SUBJECT: Application for a Change in Zoning for Lands Located at 121 Fiddler's Green Road (Ancaster) (PED05145) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-43, 1340791 Ontario Limited (Gabe Gasbarrini), owner, for a change in zoning from the Residential Multiple "RM3-459" Zone to the Existing Residential "ER-538" Zone to recognize the existing single family dwelling (Block 1), and from the Residential Multiple "RM3-459" Zone to the Existing Residential "ER-539" and "ER-540" Zones to permit 2 additional single detached dwellings on flag-shaped lots (Blocks 2 and 3), for the lands located at 121 Fiddler's Green Road (Ancaster), as shown on Appendix "A" to Report PED05145, on the following basis:

(a) That Block 1 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-538” Zone;

(b) That Block 2 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-539” Zone;

(c) That Block 3 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-540” Zone;

(d) That the Draft By-law, attached as Appendix “D” to Report PED05145, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council; and,

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is to change the zoning on the subject lands to permit the development of two additional single family dwellings on proposed flag shaped lots (see Appendix “B”). The proposed rezoning would also recognize reduced lot frontages and other site specific provisions relating to minimum yard requirements and planting strips.

The proposal has merit and can be supported in view of the fact that the changes in zoning are consistent with the Provincial Policy Statement and conform with the Hamilton-Wentworth Official Plan, and the Town of Ancaster Official Plan. The proposal is compatible with existing and planned development in the area. The proposal represents an opportunity for intensification on a currently under-utilized site and incorporates design considerations approved by the Ontario Municipal Board. Issues with respect to tree preservation, site design and buffering will be addressed through a required Site Plan Control application as the proposal is deemed to be “Innovative Housing” under the Site Plan Control By-law.

BACKGROUND:

Proposal

The subject lands are located at 121 Fiddler’s Green Road on the east side of Fiddler’s Green Road, south of Wilson Street West (see Appendix “A”). The site currently contains one single family dwelling. The purpose of the application is to change the zoning on the subject lands from the Residential Multiple “RM3-459” Zone to the Existing Residential “ER-538” Zone (Block 1) to recognize the existing single family dwelling, and from the Residential Multiple “RM3-459” Zone to the Existing Residential “ER-539” and “ER-540” Zones (Blocks 2 and 3) to permit the development of two additional single family dwellings on proposed flag shaped lots. The proposed rezoning would also recognize reduced lot frontages of 6.0 metres on the 2 proposed flag shaped lots, and a reduced frontage of 17.8 metres on a proposed lot for the existing dwelling, as well as other site specific provisions relating to minimum yard requirements and planting strips.
The above applications were to permit the development of the subject lands for nine townhouse units within two blocks. The existing single detached dwelling was to be demolished. The townhouse units would have access onto Fiddler’s Green Road by a 6.0 metre private driveway along the southerly side lot line. The Official Plan Amendment was required to permit medium density residential development adjacent to existing single detached dwellings. The Zoning Amendment application proposed to change the zoning on the property from Existing Residential “ER” Zone to a modified Residential Multiple “RM3” Zone. These applications were not supported by Ancaster Town Council.

Official Plan Amendment application OP-98-2 was to change the designation on the property from “Residential” to “Commercial” to permit a chiropractic office and one dwelling unit within the existing building on the subject lands. Zoning Amendment application ZB-98-05 was to change the zoning on the property from Existing Residential “ER” Zone to General Commercial “C3” Zone to permit a chiropractic office within the building and to maintain a residential unit above. These applications were withdrawn by the applicant prior to Ancaster Town Council making a decision.

This application was for a modification to the Existing Residential “ER” Zone to permit the development of one additional single detached dwelling on the subject lands on a flag shaped lot. The existing dwelling would remain on the subject lands. The zoning modification was required to recognize a reduced lot frontage of 11.8 metres for the flag shaped lot. This application was not supported by staff on the basis that it undermined the intent of the infill/intensification policies of the Town of Ancaster Official Plan and, if approved, would serve as an undesirable standard for other similar type development applications, and was subsequently denied by Ancaster Town Council.

