

Minor Variance Hearing *A272/22*

Response from 32 Fanning Mills Circle, Vaughan, ON L6A 4Y9



Key concerns and rationale for objection

- Size of structure
- Restricted view
- Significant privacy reduction

To note:

- Configuration of lots – walkouts vs non-walkouts
- High building to lot ratio – we are already close to one another

Restricted view and privacy reduction

View

- Premium ravine lot – view impacted more than it should be

Privacy

- Privacy significantly reduced
- Applicants have full view of my entire yard – even the side yard is now visible
- Inside of my house is more visible as a result of the increased proximity

Photographs



- The new view from our deck during construction
- Shows close proximity, neighbours being on top of us with ease of view into our yard, and the beginning of the restricted view on the left hand side (exacerbated by the pergola subsequently erected)

Photographs



- Illustration of the reduced view as a result of the depth of the upper deck as well as the side deck

Photographs



- Illustration of the reduced view as a result of the depth of the upper deck as well as the side deck (exacerbated with side pergola shutter)

Photographs



- Illustration of the imposition of the deck and reduced privacy (visual intrusion).
- Note we can see the underside of their deck which illustrates its bulk, height and how close it is to our home
- The applicants can see our entire yard from their deck

Photographs



- Illustration of the reduced privacy in our back yard as a result of the deck
- Shows the ability of the applicants to see anywhere in our yard (visual intrusion)

Photographs



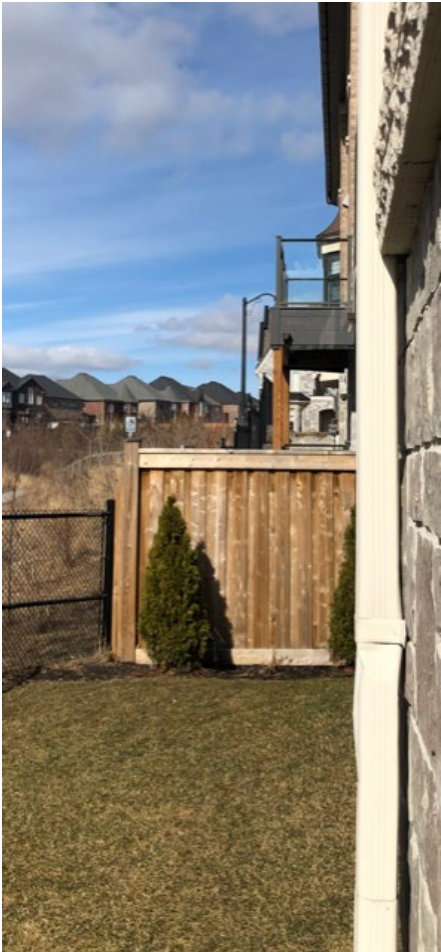
- Additional illustration of the reduced privacy (visual intrusion) in our back yard as a result of the deck
- Shows the ability of the applicants to see anywhere in our yard

Photographs



- Illustration of reduction in privacy (visual intrusion)
- The ability to clearly into all parts of our yard as a result of increased depth of the deck as well as the side deck

Photographs



- Illustration of decreased privacy (visual intrusion) on the side of our house as a result of the side deck

Photographs



- The view from our main floor living area showing the close proximity to our home, made even closer with the additional depth of the new deck, resulting in reduced privacy (visual intrusion)

Photographs



View from principal bedroom window showing:

- Decreased privacy (visual intrusion) stemming from the depth of the deck and resulting closer proximity to the property line; and
- The restriction on the view (exacerbated with shutters on the pergola)

Is the variance minor?

- The variances are too important to be considered minor due to the impact on neighbouring properties.
- Due to the configuration of the lots, any deviation by the applicants from the maximum permitted encroachment and setbacks per the zoning by-laws is only for the benefit of the applicants, and directly impacts adjacent lots, specifically those on Fanning Mills Circle that are on lower vantage points, from the perspectives of view restriction and significant privacy reduction.
- The variances deprive neighbours of their normal rights to use their properties.



Is the variance desirable?

- Only desirable to the applicants.
- The proposed variances are not desirable as they are not necessary to allow for reasonable and appropriate use of the applicants' property and are solely for the convenience of the applicants.
- Not desirable from the perspective of neighbouring lots given the view restrictions and significant reduction in privacy created.
- Not desirable from a planning and public interest perspective given the precedent that would be set, opening the doors to similar structures throughout the neighbourhood contrary to the planning principles of the community.



Does the variance maintain the general intent and purpose of the Official Plan for Vaughan?

- The Official Plan clearly states that the intent for rear yards in large lot neighbourhoods is to “*maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent residential lots*”.
- The variances being sought clearly enhance visual intrusion, not minimize. As such, the general intent and purpose of the Official Plan is not maintained.



Does the variance maintain the general intent and purpose of the zoning by-laws?

- A variance application may have merit if it does not infringe on an adjacent property, e.g. if a property backs out onto a ravine whereby there is no shared rear property line in which case visual intrusion can still be minimized with the variance.
- However this is not the case here, as there is a shared rear property line, and visual intrusion is not minimized by approving the variances.





Summary

- The four statutory tests are not met
- The variances create inequity between applicants' property and neighbouring properties
- The variances result in increased quality of life, enjoyment and value for the applicants with direct reduction in quality of life, enjoyment and value for neighbours