SUBJECT: Application for a further modification in Zoning for Lands Located at 8 McDonald Court (Flamborough) (PED07263) (Ward 15)

RECOMMENDATION:

(a) That Zoning Application ZAR-07-035, Angelika Plath, owner, for a further modification in zoning to the Urban Residential (Single Detached) "R1-6" Zone, to permit two single detached dwellings on separate lots, on lands located at 8 McDonald Court, as shown on Appendix “A” to Report PED07263, be denied on the following basis:

(i) That the application does not conform to the Flamborough Official Plan or the West Waterdown Secondary Plan.

(ii) That the proposal is not compatible with the existing character of development in the neighbourhood, and does not represent good planning.

(b) That the Legal Services Division and the Planning Division be directed to attend the Ontario Municipal Board hearing respecting Consent Application FL/B-06:176 in support of the appeal against the decision of the Committee of Adjustment to approve the application.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is to further modify the zoning of the subject lands to permit one new single detached dwelling and to recognize one existing single detached dwelling on separate lots, as shown on Appendix “B”. Final approval of this application for rezoning fulfills a condition imposed through the provisional approval of Consent Application FL/B-06:176 (see Appendix “C”).

The proposed change in zoning cannot be supported as it does not conform to the Flamborough Official Plan or the West Waterdown Secondary Plan, is not compatible with the existing character of development in the neighbourhood, and does not represent good planning.

BACKGROUND:

Proposal

The applicant has applied for a further modification of the Urban Residential (Single Detached) “R1-6” Zone on the subject lands, known as 8 McDonald Court (see Appendix “A”) in order to permit the development of one new single detached dwelling and to recognize the existing single detached dwelling on separate lots (see Appendix “B”).

The modifications from the existing “R1-6” zoning that would result from the approval of this Zoning Application are:

For the Retained Lot:

- Reduced Minimum Lot Area from 1,390 sq. m. to 1,055.0 sq. m.
- Reduced Minimum Lot Frontage from 30 m. to 28.5 m.
- Reduced Minimum Easterly Side Yard setback from 3 m. to 1.52 m.

For the Severed Lot:

- Reduced Minimum Lot area from 1,390 sq. m. to 646 sq. m.
- Reduced Minimum Lot Frontage from 30 m. to 25.32 m.
- Increased Maximum Lot Coverage from 15% to 21%.
- Reduced Minimum Interior Side Yard setback from 3 m. to 1.25 m.
- Reduced Minimum Exterior Side Yard setback from 7.5 m. to 6 m.
- Reduced Minimum Rear Yard setback from 7.5 m. to 6 m.

These modifications are discussed in detail in the Analysis/Rational section of this Report.
Consent Application FL/B-06:176

Consent application FL/B-06:176 for the subject lands was granted provisional approval by the Committee of Adjustment on December 13, 2006 (see Appendix “C”) and was subsequently appealed to the Ontario Municipal Board by the property owner of 48 McDonald Court. A hearing date has not yet been set. The application seeks to sever the property at 8 McDonald Court into two lots, as shown on Appendix “B”. A condition of the Committee’s approval requires final approval of the subject zoning application (see Condition 3 – Appendix “C”). Staff did not support the consent application as the proposed severance allowed for a lot not in keeping with the large lot character of the area.

Details of Submitted Application

Owner : Angelika Plath  
Location: 8 McDonald Court  
Description: Frontage: 53.8 m.  
Depth: 40.1 m. (Irregular)  
Area: 1,701 sq. m.

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 Dwellings</td>
<td>Urban Residential (Single Detached) &quot;R1-6&quot; Zone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Urban Residential (Single Detached) &quot;R1-6&quot; and &quot;R1-15&quot; Zones</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Urban Residential (Single Detached) &quot;R1-6&quot; Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Urban Residential (Single Detached) &quot;R1-6&quot; Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Urban Residential (Single Detached) &quot;R1-6&quot; Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. Notwithstanding approval of the application is a pre-requisite to the Committee of Adjustment’s decision to approve the related severance application (see Condition 3 – Appendix “C”), the proposed change in zoning does not have merit and cannot be supported for the following reasons:

   (i) It does not conform to the Flamborough Official Plan or the Waterdown West Secondary Plan.

   (ii) The proposal is not compatible with established lot sizes in the surrounding neighbourhood and does not represent sound planning.

   As previously identified, staff did not support the consent application as the proposed severance allowed for a lot not in keeping with the large lot character of the area.

2. The Town of Flamborough Official Plan and the West Waterdown Secondary Plan (see pages 7 to 9) require that proposals for development within the “Urban Residential” and the “Low Density Residential” designations be compatible in scale and general character with the surrounding area to avoid potential adverse impacts on existing residential development.

   The proposed zoning is not compatible to the surrounding development or zoning in terms of lot area. The proposed zoning for the lands to be severed (see Part 1 on Appendix “B”) has less than half the lot area of the majority of the lots on McDonald Court. More specifically, thirty-four of the forty lots on McDonald Court meet or exceed the minimum lot area requirement of 1,390 sq. m., while five of the remaining six lots are less than one hundred sq. m. below the minimum lot area requirement, whereas the proposed lot is 646 sq. m. in area. The severed lands would also have a lot frontage of 25.3 m. However, due to its irregular shape the property would have a lot width of approximately 16.6 m which is just over half the lot width of the other lots on McDonald Court. More specifically, thirty-seven of the forty lots on McDonald Court meet or exceed the minimum lot frontage requirement of 30 m. The “R1-6” Zone allows a maximum density of 7.19 units per net hectare and the proposed lot to be severed has a maximum density of 15.4 units per net hectare which is two-times more dense than what is planned for the area. While both densities are within the maximum 26 units per net residential hectare allowed for the “Urban Residential” designation, the proposed zoning for the severed lot would not be compatible.

