

Addendum 4 to Comments

October 04th, 2022

Committee of Adjustment

BY VIDEO-CONFERENCE AND LIVE-STREAMING ON TOWN WEBSITE OAKVILLE.CA

1)

CAV A/153/2022

PLAN 995 LOT 20 PT LOT 19

1235 INGLEDENE DR

Proposed

Under Section 45(1) of the *Planning Act*

Zoning By-law 2014-014 requirements – RL7-0

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.2 (Row 5, Footnote 1) The <i>minimum interior side yard</i> shall be 1.2 m.	To permit a <i>minimum</i> (southerly) <i>interior side yard</i> of 0.71 m.
2	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 16.67 m -1.0 m = 15.67 m minimum).	To permit a <i>minimum front yard</i> of 9.18 metres.

Comments from:

Email in Opposition-1

Hello Jasmina

Please accept this official letter of objection to the proposed variances outlined in File No.: CAV A/153/2022 for 1235 INGLEDENE DRIVE PLAN 995 LOT 20 PT LOT 19 for consideration by the Committee of Adjustment.

My name is Neil Ahmed, joint owner with my wife Gay Ahmed of 1231 Ingledene Drive. We object to both proposed variances:

- To permit a minimum (southerly) interior side yard of 0.71m
- To permit a minimum front yard of 9.18m

The proposed variances to the related zoning by-laws and constructing the proposed structure will significantly and irreversibly impact in the following ways:

1. Impact the aesthetic value of the homes on this street
2. Infringe on our backyard quiet enjoyment and privacy
3. Introduce construction traffic, parking, deliveries, noise, dust, stormwater runoff, debris
4. Require difficult construction access with only 0.71m clearance at our property line
5. Remove significant urban forest canopy, additional to that already removed on the site
6. Degrade the historic and characteristic streetscape of our street
7. Degrade habitat in this area for wildlife
8. Result in significant increase to hard surfaces that require stormwater drainage and treatment

In addition, based on recent observations on site and drawings as made publicly available with this application, there is too much uncertainty that post construction site changes will reflect current plans, specifically:

9. Future replacement tree plantings may not be suitably planted, properly cared for or maintained

10. Architectural drawing clarity and detail are inadequate for considering proposed variances

(see below for specifics)

Impact Rationale

Aesthetic value - We have a copy of an original promotional brochure for this neighbourhood when first built by Ruxley Heights Ltd over 60 years ago. It highlights.... *"This is integrated planning - where the plan of the entire community, individual landscaping and the layout of each home are all parts of one master design"*. The ravine homes on the east side of Ingledene Drive, west side of Elgin Crescent and south side of Falgarwood Drive have largely retained the original frontages as envisaged in the early 1960's. There have been no significant variances to original front yard setbacks yet. The homes oriented lengthwise (as with 1231 Ingledene Drive) provides vistas from large picture windows towards the side. The same is true of several addresses on this street (i.e. 1267, 1275, 1297, 1311), The homes oriented widthwise (as with 1235 Ingledene Drive) provides vistas from large picture windows towards the front. At 1231 Ingledene Drive historic vistas will be significantly changed by new construction and a precedent will be set if this variance is approved. Proposed front yard setback of only 9.18m is significantly shorter (41%) than Minimum front yard setback of 15.67m as legally required by By-law. This major variance will significantly impact and reduce enjoyment of adjacent property at 1231 Ingledene Drive as regards historic views out of triple pane living room windows, front bedroom window, front entranceway.

Backyard enjoyment and privacy - During construction our backyard will be subject to construction noise, dust being blown across our vegetation and pool, lack of privacy from construction workers, debris being blown off site into our yard and into ravine. Following construction there will be less privacy since there will be new second floor windows overlooking our backyard. There is concern that the board fence between the two backyards that currently provides suitable visual privacy, may not be adequate since their new patio may be higher than currently. A higher fence may be required.

Construction activity - In addition to above, during construction there will be on-street parking and material deliveries over a prolonged period. During a period when there is no vegetation on the construction site, stormwater runoff will be directed into our downstream front ditch/swale which already suffers from siltation and poor drainage under driveways on either side of 1231 Ingledene Drive.

Difficult construction access - It is unclear how demolition and reconstruction along south edge of site will be accommodated within the proposed 0.71m of available clearance as per the proposed variance and not pushing into adjacent 1231 Ingledene Drive property. This is no wider than a typical wheelbarrow.

Remove urban forest - Since mature trees have been heavily pruned or removed already at 1235 Ingledene Drive and significantly more are proposed to be removed, there is a critical question of how many trees the Town will approve to be removed from a single property and how this will affect the attractiveness of our highly desirable mature neighbourhood? It significantly contradicts Town of Oakville updated [Tree Protection and Tree Canopy Preservation Policy](#). It represents a significant reduction of urban forest in an area known for its magnificent canopy for over 60 years.

Degrade streetscape - Proposed removal of (6) mature healthy trees on front yard of subject site will significantly impact and reduce vistas from all adjacent properties and immediate community as regards historic views across subject front yard from all directions.

Degrade wildlife habitat - Proposed further removal of mature trees from the site will have an impact on the use of the property by a variety of songbirds, birds of prey, bats and small mammals, seen regularly as they move to and from the adjacent ravine.

