

Date: June 21, 2022

[cofa@vaughan.ca](mailto:cofa@vaughan.ca).

**Subject:: Request for Information: Minor Variance Application A121/22  
(39 Hillside Ave)**

**We have lived at 43 Hillside Ave. (immediately west of the subject property) since 1981 when we built our home according to the then by-law.**

Firstly, we would like to express our pleasure in the redevelopment of this property as it has been an eye sore and a nuisance since the property was sold. Since the sale the property was used as a BnB and after hour party venue, at which time the fire and police departments were called on a number of occasions to attend the property due to excessive number of people partying until late into the night.

**The following are a number of questions and concerns with respect to the above noted application:**

1. The size and dimensions with the variances being requested do not necessarily fall within an "Old Village" environment and it is difficult for one to follow all the variances requested and which actual apply to this area since two by-laws are being referred to. Which one or which standards apply?
2. The drawings are not clear. They do not show the actual conditions and existing structures.
  - a. (Variance #1) Why is the existing house not shown on the demolition drawing so one can see the differences and variances? Furthermore, the existing fences are not clearly shown around 39 Hillside. A portion of the chain link fencing on the west property line was installed by one of the previous owners prior to 1979 and when we built, we continued the fence to our front building line. Subsequently the previous owners had some concern with the lighting along our easterly sidewalk and so we installed a wood privacy fence about 180mm west of our easterly property line and chain link fence. None of these are depicted on the site plan. Where are they measuring their setbacks from? We must ensure that these fences and any vegetation and trees are not affected by the 8 ft. plus excavation which is only. The basement walls are only 5 feet away from the property line. Assuming a 2ft. area for working the excavation will be less then 3 ft. from the property line.

- b. (Variance 2) Both by-laws have restricted the height of any new building. This is very clear
- c. (Variance 3) The side retaining wall for the basement walk out will cause damage to the existing trees.
- d. (Variance 4 & 9) See below.
- e. (Variance 5 & 6) There are a lot of numbers with respect to areas. Can someone actually confirm the actual coverage and whether the covered and/or uncovered front porch and rear deck covering the basement entrance are included or not included in the coverage calculation.

**Additional concerns of utmost importance:**

1. **A very important issue and concern is the grading and related drainage from the rear of the lot. The entire area is relatively flat. The lands from Rockview (to the south) have always drained to the north to a swale along the rear lot lines of the properties fronting on Hillside & Rockview. This swale drained to the east. To maintain this when we built our home we maintained the grades along the property lines. When our neighbour to the south (front on Rockview) regraded his rear lot he filled his lot such that all his storm water drained onto our property. He did not maintain the swale and being so shut off the flow of rear lot drainage swale to the east. This has resulted in our rear lot being usually flooded and wet for about 3m across the entire width. I reported this to building standards but all they said, they could do nothing, and it was up to me to "sue them". Careful consideration must be taken in the grading to avoid addition water problems. The grades cannot be raised because it will cause flooding issues for us and all the surrounding neighbours.**
2. **There are a number of significant mature maple trees that have been on the property since well before we bought our property back in 1979. It would appear that in most cases these trees will be adversely affected by the proximity of the new construction. How are they being treated and/or protected and their well being guaranteed?**

**In conclusion we object to all the variances being requested: as most are not minor.**

1. **(Item #5 & 6) Assuming that the numbers on the plans are correct in their interpretation -- Lot coverage  $25.31/20 = 26.5\%$  or  $26.43/20 = 32.15\%$  increase depending which by-law applies.,**
2. **(item #2 & 7) Building height ---  $10.93/8.5 = 28.5\%$  or  $10.93/9.5 = 15.05\%$**

3. (Item #3 & 8) Retaining wall ---- Read the comments above.
4. (Item 4 & 9) Maximum driveway width ---  $13.41/9= 49\%$  greater
5. (Item #1) Replacement dwelling side yards  $2.23/1.5=48.6\%$  smaller on the west and  $4.37/2.99=46.15\%$  smaller on the east side.

**As I noted above the variances are not minor in nature. A change in 5 to 10% may be considered minor but up to 49% certainly is not.**

Yours truly,

Alfredo & Josephine Mastrodicasa

43 Hillside Ave.,

Concord, Ontario

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