   As such, the application does not conform to the Flamborough Official Plan.

3. With the exception of 13 McDonald Court (see Appendix “A”), all the properties on McDonald Court are zoned “R1-6” Zone and are similar to each other in terms of lot area, lot frontage, lot coverage, and setbacks.
In 1995, the former Town of Flamborough and its Committee of Adjustment denied applications for rezoning (File: D14-KI) and consent (File: F-40-94) to permit 3 single-detached dwellings on 3 lots at 13 McDonald Court. Two of the lots to be created had areas of approximately 510 square metres and frontages of 15.2 m. The applications were denied by the Committee of Adjustment and appealed to the Ontario Municipal Board by the applicants. The OMB decision dismissed the appeals, primarily on the basis that the proposal was not in conformity with the Official Plan as Policy E.3.1 (xi), when read in conjunction with Schedule “H” (areas of intensification which did not include the site), required that any intensification on the site which increased densities to have an Official Plan Amendment which had not been applied for. Since that time, Schedule “H” has been deleted from the Official Plan and it is Staff’s current position that this policy only requires an Official Plan Amendment for intensification if the resulting density is more than that permitted by the policies of the relevant land use designation. Additionally, the Board found that regardless of the policy, the proposal did not maintain the character of existing development and therefore did not conform to other policies of the Plan.

The owner of 13 McDonald Court later filed applications for another rezoning and consent to permit 2 single detached dwellings on relatively equal size lots (1,012 sq. m. and 890 sq. m.). These applications were approved by the Town of Flamborough and its Committee of Adjustment in October 1998, thereby creating 46 Scott Street and 13 McDonald Court in its current configuration (see Appendix “A”).

4. An analysis of the modifications is discussed below:

Lot Area:

The “R1-6” Zone requires a minimum lot area of 1,390 sq. m., and 34 of the 40 properties on McDonald Court meet the minimum lot area requirement. The property at 13 McDonald Court is zoned “R1-15” Zone which requires a minimum lot area of 885 sq. m. The proposed lot area for the lands to be retained (1,055 sq. m.) is 335 sq. m. less than required for the “R1-6” Zone. The proposed lot area for the lands to be severed (646 sq. m.) is 744 sq. m. less than the minimum required for the “R1-6” Zone, and 366 sq. m. less than 13 McDonald Court, which is currently the smallest lot on McDonald Court. As such, the proposed lot area for the lands to be severed would not be in character with the neighbourhood.

Lot Frontage:

The “R1-6” Zone requires a minimum lot frontage of 30 m, 37 of the 40 properties on McDonald Court have a minimum lot frontage and lot width of 30 m and those that do not are relatively close to 30 m in frontage and width.
The proposed zoning for the lands to be retained largely maintains this pattern with a minimum lot frontage of 28.5 m and a resulting minimum width of 24.05 m. The proposed minimum lot frontage for the lands to be severed would be 25.32 m by definition in the Flamborough Zoning By-law, however, the resulting width of the lot will be 16.58 m minimum which is approximately 13 m less than the other properties on McDonald Court and would not be in character with the neighbourhood.

Lot Coverage:

The “R1-6” Zone permits a maximum lot coverage of 15% and most of the properties on McDonald Court comply with this provision. The proposed lands to be retained appear to comply with the minimum lot coverage requirement. Due to the smaller lot area of the lands to be severed, the size of the proposed dwelling will result in a lot coverage of approximately 21% which is greater than the zoning permits for any other property on McDonald Court. However, this is a marginal increase and considered compatible in terms of the resulting mass of the dwelling proposed.

Interior Side Yards:

The “R1-6” Zone requires a minimum interior side yard setback of 3 m, which creates a minimum separation distance of 6 m between dwellings, affecting the character of the streetscape along McDonald Court. The proposed 1.52 m. and 1.25 m. setbacks would make a combined separation of 2.77 m between the two dwellings which is less than half of what is typically found and zoned for in the area, and would therefore not be in character with the neighbourhood.

Exterior Side Yard:

The “R1-6” Zone requires a minimum exterior side yard setback of 7.5 m, which is designed to maintain the streetscape character of the neighbourhood and to provide additional parking area in front of a designated parking space (i.e. garage). The proposed 6m setback for the severed lands is required by the irregular shape of the property (see Part 1 – Appendix “B”). The proposed 1.5 m reduction is not expected to have a negative impact on the character of the neighbourhood nor the additional parking area.

Rear Yard:

The “R1-6” Zone requires a minimum rear yard setback of 7.5 m, which is designed to preserve adequate outdoor amenity area on the property. The proposed 6 m rear yard setback for the severed lot (see Part 1 – Appendix “B”) would not significantly reduce the amount of amenity area on the property.
5. One letter of objection along with a petition signed by 37 neighbouring residents to the zoning application and background information relating to the consent application was received in response to pre-circulation (see Appendices “D” - Response & “E” – Location of Petitioners). The letter and petition object to the proposed rezoning on the basis of the uniqueness of the neighbourhood in regard to lot sizes and the impact the rezoning will have on the landscape of the neighbourhood. The background information specific to the consent application also raises concerns regarding noise impact on the new development from Highway 5, lack of compatibility with the existing lot fabric, traffic visibility and safety issues related to the corner location, the impact on existing trees, the style of the new dwelling, loss in surrounding property values, and the precedence that an approval of the application would have for the area.