This application was for a modification to the Existing Residential “ER” Zone to permit the lands to be developed for four single detached dwelling units in addition to the existing single detached dwelling unit fronting onto Fiddlers Green Road. The four additional units were proposed to front onto an internal roadway with access off Fiddlers Green Road, and the lands were proposed to be developed as a condominium. Upon review of the application, staff concluded that the proposal did not comply with the infill criteria of the Town of Ancaster Official Plan, and that the site could not accommodate sufficient parking area, amenity area and manoeuvring space. Staff also noted that, if this application were approved, a more appropriate zone for the proposed development would be the Residential Multiple “RM3” Zone. The application was appealed to the Ontario Municipal Board (OMB) prior to Council making a decision on the application on the grounds that Council failed to make a decision within the prescribed period.
SUBJECT: Application for a Change in Zoning for Lands Located at 121 Fiddler’s Green Road (Ancaster) (PED05145) (Ward 12) - Page 4 of 10

Subsequently, a staff recommendation to deny the application was presented to Ancaster Town Council on July 10, 2000. The recommendation to deny the application was approved by Ancaster Town Council.

An OMB hearing was held on October 3, 2000 and an interim decision (decision/order no. 1495) was issued. In this interim decision, the Board rejected the submitted proposal of four additional single detached dwellings on the site, fronting onto an internal roadway. However, the Board decision stated that “… this site is appropriate for residential intensification based on a multiple unit development …”. The Board instructed the applicant to prepare a revised plan for consideration by the Town and area residents, and stated that all parties should reconvene once they had an opportunity to meet and review a revised concept plan. A revised plan was prepared by the applicant (attached as Appendix “C”) proposing three additional dwellings to the rear of the existing dwelling (a decrease of one dwelling from the original concept) and included an internal roadway to the north of the property. This concept was agreed to by Town staff and Ancaster Town Council, who approved the general principles of the revised plan at a Council meeting on November 6, 2000, and directed staff to prepare a draft by-law based on the revised plan to be submitted to the OMB for approval. The draft by-law proposed a change in zoning on the lands from the Existing Residential “ER” Zone to a Residential Multiple “RM3-459” Zone, with site specific provisions to permit a maximum of 4 single detached dwellings on the site (which would include the existing dwelling) and reduced lot frontage, area and required yards. All parties reconvened at a continuation of the OMB hearing on February 21, 2001, at which time the Board allowed the appeal as amended and approved the zoning amendment as per the prepared draft by-law (OMB Decision/Order No. 0620).

Details of Submitted Application

Owner/Applicant: 1340791 Ontario Limited (Gabe Gasbarrini)

Agent: Keith Birch

Location: 121 Fiddler’s Green Road

Description: Frontage: 29.88 metres
Depths: 105.04 metres
Area: 3,138.6 m²

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single detached dwelling</td>
<td>Multiple Residential “RM3-459” Zone</td>
<td></td>
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</table>
Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use Details</th>
<th>Zoning Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single detached dwelling and retirement residence</td>
<td>Existing Residential “ER” Zone and Multiple Residential “RM6-217” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
</tbody>
</table>

**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 an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS). Specifically, the proposal is consistent with Policy 1.1.1. which speaks to promoting efficient development patterns and Policy 1.1.3.3 which speaks to promoting intensification within settlement areas.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states 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. As well, Policy 3.1 outlines that these areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas. Therefore, as the nature of the application is to modify the existing zoning to facilitate the development of the lands for residential purposes on full municipal services, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.
Town of Ancaster Official Plan

The subject property is designated “Residential” on Schedule ‘B’ Land Use – Urban Area in the Town of Ancaster Official Plan. The following policies of the Town of Ancaster Official Plan, among others, are applicable to the proposed development:

4.4.1 The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).

4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments and innovative forms of attached housing.

4.4.10 Council recognizes that Residential Intensification is an important component in reducing housing costs. Residential Intensification is defined as the creation of new residential units or accommodations in existing buildings or on previously developed and/or serviced land. Accordingly, Residential Intensification shall be encouraged where appropriate on the basis of the following criteria:

i) In the case of infilling, redevelopment or conversion of non-residential structures in whole or in part, Residential Intensification shall be subject to the following considerations:

   (a) complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; and,

   (b) compliance with the other objectives of this Plan.”

The “Residential” designation in the Town of Ancaster Official Plan permits single family dwellings and promotes residential intensification, subject to certain criteria. The two additional proposed single detached dwellings will be compatible with surrounding development and will be consistent with adjacent single detached lots in terms of area. The zoning requires ample setbacks from the adjacent dwellings, and will also require a 3 metre wide planting strip along the southerly side lot line to buffer the existing single family dwellings fronting onto Douglas Road. Accordingly, the proposal conforms with the Town of Ancaster Official Plan.
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Agencies/Departments Having No Comment or Objections

- Corporate Services Department (Revenues Division)
- Corporate Services Department (Budget & Fiscal Policy Services)
- Hamilton Hydro
- Union Gas

The Public Works Department (Traffic Engineering and Operations Section) has no concerns regarding the proposed change in zoning. The Section notes that any new or change in access will require the applicant to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, the applicant must contact all respective Utilities.

