

Barristers & Solicitors

**WeirFoulds**LLP

December 15, 2015

**Denise Baker**  
Partner  
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**Via Email**

File No. 16056.00002

Melanie Schneider  
City of Hamilton  
Planning and Economic Development Department  
Development Planning  
Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Schneider:

**Re: Notice of Complete Application – UrbanSolutions Planning & Land Development  
Consultants Inc. on behalf of Staibano & Associates  
Zoning By-law Amendment  
File No. ZAC-15-029 – 144 Wilson Street East, Ancaster**

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We act on behalf of 1804482 Ontario Limited owners of 125 Wilson Street in the City of Hamilton. We are in receipt of a Notice of Complete Application with respect to a zoning by-law amendment application for the property municipally known as 144 Wilson Street East, which is located directly across Wilson Street from our client's lands.

We have a number of concerns with respect to the application, however our first concern relates to process. We note that as of the writing of this letter there has been no rezoning sign posted at 144 Wilson Street East. As a result, we are wondering how it is that the application can be deemed complete. Typically, it has been our experience that the required signs need to be posted before an application has been deemed complete by the municipality.

Second, we note that the planning justification report that we were provided purporting to justify the application for rezoning, is dated May 2014. Since that is more than 18 months ago, we are requesting that we be provided with the updated planning justification report.

Finally our review of the May 2014 planning justification report has identified a number of concerns regarding the proposed redevelopment. As such we request that we be provided with the date for the statutory public meeting where this matter will be considered as well as a copy of any staff report that is prepared with respect to this application.

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**WeirFoulds**<sup>LLP</sup>

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "Denise Baker".

Denise Baker

DB/mw

cc client  
Clerk, City of Hamilton

8793362.2

**Schneider, Melanie**

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**From:** Shirley McHarg <shirley.mcharg@sympatico.ca>  
**Sent:** December-31-15 6:55 PM  
**To:** Schneider, Melanie  
**Subject:** ZAC-15-029

- The continued development of properties on Wilson St.E, between Rousseaux St. and Fiddler's Green Rd., can only add to the existing volume of traffic. Anyone who has driven that stretch of #2 Hwy, during peak hours, can attest to the fact that currently there exists a problem. The wait time for those in residence, exiting their drive ways, can extend from five to fifteen minutes. Thousands of automobiles, idling, or moving at a snail's pace, does little to mitigate environmental concerns with regards to the burning of fossil fuels. Secondly, the existing residence at 144 Wilson St.E was situated on the west side of the lot in deference to the protection of the root systems of the mature trees growing along the eastern side of the lot. Any change in the landscape, (i.e. pavement for parking), should reflect an equal concern. No pavement within twenty feet of the eastern border. No roadway along the eastern side of the building. One may dismiss trees as merely lumber or firewood, but a more enlightened perspective might recognize that they do more as a species than humankind in maintaining a balance ecologically. Through the process of photosynthesis, using light, water, and carbon dioxide, they produce oxygen. Trees, from kingdom through phylum, class, order and family, put the human species to shame. Sincerely,  
McHarg Shirley & James



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

**Schneider, Melanie**

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**From:** Michael <michael@sonomahomes.ca>  
**Sent:** December-28-15 11:11 AM  
**To:** Schneider, Melanie

Melanie Just to let you that I drove by 144 Wilson street this morning on my way to the office and there is not a sign posted yet regarding the owner application that has been submitted to the city . Citizens could only submit their concerns by December 24/2015 if a sign has not been posted how does the neighborhood know what has been applied for.

