 3E9; Mary Kiss, 51 Yarmouth Court, Hamilton, ON L8S 3E2; Bill Gizyn, 104 Winston Avenue, Hamilton, ON L8S 2S6; Rabbi Daniel Green, Adas Israel Congregation & Yeshiva of Hamilton, 235 Bowman St., Hamilton, ON L8S 2T9; Councillor Terry Whitehead, Councillor's Office, 2<sup>nd</sup> Floor, City Hall.

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, W. Pearce, L. Gaddy, D. Smith, I. Dunlop.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: Tordis Coakley, Secretary, Ainslie Wood Community Association (AWCA), 23 Lower Horning Road, Hamilton, ON L8S 3E9; Ashley Myers, 236 Haddon Ave. S., Hamilton, ON L8S 1Y1; Councillor Aidan Johnson, Councillor's Office, 2<sup>nd</sup> Floor, City Hall; Trish Brown, Coordinator, Building Division, Planning & Economic Development Department, City of Hamilton, 71 Main St. W., 3<sup>rd</sup> Floor, Hamilton, ON L8P 4Y5; Debbie Strub, 67 Winston Avenue, Hamilton, ON L8S 2S7; Andrea Zians, 124 Stroud Road, Hamilton, ON L8S 1Z9; Avi & Rebecca Shapiro, 90 Winston Avenue, Hamilton, ON L8S 2S6; Don & Donna LaPierre, 190 Dalewood Avenue, Hamilton, ON L8S 1Z4; Brian Somer, 82 Winston Avenue, Hamilton, ON L8S 2S6; Dr. Alain Wiesenthal, 30 Wilmont Court, Hamilton, ON L8S 2T2; Karen Tilmann, 115 Stroud Road, Hamilton, ON L8S 1Z8; Michael & Devora Weinberger, 120 Winston Avenue, Hamilton, ON L8S 2S6; Vinnie Welsh, AWWCA Board Member, 1063 King Street West, Suite 221, Hamilton, ON L8S 4S3; Heli & David Stephenson, 186 Dalewood Avenue, Hamilton, ON L8S 1Z4; Amy Katz, Barrister, Solicitor, Notary, 263 John Street South, Hamilton, ON L8N 2C9; Stan & Sheryl Katz, 66 Winston Avenue, Hamilton, ON L8S 2S6; Ryszard Saja, 115 Winston Avenue, Hamilton, ON L8S 2S7; Allan Kopyto, 29 Wilmont Court, Hamilton, ON L8S 2T1; Eva

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Raphael, 16 Wilmont Court, Hamilton, ON L8S 2T2; Vince & Angie Agro, 105 Winston Avenue, Hamilton, ON L8S 2S7; Terri Bocz, AWWCA Board Member, 1063 King Street West, Suite 221, Hamilton, ON L8S 4S3; Dr. Jay Parlar, President, AWWCA, 1063 King Street West, Suite 221, Hamilton, ON L8S 4S3; Mike & Joy Zians, 57 Bowman Street, Hamilton, ON L8S 2T5; Yousef Kohanzadeh, 100 Winston Avenue, Hamilton, ON L8S 2S6; Chanan & Goldie Weiser, 95 Winston Avenue, Hamilton, ON L8S 2S7.

M. Kiss

- stated that this is one of the nicest streets in the west end of Hamilton
- expressed concerns about the requested increase in GFA, the reduction in the required parking spaces, the reduction in the driveway width and insufficient manoeuvring
- expressed concern about what has already been done inside the house because she is hearing that six bedrooms have been turned into twelve bedrooms which could mean 12 students in 12 bedrooms
- feels that the City could be taking on some liability if unsafe conditions are approved
- there are special laws and regulations when dealing with a lodging house; she is concerned with fire safety
- she feels this is a major, not minor, variance and detrimental to property values
- respectfully requested denial of the application on behalf of the AWCA and resident tax payers in this neighbourhood

B. Gizyn

- stated that he lives across the street and has the same floor plan and house which was built by the same developer
- expressed concerns about using the word "maintain" when it comes to the 51.48% GFA; he thinks it should say "increase" from 45% to 51.48%
- he questions where the additional square footage came from unless it was from the back porch
- expressed concerns about the parking and the choreography of cars; he also expressed concerns about the inconsistency with regard to the parking numbers
- stated that he moved here in 1989 when it was a beautiful, quiet, residential street
- in the early 90's things started to change and now every time a senior resident passes away a developer comes in

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- he can confirm that a lot of construction has been done
- expressed concerns about student safety because 15 students could not get out if there was a fire; there are not many exits in the basement
- he is getting tired of the neighborhood having to deal with people wanting to make a fortune and spoil other people's properties

