

## Holly Willford

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**From:** Jenny Jensen <[REDACTED]>  
**Sent:** Friday, December 20, 2019 11:03 AM  
**To:** Holly Willford  
**Subject:** Fwd: 20 Alan Crescent - File A28/2019P, A29/2019P, B11/2019P  
**Attachments:** Letter #2.pdf

Begin forwarded message:

**From:** Jenny Jensen <[REDACTED]>  
**Subject:** 20 Alan Crescent - File A28/2019P, A29/2019P, B11/2019P  
**Date:** December 20, 2019 at 9:27:06 AM EST  
**To:** Nancy Bozzato <[nbozzato@pelham.ca](mailto:nbozzato@pelham.ca)>

Hi Nancy

Let me know please that you received this email ok.

Thanks

Ron Jensen







Dec. 19 ,2019

To: Town of Pelham Committee of Adjustment

From: Robert Jensen

Re ; File A28/2019P, A29/2019P, B11/2019P

I am writing in response to the planning justification report prepared for the above mentioned applications for variance. This report relies heavily on provincial and regional policies on urban intensification. In fact, it is pretty much the entire argument. Yes, it is true that if you add a dwelling to this property that there will be one more dwelling in Fonthill. It would add residents and help meet provincial and regional requirements for intensification. But that would be true if a dwelling was built anywhere within the Fonthill Urban Area. It does not give justification for adding a dwelling in this particular spot. The provincial and regional policies are general guidelines and minimum goals for municipalities to meet on their own. They clearly state municipalities are to develop strategies to accomplish these goals (PTG 2.2.2 #4) Currently, Fonthill is on track to meet or exceed its requirements through 2031 (Town of Pelham Official Plan A3.2). This is being done quite wisely through newly created development areas and by redeveloping existing lands that were once schools, lumber yards, arenas, rental halls etc. There is still plenty of under-utilized space in Fonthill. There is no need to undermine our bylaws to accomplish Intensification as this will set a precedent for future development. Within the Planning Act under Zoning bylaws, it states the following; **“ An official plan sets out your municipality’s general policies for future land use. Zoning bylaws put the plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. Construction or new development that doesn’t comply with a zoning bylaw is not allowed, and the municipality will refuse to issue a building permit.”** This statement is absolutely clear and cannot be interpreted in any other way. When it comes to land severance approvals, the Planning Act states that **“consideration must be given to the effects of the division of the land on the site, on the neighbours and on the community as a whole.”** Also found under land severances, **“In considering each application for land severance, the consent granting authority evaluates the merits of each proposal against criteria such as: compliance with local zoning bylaws.”**

Any intensification efforts within existing fully developed neighbourhoods will be futile at best if bylaws are not adhered to. If this proposal is allowed, and our bylaws are rendered useless, developers will try this everywhere within R1 zoned subdivisions. This will lead to grief and conflict for existing residents and accomplish very little in terms of housing densification. There will be conflict between residents, residents and the town, residents and developers and it will take decades to increase by the slightest bit. This application alone has stressed me and my neighbours and is now consuming considerable amounts of our time. I am in full support of efficient use of land in urban areas to preserve our beautiful agricultural and forested lands. This, however must be done in a fashion that respects the existing residents and their properties. I feel like I am defending my property when bylaws should do that for me. Residents should not have to present reasons why not, but rather this report should give legitimate reasons for allowing such variances, which it fails to do.

At one point in this report it correctly states that this property is not in any area designated for intensification. It then goes on to say that “ The introduction of one additional dwelling is considered to have no significant impact on the character and density of the of the

neighbourhood.” This runs contrary to the main reason this report gives for allowing these variances, which is densification goals. It seems to down play the affects when they are negative. Depending on how big you draw the circle, the density percentage changes. It will not significantly affect the density of the province either. What it will do, however is increase the density significantly for the four surrounding neighbours. There will be 4 houses where there were once 3. That’s a 33% increase. With a lot this small, all of the separation between houses comes at the expense of neighbouring properties. We choose a low density subdivision and should not have higher density imposed on us.