The Public Works Department (Strategic and Environmental Planning Section) has stated that the application does not require a Class Environmental Assessment study because it does not propose any new municipal roads, road closures or extension of infrastructure services.

PUBLIC CONSULTATION:

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 177 property owners within 120 metres of the subject lands. Two written responses were received in opposition to the proposal (attached as Appendix “E”), with concerns related to traffic congestion and impacts on adjacent properties. These concerns will be discussed in the comments section below.

CITY STRATEGIC COMMITMENT:

The City of Hamilton’s Strategic Plan encourages development which makes efficient and economical use of infrastructure and services. The proposed modification in zoning would not have any negative social, health, or environmental impacts. The proposal meets the goals of VISION 2020, in that the development of the subject property promotes the local economy.

COMMENTS:

1. The proposal has merit and can be supported for the following reasons:

   (i) The proposed modification in zoning is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan;
(ii) The proposal is compatible with existing and planned development in the neighbourhood;

(iii) The proposal represents an opportunity for intensification on a currently under-utilized site and incorporates design considerations approved by the Ontario Municipal Board; and,

(iv) Issues with respect to tree preservation, site design and buffering will be addressed through a required Site Plan Control application as the proposal is deemed to be “Innovative Housing” under the Site Plan Control By-law.

2. The history of this site includes several previous applications for rezoning to permit various forms of higher density development. Previous applications had not been supported by either staff or Council of the former Town of Ancaster. In 2000, an application to permit 4 additional single detached dwellings behind the existing dwelling on the site, fronting on a private road, was appealed to the OMB. The application was not supported by staff or Council. At the OMB hearing, the Board rejected the proposed 4 dwellings fronting onto the private road. However, the Board noted that the site is appropriate for residential intensification, and directed the applicant to prepare a revised plan for the Town that would address some design considerations that were raised at the hearing. These considerations included realigning the proposed driveway to the north of the property and changing the orientation of the homes so that the rear yards would face the existing rear yards of the homes fronting onto Douglas Street. The applicant prepared a revised plan (attached as Appendix “C”) which included 3 additional single detached dwellings to the rear of the existing dwelling (one less than the original proposal), and realigned the driveway to the north. This revised plan was supported in principle by both Town staff and Council, with some minor modifications required relating to setbacks and planting strips. Staff prepared a by-law which was presented to the OMB at a continuation of the previous hearing. The Board passed the amending by-law through Decision/Order No. 0620, which rezoned the lands to the current Residential Multiple “RM3-459” Zone to permit a maximum of 4 single detached dwellings (including the existing dwelling) on the site. Therefore, through negotiation with the applicant resulting from the OMB hearing, staff and Council of the former Town of Ancaster supported residential intensification on this site despite the fact that previous applications had been denied. The current application represents a decrease in density of one unit from what is currently permitted as-of-right.

It is also noted that the OMB had recognized that this site was appropriate for residential intensification, and the issue at hand was not one of whether or not the proposed use was appropriate. Rather, the issue was whether or not an appropriate design for the development was provided based on the Residential Intensification policies of the Town of Ancaster Official Plan. The Board directed that the proposed private roadway should be realigned to the north (as shown on Appendix “C”) and that the proposed dwellings should front to the north so that
the rear yards would abut the rear yards of existing homes on Douglas Road. While the current proposal will include a double driveway running along the south portion of the site, it will also include a 3 metre wide planting strip, as required by the proposed zoning, along the southerly property line which will buffer the impacts of the driveway from the residential homes to the south. Under the proposed zoning amendment, a minimum 7.5 metre setback will be provided from the proposed dwelling on Block 3, nearest to the rear lot lines of the homes fronting onto Douglas Road, which is equivalent to a standard rear yard setback. Therefore, while the rear yards of the proposed dwellings will not necessarily abut the rear yards of the existing dwellings fronting onto Douglas Road, there will be an equivalent minimum building setback provided to protect the privacy and amenity of existing residents.

3. Several site specific provisions have been included in the amending by-law which are required due to the irregular shape of the proposed lots. The Existing Residential “ER” Zone requires a minimum lot frontage of 18.0m, whereas Block 1 will be required to provide a minimum frontage of 17.8m, and Blocks 2 and 3 will be required to provide a minimum frontage of 6.0m (due to the flag-shaped lots).

