SUBJECT: Applications for a Draft Plan of Subdivision Known as “Effort Gardens Phase 3” and for a Change in Zoning for Lands Located at 75 Benjamin Drive, Hamilton (PED06128) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T200517, Sulphur Springs Development Corp., owner, to establish a draft plan of subdivision for fourteen single-detached lots on lands, known municipally as 75 Benjamin Drive (Hamilton), comprising 0.63 hectares (1.56 acres), as shown on Appendix “B” to Report PED06128, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06128 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,

(ii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-05-75, Sulphur Springs Development Corp., owner, for a change in zoning from the “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, to permit fourteen single-detached lots on lands, known as 75 Benjamin Drive (Hamilton), as shown on Appendix “A” to Report PED06128, subject to the following:
SUBJECT: Applications for a Draft Plan of Subdivision Known as “Effort Gardens Phase 3” and for a Change in Zoning for Lands Located at 75 Benjamin Drive, Hamilton (PED06128) (Ward 7) - Page 2 of 10

(i) That the subject lands be rezoned from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District.

(ii) That the draft By-law, attached as Appendix “D” to Report PED06128, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

______________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant has submitted applications for a draft plan of subdivision and change in zoning to facilitate the development of fourteen lots for single-detached dwellings, a cul-de-sac and a partial street.

This proposal has merit and can be supported since the changes in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

BACKGROUND:

The proposed development applications are for a change in zoning and approval for a draft plan of subdivision, for lands located at 75 Benjamin Drive, as shown on Appendix “A”. The plan of subdivision (Appendix “B”) is comprised of fourteen lots for single-detached dwellings and includes a cul-de-sac and a partial street.

The proposed Zoning By-law Amendment (Appendix “A”) allows the lands to be developed in accordance with the proposed draft plan of subdivision “Effort Gardens Phase 3”. The proposal would rezone the subject property from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District. The proposed lots range in size from 364.0 sq.m. to 797.41 sq.m, and have frontages ranging from of 12.3m to 15.8m.
Details of Submitted Application

Owner: Sulphur Springs Development Corporation

Location: 75 Benjamin Drive, Hamilton (north of Stone Church Road East and east of Upper James Street)

Description: Total Area: 0.63 hectares (1.56 acres)
               Width: Approximately 151.84 metres (498.16 feet)
               Depth: Approximately 40.60 metres (133.20 feet) easterly limit
                      Approximately 45.51 metres (149.31 feet) westerly limit

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands:</td>
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<td>“AA” (Agricultural) District</td>
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<td>Surrounding Lands:</td>
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<tr>
<td>North</td>
<td>Single Detached Residential</td>
<td>“C” (Urban Protected Residential, etc) District</td>
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<tr>
<td>East</td>
<td>Vacant</td>
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<tr>
<td>South</td>
<td>Single Detached Residential</td>
<td>“C” (Urban Protected Residential, etc) District</td>
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<tr>
<td>West</td>
<td>Single Detached Residential</td>
<td>“C” (Urban Protected Residential, etc) District</td>
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ANALYSIS/RATIONALE:

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed zone changes, although a number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Planning staff’s evaluation of the proposed applications is set out below.

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

   (i) The proposed draft plan of subdivision and changes in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan;
(ii) The proposal is consistent with the existing and planned development in the immediate area; and,

(iii) The proposal is an appropriate infill development that will make efficient use of existing services on site.

2. The proposed draft plan is comprised of fourteen lots for single-detached dwellings, as shown on Appendix “B”. All of the proposed lots meet the minimum lot width (12 metres) and lot area (360m²) requirements of the “C” (Urban Protected Residential, etc.) District.

3. There is an existing watermain, sanitary sewer and storm sewer on Benjamin Drive of sufficient size and capacity to service the proposed development directly.

