That approval be given to **Amended Zoning Application ZAC-11-019, by 1340791 Ontario Limited (Gabe Gasbarrini), Owner**, for changes in zoning from the Existing Residential “ER-538” Zone Modified (Block 1), the Existing Residential “ER-539” Zone, Modified (Block 2), and the Existing Residential “ER-540” Zone, Modified (Block 3), to the Residential Multiple “RM5-638” Zone, Modified, with a Special Exception, to permit two, 3-storey, multi-plex dwellings having 12 units each, on the property located at 121 Fiddlers Green Road (Ancaster), as shown on Appendix “A” to Report PED11211, on the following basis:

(a) That the Draft By-law, attached as Appendix “C” to Report PED11211, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(c) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Urban Hamilton Official Plan.
EXECUTIVE SUMMARY

The purpose of this application is to amend the Ancaster Zoning By-law to permit the development of two, 3-storey, multiplex buildings (stacked townhouses), each comprising of 12 units on property located at 121 Fiddlers Green Road (Ancaster) (see Appendix "C").

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Growth Plan and the Hamilton-Wentworth Official Plan, which support intensification, compact housing forms, and the trend towards higher density development. The proposal also conforms to the Ancaster Official Plan and the Urban Hamilton Official Plan, which provides criteria for intensification and urban design.

The proposed development would contribute to an interesting and vibrant streetscape along Fiddler's Green Road, while providing for increased density, and would be compatible with existing development in the surrounding area.

Alternatives for Consideration - See Page 26.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The purpose of this application is to change the zoning of the property located at 121 Fiddlers Green Road (see Appendix “A”) from the Existing Residential “ER-538”, “ER-539”, and “ER-540” Zones to a Modified Residential Multiple “RM5” Zone in order to permit two identical 3-storey, multi-plex buildings (stacked townhouses), consisting of 12 units each, which are intended to be developed as a seniors/adult lifestyle condominium project (see Appendix “C”).

The Existing Residential “ER-538”, “ER-539”, and “ER-540” Zones were created through the approval of a Zoning By-law Amendment (ZAR-05-43) in 2005, in order to recognize the existing single detached dwelling and to permit 2 additional single detached dwellings on flag-shaped lots, to the rear of this dwelling. A subsequent severance application was applied for and approved on November 15, 2006; however, the severance later lapsed and did not come into effect.
Prior to the 2005 rezoning, the property was also the subject of a rezoning in 2000, which was appealed to the Ontario Municipal Board. An amending By-law was passed through Decision/Order No. 0620, which rezoned the lands to the Residential Multiple “RM3-459” Zone in order to permit 3 additional single detached dwellings on the site.

Zoning By-law Amendment ZAC-11-019

The proposed rezoning is to establish a new Residential Multiple “RM5” Zone to permit the creation of two 12 unit, multi-plex buildings (stacked townhouses) with underground parking, which are intended to be developed as a senior’s/adult lifestyle condominium. A stacked townhouse is also recognized as a type of “multi-plex” dwelling in the Ancaster Zoning By-law.

The proposed buildings are oriented lengthwise on the property and are separated from each other by a central courtyard area (see Appendix “C”). The proposed buildings would each be comprised of 4 one-bedroom bungalow units on the ground level, and 8 two-bedroom units on the 2nd and 3rd floors. The proposed buildings would have a maximum height of 11.5 metres.

The proposed parking area for visitors comprises 15 parking spaces and a garbage enclosure, and is to be located in the front yard of the property with access from a driveway along the northerly property boundary. A parking area for 24 vehicles is also proposed in an underground parking area, which extends the length of the 2 buildings.

The proposed development has been designed to retain the existing mature rows of conifers located along the perimeter of the rear portion of the property (see Appendix “C”).

Chronology:

March 3, 2010: Development Review Committee Meeting for Formal Consultation FC-11-011 for 121 Fiddlers Green Road to discuss 30 unit stacked townhouse proposal.

September 1, 2010: Completion of Review of revised application for 24 units under Formal Consultation Application (FC-11-011).


April 1, 2011: Application ZAC-11-011 is deemed complete.

April 21, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-11-011 to all property owners within 120m of the subject lands.
May 2 and 20, 2011: Site Visits.

June 6, and November 7, 2011: Application is presented and discussed at Ancaster Advisory Committee Meeting.

November 10, 2011: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application

Owner: 1340791 Ontario Limited (Gabe Gasbarrini)

Location: 121 Fiddlers Green Road (Ancaster) (see Schedule “A”)

Property Size: Lot Frontage: 29.88m
Lot Depth: 101.99m
Lot Area: 0.3047ha.

EXISTING LAND USE AND ZONING:

<table>
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<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Single Detached Dwelling</td>
<td>Existing Residential “ER-538”, “ER-539”, and “ER-540” Zones</td>
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<td>Existing Residential “ER” Zone</td>
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<tr>
<td>Seniors Apartment (109 Fiddlers Green Road)</td>
<td>Residential Multiple “RM6-217” Zone</td>
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<tr>
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<td>West</td>
<td>Single Detached Dwelling</td>
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POLICY IMPLICATIONS

The following Provincial and Local policy documents were examined in the review of these applications.

Provincial Policy Statement

The following policies from the PPS are of relevance to the proposed residential intensification project:

1.1.1 Healthy, liveable, and safe communities are sustained by:

   (a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; …

   (e) Promoting cost-effective development standards to minimize land consumption and servicing costs;

1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.4.1 That an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area shall be provided through residential intensification and redevelopment.”

The proposal would provide an opportunity for residential intensification within an established residential area in which full services can be made available and which is within close proximity to local amenities such as public transportation, parks, and shopping.

Based on the foregoing, the proposal is consistent with the PPS.

Places to Grow Plan

The following excerpts from the Places to Grow Plan relate to policies for managing growth and infrastructure, and for the promotion of general intensification:
“2.2.2.1 Population and employment growth will be accommodated by:

a) Directing a significant portion of new growth to the built-up areas of the community through intensification;

b) Focusing intensification in intensification areas; … and,

h) Encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services.

2.2.3.1 By the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.”

Based on the foregoing, the proposal conforms to the Places to Grow Growth Plan.

**Hamilton Wentworth Official Plan**

The lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan (HWOP). The following policies from the Hamilton-Wentworth Official Plan are considered to be applicable to this proposal:

Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

In addition, Policy C.3.1.1 states that, “A compact, higher density urban form, with mixed-use development along corridors, best meets the environmental, social, and economic principles of sustainable development. Mixed forms of development within an urban area are preferable to widespread, low density, residential development and scattered rural development.”

The proposal would be located on a transit corridor within an urban area and would allow for compact development. The proposal would be compatible with adjacent uses.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Ancaster Official Plan**

The subject property is designated “Residential” on Schedule “B”, Land Use Plan for the Urban Area.
The proposal is within the Urban Area and will be developed on full municipal services. The proposed development would add to the mix of housing in Ancaster by providing a form of housing that is geared to seniors consisting of 1 and 2 bedroom units.

The following Residential policies are relevant to the proposed rezoning:

“4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing; ....

