

Summary of Written Comments from Public Information Centres

Note – Two Public Information Centres were held on September 26, 2016 at Ancaster Town Hall to discuss issues with infill development in the Ancaster Existing Residential (ER) Zone. A survey was distributed, which asked residents to identify and comment on their top two concerns respecting existing “ER” zone regulations. Survey comments and staff responses are captured in the following table:

Issue Summary	Written Comments and Suggestions	Staff Response
<p>Character of area is changing</p> <p>Residents raised concerns that the form and placement of many of the new builds and additions in the Ancaster ER Zone is out of character with existing/older built form.</p>	<ul style="list-style-type: none"> • It is inconsiderate and unfair to build a two storey home in a neighbourhood dominated by bungalows as it blocks sunlight, reduces privacy, and blocks views of trees and sky. I purposely bought in this neighbourhood 2 years ago because of the space, privacy, and mature trees. I don't want my street to become another Oakville or Mississauga with large decadent homes stuck together. (2 other comments similar to above) • When new home construction regrades the lot and then builds with a height variance, the new home is just aggressive and the older home next door is dwarfed. Should not allow variance. • The existing ER zone regulations are all areas of concern, otherwise they wouldn't be on this form. Basically the style and size of a new house should complement other homes on the street. If existing home owners in the neighbourhood are not happy with the plans, then they should be adjusted and downsized, until a compromise is reached. If a new house causes existing home owners to be so unhappy that they have to move house then that is just blatantly wrong. 	<ul style="list-style-type: none"> • The existing older built form reflects design preferences and economic conditions of an earlier time. Recently constructed dwellings are often larger than older dwellings due to changes in construction techniques and requirements as well as design preferences and amenities sought by today's home owners. Recognizing this evolution, staff are proposing a modified regulatory framework to address the massing of additions and new builds that are sympathetic to existing neighbourhood character and scale. • Members of the public were consulted at a public meeting on September 26, 2016, to identify issues with ER Zone regulations and possible solutions to address over-building. The results of the ER Zone Pilot Project will be monitored upon implementation of the zoning by-law amendment. Further revisions to the ER Zone may occur through the Comprehensive Residential Zoning project, which will include a public consultation process. Members of the public can also

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		participate in public processes required through <i>Planning Act</i> applications, such as minor variance or rezoning applications.
<p>Building height too high</p> <p>Residents felt that additions and new builds are too large, and negatively impact privacy of residents in neighbouring smaller homes and bungalows. Impacts of large dwellings include loss of privacy, loss of views to trees and sunlight, and lack of integration with existing streetscape and neighbourhood character. Land regrading was also identified as a height related issue.</p>	<ul style="list-style-type: none"> • Limit height to 150 percent of highest structure in the area or average height or height of existing property being replaced. • Building height should be restricted to adapt to current streetscape. 6 meters. • This is already very high for a neighbourhood that is mainly bungalows and few split levels. Not more than 1.5 storeys. • When located next to bungalows, 10.5 meters is too high resulting in loss of privacy. The 3 storeys permitted on Wilson St are way too high when they are overlooking bungalows behind the main street. • Should take account of house sizes in the local area. Perhaps 125% max of local homes, to a maximum of 10.5 meters. • 35 ft. height max may be too high for some (all) neighbourhoods. Again, let's try to blend new with old. <p><i>Measurement of Height / Regrading</i></p> <ul style="list-style-type: none"> • Houses built near this height are completely out of character with the existing [homes]. They visually overwhelm adjacent homes to the point of devaluing them. Loss of privacy on adjacent properties. Shadowing issues on adjacent properties (particularly when the walls are at the side yard minimums). Air flow. Even the one floor houses are substantially higher than those on adjacent homes, which can lead to a loss of privacy. How is height measured, and who confirms height? Reduce to maximum of 8.5 m height 	<ul style="list-style-type: none"> • The proposed maximum building height will be restricted to 7.5 meters for one storey dwellings, and 9.5 meters, for two storey dwellings. It is the intent that this regulation will synchronously work with other proposed regulations to reduce the buildable area and scale down the massing of additions and new builds. • Building height is measured as “the vertical distance from grade to the uppermost point of the building,” but does not include features such as chimneys and skylights. Grade is defined as “the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.” • Staff recognize that variation in grade between lots can impact relative height from