Blocks 2 and 3 also contain site specific provisions relating to building setbacks. The “ER” Zone requires a minimum front yard of 7.5m, side yard of 1.5m and rear yard of 7.5m. The incorporated provisions are required due to the irregular shape of the proposed lots, and will ensure that standard setbacks or greater are provided for Blocks 2 and 3. The proposed building envelopes for Blocks 2 and 3 are shown on Appendix “B”. Block 2 will require the following minimum setbacks: 7.5m from the westerly lot line being the rear lot line of 121 Fiddler’s Green Road; 1.5m from the northerly lot line; 7.5m from the easterly lot line; and 4.5m from the southerly lot line (which will accommodate a 3.0m wide easement for driveway access). Block 3 will require the following minimum setbacks: 7.5m from the westerly lot line being the rear lot line of Block 2; 1.5m from the northerly lot line; 7.5m from the easterly lot line; and 7.5m from the southerly lot line abutting the Douglas Road properties. Finally, the zoning for Block 3 includes a minimum required 3.0 metre wide planting strip to be provided along the southerly side lot line, as shown on Appendix “B”.

4. This application was pre-circulated to 177 property owners within 120 metres of the subject lands. Two written responses were received in opposition to the proposal, with concerns related to traffic congestion and impacts on adjacent properties, attached as Appendix “E”.

Traffic Congestion

One resident expressed concerns over traffic congestion on Fiddler’s Green Road and the increase in traffic that will result from this proposal. The City’s Traffic Engineering and Operations Section has reviewed the proposal and has no concerns. A single family dwelling generates 0.75 trips in the morning peak
hour. Therefore, the proposed 2 additional single family dwellings will generate 1.5 additional trips in the morning peak hour. The 1.5 additional trips will not have a negative impact on traffic flow on Fiddler's Green Road. Also, it is noted that the trips generated as a result of this proposal will be less than the trips generated from the three additional dwellings which are currently permitted as-of-right on the subject lands.

Impact on Adjacent Properties

An adjacent resident raised concerns over the impact that this proposal will have on their property. The resident has concerns over the loss of open space land behind their property, the driveway that is proposed to the rear of their property, and the potential intrusiveness of the proposed development. If approved, the proposed development would require a minimum 3 metre wide planting strip along the southerly side lot line. In addition, the proposed dwellings would be setback a minimum of 7.5 metres from the south property line, which is equivalent to a standard rear yard setback, and which will protect the amenity of adjacent dwellings fronting onto Douglas Road. This is consistent with the setbacks approved by OMB Decision/Order No. 0620, as shown on Appendix “C”, which required a 7.5 metre setback from the south property line for the proposed dwellings.

5. The applicant will be required to submit a severance application to the Committee of Adjustment to sever the subject lands into 3 parts, as shown on Appendix “B”. To date, no consent application has been received. In addition, the applicant will be required to make application to establish the easement for the mutual driveway over part of Blocks 2 and 3.

6. There are public water mains and a municipal sanitary sewer available within the Fiddler's Green road allowance to service the subject lands. If the application is approved, at the development stage, the owner would be required to enter into a Consent Agreement with the City of Hamilton to deal with grading and drainage, provide a cash payment to the City of Hamilton for future urbanization based on the frontage of the severed and retained lands, and provide a 3.048 metre road widening dedication to the City.

CONCLUSION:

Based on the foregoing, the application can be supported.

:HT
Attachs. (5)
Appendix "A" to Report PED05145

Block 1 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-538" Zone

Block 2 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-539" Zone

Block 3 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-540" Zone

Location Map

File Name/Number: ZAR-05-43
Date: September 21, 2005
Appendix "A"
Scale: N.T.S
Planner/Technician: HT/NB

Subject Property
121 Fiddler’s Green Road

Block 1 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-538" Zone

Block 2 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-539" Zone

Block 3 – Change in Zoning from Residential Multiple "RM3-459" Zone to Existing Residential "ER-540" Zone
Revised Concept Plan presented to OMB – February, 2001

SITE PLAN

Revised Concept Plan - 121 Fairless Green Road.
Authority:  Item, Planning and Economic Development Committee
Report 05-   (PED05145)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended,
Respecting Lands Located at 121 Fiddler’s Green Road (Ancaster)

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 Town of Ancaster” 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 Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report of the Planning and Economic Development Committee at its meeting held on the ____ day of ___, 2005, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the Former Town of Ancaster) in accordance with the provisions of the Planning Act.

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

1. Schedule “B”, Map 1, of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Residential Multiple “RM3-459” Zone to the following:

   (a) to Existing Residential “ER-538” Zone, for lands comprised in Block 1;
(b) to Existing Residential “ER-539” Zone, for lands comprised in Block 2; and,

(c) to Existing Residential “ER-540” Zone, for lands comprised in Block 3;

the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

ER-538 Notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “ER-538”:

Development Regulations:

(1) Minimum Lot Frontage 17.8 metres

(2) that all other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone shall apply.