4.4.6 Although single detached housing shall predominate, Council shall encourage a broad range and mix of residential units in terms of lot size, unit size, type, and tenure. The range and mix of residential units shall be suitable for different income groups, age levels, lifestyles, and household structures.”

The proposal is consistent with Policy 4.4.2 to encourage innovative forms of attached housing, and Policy 4.4.6 to encourage housing which will be able to serve a specific age group and lifestyle (i.e. seniors).

The Ancaster Official Plan provides locational criteria for the evaluation of medium density housing and apartments in Policy 4.4.8, as follows:

“4.4.8 In locating new townhouses, stacked townhouses, apartments, and other forms of attached housing, consideration shall be given to the gradation of densities so that there is a gradual transition from low to high residential densities. Consideration shall also be given to the following criteria:

i) Attached housing should abut or be in close proximity to an arterial or a collector road, and the development and redevelopment of attached housing shall be discouraged in central areas of existing single detached neighbourhoods that are homogenous in terms of lot size, lot shape, building mass, and building setbacks;

ii) Attached housing should be encouraged to locate in proximity to community services and facilities such as transit, shopping areas, schools, churches, and parks;

iii) Attached housing should be dispersed rather than concentrated throughout new development areas. However, blocks of attached housing may be situated adjacent to each other, particularly if necessary to achieve gradations in density; and,
iv) The implementing Zoning By-law shall incorporate appropriate setback, coverage, and building mass regulations.”

The proposal is consistent with the locational criteria of Policy 4.4.8, in that:

- The subject property is within an area that is characterized by a range of frontages, setbacks, lot sizes, building massing, and dwelling type.

- The proposal would be located within reasonable proximity to other medium density residential properties within this area in which there is a gradation in density; and,

- The property is located along an arterial road and in proximity to neighbourhood amenities such as shopping, transit, churches, and parks.

The following Official Plan policies are applicable for residential intensification and infill developments:

“4.4.10 Council recognizes that Residential Intensification is an important component in reducing housing costs. Residential Intensification is defined as the creation of new residential units or accommodations in existing buildings or on previously developed and/or serviced land. Accordingly, Residential Intensification shall be encouraged, where appropriate, on the basis of the following criteria:

i) In the case of infilling, redevelopment, or conversion of non-residential structures in whole or in part, Residential Intensification shall be subject to the following considerations:

(a) Contemplating the established development pattern by taking into consideration natural vegetation, lot frontages, and areas, building height, coverage, mass, setbacks, privacy, and overview; and,

(b) Compliance with other objectives of this Plan.”

The proposal conforms to the requirements for infill development in Policy 4.4.10 (i) (a).

It is noted that the Residential Designation in the Town of Ancaster Official Plan does not contain policies on density ranges for various forms of housing. Therefore, based on the foregoing, the proposal conforms with the Ancaster Official Plan.
New City of Hamilton Urban Official Plan (Ministry Approved)

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, with the Ministry of Municipal Affairs and Housing issuing its Ministerial Approval on March 16, 2011. However, the Plan has been appealed to the Ontario Municipal Board, in its entirety, and is, therefore, not in effect. The proposed development would be located on lands designated “Neighbourhoods”, and the residential intensification policies are applicable. The general policies which support Residential Intensification include, among others, the following:

“B. 2.4.1.3  The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

a)  The Downtown Urban Growth Centre shall be planned to accommodate 20% of the intensification target;

b)  The Urban Nodes and Urban Corridors shall be planned to accommodate approximately 40% of the residential intensification target;

c)  40% of the Residential Intensification is anticipated to occur within the Neighbourhoods designation.

B.2.4.1.4 Residential intensification developments shall be based on the following criteria:

a)  The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

b)  The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

c)  The compatible integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

d)  The development’s contribution to achieving the planned Urban Structure, as defined in Section E.2.0 - Urban Structure;

e)  Infrastructure and transportation capacity; and,

f)  The ability of the development to comply with all applicable policies.”
Concerning Policies B.2.4.1.2 and B.2.4.1.3, the subject property is located within the Neighbourhoods designation and is adjacent to a Community Node (Wilson Street). Both areas are intended to accommodate approximately 40% of the City’s target for residential intensification.

The proposed development would maintain neighbourhood character by introducing multiple housing forms that would have a similar building footprint to the larger buildings along Fiddlers Green Road, and which would complement the roofline design of existing forms of development. The proposed building would enhance the streetscape by the development of attractive buildings which possess a classical architectural design and which would retain much of the perimeter landscaping.

The subject property is designated “Neighbourhoods”. The applicable policies include the following:

Medium Density Residential Uses:

“E. 3.5.1 Medium Density Residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational uses, or local or District Commercial uses.

3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.

3.5.8 For medium density residential uses, the maximum height shall be 6-storeys.

3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

a) Developments should have direct access to a collector or major or minor arterial road.
b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.

c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-street parking, and buffering, if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.

d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on site and on surrounding streets.

e) The City may require studies in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses."

Based on the foregoing, the proposal would conform with the Urban Hamilton Official Plan.

PUBLIC CONSULTATION

In accordance with Council’s Public Participation Policy, the applications were pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 193 notices were circulated. A total of 7 letters were received from the public for this application. In addition, the application was discussed at the Ancaster Community Council Meetings on June 6, 2011, and November 7, 2011. The June 6 meeting was also attended by 4 local residents. The concerns that were noted at this meeting, and the correspondence from the public, are discussed on Pages 21-25 and include, but are not limited to, the following: changes to the character of the area, privacy, traffic impacts, loss of existing trees, construction impacts, over-intensification, emergency access, and nuisance issues.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

RELEVANT CONSULTATION

The following internal departments and external agencies had no concerns or objections to the proposed applications:
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Traffic Planning (Public Works Department):

Traffic Engineering has reviewed the proposed rezoning and has indicated that there are no concerns with respect to managing existing and future traffic conditions. In addition, Traffic Engineering has advised of the following site design and access requirements:

- All driveway elements, including the driveway radius, must be contained within the projected lot lines;
- The municipal sidewalk must be continuous through the driveway approach;
- Minimum 5m by 5m visibility triangles are required between the access limits and the road allowance limits of Fiddler’s Green Road, in which the maximum height of any objects and mature vegetation cannot exceed a height of 0.7m above the corresponding perpendicular centreline elevation of the adjacent streets;
- A loading space has not been identified on the plan. (Note: The Ancaster Zoning By-law does not require loading spaces, except in cases which involve frequent deliveries.)

Operations and Waste Management Division (Public Works Department):

The Operations and Waste Management Division has indicated that the proposed development would not provide sufficient manoeuvring area for a collection vehicle to access the waste bins in the front yard visitor’s parking area, turn around, and exit the site in a forward manner. As a second access would not be practical for the property, it would be necessary to utilize the services of a private waste contractor. This matter will be addressed in more detail at the Site Plan Approval stage.

Forestry and Horticulture Section (Public Works Department):

The following comments are provided respecting the proposed development:

- There are 2 municipal trees fronting on Fiddlers Green Road, which are governed under the City of Hamilton Tree By-law 06-151. These are a 460mm d.b.h. Blue Spruce in fair-good condition and a 710mm d.b.h. Honey Locust in good condition.
• Although initially, the Honey Locust was intended to be removed, the tree would be retained in the revised proposal. This tree is considered to have gross Replacement Value of $6,300. The Blue Spruce however, would be required to be removed.