Staff agree with the issues cited regarding the lack of compatibility with the neighbourhood, including the existing lot fabric, as noted in the above comments. The issues of noise and the impact to trees were addressed in conditions 4 and 8 of provisional approval on the consent application (see Appendix “C”). Traffic staff have indicated no concerns with either application. Staff is not aware of any data or information that would indicate approval of the application would negatively impact property values.

6. Staff have determined that there are adequate services available to accommodate the proposed development.

7. Should Council deny the subject zoning application, then staff from the Legal Services Division and the Planning Division would attend an Ontario Municipal Board (OMB) hearing in support of the denial if the applicant appeals Council’s decision. As such, it would be appropriate to direct Legal and Planning staff to attend the OMB Hearing in opposition to the Committee of Adjustment’s decision to approve the severance.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the applicant has the option of using the property in accordance with the Urban Residential (Single Detached) “R1-6” Zone, which allows one single detached dwelling.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>N/A</td>
</tr>
<tr>
<td>Staffing</td>
<td>N/A</td>
</tr>
<tr>
<td>Legal</td>
<td>As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.</td>
</tr>
</tbody>
</table>
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas, Policy 1.1.3.1.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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 Area. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The application conforms to the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject property is designated “Residential” in the Town of Flamborough Official Plan. The following policies of the Town of Flamborough Official Plan, among others, are applicable to the proposed development:

“A.2.1 The uses permitted in areas designated URBAN RESIDENTIAL on Schedule 'A', shall be: detached and semi-detached single dwellings; low to medium density linked multiple unit dwellings; apartment units; converted dwellings; quadruplex dwellings; shared accommodation; rooming and boarding houses; and other suitable forms of dwellings.

A.2.2 The physical arrangement of permitted residential development on the basis of density range(s) shall be further detailed in Secondary Plans. Regulations for the permitted residential uses shall be provided in the Zoning By-Law.

A.2.3 The permitted residential densities in the URBAN RESIDENTIAL land use designation shall be as follows:

Low Density – up to 26 units per Net Residential Hectare. This density range permits single detached, semi-detached and duplex dwellings, converted dwellings, shared accommodation, rooming and boarding houses and other similar forms of housing.

Council, when considering proposals for development in this density level shall be guided by the following:

- Compatibility of the proposed use to surrounding development;
E.3.1.1 The following policies shall apply to the provision of housing:

(v) Council supports the creation of new housing units through intensification and innovative design in appropriate areas;

(xi) The density of development shall not be changed without an amendment to this Plan or to an approved Secondary Plan;

(xii) When considering all new housing development or redevelopment, Council will require consideration of the following:

- that development or re-development is compatible with surrounding uses;
- that the existing pattern of the streetscape and landscape is maintained or improved;
- that adequate separations are maintained through distance and/or buffering features between residential and adjacent land uses, particularly involving the privacy areas of adjacent residences;

E.3.2.4 Infilling as defined in Section E.3.2 may be permitted on lands designated Settlement Residential and in the Urban Area subject to consideration of the following, where applicable:

(i) As a concept and guideline for the consideration of infilling applications in the Urban Area, compatibility means mutually tolerant and capable of existing together in harmony in the same area. Compatibility should not be narrowly interpreted to mean "the same as" or even as "being similar to". In the final analysis, the goal of this policy is to allow for intensification which does not cause an unacceptable impact upon the existing neighbourhood.

(ii) When considering infilling development, regard will be held to the following criteria to determine the compatibility of the proposal:

(a) lot size, building setbacks, density and the height and mass of buildings in the surrounding area;

(b) impact on the existing streetscape and landscape and opportunities to maintain and/or enhance the existing streetscape;

(d) proposed building separations and possible buffering provisions and impacts on existing and proposed privacy areas;"
The application does not conform to the Flamborough Official Plan for the reasons discussed in the Analysis/Rational section of this report.

**West Waterdown Secondary Plan**

The subject lands are designated “Low Density Residential” by the West Waterdown Secondary Plan which provides the following policies:

“A.7.2.2 Proposed residential development shall be compatible in scale and general character with the surrounding area in order to avoid or reduce potential adverse impacts on existing residential development. In cases where proposed residential development is not similar or contiguous with adjoining existing residential development, consideration shall be given to reducing adverse impacts to a minimum by using adequate setback, screening and/or buffering provisions.

A.7.2.3 The Low Density Residential designation shall permit single detached dwellings, duplex, semi-detached and link dwellings. The maximum density for development shall be 26 units per Net Residential Hectare. It is intended that a range of dwelling unit types and lot sizes shall be provided in the Secondary Plan Area in accordance with zone provisions of the Comprehensive Zoning By-law.”

The application does not conform to the Secondary Plan for the reasons discussed in the Analysis/Rational section of this report.

**RELEVANT CONSULTATION:**

**Agencies/Departments having no Comment or Objections:**

- Taxation Division, Corporate Services Department
- Budgets & Finance Division, Corporate Services Department
- Union Gas
- Bell Canada
- Hamilton-Wentworth District School Board
- Hydro One
- French Catholic School Board
- Capital Planning and Implementation, Public Works Department
- Horizon Utilities

**Traffic Engineering and Operations Section, Public Works Department**

The Traffic Engineering and Operations Section note that an Access Permit will be required for any new or changed access.
Forestry and Horticulture Section, Public Works Department

The Forestry and Horticulture Section advises that a Tree Management Plan was imposed as a condition by the Committee of Adjustment on Severance Application FL/B-06:176 (see Condition 8 - Appendix “C”).

