

Chair and Members of Committee of Adjustment c/o Ms. Jamila Sheffield
Secretary - Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West - 5th Floor
Hamilton ON, L8P 4Y5

Date: March 3, 2024

Subject: LETTER OF OBJECTION - SC/A-23:186 711 North Service Road/105A Edgewater Drive, Stoney Creek (Ward 10) – Application for Minor Variance

Dear Ms. Sheffield,

We are the planning consultants retained by Ms. Christine Bradaric-Baus to represent the following grouping of residents opposed to this application:

| Name | Address |
|---|---------------------|
| Christine Bradaric-Baus | 107 Edgewater Drive |
| Al Cosentino | 105 Edgewater Drive |
| MaryLou D'Amico | 119 Edgewater Drive |
| Marjorie Benedetti and George Giacinti | 80 Edgewater Drive |
| Michael and Dorothy Smyth | 109 Edgewater Drive |
| John Woods | 111 Edgewater Drive |
| Helen and Ian Gibson | 103 Edgewater Drive |
| Deb Lowen | 115 Edgewater Drive |
| Jennifer Vandenburg | 117 Edgewater Drive |
| Bonnie and Don Inglehart | 84 Edgewater Drive |
| Iris Nott | 82 Edgewater Drive |
| Don and Lynn Jarrett | 78 Edgewater Drive |

Ms. Jamila Sheffield
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| | |
|---------------------------|---------------------|
| Rachel and Murray Stewart | 68 Edgewater Drive |
| Roger Julian-Gabszewicz | 131 Edgewater Drive |
| Margaret Daniel | 79 Edgewater Drive |

We understand that a number of these residents have submitted individual letters of concern and/or objection. While we have not read each of those letters, this letter serves as additional input into the application by these residents, for consideration by the Committee, providing an independent professional planning opinion.

We have reviewed the application materials posted on the Committee Agenda page here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=971716c2-8084-4efc-8c2d-fd921b666dc3&Agenda=Agenda&lang=English&Item=23&Tab=attachments> .

We understand the applicant is seeking the following variances:

1. *To permit a minimum side yard of 2.5m for accessory buildings instead of the required minimum side yard of 15.0m.*
2. *To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area. See attached for additional information.*

After reviewing the materials provided by the applicant, the meeting notice, site and air photos, and reviewing site details, it is our professional planning opinion that the variances, considered individually and collectively, do not meet the four tests as required under the Planning Act, and therefore should not be approved. We recommend the Committee deny the applications outright. Should the applicant or Committee table the application, we would be happy to discuss alternatives with the applicant.

1.0 The Subject Lands

The subject lands are known municipally as 711 North Service Rd, Stoney Creek, and are referred to as the Newport Yacht Club. An excerpt of the extent and shape of the lands as provided in the application public notice is shown in **Figure 1** below. We understand that the initial work to create this facility started in the 1980's, and that it was planned and implemented as part of the residential development which now forms the surrounding neighbourhood. As such, the context has included surrounding residential development essentially since inception. In our opinion, the harmonious co-existence of the facility and the surrounding dwellings are at the root of this application, and the required variances will create a development condition that will negatively impact adjacent and surrounding residences.

The site is currently zoned OS-2 – Open Space under the Zoning By-law of the former City of Stoney Creek, 3692-92, with a specific exception to permit only the private marina, excluding the dispensing of fuels and boat repairs.

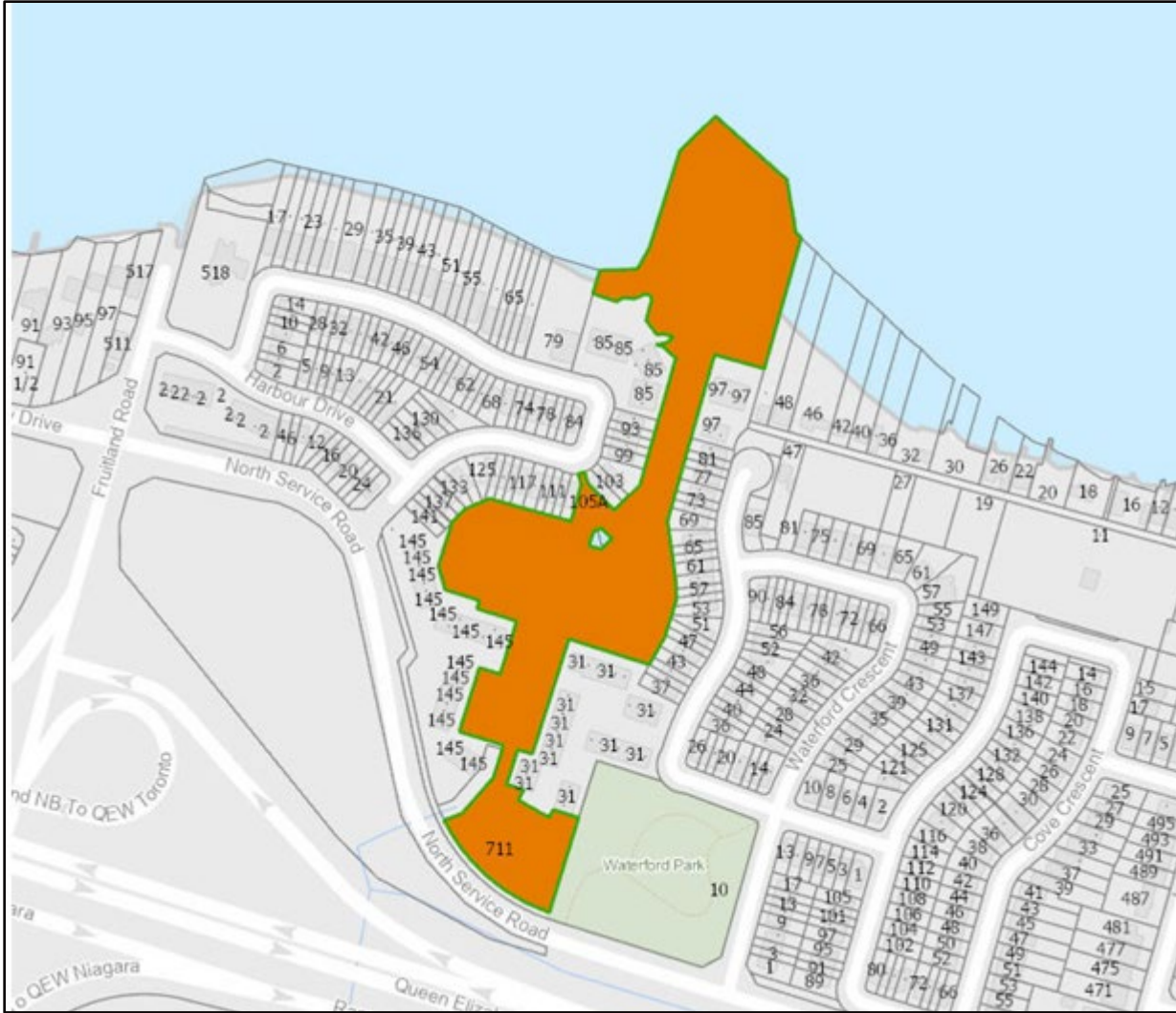


Figure 1 - Outline of Location and Extent of Subject Lands; sourced from application public notice.

