

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 6
COMMITTEE DATE: June 4, 2013	
SUBJECT/REPORT NO: City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101) (Ward 6)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATIONS

That approval be given to **City Initiative CI-13-B**, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “B” (Suburban Agriculture and Residential, Etc.) District to the “B/S-1669” (Suburban Agriculture and Residential, Etc.) District, with a Special Exception, in order to increase the minimum required front yard setback from 12m to 25m and to limit garage projections, for the lands located at 118 to 338 Mountain Brow Boulevard (Hamilton), as shown on Appendix “A” to Report PED13101, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan.

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EXECUTIVE SUMMARY

The purpose of the City Initiative is to implement an increase in the minimum front yard setback requirement of the “B” (Suburban Agriculture and Residential, Etc.) District from 12m to 25m on the properties located at 118 to 338 Mountain Brow Boulevard (Hamilton) (see Appendix “A”), as directed by the Economic Development and Planning Committee, at its meeting of September 8, 2009 (see Appendix “C”).

Based on site visits, a review of existing built form and streetscape character, and a review of Building Permit and Minor Variance submissions, an increase in the minimum front yard setback from 12m to 25m has merit, and can be recommended. The increase implements policies of the City of Hamilton Official Plan and serves to protect the existing streetscape, which is characterized by single detached dwellings on larger lots with a substantially larger front yard setback than required by the current provisions of the “B” (Suburban Agriculture and Residential, Etc.) District. In addition, to further protect the streetscape character of this portion of Mountain Brow Boulevard, a zoning restriction to prohibit the projection of an attached garage further than 3m beyond the front façade of a dwelling is also recommended.

Alternatives for Consideration - See Page 12.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider a City Initiated Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The proposed City Initiative is based on direction from the Economic Development and Planning Committee from September 2009, for a minimum 25m front yard setback to be established for the properties at 118 to 338 Mountain Brow Boulevard. Implementation was to have been done as part of the Comprehensive Zoning By-law Review (implementation of Zoning By-law No. 05-200). See Appendix “C” for a copy of this motion.

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New zoning provisions for residential and commercial areas will not be brought forward until appeals of the Urban Hamilton Official Plan have been dealt with and the plan is in full force and effect. In addition, implementation of the zoning modification to increase the front yard setback requirement would likely have been further delayed if the amendments to Zoning By-law No. 05-200 to incorporate the new residential and commercial zones are appealed. As these delays would further entrench the existing 12m setback requirement for a number of additional years, it is prudent to bring the zoning modification forward separately, in advance of Zoning By-law No. 05-200. It is intended that the proposed special regulations will also be incorporated into Zoning By-law No. 05-200 in the future for the properties at 118 to 338 Mountain Brow Boulevard, at such time as when Zoning By-law No. 05-200 is amended to include new residential zoning.

Purpose:

The identification of the issue arose in 2008, when some properties in this area had renovations to replace or upgrade existing buildings with larger dwellings. While none of the proposed works resulted in new dwellings substantially closer to Mountain Brow Boulevard than existing, residents were concerned that under the existing minimum 12m setback requirement, that a new dwelling could be constructed substantially closer to the road, which would both alter streetscape character, and block escarpment views from adjacent dwellings with setbacks of greater than 30m (an 18m difference). The concern surfaced again when area residents noticed a front garage addition being constructed at 372 Mountain Brow Boulevard in 2012, which did not require any Minor Variance approval as the addition met the 12m setback requirement. This large garage addition does protrude much further to the street than any other comparable dwelling on the road, where garage protrusions are relatively short. Residents to the west on Mountain Brow Boulevard were concerned similar additions could be constructed on the even larger lots between 118 and 338 Mountain Brow Boulevard.

Chronology:

November 4, 2008: Motion by Economic Development and Planning Committee directing staff to review and report back on the existing zoning regulations for the Sherwood Heights Subdivision, which is the area along Mountain Brow Boulevard from Upper Ottawa Street to 344 Mountain Brow Boulevard, with respect to the existing built form and restrictive covenants registered on title.

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August 17, 2009: Information Report for City Initiative CI-09-F (Report PED09243 - see Appendix "D") to respond to November 4, 2008 motion. The information Report noted that the restrictive covenants only applied to 7 lots in the subject area, and were for owners to "observe and perform" certain restrictions pertaining to setbacks, fencing, size of dwellings, grading, etc. The City has no role in enforcing or administering restrictive covenants. The Report commented on the large lot and large front yard setback characteristics of the street, and noted that the "B" District requires lot sizes sufficiently larger to preclude severance potential. Three options were presented: to maintain zoning status quo; to restrict zoning to 'as-built' site conditions; or to restrict front yards to 'as-built' only.

September 8, 2009: Economic Development and Planning Committee Meeting for CI-09-F (Report PED09243), whereby the Committee passed a resolution to receive the Report for information and "that a minimum 25m front yard setback be established for the properties at 118-338 Mountain Brow Boulevard, inclusive, and that this setback be brought forward as part of the official Comprehensive Zoning By-law Review and Report." See Appendix "C" for a copy of this motion.

January, 2013: As a result of the construction of a front garage addition at 372 Mountain Brow Boulevard (southeast of the study area around the curve of Mountain Brow Boulevard), area residents contacted the Ward Councillor in order to determine the status of the establishment of a greater front yard setback restriction. Due to appeals to the Urban Hamilton Official Plan staff agrees to bring the modification forward in advance of Residential Zoning for By-law No. 05-200.

March 8, 2013: Notice requesting Public Input for City Initiative CI-13-B is mailed to all property owners/tenants of the subject properties.

May 17, 2013: Circulation of Notice of Public Meeting to all property owners/tenants of the subject properties. Notice is also given in the Hamilton Spectator through the "At Your Service" publication.

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Details of Subject Lands:

Location: 118 to 338 Mountain Brow Boulevard (Hamilton)

Property Description: Area: Properties range from 1,821 sq. m. to 3,844 sq. m.
Frontage: Properties range from 27m to 51m
Depth: Properties range from 62m to 83m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, Etc.) District
<u>Surrounding Lands:</u>		
North	Niagara Escarpment	“A” (Conservation, Open Space, Park and Recreation) District
South	Single Detached Dwellings	“B-1” (Suburban Agriculture and Residential, Etc.) District
East	Single Detached Dwellings and Niagara Escarpment	“B” (Suburban Agriculture and Residential, Etc.) District and “A” (Conservation, Open Space, Park and Recreation) District
West	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, Etc.) District and “C” (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The City Initiative has been reviewed with respect to the Provincial Policy Statement (PPS). It is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. and provides for preservation and maintenance of a range of lot sizes and dwelling types. Therefore, the proposal is consistent with the Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3 states that by 2015, a minimum of 40% of all residential development must be within the built-up area. The proposal conforms with Places to Grow.

