

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/109/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
LARRY FLETCHER DONA ASCIAK 1118 LAKESHORE ROAD E OAKVILLE ON, L6J 1L2	STEPHANIE MATVEEVA and JIM LEVAC GLEN SCHNARR & ASSOCIATES INC. 10 KINGSBRIDGE GARDEN CIR SUITE 700 MISSISSAUGA ON, CANADA L5R 3K6	1118 LAKESHORE RD E PLAN 948 LOT 8 AND CON 4 SDS PT LOT 9

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY

ZONING: RL1-0

WARD: 3

DISTRICT: EAST

APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of ground floor additions to the existing detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.2 c) iii) The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To permit the maximum width of the driveway to be 15.75 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
2	Section 5.8.6 c) For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To permit the maximum total floor area for the private garage to be 137.56 square metres.
3	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.2 m.	To permit a minimum (easterly) interior side yard of 2.69 m.
4	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.2 m.	To permit a minimum (westerly) interior side yard of 1.71 m.
5	Table 6.3.1 (Row 9, Column RL1) The maximum dwelling depth shall be 20.0 m.	To permit a maximum dwelling depth of 42.52 m.
6	Section 6.4.2 a) (Row RL1, Column 3) The maximum lot coverage shall be 25% (690.59 m ²) where the detached dwelling is greater than 7.0 metres in height; (Lot area is 2762.36 m ²).	To permit the maximum lot coverage to be 31.79% (878.09 m ²) for the detached dwelling which is greater than 7.0 metres in height.
7	Section 6.5.2 c) The maximum height for any accessory building or structure shall be 4.0 metres measured from grade.	To permit a maximum height for the accessory building to be 5.28 metres measured from grade.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on November 1st, 2022. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/109/2022 - 1118 Lakeshore Rd E (East District) (OP Designation: Low Density Residential - Special Policy)

This application was deferred at the July 5, 2022, meeting at the request of the applicant in order to address staff concerns. The applicant updated the application by increasing the requested driveway width from 15.66 metres to 15.75 metres and removing the previously requested height variance which was for an increase from 9.0 metres to 9.2 metres). The Staff comments previously provided are revised as follows:

The applicant is proposing to construct an addition to the existing heritage home subject to the variances above.

The area is characterized by one and two-storey dwellings original to the area and two-storey new construction with a variety of lot sizes and dwelling designs. Large dwellings in the area typically have adequate separation to adjacent dwellings and properties.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development which maintains the integrity of the large lots and does not negatively impact surrounding properties.

According to Section 5.1.1 of the Official Plan, one of the general objectives for cultural heritage are:

- a) *to conserve cultural heritage resources through available powers and tools and ensure that all new development and any site alterations conserve cultural heritage resources.*

The subject property is designated under Part IV of the Ontario Heritage Act by By-law 1993-023. A Heritage Impact Assessment (HIA) has been submitted by the applicants as part of the Committee of Adjustment application and provides an assessment of the proposal regarding its impact on the cultural heritage value of the property. The HIA includes a list of heritage attributes which are consistent with those described in Designation By-law 1993-023.

The HIA references the Standards and Guidelines for the Conservation of Historic Places in Canada ('Standards and Guidelines') as a relevant policy to consult when assessing this type of proposal. Oakville Town Council has also adopted the Standards and Guidelines as a policy framework to be used when assessing alterations to individually designated properties. Staff have concerns with the proposed application where the proposed work, in our opinion, does not comply with number 11 and number 12 of these standards and guidelines.

Standards and Guidelines:

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

The proposed new addition is significant in size and its overall massing, footprint and location is considered to be overwhelming on the heritage house and therefore not subordinate to it, as required by number 11. In accordance with number 12, areas where the new addition is attached to the exterior walls of the existing heritage house, the existing exterior walls must be retained internally to ensure that the form and integrity of the heritage house will not be impaired if the new addition is removed in the future.

Heritage Planning staff have additional concerns with the proposal that can be addressed through the heritage permit process. These concerns relate to materials, chimney design, door design and other architectural details. A major heritage permit will be required for the proposed work.

