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RECEIVED

APR 04 2024

April 4, 2024

Planning Department - ATTENTION - Committee of Adjustment
City of Hamilton

RE: Minor Variance Application No. SC/A-24:48
Subject Property: 343 McNeilly Rd., Stoney Creek

To begin with the Zoning M3 (Prestige business Park) is a misrepresentation. The Property is actually Zoned Residential. When this owner purchased the property he parked Tractor of an 18-wheel rig, one of our neighbors complained to by-law and he had to remove it because commercial vehicles cannot be parked on residential properties. If you consult o5-200 page 217 paper version you will note the subject address is one of 4 residential properties nestled between 999 Barton St. Zoned M3 and what is now Arvin Ave. formerly part of Superior Boiler Works Zoned M3.

These 4 properties are clearly identified as Resident uses and are consistently comparably marked with other residential uses. These 4 properties are also marked in such a way that they must be assembled into one property before making an application for a change of Zoning. If you look back even further into the status under the former City of Stoney Creek you will note they are excluded in the list of Industrial Inventory and are consistently marked as other residential Zoned properties.

In addition the subject property is approximately 25 % or 1000 meters under size refer 05-200 pg.67 9.3.3 (A).

Further more to Ontario Municipal Act and Zoning by-law both require the property to be vacated "before" changing to industrial.

As for the requested Variances requested:

1. "No Visual Barrier" The Subject property is clearly located inside the Prestige area requiring a privacy barrier. Since McNeilly Rd. is a Mountain Access and it is also a primary access road for Block 3 residential development of some 4500 residential units. Eliminating this requirement effectively eliminates Prestige and creates Slum development and devalues

the surrounding property values especially the existing Prestige industrial properties that conform to this requirement.

2. "0.0 meters landscape area" by eliminating the planting strip endangers human life by allowing the back end of 5 ton; 10 ton and 18 wheel trailers to over hang public areas. Eliminating this requirement effectively eliminates Prestige and creates Slum development and devalues the surrounding property values especially the existing Prestige industrial properties that conform to this requirement.
3. "Parking shall be permitted to be located 0.0 meters" In addition to a line of sight issue this also creates a safety issue.
4. "0.0 meter planting strip" by eliminating the planting strip endangers human life by allowing the back end of 5 ton; 10 ton and 18 wheel trailers to over hang public areas. These types of vehicles have blind spots and are dangerous when parking.
5. "A minimum 3 metre aisle width etc." The reduction in sight lines both on and off the subject property will be dangerous and by supporting this variance staff may expose Hamilton and its taxpayers to law suits when injury or damage may occur.
6. "No barrier free parking etc." This may violate the Ontario Disabilities Act. Further more this is a clear indication that residential use of the property will continue. After all Municipal inspectors such as Fire by-law, building etc. can enter an office without notice.
7. "A minimum of 3 parking spaces etc." Once again this is a clear indication that residential use will continue after all individual, employees; customers; and tenants that may rent parking space require a place to park their car when changing back and forth.

In general this is a poorly crafted Variance application. The subject property is a corner Residential Zoned Lot at McNeilly and Arvin containing a brick bungalow couplet with sun room; 2 car garage; and in-ground swimming pool and clustered with 3 other valuable residential properties and across the street from valuable residential properties is being portrayed as a vacant lot in the attached sketch. The subject property is located directly across the street from 344 McNally Rd. a vacant Lot that is part of a development and will be turned into a driveway for access and municipal service for a major development dependent on 18-wheelers.

McNeilly Rd. is only 2 lanes, large vehicles turning right or left coupled with 18-wheelers, cars and other large trucks using McNeilly Rd. speeding to and from Barton St. and the new drive way at 344 McNeilly Rd for 18 wheelers. All the requested variances eliminating the planting strip endangers human life by allowing the back end of 5 ton; 10 ton and 18 wheel trailers to over hang public areas. These types of vehicles have blind spots and are dangerous when parking.

Since McNeilly Rd. is a Mountain Access and it is also a primary access road for Block 3 residential development of some 4500 residential units eliminating this requirement effectively eliminates Prestige and creates Slum development and devalues the surrounding property values especially the existing Prestige industrial properties.

To conform to this requirement Variance will create various safety hazards and expose Hamilton and its taxpayers to needless legal liability.

Schedule A	Map 1256
Schedule B	Photos 343 McNeilly RD.
Schedule C	Photos Existing Industrial Fronting McNeilly Rd Flanking Subject property
Schedule D	PRESTIEGE SLUM DEVELOPMENT WHEN REMOVE LANDSCAPING

Please schedule me to speak at the committee meeting.