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	<p>for two storey houses and establish a maximum for one storey.</p> <ul style="list-style-type: none"> • It's a bit late to look at bylaws once these [houses] are up. I am told my house is below grade. So drainage is now my problem. These houses seem to have foundations that are higher than existing homes. Perhaps eaves trough drainage should be regulated to have attachment to ditches or sewers instead of running onto a neighbour's property. I.e. no downspouts on Carrington Ct for 1 year. Why are roofs so high? Seems to me that the new attics make a 3 storey house. • Too many rebuilds take place on top of infill of 4 to 8 feet, raising height considerably above the allowed 10.5 m. This also inevitably causes drainage problems. • Building height should be based on the average natural grade, before construction, measured around the perimeter of the lot. Currently monster homes are meeting the maximum building height at the front but exceeding this height restriction in the middle and back of the home because of land grade changes. (One other similar comment to above) 	<p>home to home, which can cause issues of privacy, reduced views, and general overbuilding. See Repot PED18036 for more information on grading.</p>
<p>Maximum Lot Coverage too high</p> <p>Residents were concerned with existing maximum lot coverage regulation in terms of its ability to limit scale of development, and in terms of adherence to this regulation. The following impacts were identified: poor drainage, tree loss, loss of privacy, and changes in</p>	<ul style="list-style-type: none"> • We assume 35 percent as the building footprint including garage(s) and patio (impervious) area with constructed foundation or gradwalls. • Maximum lot coverage should not exceed original footprint of house or go from one storey to two storeys. None of us have privacy. (2 other similar comments to this) • Change of character of neighbourhood by overbuilding large homes is changing landscape, streetscape. Should be subject to size of lot depending on lot. 	<ul style="list-style-type: none"> • Lot Coverage “means the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.” • There is a diverse range of both lot size and dwelling form within the ER Zone. While the intent is to be sympathetic the existing character of the area, staff also acknowledge the natural evolution of building construction methods, design preferences, preferred character, and

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streetscape.	<ul style="list-style-type: none"> Should be reduced to 25 percent maximum. 30 percent would be more fitting to these areas (1 other similar comment to this) The best solution is to take an average of existing square footage in the area and set a maximum allowable square footage (i.e. 150 percent) for new homes. The replacement home may only be 10 % larger footprint of the original house. Should increase to allow larger 1 floor homes if streetscape is same. 50 % 	<p>desired amenities.</p> <ul style="list-style-type: none"> Staff are proposing to modify lot coverage regulations to further restrict the possible building envelope. The proposed maximum lot coverage is lower for a one storey dwelling is being reduced from 35% to 30% for a one storey dwelling and 25% for a two storey dwelling. For larger lots (greater than 1650 square meters), maximum lot coverage will be further reduced to 30% for one storey dwellings and 20% for two storey dwellings.
<p>Minimum Yard Setbacks requirements too small</p> <p>Residents felt that minimum yard setbacks were too small. Impacts of small setbacks include reduced privacy, poor drainage, and reduced property/rear yard access. These impacts appeared to be especially relevant to side yard setbacks. Varying front yard setbacks from lot to lot was also identified as an issue because of its impact on views/visibility and streetscape.</p>	<p><i>General</i></p> <ul style="list-style-type: none"> There should be a safe distance (min. distance) around the perimeter of every property. <p><i>Front Yard Setbacks</i></p> <ul style="list-style-type: none"> Frontage – use street average. Side yard – make it proportional to size. One of the suggestions at the meeting was to have a new build setback to average the setback of the adjacent homes (houses on either side of new build). I think this would help the neighbourhood keep some of its character. Minimum front yard should not exceed 9 meters (original line). Minimum rear yard should not exceed 20 meters or in accordance to original footprint. Minimum side yard no more than 3.5 meters (existing hydro variance). Minimum flankage no more than 15 meters. <p><i>Side Yard Setbacks</i></p> <ul style="list-style-type: none"> The spacing between the houses should be greater – perhaps 2.5 meters on each side. I believe this would 	<ul style="list-style-type: none"> Staff have proposed changes to all setback requirements, with the exception of the flankage yard. The proposed regulations will place further parameters on the size of the building envelope, location of dwelling, and building mass, in addition to potentially improving drainage issues between adjacent lots. Recommendations are generally as follows: <ul style="list-style-type: none"> Minimum front yard will be determined by calculating an average of the existing front yards of adjacent parcels, with room for deviation from the average to a maximum of 20% of the average. Minimum rear yard will be determined by calculating a percentage of the lot depth. The percentage increases as lot depth increases. Minimum side yard – increased to 2

