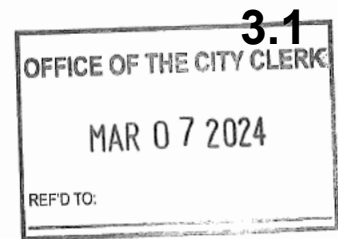


City of Hamilton Council
C/O City Clerk

March 5, 2024



Re: Appeal to development charges and parkland fees 1151 Garner Road W. Ancaster AN/-22:290. Permit application 23-117341.

Dear Clerk and Council,

In 2022 we received approval through a Committee of Adjustment application to permit a medical clinic within the existing building at the above address. The Committee found that the variances requested were of a minor nature and desirable, as well as being satisfied that there will be no adverse impact on any of the neighbouring lands.

We began to proceed with an application to facilitate our intended use of the existing property when we were met with a Development Charge and Parkland cost of \$208,853 which we feel is unjustified. We tried to explain to the city employee handling the charges that these charges are unjustified, but we were not successful. We have paid the amount under protest and are officially appealing the DC charge and parkland fees for the following reasons:

1. As constructed the structure was an office building from day 1 in the year 1996. It was then bought by a church in 2005 and used as such until we bought it to convert to its original use.
2. By imposing DC charges, the city is 'double dipping'.
3. DCs are meant to offset the cost of growth; there is no growth here as the C of A's decision even states. In fact, the building is going back to its original use. All infrastructure is available and nothing new is required. No additions or extra floor space are being added.
4. DCs may be added when a property's use is being intensified or when additional space is added that requires more use of city infrastructure/resources. That is clearly not the case here.
5. In reviewing the by-law and how it has been applied, we feel that the by-law is going beyond its intended use.

We respectfully request a hearing on this matter as soon as possible.

Thank you.

Dr. Nader Fahmy

March 7, 2024

