

City of Vaughan
Office of the City Clerk—Committee of Adjustment
2141 Major Mackenzie Drive, Vaughn, ON L6A 1T1
cofa@vaughan.ca

RE: A037/21 LETTERS OF OBJECTION—RESPONSE

The following serves as a response to the two letters of objection submitted to the Committee of Adjustment on

- June 7, 2021 from Olena Baranova (15 Spruce Pine Cres); and
- June 8, 2021 from Tatyana Zekel (55 Spuce Pine Cres).

Rebuttal to Letter of Objection from 15 Spruce Pine Crescent

At the time of acquisition of the properties in 2012, 15 Spruce Pine Cres was not provided with a deck structure by the builder, as the grading did not permit one to be constructed. (See Figure 1 below.)



Figure 1: Past (2012) image of rear yards at 17 SPRUCE PINE CRES and 15 SPRUCE PINE CRES

15 Spruce Pine Cres sits at a higher grade from all the dwellings south of the property. This is evidenced in Figure 2, which show the fences in the rear of the homes were assembled where each panel steps lower, as the grading changes, to account for the downward slope as you move south.



Figure 2: Grading in rear yards.

The owner of 15 Spruce Pine Crescent later built an elevated deck that rises above the elevation of the upper deck at 17 Spruce Pine Crescent. As evidenced in Figure 3 below, the railing of the upper deck at 15 Spruce Pine Cres, extends above the shared fence height. All the railings at 17 Spruce Pine Cres on the upper and lower decks, fall beneath all the surrounding fence heights.



Figure 3: Upper deck at 15 SPRUCE PINE CRES; standard railing in height extends above shared fence.

As a result, the statement from Baranova, indicating that individuals in the rear yard at 17 Spruce Pine Cres can easily look over the fence into the backyard of 15 Spruce Pine Cres, is false—the reverse is the truth. Figure 4 shows the view looking toward 15 Spruce Pine Cres, from the lower deck.



Figure 4: View looking toward 15 SPRUCE PINE CRES, from lower deck of 17 SPRUCE PINE CRES.

Baranova strategically provided a zoomed-in photo that is solely directed from one window, toward the shed and expressed it is blocking the sunlight to the room. Sun rises and sets in the east and west. The rear of 15 Spruce Pine Cres faces in the east direction, and the house the corner home in the block of townhomes with open surrounding views. The shed in question, is situated on the south side of her rear yard.

Rebuttal to Letter of Objection from 55 Spruce Pine Crescent

In the letter provided by Zekel, she attempts to use the deck structure located in the rear yard of 53 Spruce Pine Cres as a comparative example to support her opinions. The statements made are neither factual, nor comparable.

The original deck at 55 Spruce Pine Cres was a smaller upper deck provided by the builder, that was later extended and expanded at the same elevation. (See Figure 5 below.)



Figure 5: Past (2012—left) and present (2021—right) images of the deck located at 53 SPRUCE PINE CRES

The upper deck structure at 17 Spruce Pine Cres maintains the same small dimensions and measurements as provided by the builder in 2012. Its lower deck was constructed in 2019 for the full use and enjoyment of the yard at the rear yard's lower elevation.

The letter further expresses how Zekel “thinks the neighbour felt” at 53 Spruce Pine Cres. Given the residents/owners at 53 Spruce Pine Cres have not provided their own statements pertaining to their circumstances, the provided reasoning for those owners to erect an extension in height to the fence, may not be truthful or accurately reflect their views. As noted in the letter, Zekel did not erect the higher fence, her neighbours did—she has presented statements based on personal feelings, which are without foundation or a basis in fact.

Furthermore, with regards to the shed's proposed height of 2.58 m, as supported by the Development and Planning Department, “the increase is minor and will not cause a negative impact onto the abutting neighbours.”

It is important to note that, Zekel's residence is a location that is not in the line of sight by the structures at 17 Spruce Pine Cres and consequently, not an abutting neighbour. As shown in Figure 1, the north side of their rear yard completely faces the side of another home. Along the west side of their rear yard, as expressed in their own letter, they have a fence that was increased in height. Figure 6 below, provides further visual representation of the location/line of sight in relation to 17 Spruce Pine Cres.



Figure 6: Rear yards from the vantage point of 53 Spruce Pine Cres's rear yard. 55 Spruce Pine Cres resides to the right of the image on the opposite side of the elevated and extended fence as seen in the photo.

Considering the detailed explanations above, it should be noted that the Letter of Objection from 55 Spruce Pine Cres should be held with insignificant weight amongst the body of evidence/documentation presented before the Committee of Adjustment.

Property Value

Both Letters of Objection make unsupported reference to decreased property values. Properties in this immediate vicinity have been on the market short timeframes and have sold above asking. Below is a recent example showing comparisons in 2020.

Property Address	Sold Price	Asking Price	Details
57 Spruce Pine Cres	\$1,030,000	\$948,000	3BD 3BA 4 Parking MLS#: N4930218 Brokerage: ROYAL LEPAGE YOUR COMMUNITY REALTY, BROKERAGE
81 Spruce Pine Cres	\$960,000	\$985,000	3BD 3BA 2 Parking MLS#: N4903424 Brokerage: ROYAL LEPAGE NEW CONCEPT, BROKERAGE
75 Spruce Pine Cres	\$980,000	\$984,900	3BD 4BA 4 Parking 1,500-2,000 sqft MLS#: N4938151 Brokerage: RE/MAX REALTRON REALTY INC., BROKERAGE

Figure 7: Property value comparison to the next block of townhomes to the east, on the same street in 2020.

Petition in Support of Application A037-21

Below is an image of the abutting neighbours and those in the immediate vicinity of 17 Spruce Pine Cres that are in support of the Minor Variance Application – shown highlighted in green in Figure 8. This is supported by the Petition in Support of Application A037-21 with their corresponding signatures and contact information.



Figure 8: Properties in support of Application A037-21 are highlighted in green. The two properties in red are those that submitted a Letter of Objection.

PETITION IN SUPPORT OF APPLICATION A037-21

We, the undersigned, are in support of the Minor Variance Application Form (City File A037/21) for

17 Spruce Pine Crescent, Maple ON L6A 4T3

Purpose of Application: Relief from zoning by-law 1-88 is being requested to permit the existing rear yard deck and shed sitting on top of the deck.

	NAME	ADDRESS	PHONE	SIGNATURE
1	Hoa Tran	19 Spruce Pine Cres.	[REDACTED]	<i>Hoa Tran</i>
2	<i>Naseer Khan</i>	<i>25 Spruce Pine Cres</i>		<i>NK</i>
3	Jaffar Abdulla	20 Overlander		<i>to Jaffar</i>
4	Lynn Nguyen	18 Overlander way		<i>35 Lynn</i>
5	Igor Sheryphic	19 Warblers Ave.		<i>Igor</i>
6	BRANDON WASSER	21 WARBLER AVE		<i>Brandon</i>
7	Suzy Absy-el	21 warbler Ave.		<i>Suzy</i>
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Sincerely,
Dionne Hudson