Public Consultation:

The public was given prior notice of the applicant’s intention to divide the subject property and to develop an additional dwelling during the consent process. However, due to the strong neighbourhood opposition to the severance application, the subject zoning application was pre-circulated to all property owners within 120 metres of the subject property on June 26, 2007. A total of 54 notices were circulated. A sign was also posted on the property on July 11, 2007. Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act. To date, 1 letter of objection along with a petition signed by 37 neighbouring residents to the zoning application and background information relating to the consent application has been received (see Appendices “D” - Response & “E” – Location of Petitioners). The concerns are discussed in the Analysis/Rationale section of this report.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☑ No
Approval of the application would facilitate the creation of lots which would not be in keeping with the established character of the surrounding neighbourhood.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:DB
Attached (5)
Appendix "A" to Report PED07263 Page 1 of 1

Location Map

File Name/Number: ZAR-07-035
Date: September 14, 2007

Appendix "A"

Scale: N.T.S.

Planner/Technician: DB/KA

Subject Property

8 McDonald Court, Flamborough
Lands to be rezoned from Urban Residential (Single Detached) "R1-6" Zone to a Urban Residential (Single Detached) "R1-__" Zone.

Ward 15 Key Map

N.T.S.
HAMPTON

COMMITTEE OF ADJUSTMENT
MOTION FORM (Consent)

DATE: Dec 13/06

APPLICATION NO: FL/B-06-176

MOVED BY: Lewis

SECONDED BY: Abraham

THE DECISION OF THE COMMITTEE IS:

That the application be APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51.(24) of The Planning Act, R.S.O., 1990, c.P. 13, the said application shall be subject to the following condition:

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building & Licensing Division).

3. The owner apply for and receive final rezoning approval to the satisfaction of the Manager, Development Planning.

4. That the consent agreement and all purchase of sale or lease agreements contain the following noise warning clause:

"Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria."

5. That the owner enters into, and register on the title of the lands, a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Development Engineering to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Development Engineering that all drainage from the site shall be taken to a suitable outlet.

6. That the owner makes a cash payment, based on the current flat rate fee per metre frontage, to the City of Hamilton for the future urbanization of McDonald Court adjacent to the conveyed and retained parcels.

7. The driveway to the conveyed lands must be located along the north lot line, to the satisfaction of the Public Works Department (Traffic, Engineering and Operations).

8. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

Christine

Chairman
July 18, 2007

Mr. Robert Walters, MCIP, RPP
Senior Project Manager,
Development Planning-West Section.

Attention: Mr. Daniel Barnett

Re: ZAR-07-035

In response to the notice of Complete Application to Amend the Zoning By-law for lands at 8 McDonald Court Flamborough we, (the residents of McDonald Court) the undersigned are filing our notification of opposition to this amendment.

Enclosed you will find said petition signed and dated by the residents of McDonald Court.

With all due respect we are questioning why this said application is being processed at this time when an appeal to the original provisional approval by the committee of adjustment is on file with the OMB. Should not our appeal be addressed before any other amendments or other applications to this property be filed?

We are also enclosing copies of letters sent by residents voicing their concerns to the original application, a copy of the petition sent to the OMB and other applicable papers pertaining to this issue. We would ask that you understand our concerns and appreciate the uniqueness of our neighborhood with regards to the lot sizes and the impact this severance will have on the appeal to the landscape of our neighborhood.

We await the notification of the public meeting and realize that with this letter we have the right to appeal any decision made by the Planning Division in regards to 8 McDonald Court.

Sincerely

[Signature]

Janeau Laurin
46 McDonald Cr.
Dundas, Ontario
L9H 7C4
Phone: 905 689 8701

Email: jlaurin8@cogeco.ca
July 14, 2007

Petition to Oppose and Representation

We the undersigned (homeowners on McDonald Court, Waterdown,) are opposed to the amendment of the Zoning By-law for lands at 8 McDonald Court. That is an amendment to change the zoning form “R1-6” Urban Residential (Single Detached) Zone to “R1” Exception Urban Residential. File #ZAR-07-035.

We consent to representation from McDonald Court in this matter when presented in public forum.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ron Bos</td>
<td>57 McDonald Ct</td>
<td>(905) 689-4618</td>
</tr>
<tr>
<td>Randall Udren</td>
<td>1 McDonald Ct</td>
<td>(905) 670-8672</td>
</tr>
<tr>
<td>Susan Akmisto</td>
<td>7 McDonald Ct</td>
<td>(905) 689-0812</td>
</tr>
<tr>
<td>Paul Sankey</td>
<td>14 McDonald</td>
<td>905-690-8820</td>
</tr>
<tr>
<td>Steve Edn</td>
<td>43 McDonald</td>
<td>905-689-1410</td>
</tr>
<tr>
<td>Jean McEacher</td>
<td>43 McDonald</td>
<td>905-689-1410</td>
</tr>
<tr>
<td>Doug McEacher</td>
<td>35 McDonald</td>
<td>905-690-4565</td>
</tr>
<tr>
<td>Louise McEacher</td>
<td>35 McDonald Ct</td>
<td>905-690-4565</td>
</tr>
</tbody>
</table>
July 14, 2007

Petition to Oppose and Representation

We the undersigned (homeowners on McDonald Court, Waterdown,) are opposed to the amendment of the Zoning By-law for lands at 8 McDonald Court. That is an amendment to change the zoning form “R1-6” Urban Residential (Single Detached) Zone to “R1” Exception Urban Residential. File #ZAR-07-035.