• A total of 6 private trees of heritage value (i.e. =>46 cm d.b.h) would be required to be removed from the property.

• A landscaping plan and tree management plan would be required to address the protection of existing trees, tree removal, and the planting of additional trees. This will be addressed and approved through Site Plan Approval.

Hamilton Conservation Authority:

The Hamilton Conservation Authority has advised that there are no permits required for the proposed development; however, due to the increase in the imperviousness of the site, it will be necessary at the Site Plan Approval stage to address stormwater quantity and quality control and sediment and erosion control requirements in accordance with the Hamilton Harbour Remedial Action Plan.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:

   (i) It is consistent with the intent of the Provincial Policy Statement and conforms with the Places to Grow Growth Plan, which encourages efficient development and intensification;

   (ii) It conforms with the intent of the policies of the Hamilton-Wentworth Official Plan, which encourages a compact higher density urban form;

   (iii) It conforms to the former Town of Ancaster Official Plan in terms of meeting the criteria for residential intensification;

   (iv) It conforms to the Urban Hamilton Official Plan, which encourages residential intensification and permits medium density development along arterial roads; and,

   (v) It would be compatible with existing development in the surrounding area.

2. In terms of building mass, staff has identified that the surrounding neighbourhood is characterized by low rise building forms that are generally less than 2-storeys, including many of the multiple dwellings. The exceptions are the buildings at 109 Fiddlers Green Road (an apartment building) and 20 Gilbert Avenue (a church). The proposed buildings at 121 Fiddlers Green Road would have a similar footprint to the largest dwellings in this area; however, the building massing...
would be greater due to the proposed height. It is staff's opinion, however, that the proposed buildings would blend into the area due to their lengthwise orientation and because of the retention of existing vegetation.

With respect to building setbacks, it is noted that there is a range of front yard setbacks depending on the age, size, and type of the dwelling in the vicinity of the subject lands.

Furthermore, the proposed building setbacks would be greater than the existing front yard setbacks for townhouses along Fiddlers Green Road, but would be consistent with the setbacks for existing dwellings on larger similarly sized lots.

3. The proposed development would be located on an existing transit route, and is within an area that is served by amenities such as shopping, churches, and parks (see Appendix “G”).

Therefore, there is an appropriate range of amenities available within the surrounding neighbourhood to serve the proposed residential development at 121 Fiddlers Green Road. Most of the aforementioned amenities would be located within a 5 to 10 minute walk from the subject property.

4. Residential intensification continues to be an important provincial directive and local planning objective in the creation of sustainable communities. Both the Town of Ancaster Official Plan and the Urban Hamilton Official Plan provide policy direction on evaluating infill development proposals with respect to matters such as vegetation, lot sizes, and building mass. An analysis of these requirements is provided below.

(i) Natural Vegetation:

In recognition of the abundance of mature trees along Fiddlers Green Road and on the subject property, the proposed design has taken into account the need to preserve trees and integrate them into the proposal. In particular, the design allows for the preservation of a mature Colorado Spruce and a mature Sugar Maple at the front of the property to maintain the treed streetscape along Fiddlers Green Road. The design also proposes to preserve 10 mature White Spruce trees along the rear portion of the easterly side property line abutting the second building. The perimeter vegetation near the property line of 33 Douglas Road would also provide additional buffering for the proposed development.

Several major trees at the front and interior of the site would be removed to accommodate buildings and the visitor’s parking area. The row of 8 White Spruce trees along the westerly rear boundary would also be removed to accommodate a walkway, but would be enhanced with the planting of replacement trees.
(ii) Lot Frontages and Lot Areas:

As noted, the subject property is located within an area in which there is a range of lot sizes and frontages. With an area of 0.30 ha, the property is larger than many but not all of the single detached dwelling lots, but is within the range of lot areas for multiple dwelling lots in this area.

(iii) Building Height:

The maximum elevation of 11.5m would be only 1m higher than the maximum height for the “ER” and “RM5” Zones. The roofline is intended to complement the pitched rooflines of the surrounding residential area, and is more in keeping with the character of the area than the use of a flat roof.

For the shallower residential properties along Fiddlers Green Road, the higher roof profile of the proposed buildings would be visible, but would be partially screened by existing landscaping. Therefore, the proposed additional building height would not negatively impact the character of the area and would be acceptable.

(iv) Coverage:

There is a range of lot coverages in the vicinity of the subject property. It is noted that the lot coverages generally do not exceed 14% for the larger single detached lots (i.e. 0.2 - 0.3 ha. lot area) and are in the range of 15-20% for the smaller lots. As the Ancaster Zoning By-law would permit the maximum lot coverage to be 35% for the Existing Residential “ER” Zone, the land utilization is considered very low in this area for single detached dwellings.

For multiple unit dwellings, the lot coverage is 33% for the apartment at 109 Fiddlers Green Road, and 35% for the townhouses at 210 Fiddlers Green Road. The permitted amount of lot coverage for these properties in the Zoning By-law is 35%. The proposed development would have a lot coverage of 30%, which is lower than the existing multiple unit sites and the Ancaster Zoning By-law provision for the Residential Multiple “RM5” Zone.

(v) Mass:

The proposed buildings would be larger than existing dwellings in the area, but would be similar in massing to the abutting apartment building. Staff is of the opinion that the buildings would blend into the area due to their lengthwise orientation and because of the retention of existing vegetation.
(vi) Setbacks:

It has been noted there is a range of setbacks along Fiddlers Green Road. The proposed development would have setbacks of 21.9m for the front yard, and in the range of 6-8m for the side and rear yards which are generally consistent with those of the larger detached dwelling lots, but would be less than the adjacent apartment building to the north.

(vii) Privacy:

The proposed stacked townhouse buildings would be located adjacent to the rear yards of existing properties occupied by single detached dwellings at 127 Fiddlers Green Road, 11, 15, 25, and 33 Douglas Road on the south side of the property, the detached dwellings at 111 and 115 Fiddlers Green Road, and the apartment building at 109 Fiddlers Green Road. The proposed 7.8m setback along the southerly side property line would be only 1.2m, or 13.3% less than the standard Residential Multiple “RM5” Zone setback of 9.0m. The reduced setback would not affect privacy for the abutting residential properties along Douglas Road due to the retention of existing hedges and the row of mature Coniferous trees.

The building design would allow for the provision of units along all sides of the building (i.e. 3 units per side) rather than concentrating the units along a single side. There would only be 2 ground floor units per building, and each would have a fenced privacy area to maximize privacy and amenity. As well, the balcony units would be relatively low (i.e. second storey level), which is lower than the existing trees abutting the Douglas Road properties. Furthermore, there would only be 2 balcony units per building side.

The provision of a central courtyard between the two buildings would also encourage lower activity levels within the side yard areas.