This report also claims that “the proposed lot will be comparable in size to those found in the surrounding neighbourhood”. This is only true if you draw comparisons with R2 zoning adjacent this R1 area. This property is near the boundary between the two zones. If this logic is applied, then all R1 zoned areas bordering R2 zones are susceptible. The truth is that this new property would not even be close to comparable to adjacent R1 properties. Most of the lots are much larger than the required 700 sqm minimum. They are mostly larger than 1000 sqm but slightly less than the required 1400 sqm required to split. This was designed into this subdivision to prevent severance. This newly created lot would only be 1/3 of the average sized lots surrounding this property. Not at all comparable.

This report suggests that surrounding neighbourhood frontages range from 12m to 30m. This statement is again misleading as it draws comparison to R2 zoned properties near by. Most of the lots in this R1 subdivision meet, or far exceed the 9.2m requirement. The ones that do not are pie shaped lots and or they meet the minimum area requirements. A 14.2m frontage would be only about 1/2 of the average.

In regards to the character of the neighbourhood I would describe it as spacious, green, quiet and private. This new lot negatively affects all of those qualities. The homes in this R1 subdivision have spacious, larger than required lots. The houses are mostly low profile bungalows, very well built and very well kept. They have been invested in and upgraded on a continuous basis. The homes are centred on their lots providing generous room between houses and good views and site lines. This separation also provides privacy, room for trees, less light effect from neighbouring properties, less noise, etc. The two new properties created will not be consistent with these characteristics.

This report mentions that the separation between the proposed building envelope and the adjacent dwelling at 9 Highland will be 22m. It fails to even mention my adjacent property at [REDACTED] highland which will be only 18.5m of separation from my house and 14.5m from my raised patio. This seriously decreases the distance between houses and also affects views and site lines.

In regards to my property, there would be significant negative effects. This justification report conveniently does not mention my property. The consultant realizes there is nothing positive to say about this situation. Changing the orientation of this property to allow construction 1.2m from the rear of my property instead of the 7.5m required by the current backyard will have dramatic negative affects on my backyard. The houses on highland existed before Elizabeth st. and Allan Cr. were created. When this subdivision was designed 65 yrs ago that fact was recognized and a backyard to backyard situation was established to respect the existing properties and the bylaws would preserve this. There would be no reason to allow the reorientation if the lot is too small to split. Most of the lots are under the 1400 sqm threshold precisely so they can’t be split. This was by design. A reorientation would give me a third side neighbour on a rectangular interior lot. This situation exists very little within the R1 boundary. Where it does, it was most likely established before the properties were developed. Changing this situation after surrounding properties have been developed is simply not fair. I cannot move my house or pool. If I could, I have room to move everything 25’ closer to Highland Ave.

without even breaking a bylaw. I can't make mature trees suddenly appear, nor do I have room for them since installing a pool. I did not plant trees in this area out of respect for my neighbours pool, which existed before we moved in 20+ years ago. They also were not needed for privacy with the current situation.

Negative effects on my property include:

- loss of privacy - depending on construction, windows in this new house will have views of my entire (now quite private) backyard.
  - a deck on the back of this house will provide a viewing platform for our yard
  - this new dwelling would be 6.3m closer than is currently allowed by the backyard orientation
- light pollution - any light from windows or especially exterior lighting can illuminate our yard
- noise levels - any noise we make may disturb this new neighbour and vice versa given the proximity of our backyards
- pool damage - the construction of this house so close to our in-ground pool will definitely cause soil settlement, especially in our sandy soil and considering the slope of the land
- monetary costs - costs for fencing, privacy screens, mature trees, pool repairs or replacement/removal
  - property value diminishment
- loss of use - disruption during construction, loss of privacy leading to less usage of pool and backyard

The pictures provided with this report do not clearly show where the house is going. They are purposely taken from angles that do not show proximity to other homes. I have included some pictures that show the view from my angle. These pictures show clearly where the house would go and the effects it would have on privacy and site lines. Look at these pictures and ask yourself if this backyard is a reasonable spot for a house? Does it look consistent with surrounding properties?