4. Two letters were received from neighbouring property owners. The issues raised in these letters are addressed below:

**Storm Drains**

One letter expressed concerns regarding flooding and the inclusion of storm drains in the design and construction of the subdivision. As a condition of draft plan of subdivision approval, the applicant will be required to submit a detailed servicing study and engineering design, to the satisfaction of the Manager of Development Engineering. As part of this design, the applicant will be required to address storm water management and proper storm drainage.

**Blasting**

One letter expressed concerns regarding the limestone base and blasting. As a condition of draft plan of subdivision approval, the applicant will be required to submit a Geo-Technical Report. This report will examine the extent of the rock on the subject lands and assess whether blasting is required. The study will be submitted to the satisfaction of the Manager of Development Engineering in accordance with Development Engineering Condition 9, as provided for in Appendix “C”. As well, no blasting shall take place without a permit in accordance with Standard Development Engineering Condition 30, as provided for in Appendix “C”, Condition 2(a).

**Tree Removal**

Concern was also raised regarding the wildlife and vegetation in the area and hoped that trees would remain unless their removal was essential, and that the developers would be restricted from disturbing their property. As a draft plan condition of approval, a tree preservation plan will be required, particularly to assess any impacts to any trees within the City road allowance. In addition, a
Street Tree Planting Plan will be required to ensure that trees are planted within the boulevards.

**Fencing**

One letter indicated that they hoped that the provision of fencing would be mandatory. The lands that abut the Hamilton-Wentworth District School Board will be required to construct a privacy fence, as provided for in Appendix “C”, Hamilton-Wentworth District School Board Condition 14. There is no requirement for fencing to be constructed where new residential lots abut existing residential properties. Any new fence will be subject to the provisions of City of Hamilton Zoning By-law 6593.

**Grading**

A further comment from a neighbouring property owner advised that they did not want the historical land elevations to be altered. As part of the detailed engineering design for the plan of subdivision, grading plans will be required showing how the grading within the development will be integrated with the existing adjacent residential properties and attempt to blend in with the existing topography and natural setting, where possible, in accordance with Standard Development Engineering Condition 24, as provided for in Appendix “C”, Condition 2(a).

5. In accordance with the City of Hamilton’s Parkland Dedication By-law, the applicant is subject to a Cash-in-Lieu of parkland dedication payment. Given that the subject lands are not designated for a future park, the City does not require the inclusion of parkland dedication into the draft plan of subdivision. Therefore, in accordance with the City By-laws, a cash payment to the City of Hamilton, equivalent to the value of 5% of the value of each lot in-lieu of the dedication of land, will be required prior to the issuance of building permits.

In addition, the City’s Transition Policies would allow for the following phase-in for Cash-in-Lieu of Parkland:

(a) 4% of land value on the day before building permit issuance between January 1, 2006 to December 31, 2006.

(b) 5% of land value on the day before building permit issuance as of January 1, 2007.

6. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report.
ALTERNATIVES FOR CONSIDERATION:

If the applications are denied, then the applicant has the option of using the property for the current range of “AA” (Agricultural) District uses.

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 Zoning By-law Amendment and a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in settlement areas.

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, staff recommends that the owner complete an archaeological assessment of the property, in accordance with Standard Planning Condition No. 10, as provided for in Appendix “C”, Condition 2(b).

In addition, Policy 1.1.1 (c) outlines that healthy, liveable and safe communities are sustained by avoiding developments and land use patterns which may cause environmental or public health and safety concerns. Furthermore, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Stone Church Road East, staff recommends that the owner investigate noise levels on the site in accordance with Standard Planning Conditions Nos. 8 and 9, as provided for in Appendix “C”, Condition 2(b).
Hamilton-Wentworth Official Plan

The subject lands are designated as “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 Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the applications is for the development of a residential plan of subdivision on full municipal services, the proposals conform with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

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

“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.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

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 need of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales 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.”