For the property at 127 Fiddlers Green, which abuts the front portion of the subject property and is adjacent to the driveway to the underground parking area, staff is of the opinion that privacy issues would be relatively minor due to reduced vehicle speeds and less frequent vehicle use. The issue of mechanical noise related to the underground garage can also be examined at the Site Plan Approval stage to evaluate the need for appropriate mitigation measures such as acoustical fencing. However, there were no concerns provided from the owner of this property concerning the proposed development.

The proposed development would not impact privacy for existing residents along the northerly side of the property because the dwelling at 111 Fiddlers Green would be buffered by an existing accessory building. In addition, Building “B” would be located adjacent to 109 Fiddlers Green Road, which is also a multiple dwelling.
(viii) Overview:

The proposed buildings would not result in any type of overview for neighbouring dwellings due to the proposed building design and the retention and/or provision of landscaping. With respect to design, it has been noted that the balconies would be located on the second floor and would be relatively low and consistent with single detached dwellings (i.e. approximately 3.5m above ground level). In addition, along the southerly side property line, there is an existing row of Coniferous trees that would block any views from the two buildings to the abutting detached dwellings.

5. The proposed 24 unit, stacked townhouse development would require the provision of a Modified Residential Multiple “RM5” Zone to address site-specific zoning provisions and to facilitate good urban design. The recommended site-specific zoning provisions are discussed as follows:

a) Minimum Lot Area

- To permit the minimum lot area to be 0.3047 ha, instead of 0.5 hectares.

The proposed change is reasonable and can be supported in order to recognize an existing situation.

b) Maximum Density

- To permit the maximum density to be 78.7 units per hectare, whereas the RM5 Zoning permits a maximum density of 50 units per hectare.

The proposed density of 78.7 units per hectare can be supported because it would achieve a gradation in density, as it is adjacent to an apartment building at 109 Fiddlers Green, which has a slightly higher density (i.e. 80.7 units/ha), while the lower density townhouses (i.e. within the range of 24.5 - 31.4 units/ha) are located to the south.

c) Lot Frontage

- To permit the minimum lot frontage to be 29.8 metres, rather than 45 metres.

The proposed reduction in lot frontage is required to recognize an existing situation. The proposed site, as shown on Appendix “C” can accommodate the two residential buildings, visitor’s parking, and landscaped areas. As such, the requested reduction to the standard lot frontage requirement of 45m can be supported.
d) **Minimum Side Yards**

- To permit the minimum northerly side yard to be 6.25m from the building and 5.0m from an enclosed stairwell or elevating device instead of 9 metres, and to permit the southerly side yard to be 7.8m and 6.6m from an enclosed elevating device, instead of 9 metres.

The reduced side yards are required to accommodate the building design and allow for mobility between floors, the underground parking area, and buildings. The change would allow for the provision of 3 personal elevating devices for Building “A”, 4 for Building “B”, and 1 stairwell for each building along the northerly side.

The proposed setbacks would allow for sufficient separation from adjacent dwellings to the south along Douglas Road, and to the north. The side yards would also be enhanced by the provision of existing and new landscaping.

e) **Yard Encroachments for Balconies into Side Yards**

- To permit balconies on the northerly side of the building to project 1.2m into a side yard instead of 0.45m and be 5.0m from the side lot line, and to permit balconies on the southerly side of the building to project 1.2m instead of 0.45m and be 6.6m from the side lot line.

The proposed balcony projections are reasonable, and would not impact abutting properties with respect to privacy or overview because they would only be 3m above ground level and are centrally located along the building sides. The projections would also add to the architectural interest of the buildings by creating a central focal point along each of the outer walls of the two buildings.

f) **Minimum Rear Yard**

- To permit the minimum rear yard to be 7.0m, instead of 9.0m.

The reduced rear yard is a result of the design with a central courtyard separation between Buildings “A” and “B”, and to provide sufficient space for visitor’s parking at the front of the property. The proposed setback is supportable because it would allow for the provision of adequate perimeter green space and a walkway. The reduction in building setback can be accommodated because the change would not impact the abutting neighbour to the east as it abuts the rear yard of this property.
g) Maximum Height

- To permit the maximum building height to be 11.5m, instead of 10.5m.

The proposed height was initially 13.3m, and was required to accommodate the third floor level within the roof. The proposed building height has now been reduced to address several of the neighbour's concerns with building height, and would be only moderately higher than the maximum height permitted within the residential zones (i.e. 1 metre). It would provide for a steeper roof pitch and a more interesting architectural design (as opposed to a flat roof), and is consistent with the current trend for higher ceilings (i.e. 2.4m - 2.7m). The proposed minor increase in building height is supportive and would not create overview or privacy issues with adjacent properties.

h) Minimum Planting Strip

- To permit the minimum planting strip to be 1.5m along the front property line, 0.6m along a portion of the northerly property line, and 0.35m along a portion of the southerly property line, instead of 3m.

A reduced planting strip along a portion of the parking area (i.e. 10m) is required in order to provide a balanced form of development on the site and, in particular, to allow for 2 rows of visitor's parking. The reduced setbacks are reasonable, given the wide existing boulevards along the front property line (approximately 4m) that will provide the appearance of a wider landscaped area and which will allow for the retention of existing trees. The planting strip widths are reduced along the 2 side yards in order to accommodate a ramp to the underground parking area abutting the southerly side yard and to accommodate an accessory building for waste storage. The reduced planting strips in these areas are for relatively small sections of the side yard (i.e. 5.5m along the northerly side and 11m along the southerly side) and would be landscaped and fenced. These matters would be specifically addressed in the amending zoning to limit the extent of these reduced requirements.

In recognition of the generous and well landscaped front yards along Fiddlers Green Road, the applicant is proposing to install grass pavers for the 2 rows of parking spaces, which will allow for natural infiltration as well as provide the appearance of additional green space within the front yard.
i) Minimum Number of Parking Spaces

- To include a special zoning provision for 39 parking spaces based on 1 space per dwelling unit, and 0.6 spaces per unit for visitors, instead of 1 space per unit plus 0.2 spaces for visitors.

The proposal for 39 spaces would exceed the requirement in the Ancaster Zoning By-law for an exclusive senior’s use development, which would amount to 29 parking spaces. The recommended requirement would allow for 10 additional parking spaces for visitors, and is consistent with the intent of the Ancaster Zoning By-law to recognize the lower parking demand for senior’s lifestyle type development. Inclusion of the special standards in the By-law Amendment reflects the intent of the Zoning By-law and the proponent’s intended use, but does not guarantee that all occupants will be elderly. Under the Planning Act, limiting occupancy on the basis of age is “people zoning” and ultra vires the power of the City. Comparatively, the parking requirements for a multi-plex dwelling are 2.0 spaces per unit plus 0.6 spaces per unit for visitors.

j) Minimum Children’s Play Area

- To not require a children’s play area, whereas a children’s play area is required, based on 7 square metres of play area per dwelling unit (168m²), and to require a minimum outdoor amenity area of 60 square metres, as proposed.

A children’s play area is not required for the proposed development since it is intended to be marketed for seniors rather than families with children. However, the provision of a landscaped central courtyard between the buildings, which would have an area of 60 square metres, would be recognized in the amending zoning as a type of amenity area. This space would provide a quiet area for communal open space that would complement the ground floor privacy areas and the second floor balconies.

k) Minimum Building Separation

- To permit the separation between the end walls of the 2 buildings to be 11.85m, instead of 15m.