Increased stormwater drainage - Unclear how proposed roof drainage will be accommodated to not impact adjacent property of 1231 Ingledene Drive. Significantly increased hard surfaces

including roofs and driveway will increase stormwater drainage requirements that may impact our property including a front ditch/swale and a side path that currently receives some of the roof downpipe flow from 1235 Ingledene Drive. In a larger perspective, the existing Ingledene Drive ditch/swale and culverts maintained by the Town are coming under increased strain due to drainage of bigger building roofs, driveways, patios and importantly, an increase in significant storm events.

Replacement tree plantings - It is unclear how any required replacement trees as per Town of Oakville requirements can be incorporated into site plan given that (i) there will be little if any suitable canopy space for planting and long term growth of those trees (ii) recent planting of (8) new replacement Cedar trees along south property line have not been properly cared for or maintained and most are either distressed or dead after only a few months (as per below photo). These replacement trees are not shown on the Site Plan as retained or protected. Is the Town accepting of these practices?



Drawing clarity and comprehension - Several survey and architectural drawings as submitted have either out of date details, have errors in detail that wrongly reflect proposed changes and future conditions or are confusing to interpret due to inconsistent use of shading and incorrect notes. Following are some observations as regards the drawings provided publicly to support the variance applications:

Site Survey

- Missing sizable mature Blue Spruce tree near property line on 1231 Ingledene Drive property
- Missing (8) newly planted replacement Cedar trees along south property line in backyard
- Sizable mature Cedar tree recently removed near property line with 1231 Ingledene Drive is still shown (may be other recent tree removals still shown)

Drawing Cover Page

- Dated 04/09/2020 which is incorrect
- Aerial photo is out of date with recently removed trees on 1235 Ingledene Drive still shown

Site Plan

- Variance of south extents of proposed building 0.71m which is reduced from current 1.2m for a corner is obscured on drawing to not properly show proposed roofline as relates to property line

- Unclear how demolition and reconstruction along south edge of site will be accommodated within site and not intruding into adjacent 1231 Ingledene Drive property using 0.71m finished width
- Unclear how demolition and reconstruction along south edge of site will retain and protect Blue Spruce tree on adjacent 1231 Ingledene Drive property - tree is not shown as per survey note above and proposed roofline is obscured on drawing
- Unclear how backyard board fence and chain link fence along south property line are impacted
- Unclear use of dark and light colours to depict existing and proposed building
- Note concerning (2) trees removed near south property line incorrectly references only (1) tree
- Unclear need for removal of large mature Red Maple tree in front yard since proposed garage can accommodate canopy
- Unclear need for removal of large mature tree in front yard near proposed driveway since 4.95m width of driveway could be reduced to better protect tree root integrity
- Unclear if (2) current Cedar trees near south property line as shown on survey will be removed since they are not shown
- (8) newly planted replacement Cedar trees along south property line in backyard are not shown to be protected or retained
- Unclear if a current Cedar tree near rear easement labelled 0.15 dia CON. and partially shown on site plan will be removed since it is not shown

Proposed Elevation Drawings (North, South, East, West)

- Depiction of existing foundation to be retained and proposed new foundation is unclear since use of dark and light colours with reference notes are not consistent (i.e. West Elev shows Ex Foundation to Remain in dark but use of colours is not in other Elevation drawings)

In addition to the above and for the consideration of the Committee of Adjustment, we focus on and summarize all of the above comments into the four tests under the *Planning Act*:

- Does the variance maintain the general intent and purpose of the official plan?
- Does the variance maintain the general intent and purpose of the zoning by-law?
- Is the variance desirable for the appropriate development or use of the land?
- Is the variance minor?

The *Official Plan* designates the immediate area of 1235 Ingledene Drive as Low Density Residential. Specifically Section 11.1.9 provides policies with an intent (in summary) that scale, height, massing, architectural character and materials be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood and that impacts on adjacent properties shall be minimized in relation to several aspects including privacy and shadowing. It is our opinion that the proposed building will have a massing and scale that make it look larger than existing homes on this street and do not integrate into the mature and unique architectural character of this block of homes. The size of the proposed building is not compatible with that of existing homes and therefore impacts onto the abutting dwellings on this street. The proposed setback of 9.18m is also significantly changed from that of the original development plan already mentioned in Aesthetic value above.

As relates to consideration of the Town's *Design Guidelines for Stable Residential Communities*, that focuses on maintenance and preservation of neighbourhood character, we are of the opinion

that in conflict with *3.1.3 Scale* - that the proposed building will look substantially larger than other homes in the immediate vicinity. Similarly, in conflict with *3.2.1 Massing* - that the proposed architecture does not reduce building massing to reflect the scale and character of adjacent homes in the immediate vicinity. The relevant Zoning By-laws are intended to protect the stability of neighbourhoods as required in the *Official Plan* and scale and massing are integral to this retention of neighbourhood character and are as such, relevant to the proposed variances.

The proposed Variance #2 that significantly reduces the minimum front yard dimension is not minor in nature and will have negative impacts in terms of massing and scaling on the immediate abutting properties including ours at 1231 Ingledene Drive and the surrounding neighbourhood. It also contradicts the Town of Oakville updated *Tree Protection and Tree Canopy Preservation Policy* and specifically *BY-LAW NUMBER 2017-038* which in part indicates that the Town of Oakville recognizes the ecological and aesthetic value of trees and is desirous of managing the destruction and injury of trees.

On the basis of the above, it is our opinion that the Variances #1 and #2 as requested and that together accommodate the proposed construction of the building do not satisfy the four tests under the *Planning Act*:

Regards, Neil and Gay Ahmed, 1231 Ingledene Drive