2.0 Application Details

We understand the current proposal is for a 51.16 m² washroom/locker/mechanical building that is identified as an accessory building, as part of a proposal to also develop a pool with associated paving/patio areas, and what appears to be a new ramp down to the water. An excerpt of the applicant's plan is provided in **Figure 2** below. To permit the proposal, the identified required variances are:

1. To permit a minimum side yard of 2.5m for accessory buildings instead of the required minimum side yard of 15.0m.
2. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area. See attached for additional information.

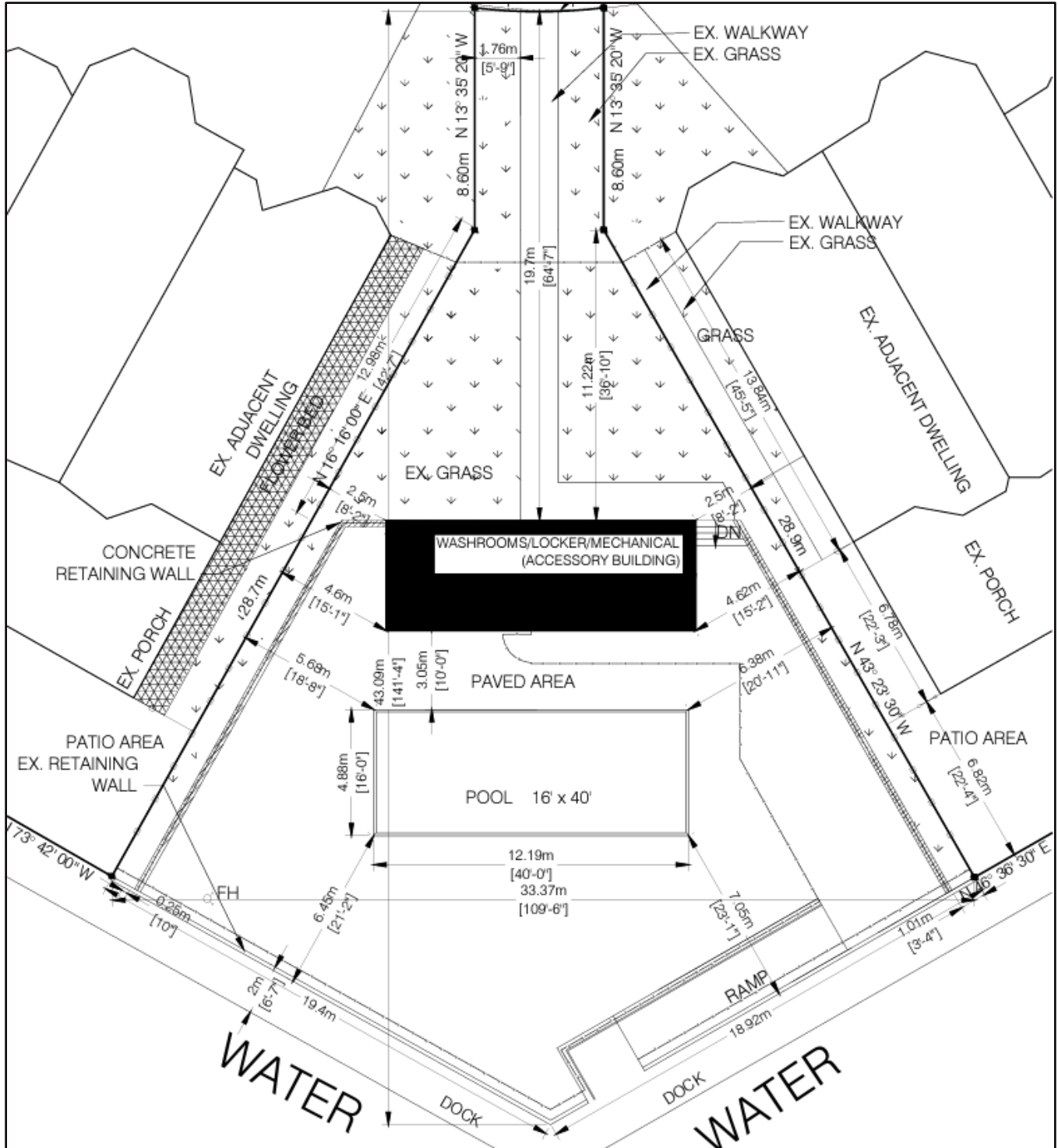


Figure 2 - Excerpt of Site Concept Pla; sourced from application public notice.

3.0 The Four Tests of the Planning Act and Specific Concerns

Ms. Jamila Sheffield
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In our opinion, the variances, considered individually and collectively, do not meet the four tests as required under the Planning Act, and therefore should not be approved.

Do the Variances Maintain the General Intent and Purpose of the Zoning By-law? NO

With respect to **Variance 1**, we note that the standard OS – Open Space zone requires a minimum setback of 15 m to all lot lines for all structures, regardless of whether accessory or not. The list of standard permitted uses includes a number of traditionally open and passive recreation type uses, including Botanical Gardens, Cemeteries, Public or Private Parks, Woodlots, etc. In our opinion, the intent of the required setback provision is to help ensure an open space, landscape setting for these permitted uses, while also ensuring that no building or structure associated with such permitted uses negatively impacts adjacent lands (i.e., to ensure compatibility). This is precisely the issue with Variance 1, as there is simply not enough room to provide the pool and accessory structure on the small area of the site for which it is proposed. This proposed location is even more challenging given the awkward shape, which clearly restricts the ability to adequately locate buildings and structures without impact. Lastly, the reduced setback proposed will permit a washroom and mechanical building near existing residential dwellings, which will, in our opinion, introduce noise and odor impacts, that we believe illustrate the types of compatibility concerns embedded within the required setbacks of the OS Zone.

The applicant's own justification letter states the following:

There is little space on the property for the pool and accessory buildings for lockers/washrooms and pool mechanical room...

In our opinion, this is precisely the reason the variance should not be approved. There is not enough room specifically at this location to make the proposal work. It does not fit and the compromises to the By-law will likely lead to negative impacts to immediately adjacent and surrounding properties, specifically with respect to noise, activity, odors and potentially views. The applicant should consider other locations on their lands which will not impact adjacent residential properties.

With respect to **Variance #2**, in our opinion the minimum landscaped area should not be completely eliminated. While we appreciate the technicality of zoning interpretation with respect to the water surface, the fact remains that this use is intended to be open space and is located directly on/adjacent to the water, both points which support maintaining as much actual landscape area on the site as possible. There is no practical reason the applicant should be permitted to essentially pave or cover with impervious surface all parts of the property that are not already covered by water surface and/or a dock.

Are the Variances Desirable for the Appropriate Development or Use of the Lands? NO

Pertaining to **Variance #1**, it is our opinion that the proposed 2.5 m setbacks, combined with the proposed works to include a pool and patio area, will create an undesirable condition on this small, awkward shaped portion of the subject lands, introducing an activity concentration that will create negative impacts for adjacent and surrounding residential properties, including noise, odor and visual intrusions, none of which exist today and each of which are contrary to the provisions of the typical Open Space zone provisions. Air photo analysis and photos provided by residents shown in the figures below highlight that this space has functioned as a quiet landscaped area, which at one point apparently consisted of mature vegetation cover, similar to a small neighbourhood parkette providing landscaped open space for passive and less intrusive recreation. The proposed works, which can only happen completely with the variance approval, would alter this space to a more active and less compatible condition, which is not desirable or appropriate at this location.