Hamilton-Wentworth Official Plan:

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposal conforms to the Hamilton-Wentworth Official Plan.

Hamilton Official Plan:

The subject lands are designated “Residential” on Schedule “A” - Land Use Concept in the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

- “A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Sub-section C.5;

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- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
(O.P.A. No. 128)

- xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area.”

Based on the above, the proposed City Initiative to increase the front yard setback requirement would not conflict with the intent of the Hamilton Official Plan. The Plan promotes both the rehabilitation/renovation of dwellings, as well as redevelopment and infilling that recognizes the scale and character of the existing residential area by having regard to setbacks. An increased setback to better reflect the existing streetscape would not unduly impact the ability of existing or future homeowners from renovating existing dwellings, constructing additions or, where necessary, replacing existing dwellings with new ones.

Urban Hamilton Official Plan:

The proposed City Initiative has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” - Urban Land Use designations. Policy E.3.2.4 notes that the existing character of established neighbourhoods shall be maintained. Policy E.3.2.7(b) also promotes the minimization of garages and parking areas along the public street. Finally, Policy E.3.3.2 also notes that development and redevelopment adjacent to existing low density shall ensure massing and arrangement of buildings are compatible with existing uses.

Therefore, the proposed increase in the minimum front yard setback would not conflict with the intent of the Urban Hamilton Official Plan, as the proposal aids in implementing certain policies of the “Neighbourhoods” designation on this street.

Neighbourhood Plan:

The subject property is located within the Sherwood Neighbourhood. There is no Neighbourhood Plan for the Sherwood Neighbourhood.

RELEVANT CONSULTATION

In addition to meetings that occurred in 2008 and 2009 between staff, the Ward Councillor, and area residents, consultation for the proposal included: meetings with senior Planning Division staff and other staff in the Department who worked on the previous Report on this subject matter; a meeting with the Ward Councillor; and meetings with Development Planning, Heritage and Design staff to review background information, property information, and the urban design aspects of the streetscape. As a result of the consultation, no issues with introducing a minimum 25m front yard setback requirement with a further garage projection restriction were identified.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act, notice of a Public Meeting for City Initiated rezoning proposals is required to be provided via notice in the newspaper. In addition to this notice, a preliminary notice to request public input from the residents and property owners of 118 to 338 Mountain Brow Boulevard was provided, via mail, on March 13, 2013. These same residents and owners were also mailed a notice of the Public Meeting.

As a result of the preliminary notice, three telephone calls were received from property owners in favour of the proposal. One set of written comments, also in favour of the proposal, was received (see Appendix "E").

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed City Initiative has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan, the "Residential" designation in the Hamilton Official Plan, and the "Neighbourhoods" designation of the new Urban Hamilton Official Plan; and,

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- (iii) It provides greater assurance that building additions or redevelopment of new dwellings will be in keeping with the established streetscape character of this portion of Mountain Brow Boulevard, which preserves escarpment views and provides sufficient flexibility to allow a broad range of dwelling forms to be constructed.
2. The Historical Background section of this Report provides a description of the purpose of the City Initiative and a review of the previous Information Report (see Appendix “D”), including a chronology of events leading to this point. In summary, concerns were raised by residents of Mountain Brow Boulevard that the existing minimum 12m front yard setback requirement of the “B” (Suburban Agriculture and Residential, Etc.) District is not sufficient, and allows dwelling additions or dwelling replacements to be constructed much closer to the road than existing dwellings, which would impact both the streetscape character and escarpment views. A more specific concern was also raised about garages being able to be constructed with a substantial protrusion in front of the rest of the dwelling, which is also out of character for this portion of the street.

Based on this concern, in 2009, the Economic Development and Planning Committee directed staff to include a minimum 25m front yard setback as part of new residential zoning to be brought forward in Zoning By-law No. 05-200. Since four years have passed, and the inclusion of the residential zones in Zoning By-law No. 05-200 is still some time away from fruition due to appeals to the Urban Hamilton Official Plan, the Ward Councillor requested staff to bring forward the zoning modification in a more timely manner, which is the purpose of this Report.

3. In order to determine the appropriateness of the requested 25m setback, the work plan for the City Initiative included public consultation (see the Relevant Consultation section of this Report), consultation with the Ward Councillor and other senior city staff, as well as background research of Building Permits, Minor Variances, property surveys, a site visit, and a review of existing setbacks.

Within the study area of 118 to 338 Mountain Plaza Boulevard, there has not been substantial Building Permit activity since 2008. One dwelling was substantially reconstructed without needing a Minor Variance, as an earlier Minor Variance application was denied, and another new dwelling was constructed. It does not appear that significant other redevelopment has occurred in this time period. However, the property owner at 372 Mountain Brow Boulevard, further south and east of the subject area, is constructing an attached garage that does protrude in front of the dwelling, but in compliance with the Zoning By-law. Pages 1 and 2 of Appendix “F” show photos of this construction. This appendix also contains a photo library of most of the dwellings in the subject area. One

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can see in viewing the photographs that there is no one consistent dwelling type. Many dwellings are only 1-storey or 1½-storeys in height, but some of the newer constructed or reconstructed dwellings are 2-storeys. Age of dwellings varies, but most are not much older than 50 years. Most dwellings are also quite wide and take up much of the width of the lots, albeit with at least the minimum 3m side yard setbacks provided. None of the dwellings have any substantial attached garages that protrude toward the street, and some of the dwellings either do not have attached garages, or have them on the sides of the dwelling instead of the front. All of the dwellings are also located with a substantial front yard setback. The following chart highlights the approximate front yard setbacks from the front property line to the dwelling.