The proposed reduction in the separation between Buildings “A” and “B” is required to provide a reasonable balance between the other design requirements, which include front yard parking and a privacy area for Building “A” and the rear yard abutting Building “B”. For example, the proposed separation would allow for a greater rear yard setback to...
minimize impacts on the adjacent property to the west and provides a suitable central amenity area. The proposed separation would be slightly greater than the provision in the “RM6” Zone that is required for the separation between apartment buildings on the same property. As the proposed buildings are essentially a type of apartment (but lack a central corridor), the reduced building separation requirement can be supported.

I) Accessory Buildings

- To permit an accessory building to accommodate waste storage to be located within the front yard and within 0.6m of a side lot line.

The proposed accessory building for waste storage is required within the front yard to allow for waste collection by a private contractor. It would be located within an area that could be landscaped so that it will not be out of character with the area. The applicant has further identified that the proposed accessory building will be designed to complement the proposed buildings. The accessory building would be close to the property line of 115 Fiddler’s Green Road, but would not directly abut the existing dwelling. The reduced setback for the side yard would be further addressed at the Site Plan Approval stage to examine fencing and design requirements to minimize any impact on the adjacent property to the north. In addition, staff may also consider other options for waste management at the Site Plan Approval stage, such as a Molok System, which would be less conspicuous and allow garbage to be temporarily stored underground.

6. The proposed stacked townhouse development was the subject of 7 letters received through the public pre-circulation from the surrounding neighbourhood (see Appendix “J”). The issues identified in the letters include the following:

a) Change in character of area

Comments:

- The proposal does not complement the established development pattern of single family dwellings.

There is variation in land use along this section of Fiddlers Green Road with the inclusion of townhouses, an apartment building, various small scale commercial uses, and a church. The subject property is also recognized as one of the larger parcels in this area. The provision of the proposed stacked townhouse development is not considered to be out of character with this area. Although it is a higher density use than many of the immediately adjacent uses, the proposed development along Fiddlers Green Road would
complement existing development through the provision of an attractive streetscape. The proposed building is orientated on the site in a manner that would complement existing single detached dwellings, with similar setbacks and roof styles, and would retain several prominent trees.

b) Affect on privacy and views due to building height

The proposed design of the buildings is such that only 3 dwelling units would be provided along each building face, of which one is a ground level unit with a fenced privacy area. The proposed upper level units would have balconies that would be no higher than the decks of most single detached dwellings. The building setbacks, and the use of enhanced landscaping, would also contribute to ensuring that the privacy of neighbours is not intruded upon.

With respect to the issue of the proposed building heights and the impact on views, the proposed building design would generally replicate the design of a larger single detached dwelling. In light of the high pitched roof, the design would allow for high quality architecture through the use of dormers and other features, and is considered preferable to a full 3-storey building with a smaller roof. The applicant has reduced the proposed building height from 13.3m to 11.5m, which is only moderately higher than the maximum height permitted under any of the residential zones, which is 10.5m. Many of the dwellings along Douglas Road would also have screening through the continuous growth of the White Spruce trees along the southerly property line, which are currently in the 6-7m high range. Therefore, through architectural design, setbacks, and landscaping, the proposed buildings would not negatively impact neighbouring properties.

c) Drainage and Stormwater Management issues

Comments:

- Drainage may affect adjoining properties.

The proposal would be subject to Site Plan Approval, and would require stormwater management and an approved grading plan to ensure that runoff is directed away from abutting properties and into the City’s storm sewer system. In addition, the stormwater management design would accommodate the applicant’s intention to incorporate grass pavers to allow for infiltration within the proposed visitor’s parking area at the front of the property.
d) **Access for Emergency Services**

The issue of fire access was raised in correspondence with respect to Building “B” because the concept does not provide an internal road for fire access to this building. There is concern that without direct access from an internal road, the Fire Department or other emergency service will be delayed in their response time for an emergency.

The Fire Department has advised that in the absence of a Fire Access Route an acceptable alternative would include the provision of additional proactive measures, which are:

- The total sprinklering of Building B;
- A dry standpipe system with separate Siamese connections around the perimeter of Building B;
- A monitoring system to be installed for the Building B sprinkler system and the underground sprinkler system;
- A 2m clear access around the perimeter of Building B to allow for firefighting operations. (Through Site Plan Approval, Building “B” would not be encumbered by landscaping within this 2m radius).

The above-noted requirements would be addressed at the Site Plan and Building Permit stage.

e) **Parking**

As previously discussed, the Ancaster Zoning By-law contains a reduced parking ratio for purpose built elderly housing of 1 space per unit plus 0.2 spaces per unit for visitor parking. The intent is to recognize the lower parking demand for senior’s lifestyle type development. The proposed parking for the development is 39 spaces, or 1 space per unit plus 0.6 visitor’s spaces per unit, but does not guarantee that all occupants will be elderly. Under the Planning Act, limiting occupancy on the basis of age is “people zoning” and ultra vires the power of the City. However, the standard is consistent with the intent of the Ancaster Zoning By-law and the proponent’s intended use.
f) **Over-intensification of site**

Staff is of the opinion that the proposed development is a unique residential project, which can be accommodated on the property. The proposal takes into account the needs of older adults through the provision of lower parking requirements, assistance for mobility (i.e. elevated lifts), quality landscaping, and connected walkways. The project has been designed for single and 2 person households, as opposed to families. The use of underground parking, for example, would allow the site to be more fully utilized. Similarly, the retention of existing landscaping and the development of smaller landscaped areas, such as courtyards, allow for privacy and the enjoyment of outdoor amenities. The building design is also creative, in that each building face would accommodate only 3 units, allowing for a more compact development because of the smaller unit sizes.

g) **Nuisance issues such as increased noise levels, night-time lighting, and garbage storage**

Nuisance issues are controlled by municipal By-laws to ensure that adequate standards are maintained within residential areas. As noted, the proposed building design would minimize the occurrence of many nuisances such as noise through the use of underground parking, the equal spacing of units along each building wall, and the retention of existing landscaping. Building and upper level lighting would also generally be buffered by the existing landscaping.

With respect to lighting requirements, an approved photometric lighting plan would be required to address lighting associated with the proposed visitor’s parking area at the front of the property. It would be necessary for lighting to be contained on the property without spillover onto adjacent properties. The lighting of the connecting walkways would be examined at the Site Plan stage, and may include a combination of building-mounted and individual light standards to reduce spillover impacts on neighbouring properties.