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	<p>balance out the appearance and perhaps help with water drainage.</p> <ul style="list-style-type: none"> • Out of character with existing side yards setbacks of adjacent homes. To put a wall at 1.5 m, the excavation must be wider and nearly touches the property line, which has the effect of damaging the roots of trees on both sides of the property line. Loss of green space/light and air circulation. Loss of privacy. Restricts storm water flow (water must flow from back to front). Restricts access to back of property. Increase minimum side yard to 2.6 meters. • Side yard setbacks should allow for sufficient walkway space in addition to and not impeding upon drainage requirements. For example, if a drainage swale is required on or inside the property line, then the setback should be measured from the outside edge of mandated swale. Monster homes are being built to the edge of the setback and are not leaving sufficient space for both mandated swale and walkway. Setbacks should be in line with adjoining dwellings so as to not impede the neighbour's view. • The minimum side yard setback should be increased to 3 meters to prevent crowding, loss of privacy, and noise pollution as this space is used to locate air conditioners, etc. 	<p>meters for lots < 23 meters wide, or 10% of lot frontage for lots > 23 meters wide.</p> <ul style="list-style-type: none"> • A proposed zoning regulation requires that one (1) meter of the side yard (swale) must be free and clear of all hard-surfaced materials and landscaping, except sod. The intent of this regulation is to protect swales from obstruction and reduce drainage issues between adjacent properties.
<p>Lack of Landscaping Requirements</p> <p>Residents identified tree / vegetation loss as an issue that occurs through construction of new homes. Generally, the impact of</p>	<ul style="list-style-type: none"> • Half of front yard paved for 3 car garage. • Provide enough landscaping to keep the privacy of the existing lots. The new monster home on McNeil looks down into the backyards of Elm Hill. • Most of us have lost all of our privacy (backyards). Our pool, deck, rooms at the back of the house are clearly visible from their back rooms/deck/yard. It will 	<ul style="list-style-type: none"> • Ancaster Zoning By-law 87-57 contains general provisions relating to parking. At-grade parking areas are not permitted to occupy more than 35 percent of the lot area.

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<p>tree / vegetation loss is twofold: loss of privacy, and loss of natural vegetation to retain water and control stormwater runoff. Excavation can also damage tree roots of trees on adjacent lots.</p>	<p>take some very tall trees to give us our privacy back.</p> <ul style="list-style-type: none"> • 50% minimum of lot size able to absorb moisture (i.e. snow / melting snow without runoff onto adjoining properties). • Minimum 50 percent yard landscaped/kept greenspace and increase water absorption methods (reduce storm sewer requirements). [Landscaping requirements] should be set because Montgomery Drive already has drainage issues. • Total excavation of old homes, all nursery materials and sometimes all mature trees. Have noted digging to lot lines and damaging roots of neighbours. That stress cannot be good for mature trees. Lawns are not enough to absorb heavy rains and no effort to construct stone based swales, etc. • Everyone in our immediate area is upset that from the new monster homes, the neighbours can look right into our “private” space. Most of the tall trees were hewn to make room for it. They can also see into our kitchen and eating area. 	<ul style="list-style-type: none"> • Tree protection is not addressed through the Zoning By-law. In the Town of Ancaster, tree protection is addressed through two by-laws; Town of Ancaster By-law 2000-118 (regulates injury and removal of individual trees 45 cm diameter or greater and woodlands 0.2 ha or greater) and the City-wide Urban Woodland Conservation By-law 14-212 (regulates injury and removal of trees within woodlands 0.2 ha or greater). If trees are to be injured or removed, permits may be required under these by-laws. When a development application is submitted for redevelopment of a property, the City requires a Tree Protection Plan. Tree Protection Plans are to be completed in accordance with the City’s Council adopted Tree Protection Guidelines.
<p>VariANCES / Building Permits granted too easily</p> <p>Respondents felt that minor</p>	<ul style="list-style-type: none"> • If the [Committee of Adjustment] is able to grant an infinite number of variances, who makes sure that the infrastructure keeps up? Truly if the [Committee of Adjustment] is issuing a variance to a new home build, 	<ul style="list-style-type: none"> • The Committee of Adjustment (“Committee”) is comprised of residents, who are selected by the City’s elected officials. The Committee uses four tests to