<u>Address</u>	<u>Front Yard Setback in Metres</u>
118 Mountain Brow Boulevard	38.1
122 Mountain Brow Boulevard	38.8
126 Mountain Brow Boulevard	37.1
140 Mountain Brow Boulevard	38.0
154 Mountain Brow Boulevard	36.4
164 Mountain Brow Boulevard	30.3
174 Mountain Brow Boulevard	20.8
184 Mountain Brow Boulevard	10 (up to 20.9 due to irregular shape)
214 Mountain Brow Boulevard	20.3 (up to 30 due to irregular shape)
224 Mountain Brow Boulevard	32.6
234 Mountain Brow Boulevard	33.4
244 Mountain Brow Boulevard	33.4
254 Mountain Brow Boulevard	33.0

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264 Mountain Brow Boulevard	30.8
274 Mountain Brow Boulevard	35.0
284 Mountain Brow Boulevard	33.2
290 Mountain Brow Boulevard	31.7
304 Mountain Brow Boulevard	32.9
314 Mountain Brow Boulevard	33.4
328 Mountain Brow Boulevard	35.3
338 Mountain Brow Boulevard	30.8
Average Front Yard Setback	32.2

Based on the above, all of the existing dwellings have setbacks between 5m and 13m greater than 25m, except for three dwellings. Should the 25m minimum setback be implemented, then the three non-conforming dwellings would retain a legally established, non-conforming front yard setback, and any additions or redevelopment at the front of the dwelling would require a Minor Variance to expand a legally established, non-conforming front yard setback.

4. The existing “B” District zoning requires a minimum 12m front yard setback. With the majority of the dwellings having existing setbacks 18m to 26m greater than required, it is clear that the character of this stretch of Mountain Brow Boulevard is one of substantial setbacks from the road. A new dwelling or substantial addition to the front of an existing dwelling would result in impacts to streetscape character and, possibly, even impact on escarpment views. However, even with the suggested 25m front yard setback, building additions or new dwellings could be constructed between 5m and 12m closer than existing. However, this allows flexibility without substantial alterations to the streetscape and, therefore, the 25m setback is appropriate. The existing minimum 3m side yard setback requirement is being maintained.

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However, staff does suggest inclusion of an additional requirement into the Zoning By-law to also prohibit construction of an attached garage that protrudes greater than 3m from the front façade of the dwelling. This is because streetscape character, in this instance, is not characterized only by the setback, but by the lack of prominent garages (as indicated in the photo library in Appendix “F”). A 3m garage protrusion still allows flexibility to construct front porches and decks in line with the front face of a garage.

ALTERNATIVES FOR CONSIDERATION

If the City Initiative is denied, the subject lands would retain the existing “B” District zoning provisions, including a requirement for a minimum 12m front yard setback. Alternatively, Planning Committee could recommend an alternative minimum required setback other than 25m (either greater or lesser), or choose to not include the recommended garage restriction and revise the By-law, attached as Appendix “B”, accordingly.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

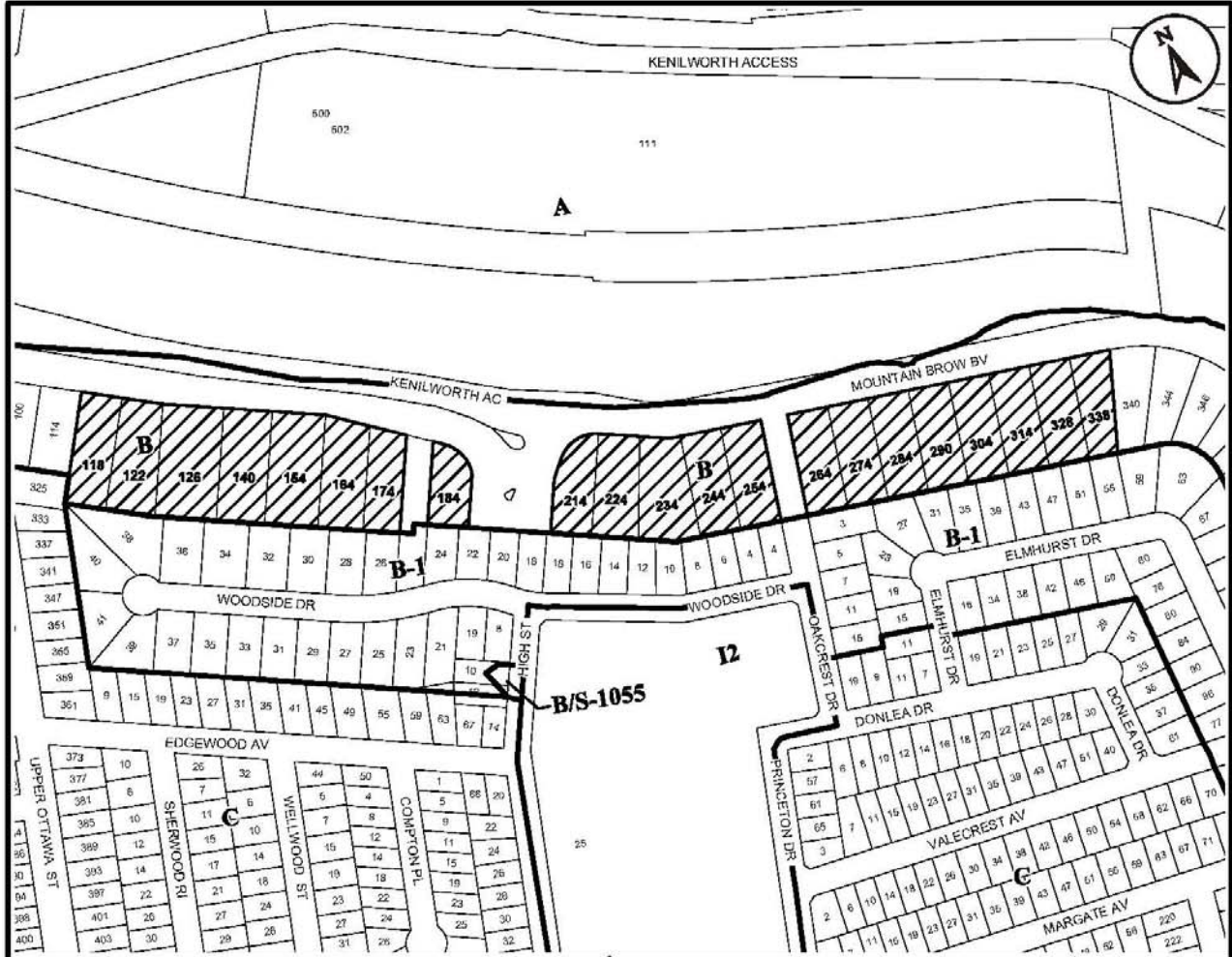
2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: 2009 Economic Development and Planning Committee Motion
- Appendix “D”: Report PED09243
- Appendix “E”: Public Comments
- Appendix “F”: Photo Library

:GM


Attachs. (6)



● Site of the Application



Ward 6 Key Map

N.T.S. 

