

Darren Earl  
Ancaster

In reference rezoning of 15 Church Street Ancaster (UHOPA-20-006 and ZAC-20-011)

I am writing today to follow up on a previous letter I submitted and after having attended the live committee meeting on Dec 8<sup>th</sup> 2020 and the follow on community consultation on Dec 17<sup>th</sup> 2020. Based in these meeting I have several concerns with the reasoning for the planning departments whole heated endorsement of this development.

**Point 1:**

During the Dec 8<sup>th</sup> committee meeting there was a concern that if the developer's plans were rejected, the developer would appeal to LPAT. I wanted to point out that if the developer is rejected and appeals to LPAT it would have to be against the ER zoning rules. Furthermore, the ER zoning rules have already been appealed to the LPAT on July 11 2019 (OMB Case No.: PL180522) and the rules were upheld. I encourage the committee members to review the LPAT ruling. But they essentially say that the ER zoning rules comply with both the cities official Plan and UHOP policy.

I will quote an excerpt from the ruling regarding maximum height provisions:

*“The Tribunal finds that with respect to issues regarding maximum height provisions, the Zoning By-law Amendments comply with UHOP policy 2.6 in that they address lot fabric, streetscape, built form and character issues. Based on Ms. Fulford’s uncontradicted opinion evidence, the Tribunal finds that the Zoning By-law Amendments’ height provisions are appropriate to implement flexible policies and that they will assist in maintaining the existing character of neighbourhoods.”*

<https://www.canlii.org/en/on/onlpat/doc/2019/2019canlii64650/2019canlii64650.html>

The ER zoning laws were brought in to specially address protections for Ancasters mature neighborhoods.

<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/ancaster-existing-residential-er-zone>

It is very worrying to me that public official would approve something on the sole basis that they fear their decision would be appealed. Just imagine if a superior court judge took a similar approach with a criminal case.

## **Point 2:**

Why is the maximum lot coverage provision so easily being brushed aside?

Per the zoning bylaw for ER and R1 (**ancaster-zoning-by-law-87-57-oct2020.pdf**)

*“Table 10.3.3 – Maximum Lot Coverage*

*Lots with an area less than or equal to 1,650 square metres = Maximum 35 percent”*

Based on the slides presented at the committee meeting on Dec 8th the interior units will have 49% lot coverage and the exterior units 32% coverage and the site averages to 37% (37.66%).

As presented, this means we will either be creating 1 property that violates the so called “monster home” provision or 2 homes that grossly violate the monster home provision.

So how dose the planning department justify breaking the so-called ER monster home by-law for a non-mandatory intensification project. A by-law that has already stood up to an appeal to the LPA tribunal.

## **Point 3:**

The 15 Church street property is zoned ER

Per the zoning bylaw for ER (**ancaster-zoning-by-law-87-57-oct2020.pdf**) the maximum height of a building is 9.5 meters and there is no provisions for a 2.5 story building in the ER bylaw.

*Table 10.3.7 – Maximum Height*

*Two-storeys Maximum 9.5 metres (1)*

Based on the presentation of the proposed homes “Appendix “F” of Report PED20205 Page 1 of 2” . The drawings are indicating the homes will be 2.5 stories tall with an official height of 10.5m.

The planning department has attempted to justify the additional 1-meter height based on the “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 43 which states:

*“Notwithstanding Policy E.3.4.5 of Volume 1, the maximum building height shall be 2.5 storeys.”*

I would like to point out that **“2.5 storyes” is not an official recognized measurement** standard as the actual height of a storye can be affected by many factors. If the authors of the official plan had wanted to define a specific numerical maximum, they would have.

The developer should be held to the 9.5 meter maximum. There is no reason that a 2.5 storye building could not be 9.5meters tall.

## **Point 4:**

I am very concerned with the intensification of the Village Core that this development represents. 15 church street is located within this historic “Village Core” and as confirmed by city staff on page 344 of “PLANNING COMMITTEE AGENDA Meeting #: 20-015” this area of Ancaster already meets

the Intensification targets set by the OMB.

