

May 10th, 2018

AN/B-18:27

Robert & Renee Johnston
28 Maureen Ave., Ancaster

Appearances were:

C. Sheling, agent on behalf of the owners; R. & R. Johnston, owners. Interested parties were: M. Johnston, 77 Mansfield Dr., Ancaster, L9G 1M6; G. Speirs, 106 Mansfield Dr., Ancaster, ON L9G 1M7; M. Moriarity 138 Mansfield Dr., Ancaster, ON L9G 1M7; B. Shangrow, 128 Judith Crescent, Ancaster, ON L9G 1L4; J. Margaret, 56 Mansfield Dr., Ancaster, ON L9G 1M5

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

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: See attached labels

- submitted info - summary of an electronic petition
- an approved plan of subdivision
- other applications for severance and have gone to OMB
- there was no previous severance in the plan of subdivision
- Initial property was 2 lots and 1 dwelling was built on it and now asking to sever a lot that is too small and out of character with the neighbourhood
- Explained the ER zoning requirements and how the minimum lot area is smaller than the requirement
- character of Mansfield park are bungalows, side splits, with an average of 22m
- once side yard setbacks are taken out will be down to 12m
- submitted a written submission for the record

G. Speirs

- speaking on behalf of 44 residents
- he was part of the original group that dealt with Redding at the OMB
- collective concern about the impact of this severance
- the neighbourhood has come together and want the preservation of the area

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- larger homes are going in and some have taken renovations which have pushed the limits
- amending By-law 18-105 that was adopted by Council regarding monster homes
- further reducing the lot size will set a precedent
- 28 Maureen was created by merging 2 lots on the original survey now the applicant is applying to simply sever off a lot
- not minor, great reductions
- lots typically are 25m in frontage throughout the neighbourhood assembling 3 lots is not unimaginable nor is that of the developer pushing for their division into 4 lots, which will meet the minimum zoning frontage and area requires but this is what they want to avoid
- know there is a moratorium on applications for properties on roads with rural cross-sections and understand this is to allow downstream impact of stormwater
- the subject lands were developed with urban street services but property dates back to the 70's with no sidewalks and does not know why area would be exempt from the moratorium
- reverse, large home there now and trying to put a smaller home beside it
- was opposed to an exact application in 1985 were and no different now
- submitted Mr. Gordon Dunn of 3 Greenfield written submission for the record
- Mr. Speirs submitted his written presentation for the record

B. Shangrow

- against the severance for the reasons stated

M. Moriarity

- echos what has been said

J. Maragret

- same, does not want character of the neighbourhood ruined

C. Sheling

- read staff comments
- was initially 2 lots and servicing was designed for an extra dwelling
- moratorium applying to rural cross-section and is not applicable to this consent
- Does meet zoning no variances are being requested
- ER zone tool in place and appropriate

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- looking at the aerial map can see various lot sizes
 - orientation footprint but not the actual size
 - new zoning provisions in by-law and would be accommodating those provisions
 - could reduce the area of the building (new ER zone)
- R. Johnston
- has come as a great surprise
 - like their community
 - know they have 2 lots and was always their intention to sever
 - their current home has 6 bedroom and want to downsize
 - In building a home would be considerate to the neighbourhood and build a lovely smaller retirement home and remain here
- R. Johnston
- born and raised in Ancaster and knows how prestigious the area is his intent is to stay here
- W. Pearce
(Committee member)
- agree not similar size lot from original lot, but bigger
 - problem in the ER by-law that council just passed lot line 1.5m from the existing residence new by-law will require 3m
 - building envelope shows 1.5m and surprised staff is supportive
 - approving a severance that creates variances to the new zoning by-law
 - to meet the new by-law will have to reduce the lot of the severance
- R. Ferrari
(Staff)
- cannot see in his report where he noted that variances are required
- V. Abraham
(Committee member)
- looking at what we have in front of us
 - if variances are required they will have to come back
- D. Serwatuk
- may not need variances they can adjust their plans
- R. Ferrari
(Staff)
- after further review of the Building Department comments, staff advised that variances will be required for side yard for the existing house

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C. Sheling

- reduction of 7m from original lot and application was submitted prior to the new zone
- will not require variances on the lot to be created can adjust building plan

P. Mallard
(Committee member)

- Issue is with character of the neighbourhood

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 Urban 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 Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.

V. Abraham & D. Serwatuk were opposed to the motion for denial.

CARRIED.