Please consider this as my written request to be notified of the committees decision including committee members names and how they voted and what wards they reside in.

c.c. Jeff Beattie Councilor

SCHEDULE - A



City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law

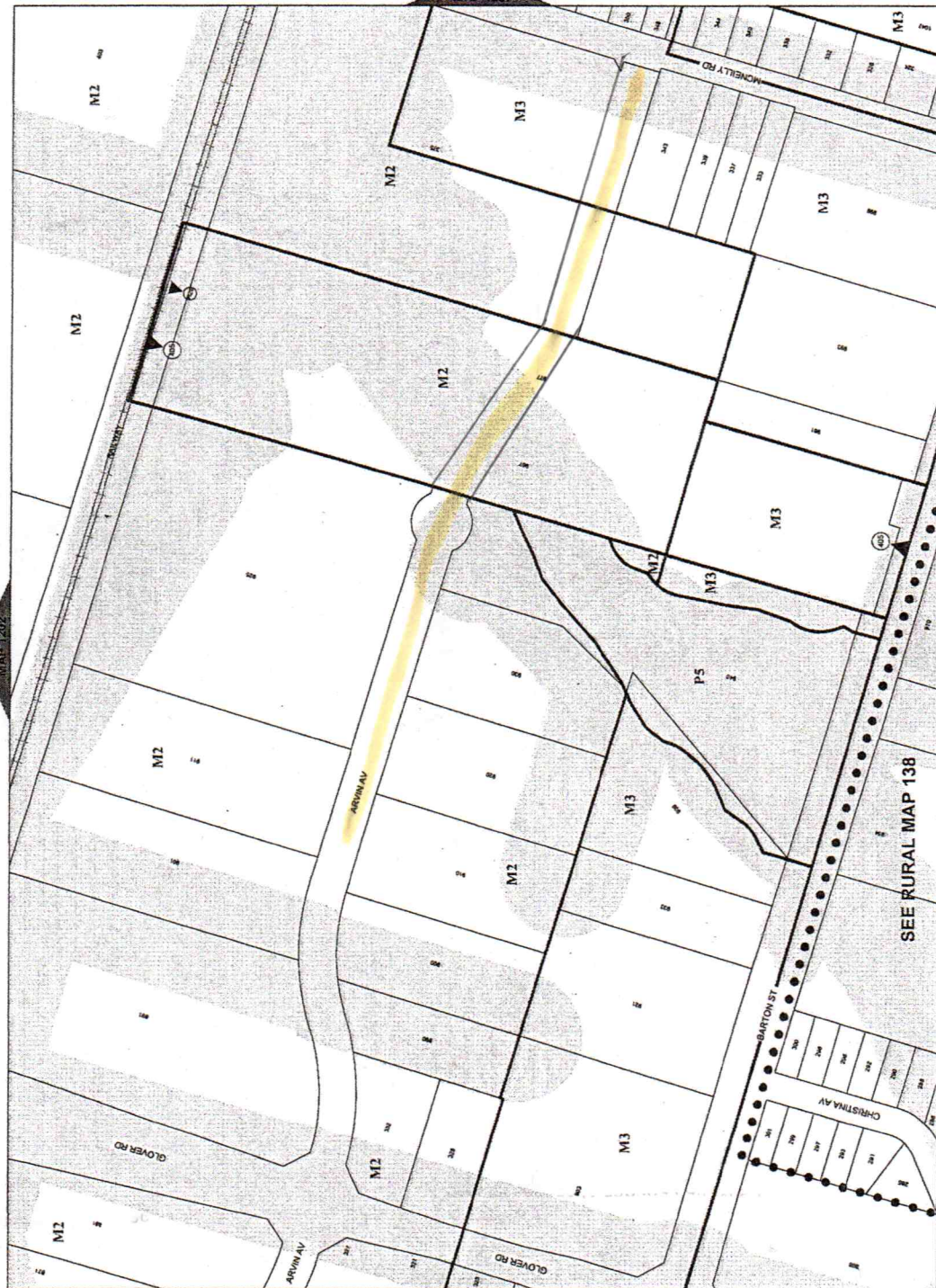
Legend

- Zoning Boundary
- Urban Boundary
- City Limits
- Special Exception
- Holding Provision
- CA Generic Regulation Area

Note: Features in the Legend may not appear in each individual map for every batch series of maps



MAP 1256 of Schedule 'A'



SCHEDULE-B



VIEW FROM McNEILLY RD

343 McNeilly Rd.



VIEW FROM ARVIN AVE

SCHEDULE-C

McNEILL RD
FRONTAGE

ARVIN AVE
FRONTAGE



SCHEDULED

344 McNEILLY RD

BARTON - WEST OF McNEILLY
PRESTIGE SLUM DEVELOPMENT