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Figure 3 - Photo of the subject lands; sourced from resident.

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Figure 4 - Photo of the subject lands; sourced from resident.

Ms. Jamila Sheffield
City of Hamilton
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Figure 5 - Photo of the subject lands; sourced from resident.

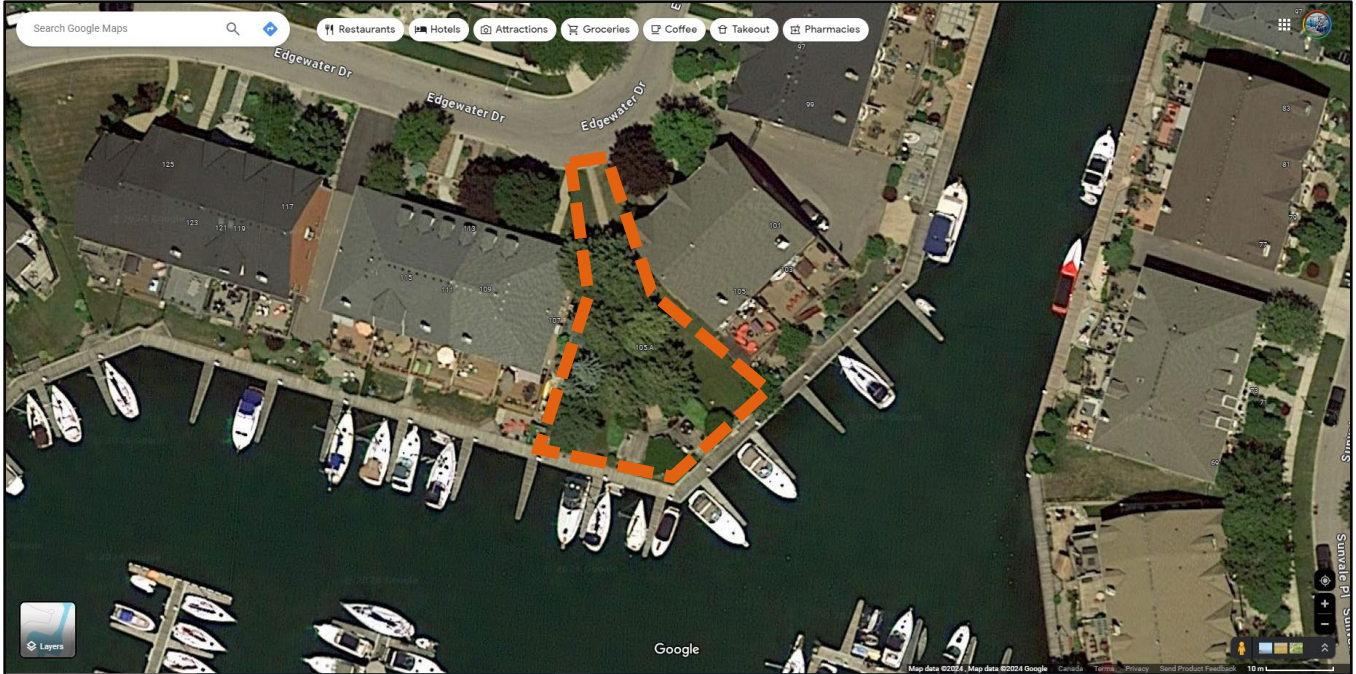


Figure 6 - Air Photo of subject lands; sourced from Google.

With respect to **Variance #2**, it is our opinion that it is not desirable or appropriate to completely eliminate a minimum landscape requirement for a permitted use in an Open Space zone, which is specifically created to permit and regulate outdoor type uses which by their nature would provide landscaped space. There is no practical reason the areas surrounding the water should be completely covered in impervious surface, particularly noting that such development adjacent to the water would require careful stormwater management. The additional concern is that once a complete elimination of this requirement is established, it would apply to the site in future as the legal as-of-right permission, so there would be no zoning control preventing filling in of water areas with additional pervious surface. It is our opinion that maintaining any small landscape areas that currently exist is an essential element of this use, and something which would maintain the residential neighbourhood feel and character, again similar to having small parkettes in a typical residential neighborhood.

SC/A-23:186 711 North Service Road/105A Edgewater Drive, Stoney Creek

Beattie, Jeff <Jeff.Beattie@hamilton.ca>

Tue 4/2/2024 4:35 PM

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

Cc:Coffey, Jackie <Jackie.Coffey@hamilton.ca>

Members of the Committee of Adjustment,

As the representative for the Ward 10 Community, I am writing to inform you that my office has receive a number of pieces of correspondence from community members expressing concern with regards to Item SC/A-23:186 711 North Service Road/105A Edgewater Drive, Stoney Creek, and an applicaton for a pool and related building on the site of 105A Edgewater Drive, and the impact it may have. The purpose of my letter is to let you know of the common community sentiment as many of these same community members have no-doubt sent the specifics of their concerns in direct correspondance to you to consider in your dilberations.

Best Regards,

Jeff

Jeff Beattie

Councillor – Ward 10

Hamilton City Hall, 71 Main Street West – 2nd Floor, Hamilton, Ontario L8P 4Y5

Ward 10 Office, Stoney Creek Municipal Service Centre- 777 Highway 8 (Fridays)

Phone: 905-546-2701 | Email: jeff.beattie@hamilton.ca



APPLICATION NO. SC/A-23:186

Rowland and Maureen Verge <rverge@cogeco.ca>

Wed 3/27/2024 1:07 PM

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

External Email: Use caution with links and attachments**SUBJECT PROPERTY: 711 North Service Road & 105A Edgewater Dr., Stoney Creek**

In response to the application by the Newport Yacht Club to receive variances to facilitate the construction of a swimming pool and one new accessory building at 105A Edgewater Drive, for the use of the Newport Yacht Club and its members, we hereby submit the following comments and concerns:

- 1) First of all, we have no problem with the Newport Yacht Club wanting to add a swimming pool and an adjacent accessory building to their facility. However, they should not be installed at 105A Edgewater Drive, between two existing residences, namely 105 and 107 Edgewater Drive. This should remain a greenspace for the visual enjoyment of the adjacent and facing residents of Edgewater Drive and the visual and physical enjoyment of the Club members. A Club swimming pool should be located near the Clubhouse, not the furthest point away from the Clubhouse. Variances required to accomplish this option should be explored with the City accordingly.
- 2) The entrance to 105A Edgewater Drive currently consists of a locked gate that is accessible by members in possession of a fob. This already creates problems with boaters and their guests parking on Edgewater Drive for varying lengths of time, including hours and days, to access their boats that are located at that end of the marina, rather than parking in the lot off 711 North Service Road. That, in turn, creates major problems for the residents of Edgewater Drive who are then unable to find on-street parking for themselves, or their guests. Installing a swimming pool and an accessory building at 105A Edgewater Drive will only compound the problem with the increased demand for access to these Club facilities through this gate, rather than the main entrance at 711 North Service Road.
- 3) With regard to noise concerns, locating a swimming pool at 105A Edgewater Drive will undoubtedly create noise levels far above the current conditions. It's a well-known fact that people in swimming pools talk much louder than normal. This is another reason why the swimming pool should be located near the Clubhouse, near the parking lot at 711 North Service Road, where noise levels will not be as offensive as they will be to Edgewater Drive residents, should a swimming pool be allowed to be constructed at 105A Edgewater Drive.

