

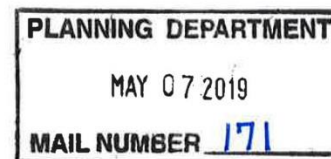
SCHEDULE 3 – LPAT APPEAL COVER LETTER

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File No: 11920

May 7, 2019

Tony Boutassis, Planning Coordinator
Planning & Sustainability Department
Town of Halton Hills
1 Halton Hills Drive,
Halton Hills, ON
L7G 5G2



Dear Mr. Boutassis,

**RE: Notice of Appeal Pursuant to Section 34(19) of the *Planning Act*, RSO 1990, c P13 –
Zoning By-law Amendment Adoption – Town of Halton Hills**

We act for Jane and Hugh Hyndman. With this letter we are filing on behalf of our clients, an appeal of the Town of Halton Hills Council (“**Council**”) decision dated April 17, 2019 to adopt Zoning By-law Amendment 2019-0019 (the “**Decision**”) pursuant to section 34(19) of the *Planning Act*, RSO 1990, c P13 (the “**Planning Act**”). The municipal file number associated with this Decision is D14ZBLA17.002.

1. Nature of the Appeals

Our clients are the owners of 38 Willow St. S (the “**Hyndman Property**”) in the Town of Halton Hills (the “**Town**”) in the Regional Municipality of Halton. This property is located immediately adjacent to the property subject to the Decision and subject to this appeal.

The property subject to the Decision is legally described as Part of Lot 277, Registered Compiled Plan 1098 and Part of Lots 1 to 4, Block 15, Registered Plan 31 and Part of Lot 7, Block 15, Registered Plan 63, Town of Halton Hills, Regional Municipality of Halton and municipally described as 12 Church St. E, in the Town of Halton Hills (the “**Subject Property**”).

The Subject Property is owned by D and M Developers Inc. (the “**Applicant**”) who made an application to the Town for the above described Zoning By-law Amendment (the “**ZBA**”). The ZBA would amend the Town’s existing Zoning By-law 2010-0050, as amended, re-zone the Subject Property from its current zoning of Downtown Commercial Two (DC2) Exception 4 to Medium Density Residential Two (MDR2) and includes site specific zoning provisions.

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2. Reasons for Appeals

The reasons for appealing the Decision to adopt the ZBA are as follows:

- The ZBA does not conform to the Town of Halton Hills Official Plan (the “**Town OP**”), including but not limited to the specific policies described below.
- The ZBA does not conform to section D.2.5.1.4.4 c) of the Town OP, including subsections ii), iii) and v) which state:

c) ... The development of new townhouse, multiple and apartment dwellings and long-term care facilities and retirement homes shall require an amendment to the implementing Zoning By-law. Prior to approving such an amendment, Council shall be satisfied that:

...

ii) the built form respects the character of and can be suitably integrated with adjacent residential neighbourhoods, in terms of height and massing;

iii) the use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;

...

v) the development is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site;

The Applicant has not shown that the above Town OP policy can be met. Specifically:

- The neighbourhood is comprised of low density residential dwellings, a municipal parking lot, commercial uses and an automotive repair garage. A development of this density in this close proximity to other residential dwellings does not conform to the above Town OP policy subsection ii).
- The ZBA allows for the potential for there to be three storeys on the Subject Property where the majority of surrounding buildings are 1-2 storeys. A development of this height does not conform to the above Town OP policy subsection ii).
- The ZBA allows for balconies in the rear yards of the Subject Property which overlook the rear yard of the Hyndman Property. This is contrary to the above Town OP Policy subsection ii).
- The ZBA allows for development on the Subject Property with insufficient landscaping and buffering contrary to subsection v).
- The ZBA allows for development that will cause an unacceptable level of congestion on surrounding roads iii).

- The ZBA does not conform to section F2.2.2 of the Town OP policy which stipulates Urban Design Requirements. Specifically, the ZBA does not conform to F.2.2.2.1 a) and b) which require that:

a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall promote an appropriate design relationship between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.

b) Site design shall address compatibility between differing adjacent land uses in context of density, height and massing through appropriate site layout, building locations and landscape treatments.

Additionally, the ZBA does not conform to policy F.2.2.2.2 h) which requires that:

h) When a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook, shadowing and high wind speeds. Massing strategies such as stepping down towards buildings of lower height should be employed to minimize impacts. Site Plan applications may be required to submit wind and/or shadow studies to address such potential conditions.

- Approval of the proposed ZBA is not in accordance with good planning, nor is it in the public interest.

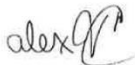
3. Enclosures

Enclosed, please find the following:

- The required LPAT filing fees in the form of a cheque in the amount of \$300.00 payable to the Minister of Finance; and
- Our completed LPAT Appellant's Form A1 in accordance with LPAT requirements.

Should you have any questions or require any additional information, please do not hesitate to contact me. Thank you for your assistance.

Yours truly,



Alex V. Ciccone

Cc: Hugh and Jane Hyndman