

Feb. 2, 2024

Report # PL-07-24 Public Meeting Recommendation for a Zoning Bylaw Amendment at 336 Appleby Line

Mayor Meed-Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, Councillor Bentivegna please "Vote No" for this Zoning Change.

This proposed Zoning change jumps from R2.4 not to R3.1, R3.2, R3.3 but to an avarice laden R.4. With years of positive work with City Planning, Engineering, Grading and Construction Management Staff as well as with City Council, this "proposal" demonstrates a lack of caring or concern for rules, regulations or any sort of community mindfulness. As the Co-chair of the Shoreacres and Strathcona Community Association, A.C.T. Active Community Teamwork, should this SIGNIFICANT ZONING CHANGE pits not only neighbours vs neighbours but neighbourhoods vs neighbourhoods and Wards vs Wards.

Current residents within this single residential Shoreacres Community as well as the Strathcona Community compose one large city block (Walker's Line to Appleby Line). We have experienced two public school closures. We are the only "block" in all of Burlington that has lived through this fact. Our children are bussed from many of our corners from many of our corner lots. When Strathcona Public School was closed in 1981, the Lantern Lane subdivision was built a few years later. When W.E. Breckon School was closed 22 years ago, the Breckongate subdivision was built. In combination, the City gained over 60 taxable homes. The Zoning for these builds did not change.

Massing/Grading/Flooding/Trees/Iceberg Builds (Basement Non-accountable Massing)

Our neighbourhood study the Shoreacres Character Study began with one corner lot's "knock down new build" proposal in 2013. Through 5 years of stakeholder meetings with over 65 homes represented at each meeting, we continue to have Zoning challenges. All this neighbourhood really wanted seemed simple enough. We wanted Zoning to be respected for current neighbours to be able to protect their largest investment, their home. On behalf of A.C.T. our Shoreacres and Strathcona Community Association, we request that City Council votes NO to this Zoning Change. Make this right. Respect our Zoning as we contend with one house for one house infill. Our established neighbourhoods should not bear the burden of thinking that it is our responsibility to be affordable. Gentrification has increased our taxes despite some of our modest homes. We should not be further burdened. Vote No to the implication that by having semi-detached homes on a looks to be 70 percent yard usage is going to make a dent in Burlington and the Province's quest to address intensification issues and affordability issues.

That corner lot build of 2013 remains over 4 times the massing of its abutting neighbours. It was within the Zoning as were the Lantern Lane and Breckongate new infill builds. So what happened since 2013 you wonder. A.C.T. and our communities of Shoreacres and Strathcona have politely requested the assistance and advocacy of our then and now Planning/Zoning/Engineering/Grading and Construction Management Departments and City Council. It has required perseverance and request our City's support with ongoing concerns about massing, flooding and the disappearance of big trees and boundary trees. Many of us learned to read blueprints, understand setbacks, yard percentage usage and Floor Area Ratio (F.A.R.). I could not read any of the aforementioned on this Appleby Line/Cottonwood file. I do, however, note that my neighbours on Cottonwood have had a better view to the blueprint ... or at least A.C.T. hopes so. The F.A.R. is a mystery. It should not be. The side yard percentage based on the massing should

be increased when underground and above ground massing is proposed. This has been advocated for by A.C.T. since 2013. What is the square footage of each of those basements please. Each of those basements will be counted as livable, taxable space, correct? The Short Term Accommodation Rental Bylaw will be in place, correct? A.C.T. knows how new builds become Airbnbs in no time. We asked for the Short Term Accommodation Rental after a corner lot became a Banquet Hall nightmare for 3 years. The Bylaw was to be in place by May 2020. Do not wait any further please.

The Shoreacres Character Study that took 5 years with 65 homes and all stakeholders attending meetings with the focus of tightening Zoning (2013-2018). Since that time, A.C.T. members have delivered over 40 delegations to City Council. We have assisted other neighbourhoods across Burlington when massing, flooding and trees are causing livability challenges. The topics seem like common sense yet another street is challenged. Cottonwood, your letters are outstanding, well researched and clear. A.C.T. supports you as your neighbours, your neighbourhood. I read everything that you wrote. I am saddened that you need to go through this and let's hold hope that City Council votes no. NO MORE HARM. DUTY CALLS and responsible voting can protect the investment we have each put into our homes, our neighbourhood.

On one neighbourhood street, 4 infill knock down builds have flooded ABUTTING NEIGHBOURS HOMES THAT HAD NEVER FLOODED EVEN DURING the BURLINGTON FLOOD of 2014. Cottonwood, like many streets in South Burlington had many neighbours homes flood in 2014. The creeks and tributaries run below us and around us. Below the water table concrete foundations move that flow. As massive builds and now ICEBERG BUILDS go deeper our established wider/larger neighbourhood lots are siege seemingly pillaging we flood. We lose any yard privacy that we have come to expect. TREES are gone. Clear cut lots and boundary trees are gone, long gone. Neighbours yard privacy is gone in a flash and these builds did not require a Zoning change. A.C.T. has tirelessly delegated to have ICEBERG BASEMENTS. Window wells should be considered encroachments as should any stairwell out the side yard of the build. I notice that on this file there is a way too tight side yard stairwell. Flat roofs have wider industrial eaves troughs with downspouts leading to ??? swales that there is no room to support at the property line.