Therefore, as the application is for a residential plan of subdivision, which recognizes the scale and character of the surrounding existing residential area by having regard for existing lot widths, lot areas and setbacks, the proposal complies with the City of Hamilton Official Plan.
Jerome Neighbourhood Plan

The subject lands are designated as “Single and Double” Residential in the Jerome Neighbourhood Plan. The proposal for fourteen single detached residential lots, a cul-de-sac and a partial road complies with the “Single and Double” Residential designation and the approved development pattern of the Jerome Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Strategic and Environmental Planning.
- Parking Services.
- Public Health and Community Services Department, Culture and Recreation.
- Public Health and Community Services Department, Environmental Health/Infectious Diseases.
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton Street Railway.
- Assessment Department.
- Hamilton-Wentworth Catholic School Board.
- Hamilton Emergency Services.
- Source Cable & Wireless.
- Ontario Power Generation.
- Hamilton Hydro Inc.
- Canada Post.
- Union Gas.

Public Works Department – Operations and Maintenance Division, Forestry Section

The Forestry Section has reviewed the application and advised that there is a Municipal Forestry concern as there is a 36cm d.b.h. Elm located in the Road Allowance at the rear of 89 Stone Church Road East on Benjamin Drive. The Forestry Section has advised that prior to any development commencing, a Tree Management Plan, a Landscape Plan and a Street Tree Planting Plan be submitted by the applicant. This item has been addressed under Standard Planning Conditions Nos. 12, 16 and 17, as provided for in Appendix “C”, Condition 2(b).

Public Works Department – Operations and Maintenance Division, Traffic Planning

The Traffic Planning Section advised that they have no comment with respect to the Zoning Application. Through the detailed design of the subdivision the applicant shall submit plans to ensure there are no overlapping driveways. This item has been addressed under Development Engineering Condition No. 6, as provided for in Appendix “C”.
Public Works Department – Capital Planning and Implementation Division, Open Space Development and Park Planning Section

The Open Space Development and Park Planning Section advised that 5% of the total land area or 1ha/300 units, whichever is greater, is required for parkland dedication with payment in the form of Cash-in-Lieu to be calculated and accepted by the City. This item has been addressed under Standard Planning Condition No. 14, as provided for in Appendix “C”, Condition 2(b).

Hamilton Conservation Authority

The subject property is located within the Upper Ottawa subwatershed. The proposed development will require an increase in the amount of impervious area currently on the site. As such, the Authority will require storm water quality and quantity controls to be implemented, as per Ministry of Environment guidelines.

Recommendations: That Hamilton Conservation Authority Standard Conditions 1 and 2 as provided for in Appendix “C”, Conditions 2(d), and Hamilton Conservation Authority Condition 13, be included in the draft plan of subdivision approval.

Hamilton-Wentworth District School Board

The Hamilton-Wentworth District School Board advised that they had no objections to the applications, however, they will require the Developer, at their expense, to place fencing with a minimum height of 4 feet; preferably a wooden privacy fence for the benefit of the purchaser along the property line where the proposed subdivision abuts the School Board property. The Board requires that the fence be placed inside the subdivision property line. This item has been addressed, as provided for in Appendix “C” Hamilton-Wentworth District School Board Condition 14.

Bell Canada

Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision.

Recommendations: That Bell Canada Standard Condition 1 be included in the draft plan of subdivision approval, as provided for in Appendix “C”, Condition 2(c).

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 91 property owners within 120 metres of the subject lands. Two written responses were received. Concerns were raised with respect to surface water run-off, existing limestone (blasting), wildlife and vegetation, and maintaining the existing historical elevation and fencing. These issues have been discussed in more detail in the Analysis/Rationale Section of this report.
In accordance with the requirements of the Planning Act, notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.

**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
  The public are involved in the definition and development of local solutions.

- **Environmental Well-Being is enhanced.** ☑ Yes  ☐ No
  Ecological function and the natural heritage system are protected.