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CI-13-B

Date:
March 28, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/AL

Subject Property

118 - 338 Mountain Brow Boulevard



Change in Zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the "B/S-1669" (Suburban Agriculture and Residential, Etc.) District, Modified

Authority: Item [REDACTED]
Planning Committee
Report 13 [REDACTED] (PED13101)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY- LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 118 to 338 Mountain Brow Boulevard (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2013, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-56 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) By changing the zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the "B/S-1669" (Suburban Agriculture and Residential, Etc.) District, Modified,

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That the "B" (Suburban Agriculture and Residential, Etc.) District provisions, as contained in Section 8 of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 9.(3)(1) of Zoning By-law No. 6593, a minimum front yard of a depth of at least 25.0m shall be provided and maintained; and,
 - (b) That notwithstanding any other provision of Zoning By-law No. 6593, an attached garage shall not encroach greater than 3.0m into a front yard beyond the front façade of a dwelling but in no case shall an attached garage be closer than 25m from the front lot line.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1669.
4. That Sheet No. E-56 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1669.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B" (Suburban Agriculture and Residential, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.

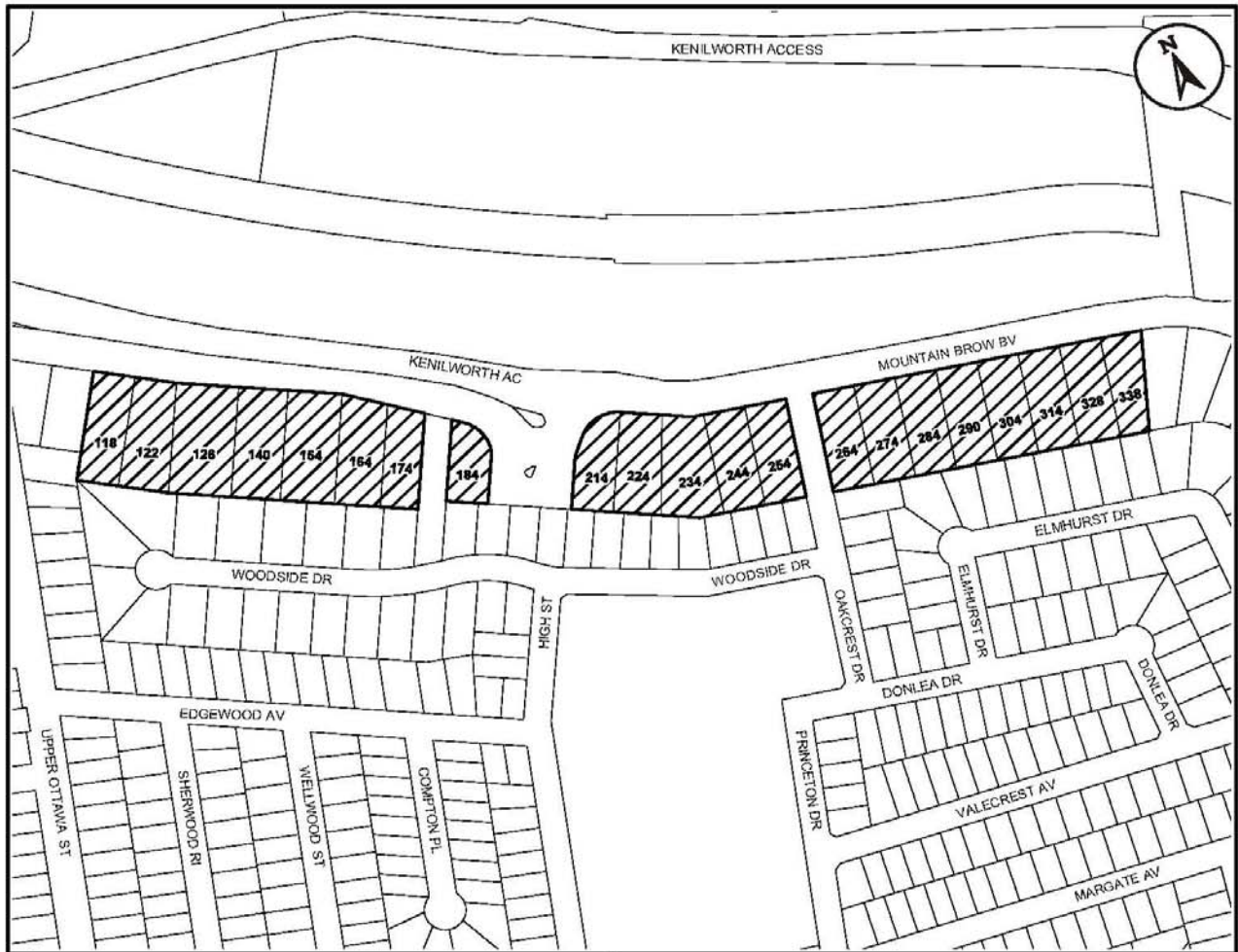
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk

CI-13-B



<p>This is Schedule "A" to By-Law No. 13-</p> <p>Passed the day of, 2013</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 13-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 118 - 338 Mountain Brow Boulevard</p> <p> Change in Zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the "B/S-1669" (Suburban Agriculture and Residential, Etc.) District, Modified</p>
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Scale: N.T.S.	File Name/Number: CI-13-B	
Date: March 28, 2013	Planner/Technician: GM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



**Economic Development and Planning Committee
MINUTES 09-017**

**Tuesday, September 8, 2009
9:30 am**

**Albion Room, Hamilton Convention Centre
1 Summer's Lane, Hamilton**

Present: Chair M. Pearson
Vice Chairs, Councillors: B. Bratina, L. Ferguson,
Councillors: B. Clark S. Duvall, B. McHattie D. Mitchell, R. Pasuta,
T. Jackson

Absent with regrets: Councillor T. Whitehead- City Business

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, P. Mallard, J. Hickey-Evans, R. Marini, D. Ortiz,
F. Peter, P. De Iulio, S. Robichaud, D. Falletta, J. Strutt, J. Xamin-
Planning and Economic Development
D. Adames-Tourism
A. Zuidema, M. Kovacevic-Legal Services
A. Rawlings – City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

**1. Prohibition and Inspection of Grow Operations (PED07222(a)) (City Wide)
(Item 5.1)**

(Ferguson/Clark)

That Report PED07222(a), Prohibition and Inspection of Grow Operations, be received for information.

CARRIED

**2. Request to Designate 111 Kenilworth Access, Hamilton (Known as the
Barton Reservoir) Under Part IV of the Ontario Heritage Act (PED09241)
(Wards 3 and 4) (Item 5.2)**

(Ferguson/Clark)

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 111 Kenilworth Access, Hamilton, to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act.