In conclusion, as stated above, we have no problem with the Newport Yacht Club installing a swimming pool near the Clubhouse. We have heard side comments that a swimming pool cannot be installed near the Clubhouse because the City has a hold on that land, whatever that means. There has been no explanation offered in this regard. If that is in fact the case, the City should be working with the Newport Yacht Club to resolve existing restrictions at 711 North Service Road. to facilitate, or deny, the construction of a swimming pool and accessory building near the Clubhouse. The City should not be entertaining the approval of unacceptable variances as an alternative that will allow these facilities to be located at 105A Edgewater Drive. This will only lead to a major disruption to the peace and tranquility of the residents of Edgewater Drive and in effect, allow for the creation of a non-residential entity between two existing homes, in what is currently a pristine residential area.

We trust that you will give serious consideration to our comments and concerns and deny the application for variances by the Newport Yacht Club to allow them to build a swimming pool and accessory building at 105A Edgewater Drive, which will be presented at the Committee of Adjustment meeting on Tuesday, April 9, 2024 at 2:40 pm.

4/2/24, 1:44 PM

Mail - Committee of adjustment - Outlook

Thanks/Regards,

Maureen and Rowland Verge
70 Edgewater Drive
Stoney Creek, ON L8E 4Z3

Application for minor variance # SC/A-23:186

L. J.A.R.R.E.T.T. <jarrett@mcmaster.ca>

Sun 3/31/2024 12:06 PM

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

Cc:donsrinker@gmail.com <donsrinker@gmail.com>

External Email: Use caution with links and attachments

****Please note: the subject property is listed as 711 N. Service Rd., Stoney Creek, when in fact, the minor variance subject property is 105A Edgewater Drive**

The signage for this application was only installed on the evening of March 30 on a white, 8 1/2 x 11 sheet of paper folded in half. It is not visible from the street and it is beside the "CLOSED FOR THE SEASON" sign. There is no sidewalk on that side of the street so it is not readily available for neighbours to see.

Newport Yacht Club has requested two "minor" variances in order that they can build "accessory buildings". These "accessory buildings" are in preparation for, and part of, their intention to install a 16' x 40' swimming pool. We do not believe that these variances are minor. They will lead to a major impact on an established residential neighbourhood.

Please note that we,
Don and Lynn Jarrett
78 Edgewater Drive
Stoney Creek
L8E 4Z3
905-537-2402,

are vehemently in objection to both minor following, variance, requests considering the following:

We feel that the addition of "accessory buildings" with the ultimate goal of building a swimming pool, would exponentially increase our parking problems.

- Parking by members of the club in our neighbourhood is an ongoing issue. On weekends in our neighbourhood, there is very often no room for the residents and their family and friends to park. Boaters and their guests come and go at all hours of the night. This has led to numerous confrontations between boaters and residents. The club has their own parking lot on the North Service Road, but Edgewater Drive is often used by club members and their guests who have boats adjacent to Edgewater Drive and are too lazy to walk from the parking lot.

We feel that the addition of “accessory buildings” with the ultimate goal of building a swimming pool would exponentially increase noise and rowdy drunken behaviour in our neighbourhood.

- We already encounter noisy, rowdy and drunken behaviour and have had to call the police on several occasions.

We feel that the addition of “accessory buildings” with the ultimate goal of building a swimming pool will exponentially increase trespassing and possibly lead to escalated confrontations between boaters and residents.

- We have ongoing issues of trespassing by members of the club, their guests and boat mechanics, buyers and sales companies. This has led to heated verbal exchanges between club members and residents. Club members feel entitled to use foul language when they are confronted with trespassing. These are incidences that occur on the street and outside of Newport Yacht Club ‘s property. Therefore, residents are entitled to voice their concerns to trespassers.

We feel that by installing “accessory buildings with the ultimate goal of build a swimming pool in the proposed site, it will increase improper garbage disposal, requiring neighbours to clean up after the boaters more than they already are and restore landscaping.

- On several occasions, boaters have disposed of their garbage on neighbourhood streets and property. They have also left equipment and discarded furniture on properties adjacent to the club destroying landscaping.

We feel that with the construction of the “accessory buildings” with the ultimate goal of building a swimming pool, boaters will be forced out onto the street to facilitate their pet's toileting needs. If the the proposed minor variance takes away 100% of the landscaping, then there will be nowhere for people to take their pets other than neighbouring properties.

- Boaters have been advised by Newport yacht club to use the current parkette to exercise their dogs and allow them to relieve themselves. Quite often boaters will bring their pets to the neighbouring streets to use as a toilet.

Newport Yacht Club has already removed well maintained mature trees and manicured gardens and from the proposed site under the guise of them being diseased and dangerous; they were not. They were conveniently removed without notification to the 2 affected adjacent properties and were removed conveniently when one neighbour had moved out and the new neighbours had not moved in. This had a huge negative impact on the environment and on the beauty of neighbouring properties and provided shade and protection from the wind. As we know, any large project such as a pool installation

will be very readily noticeable to all neighbours and will have various impacts on the neighbours ability to enjoy their own property.

In Summary

By allowing these two “minor variances” are solely to allow for the construction of “accessory buildings” leading to the building a large swimming pool. This would be in such close proximity to residences, AND to the water and could have catastrophic consequences to humans, the aquatic ecosystem and neighbouring properties. Another potential intrusion on the neighbourhood, is the probable installation of bright lights, which are very likely to shine onto the our properties at night.

Newport Yacht Club has already told us that anyone who takes out any type of membership at the club will have an opportunity to use the pool along with their guests. So for all intents and purposes, it will become a public swimming pool.

Most members and users of Newport Yacht Club are non-local residents. They are guests, reciprocals and transient boaters. They have no vested interest in, or respect for, our properties, the maintenance of our properties or property value and should not be allowed to dictate or influence our neighbourhood.

These are our homes 24/7/365. We don't just come here on the weekends to enjoy some R and R. This is where we come to get away from our busy lives. Newport Yacht Club is a seasonal recreational get-away whose needs should not impact, impede or supersede our full-time lives. Newport yacht club already refuses to hold their members accountable for infringing on neighbourhood properties and rights. We are high tax-paying residents in an area that we feel would be negatively impacted by all of the above and will be reflected in lower property values.

Application no:- SC/A -23:186 re Edgewater Drive park . (2nd Application)

John Wood <puffinint@gmail.com>

Mon 4/1/2024 2:55 PM

To:Coffey, Jackie <Jackie.Coffey@hamilton.ca>;Beattie, Jeff <Jeff.Beattie@hamilton.ca>;Committee of adjustment <cofa@hamilton.ca>

Cc:midamico100@gmail.com <midamico100@gmail.com>

External Email: Use caution with links and attachments

It is with dismay again I have to strongly object to this application. My objection is simply the yacht club cannot manage the current boaters and facilities i.e. garbage, flower beds and tubs let alone adding to this already tempestuous situation.

