

RE: Upper James and Stonechurch Development

Hi Tim,

This is Michael Destro from Tamlann Investments, my father Salvatore (Sam) Destro left a message with your office the other day. They receptionist called him back and said for us to give you an email update and our concern with the development that is adjacent to our property.

The concern for our development is the typ of use that our neighbour is trying to gain from the re-zoning of the property from a C7 zoning to a C5 zoning.

The issue is with the residential units proposed with the C5 zoning and the lack of parking that we currently have. With residence occupancy always comes friends and family which will use our free private parking to visit the residence next door and not to support our businesses. This will impact our customers and the customer of Tim Hortons and Esso gas station in a negative way. We have applied for a new site plan as you can see attached to this email. Our site plan has been submitted with the city with the residents of the city of Hamilton in mind. We are putting money into our business to redevelop the property to allow for better traffic flow, as the corner of Upper James and Stonechurch is one of the busiest in the city. Thus, we are trying to get traffic off the street and when dispersed into our site that they can maneuver with ease without causing a traffic backlog. The problem that occurs is that with the proposed new residence being so close to the drive thru that will be push back 25 feet from the current position, will negatively impact the tenants that live there. There will be complaints about noise from the Tim Hortons Drive thru and the regular gas station traffic. This email is not about hindering the development for the sake of being a nuisance, but rather a plea to the city that the development can happen but in a responsible way that does not negatively affect each other and the commercial viability of the area. Thus we oppose the change of the zoning because we believe by keeping the original zoning the property can still be commercially viable without the headaches and complaints that come with mixing in a residential and commercial development into a property that is simply inadequate to do so.

Further to our discussion, please find attached the following:

- Severance sketches and severance decision.
- Approved Site plan for redevelopment and site plan extension letter.
- Minor Variance approval to support site plan.

As discussed, the current zoning on and abutting the ESSO lands is C7 which does not permit residential. It is our understanding that the abutting lands is requesting a ZBA (to C5 which permits residential units) and an OPA to permit residential uses.

Sam and Mike are against the ZBA and OPA due to the proposed units abutting their drive thru which will generate noise complaints.

We do not believe a noise wall would protect the upper floors of the residence and the proximity to the gas station/tim hortons is too close.

Regards,

Michael Destro