T. Coakley

- stated that she has lived here since 1969 and is the Secretary of the AWCA and a resident home owner
- expressed concern that the Ainslie Wood neighbourhood is under very much distress and destruction
- she understands that students and groups have rights but the problem is investors who don't rent on a single family basis
- she has been corresponding with Emily Coe in the Building Department who confirmed that a single family home is permitted and a lodging home is not
- it was explained to her that if the rooms are being rented out on a single basis with single leases then it's a lodging house
- this is a business for profit disguised as a single family dwelling
- the McMaster site shows that the landlord is offering different types of leases which would indicate that this would be operating as a lodging house
- more bedrooms mean more students which mean more profits
- she thinks that a stop has to be put to this

Rabbi Green

- stated that he respects the Committee and understands capitalism
- this is not a personal affront to the applicant
- he moved to Ainslie Wood in 1971
- there are basically five coveted streets left for families to live on
- if this continues you'll see less and less people here
- the synagogue is purchasing a home today to save it from investors
- it's not to the benefit of the community to have these types of spaces pop up
- members of the synagogue are not permitted to drive on the Sabbath so they need to live in the vicinity of the synagogue

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- the larger context and character of the neighbourhood needs to be considered
  - we are committed to fighting this fight
  - without the Committee's help the fight won't happen too much longer
- Councillor Whitehead
- stated that this is not his Ward but he also has similar issues in areas of his Ward because of the proximity to Mohawk College
  - there have been changes to the Planning Act to allow students to live as a family unit
  - this is not being driven by the students; this is being driven by the landlords
  - this does not fit the zoning because it's a boarding house
- A. Irevan
- stated that she is a student at McMaster and has been commuting from Oakville for the past three years
  - she has been looking for a place to live but has found that places are not in good condition and are over priced
  - with her parents help she purchased this property for her and her friends
  - she purchased the property on July 22<sup>nd</sup> and school started in September so she got a professional contractor to build a few extra rooms to help with the mortgage, property taxes, etc.
  - she spoke with her neighbours who were all aware of what she was doing
  - she has been very respectful, quiet and clean
  - she had no idea this many people had complained
  - the GFA is not increasing; 51.48% is existing
  - the interior drawings were included with her application but apparently not circulated to the neighbourhood
  - if people had concerns she would have appreciated if they had come to her
  - she believes that 15 habitable rooms is a mistake; she thinks it should be 13
  - there are seven bedrooms which mean a maximum of seven students
  - parking is based on 2 spots for the first 8 habitable rooms; each additional room requires .5 spot
  - the garage is a 1½ car garage and the driveway is a double car driveway
  - the parking authority reviewed her application

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- parking will not be an issue because they walk to school
- she believes there is sufficient manoeuvring space because her and her neighbours driveways are connected
- this is not a high traffic street
- her driveway doesn't have a car whereas most others on the street have 4 cars
- with regard to the concerns about the construction it was all done with a licensed contractor who followed all of the fire and safety code requirements; the electrical work was inspected and a permit was issued
- with regard to the safety concerns everything was done according to the law
- there is not going to be 12 bedrooms with 12 students; there will be just 7 bedrooms with 7 students
- a lot of the people who are objecting are not even her neighbours but are from an association which she is not aware of
- she doesn't know how this is affecting the entire community
- rentals help the City with the demand because Winston is so close to the University
- she sees the struggle but because it's right by a school you can't keep the students out

V. Abraham  
(Committee Member)

- the issue is the parking because the GFA is existing
- it was 51.48% when it was built; the 45% came into effect in the 70's because people were building at 80%-90%
- the By-law was written specifically for that purpose
- he hasn't heard any special reasons for the requested reduction in parking when everyone else in the area has to comply
- the applicant is asking to reduce the parking by half which he feels should really go to Council
- he doesn't feel this is desirable or appropriate

I. Dunlop  
(Committee Member)

- questioned the number of bedrooms because the submitted plans show 10 bedrooms

A. Irevan

- the basement rooms and one room on the upper floor are empty and will be used for storage
- she can reduce the number of rooms if it would help with the parking

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W. Pearce  
(Committee Member)

- the applicant might have the best of intentions but an approval is forever
- potentially there could be a number of cars; interfering with the neighbours driveway would not be appropriate
- he agrees that the 51.48% GFA is existing

Moved by Mr. Abraham and seconded by Mr. Pearce that the relief requested be **DENIED** for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

**CARRIED.**

Mr. Smith and Mr. Dunlop voted in opposition to the motion to deny the application.

Mr. Dunlop stated that he would have suggested denying variance #2 and approving variances 1, 3, 4, 5 & 6 because they recognize existing situations.