


10:20 a.m.FL/A-24:258 Orchard Drive, Flamborough (Ward 15)

Gordon <grdburns@gmail.com>

Mon 3/18/2024 2:54 PM

To:Committee of adjustment <cofa@hamilton.ca>

 2 attachments (400 KB)

8 Howard.jpg; Area Survey.jpg;

Note: As the original meeting for March 12 at 2:25pm meeting was cancelled and rescheduled, we are again sending our comments. There have been changes to these original comments so please delete any previous emails and use this most recently dated email as the official version.

Dears Sirs:

My name is Gordon Burns. Along with my wife Maureen, for the last 30 years we have been the owners of 8 Howard Blvd in Waterdown. We are writing to object to the proposed changes that will allow 8 Orchard Drive to double in size as well as roof height.

Here are our points regarding objection to this variance submission FL/A-24:25:

- 1) Item 4.2 on page 3 of 8 from the Notice of Public Hearing indicates an existing Front Yard Setback of 43.99 meters (144.3 feet) and a future Front Yard Setback of 36.05 meters (118.3 feet). I have attached a jpg copy of the area survey and added the property position of the existing house on 8 Orchard Drive. As you can see this house is located at the back of the property and is likely in conflict with todays setback requirements for any new housing.
- 2) 8 Orchard Drive was the original farmhouse when this whole block was farmland. When Orchard Drive was severed for lots, the farmhouse was grandfathered in with a 144.3 foot setback and did not have to comply to the same setbacks of other new homes such as those at 4 and 2 Orchard Drive as well as 12 Howard Blvd (see attached AreaSurvey.jpg). We believe that any changes of 8 Orchard Drive should adhere to the current setbacks of other houses on Orchard drive and not be allowed to expand at will into the backyard privacy of existing houses that must comply with these setbacks.
- 3) Also attached is the '8 Howard.jpg' photo which was taken from my master bedroom at 8 Howard Blvd and shows a portion of my backyard containing our 18 x 36 inground pool. Behind the hedge is the backyard of 4 Orchard Drive which is about 60 feet wide. The current house (blue) of 8 Orchard Drive can be seen to the left past that point. I have drawn white lines roughly identifying a) ground level, b) the peek of the existing roof and c) the peek of the proposed 2 story expansion. I am extremely opposed to 8 Orchard Drive obliterating our skyline and likely placing windows looking directly into our property. This is a violation of our privacy we have enjoyed for the last 30 years and will cause a devaluation of our property. There are good reasons why houses are not allowed to build just anywhere on a property and this proposal of 8 Orchard Drive is a prime example of why it should not be allowed.

4) In support of item #2, I would like to illustrate of how grandfathering on a property does not validate property changes that violate updated property codes. In my picture you can see a corner of my pool. That pool was built in the 1980's. It has an 8 foot deep end and a diving board and the fencing is 4 foot chain link and is attached to our house. This pool would never be allowed to be built this way today according to today's regulations. I get to keep it this way because it was this way before more prohibitive regulations were written. However, because of current regulations, if I decided to make my pool area bigger by joining up the existing pool fence (showing skimmer poles) to the 4 foot chain link running behind the back hedge, it would not be allowed because the pool area would now be in violation of the newer regulations existing today. For this same reason, 8 Orchard should not be allowed to expand in a way that further violates current regulations.

5) 8 Orchard Drive has been the subject of house flipping over the last several years. In addition to the above concerns, we are also concerned that these changes may be occurring to continue this pattern. Changes to a property that harms surrounding property value should NOT be allowed if the intent of the owner is to flip the property afterwards.

To conclude, we understand why the owners of 8 Orchard Drive want to expand the house but any plans that destroys the privacy we enjoy everyday on our property and also obliterates our skyline is going to be met with extreme opposition as we do not consider these to be 'minor variances'. These appear to us as violations to bylaw regulations and intrude on our comfort and others that live in this neighborhood. They should not be allowed to violate these regulations any more than we can.

When we purchased our property 30 years ago, it was purchased under no illusion or intent to convert it in any way that would violate the comfort points our neighbors enjoyed in their homes. We don't believe after 1 year of ownership, 8 Orchard Drive should be allowed to profit by action that intrudes on comfort and devalues the neighboring homes that surround it.

In addition to the above comments, we would like to receive any and all correspondence regarding 8 Orchard Drive proposal FL/A-24:25. In addition, we would like to be informed of all resolutions identified as having 'insufficient information' at the time of the issuance of the 'Notice of Public Hearing'.

We appreciate you taking these comments into consideration,

Gordon and Maureen Burns
905 807 9353

Fw: 2:25 p.m. FL/A-24:25 8 Orchard Drive, Flamborough (Ward 15)

Gordon Burns <grdburns@gmail.com>

Sun 3/3/2024 8:44 PM

To:Committee of adjustment <cofa@hamilton.ca>

Re: My last email.

I don't think the 2nd pic was on that email. Just resending it.

Gord and Maureen Burns

905 807 9353

From: Gordon Burns <grdburns@gmail.com>
Sent: Sunday, March 3, 2024 8:33 PM
To: cofa@hamilton.ca <cofa@hamilton.ca>
Subject: Re: 2:25 p.m. FL/A-24:25 8 Orchard Drive, Flamborough (Ward 15)

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Here are the points regarding our objections:

- 1) 8 Orchard Drive was the original farmhouse when this whole block was farmland. When Orchard Drive was severed for lots, the farmhouse was grandfathered in with a 43.99 foot setback and did not have to comply to the same setbacks of other new homes such as those at 4 and 2 Orchard Drive as well as 12 Howard Blvd (see diagram).

We believe that 8 Orchard Drive should adhere to the current setbacks of other houses on Orchard drive and not be allowed to expand at will into the backyard privacy of existing houses that must comply with these setbacks.

- 2) The attached photo is from my master bedroom at 8 Howard Blvd and shows the portion of my backyard containing our 18 x 36 inground pool. Behind the hedge is the backyard of 4 Orchard Drive which is about 60 feet wide. The current house (blue) of 8 Orchard Drive can be seen to the left past that point. I have drawn white lines roughly identifying ground level, the peek of the existing roof and the peek of the proposed 2 story expansion. I am extremely opposed to 8 Orchard Drive obliterating our skyline and likely placing windows looking directly into our property. This is a violation of our privacy we have enjoyed for the last 30 years and will cause a devaluation of our property. There are good reasons why houses are not allowed to build just anywhere on a property and this proposal of 8 Orchard Drive is a prime example of why it should not be allowed.

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