

18 July 2022. Lakeside Drive Stoney Creek Ontario . Owners.

To. The City Clerk . City of Hamilton.

APPLICATION FOR AMENDMENTS TO THE URBAN

HAMILTON OFFICIAL PLAN, STONEY CREEK ZONING BY-LAW NO. 1692-9292,

**AND HAMILTON ZONING BY-LAW NO. 05-200, AND DRAFT PLAN OF
SUBDIVISION FOR LANDS LOCATED AT 11,19,20,21,23,27 AND 30 LAKESIDE
DRIVE AND 81 WATERFORD CRESCENT, STONEY CREEK (PED22250)**

WARD 10 (ITEM 9.2) Public

Dear Sir/Madame,

With reference to the meeting 05 July 2022.

We thank the Chair, the Councillors and the City Planning department for your input questions and answers at the public meeting.

We the homeowners of lakeside drive are requesting answers to the many unanswered questions with regards to: planning issues, property ownership on dedeed right of ways (ROW) being divided and parts conveyed to the city, encroachment, designating private beachfront property as public lands, to the detriment of abutting and neighboring property owners who are protected through the covenant of "Quiet Enjoyment" of their "Fee simple land", for over forty years. This application will create many problems in the future for the owners of lakeside drive and the city if not addressed.

We are vehemently opposed to designating our R2 lands to Conservation/Hazard lands and for linkages (whatever it means), for the benefit of the development We deserve and need a detailed explanation to the following issues.

As stated before we are not opposed to the development but need our property rights and concerns addressed before the Committee approves this application.

Re-zoning our R2 land and designating Conservation /Hazzard land

With reference to the (OP amendment UHOPA 17 005) Location map 2 of 2, file number ZAC 17015, which states "Lands to be zoned Conservation/Hazard Lands P5 Zone".

The deeds of all the Lakefront property owners of Lakeside drive clearly state our ownership to the Water's Edge.

Mr. David Nelligan has indicated to you in his letter to you, that rezoning of the lands from R2 to Conservation/Hazard Land, and the subsequent conveyance of these lands to the city, converts a portion of this current private beach to public lands on which passive

Location Maps 1 and 2

Your Location Map 2 of 2 clearly indicate all of the "R2" areas will be included in the rezoning. Please omit this change from the bylaw amendment and indicate Specific Areas to be rezoned and not any of our "R2", zoned properties.

On the Location maps 1 and 2 a bold black line is depicted along the water on Lake Ontario. What is this line supposed to indicate? Our Deeds are to the waters edge . we would appreciate a current map indicating the correct property lines and waters edge depicted on the Survey.

3 Meters Reserve on Lakeside drive .

We are opposed to the reserve blocks of .03 meters on any of our properties fronting on the North side of Lakeside drive or the turning circle at the west end of Lakeside drive. Please clarify this as it is not very clear on the survey plan you have provided.

RIGHT OF WAY (ROW) on Lakeside Drive and Private Road designation and ownership, once development is completed

The owners of lakeside Drive have enjoyed and used this DEEDED ROW for over 40 years. Reference survey plan by Donald. E.Roberts Ontario Land Survey in 1972 and registered and approved 05 1973 and deposited in the registry as N0. .62R-6121.

At the public meeting on the 05 July 2022 , it was stated that Lakeside Drive will be blocked off at the East end of Lakeside Drive at Cove Crescent . All the vehicular traffic for the Existing home owners and the 35 new homes will have to access North Service road and the QEW, driving through Cove Crescent and the existing sub division . This is UNACCEPTABLE. The ROW on Lakeside drive cannot be disturbed or changed to our detriment and in furthermore, will impact Emergency Services to the owners of Lakeside drive . More on this to follow.

Cove crescent on the East side connects to Lakeside drive, beside the northern property boundary of 515 Jones Rd. and continues as a 20 foot , private road for 175 feet, as depicted in the Draft Plan presented to us and will continue to services property numbers 2,4,6,8,10 and 12 Lakeside drive from the existing utility services, and may not have stubs to connect to the proposed Sanitary sewer service on Lakeside drive. This 175 feet will remain as a Private road as per the application. This creates many questions as to who will own this Private Road , Services and Liability etc. once the Proposed development is completed. The West end of Lakeside drive will also be endowed with the same predicament .This too has to be addressed before this application is approved.

The owners of 515 Jones Road , we believe, are willing to cooperate with Losani and Marz Homes to develop the 175 feet along Lakeside drive, in conjunction with the 20 feet of private road along and abutting 515 Jones road to enable a 66 foot City road on the North side of the land at 515 Jones road and Lakeside drive as a Fully serviced City Road. Mr. Terrence Glover of Urban Planning , representing the owners of 515 Jones road, made \ submissions at the meeting and requested the City to facilitate this process prior to approval of this Draft Plan.