ER-539 Notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “ER-539”:

Development Regulations:

(1) Minimum Lot Frontage 6.0 metres

(2) Building Setbacks

(a) minimum 7.5 metres from westerly lot line being the rear lot line of 121 Fiddler’s Green Road

(b) minimum 1.5 metres from northerly lot line

(c) minimum 7.5 metres from easterly rear lot line

(d) minimum 4.5 metres from southerly side lot line

(3) that all other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone shall apply.
ER-540 Notwithstanding any provisions to the contrary of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “ER-540”:

**Development Regulations:**

(1) Minimum Lot Frontage 6.0 metres

(2) Building Setbacks
   (a) minimum 7.5 metres from westerly lot line being the rear lot line of Block 2
   (b) minimum 1.5 metres from northerly lot line
   (c) minimum 7.5 metres from easterly rear lot line
   (d) minimum 7.5 metres from southerly side lot line

(3) Planting Strip Minimum 3.0 metres wide along southerly side lot line

(4) that all other provisions of Subsection 10.2 – Regulations of Section 10: Existing Residential Zone shall apply.

3. That the amending By-law be added to Map B of Ancaster Zoning By-law No. 87-57.

4. 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 day of , 2005.

_________________________________________  ______________________________
MAYOR                                           CLERK

ZAR-05-43
MILLIGAN GRESKO BROWN
Baristers & Solicitors

James G. Milligan (1941-2000)
George J. Gresko
Robert S. Brown

1060-120 King Street West
Hamilton, Ontario L8P 4V2
Phone: 905-522-7700
Fax: 905-528-6543
mplawyers.ca

July 5, 2005

BY FACSIMILE 905-546-4202

Trevor Horzellenberg, Planner II
City of Hamilton, Planning & Economic Development Dept.
Development and Real Estate Division (West)
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Sirs:

Re: 121 Fiddler’s Green Road, Ancaster, Ontario, Ward 12
Re: Zoning Amendment Application No. ZAR-05-43

Please be advised the writer and his wife live at 104 Rosemary Lane, Ancaster, Ontario and as such have received a Preliminary Circulation with respect to the above-mentioned Zoning Amendment Application.

Having lived at 104 Rosemary Lane, Ancaster, Ontario for approximately 20 years, we have noticed a dramatic increase in traffic flow (both commercial and residential) along Fiddler’s Green Road and the Wilson Street to Highway 403 area.

The addition of two more homes as proposed in the Application will merely serve to increase the congestion already experienced by the writer’s family.

The expansion of the Fortino’s grocery store, the building of a medical/dental office on the corner of Fiddler’s Green and Wilson Street and the building of townhouses to the south of Douglas Road on the east side of Wilson has virtually made Fiddler’s Green a gridlock at certain times of the day and extremely busy at other times of the day.

Please be advised that we oppose the rezoning and would like to go on record as doing so.

Yours very truly,

MILLIGAN GRESKO BROWN
Per:

GIG:sal

George J. Gresko
Dear Sir:

We are opposed to the zoning amendment application ZAR-05-43 by the Applicant #1340791 Ontario Limited for the residential property at 121 Sudder’s Green Rd, Ancaster.

We live in an unique situation where our backyard (25 Douglas) backs on to an empty land laded with used debris and with little evidence of property. Both My Wife & I were born and raised in Ancaster. Our house has been in the family for over forty years. We are very happy with the way things are.
We do not believe every existing residential property in Ancaster needs to be developed, especially when it allows for reduced frontages.

This amendment will also mean that not only will we have a road in our front yard, but we will also have a road (metal driveway) in our backyard.

We see this proposed amendment as an intrusive violation of our property.

We ask that you include us in the proposed amendment process by informing us of any and all meetings (public council that are to take place).
We do not believe every existing residential property in Ancaster needs to be developed, especially when it allows for reduced frontages.

This amendment will also mean that not only will we have a road in our front yard, but we will also have a road (metal driveway) in our backyard.

We see this proposed amendment as an intrusive violation of our property.

We ask that you include us in the proposed amendment process by informing us of any and all meetings (public council that are to take place.
My Wife & I may be contacted @ 25 Douglas Rd., Ancaster, Ontario, L9G 2E2, or by phone @ HOME: 905-648-4158
BUS: 905 546-2424 EXT 1704 or 1703
CITY OF HAMILTON DISTRICT 2 ROADS DEPT.

Regards

T. Koester

F. P. St. Michael