They want a paddling pond, so to speak a laundry facility washrooms and a gazebo all with no thought to the neighbours of the park. All could be built near the club house, which , is a 5 minute walk around the marina.

I understand that they are doing this to attract more boaters, but this is hardly going to do it when they don't have the facilities (fuel, launching slips, pump out, of a major marina and therefore are more like a floating trailer park, without their rules and regulations

All of that aside, the boaters already do not follow the rules with the parties going on way passed midnight and when objections have been made to the management there answer is, "Well why don't you call the police" That sums up the amount of control they have.

As I've mention before the parking situation on Edgewater Drive is ridiculous with boater parking there, some with two or three cars , and yes, they do have their own car park. It is not unusual for loud arguments to take place with the boater car owners battling for the nearest spot to their entrance. Often they are inebriated .

In conclusion the answer is not hard, as I said earlier, all these facilities can be placed near the club house therefore not effecting any of the tax paying residents .

Thank you for your consideration .

Sincerely

John E. Wood.

111 Edgewater Drive
Stoney Creek
L8E 4Z2

**RE: Re second permit submission Edgewater Drive Parkette APPLICATION NO.:
APPLICANTS: SC/A-23:186**

Nick D'Amico <nick.damico@transportcorp.com>

Mon 4/1/2024 3:09 PM

To:mldamico100@gmail.com <mldamico100@gmail.com>;Coffey, Jackie <Jackie.Coffey@hamilton.ca>;Beattie, Jeff <Jeff.Beattie@hamilton.ca>;Committee of adjustment <cofa@hamilton.ca>
Cc:Lauren D'Amico <lauren.damico@3dwh.com>;Joseph D'Amico <joseph.damico@transportcorp.com>

External Email: Use caution with links and attachments

I hope this letter finds you well. I am writing to express my concerns regarding the construction of the pool in our neighborhood. The increased noise and traffic associated with pool construction and subsequent usage could disturb the peaceful atmosphere that many of us cherish about our community. This could potentially disrupt the natural ecosystem and wildlife habitats that currently exist in the area.

Additionally, I am concerned about the long-term maintenance and **upkeep costs** associated with the pool. While it may seem like a desirable amenity initially, there is a risk that the financial burden could become unsustainable for homeowners in the future. To keep everyone well informed Newport Yacht Club went into receivership in spring of 2011 and was for sale due to the commercial operations was not viable. It was quickly decided that the only viable option was to abandon a commercial business and move to Not for Profit. Meaning lowest cost possibilities to users for packing a sail boat safely, never was it created for more than that function. Some current members have not been around long enough and have not endured the past hardships specify the applicant for the pool. Moreover, if the pool were to fall into disrepair or become neglected, it could become much more than an eyesore it will have recurring cost. There is no budget for this and the not-for-profit committee cannot afford this. Fast-forward to current time with funds in the account that should not be mismanaged as it took many years for this cash reserves to build and should be applied to the general upkeep not additional cost where it is actually needed.

Since 2021 we have been impacted by unprecedented inflationary pressures. Where the national cumulative inflation rate was approximately 18%, the local labor market was closer to 34% and energy costs (electricity and fuel) were in the 20-30% range. Costs have been higher and guest revenues have been significantly lower than normal. increased interest rates grew from as low as 0.5% to the current 9%. These budget shortfalls have made balancing the annual budget a very real challenge

Given these considerations, I respectfully urge you to reconsider the decision to proceed with the construction of the pool. Instead, I propose that we explore alternative ways to enhance our community that are more in line with the values and needs of all residents. This could include investing in green spaces. I believe that by working together and considering the concerns of all stakeholders, we can find solutions that benefit the entire community

Thank you,

Nicholas D'Amico

From: mldamico100@gmail.com <mldamico100@gmail.com>

Sent: Sunday, March 31, 2024 7:17 PM

To: Jackie Coffey <Jackie.Coffey@hamilton.ca>; jeff.beattie@hamilton.ca; cofa@hamilton.ca
Cc: MaryLou D'Amico <mldamico100@gmail.com>; Nicholas D'Amico <Nicholas.Damico@thomassolutions.ca>; Lauren D'Amico <lauren.damico@3dwh.com>; Joseph Damico <joseph.damico@transportcorp.com>
Subject: Re second permit submission Edgewater Drive Parkette APPLICATION NO.: APPLICANTS: SC/A-23:186

CAUTION:This email originated from outside of Thomas Solutions. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello to All

Again Newport Yacht Club has re submitted their plans (new permit with minor changes) APPLICATION NO.: APPLICANTS: SC/A-23:186 changes to Parkette on Edgewater Drive .

I am again expressing my objection (119 Edgewater Drive Stoney Creek) to this new permit submission APPLICATION NO.:APPLICANTS: SC/A-23:186

1. Newport yacht club runs almost entirely on volunteers. How will this new pool (oversized hot tube) area be managed ? Newport Yacht Club can not manage parking issues , garbage , required repairs to the marina with their current students and volunteer services . It is our understanding they have retaining wall issues that should be their concern and priority
2. I have had 3 real estate agents assess and this new Parkette proposal and it will de value my property
3. The new Parkette permit submission has a laundry facility proposal, bathrooms and showers , in the middle of a residential neighbourhood with houses valued in the millions of dollars
- 4 .There are boaters who live aboard in back harbour here for 4 to 5 mo. of the year . So now they will have washroom and laundry facilities (they pay no taxes) yet live on their boats for 4 to 5 months of the year ??
5. Sight lines to the water will be obstructed for the residents here
6. There remains issues re encroachment on private properties
6. I don't believe there was an environmental evaluation or navigational lane way obstruction evaluation done
- 7 They wish to wave the need to landscape and install a complete concrete facility vs any green area
7. This is an oversized hot tub with washroom and laundry facilities in the middle of a residential neighbourhood . My understanding this was zoned for a green space Parkette. The majority of members voting for this oversized hot tube with washroom and laundry facilities in our residential neighbourhood, do not live or pay taxes here and have no vested interest in this neighbourhood or community.

Thank you

MaryLou D'Amico
mldamico100@gmail.com
119 Edgewater Drive
Stoney Creek, Ontario
L8E 5X8
289 659 9155

4/2/24, 1:53 PM

Mail - Committee of adjustment - Outlook

<SC.A.23.186_Notice committee of adjustment april 9 2024.pdf>

Re permit application SC/A-23:169

MaryLou D'Amico <mldamico100@gmail.com>

Tue 4/2/2024 4:02 PM

To: Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Coffey, Jackie <Jackie.Coffey@hamilton.ca>; Committee of adjustment <cofa@hamilton.ca>

Cc: MaryLou D'Amico <mldamico100@gmail.com>; Christine Bradaric-Baus <cbradaricbaus@gmail.com>; mike.crough@arcadis.com <mike.crough@arcadis.com>

External Email: Use caution with links and attachments

Please be advised we (Edgewater residents) have retained the services of Mike Crough (Principal Planning at Arcadis).

Again , please note that the size and shape of buildings and pool for this permit application can not be accommodated on this current property.