We consent to representation from McDonald Court in this matter when presented in public forum.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert J. Spence</td>
<td>49 Donald Court</td>
<td>905-689-8482</td>
</tr>
<tr>
<td>Jean Louis</td>
<td>48 9th Avenue</td>
<td>905-689-8701</td>
</tr>
<tr>
<td>John Keller</td>
<td>33 McDonald Dr.</td>
<td>905-689-6944</td>
</tr>
<tr>
<td>Mr. Sharp</td>
<td>39 McDonald Dr.</td>
<td>905-689-6263</td>
</tr>
<tr>
<td>Mr. White</td>
<td>16 McDonald Dr.</td>
<td>905-690-0870</td>
</tr>
</tbody>
</table>
July 14, 2007

Petition to Oppose and Representation

We the undersigned (homeowners on McDonald Court, Waterdown,) are opposed to the amendment of the Zoning By-law for lands at 8 McDonald Court. That is an amendment to change the zoning form “R1-6” Urban Residential (Single Detached) Zone to “R1” Exception Urban Residential. File #ZAR-07-035.

We consent to representation from McDonald Court in this matter when presented in public forum.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert A. Nader</td>
<td>21 McDonald Ct</td>
<td>905 689 5532</td>
</tr>
<tr>
<td>Mary Fowore</td>
<td>25 McDonald Ct</td>
<td>905 689 5903</td>
</tr>
<tr>
<td>Marc Flaxton</td>
<td>23 McDonald Ct</td>
<td>905 689 2186</td>
</tr>
<tr>
<td>David Lee</td>
<td>20 McDonald Ct</td>
<td>905 689 5220</td>
</tr>
<tr>
<td>Sylvia Ces</td>
<td>16 McDonald Ct</td>
<td>905 689 8057</td>
</tr>
<tr>
<td>A. S.</td>
<td>15 McDonald Ct</td>
<td>289 895 9172</td>
</tr>
<tr>
<td>Don M.</td>
<td>27 McDonald Ct</td>
<td>905 689 8303</td>
</tr>
<tr>
<td>N. C.</td>
<td>24 McDonald Ct</td>
<td>905 689 1853</td>
</tr>
<tr>
<td>S. M. Jessoue</td>
<td>28 McDonald Ct</td>
<td>905 689 3604</td>
</tr>
<tr>
<td>Thomas</td>
<td>69 McDonald Ct</td>
<td>905 689 7337</td>
</tr>
<tr>
<td>C. Kennedy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bob Bach</td>
<td></td>
<td>UNLISTED</td>
</tr>
</tbody>
</table>
July 14, 2007

Petition to Oppose and Representation

We the undersigned (homeowners on McDonald Court, Waterdown, ) are opposed to the amendment of the Zoning By-law for lands at 8 McDonald Court. That is an amendment to change the zoning form “R1-6” Urban Residential (Single Detached) Zone to “R1” Exception Urban Residential. File #EZR-07-035.

We consent to representation from McDonald Court in this matter when presented in public forum.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Green</td>
<td>48 McDonald Cr</td>
<td>905 894-8324</td>
</tr>
<tr>
<td>Alan Ross</td>
<td>47 McDonald Cr</td>
<td>905 690-2207</td>
</tr>
<tr>
<td>Glenda Rawls</td>
<td>47 McDonald Cr</td>
<td>905 690 2207</td>
</tr>
<tr>
<td>Kathy Hochstein</td>
<td>44 McDonald Cr</td>
<td>905 889-8455</td>
</tr>
<tr>
<td>Barry Bremner</td>
<td>40 McDonald Cr</td>
<td>905-889-4736</td>
</tr>
<tr>
<td>G. J. Jones</td>
<td>51 McDonal Cr</td>
<td>905-978-3547</td>
</tr>
<tr>
<td>Margaret Hulker</td>
<td>50 McDonald Av</td>
<td>905-689-8478</td>
</tr>
<tr>
<td>Leonard Hulker</td>
<td>50 McDonald Av</td>
<td>905-689-8478</td>
</tr>
<tr>
<td>Susan Greenwood</td>
<td>46 McDonald Cr</td>
<td>905 -690 -2517</td>
</tr>
<tr>
<td>C. D. Thompson</td>
<td>52 McDonald Cr</td>
<td>905-689-8028</td>
</tr>
<tr>
<td>Peter Bush</td>
<td>53 McDonald Cr</td>
<td>905-844-5516</td>
</tr>
<tr>
<td>Norm Bong</td>
<td>55 McDonald Cr</td>
<td>905-690-3320</td>
</tr>
</tbody>
</table>
Directions to Guide Development

The “Building a Strong Foundation” consultation process identified nine Directions to guide development decisions. The Directions were adopted by City Council on September 24, 2003. These will inform the requirements for the background studies and will be used as the basis for creating development options in the GRIDS process.

Direction #1 – Prioritize a compatible mix of uses in neighbourhoods that provide opportunities to live, work and play.

Direction #2 – Concentrate new development within existing built-up areas and within a firm urban boundary.

Direction #3 – Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and enjoyment of the rural landscape.

Direction #4 – Design neighbourhoods to improve access to community life.

Direction #5 – Retain and attract jobs in Hamilton’s strength areas and in targeted new sectors.

Direction #6 – Expand transportation options that encourage travel by foot, bike and transit and enhance efficient inter-regional transportation connections.