Evaluation of Variances:

Staff are of the opinion that the variances are interrelated and have therefore provided comments as a whole. The applicant proposes to maintain a portion of the existing heritage home, replace the existing three car garage with a new six car garage, replace a two-storey portion of the existing dwelling, add a one-storey addition at a two-storey height incorporating open to below elements, add covered walkways and a covered porch and introduce an accessory building (cabana).

Variance #1 – Driveway Width (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increased driveway width from a maximum of 9.0 metres to 15.75 metres. The intent of regulating the driveway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm, including impacts on drainage and stormwater

infiltration. Staff are of the opinion that a variance regarding driveway width is interrelated to the variance regarding private garage floor area since the increased width is proposed to accommodate a larger garage.

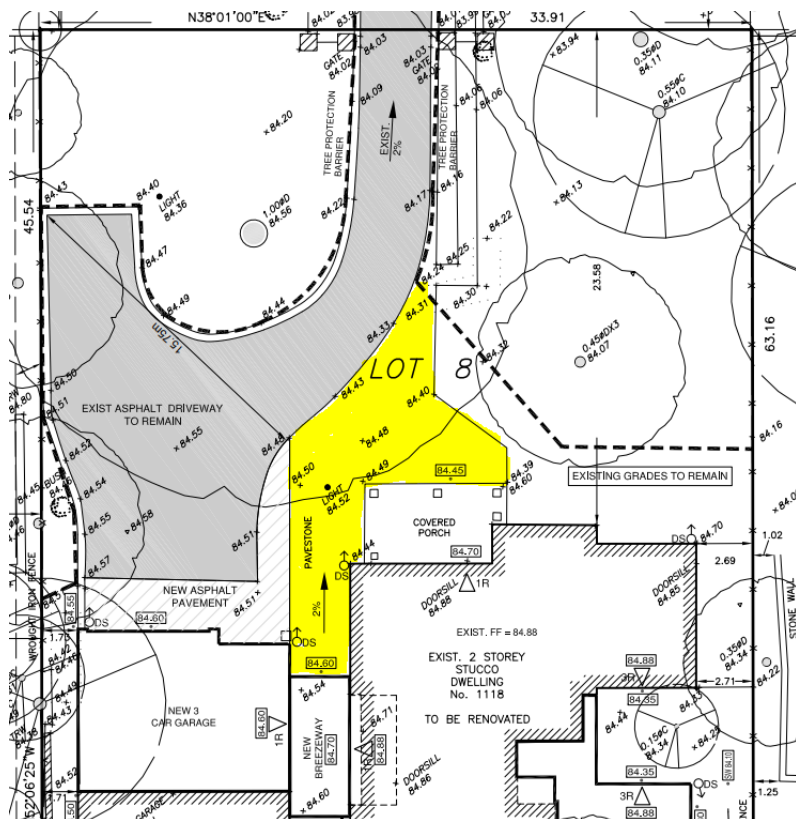
The Design Guidelines for Stable Residential Communities serves as a basic framework to guide decision-making on the physical layout, massing, functioning and relationships of new and modified dwellings in stable residential communities. Section 3.3.2 provides guidance on driveways and walkways specifically the following guideline:

1. *New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*

It is staff's opinion that the proposed driveway does not meet the intent of the Official Plan, the Zoning By-law, is not minor and is not desirable for the development of the subject property.

Notwithstanding the comments above, it appears that pave stone is proposed adjacent to the proposed driveway and wraps around the front porch which would be considered an extension of the driveway as highlighted in the excerpt of the site plan below. This would result in a greater driveway width than requested. Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with the driveway width regulation during construction, which may or may not be in general accordance with the plans submitted with this application. Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications.

Excerpt of site plan prepared by applicant with pave stone area highlighted:



Variance #2 – Private Garage Floor Area (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56 square metres to 137.56 square metres for a total increase of 81.56 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. Staff are of the opinion that the requested variance related to private garage floor area is interrelated to the request for a reduced westerly interior side yard setback.

Variance #3 – Easterly Interior Side Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a reduced easterly interior side yard setback from a minimum of 4.2 metres to 2.69 metres. The side yard is measured from the easterly lot line to the main wall of the addition. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, the reduced setback is interrelated to variances related to dwelling depth and lot coverage.