It is imperative that any proposal and request from Mr. Glover is considered and incorporated as part of the Draft plan application before the Committee. This will ensure that Lakeside Drive will be a Fully serviced city road. Any other option will impact the lakeside drive owners and also the residents of Cove Crescent (due to increased vehicular traffic) and furthermore, impede quick access to Emergency Services accessibility only via Cove Crescent and the Subdivision and not Directly via Jones Road. We need this on record as to impress on the committee that the city will be liable and responsible for any delay in Emergency Services not been in a position to respond and arrive at Lakeside in case of a Fire or any Health Emergency expeditiously. A recent lightning strike to a Hydro Transformer and fire at No. 8 Lakeside drive was Serviced via Jones Road and Lakeside drive access. The west end of Lakeside drive most probably will remain as a turning circle indefinitely , as the turning circle on Sunvale . We would appreciate an answer to the services for the properties on no. 47,48 and 50 Lakeside drive beyond the turning circle at the East end.

The question of Services on Lakeside drive for Existing homes and services for the 35 new homes on Lakeside Drive and the parking issues to be clarified and addressed.

Will the new services to service the new homes be connected to the existing homes at no additional cost to the existing owners and the old services take out or disconnected or two parallel services will remain on lakeside drive? Bell Canada does not have fiber optic service and once the Bell Canada service is installed can the existing owners on lakeside drive utilize this service ?

Can you please confirm that the existing owners on Lakeside Drive have the option to connect to the new City Sanitary sewers and pay only for the connection charge and Sanitary sewer stubs will be installed at the property line.

35 new homes on Lakeside drive will have an additional 35 to 70 vehicles and street parking on Lakeside drive will create new challenges as currently experienced on Jones road off the North service road with people parking on both sides of the road and making it dangerous for all vehicular traffic. This should be addressed.

recreation is permitted use under By-Law 05-200. The introduction of public uses on these lands creates a public access point to a once private beach, with no clear plan or direction with respect to maintenance, privacy or security.

We do not understand the need for designating Future Linkage and the rezoning of no. 20 Lakeside drive from R2 and designating it as Conservation /Hazzard land in order to permit the development of 35 lots and to protect lands located with the flood and erosion hazard associated with the Lake Ontario shoreline as stated in your application. If shoreline protection is what you need for this parcel of land , may we suggest the developer build a seawall as many have done on Lakeside drive to accomplish this protection. It would be prudent to build a shoreline protection sea wall as at 515 North Service road , at LAKEVIEW road and North Service Road. Marz Homes were the developer at 515 North service road if the concern is flood erosion at this parcel lo land. Who is going to be responsible for erosion protection which will for sure impact the two abutting property owners of no. 22 and no. 18 Lakeside drive. This land conveyed to the City would create more questions than answers.

Many Lakefront properties on the east side of Lakeside drive have been forced to comply to MNR and other regulations and build Shoreline protection seawalls. No 20 Lakeside drive also should be dealt with the same regulations and not left for future debate and solutions to problems that would arise from unanswered issues to the abutting property owners.

Please address the issue and explain to us, "Linkage" , in language that a layman can understand and the impact that it would have on our properties now and in the future.

What impact does this have on the other owners of lakefront Properties on Lakeside Drive. Designating and rezoning no 20 Lakeside drive a private building lot to be

Rezoned from R2 to conservation hazard land and to be conveyed to the city as a naturalized parkette with access to the Beach will create a public beach and create

Numerous problems to the abutting home owners with privacy and security. We are currently experiencing a situation where kids and young adults from the neighborhood are on the Losani /Marz property at no. 30 lakeside drive, which is fenced off but damaged to get access to the beach and property are using this property in the nights. We have repaired the damage to prevent access. A similar situation will certainly, occur once 20 Lakeside drive is conveyed to the city as public lands by the developer as planned.

We need this issue addressed now as once the development is completed and the developers have departed we at lakeside drive will be left to address the ensuing problems.

We vehemently oppose any changes to our Lakefront beach property status and the rezoning the R2 zoning to Conservation or Hazard Land.

In conclusion :

You will agree it is high time that that Lakeside drive will be a City Road , connected to Jones road ,same as Cope Road. As the major parts of the "Puzzle , that Mr. Ariens alluded to, can now be solved with Lakeside drive established as a City Road.

It is right time and opportunity for the city planning department to reexamine all these concerns and options presented and present us, the owners of lakeside drive and also the Future Purchases of the new homes with answers to these questions as they too will be impacted with these unanswered questions. May we submit to the City that all the above concerns, which are very significant and will be addressed and resolved to our satisfaction before this Draft plan receives the Blessing of the City Planning Committee and that the application will not be approved with a condition for the developer and the city to address and resolve these concerns at a later date and the "Puzzle" ,

Will remain unsolved.

Please keep us posted of all proceedings and we are open for discussion. (Postal Addresses Provided).

Thank you,

The Lakeside Drive Owners.

c.c. Maria Pearson. Councillor.

c.c. Lisa Kelsey. Legislative Coordinator, Planning Committee, City Of Hamilton.

NAME .

ADDRESS.

JOHANNES PIETER VAN HAZEL -

LESLEY MARION VAN HAZEL -

