

Flamborough businesses fear new zoning bylaw

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Haley Luckanuck, the founder of Spoiled Rotten Pet Services, says Hamilton is making it so difficult to expand her business into a doggie daycare, she's thinking of moving her operation to Burlington.

"It's all very frustrating but I'm determined we'll find a way around this," she said. "Right now it's looking better in Burlington every day."

Luckanuck's issue is one of a number of complaints Flamborough business owners have raised recently as Hamilton's planning department continues the tortured process of merging six diverse local zoning bylaws into a single one covering the entire city.

"Business people in this area are having ridiculous problems with the city," said Haley's mother and business partner Teresa Luckanuck. "I've never seen such an atrocious system as they have there. The buck doesn't seem to stop with anyone."

The Luckanucks wanted to expand their pet walking business into a full doggie daycare service. They found a reasonably-priced location in a group of buildings at Clappison's Corners owned by brothers Rich and Mike Mizener. In addition to their M&L Testing lab, the site is home to other small businesses including a welding shop.

The trouble started when Teresa called city hall to check on zoning issues.

What she found is the property they wanted to lease wasn't zoned for a dog kennel and changing that would cost at least \$10,000 and take up to a year of studies, processing and meetings.

There was another potential problem: The provincial government has said it may want to expropriate all or part of the Mizeners' property at some unspecified time in the future for a highway cloverleaf.

Rich Mizener explained his family hoped to solve its business problems by buying the flea market on Hwy. 5, just west of Hwy. 6, and moving its operations there. That plan was also stymied by the zoning bylaw, which effectively prohibits any use other than a flea market on the site.

"Everything we have has been frozen by this process that's taking value right out of our pockets," Mizener said. "This has put a tremendous strain on our entire family."

Making it worse, Mizener added, is that despite his brother attending public meetings to voice their concern, they have the strong feeling "they're not really listening to us."

Teresa Luckanuck has the same feeling.

"We keep having all these meetings, but nobody at city hall will do anything for us," she complained. "Maybe we really should move to Burlington."

City councillors Robert Pasuta and Judi Partridge said they share the frustrations of business owners, and note that the effort to write a new bylaw is complicated by Flamborough's unique blend of urban and rural areas with separate zoning bylaws covering each.

In drawing lines on their maps to define what uses will be allowed in what areas, Partridge said city planners are putting fear into the hearts of business operators in the rural area.

"If the Luckanucks do move to Burlington I think they'll be in line with a lot of good businesses forced to do the same thing," she said. "We have good businesses that have been here for 50 years and they want to grow but we're making it difficult for them."

One area where concern about the new bylaw has been especially heavy is Ofield Road. It's lined with small firms whose owners fear for their future because the new plan zones the area for agricultural uses.

Flamborough is different than any other area in the city, Partridge said.

"It isn't just that some businesses have been frozen, some of them are in actual jeopardy because of this," she added.



Hamilton, Ontario, Nov. 24, 2014 Haley, left and Teresa Luckanuck with Zena. The two run a Flamborough dog care business but are being stymied by the city. Many other Flamborough businesses are facing similar issues. Cathie Coward/ Hamilton Spectator/ Steve Arnold story

"All these people want to do is run their businesses, employ people and do good things for their community. We need to stop saying we're open for business when we really aren't."

Partridge added she has special sympathy for the Mizener's situation.

"The position he has been put into is blatantly unfair," she said.

Pasuta added he has heard many complaints from nurseries and landscaping firms in the rural area who fear new requirements will force them out of business.

"We know this is going to drive a lot of businesses off their property," he said. "I feel for them and others who are out there as well."

Another concern being raised frequently is a change in focus from a complaint-driven model of enforcement to one where city staff will actively hunt down non-compliant businesses.

Jason Thorne, Hamilton's director of planning and economic development, said he understands the reluctance of businesses to deal with expensive and complicated zoning questions.

"We want to make this process as low cost to business as we can.

"This city is absolutely open for business," he added, "but we also have an important duty to protect public safety."

Thorne explained that through the zoning bylaw reviews, basic questions are being asked such as what businesses are appropriate to what areas and what size should a business be before it's required to be in an industrial park.

For the full 2013 city staff report on the Rural Hamilton Official Plan, see <http://www.hamilton.ca/NR/rdonlyres/6FB723B4-AFD0-43A6-BD13-5051CFF2200B/0/RuralPICStaffReport.pdf>

The answers city staff come up with, he said, aren't going to please everyone, but affected residents will get a chance to comment before city council makes a final decision sometime next year.

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