

Pravina Attwala

Subject: FW: [External] FILE NUMBER A272/22, 23 REDELMEIER COURT, MAPLE

From: Marjan Asmani

Sent: February-28-23 12:57 PM

To: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] FILE NUMBER A272/22, 23 REDELMEIER COURT, MAPLE

I am writing to you regarding the retroactive minor variance application by 23 Redelmeier Court in relation to their constructed deck. I did not receive a formal notice of the hearing but I wanted to write to you about the application. While I live around the corner, I am impacted by this as I have a direct line of sight of the deck – perhaps more so than others on Redelmeier Court who live across the road from number 23. I can see the oversized deck from all windows on the side house, porch, and side yard.

I want to note for the record my objection and concerns regarding the variance application for the following reasons:

1. Under the original deck, we had more privacy in our backyard. Even though we are around the corner, the increased deck size, and especially the new decking on the side of the applicant's house gives more of a direct line of sight into my property that was not there before.
2. Our lots are large, but so are the houses, leaving small backyards compared to other properties where lots are considerably larger. The deck as built is well suited for a large backyard – not the lot sizes we have. It is clear from my direct view from my home as well as walking through the ravine daily that the new deck encroaches a lot further than other decks that were presumably built in accordance with zoning by-laws. The by-laws are set at the levels they are for a specific reason – these are not suggested amounts but are calculated to ensure there is an adequate level of privacy and to ensure that we are not too close to each other's property lines. If the variance applications are approved, this would undermine Vaughan's by-laws as drafted and open the doors for others in the community to build other such large structures.
3. While the structure would likely not impact my property value as much as the direct neighbors, we cannot underestimate the trickle-down impact it can have. If approved, my neighbors and others want to build an oversized structure in the small backyard, which will lead to inequity between neighbors throughout the community. It is important that we adhere to the laws as drafted to maintain the integrity of the neighborhood, especially in the new subdivisions where the houses are not as spaced out and backyards are smaller than in the old subdivisions. I decided to extend the existing deck in 2020. I consulted several deck companies. They all suggested that I need to obtain a permit from the City. I consulted the planning department where I found that the application had to go through the committee of adjustment due to the desired deck would not meet the set zoning by-laws. There is no house on the back and north side of the property, however, there is one on the south side and it was vacant at the time. I was informed that it could prevent my application from moving forward due to the absence of the homeowner at the time of the filing and the probability of an objection from the homeowner in the future. It was clear to me that the City would greatly value the neighbors' input and the impact of variances on the neighbors' privacy and enjoyment of the outdoor living space. I had no choice rather than to have the backyard paved instead and used it as a sitting area. The next door is occupied now and most likely they want to extend the deck as the current deck is too narrow to be used for sitting arrangements. I am sure they have to go through the committee and I will definitely object to any oversized deck application as our houses are close to each other and it would interfere with my privacy and enjoyment of the backyard. They are in the same situation that I was in 2020. Allowing one homeowner to walk away with variances that don't seem to be minor but major, will open the door for other neighbors to challenge the zoning by-laws. This will be tricky when it comes to houses with different elevations being built back to back. 32 Fanning Mills is a lookout plan and the main floor is about 2 feet above the ground, while 23 Redelmier is a walkout basement and the basement is raised 5 feet above the ground and the main floor is 14 ft above the ground. Building a big structure on such a high elevation has an even greater impact on the 32 and 28 Fanning Mills homeowners' privacy, outdoor enjoyment, and property value.
4. I realize that ordinarily such variance applications are made in advance of construction, so as to obtain approval from all parties upfront. In this case, the structure is already built. As I learned from the City staff in July 2022, the homeowner filed an application for the permit but didn't get the permit. The city staff was shocked to hear that the homeowner has already started the work. I believe the homeowner was aware that the desired design didn't meet the zoning by-laws and decided to go ahead and build it anyway. I learned that even though the homeowner was aware of the building inspection after a complaint was filed with the City in July 2022, they didn't stop the work. I also learned that the homeowner told the neighbors that the building inspector told him that they could continue the work as there were a few variances. The variances seem to be more major than minor. The homeowner has built a big living space at a high elevation in a small backyard.

5. I hope the committee considers this case as if the deck wasn't constructed as the homeowner and their contractor were fully aware of the permit and chose not to get one as they knew what would have expected. If a homeowner decides to build whatever they wish in the backyard without obtaining the permit and then when they are caught they claimed that they have already built it, then every homeowner can do the same. There will be no point in having zoning by-laws and standards in place and no one needs to make sure they are implemented. The homeowner was in the same situation as I was in 2020. I chose to follow the City by-laws and not have a desired living space that I wished for and another homeowner chose to build it without a permit. There will be more homeowners who wish to add structures to their backyards and the City by-laws and standards should apply to all homeowners equally and should not allow people not to follow them as they wish. I am sure that the committee will look at this matter carefully to prevent any future occurrences.

I greatly appreciate your assistance in this matter

Regards,

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