

January 21st, 2016

AN/B-15:106
AN/A-15:365

Mr. & Mrs. Burwell
27 & 29 Oldoakes Place, Ancaster

Appearances were:

S. Manchia, M. Johnston, agent on behalf of the owner; Mr. Burwell, owner. Interested parties were: John Verbunt, 9 Oldoakes Place Ancaster, ON L9G 2W9; C. Newhouse, 21 Oldoakes Place Ancaster, On L9G 4W9; L. Ryder, 33 Oldoakes Place Ancaster, On L9G 4W9

Those members present for the hearing of this application were: M. Dudzic, Chairman, V. Abraham, W. Pearce, M. Smith, D. Smith, P. Mallard, N. Mleczko, D. Serwatak, L. Gaddy.

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: John Verbunt, 9 Oldoakes Place Ancaster, ON L9G 2W9; C. Newhouse, 21 Oldoakes Place Ancaster, On L9G 4W9; L. Ryder, 33 Oldoakes Place Ancaster, On L9G 4W9; B. & D. Teixeira, 36 Oldoakes Place, Ancaster, On L9G 4W9

L. Ryder

- the court is at its maximum capacity and at present is well planned and aesthetically pleasing court
- this block of land was never intended for development, but was a requirement on the developer to provide green space
- this block of land was maintained by the city for years and when the city decided to sell they approached him and Mr. Burwell to buy half each; he decided to pass as his lot is already large
- if he thought there would have been a change someone would try to build on it he would have purchased the half
- allowing this application would adversely affect the neighbourhood and property values

C. Newhouse

- built their home 20 years ago
- allowing this application will disrupt the esthetic balance created by the original property plan
- squeezing another home at the top of the court will increase vehicle congestion and create unnecessary parking

- problems
- the home placement will appear awkward and out of place which will lower the property values
- J. Verbunt
- adding an extra home will change the whole street
 - greenspace was supposed to stay as it is
 - City sold the property, but only approached the two neighbours
 - all the homeowners on this court paid an additional amount toward the greenspace that was supposed to have been a playground
- S. Manchia
- lands to be conveyed were rezoned and no objections were presented at that point in time
- M. Johnston
- R2 zone
 - applicant would like to downsize and this would be his building lot
 - this frontage is smaller but there are other frontages similar to what is being proposed in the neighbourhood
 - applications meet the 4 test of the *Planning Act*
 - have gone through rezoning and is noted in staff's comments (page 6) therefore, condition #3 on consolidated report can be deleted
- S. Manchia
- there are 11 homes on the cul-de-sac and with the proposal there will be 12
 - there are no Engineering or Traffic issues
 - no intention of a monster home applicant is looking at one and a half storey home
 - lot in question is 1000 sq m that is a large lot that would equal a 3,000 sq ft of building envelope
 - meets the zoning by-law requirements of the R2 zone
- B. Pearce
(Committee member)
- looked at the property then read staff's comments and thought it didn't make a lot of sense; went out again to view the property, cannot support the applications
- Mr. Burwell
- the building envelope is showing that this is the largest that could be built and meeting the side and rear yard requirements
 - have four children and figure by the time this home is built they will all be out of the house and parking should not be an issue
 - looking at building a beautiful home one and a half or

two-storey 3,000 sq ft to 3,200 sq ft home

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- S. Manchia
- no intentions of building a monster home
 - this will not feel out of place from the remainder of the neighbourhood
 - rezoning was not challenged by others
- P. Mallard
(Committee member)
- questioned whether the original intent was for a lot addition
- S. Manchia
- yes, original intent was for a lot addition
 - can have dual zones on a lot, but intention was there

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard that the consent requested be **DENIED** for the following reasons:

1. The proposal does not comply with the Severance Policies of the City of Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with the requirements of the Zoning By-law.
4. The proposal does not comply with Section 51(24) of The *Planning Act*.
5. The proposal is not in character or consistent with the existing lot fabric.

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard 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.

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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.
4. The Committee is of the opinion that the proposal is not in keeping with the character of the area and will be in conflict with the streetscape.

V. Abraham, D. Serwatuk, N. Mleczko were opposed to the motion for denial

CARRIED.