Direction #7 – Maximize the use of existing buildings, infrastructure and vacant or abandoned land.

Direction #8 – Protect ecological systems and improve air, land and water quality.

Direction #9 – Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and settlements.

The sustainability principles in VISION 2020 and the nine Directions address elements of the Ontario Disabilities Act at a strategic planning level.
would result in the smallest lot in the neighbourhood; the current smallest lot is at 46 Scott Street which has approximately 890 sq. m. of lot area (which is 219.5 sq. m. larger than the proposed lands to be severed). All the other properties in the area are over 1,000 sq. m. in area.

In terms of frontage, the severed lot would have 17.68 m; a little more than half of the minimum required frontage of 30 m. The retained lot will be deficient in frontage by 2.6 m. The severed lot's deficiency in lot area and frontage, are in staff's opinion, out of character with the existing lot fabric in the area.

As an alternative, albeit one that would require removal of the existing dwelling, the applicant could consider amending the application to divide the lot into two equal or relatively equal lots, each approximately 886 sq. m. in area. These lots would be the smallest in the neighbourhood but neither one would be as excessively out of character.

Conclusions & Recommendation:

Staff recommends that the proposed application be denied. The applicant should consider amending the application to create two equal lots which staff could support.

Conditions:

Should the application be approved as submitted, the following conditions are recommended:

1) That the subject property receive final rezoning approval to the satisfaction of the Manager, Development Planning; and,

2) That the consent agreement and all purchase of sale or lease agreements contain the following noise warning clause:

"Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

Note:

Based on this application being approved by the Committee of Adjustment, and all conditions being completed, the applicant will be required to obtain a municipal number(s) at the time of applying for a building permit(s) for the newly created lot(s). Please contact Paul Toffoletti at 905-546-2424 Ext. 4348, Development and Real Estate Dept., Legislative Approvals.

Building and Licensing Division:

The applicant should obtain an appropriate municipal address for the proposed parcel from the Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.
January 4, 2007

Ian and Jan Lauren
48 McDonald Crt.
Waterdown, Ont.
L9H 7C4

Dear Ian and Jan,

I appreciate the opportunity to provide you with this Comparative Market Analysis for your property. This Analysis contains a summary of the recent real estate transactions in your area for properties that are similar to yours. While no property included in this analysis is exactly like yours, they do provide a good basis by which to compare and adjust your property with the competing properties.

The following pages contain descriptions of each property which will allow you to easily compare the features of your property with the others. The 2 comparable properties are both sales that have taken place over the last number of months. It is also good to note that there are no active properties for sale that are similar to yours.

Your property may have special features which substantially affect the price range in which it should be listed. The extra value in your area of homes depends largely on the nice big lot size that is desirable to a lot of people who want the conveniences of the town, but want a large lot and room to breathe.

Please give me a call if you have any questions or would like any additional information. I look forward to working with you further.

Sincerely,

Chris Van Berkel
Broker
Royal LePage State Realty, Brokerage
51 Wilson St. West
Ancaster, Ont.
L9G 1N1
December 27, 2006

To Whom It May Concern:

I am appealing the decision based on the following excerpts taken from the Committee of Adjustment Severance File # FL/B-06: 176 - 8 McDonald Court. (Flamborough).

"The proposed severance will not comply with the zoning provisions of the “R1-6 Zone both in terms of minimum lot area and frontage. The area of lands to be severed will be less than half of what is required by the By-Law, which requires a minimum 1390 sq. m. of lot area, therefore the severed land will have a deficiency of 719.5 sq. m. The retained lands will be deficient in lot area by 288 sq. m."

This application does not comply with noise pollution. This property’s proximity to Highway 5 precludes that it is not within the regulations for noise pollution.

Under the Town of Flamborough’s Official Plan “the proposed severance would not be compatible with the surrounding lot fabric and would not conform to the Official policies regarding compatibility.”

There are Municipal Forestry concerns that "existing trees will be impacted if the land shown on the plan conveyed and developed for residential purposes."

"Staff recommends that the proposed application be denied."

Other issues that we feel were not addressed are the visibility and safety issues that this severance may incur with the surrounding properties, being a corner lot and proximity to two adjacent intersections.

Based on the above, myself, and others in our community (that of McDonald Court) feel the approval of this severance will have an adverse affect on the landscape, value and appeal of our neighbourhood. I am including copies of signatures of those opposed to this application and letters sent regarding the initial application opposing the severance of 8 McDonald Court.

Sincerely,

Janice Laurin
November 27, 2006

To Whom It May Concern:

Re: Application No. FL/B-06:176, 8 McDonald Crt., Waterdown, Ontario

We are writing this letter to voice our concerns regarding the request for severance of land at 8 McDonald Crt.

First and foremost we are opposed to this application for several reasons of which you may note in the following.

1. The aforementioned land is not vacant. There is a house on the property. This terminology implies that there is no residence on the property as it sits now. If it were already severed it could be called vacant land. This is not the case.

2. Our residential area is noted for our large lots of land and green space, which is a major selling feature for our area. By allowing this severance you decrease our land value and put our property value at risk.

3. We have voiced our concerns on other severances in the area as to building allowances and to what sort of buildings are suitable for our area. Once again if this is allowed and no restrictions are in place as to suitability of residence i.e. size and square footage of a structure, our property value will decrease. The property allowances mentioned and the irregularity of the lot size that this application is alluding to, only reiterate the question as to what possible style of structure will be built.

4. This particular property was given an award, in recognition of its gardens, of which several large trees are included. Once again our green space and the beauty that this garden and these trees provide, will be lost.

