

ADDENDUM

AGENDA ITEM

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COMMITTEE OF ADJUSTMENT

Tuesday December 1, 2020

Joseph and Rose Rizzo
132 Old Humber Crescent
Kleinburg, ON L0J 1C0

To: Committee of Adjustment
Regarding: Minor Variance Application A086/20 – 150 Old Humber Crescent
From: Joseph and Rose Rizzo – 132 Old Humber Crescent – Adjacent Neighbour

We are writing the committee today to voice our disapproval of the proposal brought forth to the committee for the Minor Variance Application for A086/20 – 150 Old Humber Crescent. We are opposed to the proposal as the variances being requested are in fact not minor requests.

(1) A maximum building height of 9.5 metres is permitted – The applicant is proposing a building height of 11.99 metres which is roughly 26.3% over the allowable height set by the zoning by-laws

(2) A maximum total of 67.0m² is permitted for accessory buildings – The applicant is proposing 83.3m² which again is roughly 24.4 % over the allowable size set by the zoning by laws.

(3) A maximum building height of 4.5 metres and 3.0 metres to the nearest part of the roof is permitted – The applicant is requesting 6.14 metres which is 36.5% over the allowable and is also requesting 4.3 metres which is 44% over the allowable height permitted by the zoning by laws

(4) A maximum lot coverage of 10% is permitted – The applicant is requesting 27.36% which is almost 3 times, 170% over the maximum lot coverage allowance. You can argue its under car garage but it's also above ground hardscape which in turn is lot coverage. A renaming of structures does not change the facts!

(5) Driveway – The first proposal submitted was requesting a driveway that was 150% over the maximum allowance and the new proposal now has a driveway that is roughly 12% over the allowance, however, the applicant is now requesting a second driveway when the bylaws clearly state that no more than one driveway shall be permitted on a lot. Also, what is the size of the second driveway? This is not mentioned at all in the proposal submitted to the committee which greatly concerns us.

As you can see from all the items we have outlined above and the percentages of each proposal is over the bylaw allowance, most of the variances being requested by the applicant are not minor but in fact major variances, since they are greater than 10% which will have a negative impact on our home as we are the adjacent home.

The applicant initially sent us renderings without dimensions. We requested drawings with dimensions. After our request, he emailed us drawings with dimensions and requested a letter of recommendation from us. We replied to him that we would review and get back to him. After our review we emailed the applicant on October 16, 2020 informing him that unfortunately we could not be on board with his proposal based on the concerns that we have outlined here. At that time, we requested the applicant to scale back some of his variances and then send us back the new proposal for us to review at

which point we could potentially be on board. It is unfortunate that the applicant decided not to reach out again after our email on October 16 and did not feel that our concerns mattered. The height of 11.99 metres alone will impact the natural sunlight that we are entitled to. We could not have imagined that when we invested in a property like this that we could have the neighbour be allowed to take away from our natural sunlight. After reviewing the documentation which shows the sun exposure at different times of the year, I would like to know what the shadow exposure will be at 6 pm in the summer? This was not shown on the report. I would assume it was not shown because it will have a huge negative impact on my home and back yard. As you can see the applicant plans to place his cabana on the east side of the lot so that his sun light will not be affected at any time, however in turn our sun light will be. Our plan is to also build a pool and by the applicant proposing to place his cabana where he did, he did not take into any consideration on what it would do to our sun light, only took into consideration what it would do to his. Also, if you notice at 3 pm in December our entire home is in the shadows of his which again negatively impacts our home. We will lose many hours of solar heat gain and natural sun light. This will cost us more in heating bills and in lighting bills. This is not only affecting our costs but is worse for the environment as I will consume more energy to maintain both heat and light.

As mentioned above, the accessory building the applicant is proposing is roughly 25% over the allowable size. The maximum building heights proposed of the accessory building are 36.5% and 44% over as outlined above in points # 3 and # 4. How are these being considered minor variances? We would now be basically looking at a home in our backyard. And again, the heights being proposed will negatively impact our sun light in the back yard where our pool will be going. We are requesting that the committee deny this request and request that the applicant scale down the size and height of his cabana. Had the applicant considered us he would have justified all this to the other side where the street is and not on our shared side. In short, the structure being proposed is so large and so tall and completely out of place. This structure is definitely not desirable nor appropriate in scale.

The staff report on page 4, first paragraph addressed some of the massing concerns on the street side (west side), however did not address any of the massing concerns on the east side which is our shared side. This proposal will negatively impact our view. We will be looking at a very large structure way beyond the allowable size. It is not reasonable to allow his wish to exceed by laws and supersede our right to maintain the integrity set forth by the community by laws when we originally purchased this lot and built our home. At the time when we did so we respected every by law. Please see two pictures attached below. One is his rendering which inaccurately shows our backyard as all grass. As previously mentioned, this is not the case. We have our patio on that side. We also plan to build a pool on that side. The second picture shows the respectful relationship and set back with the current structure. It also shows the property line so u can imagine how much closer and taller what he is proposing above the bylaws will be. Imagine what we will be staring at if this proposal goes through. We asked the applicant to move back his home so the space between the two homes were the same as all other homes in the area and again we did not get feedback from the applicant. We request that the city impose that there be significant planting along the entire length of the shared property line on his side with a buffer width that would support high growing coniferous tree species, and this be done at the applicant's expense and be subject to inspection by the City of Vaughan before variance is finalized.

We also want to add of what is being proposed next door with the home and private amenity area and that a condition be imposed that we be provided with a copy of their grading and drainage plan to confirm no adverse impact on our property.

In Summary, we are very disappointed that we needed to be put into this position, the city staff has seemed to ignore us in their review. This proposal has an unacceptable adverse impact on our home.

They have addressed concerns for the street view but not ours. We will be neighbours for a very long time I would assume and before the applicant even moves in, we have a negative relationship. Bylaws are there for a reason, to protect all members of the community. Decisions are supposed to be bound by Section 45(1) of the Planning Act. Yes, by laws can be modified with approval as long as the impact to others in the community is not a negative impact which this proposal will definitely impact us negatively. We are asking the committee to deny the proposals being requested by the applicant and have the variances being submitted by the client actually be minor ones.

Thank you for your time and assistance in this unfortunate situation.

Joseph and Rose Rizzo

