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53 Lovers Lane Ancaster Ontario (since April of 1984)

In order to regulate a zoning plan for The Town of Ancaster there first needs to be a starting point which should be the existing streetscape around any proposed new development, renovation or home addition.

The next consideration should be the setback dimensions from the street lot line of the neighboring, abutting, existing, homes. Setback dimensions of new homes (from the front or side flankage lot lines at the street ) should be the same as the existing homes on the properties that abut onto the proposed new development on either side.

New developments or additions on corner lots should match the setback dimensions (from the front lot line at the street) of the neighboring, abutting homes that front onto the same street and match the setback dimensions (from the flankage side lot line at the street) of the neighboring, abutting homes that front onto the street that runs parallel to the flankage, side lot line around the corner. The new proposed home or addition setback dimensions (from their respective lot lines) have to remain constant with neighboring, abutting homes in both the North-South and the East-West direction in order to maintain the existing view of the streetscape, especially in older established neighborhoods. The flankage side lot line setbacks are just as important to maintain as the front lot line setbacks when considering the development of corner lots.

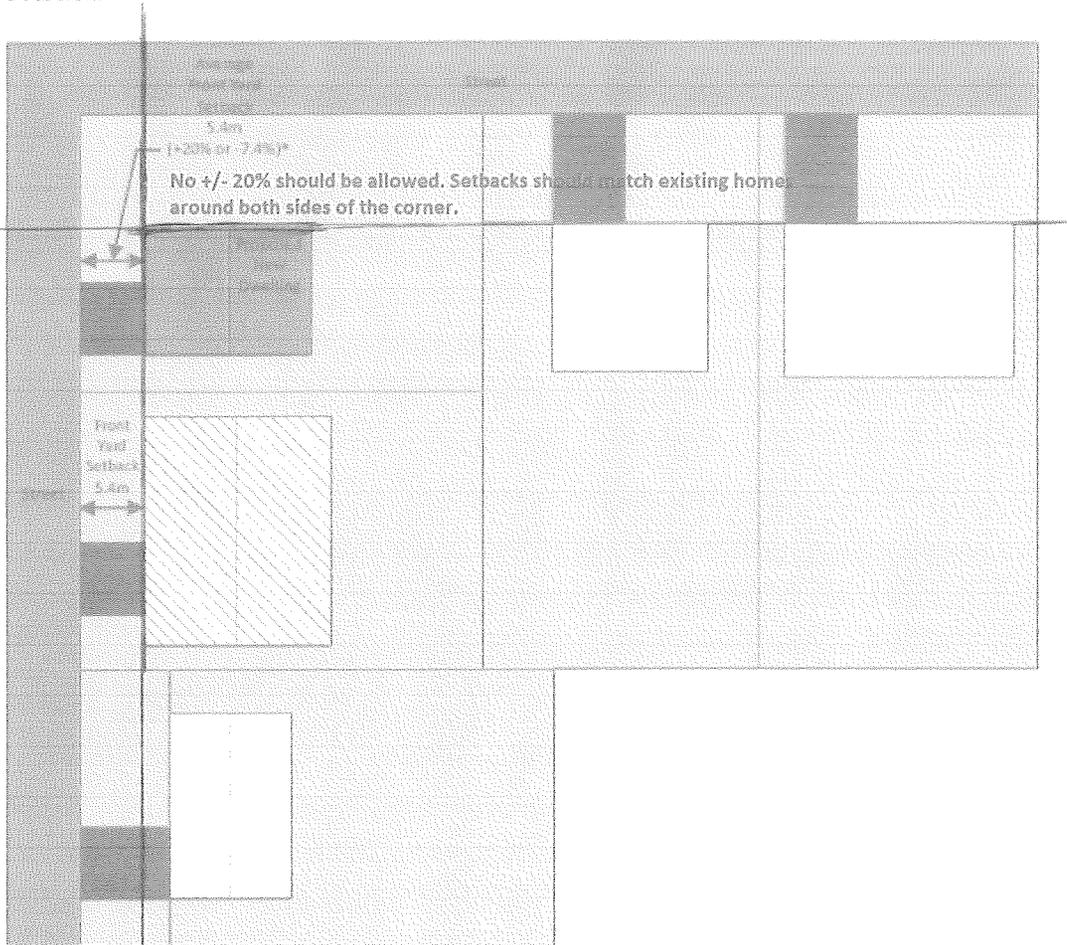
There should be no variations allowed from matching the existing, neighboring house setback dimensions including the +/- 20% suggested by the city planning department. There are houses in Ancaster with 50ft setbacks from the lot line at the street. With a 20% deviation from the setback of a neighboring home a new house (#1) could be built with a 40ft setback or 10ft closer to the street. If another new house (#2) was later built beside the new house previously mentioned, it could be moved forward another 8ft which would position it 32ft from the front lot line. A third new house (#3) being built beside the previous two could then be moved forward another 6ft positioning it 26ft from the front lot line at the street. The setback from the front property line was just cut in half at house (#3) under the +/- 20% scenario suggested by Hamilton City planning.

Not until proper setbacks of a proposed new house or addition have been established can appropriate front, side and rear yard allowances be determined.