The proposed area for waste storage would be a fully enclosed structure at the front of the property to allow for pickup by private waste contractors, and would not interfere with any adjacent residential properties. This matter would be further reviewed and secured at the Site Plan stage.
h) Potential damages to homes during construction

The proposed development would require a detailed review during the Building Permit stage in accordance with the Ontario Building Code. During the construction period, the Building Division would ensure, through regular inspections, that the requirements of the Building Code are followed to ensure life safety.

i) Loss of existing trees

Efforts have been made to retain as many of the existing trees as possible on the site in order to preserve the high quality of landscaping along Fiddlers Green Road (see Appendix “H”). The proposal would require the removal of existing trees within the westerly half of the property and along the northerly side property line to accommodate the proposed buildings and parking area. However, the proposal would achieve the retention of the Coniferous trees along the southerly property line and the remaining perimeter of the site, and the retention of a heritage street tree (e.g. a Honey Locust). The site would also be enhanced by the provision of new landscaping near the property lines that would blend with the existing landscaping within this area.

j) Increases in traffic volumes

The proposed development would be located along an arterial road, which is designed to accommodate large volumes of traffic. As the proposed development would be intended for older residents who would be primarily retirees, it is expected that there would be very little change in traffic, particularly during the morning and afternoon peak periods. It has been noted that there were no traffic issues identified for this development in the comments from the Traffic Engineering Section of the Public Works Department.

7. The proposed development would be serviced by an existing 675 mm diameter sanitary sewer within the Fiddler’s Green Road road allowance. The City’s Public Works office has advised that there is sufficient capacity in the system to support the proposed 24 units, and the wastewater generation assessment provided by the applicant’s engineering consultant is considered to be satisfactory for use by the City.

There is no municipal storm sewer fronting this property available to service the proposed development. There is an existing 525 mm municipal storm sewer north of this property on Fiddler’s Green Road at #109 (apartments) that will need to be extended in order to provide a storm drainage outlet for the proposed development.
Additionally, the use of grass pavers is being considered for the front yard visitor’s parking area. Grass pavers fall under the scope of Low Impact Development, which the City supports. The pavers would promote infiltration of water and can be used as part of a larger stormwater management treatment train for this development. This proposal should be included in the SWM Report for this development, and the owner would still need to demonstrate that the proposal is in conformance with the City’s storm drainage policies and conditions of development with respect to stormwater.

8. The proposed development would be subject to Site Plan Approval to address issues related to the development of the site, which include conformity to the approved zoning, grading, stormwater management, landscaping, tree removal and preservation, pedestrian walkways, driveways, parking, garbage enclosures, and building design. A Noise Study would also be required at the Site Plan Approval stage due to the location of a sensitive land use within approximately 220 metres from Wilson Street West. It has been identified that the proposed development cannot be serviced by the City’s Waste Management services due to the limited area on site for manoeuvring and access, and it is also ineligible for curb-side pick-up. The services of a private waste management contractor would, therefore, be required for this development. This matter would be addressed in more detail through Site Plan review and at the Condominium Approval stage.

The desired road width of Fiddlers Green Road in this vicinity is 26.21m (86 feet), and no additional lands for road widening purposes would be required at this time.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed Zoning By-law Amendment application be denied, the property could continue to be used for up to 3 single detached dwellings under the Existing Residential “ER-538”, “ER-539”, and “ER-540” Zones in accordance with Section 34.2 and Section 10 of the Ancaster Zoning By-law.

**CORPORATE STRATEGIC PLAN**


**Social Development**

- Everyone has a home they can afford that is well maintained and safe.
- Residents in need have access to adequate support services.
**Healthy Community**

- Plan and manage the built environment.
- An engaged Citizenry.
- Support of the application would improve the amenity of the property and may facilitate future development interest on other sites along Fiddlers Green Road.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Proposed Site Plan
- Appendix “D”: Proposed Building Elevations (Front and Side)
- Appendix “E”: Proposed Underground Parking Plan
- Appendix “F”: Map Showing Multiple Residential Developments and Densities
- Appendix “G”: Map Showing Surrounding Amenities
- Appendix “H”: Proposed Planting Concept
- Appendix “I”: Rendering Showing View from Street
- Appendix “J”: Correspondence Received from Public Circulation

:CT
Attachs. (10)
Appendix "A" to Report PED11211
(Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-11-019
Date: November 9, 2011

Appendix "A"
Scale: N.T.S.
Planner/Technician: CT / NB

Subject Property
121 Fiddler's Green Road

- Block 1 - Change in Zoning from the Existing Residential "ER-538" Zone to the Residential Multiple "RM-638" Zone, Modified
- Block 2 - Change in Zoning from Existing Residential "ER-539" Zone to the Residential Multiple "RM-638" Zone, Modified
- Block 3 - Change in Zoning from the Existing Residential "ER-540" Zone to the Residential Multiple "RM-638" Zone, Modified

Ward 12 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO. ""

To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 121 Fiddlers Green Road, in the former Town of Ancaster, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Ancaster” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 11- of the Planning Committee, at its meeting held on the day of , 2011, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Ancaster Official Plan in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 to Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby amended:

   (a) by changing the zoning on the lands shown as Block 1 from the Existing Residential “ER-538” Zone, Modified, to the Residential Multiple “RM5-638” Zone, Modified, with Special Exceptions;

   (b) by changing the zoning on the lands shown as Block 2 from the Existing Residential “ER-539” Zone, Modified, to the Residential Multiple “RM5-638” Zone, Modified, with Special Exceptions; and,

   (c) by changing the zoning on the lands shown as Block 3 from the Existing Residential “ER-540” Zone, Modified, to the Residential Multiple “RM5-638” Zone, Modified, with Special Exceptions;

on the lands the extent and boundaries of which are shown on Schedule “A”, annexed hereto and forming part of this By-law.

2. That Section 34, Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

   “RM5-638”

   Notwithstanding any provisions to the contrary of Section 7, General Provisions, Section 18.1, and Section 18.2, Regulations of Residential Multiple “RM5” Zone, of By-law 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM5-638”:

   **Zone Provisions**

   (a) Minimum Lot Area: 0.3047 ha.

   (b) Maximum Density: 24 units.

   (c) Minimum Lot Frontage: 29.8m.

   (d) Minimum Side Yard: Northerly Side Yard: 6.25m from building and 5.0m from an enclosed stairwell or elevating device.
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<td>(e)</td>
<td><strong>Yard Encroachments for Balconies into Side Yards:</strong> Balconies may project into a side yard not more than 1.2m.</td>
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<td>(f)</td>
<td><strong>Minimum Rear Yard:</strong> 7.0m.</td>
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<td>(g)</td>
<td><strong>Maximum Building Height:</strong> 11.5m.</td>
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<td>(h)</td>
<td><strong>Minimum Planting Strip:</strong> 3.0m except 1.5m along the front property line; 0.6m along a portion of the northerly property line abutting a waste enclosure; 1.2m along the northerly property line abutting a driveway; and 0.35m along the southerly property line abutting the access ramp for underground parking.</td>
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<td>(i)</td>
<td><strong>Minimum Parking for a Multi-Plex Dwelling:</strong> 1 space per dwelling unit plus 0.6 spaces per unit for visitors.</td>
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<td>(j)</td>
<td><strong>Children’s Play Area:</strong> A children’s play area shall not be required.</td>
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<td>(k)</td>
<td><strong>Minimum Outdoor Amenity Area:</strong> A minimum outdoor amenity area of 60m² shall be provided and maintained and shall be included in the overall requirement for Minimum Landscaping. For the purposes of the “RM5-638” Zone, an outdoor amenity area shall mean a common area, which shall include landscaping and which is to be used for passive enjoyment by the residents.</td>
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<td>(l)</td>
<td><strong>Minimum Building Separation:</strong> 11.85m.</td>
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(m) Accessory Buildings

Notwithstanding Section 7.18 (a)(i) and (iii), an enclosed garbage structure may be located within the front yard and may be located within 0.6m from the northerly (side) lot line.

