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March 1, 2023

To Committee of Adjustment Members

**Re: Minor Variance Application A341/22 (26 Cherhill Drive)**

We are the residents of 30 Cherhill Drive, the property directly to the south of the subject property.

We have not only seen the proposed site plans and drawings for the new cabana at 26 Cherhill Drive but, given that the structure itself has already been erected, we have a first-hand understanding of the impact the granting of the variances will have on our property. We note in this regard that the cabana in question backs onto the fence between our property and that of our neighbour at 26 Cherhill Drive ("the Applicant"). We understand that the variance requested by the Applicant to permit a reduction in the interior side yard setback for the cabana effectively relates to the distance between the cabana and the property line between our respective properties.

The most significant concern we have with the cabana in its current form (with a significantly reduced interior side yard setback and a height taller than the City's By-Law 001-2021 allows) is its considerable negative impact on the privacy of our home.

The cabana has been designed and built in such a way that the door to the washroom of the cabana structure is not accessible from the interior of the cabana structure but rather from the exterior of the cabana, and effectively faces out towards our property (see photographs attached taken from the first-floor windows of our home). Because the cabana has been built closer to the fence between our properties than the by-laws permit, the door to the washroom is even closer to our property than would otherwise be the case.

Moreover, the ground on which the cabana sits certainly appears to have been elevated when it was graded, such that individuals standing at the doorway to the washroom are raised above the level they would previously have been before construction began on the cabana. The open interior area of the cabana likewise appears to have been raised above the prior level of the ground. This, we imagine, is part of the reason why the Applicants are now asking for a variance to be granted in respect of the by-law concerning the maximum building height for the cabana.

The combination of these two factors - the proximity of the cabana to our property and the increased ground elevation of the floor of the cabana - has now made it possible for us to clearly see, through the windows in both our kitchen and our family room, the heads, shoulders and, in the case of taller individuals, upper chests, of any adults who are standing at the entrance to the cabana washroom (and, to a somewhat lesser extent, individuals standing in the open interior area of the cabana). This is unfortunately the case notwithstanding the fence between our properties.

The fact that we can clearly see the heads and shoulders of individuals standing at the entrance to the cabana washroom likewise means that individuals, when standing there, when exiting the washroom and when walking to the washroom (and to a lesser extent even when standing in the open interior area of the cabana), are able to clearly see into our home - specifically into our family room (where we have 6.5 foot tall windows) and into our kitchen where we also have large windows. This negative impact that the cabana (as currently designed and built) has on our privacy is a very significant concern for our family. We would effectively have little to no privacy when in these rooms.

We have raised this concern with our neighbours at 26 Cherhill. While we made clear to our neighbours that we would have preferred that the entrance to the washroom not be built in such a way as to face in the direction of our property (and that it instead face to the interior of the cabana), we understand they are opposed to making such a change. As such, we discussed with them other alternative measures to ensure that our privacy is respected. The measures discussed included the installation of both a privacy screen/fence on the Applicant's property that would be taller than the entrance to the washroom and would block all visibility of the first-floor windows of our house from the cabana, together with the planting of several large cedars of 8-10 feet in height in the line of sight between the cabana and our home. We presented such a written proposal to the Applicant on February 19, 2023 but, as of the writing of these submissions, have not received confirmation from the Applicant that they are in agreement.

As such, we write to the Committee of Adjustment to make known our serious concerns regarding the impact the granting of the variances will have on the privacy of our home if not subject to conditions to ensure our privacy.

Sincerely,



Adrian and Anahita Jakibchuk





Full view of cabana from kitchen windows



Full view of cabana from upstairs windows





View of cabana washroom doorway from kitchen windows





View of cabana washroom doorway from family room windows















