

From: Heather Swartz

Sent: April 7, 2021 1:44 PM

To: clerk@hamilton.ca

Subject: Planning Committee - Secondary Dwelling Units and Accessory Building and Other Regulations
Zoning By-Law Modifications

I wish to express my opposition to the modifications to the pertinent Zoning By-Laws impacting the approval of Secondary Dwelling Units. Specifically, the modifications that provide for Conversion of an Existing Accessory Building to a Detached Secondary Dwelling Unit.

The proposed "Vacuum Clause" regulation that has been introduced allows any existing, legally established accessory building in the Urban Area to be converted to a detached SDU. In particular, the clause deems any non-complying matters to comply with the regulations for setback requirements, height, gross floor area, lot coverage, and distances from the principal dwelling. This all-encompassing and generalized clause provides no protection for adjacent properties or owners regarding any of the regulations that are deemed to be appropriate for newly constructed SDUs.

In addition to being inconsistent in the application of regulations for SDUs, it does not provide an avenue for input or appeal for neighbours. I would propose that each conversion of an accessory building that currently serves a purpose, other than as a dwelling, be treated individually. Any variances from the regulations required for newly constructed SDUs should be approved as a variance by the Committee of Adjustment. This procedural step would provide neighbouring properties with an opportunity for input prior to conversion of use for the accessory dwelling.

The mere existence of an accessory building should not exempt it from the reasonable controls being put in place for SDUs, given the significant impact a change in use would have.

Heather

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