

Dear Committee of Adjustments,

By way of introduction, my name is Scott Greenberg and I live at 53 Heritage Estates Road. This letter is also on behalf of the families from 49 and 57 Heritage Estates Road. On January 4th, 2024, we received a city notification in the mail alerting us to a pending application for a property variance. Prior to this notification we were not approached by the applicants about the proposed plan, and upon review, several significant concerns and reservations exist. Additionally, we respectfully submit that this variance should not be considered minor as the requested relief would have too large an impact on drainage, safety, equity and noise. Please see below for a summary of objections:

Drainage

- Excavation which disturbs and significantly alters the current grading / property slope poses unacceptable drainage risks to 49, 53, and 57 Heritage Estates Road.
- There is an unacceptable and increased risk that water will deteriorate the grass, gardens, trees, and foundations of our properties. This is compounded by the homes on Heritage Estates Road being lower than the homes on Thornhill Ravines Crescent
- There were no city stamps on the pool plans submitted to the city. Have the grading plans been inspected and approved? What inspections are planned throughout the process?
- No details were shared as to how the water flow resultant from the grading change will be addressed (i.e. weeping tiles, pumps, drains, etc.)
- The pool variance approval is not necessary given the increased risks; when there are alternative options which comply with the by-law.

Safety and Access

- There are several concerns based on the drawings submitted with respect to access and safety.
- We would assert that should a pool be desired the owners move forward in accordance with by-law. There appears to be several areas where the application does not meet the by-law, as detailed below.
- By-law 4.21.2 details that outdoor swimming pools are permitted in the rear of the lot only. The pool in this application is on the side of the house.
- There is no access between the exterior fence and pool, and there is less than 1.5 meters access between the pool and the house. Should emergency services be required, access would be restricted. For example, a fire at 75 Thornhill Ravine Crescent, or a fire on the fence line. This result is an unnecessary danger for the homes on Heritages Estates.
 - It should also be noted that the residents of 75 Thornhill Ravine Crescent regularly light open flame fires during the spring and summer months.
- By-law 4.21.5 stipulates that in no case shall the outdoor swimming pool be located closer to an exterior side lot line than the dwelling. According to the submitted drawings, the distance of the pool from the dwelling is 2.46 meters. The distance of the swimming pool from the exterior side lot line is 1.524 meters. Therefore, the by-law has not been met, nor has a request been submitted for a variance.

Equity of the By-Laws

- Room on the property currently exists to comply with the by-laws, in the rear of the house.
- It is not fair or reasonable to grant variance relief which is only necessary due to previous variance relief which was already approved on the same lot.

Privacy and Noise

- It is not clear from the drawings submitted how the pool will be leveled; and / or if the ground will be raised. Should the ground be raised to level the pool, the existing fencing may not be adequate to maintain privacy.
- The committee should be aware that noise issues presently persist, and granting this variance would aggravate and exacerbate an existing situation.
- Specifically, parties have routinely been hosted which demonstrated no respect or consideration for existing noise by-laws.
- Loud speaker music as well as guests have consistently disturbed surrounding neighbors until 2 to 3am. On several occasions this has resulted in police being alerted and / or people getting out of bed to approach the party.
- Approval of this variance request would substantially impair and interfere with enjoyment of our properties.

Zoning variances are exceptions to the zoning ordinance, and zoning variances should be granted only when a property owner would have a unique and unusual hardship, created by the physical characteristics of the land. Also, the request submitted to the city is not in the spirit of the city by-laws. Many requests are unjustified, and this is one of those requests.

Sincerely,

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