(8)

Economic Development & Planning
Committee

Minutes 09-017

~~18. Additional Regulatory Options for Waste Management Facilities
(PED08064(e)) (City Wide) (Item 8.1)~~

~~(Ferguson/Clark)~~

- ~~(a) That staff take no further action relative to the implementation of a radial distance separation between Waste Management Facilities which hold or require a Ministry of the Environment (MOE) Waste Certificate of Approval.~~
- ~~(b) That staff take no further action relative to the implementation of a licensing requirement for Waste Management Facilities which hold or require a Ministry of the Environment (MOE) Waste Certificate of Approval.~~
- ~~(c) That staff take no further action relative to the regulation of Waste Management Facilities which hold or require a Ministry of the Environment (MOE) Waste Certificate of Approval within the Bayfront Industrial Area of the former City of Hamilton.~~

CARRIED

19. Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (CI-09-F) (PED09243) (Ward 6) (Item 8.2)

(Duvall/Clark)

- (a) That a minimum 25 metre front yard setback be established for the properties at 118-338 Mountain Brow Boulevard, inclusive, and that this setback be brought forward as part of the official Comprehensive Zoning By-law review and report;
- (b) That Report PED09243, Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (CI-09-F), be received for information.

CARRIED

~~20. Report 09-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12) (Item 8.3)~~

~~(Ferguson/Clark)~~

~~That Report 09-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12), be received and that the following Recommendations be referred to the General Manager of Planning and Economic Development for a report back on the issues, prior to any further action being taken on the Report:~~

- ~~(a) That the Neighbourhood Residential Rental Housing Community Liaison Committee's findings and results pertaining to licensing rental housing be forwarded to the City-wide Residential Rental Housing Review Community Liaison Committee for information.~~
- ~~(b) That the matter of a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling be referred to Zoning By-law Reform staff for further review and that consideration on the development of regulations for~~



Hamilton

INFORMATION REPORT

AFFECTS WARD 6

To:	Chair and Members Economic Development and Planning Committee PED09243		
From:	Tim McCabe General Manager Planning and Economic Development Department	Telephone: Facsimile: E-mail:	(905) 546-4339 (905) 546-4364 Tim.McCabe@hamilton.ca
Date:	August 17, 2009		
Re:	Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (CI-09-F) (Ward 6)		

Council Direction:

The purpose of this report is to respond to the motion by Economic Development and Planning Committee, dated November 4, 2008, directing staff to:

"review and report back on the existing zoning regulations for the Sherwood Heights Subdivision, which is the area along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard, with respect to the existing built form and restrictive covenants registered on title".

Information:

The portion of the Mountain Brow Boulevard corridor subject to this review consists of 25 existing residential lots (see Location Map in Appendix "A"). The lots have various dimensions ranging from frontages of approximately 19.8m to 51.8m, depths of approximately 62.5m to 83.8m, and lots areas of approximately 1,456.9 sq.m. to 3,844.7 sq.m. These lots, which are evidently generously sized by urban residential lot standards, contain dwellings with similarly generous front yard setbacks ranging from approximately 16.7 metres to 38.7 metres. The following table illustrates the approximate lot dimensions for each of the lots within the study, as identified by assessment rolls:

SUBJECT: Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (PED09243) (Ward 6) - Page 2 of 5

Lot Details - 100 to 344 Mountain Brow Blvd

Address	Frontage		Depth		Lot Area	
	In feet	In metres	In feet	In metres	In acres	In sq.m.
100 Mountain Brow Blvd.	99.66	30.4	205	62.5	0.36	1456.9
114 Mountain Brow Blvd.	100	30.5	205	62.5	0.47	1902.1
118 Mountain Brow Blvd.	100	30.5	275	83.8	0.63	2549.6
122 Mountain Brow Blvd.	100	30.5	275	83.8	0.7	2832.9
126 Mountain Brow Blvd.	150	45.7	275	83.8	0.95	3844.7
140 Mountain Brow Blvd.	118	36.0	275	83.8	0.74	2994.8
154 Mountain Brow Blvd.	130	39.6	275	83.8	0.82	3318.5
164 Mountain Brow Blvd.	111.67	34.0	275	83.8	0.68	2752.0
174 Mountain Brow Blvd.	90	27.4	255.76	78.0	0.51	2064.0
184 Mountain Brow Blvd.	133.5	40.7	203.5	62.0	0.45	1821.2
214 Mountain Brow Blvd.	170.02	51.8	250	76.2	0.5	2023.5
224 Mountain Brow Blvd.	100	30.5	250	76.2	0.61	2468.7
234 Mountain Brow Blvd.	100	30.5	250	76.2	0.72	2913.8
244 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
254 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
264 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
274 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
284 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
290 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
304 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
314 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
328 Mountain Brow Blvd.	100	30.5	250	76.2	0.57	2306.8
338 Mountain Brow Blvd.	100	30.5	260	79.2	0.5	2023.5
340 Mountain Brow Blvd.	113.04	34.5	251.79	76.7	0.51	2064.0
344 Mountain Brow Blvd.	64.91	19.8	247.86	75.5	0.48	1942.6

Zoning Regulations:

The lands are currently zoned "B" (Suburban Agriculture and Residential, etc.) District Zone. A complete copy of the regulations of the "B" zone is found in Appendix "B". Among other uses, the "B" District permits single detached residential dwellings, subject to the following regulations:

- Minimum Lot Width: - 20 metres
- Minimum Lot Area: - 1,100 square metres (11,840.69 sq. ft.)
- Minimum Front Yard Setback: - 12.0 metres
- Minimum Side Yard Setback: - 3.0 metres
- Minimum Rear Yard Setback: - 9.0 metres
- Maximum Building Height: - 2.5 storeys (11.0 metres)

Subject to a building permit, development of additions to existing residential buildings and/or new residential construction is permitted as-of-right provided it meets these minimum regulations. In such a case, there is no need for a property owner to undertake the public process of a Minor Variance or Zoning By-law Amendment application.

**SUBJECT: Existing Zoning Regulations, Built Form and Restrictive Covenants
Along Mountain Brow Boulevard, from Upper Ottawa Street to 344
Mountain Brow Boulevard (PED09243) (Ward 6) - Page 3 of 5**

Restrictive Covenants:

A copy of restrictive covenants was provided to staff by one of the owners within the study area. After conducting a search at the Land Registry Office to determine if such covenants affected other lots within the study area, it was found that the properties known municipally as 126, 140, 154, 174, 234, 340 and 344 Mountain Brow Boulevard also had restrictive covenants registered against them. Of these seven properties, one of them has covenants that are less than 40 years old, and the others have covenants which were registered more than 40 years ago.