MaryLou D'Amico
119 Edgewater Drive
Stoney Creek, ON
L8E 4Z2

Fwd: Reply RESIDENT & NYCSC Member Minor Variance SC/A-23:186

Miriam Perks <miriamperks@gmail.com>

Thu 4/4/2024 10:46 AM

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

External Email: Use caution with links and attachments

----- Forwarded message -----

From: **Miriam Perks** <miriamperks@gmail.com>

Date: Thu, Apr 4, 2024 at 10:44 AM

Subject: Fwd: Reply RESIDENT & NYCSC Member Minor Variance SC/A-23:186

To: Miriam Perks <miriamperks@gmail.com>

----- Forwarded message -----

From: **Miriam Perks** <miriamperks@gmail.com>

Date: Sun, Aug 20, 2023 at 11:54 AM

Subject: Fwd: Reply RESIDENT & NYCSC Member Minor Variance SC/A-23:186

To: Shirley Rushton <shirlerush@gmail.com>

----- Forwarded message -----

From: **Miriam Perks** <miriamperks@gmail.com>

Date: Sun, Aug 20, 2023 at 11:53 AM

Subject: Fwd: Reply RESIDENT & NYCSC Member Minor Variance SC/A-23:186

To: <cofa@hamilton.ca>

----- Forwarded message -----

From: **Miriam Perks** <miriamperks@gmail.com>

Date:

Subject: Reply RESIDENT & NYCSC Member Minor Variance SC/A-23:186

To:

This is my email to answer the Notice of Public Hearing -Minor Variance SC/A-23:186

I live within 60 Metres of the subject property, affected by this Variance Application

I am an active Member of Newport Yacht Club Stoney Creek
I am a homeowner that borders the boardwalk of the Not for Profit - Newport Yacht Club SC
I have an EMR :an Exclusive Mooring Right to allow my 39 foot motor yacht a slip on the west channel wall.
I have lived at 99 Edgewater Drive Stoney Creek over 12 years.
I am an active volunteer member of the Social Committee of Newport Yacht Club.
I am a volunteer on the Marketing Committee, well as on the Landscaping Committee.
I am actively raising money for Newport YC -SC for property improvements.

I fully support the plans for the improvement of the Newport Yacht Club property at 105 A Edgewater Drive SC

The pool and structure of pool mechanical room and 2 washrooms with showers, will enhance the members'

enjoyment of our club.

Newport Yacht Club is designated as a "Clean Marine" The use of the showers with sinks will divert many

Liters of GRAY WATER from our basin. Ontario vessels allow kitchen. bathroom sinks and showers to discharge directly into the marina.

Newport is member owned and has no Government assistance.

We need improvements to attract visiting boaters.

I agree to the MINOR VARIANCE APPLICATION # SC/A-23:186

I AGREE TO THE VARIANCE REQUEST,

- 1) To permit a minimum side yard o 2.5 meters for the accessory buildings, instead of the required minimum side yard of 15.0 m
- 2) To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area. Note: Water is not cosidered landscaping.

Re: meeting slated for Tuesday, April 9, 2024 @ 2:40 pm.

I anticipate numerous speakers that day.

Miriam Perks

: City of Hamilton Committee of Adjustment Application # SC/A-23:186

George <georgiandale@iprimus.ca>

Mon 3/25/2024 5:48 PM

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

Cc: georgiandale@iprimus.ca <georgiandale@iprimus.ca>

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----- Original Message -----

From: George georgiandale@iprimus.ca

To: Committee of adjustment cofa@hamilton.ca

Sent: Mon 25 March 2024

Subject: City of Hamilton Committee of Adjustment Application # SC/A-23:186

Marjorie Benedetti & George Giacinti

80 Edgewater Drive,

Stoney Creek, ON., L8E 4Z3

905 769-4888

georgiandale@iprimus.ca

March 25, 2024

Committee of Adjustment

City Hall, 71 Main Street West,

Hamilton, ON., L8P 4Y5

APPLICATION #: SC/A 23:186

To Whom It May Concern.,

We received a NOTICE OF PUBLIC HEARING for a Minor Variance in the mail today. Unfortunately we might not be able to attend the meeting in person at City Hall, on Tuesday April 09, 2024 at 2:40 pm.

That is the reason we are submitting our views in writing opposing the attempts to get Minor Variance to allow the Newport Yacht Club to build a swimming pool and an out building in a residential neighbourhood. We would first like to comment on the fact the meeting is now two weeks away which makes it extremely difficult to organize the neighbours that have concerns over putting in a swimming pool and an out building at the rear of the property of the Newport Yacht Club between 105 & 107 Edgewater Drive. Could someone explain why the rush and urgency to get this matter approved. We also believe that all the people in the neighbourhood not just the people within 60 metres of the proposed project, should have been notified as well so they could also

voice their views regarding this matter.

Our first suggestion is why can't the swimming pool be built at the front of NYC property near their clubhouse and the entrance off the North Service Road. We have a constant problem with NYC members that have their boats at the rear of the Marina using Edgewater Drive as their parking lot while they go off on their boats for long periods of time. Sometimes for entire weekends and sometimes weeks, taking up parking spaces from the residents in the neighbourhood. We have asked for assistance from the Executives of the Newport Yacht Club. They have posted in their newsletter asking members to refrain from using Edgewater Drive to park their vehicles and to use their own parking lot instead of parking on the street, but with little compliance from their members. Right now there are a small percentage of their members that have their boats docked at the rear of their club and the majority of the members are using their own parking lot at the front of the club off the North Service Road. If you allow this Minor Variance so they can proceed with the construction of their swimming pool and the out building the majority of the members would either have to walk a long way from their clubhouse and their parking lot to the pool or they will be driving over to Edgewater Drive, and parking their vehicles on the street, creating a larger parking problem. They have already shown to the residents on Edgewater Drive that they don't like the long walk and would rather drive over and park on the street. I don't think the people at 105 & 107 Edgewater Drive and the rest of the neighbours are going to be happy with the constant noise coming from people using the pool to who knows what hours. We personally would like them to close the gate between 105 & 107 Edgewater Drive so their members would have to use their own parking lot off the North Service Road. We even have some of their members cutting through the driveway between 115 & 117 Edgewater Drive which is private property because their members or the members guests do not have an access key to that rear gate.

The City of Hamilton implemented bylaws governing the construction of pools, cabanas and washrooms in relationship to Commercial and Residential Properties.

According to the city's regulations there must be 15m on both sides of the Commercial Properties separating them from the Residential Properties, as well as 75% of the lot to be landscaped. These rules were implemented to protect the Residential Properties in the area from Commercial Properties encroaching on their property. We would like to reiterate that the proposal by the Newport Yacht Club is a "TOTAL" contravention of the existing requirements. I would hope you would find that allowing their request for "Minor Variances" would infringe on what the City of Hamilton had enacted to protect the rights of Residential Properties over the interest of Commercial Properties. We feel the Committee of Adjustment should completely deny the Newport Yacht Club's request for minor variance.

We hope you can resolve this matter.

Sincerely yours,

Marjorie Benedetti & George Giacinti

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Marjorie Benedetti & George Giacinti

80 Edgewater Drive,
Stoney Creek, ON., L8E 4Z3
905 769-4888
georgiandale@iprimus.ca

March 25, 2024

Committee of Adjustment
City Hall, 71 Main Street West,
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APPLICATION #: SC/A 23:186

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We hope you can resolve this matter.