(n) All other zone provisions of Section 18 and Section 7 shall apply.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [date] day of [date], 2011.

__________________________  ____________________________
R. Bratina                        Rose Caterini
Mayor                              Clerk

ZAC-11-019
This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ....................., 2011

Clerk
Mayor

Subject Property
121 Fiddler's Green Road

Block 1 - Change in Zoning from the Existing Residential "ER-538" Zone to the Residential Multiple "RM-638" Zone, Modified
Block 2 - Change in Zoning from Existing Residential "ER-539" Zone to the Residential Multiple "RM-638" Zone, Modified
Block 3 - Change in Zoning from the Existing Residential "ER-540" Zone to the Residential Multiple "RM-638" Zone, Modified

Schedule "A"
Map Forming Part of By-Law No. 11-____
to Amend By-law No. 87-57
Appendix "F" to Report PED11211
Map Showing Existing Multiple Unit Developments and Densities
(Page 1 of 1)

Location Map

Subject Property

121 Fiddler's Green Road - 78.7 uph

Existing Medium Density Development on Fiddler's Green Road:

A) 109 Fiddler's Green Road; 45 apartment units, density - 80.70 uph
B) 175 Fiddler's Green Road; 60 townhouse units, density - 31.4 uph
C) 210 Fiddler's Green Road; 14 townhouse units, density - 24.56 uph
D) 280 Fiddler's Green Road; 16 seniors apartments, density - 27.50 uph
Appendix "G" to Report PED11211
Map Showing Existing Amenities
(Page 1 of 1)

Location Map

File Name/Number: ZAC-11-019
Date: June 27, 2011
Appendix "A"
Scale: N.T.S.
Planner/Technician: CT/KA

Subject Property

121 Fiddler's Green Road
1) Parks - Greenside Acres Park
2) Transit - Bus Stops
3) Churches
   3i) Marshall Memorial United
   3ii) St. Ann's Roman Catholic
4) Shopping
   4i) Fortino's Plaza
   4ii) Food Basics Plaza
5) Schools
   5i) Ancaster Senior Public School
   5ii) St. Ann's Roman Catholic School

Ward 12 Key Map
GEORGE J. GRESKO
104 Rosemary Lane
Ancaster, Ontario
L9G 2K5

Delivered to the Planning Department &
The City Clerk’s Office on May 5, 2011

The Corporation of the City of Hamilton
Planning & Economic Development Dpt.
Planning Division, Development Planning
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Sir/Madam:

Re: Amendment to Zoning By-Law No. 87-57
- 121 Fiddlers Green Road, Ancaster, Ontario
  Your File No. ZAC-11-019

I acknowledge receipt of your correspondence dated April 21, 2011, in respect of the
aforesaid matter, for which I thank you.

I am somewhat appalled that the Town of Ancaster would even consider putting a 24 unit
townhouse development at 121 Fiddlers Green Road, Ancaster.

I have to exit onto Fiddler’s Green Road from Douglas Road each and every day and
more often than not I have to wait several minutes to get onto Fiddler’s Green Road.

Adding 24 more units would, in my opinion, merely add to the problems associated with
the already “over used” Fiddler’s Green Road.

Further, I believe that placing a three story building adjacent to single family residential
buildings is not good planning. You are jeopardizing the property values of the single
family dwellings for the sake of allowing a developer to make substantial profits on the
townhouses.

I am having a copy of this letter delivered to the City Clerk’s Department and I wish to be
notified of the adoption or hopefully, the refusal of the proposed request.

Yours very truly,

George J. Gresko
GEORGE J. GRESKO
104 Rosemary Lane
Ancaster, Ontario
L9G 2K5

September 12, 2011

Emailed to the Planning Department &
Delivered to The City Clerk’s Office on September 12, 2011

The Corporation of the City of Hamilton
Planning & Economic Development Dpt.
Planning Division, Development Planning
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Sir/Madam:

Re: Amendment to Zoning By-Law No. 87-57
- 121 Fiddlers Green Road, Ancaster, Ontario,
  Your File No. ZAC-11-019

Further to the writer’s correspondence dated May 4, 2011 (a copy of which is enclosed) would you kindly advise as to the disposition of the aforesaid matter.

We were advised that we would be provided with a copy of the staff report prior to a public meeting, and to date we have not received a copy of the staff report nor have we received a notice of public meeting.

Your early response would be appreciated.

Yours very truly,

George Gresko

George J. Gresko
From: Thomson, Cameron
Sent: Sunday, May 08, 2011 10:39 PM
To: Thomas, Cameron
Subject: File No. ZAC-11-019 (121 Fiddlers Green Rd Ancaster On)

Dear Mr. Thomas,

My husband and I reside at 25 Douglas Rd in Ancaster and our property backs onto 121 Fiddlers Green Road. We are opposed to the proposed zoning by-law application which would allow 24 three-story condos to be built at a height of approximately 43 ft. This does not conform with the character of the neighbourhood which is made up of single family dwellings. The height of these proposed buildings will dwarf the surrounding homes and the existing seniors complex at 199 Fiddlers Green Rd. and therefore compromising daylight due to the southern exposure. Several attempts have been made in the past to develop this property, to no avail. In the 1990's a proposed townhouse development was turned down for several reasons, including, EMS (not enough room available for a firetruck to turn around), drainage unavailable and unacceptable, and townhouses did not conform to the character of the neighbourhood. Another attempt was made to rezone for three homes on hockey stick lots, but was unable again to provide proper drainage to the adjoining property owners. At this time my husband and myself were approached by the property owner/developer for our assistance and cooperation for his own drainage proposal. We denied. The property in question is only 100 ft. wide. Putting two single family dwellings on 50 ft. lots on Fiddlers Green Rd. would make the most sense. In conversations in the neighbourhood both my husband and myself and our next door neighbours at 19 Douglas expressed interest in purchasing the land locked property. We also object to the loss of privacy with three floors of occupants staring down on us, not to mention the lights from the buildings. Then there is the added traffic congestion on Fiddlers Green Rd. brought on by the additional 39 vehicles. For the record, the property owner at 121 Fiddlers Green Rd. has neglected the back portion of the property. This has resulted in calls to the city by-law department to have the tall weeds and grass cut on numerous occasions. In closing we feel precedent has been set with regards to the development of the said lands. The property should be left as zoning for single family dwellings only to preserve the character of this established neighbourhood.