Variance #4 – Westerly Interior Side Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a reduced westerly interior side yard setback from a minimum of 4.2 metres to 1.71 metres. The side yard is measured from the westerly lot line to the main wall of the garage. This variance also seeks relief to the proposed covered porch allowing for a setback of approximately 3 metres when 4.2 metres is required. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, the reduced setback is interrelated to variances related to private garage floor area, lot coverage and dwelling depth.

Variance #5 – Dwelling Depth (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 42.52 metres for an increase of 22.52 metres. One of the intentions of regulating the dwelling depth is to ensure that an adequate rear yard amenity space is provided and reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. It is also intended to control the massing and size of new dwellings in relation to adjacent properties. In this instance, the increased dwelling depth is interrelated to variances related to lot coverage and side yard setback.

Variance #6 – Lot Coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (690.59 square metres) to 31.79% (878.09 square metres) for an increase of 187.5 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. In this instance, the increased lot coverage is interrelated to variances related to dwelling depth and side yard setback.

As the applicant is requesting to increase the lot coverage beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater

management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #7 – Accessory Building Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building from 4 metres to 5.28 metres for the detached garage. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property. In this instance, staff are of the opinion that the accessory building will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties.

Analysis:

As a whole, there is a negative cumulative impact of the requested variances, with the exception of variance #7 related to the accessory building. The subject property is a large lot with an existing heritage home. Based on the application as submitted, it is staff's opinion that the cumulative impact of the requested variances results in an unacceptable adverse impact. The current design undermines the heritage value of the property and undermines performance standards.

Based on staff's review of the application, it is staff's opinion that the proposed dwelling, (as a result of the proposed additions), including the setbacks, and scale fail to maintain and protect the existing neighbourhood character. As mentioned, Section 11.1.9 of the Livable Oakville Official Plan sets out criteria to ensure new development will maintain and protect the existing neighbourhood character. As part of this review, the Design Guidelines for Stable Residential Communities were applied. The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. This is an important objective of the Livable Oakville Plan in stable residential areas.

According to the Town's Design Guidelines for Stable Residential Communities, Section 3.1.1.2., *"new development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood."* Also, *"new development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and complement the surrounding residential community"* (3.1.1.1).

Variances #3 (easterly interior side yard), #5 (dwelling depth) and #6 (lot coverage) are all related to the addition that extends along the easterly property line. The covered porch along the westerly lot line would also benefit from the relief being sought through variances #4 (westerly interior side yard), #5 (dwelling depth), and #6 (lot coverage). Lot coverage and dwelling depth are both intended to regulate the mass and scale of a dwelling. The applicant has removed a variance to increase the requested height of the dwelling; however, it is worth noting that the entire dwelling still maintains a two storey height in combination with the requested increase in lot coverage and dwelling depth and decrease in side yard. The increase in lot coverage and dwelling depth in combination with the reduced side yard setback for the full length of the dwelling results in an impact that is considered unacceptable. The reduced side yard setback results in reduced separation to the adjacent property and the loss of trees which currently act as a privacy screen between the properties.

Variances #1 (driveway width), #2 (private garage floor area), and #4 (westerly interior side yard) are all related to the 6 car garage as the driveway is wider to facilitate the three tandem

bays, there is a reduced westerly side yard setback to accommodate the width of the garage and the garage area is proposed to be increased by 81.56 square metres. The proposed garage is set closer to the front lot line and will be more prominent on the lot as seen from the streetscape and detracts from the heritage portion of the dwelling. The proposed garage addition also results in an increased massing along the westerly lot line adjacent to the rear yard of the neighbouring property. The private garage area also contributes to the requested increase in lot coverage. It is staff's opinion that the variances related to the proposed garage are not minor and do not meet the intent of the Official Plan or Zoning By-law, are not minor, and are not desirable for the neighbourhood.

Conclusion:

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties, and a dwelling with a disproportionate mass and scale, in the context of the surrounding neighbourhood. The dwelling, as proposed, fails to maintain and protect the existing neighbourhood character. This would not maintain the intent of the Livable Oakville Plan, the Zoning By-law, nor be minor or desirable.

In summary, based on the application as submitted, staff are of the opinion that variances #1, #2, #3, #4, #5, and #6 should not be supported as they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #7 satisfies the four tests under the *Planning Act*.

Fire: No Concerns for Fire. DL]

Transit : No comments.