10ft side yard allowances create passageways that allow construction equipment to travel into backyards for rework, repairs or emergency situations. Side yards must also accommodate water drainage through proper landscaping and swales in order to stop it from spilling onto neighboring lots. Hydro feeds, union gas and other mechanical amenities are routed underground down along side yards and need an area big enough for safe installation. No side

Figure 12: Corner Lot Fabric – Scenario B

In this scenario, the corner lot is being developed, thus only the adjacent dwelling facing the same street (as shown in the hatching), is used to calculate the average front yard setback.



\* With an average front yard setback of 5.4 metres, this number cannot be adjusted downward by 20% as it would fall under 5 metres, the minimum front yard setback that must be maintained.

**In order to truly maintain the existing streetscapes of Ancaster the setback of any proposed new development or addition must match the setbacks of both adjacent, abutting, neighboring lots around both sides of the corner under review.**

yards of 1.5 meters wide should ever be allowed because it doesn't provide enough width for the installation of a swale and safe placement of underground services.

Many of the new houses recently built in this area have large air conditioning units installed in their side yard away from the view of the homeowners. These AC units are large enough to process the amount of air required to cool a 5,000 sq ft home and project over a meter out from the wall of the new house. No air conditioning unit should be almost touching the neighboring lot line if not just for the noise pollution alone.

The idea of rear yards being 40% of the property length for lots over 50 meters long will help to deter people from building houses in backyards and in turn taking away privacy from surrounding neighbors.

A minimum 7.5 meter front and rear yard allowance will deter the development and construction of new homes that are too big for smaller lots and in turn won't meet zoning requirements. A maximum house footprint of 30% for single storey's and 20% for two storey's is better than the current allowances.

In order to control the finished roof height of any proposed new infill development or addition, city planning first has to take the finished floor elevation of the existing home into consideration because it co-relates with the lot elevation on the entire surrounding property. Recently built new homes in this area have raised the finished floor 3-4 feet above that of the existing home which in turn raises the foundation footings 3-4 feet. This creates a situation where the ground around the foundation walls must also be raised in order to keep the footings below frost.

Raising the grade at the foundation walls of a new home creates a situation where most of the entire yard ends up being raised and then slopes down towards the lower existing grades at neighboring properties, expelling water in their direction. The City should create limitations that will control how high the finished floor height of any proposed new development can be raised above the finished floor height of the existing home that will later be demolished.

Even though some new developments have adhered to the 10.5 meter roof height restriction, they still have extended their finished roof height in excess of 38ft because they've raised both the finished floor elevation and final grade around the house.

The final height of any proposed new house or addition should correspond with (be close to) the finished floor and grade elevations of the existing home (before demolition) and the neighboring homes around it. A 7.5 meter maximum height for a single story dwelling would be an improvement. Creating a 9.5 meter 2 story height restriction is also a positive step but the orientation and quantity of upper floor windows looking down into the windows of single story bungalows should also be addressed. A review by the city planning department of how many windows will look down into the bedrooms and bathrooms of neighboring homes can be

controlled or lessened before a building permit is issued.

The City of Hamilton currently has no official Grading Policy for infill developments which has forced a lot of long term Ancaster residents into lengthy, expensive, legal battles with builders and new home owners. Hamilton's city officials have washed their hands of the situation sending the problem of bylaw non-compliance into the hands of the courts.

A grading plan for a proposed new development has to be submitted by a builder or owner and then approved by the city planning department before a building permit is issued. If the submitted grading plan is subsequently not followed there is a deviation clause.

Below is the non-compliance clause I copied/pasted from the current City of Hamilton partial Grading Policies :

### **GRADING CERTIFICATE - DEVIATION**

*"This is to certify that we have reviewed the final lot grading for the above mentioned lot and taken elevations where necessary to confirm the direction of surface drainage, as shown on the as-built plot plan. While the final lot elevations do not match exactly the proposed lot grading plan, the basic lot drainage pattern has been adhered to and the intent of the approved overall grading plan has been met. No drainage problems were evident at the time of inspection."*

The statement above has created a legal loophole allowing improper grading to be done around new homes which in turn causes problems because of water draining onto neighboring properties. It is imperative for the City of Hamilton to create a grading policy that applies to proposed new infill development as soon as possible. Ultimately, a grading policy serves no purpose unless it is followed up on and the bylaws enforced by city officials.

Garages should not be allowed to project into any minimum front, rear, side or flankage yard allowance whether they be attached to the house or free standing.

There have recently been new 3 storey homes approved and built in Ancaster amongst neighborhoods comprised of single storey bungalows. The houses were designed and built with a flat roof to stay within the 10.5 meter height restriction. This creates 3 horizontal rows of windows at 3 different heights looking down into neighboring homes and creates a situation in which neighboring owners can never regain their privacy.

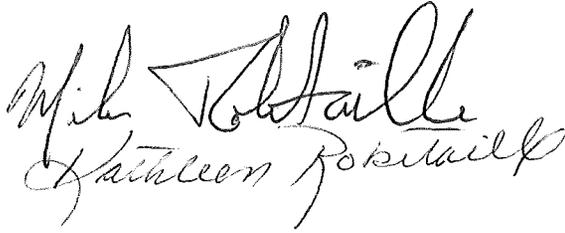
The vacuum clause suggested by the city planning department should be replaced with a 15 year statute of limitations enabling city officials to punish blatant bylaw offenders retroactive from the date the offence was committed.

The City of Hamilton planning department should consider any and all negative impacts that a proposed new development will have on neighboring properties. Discuss possible problems with the neighbors before issuing a building permit and help create a healthier environment for

us all.

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Please send us copies of the results of your decision.

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