- **Economic Well-Being is enhanced.** ☑ Yes  ☐ No
  Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

**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

:SD

Attachs. (5)
“Effort Gardens Phase 3” (25T200517) – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Effort Gardens Phase 3”, dated January 25, 2005, prepared by Urbex Engineering Ltd., as shown on Appendix “B” to Report PED06128, showing a maximum of fourteen (14) lots for single-detached dwellings, a cul-de-sac (Court B), and one street (Street A).

2. That the following standard conditions of draft approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

   (a) Development Engineering
       Standard Conditions Nos. 1, 2, 6, 7, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30 and 32;

   (b) Development Planning
       Standard Conditions Nos. 1, 2, 3, 4, 5, 8, 9, 10, 12, 13, 14, 16, 17, 20 and 21;

   (c) Bell Canada
       Standard Condition No. 1;

   (d) Hamilton Conservation Authority
       Standard Conditions Nos. 1 and 2;

Development Engineering

3. That the owner enter into a subdivision agreement with the City of Hamilton prior to registration of any portion of the draft approved plan.

4. That the owner agree in writing to satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the draft approved plan.

5. That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

6. That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots. Driveways for Lots 6 to 14 inclusive on Court ‘B’, will not overlap and will have a minimum 1.0m separation at the curb line all to the satisfaction of the Manager of Development Engineering.

7. That the driveway location for Lot 14 be located from Benjamin Drive to the satisfaction of the Manager of Development Engineering.

8. That the centerline of the paved portion of Court “B” align centerline to centerline with Theodore Drive and the entrance to the Court have a maximum width of 8.0 metres.
9. That the owner provides a geotechnical report prepared by a qualified professional engineer prior to final engineering design.

10. That the owner agrees in writing to construct sidewalks as follows: along the both sides of Street “A” to the easterly limits. Further, that the owner shall include a notice in all Purchase and Sale Agreements advising future owners of these sidewalk requirements. Sidewalks are not required adjacent to the roadway of Court “B”.

11. That the owners dedicate sufficient lands by Certificate on the Final Plan to establish Court “B” with a radius of 16.5 metres and a radius of 13.0 metres of asphalt.

12. That the owners pay all outstanding servicing costs for the storm and sanitary sewers on Benjamin Drive from the south limit of Lot 14 to the centerline of Theodore Drive.

Hamilton Conservation Authority

13. That the owner prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

Hamilton-Wentworth District School Board

14. The Developer, at their expense, place fencing with a minimum height of 4 feet, preferably wooden privacy fencing for the benefit of the purchaser, along the property line where the Effort Gardens Phase 3 property abuts the Hamilton-Wentworth District School Board property. The Board requires that the fencing be placed inside the Effort Gardens Phase 3 property line.
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 Section of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, 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-9c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA”
(Agricultural) District to the “C” (Urban Protected Residential, etc.) District, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. 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 “C” (Urban Protected Residential, District provisions.

3. 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 , 2006.

________________________________________  __________________________________________
MAYOR                                        CLERK

ZAC-05-75/25T200517
Appendix “D” to Report PED06128

This is Schedule “A” to By-Law No. 06—

Passed the ..................... day of ........................... 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06-____

to Amend By-law No. 3692-92

Subject Property
75 Benjamin Drive

Change in Zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, Modified

Scale: Not to Scale
File Name/Number: ZAC-05-75
Date: March 2006
Planner/Technician: SD/LMM
103 Stone Church Road East  
Hamilton, Ontario  
L9B 1A8  

September 6, 2005  

Ms. Anita Fabac  
Senior Planner  
City of Hamilton  
Planning & Economic Development Dept.  
Development and Real Estate Division  
Development Planning Section  
City Hall  
71 Main Street West, 7th Floor  
Hamilton, Ontario  
L8P 4Y5  

Dear Ms. Fabac:  

Re: Zoning By-Law Amendment and Draft Plan of  
Subdivision Applications ZAC-05-75/25T200517,  
Applicant-Sulphur Springs Development Corp.,  
75 Benjamin Drive, Hamilton, Ward 7  

This letter is to advise you that we have one concern regarding the building of a subdivision behind our homes at 89, 97 and 103 Stone Church Road East, Hamilton.