With regards, Tom and Teresa St. Michael, 25 Douglas Rd., Ancaster, L9G 2E2
From: Mark Banyard
Sent: Thursday, May 12, 2011 5:41 AM
To: Thomas, Cameron
Cc: Pat at work
Subject: 121 Fiddlers Green Road, Ancaster

Mark and Pat Banyard
19 Douglas Road
Ancaster, ON L9G 2E2

May 11, 2011

Cam Thomas,
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Copy sent by Email to Cameron.Thomas@hamilton.ca
Copy sent by Facsimile to (905)546-4202

Dear Mr. Thomas,

RE: File No. ZAC-11-019
121 Fiddlers Green Road, Ancaster
Notice to amend By-law No. 87-57

I am writing this letter in response to the Preliminary Circulation to amend Zoning By-law NO. 87-57 for the lands at 121 Fiddlers Green Road, Ancaster.

Please be advised that we oppose the rezoning and would like to go on record as doing so. We would like to be kept informed of the status of the application. Our property with a single family dwelling abuts the south side of the subject property.

The history of this site includes several previous applications for rezoning to permit various forms of higher density development. I believe one of the previous applications was arbitrated by the OMB and recommendations for the exiting zoning were mediated at that time. This application is a significant increase to the intensification proposed by the previous application.

The current application for 2 buildings containing three stories or 24 units does not complement the established development pattern of single family dwellings in this area. The height of a three storey building would adversely affect my privacy and views in the rear of my house. I realize that there are
other retirement life style residences in the neighborhood but none of them are of this magnitude. I find it hard to believe that retirees would want to live in housing with 4 flights of stairs to get from underground parking to the top floor units (unless elevators are proposed in the design) so I am concerned that this is not in keeping with the established land use.

In addition to the height of proposed building, I am concerned about the drainage issues that could arise from such a large development so close to my property. The application includes underground parking for 24 cars and a paved parking lot for 15 outside. I am concerned that this could be a problem with storm run off and sewage.

Another concern that I have is with regard to the set back from the road of the second building. How will emergency services be able to respond to a fire at the back of the property? This building will be very tall and close to my property and it is of great concern that the building would not be adequately serviced by emergency services.

From the site development details that were provided, it does not seem that the site could accommodate sufficient parking and maneuvering space for so many units. There is only one underground parking per unit and there are already parking issues at this particular location. There are always cars parked on Fiddlers Green south of Douglas at the existing retirement facility which blocks the view of northbound traffic. There are also cars parked on Douglas just east of the stop sign which blocks the approach to the stop. I am concerned that having 2 apartment buildings added to the area will only add to this problem.

I would like to know more about what the developer is planning. The notice that was sent to me contained a diagram but it was too small to read and only contained survey points. Can you provide more information regarding set backs around the perimeter? Can you also provide more details on the proposed building? As I mentioned before I find it hard to believe that retirees would want to live without elevators so I would be curious to know if the design includes elevators.

Regards,

Mark and Pat Banyard
Thomas, Cameron

From: the jones
Sent: Tuesday, May 10, 2011 9:12 PM
To: Thomas, Cameron
Cc: Ferguson, Lloyd
Subject: Proposed Rezoning 121 Fiddlers Green Road (ZAC-11-019)

We are writing to express our opposition to this proposed zoning amendment. Our neighbourhood consists mainly of one-storey homes, on large lots, built in the 1950’s. It is a quiet neighbourhood. We don’t have sidewalks. We don’t have street lights. We have large trees. We've chosen to live in this area for those reasons. During the 20 years we have lived here, the property at 121 Fiddlers Green Road has had several proposals for redevelopment, all requiring zoning amendments, including one for 8 townhouses, and one for 3 single-family homes. Both of these proposals were rejected after many of us who live in this area expressed our objections. This included appeals to the Ontario Municipal Board. This proposed 24 unit, 3 storey stacked townhouse development does not fit in with the existing single-family home residential area, which it will be adjacent to, on Douglas Road. These proposed buildings will be directly behind, and very close to, at least 4 existing homes on Douglas Road. If you saw the backyards of these homes, you would understand the impact a 3 storey, multi-unit building, with both above and below ground parking areas would have on them. There will be loss of privacy. There will be increased noise. The density of this proposed development will be much higher than that of the surrounding neighbourhood. The height of these buildings will be much higher than the existing single family homes; which are mostly single storey. The existing large trees on the property will have to be removed. There will be increased traffic on an already very busy road (Fiddlers Green Road). We believe these buildings will negatively affect our property values in the area. We urge you to NOT approve this zoning amendment. We fear approval of this amendment will set a precedent, and that anyone with a large lot will be interested in building multi-storey condo units within single family home neighbourhoods. That will certainly ruin the character of old Ancaster neighbourhoods.

Yours truly,

Brian and Valerie Jones
59 Douglas Rd
Ancaster, ON L9G 2E4
Thomas, Cameron

From: donna rocchi
Sent: Saturday, May 07, 2011 6:00 PM
To: Thomas, Cameron
Subject: Re: Zoning file # zac-11-019

In Relationship to 121 Fiddlers Green rd, Ancaster, Ontario.

I have a concern regarding:

• Traffic- 24 underground and 15 visitor spots. Flow into Fiddlers Green which is already very difficult to access now with high traffic volume.

• Height- 3 storey in a residential neighbourhood and loss of privacy for Douglas court.

• Taxes- When an old house is torn down and a new monster house is built taxes for immediate area rise, this will raise my taxes and the surrounding area.

You can reach me at 905- , since I rarely check my email.

Donna Rocchi
Thomas, Cameron

From: Frank Van Hullenaar
Sent: Wednesday, May 11, 2011 2:36 PM
To: Thomas, Cameron
Cc: Ferguson, Lloyd; Office of the Mayor; Thompson, Jason
Subject: RE: Zoning Amendment APP. ZAC-11-019

RE: Zoning App.# ZAC-11-019 (121 Fiddlers Green Road, Ancaster)

Dear Mr. Thomas,

I urge you to not recommend to Council allow the development of 121 Fiddlers Green Road. Since the mid 1990's this "Land Locked" property has had several applications for increased density. The most recent (Oct 2000) was the approval by the OMB of the amended application ZIB-99-16. This was to allow Mr. Gasbarrini to add 3 single family homes to the existing lot. Mr. Gasbarrini chose to do nothing after fighting with residents and thumbing his nose at council to get his approval by the OMB.

This lot is extremely narrow, and can barely fit in 3 single family homes let alone 2 Blocks of 12 units 3 storeys high!!

There are many items to consider in this vague and difficult to decipher site plan. The surrounding residents of proposed development do not need the stress and aggravation of 2 years construction, damages to existing homes during construction, increased traffic, loss of privacy, loss of majestic trees, decrease migratory birds, increased noise, nighttime lighting, storm water problems, garbage removal / storage, emergency access, to name a few.

The see that the applicant has stated that the proposal is "intended to be a seniors condominium" is nonsense. If that is the case then it should be a "Deed Restricted Community" to only owners / tenants of 55+ years of age. The development at 175 Fiddlers Green Road was also "intended for seniors"......not the case now!! It seems to me that someone is pulling the wool over the eyes of the Planning Dept?

Mr. Thomas, please consider the residents of this community when making your decision, not the developers that don't live here and will spend there profits out of town!! This "inappropriate infilling" and blatant circumvention of Council has to stop!!

Respectfully yours,

Frank Van Hullenaar
33 Douglas Road,
Ancaster, ON L9G2E2