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<p>variances and building permits are obtained too easily.</p>	<p>they should be forced to make sure the infrastructure is in place (i.e. storm sewers, curbs, sidewalks) before the variance can be granted.</p> <ul style="list-style-type: none"> • Enforce 35 percent [maximum] lot coverage bylaw. No variance. • The zoning that currently exists is outdated as we now have sewers. I believe there should be more architectural control when new/large builds are put into ER zone. Changing zoning to reflect current times is necessary, but if we want to keep Ancaster a special place, we need to consider the overall streetscape now and in the future. All of the existing ER Zone regs need to be reviewed. In saying this, it appears that anyone can apply and receive variances. I believe the spirit of the [Committee of Adjustment] is for minor variances but in fact the Committee is granting extreme requests and in lots where the zoning is already overly generous. The [Committee of Adjustment] needs to be reigned in. (One other similar comment to the above). 	<p>determine if a proposed variance to the Zoning By-law is appropriate or not. The Committee functions as an independent decision making body acting on behalf of Council and Council's constituents. The Committee must assess staff recommendations, which are based on a planning policy framework, as well as comments from other departments, agencies, and submissions from members of the public.</p> <ul style="list-style-type: none"> • Growth Management staff are circulated on all minor variance applications and comprehensively review infrastructure and grading aspects of applications. • Staff have assessed the frequency and nature of minor variances granted from 2012 to present (2017) (see the document "Data Analysis of the "ER" Zone" which is attached as Appendix "E" to Report PED18036 for an analysis of variances). In total there are 55 properties that have obtained one or more variances. • The City does not regulate architectural style through zoning by-laws. A zoning by-law regulates how land may be used, location, types, and uses of buildings and other structures, lot dimension, parking requirements, building height, and building setbacks. Tools such as design guidelines can complement the zoning by-law, and can address specific design matters.

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<p>Lack of building permit enforcement during construction</p> <p>Respondents felt that new builds and additions are not being inspected and regulations are not being enforced.</p>	<ul style="list-style-type: none"> • I can't believe these huge house are only covering 25%. Are they inspected after footings poured? • Someone i.e. bylaw officer should keep inspecting these sites. Permits should be displayed before foundations go in. Site should be fenced off for safety. Respect for neighbouring properties – lawns being damaged, etc. No work done on weekends. Initial inspection should record trees on property and heavy fines issued if missing on next inspection. • Builders should not be given permits when they have broken by-laws that are in existence now. If you aren't going to show plans to neighbours then inspectors should be there constantly. • Buildings are far too high, imposing on neighbours' privacy and they don't fit in to surrounding properties. New basements are being built far higher than building code. 	<ul style="list-style-type: none"> • Building Inspections are completed by the City's Building Division at various stages after a Building Permit is issued. For complaints or inquiries related to <u>zoning by-law compliance during construction</u>, contact the Building Division general line at 905-546-2720. A Building Enforcement Officer will investigate the complaint.
<p>Too much disruption during construction</p> <p>Respondents felt that the construction process is disruptive due to general nuisances.</p>	<ul style="list-style-type: none"> • What do you do / who do you contact re. builders practices, i.e. when tearing a house down, insulation flying through air, hitting septic tanks and just digging them up, dry stone cutting (dusk) for literally a month at a time? • There should also be more controls on the actual construction occurring in residential areas; issues of safety, noise, dust, pavement damage, and vehicle parking on streets. • Assistance for existing landowners abutting new lot to know what to do. Bullied by builders. 	<ul style="list-style-type: none"> • Residents can file a complaint for <u>general nuisances caused by construction</u> on the City's website at https://www.hamilton.ca/government-information/by-laws-and-enforcement or by phoning 905-546-2782. Municipal Law Enforcement officers investigate complaints to determine if there is a by-law violation. <p>Particulate matter is under the purview of the Ontario Ministry of Environment and Climate Change, and complaints can be filed by phoning 905-521-7650.</p>

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