If, in a Land Titles search, there are restrictions with no expiry date which have been registered for 40 years or more, the land registrar may delete them on application pursuant to s. 119(9) of the Land Titles Act. Under s. 119(5) of the Land Titles Act, an owner of property burdened by a restrictive covenant can make an application to the Superior Court of Justice to modify or discharge a restrictive covenant. This procedure is normally used where the original purpose of the covenant is no longer applicable due to lapse of time or a change in circumstances. The applicant must show that the benefit to him from such a modification or discharge will far outweigh any possible detriment to any person objecting to the application. In all of these cases, it is the registered owner that must consult their solicitor in order to determine whether or not these restrictive covenants can be removed from the title to their lands. The City has no role in enforcing or administering these restrictive covenants.

Although the restrictive covenants are not the same for each property, they all note that the owners and successors "observe and perform" a number of restrictions including, among other things:

- (a) The properties only be used for residential purposes;
- (b) The properties only contain one dwelling;
- (c) Minimum value of dwellings;
- (d) Minimum ground floor areas of dwellings ranging from 111.48 sq.m. to 130 sq.m. (1,200 sq. ft. to 1,400 sq. ft.);
- (e) Fencing heights of no more than 0.9m. (3 ft.);
- (f) Front yard setbacks of: 15.2m (50 ft.) for two of the seven lots, 32.8m (100 ft.) for one lot, 33.5m (110 ft.) for one lot, and 36.6m (120 ft.) for three lots;
- (g) Setbacks for yards other than the front yard of: 3.28m (10 ft.) for three lots, and 4.6m. (15 ft.) for four lots;
- (h) That no earth be removed from the properties;

SUBJECT: Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (PED09243) (Ward 6) - Page 4 of 5

- (i) That no activities take place that may be deemed a nuisance, unpleasant, or unhealthy; and,
- (j) No clothesline be erected, except in very limited circumstances.

According to the covenants, all buildings, structures, etc., were to be built only after the plans had been approved by the grantors of the covenants. The covenants also maintain a clause that allows the grantor the authority to modify, waive, or release these restrictions. It is unclear if the grantors have ever exercised any of their authority.

Analysis:

1. With the exception of the conversion of the zoning regulations from imperial to their metric equivalents, the various "B" District regulations have been in place since the inception of the original City of Hamilton Zoning By-law in 1950.
2. Of the 25 lots within the study area, 18 were not found to have restrictive covenants and, therefore, have nothing on title that would potentially inhibit their ability to develop in accordance with the standards of the "B" District Zone regulations.
3. Of the 7 lots within the study area that were found to have restrictive covenants, the lot width and front yards, as well as the 4.6m (15 ft.) side yards referred to in the expired covenants found on title, are more restrictive than the respective regulations of the City of Hamilton Zoning By-law. The 3.28m (10 ft.) side yard noted on three of the restrictive covenants is similar to the side yards required within the Zoning By-law.
4. Although a surveyed review of each individual property and its buildings is not possible, it is evident from site inspections and an analysis of aerial photographs that the front yard setbacks of existing development on the lots along this portion of Mountain Brow Boulevard exceed the minimum front yard requirement of the "B" District regulations of the City of Hamilton Zoning By-law (see Appendix "B"). However, without the benefit of surveyed dimensions, staff is unable to determine if the 15.2m to 36.6m front yards, and other side yard requirements referred to in the seven lots where restrictive covenants were found, have been maintained.

Alternatives for Consideration:

1. Maintain Status Quo

The City could maintain "status quo", and continue to use the existing development regulations of the "B" District in City of Hamilton Zoning By-law No. 6593. The majority of the lots (100-338 Mountain Brow Boulevard) were created through Registered Plan No. 829, which was registered in 1950, while two lots (340 and 344 Mountain Brow Boulevard) were created through Registered Plan No. 1303, which was registered in 1965. The current zoning has been in place

SUBJECT: Existing Zoning Regulations, Built Form and Restrictive Covenants Along Mountain Brow Boulevard, from Upper Ottawa Street to 344 Mountain Brow Boulevard (PED09243) (Ward 6) - Page 5 of 5

since that time, and no new lots have been created. There has only been one minor variance application at 244 Mountain Brow Boulevard for a reduced side yard setback from 3 metres to 1.5 metres. The application was denied by the Committee of Adjustment, appealed by the applicant, but the appeal was subsequently withdrawn.

2. As-Built

Under this option, the existing 'as-built' site conditions (e.g. minimum lot size, lot frontage, yard setbacks, building height) would become the new minimum standard on a lot by lot basis. Accordingly, any proposed building additions or re-development beyond the existing 'building envelopes' would require a minor variance or zoning application. Similarly, any proposed lot creation would also necessitate a minor variance or zoning application, which would be a public process and require notice to surrounding property owners.