Halton Region: CAV A/109/2022 – L. M. Fletcher & D. L. Asciak, 1118 Lakeshore Road E, Oakville

- It is understood this application was deferred from July 05, 2022. Regional comments provided on June 27, 2022 still apply.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase in the maximum width of the driveway, an increase in the maximum total floor area for the private garage, a decrease in the a minimum (easterly) interior side yard, a decrease in the minimum (westerly) interior side yard, an increase in the maximum dwelling depth, an increase in the maximum lot coverage, and an increase in the maximum height for the accessory building, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a ground floor additions to the existing detached dwelling on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 1.

Request to Attend -1

General notes for all applications:

Note: *The following standard comments apply to all applications. Any additional application specific comments are as shown below.*

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments / authorities (e.g. Engineering and Construction, Building Services, Conservation Halton, etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Request to Attend:

Hello Jasmina,

As per our phone conversation, I plan to attend along with my lawyer to the committee of adjustment meeting scheduled for November 1 2022. This is in regard to CAV A/109/2022. Could please send me a link to the meeting it would be greatly appreciated.

Also send a link to my lawyer, Giouzelin Mutlu .

Sincerely,

Rod Barakat



Barristers & Solicitors

Brian J. Hanna	Tanya A. Leedale
Robert Krizman	Orie H. Niedzwiecki
James McAskill	Evelyn Perez Youssoufian
Konstantine J. Stavrakos	Lynne A. Daubaras
Owen J. Duguid	Kellie Gray
Geraldine C. Hewitt	Alexander J. Parr
Kaleigh Dryla	Giouzelin Mutlu
Aleksandar Tomasevic	Francis Allen

Counsel: Michael C. Morgan

October 28, 2022

DELIVERED VIA EMAIL

Attention: Secretary-Treasure
Committee of Adjustment
1225 Trafalgar Rd.
Oakville, ON L6H 0H3

Dear Secretary Treasurer,

**Re: Item 6.9 - CAV A/109/2022 - 1118 Lakeshore Road E - Deferred from July 05th, 2022
Committee of Adjustment Hearing November 1, 2022 @ 7:00 p.m.**

Please accept the following as our written submissions regarding the minor variance application referred to in the subject line. Please note that we will also be attending the Committee of Adjustment Hearing scheduled for November 1, 2022, at 7:00 p.m. to present our oral submissions.

We represent Rodrigue Barakat, who is a neighbour of the Applicants. Mr. Barakat is located at 83 Brentwood Road in the Town of Oakville. The north and east sections of his property abut the west and south sections of the Applicants' property.

Under subsection 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, the variance application must:

1. maintain the general intent and purpose of the Official Plan;
2. maintain the general intent and purpose of the Zoning By-law;
3. be a desirable variance for the appropriate development or use of land; and
4. be a minor variance application.

Based on our review of the drawings, reports and other materials, our client's primary concerns with respect to the variance requests are:

- Variance 4 – the minimum (westerly) interior side yard;
- Variance 5 – the maximum dwelling depth;
- Variance 6 – the maximum lot coverage; and
- Variance 7 – the maximum height for the accessory building.

VARIANCE 4 – MINIMUM SIDE YARD

Under the Town's zoning by-law, the Applicants' property is required to have a minimum interior side yard of 4.2 m, but the Applicants have made a variance request to permit a minimum (westerly) interior side yard of 1.71 m. In other words, this is a 60% reduction from the minimum side yard requirements.

The Applicant's westerly side yard abuts with our client's backyard, so a decrease in the minimum (westerly) side yard requirements will allow the Applicant to build and erect a structure extremely close to Mr. Barakat's property.

While my client does not have any specific concerns regarding the Applicant's intention to extend the existing garage northward at a minimum westerly side yard distance of 1.71 m, he does have concerns regarding the proposed covered porch which only allows for a setback of approximately 3 m when 4.2 m is required.

The minimum side yard regulation under the Town's zoning by-law is intended to ensure that an adequate degree of separation is provided between dwellings on adjacent parcels, and to ensure adequate privacy and drainage. The covered porch, which is to be built close towards Mr. Barakat's property, would not allow for an adequate degree of separation between the properties, nor adequate privacy, drainage, or distance from the subject property's lights.