Sincerely yours,

Marjorie Benedetti

George Giacinti

Marjorie Benedetti & George Giacinti

Dr. Christine Bradaric-Baus

107 Edgewater Drive, Stoney Creek, L8E 4Z2

April 2, 2024.

Hamilton Committee of Adjustment, application **SC/A-23:186**,

I own the property adjacent to the Newport Yacht Club parkette and I am opposed to the proposed development of a pool and auxiliary building. What the yacht club is proposing requires significant variances and this will directly affect my property and its value. What is clear is that the yacht club does not have the space for the proposed pool and auxiliary building without encroaching on the neighboring properties, one of which is mine.

I have personally retained Allan Freedman LLB, and the residents and I have retained Mike Crough, Principal Planner, Arcadis to deal with our concerns, some of which are listed below.

Concerns regarding the proposed building:

The application is requesting a minimum side yard of 2.5m versus the required 15m because the size and shape of the building doesn't fit in the space. Additionally, the building will destroy my sightline, which will transform from a parkette/waterfront view to a view of roof outside of my dining room and deck.

The application is misleading and suggests that they are not proposing *Outside storage [as per section 11.2.3 (h) of 3692-92 Stoney Creek Zoning By-law]*, however the building they are proposing is in fact storage for pool equipment, laundry facilities and yard related equipment. So, the building does not conform, and the application is inaccurate.

Given our properties are waterfront, I am concerned that my property will experience damage during the construction phases that would negatively impact the foundation.

Concerns regarding the request to waive the requirement for landscaping:

I firmly oppose the request to entirely remove the requirement for landscaping in the parkette, which is part of the Greenbelt. The intended use of the parkette is just that – a park enjoyed by all members of the club, and wildlife. I am not familiar with any other community in Stoney Creek that has a fully concrete parkette.

Concerns regarding the proposed pool:

Newport Yacht club has not presented its proposed plans to the Ministry of the Environment, Department of Fisheries, Conservation Authorities, Navigational Laneways and Marine Authorities etc. There is no consideration of environmental damage during the construction phase or provisions if the pool floods and spills into the marina which is a habitat for birds such as swans, ducks, and geese.

Additionally, I have serious concerns about the operation of a pool for a couple hundred boaters and their friends next to my home. We currently have boaters and non-boaters walking through our gate and under our car port to access the marina. If a pool is constructed this will only cause more issues with people trying to access the pool and marina illegally, which is a safety risk for all. There has been no discussion about liability and insurance regarding the pool, its associated costs and risk to members.

Concerns with property management of the marina:

I am not only a resident, but a boater and I dock behind my home at the Yacht club. I am aware of the financial position of the marina which is run by members who volunteer to support its operation and non-for-profit status.

The marina has ongoing issues related to boaters' poor behavior, related to abuse of parking on our street, garbage, and noise. We have repeatedly complained to the city, marina and our Councilor Jeff Beatty, and nothing has changed.

The marina needs significant repairs including the boardwalk, which has many rotten floorboards, and the walkways are not lit due to missing lightbulbs and broken lights. What is even more concerning is the issue with the retaining walls that surround the marina which are now undergoing evaluation and will need to be replaced/repared. If one of the break walls fails, this could be an enormous safety and environmental hazard, and financial burden. A marina that cannot manage these concerns is certainly unable to take on the additional financial risk of a pool.

Lastly, we have boaters living on their boats for the entire 6-month season. This club is not considered a dwelling, as confirmed by our councilor's office. The yacht club is permitted to operate as a private marina and not as a private dwelling. What is clear is that the proposal for laundry facilities next to my home is the conversion of a recreational marina to providing services for more boaters living in my backyard and the space becoming a "trailer park type dwelling".

The boaters already cause significant issues for us residents. The proposal of the pool and building would therefore cause additional stress related to these issues that directly impact my family and property. The proposed request in no way improves the value of the neighborhood or operation of the marina. It will only cause additional safety and financial challenges. What should be considered is a true parkette as it was originally intended open space – landscaping, green space, park benches and pergola for seating.

Thank you and respectfully submitted,

Dr. Christine Bradaric-Baus

416 669 9939


Re: Application No. SC/A-23:186

Allan Freedman <allan@amf-law.ca>

Thu 4/4/2024 10:59 AM

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

Cc:Christine Bradaric-Baus <CBradaricBaus@cmcc.ca>;Allan Freedman <allan@amf-law.ca>

 1 attachments (38 KB)

April 4 Objection.pdf;

External Email: Use caution with links and attachments

Committee of Adjustment

Please find attached the Notice of Objection / Written Submissions of Dr. Bradaric-Baus with respect to the above-mentioned application

The writer will be in attendance through zoom at the Hearing. Dr. Bradaric-Baus is expecting to be at the Hearing, in person.

thank you for your attention. We look forward to receiving confirmation of your receipt of the attached documentation.

Allan Freedman

Allan M. Freedman
15 - 3000 Langstaff Rd.
Concord, ON L4K 4R7

T 905.660.0818

F 905.248.3092

allan@amf-law.ca

In the Matter of Application No.: SC/A-23:186

Subject Property: 711 North Service Rd. & 105A Edgewater Dr. Stoney Creek

TO: COMMITTEE OF ADJUSTMENT

NOTICE OF OBJECTION

The undersigned is the owner of 107 Edgewater Drive, in Stoney Creek, Ontario:

The following are the grounds, facts and submissions upon which an objection to the Application and proposed development of the property are made:

And in so far as the Application and proposed development of the property has been proposed, the undersigned's objections are as follows:

1. The minimum side yard requirement is 15.0m. The applicant requests a variance from 15.0m to 2.0m. The difference represents an 87% variance from what is presently required. The requested relief from the by-law requirements does not constitute a "minor variance".
2. The minimum front yard requirement is 15.0. The applicant requests a variance from 15.0m to 12.0 m. The difference represents a 20% variance from what is presently required. The requested relief from the by-law requirements does not constitute a "minor variance".
3. The applicant has requested a dispensation from the requirement for minimum landscaping of the lot area. The requested relief from the by-law requirements does not constitute a "minor variance".
4. The request for dispensation of the requirement for landscaping does not take into consideration the design of the property, the proximity of proposed structures to the abutting properties.

5. The application for the variances, would result in the erection of a building referred to as the “Washrooms/Locker/Mechanical (Accessory Building)”. The building is substantial in footage and is incompatible with the surrounding residential environment.
6. The property has been maintained as a parkette and reflects the geographical setting of the surrounding properties and is accessible year-round.
7. It is likely that the final purpose of the minor variance is the development of a more substantial recreational facility which may be available to a wider residential community.
8. In allowing the minor variances for the purposes of developing the property as set out in the Site Sketch it is noted that the location of the pool may cause concerns to the Ministry of the Environment having regard to a concern that any leakage from the pool would result in discharge into the Lake.
9. The Site Sketch proposing the development and setting out the proposed structures does not set out the location of all fencing and their impact on adjoining properties.
10. Parking issues which presently exist will be exacerbated by virtue of the improper parking on residential streets and leading to increased volumes of traffic on the residential street.
11. This objector submits that there is a substantial impact on the objector’s property that would result from the granting of the minor variance that would include sightlines from her dwelling and porch.