Construction Management: often 2 years and one day of construction mayhem. There is a lack of livability for current neighbours and little support when challenges occur. One recent build in my neighbourhood had two dumpsters parked behind their driveway. They could not back out of the driveway. For Cottonwood's awareness, wet saws are mandated during construction.

City Council please say no. Just as the Shoreacres and Strathcona neighbourhoods advocate for other neighbourhoods across Burlington. Please advocate for our homes, our legacy to our children. We have invested our lives so please consider our livability.

Respectfully,

Mary Alice St. James

Co-Chair of A.C.T.

December 5, 2023

Community Planning Regulation and Mobility Committee Meeting Agenda

Item 5.4 PL-62-23 New Zoning Bylaw Project

A.C.T. supports this long awaited New Zoning Bylaw Project. It is actually at the 10 year anniversary of seeking this Review to Zoning. Living in our City's 1950's Arbour Area wider lot, 1500 square foot homes has been challenging without supports for current homeowners and for those who wish to live in an established neighbourhood that is not overpriced due to gentrification. We had many examples of beautiful knock down infill houses but we have some "oh my goodness, how could that happen?" builds too. In your drives or walks through Burlington I am certain you know what I mean. I have one that was built 34 years ago that every time I walk by it, I'm amazed and saddened too.

Our desirable wider lots with mostly bugalows requested this Zoning Bylaw Project to occur in June of 2014. We understood then as we do now the importance of Zoning for our City's Planning, Engineering, Grading, Inspection Departments and of course for all stakeholders who need to care of our todays and our tomorrows.

Overmassing does remain a concern. I trust though that the delays have afforded time to move forward with the New Zoning Bylaw Project. A.C.T. wishes to continue to be involved because of our strong engagement, commitment and experiences both positive and negative with current building trends in a mature, established community. As our City continues to identify our environmental crisis concerns, our neighbourhood has highlighted our increased flooding of abutting properties homes immediately following what most would consider overmassing. AND on that overmassing note we are sincerred beyond anyone's understanding about Underground Concrete Iceberg Bungalow more extensive use of lot coverage MASSING.

A.C.T. has highlighted in many delegations that the newest underground building trends need to be included within the New Zoning Bylaw Project. Our easily identifiable data regarding previous dry homes' basements flooding for the first time following a neighbour's new build is frightening. Please be prudent in addressing and aligning our City's Zoning with other cities with similar flooding and overmassing conditions and concerns.

**Please include Bylaws to Address:**

**Underground Concrete Massing: Iceberg Bungalow Builds**

- Iceberg Bungalow basements need to be considered livable space and therefore included in the square footage of the build. They often have 10 foot unencumbered ceilings, floor to ceiling windows that are four to six foot wide and surround the perimeter of the build. The basement living space exceeds the outside exterior view of the build. It is like an Iceberg larger underground than what you see on the exterior main floor. These deeper, bigger underground spans are causing flooding in abutting neighbours previously dry homes.
- The window wells in these iceberg builds are notably visible during construction as they are part of the concrete foundation and protrude far further towards the perimeter of the lot.

- There are many of them. They are taller than what you expect since they span from the basement floor to the base of the ground floor. Some have a four to six foot span of 10 foot tall full lighting equals more window lighting in their basement than most homes ground floors.
- The proximity of the window wells to the perimeter of the yard should be considered as a side yard encroachment. Side yard setbacks are typically closer to the perimeter edge of the lot. Just as a side yard setback currently has sideyard stairwells encroachment percentages, these multiple concrete window wells pose many encroachment issues including animals falling into the pits. They are part of the concrete foundation yet jet out far from the wall of the house. They are encroachments and I have multiple examples of circumstances of a Massive Build requiring use of a neighbours' yard to access eaves troughs or their roof.
  - Covered porches like an uncovered porch should be considered in yard percentage usage. These covered porches as in my neighbourhood have two foundational walls to the house and then have a third 'non accounted for" floor to ceiling fireplace wall, and then the fourth "non accounted for" wall has hot and cold water plumbing, full counters and kitchen appliances and including range hoods at about the 8 ft. mark of that "non wall". It is almost a fourth wall except for the stairs leading down to the property.
  - Covered porches of the type I just mentioned should be considered livable ground floor space since other those two walkout gaps with stairs, they are a livable ground floor space that has not been accounted for in square footage of the house nor in percentage yard usage.
  - Iceberg Basement Bungalows are often built under the covered porches. The covered rear yard porch that I have referred to here should be part of the ground floor percentage. The covered porches are large. Many that I have seen are 12ft by 20 ft. The massing and the loss of taxable revenue are prohibitive. The City's and Provincial Zoning Definition of a basement is Zoning definition of a basement is that "a basement is between two floors".
  - Walkout underground terracing that comes out of the Underground Iceberg Build is seen on some blueprints now. There is a walk-out terrace from the basement with the intent of a full table and seating experience. Then the further concrete imprint is the diagonal expanse of 15 stairs up to the back yard ground level. This should be included in Zoning. It is yet another way to have a negative eco-environmental footprint that overmasses a build. It has 3 ½ walls as well as the sitting space and the stairs all of which should be included in lot percentage usage.

