

JAN. 8/20

1065

ATTN.: WENDY KAUFMAN / COES

Ref.: 751-3 / 19-3
Submission / Request.

From: owner 2177 Falconbridge Rd.

TO: FAX # 705 673 2200

Please find attached as previously discussed.

We have looked at everything, and as the abutting landowner, we have some very simple suggestions/requests.

Thank You

P.S. Will call you later this week.

Jan. 06, 2020.

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Attn.: Planning Services , COGS

Attn.: Councillor Jackubo

Ref.File: 751-3 / 19-3

From: Owner 2177 Falconbridge Rd., (Adjacent Property)

Madam/Sir,

As owner of 2177 Falconbridge Rd., I believe that a fence to provide privacy and to restrict access is a required condition prior to any consideration of this re-zoning request.

The reasons for such a barrier seem obvious and should have already been considered prior to this point in this application. As you know, this is an application to modify the zoning and effectively quadruple the occupancy. In a residential setting, this can be a substantial disruption. Having said this, I feel the need to explain further, and convince all parties that a fence is a very reasonable request, benefitting all parties.

This request for re-zoning is a request for a quadrupling of the previous or current occupancy, as well as a change to a rental property and a change to an absentee landlord/owner. A possibility of anywhere of 12-20 new neighbours and their visitors is not out of the question.

As per the proposed property/site plan, the main outdoor space for this quadrupled occupancy will be completely along the entire length of 2177 Falconbridge Rd., my property. I argue that my property is "most affected" by this re-zoning. (please see site layout)

It is important to remember that this re-zoning is being sought for a business/profit venture. I believe that this makes it even more important that the outcome does not diminish adjoining properties in any AVOIDABLE manner. Nothing is worse than identifying a future problem/problems and letting them happen without taking reasonable action(s) to avoid such. In my experience with Planning, this is one of their primary goals.

Equality of treatment for all affected parties is also very important. As an example, in this particular application, the only other abutting neighbour is benefitting from a 1.9 m privacy fence. This neighbour's exposure to the proposed re-zoning is only their masonry sidewall and a four foot unuseable setback strip. Essentially, there is no reduction of privacy nor any significant potential for accidental or intentional trespass(see site plan). Furthermore, this neighbour has 22.86 m of linear exposure to the proposed re-zoning. Nevertheless, this neighbour will benefit from

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a privacy/ physical barrier fence. My property does not benefit from a proposal for a fence. Equality of treatment, says it should. In comparison to 22.86 m of linear exposure, my property has 61.57m of linear exposure, yet the proposed plantings do not provide equal or adequate privacy nor do they provide equal or adequate barrier to physical access. Furthermore, and when you look at the site plan, you will see that the proposed "courtyards" face or are exposed to my entire open property/outdoor space (not a brick wall/four foot setback strip).

The privacy of my property is greatly more diminished and the potential for accidental or intentional trespass is greatly increased, however, the proposed ameliorative measures are not even equal, for both neighbours, in fact, they are less. This is unequal treatment.

* Regardless of the setback requirements for fencing versus plantings, I remind you that you are proposing variances of setback to the applicant along both roadways. If you can vary these to allow this business venture, then certainly you can justify an additional request (or variance) to add a fence where the applicant could get away with plantings. One variance is for profit, the other is to avoid loss (or diminishment of enjoyment).

In summary, if you are providing "variance" to the applicant, then you are fully able "vary" your conditions on my behalf. This comes closer to equality of treatment. In the applicant's proposed business venture, costs can be recuperated by adjusting prices. Once the project is complete, diminishment of quality of life or enjoyment on the other hand is not possible, and problems can worsen over time.

In this case, that is a request for a QUADRUPLING OF OCCUPANCY combined with the fact that this quadrupled occupancy will now be RENTAL occupancy. The reality is that there will be a changing of the occupants on a more frequent basis, and these occupant changes will potentially be quadrupled.

Once the good rules of neighbourly existence are established, they may be undermined by changing to new occupants on a potentially regular basis. Fences (some with signs) diminish most negative interactions and enhance privacy. Children understand fences. Pets cannot cross fences, and so on. My argument is that the proposed "3 m planting" is not the best reasonable solution to
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minimize the potential negative impacts I have identified, especially with a changing occupancy. A fence is the most effective ameliorative measure, if the goal is fairness.

Shrubs or trees would have to be a "thick impassable hedge" PRIOR TO THE OCUPANCY PERMIT. But it is a proven fact that such "plantings", as they are currently proposed, may never materialize, or even if installed fully grown, may die over time. This cannot be monitored. (see Rainbow Concrete along Falconbridge Rd. for an exact example)

Once occupancy is granted, and with diminished enjoyment of use, (among other potential problems) I will now bear the burden for fighting with by-law enforcement, and with the absentee landlord. This is not to mention the potential for conflict with a proposed quadrupled number of occupants and visitors. In a worst case scenario, this could become a nightmare. Currently, and in the past there were/are no such problems.

Another issue with quadrupling of the occupancy without a physical barrier, greatly increases the potential for trespass and the conflicts that can result from this. This increases the potential liability for my property. Neighbours, especially children and visitors, can claim ignorance. In a planning sense, a fence lessens significantly the possibility of all of the above occurrences. Requiring a fence illustrates more diligence and foresight in the planning process. I argue that when you quadruple, or otherwise significantly increase, the occupancy and increase the potential liability next to a low occupancy zoning, fences should always be demanded of the applicant, especially in a for profit business venture. COGS and Planning should make this a rule.

We should avoid creating potential burdens (and costs) on an already overburdened By-Law Enforcement department, and we must avoid adding burdens on neighbours, especially with for-profit business proposals and applications.

With all of the above being said, for the applicant, a cost-benefit analysis would show that a fence is favourable to a fully grown planting (although from my perspective and the COGS perspective the cost to the applicant should be of less of concern than to those who have no benefit).

Please consider that the COSTS of a fully grown planting prior to occupancy are high, and maintenance is also a cost.

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Removal and re-planting are also a potential repetitive cost. Many of these costs are hard to determine.

On the other hand, the BENEFITS are numerous:

- diminishment of neighbours property rights and diminished of enjoyment are lessened; and,
- liability is lessened; and,
- potential conflict is lessened; and,
- useable yard space is increased (ie gain 3m x 48.77m of useable yard); and,
- greater safety for all children and visitors; and,
- less pets either entering or leaving property; and,
- less black bears roaming onto property looking for four barbecues (and household waste x 4); and,
- less chance of wild animals living in the proposed 3 m planting strip (directly adjacent to the dwelling); and,
- a very accurate, one-time for a fence; and,
- and appearance of fairness for neighbours of equal standing.

Considering the benefits and costs of an effective and permanent fence versus hedges that accomplish nothing if they are not impassable and permanently maintained, a fence can be argued to cost less. Not diminishing your neighbour by allowing your neighbour to remain whole is a permanent benefit.

For all of the reasons I have provided, I am only requesting a fence be added as a condition. Regardless of the setback distances, and considering this is a business venture, all parties should benefit from "variances" to the rules.

Thank you for your time and for your consideration at this preliminary stage. I will contact Councillor Jackubo with my contact information.

Sincerely,

G.Michelizza (owner 2177 Falconbridge Rd.,)