5. At the present time there is a property for sale immediately adjoining the said property in this application. I raise the concern that this property will immediately lose value if this application is approved.

6. Allowing this severance with the parameters as listed opens the feasibility for lots to be severed with very little frontage and destroying the ambience of our neighbourhood.

Sincerely,
Yvan and Janice Laurin
48 McDonald Crt
To: Committee of Adjustment

Re: Application No. FL/B-06-176

Attn: Carol Connor

11/20/2006

I am totally opposed to this current severance on #8 McDonald court and I will briefly explain why.

In the past 5 to 7 years the residents of the Court have objected to three different severances and have had two OMB hearings. Two rulings stated that McDonald Court was a "Unique Community" and that it was to be preserved. They stated that they would look at future applications with this in mind. They stated that 60 foot lots should be the smallest allowed and this was to prevent speculators from buying up the 100 foot lots and building. Ontario's land use policy isn't meant to destroy the appearances of the surrounding homes.

This parcel of land would take away from the general view of the surrounding homes. Trees would have to be removed as well. This small area lot if approved would open the flood gates to more cut and build.

The Court is full of 1/3 acre lots and is unique in this day of highly condensed housing and they agreed with its preservation. The residents of this community fought hard to preserve this area and do not want to see it broken up into small lots that take away from the openness of the Court.

I object to the notification system that is in place, as only a few people were given notice. No sign was posted on said land and the fact that mature trees will have to be removed is another concern.

I was a strong advocate on previous severance applications and now my health will not permit me to be as active as I would like, so I hope this letter will be considered.

Yours truly,

Robert Potter
21 McDonald Court
Flamborough, Ontario
L9H 7C3

905 689 5532
7 McDonald Court
Burlington, ON
9H1 7C2

To Whom It May Concern:

We are very concerned about the splitting of the lot at 8 McDonald Court. We were not
given the courtesy of a notice to say this had been applied for and found this out through
gossip from our neighbours.

This affects us all on McDonald Court (Waterdown). It will eventually affect the prices
of our homes and it is destroying the environment.

We have lived on the Court for 9 years. The main reason we bought here was because it
had large open treed lots and was much more mature than a new area. We have had
neighbors who have removed mature trees and not replaced them.

You now inform the neighbourhood that yet another lot is to be severed and many more
trees will be destroyed. This is a disgrace. The lot that is in question is very mature with
a beautiful landscape. The property next door to this lot is for sale and this severing will
eventually have some bearing on the price of that property.

How do you account for the driveway of the new property if this lot is severed. I suppose
you realize that it is on a corner that is obscured from one direction as you drive around
this bend. Surely this is against a regulation as it will not be safe to enter drive around
this corner let alone drive there and have to risk the bend every time the driveway is used.

Yours truly,

Gloria and Alan Rawles
November 28, 2005

Application for Consent/Land Severance No. FL/B-06:176.

This letter is to submit my objection to the application by Angelika Pfath to sever part of the parcel of land known as 8 McDonald Court for the following reasons:

1. This is not a vacant parcel of land as stated in the notice we received but is, in fact, a fully landscaped integral part of 8 McDonald Court.

2. The proposed "irregular shaped" parcel of land would have a frontage of 57.7' making it the only property on the court with this small of a frontage. The residents of McDonald Court have already been through, to my knowledge, two OMB hearings objecting to the division of properties that would destroy the integrity of this area.

3. Approximately one dozen mature trees would have to be destroyed.

4. At the present time, this is a blind curving corner with no street lighting and no sidewalk making it hazardous for pedestrians, oncoming traffic, parked cars, etc. To squeeze in another dwelling with a driveway would exacerbate an already dangerous situation.

Margaret I. Scobie
5th McDonald Cr
Flamborough, ON
L0L 1Y0
December 2006

Petition to Appeal and Representation

We the undersigned (homeowners on McDonald Crt) are opposed to the provisional approval of the lot severance at #8 McDonald Crt. (Waterdown, Ontario) File # FL/B06:176 registered with the City of Hamilton.

We agree to appeal this decision and consent to representation from McDonald Crt. in this appeal. This petition will be part of the presentation to the OMB voicing our objections.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan Greenwood</td>
<td>46 McDonald Court</td>
<td>680-2577</td>
</tr>
<tr>
<td>Kathy Rockingham</td>
<td>44 McDonald Court</td>
<td>689-8458</td>
</tr>
<tr>
<td>Margaret L. Scott</td>
<td>52 McDonald Crt</td>
<td>689-8478</td>
</tr>
<tr>
<td>Arnold Berrie</td>
<td>50 McDonald Crt</td>
<td>689-8478</td>
</tr>
<tr>
<td>Mad Davies</td>
<td>47 McDonald Crt</td>
<td>905-690-9200</td>
</tr>
<tr>
<td>Gloria Lawless</td>
<td>47 McDonald Crt</td>
<td>905-690-2267</td>
</tr>
<tr>
<td>Jean Lawless</td>
<td>58 McDonald Crt</td>
<td>95-689-8701</td>
</tr>
<tr>
<td>John Lawless</td>
<td>58 McDonald Crt</td>
<td>905-689-8701</td>
</tr>
<tr>
<td>Paul Lawless</td>
<td>22 McDonald Crt</td>
<td>690-3574</td>
</tr>
<tr>
<td>Geoff</td>
<td>43 McDonald Crt</td>
<td>689-1416</td>
</tr>
<tr>
<td>Diane Zareta</td>
<td>52 McDonald Crt</td>
<td>689-8228</td>
</tr>
<tr>
<td>Huber</td>
<td>1 McDonald Crt</td>
<td>680-8672</td>
</tr>
<tr>
<td>Gail S.</td>
<td>40 McDonald Crt</td>
<td>689-4736</td>
</tr>
<tr>
<td>Gail S.</td>
<td>14 McDonald Crt</td>
<td>690-8820</td>
</tr>
<tr>
<td>Rebeccah Armstrong</td>
<td>7 McDonald Crt</td>
<td>689-0812</td>
</tr>
<tr>
<td>Ron Boyer</td>
<td>55 McDonald Crt</td>
<td>690-3320</td>
</tr>
<tr>
<td>Nancy Berg</td>
<td>55 McDonald Crt</td>
<td>680-3320</td>
</tr>
</tbody>
</table>
December 2006