Regards,

Michael Chiaravalle  
[michael@sonomahomes.ca](mailto:michael@sonomahomes.ca)  
1059 Upper James Street, Suite 210  
Hamilton, Ontario L9C 3A6  
T: (905) 538-2617  
F: (905) 538-2717

**Schneider, Melanie**

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**From:** Carmen <carmen@sonomahomes.ca>  
**Sent:** February-16-16 10:45 AM  
**To:** Schneider, Melanie  
**Cc:** michael@sonomahomes.ca  
**Subject:** Zoning By-Law Amendment No.ZAC-15-029 for 144 Wilson street east, Ancaster

Melanie, we have serious concerns regarding this Zoning By Law Amendment Application at 144 Wilson Street East. Both the original site plan plus the revised site plan as it pertains to proposed setbacks and buffering of the proposed parking areas to the existing residential and Wilson street is well below the minimum setbacks and buffering regulations of Zoning By-Law No. 87-57. The proposed medical uses building and proposed parking area at 144 Wilson Street abuts two existing residential properties 138 Wilson Street East and 154 Wilson Street. The Executive Summary of the Ancaster Wilson Street Secondary Plan and Official Plan Amendments (PED12078) states "The Secondary Plan provides protection to the residential areas within the surrounding Wilson Street area".

Parking 7.14 a) (ix) (5) states "no parking spaces shall be located in a "C3" zone closer to any residential zone than 2 metres"

- (a) (xv) "Where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units, a permanently maintained planting strip of a minimum width of 3 metres shall be provided, except in a "C2" Zone such width shall be 6 metres, and shall include fencing to provide a solid and effective screen".
- (b) (xvi) "Where a parking area which is required to provide for more than four parking spaces abuts a street, a permanently maintained planting strip of a minimum width of three metres shall be provided along the street line, and it shall be continuous except for aisles or driveways required for access to such parking area".
- (c) Section 3.3 Landscape Design states " Sensitive uses, such as residential should be buffered from commercial uses, 3 metre wide planting areas are considered a minimum to sustain tree and shrub planting".

The Ancaster Zoning By-Law No. 87-57 is very specific that the minimum setback and buffering required for parking areas abutting a street and abutting residential properties is a minimum setback of 3 metres. Both 7.14 (xv) and (xvi) state "Permanently Maintained planting strip of a minimum width of 3 metres shall be provided". The revised site plan only shows a setback of 1.19 metres abutting the residential property located at 138 Wilson street and 1.27 metres abutting 154 Wilson street. The revised site plan also only shows 1.46 metres setback from the parking areas to Wilson street.

The proposed site plan to meet Zoning By-Law 87-57 regulated setbacks and buffering requirements would result in the loss of at least six parking spaces (numbers 1, 18, 19, 20, 14 and 15). The Zoning By-Law Section 7.14 stipulates that a medical clinic requires (4) spaces for each practitioner. The loss of six parking spaces would result in the total parking being reduced from 20 parking spaces to 14 and would require the reduction from 5 practitioners as being proposed by Zoning By-Law Amendment ZAC-15-029 to 3.5 that can be accommodated at this site.

The Section 2.7.8.3 (V) 5 (a) states "Commercial uses shall not exceed a total gross floor area of 500 square metres". The actual square metres of the building at 144 Wilson street is 18.32X18.32X2 equals 671.24 square metres (7,225 square feet). The Urban Solutions planning justification report states on page # 10 "Section 2.7.8.3 ( v) 6 states that the maximum commercial floor area of 500 square metres does not apply to existing buildings established or created prior to the day of approval of this plan". The Urban Solutions planning justification report conveniently fails to mention that the amount of parking that can be accommodated by

adhering to 7.14 (xv) and (xvi) "permanent maintained planting strips of a minimum width of 3 metres shall be provided "Is only 14 parking spaces.

Considering the inadequate parking proposed for the mass and scale of this building and the potential negative impact on abutting existing residential properties Section 2.7.8.3 (v) 2) Residential units are encouraged on upper floors as part of any proposed development or redevelopment and 3) "For mixed use buildings, commercial uses shall be located on the first floor only" should apply for Zoning By-Law Amendment ZAC-15-029. Zoning By-Law No. 87-57 7.14 (xv) and (xvi) are both clear that a (Permanently Maintained planting strip of a minimum width of 3 metres shall be provided".

Melanie, please acknowledge receipt of my comments and keep me informed to any further changes or addendums to this Zoning By-Law Amendment Application, Thanks.

Regards,

Carmen Chiaravalle  
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1059 Upper James Street, Suite 210  
Hamilton, Ontario L9C 3A6

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