This report touches on environment and climate change. It mentions that a new house would employ green technologies. Again, that would be true if the home was built anywhere. This particular spot involves removing three mature trees, a functioning concrete pool and a sizeable shed that is less than 15 yrs old. Wasting the pool and shed creates garbage. Removing the trees is also not positive for the environment. More coverage of green space makes cities warmer. Trees provide shade, soil retention, noise reduction, wildlife habitat, etc. Overall this construction would have a negative impact on the environment.

The effect this construction would have on the existing property is a real shame. It is a beautiful bungalow with unique features. It is well built and in good shape. The large lot allows for a pool, spacious living, generous separation from surrounding properties and plenty of green space. A perfect place for a family that would appreciate all of this. This property precisely fits the character of surrounding properties. This is by design when the subdivision was created. Destroying it would be a shame.

Regarding the four tests of a minor variance;

1 Does the variance meet the general intent and purpose of the official plan

No. The Town of Pelham Official Plan states; "The primary purpose of the Official Plan is to provide a basis for growth that will support and enhance the Town's unique character, diversity, civic identity, rural lifestyle and heritage features and to do so in a way that has a positive impact on the quality of life and health for the citizens who work and live in Pelham." These basis include A2.3.2 **"to respect the character of existing development and ensure that all applications are physically compatible with the character of the surrounding neighbourhood"** and **"to maintain and enhance the character and stability of existing and well established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development."** This new development would not be consistent with these objectives.

2 Does the variance meet the general intent and purpose of the zoning bylaw

No. This variance would establish basically an R2 Zoned property surrounded by R1. The intent and purpose of the R1 bylaw is to maintain low density through a minimum lot size and setbacks thus ensuring all of the aforementioned qualities that accompany them. This development greatly diminishes these qualities for surrounding properties by dramatically increasing density for adjacent properties. The separation between houses is drastically reduced, and because this lot is so small it, any separation occurs mostly on surrounding properties. Many of these properties are large but just under the threshold of 1400 sqm required to split, including this existing property. This is by design so the bylaws would prevent splitting of these lots. Splitting this property not only makes it non compliant, it reorientates the lot to break a long standing intentional backyard to backyard scenario.

3 Is the variance desirable for the appropriate development or use of land, building or structure; and

No. This development is not appropriate. The only similarity to surrounding properties that this report offers, is that it will be a single family dwelling amongst other single family dwellings. I could build this house in my front yard and connect it to services quite easily, that does not make it a good spot. This report offers no legitimate reason to disregard our bylaws and disrespect the residents to put a house here. There is no need to achieve intensification at any cost since there are plenty of available development areas. Money for the applicant is the only motivator and that is not appropriate or responsible development.

4 Is the variance minor in nature?

No. As mentioned before, this report draws comparisons from R2zoned properties just because they exist nearby. By this logic, all R1 Zoned properties near the R2 boundary are susceptible to such comparisons. In fact this variance would be a major departure from other properties in this R1 subdivision. This application is asking for severance, reorientation of the lot and several extreme variances. These are all major changes. What is also major is the precedent this will set.

These properties have been established for decades. There have been several generations that have enjoyed them and that continues to rejuvenate. These properties have provided taxes for the town for up to 70 years. Please respect this neighbourhood and leave it alone.

We in the town of Pelham can manage our own growth the way we decide. We should not allow profiteers or biased consultants to use provincial and regional policies to tell us what we should do. These policies are not meant to micromanage municipalities on a case by case basis. These policies establish general guidelines and minimum standards for municipalities to meet on their own. Pelham is doing that quite nicely and will have no trouble meeting or exceeding those targets. So please listen to the great residents of this beautiful neighbourhood when they tell you not to allow this.

In conclusion, this report is bogus. It is misleading. Fictional reading at best. It is meant only to facilitate the exploitation of this nice property for profit. If this application is approved, the Town of Pelham will send a clear message that it does not care about the fine residents of this neighbourhood and does not respect their opinions.

Respectfully Yours,

Robert Jensen

■ Highland Ave.