

Committee of Adjustment

From: cds tea flowers too [REDACTED]
Sent: Wednesday, August 5, 2020 8:40 PM
To: Committee of Adjustment
Subject: Application No A-38/20
Attachments: Comments on Application A-3820 .pdf

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Hello Trista

Please find enclosed my comments regarding Application A-38/20 with respect to the property at 104 Winston Crescent.

My name is Sandra Odorico. I reside at 61 Franklin Ave with my brother. I will be listening to the public hearing on August 13th at the residence of Trish Botter. I would also like to speak to the application and can be reached at her number [REDACTED]

I would like to be notified of the decision regarding the variance proposed in A-38/20.

If anything else is required please let me know.

Thank you.

Sandra Odorico

Application Number: A-38/20

Application Number A-38/20 is seeking relief from the By-Law requirements to permit:

- a) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling
- b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling; and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling.

As the property owner of 61 Franklin Avenue I object to this application.

Points a and b proposals impact the adjoining properties of 102 Winston Crescent, 59 and 57 Franklin Avenue; invading their privacy and property values.

Regarding point c proposal, the existing bylaw states an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. According to the plans supplied the proposed accessory apartment is double that what is governed by the By-law.

The result of this addition will impact the neighbourhood adversely:

- The addition encroaches on the existing neighbouring properties and will reduce their property values.
- The existing houses are either single-storey or one and half-storey homes, the addition is a towering two-storey with windows facing toward various neighbour's yards. Per the plans there is an external terrance on the second floor. There is no other home in the neighbourhood with this type of intrusive structure.
 - The result will be a lack of privacy to many of the neighbour homes. Being viewed upon from a higher height will impact the use of the back yards of the current neighbour homes. There will be increased noise from the external use of the outdoor terrance

as it is higher than many of the current homes and sounds will carry throughout the neighbourhood.

- The additions will impact the property values of all neighbouring homes.
- Based on the plans of presented it seems probable that the area will be used as a rental property, again impacting the property values of the neighbouring homes.
- Reviewing the plans, the result of this addition will result in 5 bedrooms in the dwelling. With a potential of 5 adults (if bedrooms are not shared) may also result in 5 cars however only one single garage is planned. Even if there are 3 vehicles, not all will be able to fit into the supplied driveway.
 - Will we now see vehicles being parked in the street? Is there not a bylaw concerning parking in the street in the winter? The plans only outline a single vehicle garage.
 - There will be a significant impact with respect to vehicle traffic.
 - Locally there is the elementary school John Galt and there is a pathway to this school off of Winston Crescent. Many of the neighbour children walk to school and I am mindful of this even on Franklin Avenue as I drive to work in the morning. Adding in additional vehicle traffic should be considered.
 - The neighbourhood is close to St. George's park and is considered a selling point of the neighbourhood as people talk walks, there is a playground etc. The current population comprised predominantly of older residents needs to be considered. The impact of additional traffic in the neighbourhood can be seen on Metcalfe Street. In 2012 an elderly woman was struck and unfortunately passed away due to her injuries near Metcalfe and Bennet, not far from the location of this proposed addition.
 - <https://kitchener.ctvnews.ca/help-guelph-police-identify-elderly-female-1.807883>
 - <https://www.570news.com/2012/05/14/guelph-woman-dies-after-being-hit-by-car/>

It seems that the advantage gained with the adjustments to this variance application lies only with the current owners of 104 Winston Crescent. However there will be considerable disadvantages to multiple property owners. I would suggest that what is being sought by the property owner is not simply a minor variance and what is being requested is, in fact, at odds with *Growth Plan for the Greater Golden Horseshoe, 2017* which provides that residential intensification, including through infill development, is to be encouraged.

The City is bound by s.45(1) of the *Planning Act* which sets out the 4 Part Test for a variance, namely: (1) that the variance maintains the general intent and purpose of the official plan; (2) that the variance maintains the general intent and purpose of the zoning by-law; (3) that the variance is desirable for the appropriate development or use of the land, building or structure; and (4) that the variance is minor. Once again, that is not the case in this application.

What is being requested in this application is at odds with the City's obligation to ensure compatibility with the existing neighbourhood character. The City has an obligation, pursuant to the *Planning Act* and decisions emanating therefrom articulated by the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) to ensure that new development, in this case a two-storey accessory apartment with a size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling, in the existing residential neighbourhood, respects the existing lotting patterns; respects the continuity of front, rear and side yard setbacks and the continuity of the existing streetscape; minimizes overshadowing and overlook and respects the existing scale, massing, height, character and grades of the surrounding area.

For all of the foregoing reasons, I would ask that the application A38/20 be denied.