Please include and listen to ten years worth of significant volunteer involvement and experiences from engaged and concerned citizens. Thank you.

## Environment and Infrastructure and Community Services Meeting

Public Meeting of Thursday, December 7, 2023

### Drainage Bylaw Amendments 3.2

Background: A.C.T. 's Membership resides in South Burlington's Ward 4 where our membership represents two established communities: Strathcona and the Arbour/Shoreacres area. Combined in one large city block, our boundaries extend from Lake Ontario (south) and to New Street (north). Our east to west boundary is Appleby Line to New Street. Some of our homes' pre-date the Arbour Area subdivision in Shoreacres with its 1950s wider lots of 1,300 square foot bungalows. Our neighbourhoods' knock down infill has intensified quickly over the past 10 years.

A.C.T., our two neighbourhoods support our City, Mr. McIssac's and his skilled Staff Team's 3.2 Drainage Bylaw Update. We do request more though.

Our homes, our streets, our neighbourhoods require safeguards due to our debilitating high rate of drainage, grading, storm sewer and flooding issues.

The past ten years intensified knock-down infill massing rates of 4 to 10 times larger than abutting homes has besieged our neighbourhoods to the point of despair.

Beyond the Drainage Bylaw 3.2 we respectfully and collaboratively request action due to the following concerns:

- **Substantially larger builds require larger side yard setbacks which will provide swales on their own property.** Their higher grading, wider egress eavestroughs and downspouts are having swales draining into abutting neighbours' yards, driveways, and basements.
- **Monster Builds and now as Iceberg Builds** as identified by other Cities within not only their **Drainage and Grading Bylaws** but also in Zoning Bylaws **need assessments "before, during and after assurances"** to our neighbourhoods. **To know that there are Bylaws and compliancy inspections ensuring proper drainage, grading and storm-sewer usage would greatly alleviate stress and livability** in what is already a greatly compromised two years of inevitable construction management issues. Once the new build is completed, it is too late to protect the neighbours and the neighbourhoods. And that new build is precedent setting and not in a good way.
- **Underground and above ground concrete foundations include deep and wide window wells and often concrete/asphalt hardscape yards.** The immalleable concrete builds nearly covers the perimeter of the lot. There is no drainage except into neighbours yards and basements with sump pumps flowing onto our streets. Boundary hedges and trees

are eliminated before, during and after the builds. Inground pools are built one to two years after the build. Please address these issues and give us peace of mind that our homes, our yards and our futures are protected.

- **Over COVID a new MFIPP was put into place prohibiting abutting neighbours to receive setback information that could help us to give us basic protection rights in preparing our homes from drainage, storm sewer concerns and from flooding.** This concerns A.C.T. as a community association. **Neighbours should be able to receive information that directly impacts their home.** A.C.T. has always encouraged communication about setbacks to ensure that everything, particularly Drainage and Grading does not pit one neighbour against another new build neighbour. **Enhancing the Drainage/Grading/Bylaw for current neighbours and communities is urgently needed beyond the current Updated Bylaw.** Many of our neighbours have spent money to receive 'dry basement and yard grading' certifications from reliable companies. On my street, Oak Crescent, four abutting neighbours to new builds flooded in the past 5 years prior to the Iceberg Build newest trend. In our home we paid \$30,000.00 over COVID to have a double sump system installed. They lead to the middle of our front yard. Other homes have lost their flooding insurance due to flooding from new build infill.
- **House to storm-sewer connections are not in place on two of our streets ... the only two streets in Burlington according to A.C.T.'s research in the past 5 years.** Both streets are in the Arbour Area of Shoreacres. Both streets have a lot of new infill builds on them with their massive homes sump pumps being pumped onto our streets, clogging our storm-sewers particularly when the Fall leaves accumulate. The new builds sump pumps run 24/7 causing not only causing a river-like flow but also causing icing concerns when there are colder weather conditions. **We quite obviously require a Draining and Storm-sewer guideline or bylaw. Perhaps it is a thought and possible future action to have building fees attached to ensure that sump pump output to storm-sewers be payable to the City by the Builder. As well, the removal of dirt which is the sandy soil of South Burlington often runs off the lots and into our storm-sewers. Monitoring this as part of keeping storm-sewers might be encouraged with the City's Construction Management Bylaw** which A.C.T. sincerely hopes is being brought forward in the near future.

Thank you for the opportunity to delegate about a topic near and dear to A.C.T.'s two established neighbourhoods. We are pleased to see the Drainage/Grading/Storm-sewer Upgraded Bylaw but as you can tell, A.C.T. feels that it has only addressed the tip of the iceberg ... yes pun intended.

Respectfully,

Mary Alice St. James

Co-chair of A.C.T. representing the Strathcona and Arbour/Shoreacres neighbourhoods