

From: Lydell Andree Wiebe

Sent: April 1, 2021 11:15 AM

To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Comments for Planning Committee April 6 Item 9.4: Secondary Dwelling Units

Dear Councillor Wilson,

I am writing with regard to Agenda Item 9.4 of the upcoming Planning Committee Meeting on April 6, which addresses Secondary Dwelling Units per City Initiatives 20-E and 21-A and Report PED 20093a. As a homeowner who would like to build a laneway house for my in-laws to age in place, I think the proposed bylaw amendments are a step in the right direction, and could be improved in a few small but significant ways.

I reviewed the report on this issue with our family's situation in mind. We own a property in Ward 1 (412 Dundurn Street South) that is 50' wide x 200' deep, or about 4 times the size of a typical lot in the area. As my in-laws age, it has become clear that the best long-term situation for them would be to live in a laneway house where we could help provide community and care for them to age in place. As such, last fall we requested a minor variance to allow an approximately 99 m² laneway house for them, which is about the minimum required to provide a one-bedroom, single-level home that can accommodate potential accessibility needs (e.g. wheelchair turn circles). This size is also well within a reasonable scale for our lot: it would come about as close to our house as neighbours' garages along the same laneway. However, this proposal did not receive support from city staff, with the concern that it is much larger than the current number of 50m² in the bylaw. In other words, while those who write the bylaws might expect that the minor variance process provides an avenue to consider unusual circumstances such as a quadruple-sized lot, that has not been our experience.

Based on my review of the report, the following items caught my attention:

1. The proposed increase in size to 75 m² (page 175 of 395 in <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=264619>) is an improvement, as only "tiny houses" would meet the current limit of 50 m². I noticed that the public engagement (p306 of 395; item 2.4) suggests that 81% of respondents thought the size should be based on a percentage of the total lot, which is also my view, but I could not see this suggestion addressed in the report. For example, on my lot, a garage would be permitted to be significantly larger than 75 m². I do not see a clear reason why secondary dwelling units should be restricted to a smaller size than garages, and would **suggest that the limit on size be the same as is currently in bylaws for other accessory buildings.**
2. There is a new requirement that the SDU have a smaller floor area than the principal building (page 175 of 395). I think this is a reasonable new requirement to ensure that the secondary dwelling is indeed secondary, particularly if the maximum allowable size were changed to be proportional to the lot size instead of one-size-fits-all as in the current proposal. **I think this new requirement should be kept.**
3. **Fire access issues (pages 175-176 of 395) are important. However, it seems that the best way to deal with this would be through the permit process instead of zoning.** For example, on my block (Dundurn and Hyde Park between Aberdeen and Glenside), all the lots are approximately 60 m deep, while the proposal is to have a maximum distance from the street of 40 m. This would be an ideal block to add some sustainable density to Ward 1, but this provision would require all laneway houses to be set extremely far back (approximately 15 m / 50 ft) from the laneway in order to maintain proximity to the street. This would make both the laneway and the yards look very strange. Addressing this issue through permitting instead of zoning would

ensure that fire safety is reviewed by those with the expertise required to consider potential alternatives (e.g. providing sprinklers in order to increase this distance).

4. A proposed new design regulation has a visual barrier between 0.3 m and 1.0 m in height on two sides of the amenity area (page 176 of 395). I am not sure of the reasons for the upper limit: is it not permitted to plant a tree that could grow to five feet tall in that area? Also, 6-foot fences are common in backyards and not intrusive. **I would suggest amending this change to have an upper limit of 2.0 m, which would apply only to artificial barriers (i.e. fences).**
5. **Subsection 4.33.1.b.3 (page 201 of 395) suggests a minimum rear yard that can only have sod.** I think there are many ways of providing beauty along a street or laneway that are not sod, and **would like to see this requirement revised or removed.** For example, in my family's case, we would like to have plants for part of the rear yard, a nice wooden fence for part to provide privacy to the laneway house, and paving for part to allow access to a garage.

Again, I am pleased to see Hamilton moving forward with developing regulations that can support sustainable development in the city. I hope that my comments may provide some helpful perspective on how this can be implemented.

Respectfully yours,

Lydell Andree Wiebe