3. Maintain Streetscape

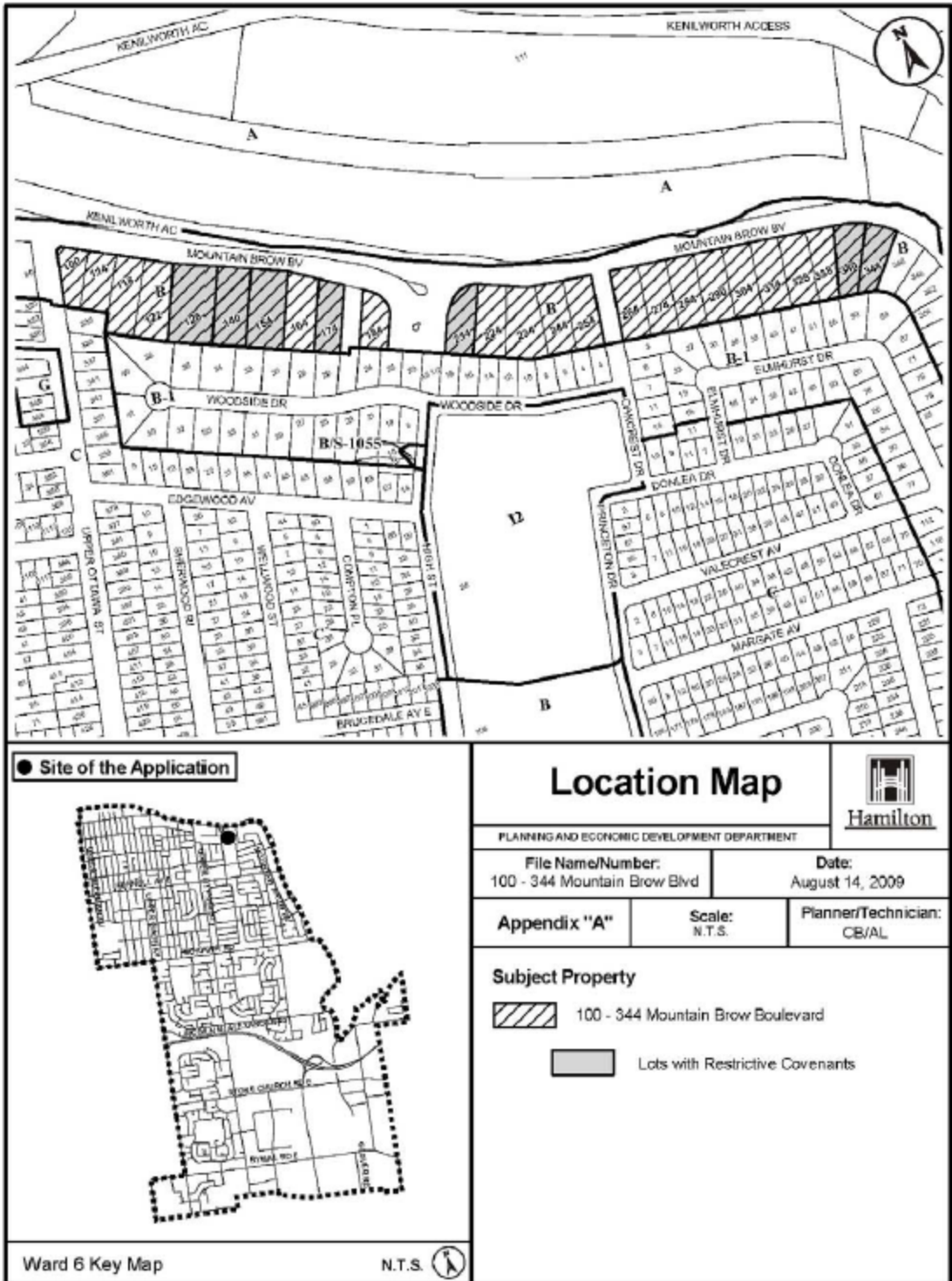
In order to maintain the established streetscape character of the area, which is typified by lots with large front yards in excess of the minimum required 12m setback, the zoning would only be modified to recognize the existing 'as-built' front yard setbacks. This would preclude any proposed additions or redevelopment, on a lot by lot basis, from encroaching beyond the current front yard setbacks. All other provisions of the "B" District (e.g. minimum lot size, lot frontage, rear and side yard setbacks, building height) would continue to apply. Any proposal(s) to reduce the existing 'as-built' front yard setback would necessitate a minor variance, which is a public process and would require notice to be given to surrounding property owners.

Given the stability of the area since the lots were registered, that is, no new lots have been created and only one minor variance application for a reduced side yard setback has been submitted, staff is of the opinion that over-all, the current "B" District provisions remain appropriate. However, in order to maintain the established streetscape character of the area, staff could support Option 3. However, the minimum 12.0m (40ft.) front yard setback is considered substantial already, as compared to standard zoning regulations. Committee's direction is requested.

Tim McCabe
General Manager
Planning and Economic Development Department

:CPB
Attachs. (2)

Appendix "A" to Report PED09243
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● Site of the Application



Ward 6 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
100 - 344 Mountain Brow Blvd

Date:
August 14, 2009

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CB/AL

Subject Property



100 - 344 Mountain Brow Boulevard



Lots with Restrictive Covenants

Appendix "B" to Report PED09243
(Page 1 of 6)

SECTION EIGHT - "B" DISTRICTS

(SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.)

REQUIREMENTS AS TO USE

8. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "B" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (71-327) (83-66)

RESIDENTIAL USES

- (i) A single family dwelling, together with the accommodation of lodgers to the number of not more than three; (71-327) (81-27)
- (ii) (71-327) (81-27) (Deleted by 92-281)
- (iia) A Foster Home; (86-326)
- (iib) Residential care facility for the accommodation of not more than six residents; (01-143 - Deleted by 06-188)
- (iic) Retirement home for the accommodation of not more than six residents. (01-143 - Deleted by 06-188)

INSTITUTIONAL USES

- (iii) A public hospital, private hospital, home for the aged, children's residence; (71-327) (81-27)
- Provided that:
- (a) it has sleeping accommodation for at least one hundred inmates,
- (b) the lot on which same is situate has a horizontal area of at least 20,000.0 square metres (4.94 acres), (79-288) (80-049)
- (c) at least ninety per cent of said area is unoccupied by any building or structure, and

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- (d) wherever any lands adjoining or any lands immediately opposite on the other side of any highway upon which the hospital lands abut, are in a residential district, every building and structure be either at least 30.0 metres (98.43 feet) from the nearest lot line, or at least 1.0 metre (3.28 feet) for every 0.5 metre (1.64 feet) of height of the building or structure, whichever is the greater distance, (79-288) (80-049)
- (iiia) A day nursery, provided that: (90-248)
- (a) Subject to subsection (b), every such day nursery,
- (i) shall accommodate not more than 25 children, and
- (ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.
- (b) Subsection (a) shall not apply to a day nursery located within a school, church, community centre, or other public building.
- (iv) A monastery, nunnery or other like religious use, conditional upon observance of clauses (b), (c) and (d) of the provision for public hospitals above: (71-237)

PUBLIC USES

- (v) A school, college, university or seminary of learning, public or private, with or without a dormitory and dining room but excepting a commercial school or a sanatorium school, and conditional upon observances of clauses (b) and (d) of the provision for public hospitals above; (71-327)
- (va) A school for the blind or deaf, with or without a dormitory and dining room, together with a workshop or factory where only inmates and other blind persons and their instructors are employed, and a shop where goods produced in the school may be sold and such offices, recreation rooms and other uses as may be appropriate to the conduct of such a school. (71-327)
- (vi) A library, art gallery, museum, observatory, community centre, gymnasium, swimming pool or other such cultural, recreational or community building or structure, except one carried on as a business, or of a kind that is customarily carried on as a business;

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Provided that a Community Centre, permitted under this paragraph shall be one that is operated for the benefit of all residents of a given neighbourhood, and where all such residents are afforded opportunity for recreational activities, and where individuals may be permitted to combine into groups to do their own canning and for any other self-help programs with respect to home economy or the household arts; (71-327)