Petition to Appeal and Representation

We the undersigned (homeowners on McDonald Crt) are opposed to the provisional approval of the lot severance at #8 McDonald Crt. (Waterdown, Ontario) File # FL/B06:176 registered with the City of Hamilton.

We agree to appeal this decision and consent to representation from McDonald Crt. in this appeal. This petition will be part of the presentation to the OMB voicing our objections.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter A. Potter</td>
<td>21 McDonald Court</td>
<td>905-689-5532</td>
</tr>
<tr>
<td>Mrs. Smith</td>
<td>&quot; &quot;  &quot;</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td>J. Young</td>
<td>23 McDonald Crt</td>
<td>689-7786</td>
</tr>
<tr>
<td>J. Lee</td>
<td>24 McDonald Crt</td>
<td>690-1853</td>
</tr>
<tr>
<td>S. Weeks</td>
<td>24 McDonald Crt</td>
<td>&quot;</td>
</tr>
<tr>
<td>V. Powers</td>
<td>25 McDonald Crt</td>
<td>690-7786</td>
</tr>
<tr>
<td>E. R. Martin</td>
<td>27 McDonald Crt</td>
<td>905-689-8803</td>
</tr>
<tr>
<td>Ruth Caldwell</td>
<td>&quot; &quot;  &quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>T. Kennedy</td>
<td>39 McDonald Crt</td>
<td>905-689-737</td>
</tr>
<tr>
<td>C. Kennedy</td>
<td>&quot; &quot;  &quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>B. Bache</td>
<td>31 &quot;</td>
<td>905-609-4324</td>
</tr>
<tr>
<td>J. Bowler</td>
<td>33  &quot;</td>
<td>905-689-6944</td>
</tr>
<tr>
<td>D. Sandell</td>
<td>33  &quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>E. Rose</td>
<td>20 McDonald Court</td>
<td>905-689-3220</td>
</tr>
<tr>
<td>S. Cozzi</td>
<td>16 McDonald Crt</td>
<td>905-689-8057</td>
</tr>
<tr>
<td>Tom Chrama</td>
<td>15 McDonald Crt</td>
<td>905-689-3662</td>
</tr>
<tr>
<td>Barbara Chrama</td>
<td>15 McDonald Crt</td>
<td>905-689-3662</td>
</tr>
<tr>
<td>Aaron &amp; Sybille</td>
<td>18 McDonald Crt</td>
<td>905-690-0870</td>
</tr>
</tbody>
</table>
December 2006

Petition to Appeal and Representation

We the undersigned (homeowners on McDonald Crt) are opposed to the provisional approval of the lot severance at #8 McDonald Crt. (Waterdown, Ontario)
File # FL/B06:176 registered with the City of Hamilton.

We agree to appeal this decision and consent to representation from McDonald Crt. in this appeal. This petition will be part of the presentation to the OMB voicing our objections.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joanne Goddard</td>
<td>12 McDonald Crt</td>
<td>905-689-6185</td>
</tr>
<tr>
<td>Jeff Grice</td>
<td>49 McDonald Crt</td>
<td>905-689-8482</td>
</tr>
<tr>
<td>A. Gygys</td>
<td>39 McDonald Crt</td>
<td>905-689-6265</td>
</tr>
<tr>
<td>R. Widde</td>
<td>28 McDonald Crt</td>
<td>905-689-2604</td>
</tr>
<tr>
<td>Andrew Wyldon</td>
<td>28 McDonald Court</td>
<td>905-687-3604</td>
</tr>
<tr>
<td>Joe Clossi</td>
<td>17 McDonald Court</td>
<td>905-690-1317</td>
</tr>
<tr>
<td>Eliecia Dorey</td>
<td>51 McDonald Court</td>
<td>905-639-0470</td>
</tr>
<tr>
<td>Cleveland Campbell</td>
<td>9 McDonald Court</td>
<td>905-639-0889</td>
</tr>
</tbody>
</table>
Map of Signed Petition

* = Signed Petition against Severance
\( \Box \) = Signed Petition against Rezoning

= Subject lands
= Proposed Lot Line

Street Names
- Private Road Text
- Highways Text
- Major Road Text
- Minor Road Text

Points of Interest
- Arenas
- Colleges or Universities
- Community Centres
- Fire Stations
- Golf Courses
- Hospitals
- Libraries
- Museums or Galleries
- Places of Worship
- Police Stations
- Schools

Buildings
Cemeteries
Parks
Land Parcels

This plan is suitable for Information only. The City of Hamilton accepts no liability for any error whatsoever.

THIS IS NOT A PLAN OF SURVEY
Copyright © 2007 The City of Hamilton
Copyright © 2007 Teranet Inc.

9/12/2007