Furthermore, per the “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 41 this type of intensification in Ancaster should be directed to the “Uptown Core”

*Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix A - Character Areas and Heritage Features.*

**In conclusion:**

The ER zoning laws were brought in to specially address protections for Ancasters mature neighborhoods.

<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/ancaster-existing-residential-er-zone>

*In consultation with the Ancaster community, a pilot project for the “ER” Zone has been developed, consisting of a series of changes to the regulations of the “ER” Zone. Zoning By-law regulations establish an as-of-right building envelope that guides development or redevelopment on individual properties.*

The “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 43 indicates that lots designated as “Low Density Residential 1” are permitted to be single detached dwellings and semi-detached dwellings

*“Notwithstanding Policy E.3.4.3 of Volume 1, the permitted uses shall be limited to single detached dwellings and semi-detached dwellings.”*

With a lot as large as 15 Church street a proposal consisting of Semi-detached dwellings would allow for intensification within the bounds of the Ancaster Secondary Plan and respecting the ER zoning bylaw. I implore the committee not to approve the first mega project that happens to come along.

The Ancaster Secondary Plan and the ER zoning bylaws were passed by City Counsel for a reason they should not so easily be brushed aside.

Regards  
Darren Earl

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**From:** Darren Earl  
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**Subject:** Reference UHOPA-20-006 and ZAC-20-011

in reference rezoning of 15 Church Street Ancaster (UHOPA-20-006 and ZAC-20-011)

Darren Earl  
Ancaster ON

I am writing to express my concern over the planned townhouse development at 15 Church street in Ancaster Ontario. I am an Ancaster resident and frequently walk by this property along Church street as I bring my children to the local daycare center.

I have issues with many of the conclusion drawn by staff as to why this application should be approved.

- 1) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 1 sub point 4

"The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and provides additional housing opportunities in the community.

The proposal of 6 townhouses would in no way continue the streetscape of the local buildings. Directly across from this building is one of the oldest town halls in all of Canada. Comparing modern 2.5 store "urban efficient" town houses to heritage buildings is simple not rational. Not to mention the countless other heritage homes and buildings on neighboring properties.

- 2) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 2  
"The Official Plan Amendment is for an amendment to the Ancaster Wilson Street Secondary Plan to change the designation from "Low Density Residential 1" to "Low Density Residential 3" to permit six, two and a half storey street townhouses"

By Referencing the zoning map in [Appendix "B" to Report PED20205 Page 5 of 5] one can see that there are currently no "Low density Residential 3" lots on the East side of Wilson street in the core of Ancaster Village. By changing this solitary plot you would be creating an out liner that does not conform to commune uses of the "Low density Residential 3" zoning. Once again referring to the zoning map one can see that all other uses of the "Low density Residential 3" zoning are on much wider and more substantial streets. Such as directly on Wilson, Halson or Fiddlers Green. This section of Church street is very narrow and in no way compares to streets like Wilson and Fiddlers green.

- 3) I have issues with city staff's justification for increasing zoning targets.

As confirmed by city staff on page 344 of "PLANNING COMMITTEE AGENDA Meeting #: 20-015" this area of Ancaster already meetings the Intensification targets set by the OMB. Therefore, there is no mandate for the city and community to increase densification through any and all possible means. By design once targets are meet city staff then have more discretion to approve developments that meet and enhance the local area rather then deform it.

To conclude, I believe that city staff should use the flexibility given to them by the fact that area does not require densification to reject the proposals:

1. Reject the proposal to change the zoning of 15 Church Street (Ancaster). From designation from “Low Density Residential 1” to “Low Density Residential 3”
2. Reject the change in zoning from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712”

Ancaster Village is a community older than Canada itself. People from all over Hamilton and the GTHA come to experience and enjoy that heritage. Our community's greatest asset is our physical heritage, it is what draws people in. If we let it slip away, we will not get it back.

Regards

Darren Earl