12. The review of this Application by the City notes the following: “that a portion of this property is under Conservation Management.” There is no information or documentation relating to the position of the Conservation Authority and the potential of having a chlorinated swimming pool so close to the water’s edge.

13. It is also noted that there is minimal width from the building to the fencing, yet no impact is mentioned concerning the impact on municipal vehicles such as a fire truck that may be required to travel to the pool area.

14. The property being the subject of the Application is governed by By-Law 3692-82. Unless specifically zoned as OS IR as set out in Part 11, Section 11.3, a swimming pool is not permitted on the property.

In Summary, the Application is opposed on the following grounds:

1. The Application in all respects is not minor in nature.
2. It is not desirable for the development of the lands in question.
3. The general intent of By-Law 3692-82 will not be maintained.
4. The general purpose of By-Law 3692-82 will not be maintained.

Dated this 4th day of April, 2024.

Christine Bradaric-Baus
By her solicitor



Allan Freedman
Barrister & Solicitor
15 – 3000 Langstaff Road
Concord, ON L4K 4R7

905.660.0818 ext 108
allan@amf-law.ca

711 North Service Road, Stoney Creek (SC/A-23:186) - April 9, 2024 Agenda

Cathy Plosz <Cathy.Plosz@conservationhamilton.ca>

Thu 4/4/2024 11:46 AM

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

Cc:joseph@defilippisdesign.com <joseph@defilippisdesign.com>

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SC/A-23:86 (711 North Service Road):

The Hamilton Conservation Authority (HCA) has reviewed the minor variance application for 711 North Service Road in Stoney Creek. The applicant proposes minor variances to permit the construction of a new accessory structure and pool at the Newport Yacht Club. Portions of the property are regulated by the Hamilton Conservation Authority (HCA) pursuant to Ontario Regulation 41/24 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 due to flooding and erosion hazards associated with the Lake Ontario shoreline.

The applicant proposes the following minor variances to allow the construction of a pool house accessory building and a swimming pool

- To permit a minimum side yard of 2.5m for accessory building instead of the required minimum side yard of 15.0m.
- To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area

Previously, HCA has reviewed the proposed development through site plan application MDA-22-119 and has provided comments on a previous Minor Variance application in August 2023. Through this process, HCA requested delineation of the flooding and erosion hazard limits. The site plan provided with the application has been revised from the August 2023 version. The HCA has reviewed the revised plan and is satisfied that the proposed development is located outside of flooding and erosion hazard limits.

The owner should be aware that the proposed development is within the area regulated by HCA, so written permission (permit) will be required prior to any proposed development of the property, including construction, fill placement and/or grading activities.

The HCA has no concerns related to the minor variances proposed.

A review fee is not required for this application.

Cathy Plosz

Senior Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 132

Email: cplosz@conservationhamilton.ca

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Application No.: SC/A-23: 186 711 North Service Road

margaret daniel <margaretdaniel@me.com>

Thu 4/4/2024 4:43 PM

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

External Email: Use caution with links and attachments

I wish to register my objection to this application.

This “accessory structure” — a swimming pool — would be sandwiched between two townhomes with a side yard of 2.5 m. That is 12.5m less than the required side yard. This would afford those two families no privacy not to mention the noise level. Both those homes have windows facing the area. Does this not contravene the Ontario Building Code?

Such a structure is completely out of character for this neighbourhood where homeowners have spent considerable time and money on landscaping.

Already parking on the street has become an issue because boaters who dock their boats on the west side of the marina prefer to park on our streets rather than walk from the designated parking lot on the south-east corner of the marina by the club house. Anyone wishing to use the pool is not going to walk to and from that parking lot so the on-street parking issue will become worse.

Boaters are constantly being reprimanded about leaving their garbage around the area of the docks instead of putting it in the appropriate containers. The same issue will occur around the pool. Who will clean up the mess?

Who will maintain the pool? It is critical that the appropriate chemicals are used and that the pool is kept clean. As it now stands, the majority of marina maintenance is done by volunteers and there are constant calls for more volunteers. This pool will add another very large task to the amount of work already required.

Has due consideration been given to the financing of this project? Not only will the construction be very costly but there is the yearly maintenance that must be considered.

Why do the directors of the marina not work with the community? As it currently stands, no one, unless a member, can get anywhere near the marina. Why not move the fence and locked gate closer to the boardwalk, install a couple of benches and allow others in the community an opportunity to sit and watch the boats come and go on the marina?

Thank you for consideration of my concerns.

Margaret Daniel
79 Edgewater Drive
Stoney Creek, ON

SC/A-23:186

Commodore <commodore@newportyachtclub.ca>

Tue 4/2/2024 4:03 PM

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

External Email: Use caution with links and attachments

Good afternoon,

I am a homeowner in at 113 Edgewater Drive – in the block of 5 townhomes immediately west of the site being reviewed. I am thrilled that the Yacht Club has become a healthy vibrant part of the community I live in with low cost of entry for anyone who wants to join.

I am writing to voice my support as a homeowner for the variance to allow a 2.5M setback to allow a building to accomodate two bathrooms and a mechanical room for pool equipment. This improvement on the vacant land at 105A Edgewater Drive will improve the offering Newport Yacht Club has to attract new members. What is good for Newport Yacht Club to successfully operate their business is good for my property value.

Newport Yacht Club is running a business competing with many other locations where people could take their boats including Harbour West, Royal Hamilton, Macassa Bay, LaSalle Park and Fifty Point which are all competing facilities people can boat from.

In November of 2023, I was elected as the current President (Commodore) of the club's volunteer management team. I represent approximately 400 people who are members of our club, both boating and social members.

With the size of the land in question at 105A Edgewater – 15M from each side would not allow for bathrooms near the pool and members would have to walk a long way to the bathrooms at the North Service Road, or we would have to rent portable washrooms which would not be attractive versus a permanent small building.

As a homeowner, I pay higher taxes than my neighbours in similar homes across the street as I am on "waterfront". However, the city does not fund the "waterfront" Newport Yacht Club, that I am paying a tax premium on.

The history of the man-made harbour is that "for Profit" enterprise failed to operate it, it was silting in and then homeowners gathered support to operate a "not for profit corporation" volunteer managed to protect their property values. If Newport Yacht Club cannot keep attracting members to sustain the annual dredging and ongoing annual repairs done by the club volunteers each year, will the city take it over and operate or support the operations?

Everything Newport does to improve its offering helps attract new members which in turn improves the property values and the attractiveness of the neighbourhood. The addition of a pool and additional washrooms on the empty lot at 105A Edgewater will enhance our club offering, giving an additional benefit to attract boating members to help keep us operating independently and not be a cash drain on taxpayers.

On behalf of our club members and as a homeowner interested in maintaining property values in the area via a strong and growing boating club, I ask your support to approve allowing the 2.5M set-back for the accessory buildings.

- **Further Notification:** I wish to be notified of future Public hearings on this if applicable
- **Notice of Decision:** I plan to attend and by this email I am requesting the Secretary Treasurer to provide me a "Notice of Decision"

Thank you in advance for your support,

Sincerely,

Michael Rushton
Commodore
Newport Yacht Club Stoney Creek



Email: commodore@newportyachtclub.ca
Cell: 416-420-5479