- (vii) A cemetery, mausoleum or columbarium, together with any chapel or other building or structure appurtenant to such use, including a crematorium if within a cemetery,

Provided that:

- (a) The lot on which same is situate has a horizontal area of at least 8.0 hectares (19.77 acres), and
(79-288) (80-049)
- (b) every building or structure save a memorial stone or monument, or a boundary fence, is at least a 30.0 metres (98.43 feet) from the nearest lot line;
(71-327) (79-288) (80-049)

- (viii) A public or private forest, wildlife reservation or other conservation project, or a reservation for hiking, picnicking, skiing or other such outdoor sports; (71-327)

- (ix) A fairground or exhibition ground;

- (x) A golf course, bowling green, tennis court, playground, playfield, play lot, picnic ground or other such recreational use except one carried on as a business, or of a kind that is customarily carried on as a business,

Provided, however, that any building permitted in connection with any such tennis court, bowling green or other recreational use shall be limited to such locker-rooms, dressing rooms, shower baths, and other such accessory uses necessary for their operation; (71-327)

COMMERCIAL USES

- (xi) A livery stable, riding academy, kennel, animal hospital or the keeping or raising of animals,

Provided that:

- (a) the lot on which same is situate has an area of at least 12,000.0 square metres (2.97 acres), and
(79-288) (80-049)

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- (b) every building or corral or other structure for the housing of animals, save a boundary fence, is at least 30.0 metres (98.43 feet) from the nearest lot line; (71-327) (79-288) (80-049)
- (xii) A broadcasting station for radio, facsimile or television, with or without a studio or theatre,
Provided that:
 - (a) the lot on which same is situate has a horizontal area of at least 8.0 hectares (19.77 acres), and (79-288) (80-049)
 - (b) every building or structure save a boundary fence is distant from the nearest lot line at least 0.5 metres (1.64 feet) for each 0.5 metres (1.64 feet) of height of the building or structure; (71-327) (79-288) (80-049)

FARMING USES

- (xiii) Any farming use except the commercial feeding of garbage or swill to swine or other animals,
Provided that:
 - (a) the lot on which any such farming use is carried on has an area of at least 12,000.0 square metres (2.97 acres), and (79-288) (80-049)
- (xii) (b) every building or corral or other structure used for housing or enclosing animals, except a boundary fence, is at least 30.0 metres (98.43 feet) from the nearest lot line; (71-327) (79-288) (80-049)

MISCELLANEOUS AND INCIDENTAL USES

- (xiv) A booth in a public hospital, private hospital or home for the aged for the sale of flowers, magazines, refreshments and comforts; (71-327) (81-27)
- (xv) A private garage; (92-170)
- (xvi) Parking spaces to such a number as is reasonably necessary for a permitted use to which the same is appurtenant, provided that the same are hard-surfaced and abut upon a hard-surfaces driveway giving ready access to a street or alley, and that same are used only as appurtenant to such permitted use,

Appendix "B" to Report PED09243
(Page 5 of 6)

And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose of a non-conforming use; (71-327)

- (xvii) A storage garage of such capacity as is reasonably necessary for a permitted use to which the same is appurtenant, provided that the same is used only as appurtenant to such permitted use,

And provided further that the foregoing shall not be construed so as to permit the expansion for such purpose, of a non-conforming use. (71-327)

HEIGHT REQUIREMENTS

- (2) In a "B" District; no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres (36.09 feet), in height. (9141/60) (79-288) (80-049)

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a "B" District: (8927/60)
- (i) a front yard of a depth of at least 12.0 metres (39.37 feet); (79-288) (80-049)
 - (ii) a side yard along each side lot line of a width of at least 3.0 metres (9.84 feet); and (79-288) (80-049)
 - (iii) a rear yard of a depth of at least 9.0 metres (29.53 feet). (79-288) (80-049)

INTENSITY OF USE

- (4) Every lot or tract of land in a "B" District shall have a width of at least 20.0 metres (65.62 feet) and an area of at least 1,100.0 square metres (11,840.69 square feet) within the district. (8927/60) (71-327) (79-288) (80-049)
- (5) Except as provided in Subsection 6, every residential care facility and retirement home shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, retirement home, emergency shelter, corrections residence or correctional facility. (01-143 - Deleted by 06-188)

Appendix "B" to Report PED09243
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- (6) Where the radial separation distance from the lot line of an existing residential care facility or an existing retirement home is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, retirement home, emergency shelter, corrections residence or correctional facility, the existing residential care facility or existing retirement home may be expanded or redeveloped to accommodate not more than the permitted number of residents. (01-143 - Deleted by 06-188)

Macdonald, Greg

From: Donald Willard [REDACTED]
Sent: Monday, March 25, 2013 5:55 PM
To: Macdonald, Greg
Cc: Bates, Nancy
Subject: front yard setback solicitation for residential properties (118 to 344 Mtn. Brow Blvd)

Dear Greg:

I am writing you in support of the front yard setback requirements for 118 to 344 Mountain Brow Boulevard. These residential properties, with approximately 100 foot frontage and depth of 250 feet, are very large and a setback of only 12 metres for additions or new dwellings would indeed be out of character for these properties. As an example, our neighbour tore down the old house, and built a very large executive home which complied essentially with the 25 metre setback. Although this new house extends forward significantly beyond our house and the neighbour on the other side, the setback is nevertheless fair and reasonable. However had this home been approved and built with a 12 metre setback, then our view and the view of the neighbour would have been significantly impacted, and the character of these very large and unique park-like lots would begin to erode as further development occurs.

I would like to thank Councillor Jackson for recognizing the importance of the issue, and helping to steer it forward through Planning and Council. My wife and I look forward to the "additional information" that will be provided.

Thank you,
Don and Lenise Willard
234 Mountain Brow Blvd



Photo 1: Dwelling addition at 372 Mountain Brow Boulevard



Photo 2: Dwelling addition at 372 Mountain Brow Boulevard



Photo 3: Dwelling addition at 372 Mountain Brow Boulevard



Photo 4: 338 Mountain Brow Boulevard



Photo 5: 328 Mountain Brow Boulevard



Photo 6: 314 and 304 Mountain Brow Boulevard



Photo 7: 284 and 274 Mountain Brow Boulevard



Photo 8: 244 Mountain Brow Boulevard



Photo 9: 234 and 224 Mountain Brow Boulevard



Photo 10: 184 Mountain Brow Boulevard



Photo 11: 154 Mountain Brow Boulevard



Photo 12: 126 Mountain Brow Boulevard



Photo 13: 118 Mountain Brow Boulevard