VARIANCE 5 – MAXIMUM DWELLING DEPTH

According to the Town's zoning by-law, the maximum depth permitted for the Applicants' property is 20.0 m, but the applicant has made a variance request to permit a depth of 42.52 m, which is more than double the depth. The maximum dwelling depth regulation under the zoning by-law is intended to control the mass and scale of dwellings, and to prevent the building structure from becoming overbearing on any adjacent property.

The proposed one-storey residential addition is intended to extend very deep into the Applicants' backyard and will be at almost a two storey-height. While the resulting increase in dwelling depth is excessive from a quantitative perspective, it will also have a large qualitative impact.

The proposed building structure along the eastern portion of the Applicants' property will be overbearing on Mr. Barakat's property, contrary to the intent of the zoning by-law. Mr. Barakat is concerned about the resulting darkness from the structure's shadows; the obstruction of his view due to this manmade structure; and the lack of privacy due to the addition being built extremely close to their backyard. Mr. Barakat and his family will not be able to enjoy their backyard if this development occurs.

VARIANCE 6 – MAXIMUM LOT COVERAGE

The applicant seeks to permit a maximum lot coverage of 31.79% whereas the Zoning By-law permits a maximum lot coverage of 25%. The intent of the maximum lot coverage regulation is to ensure that an appropriately sized dwelling is built on the lot (to control mass and scale), restrict excess development, and maintain adequate open and green space.

The 187.5 sq m (or 2,018 sq. ft) increase in additional lot coverage will result in excess development, more hardscaping and patio surface, and less green space. The subject property is also a large lot which already allows for a greater amount of lot coverage since lot coverage is a percentage of the area of the lot.

Additionally, this over development of the backyard of the property is not consistent with the neighbourhood character, as a development should be compatible with the setbacks and separation distances within the surrounding neighbourhood.

VARIANCE 7 – MAXIMUM HEIGHT FOR THE ACCESSORY BUILDING

The Applicants also seek to permit a maximum building height for an accessory structure of 5.28 m whereas the Town's zoning by-law permits a maximum height for accessory structures of 4.0 m.

The proposed skylight for the pool house is larger than the maximum size permitted for the exemption from the maximum height provisions. One of the intents of the maximum height provisions for accessory structures is to ensure that such structures remain ancillary and subordinate to the main use permitted on the subject property.

Given the size of the pool house, it is possible that it may not be ancillary to the subject property. Additionally, given that the location of the pool house will be in the backyard next to Mr. Barakat's property, it will likely cast a shadow over his backyard, obstruct the view from his backyard and from inside his home, and minimize privacy.

Town's comments

We largely agree with the Town's comments in its Minor Variance Report, including its comment that *"the increase in lot coverage and dwelling depth in combination with the reduced side yard setback for the full length of the dwelling results in an impact that is considered unacceptable."* We also agree with the Town's findings regarding variance #1 to #6, including its findings with respect to the Official Plan and Zoning By-Law. However, we disagree with the Town's finding that variance #7 (the accessory building height) is supported under section 45(1) of the Planning Act. The Town's finding may be due in part to some confusion regarding the type of accessory structure. The Town notes the accessory structure as the "detached garage", but the variance is with respect to the pool house in the rear yard.

Conclusion

Based on our analysis, variances 4, 5, 6 and 7 should not be supported as they do not maintain the general intent and purpose of the Official Plan and the Town of Oakville's zoning by-law, are not a desirable variance for the appropriate development or use of land, and are not a minor variance, as is required by section 45(1) of the Planning Act. The cumulative impact of these variances is a negative and adverse impact on adjacent properties, including Mr. Barakat's property.

Accordingly, we ask that the Committee of Adjustment refuse the Application.

While our client has indicated to us that he is willing to work with the Applicant, his neighbour, to address these concerns and find a workable solution, the current request will have a significant, determinantal impact on his property and other neighbouring properties.

Additionally, since this application was deferred in July 2022, meaningful changes have not been made by the Applicant to address any of our client's concerns.

Lastly, our client has also informed us that some of the neighbouring properties are currently vacant or not occupied by their owners, which will likely affect the attendance at the November 1, 2022 Committee of Adjustment meeting.

Yours truly,

O'CONNOR MACLEOD HANNA LLP

A handwritten signature in black ink, appearing to read 'Giouzelin Mutlu', is positioned above the printed name.

Giouzelin Mutlu