We do not have any objections to this housing development because it will stop the dumping of garbage and construction debris that has even covered up the only ditch drain at the corner of Theodore and Benjamin Drives. This drain handles the rainstorm water run-off from the fields next to and east of Benjamin Drive behind our properties and the debris and garbage has been a constant problem. Even as recent as the week of July 24, 2005, Dan Coppolino, Road’s Foreman for District 5 Roads, had the debris removed from over the drain.

When Phase #1 of Effort Gardens Subdivision was being built, the elevation of Benjamin Drive was raised and the ditch drain located at Stone Church Road East and Benjamin Drive was removed but never replaced by James Jackson, Design Engineer for Urbex Engineering Ltd. Consequently, after heavy rainstorms in June and July 2000, water flooded the area behind the 89, 97 & 103 Stone Church Road East properties. At that time, James Jackson examined the flooding and admitted to me that he had not included storm drains east of Benjamin Drive in the design and construction of the
Ms. Anita Fabac

September 6, 2005

subdivision. I then lobbied James Jackson to install a ditch drain to handle the flood water problem. He had Bono Construction install a ditch storm drain at Theodore and Benjamin Drives on November 22, 2000.

Our concern, therefore, is that storm drains be included in the design and construction of Phase # 3 of the Effort Gardens Subdivision to ensure that any surface water run-off on the east and south sides of the subdivision does not affect our properties at 89, 97 and 103 Stone Church Road East.

My family has lived on Stone Church Road East since 1939, and I am very familiar with the land and what has developed around us. Should you have any questions or concerns, please contact myself, Michael Shaboluk, at 103 Stone Church Road East. My home phone number is (905) 383-2025.

Yours truly,

Michael Shaboluk

MS/az
Robert C. Dickson Ph.D., M.D.

111 Stone Church Road East
Hamilton, Ontario
L9B 1A8

August 18, 2005

Anita Fabac, Senior Planner,
City of Hamilton, Planning & Economic Development Department,
Development and Real Estate Division,
Development Planning Section,
City Hall, 71 Main Street West, 7th Floor,
Hamilton, Ontario
L8P 4Y5

Re: File Number ZAC-05-75/25T200517
Zoning By-law Amendment and Draft Plan of Subdivision Application

Dear Ms. Fabac:

I wish to comment on this application, receive a copy of the staff report and receive notification of any meetings regarding the application.

We live in close proximity to the proposed development site. I believe that the land actually abuts our property (although it is difficult to see clearly from the small-scale map enclosed with the notification I received). There are several concerns that I have with regard to the proposed development:

1. The limestone base beneath the subject property often has a shallow soil cover. This is variable and unpredictable. I hope that the planning department will ensure that the soil is deep enough over all areas where services and basements are proposed, that blasting is not necessary. We have had problems with blasting in the past. It seems as though planning is not aware that the entire area sits on a huge continuous limestone base (the “lime ridge”) which transmits potentially damaging tremors over large distances.

2. We are concerned for the wildlife and vegetation in the area. I hope that trees will be maintained unless their removal is essential.

3. I am concerned about land elevation alteration. We do not want historical variations to be eradicated for the sake of producing a concrete and asphalt desert. We rely on drainage of water onto the lands in question.

4. Our privacy will be invaded by the development. I hope that substantial fencing will be mandatory in any proposed plan, to isolate new parcels of land from ours.

5. We have many trees and some cultivated land adjacent to the proposed development area. I hope that developers would be restricted from disturbing land supporting our landscape (ie. tree root locations etc.).

Sincerely,

[Signature]

Robert C. Dickson Ph.D., M.D., C.C.F.P.