

Applications B19-017 and A19-121 (67 Main Street South)

Submission by Christine and Tony Helik

E-mail dated September 1, 2020 with attachments

Myers, Jeanie

From: Chris Helik
Sent: 2020/09/01 3:00 PM
To: Caruso, Carmen; Myers, Jeanie; Swinfield, Shelby; Fay, Peter
Cc: Heather Picken; Carol McClelland; Edo & Robi van Belkom; Tony Helik; CYNTHIA HARTZENBERG; Betty Lee; Jennifer Sansalone; Cathy Sterritt; Claudio and Ana Teixeira; Nick Sansalone; sandi .; Mona Frial-Brown; Lynn Rudolph; Craig Stewart; Derek Sim; Gord Mummery; Jaime Richards; Jessica Falkingham; Deborah Kenny; Rick Drennan
Subject: [EXTERNAL]Applications B19-017 & A19-121, 67 Main Street South
Attachments: 2nd Submission of revised comments Applications B19-017 & A19-121, 67 Main Street South with highlights.docx; ATT00001.htm; Chris Helik verbal comments CoA August 18, 2020.docx; ATT00002.htm; August 7, 2020 Submission of comments - Applications B19-017 & A19-121.docx; ATT00003.htm; Helik - letter to Peter Faye (amended Feb. 25-20) (00543671x9CEF6) (1).docx; ATT00004.htm; C. Helik Comments for the HCM January 21 2020.docx; ATT00005.htm; Submission of comments - Applications B19-017 & A19-121, 67 Main St. South (1).docx; ATT00006.htm

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Subject: Applications B19-017 & A19-121

Comments

These two applications were initially deferred for one year, in order for the applicant to provide a Heritage Impact Assessment and a Tree Impact Assessment/Arborist Report. We are now into our second deferral, primarily to address serious concerns with the applicants Arborist Report and how the Peer Review of that report more accurately qualifies its significant flaws. It should be noted that little attention was paid to the Heritage Impact Assessment.

The "Current Situation" in the Planning Staff report states that "Staff has undertaken a thorough review of this proposal" yet, the entire report reads as though they started with a recommendation to approve, regardless of the cost to the neighbours and the neighbourhood, and subsequently attempted to manipulate the terminology, ignore the experts, ignore the neighbours, ignore legal representation and rationalize items that didn't fit the narrative. City staff appears to have accepted the applicants Arborist Report and Heritage Impact Assessment as simply ticking a box; both are fraught with errors, neglect and omissions.

It should be no surprise to the planning department that our letters and those of a fellow neighbour abutting the applicant's property (Alan and Carol McClelland) had been vetted by qualified Land Use Planners. We

understood the 4 planning principles and gave compelling rationales why these applications could and should be refused.

We are consequently re-attaching our previous correspondence (including, in some cases, additional comments in red) highlighting issues which we believe have not been adequately acknowledged. We trust that the planning department gives them (and therefore the neighborhoods') attention that they deserve.

We trust this "new look" at the information provided by neighbours and our legal counsel (Heather Picken/Lawrences) both verbally and in writing will address but not limit themselves to the following;

The City's report (page 4, 2nd paragraph) states that the applicant has submitted and, based on comments and requirements from Heritage Planning Staff, revised their Heritage Impact Assessment to a point where Heritage Planning Staff are satisfied that the proposal will not negatively impact the adjacent Heritage Resource.

Where is the revised report?

When was it produced?

Why did we not get a copy?

Is it the same report that was given to the Brampton Heritage Committee (BHC)?

If it was the same report; the planning department may well be "happy" but the BHC was not.

City heritage planners attended the BHC meeting where every member of that committee (with the exception of a City Councilor (Mr. Vicente) refused to support a motion to endorse these applications. They listened for over an hour to the concerns of the delegates which mirrored the BHC members own concerns. Many of those concerns revolved around the grounds and the trees and their impact on heritage attributes. City planning staff knew these issues existed before we had to go to the personal expense of garnering an outside expert to do a peer review. City planning staff knew that their mitigation measures to protect those heritage attributes were not supported by the heritage community. City planning staff knew that the neighbours had considerable concerns about the very basics in the arborist report - trees on the property line, neighbouring trees at risk and their lack of ability to protect them. City planning staff knew that there were trees inappropriately marked on the applicants arborist site map. A site map that was so flawed that the applicants own arborist/surveyor could not find 6 trees in our yard that he was supposed to tag. The applicant's arborist/surveyor also remarked that he was getting similar inconsistencies with the site map on other abutting properties.

Why did the Brampton Heritage staff not alter any of their recommendations following that meeting? Why have they not addressed any issues brought up at the meeting by the committee members or delegates? After all, the applicant or the home owner did not attend that meeting but their representatives did and they did not refute one argument to turn down support of these applications. In fact, the only person they spoke to during the meeting was the Councilor in attendance – Mr. Vicente; the same councilor who subsequently attempted (with the help of the Heritage planning staff) to simply erase the motion from the minutes of the Heritage board. For the record, our concerns over this issue were addressed in a letter to Mr. Peter Fay, Brampton City Clerk on February 25, 2020. A copy of which is attached.

The city planning department chose to follow the lead of Mr. Vicente. I trust that they believed that by interjecting mitigation efforts into the minutes, instead of the actual motion, they would be protecting the Heritage resource. The BHC however, were already presented with those measures, felt they were inadequate

and refused to support the applications. It is little wonder that the sentiment amongst the neighbours is that this has been a political stance in the planning department. By failing to acknowledge that lack of support in the final planning report, it simply appears to have suited the narrative of council - get this approved regardless of the neighbours concerns, heritage concerns, legal concerns, arborist concerns.

Why is there no mention (in the report) of the lack of support from the BHC? Their motion still stands.

Why have the planning department not addressed any of the dozens of issues, specifically regarding Heritage issues, brought up in the neighbours' letters of opposition, Arborist Peer review, Heritage Committee discussions and legal representation?

As with the arborist report, the planning department is taking the applicant's view of the heritage impact assessment as fact. We have seen how the applicant has presented an arborist report – fraught with errors and omissions. Having (possibly) not seen a "Final Draft" of a heritage report one can only imagine what one could expect.

At the very least, how can the planning department possibly be "happy" when we know that...

- The subject property located at 67 Main St. South (building and land) has been designated for its historic and architectural value and interest under the Ontario Heritage Act by the City of Brampton By-law 176-86

Schedule "B" explains why it is being designated. It specifically refers to the size of the lot, originally 2.1 acres but references a severance of .7 acres in the 1970's, with a resultant 1.4 acres left. It also says that "the grounds were the scene of many beautiful summer garden parties over the years." Since the by-law doesn't just refer to the house, but the grounds as well, the planning department should not be ignoring the impact of the severance to the grounds – all of the grounds, not just the front yard depth.

Important to note - when the initial severance took place, the owner of 67 Main Street South had (according to the previous owner) applied to sever in 2 locations – one which is now our home (71 Main Street South). The second severance was for exactly what is being asked for now. That application to sever was refused!

- Trees are part of the Heritage value of this property
 - 10 mature trees will be removed by the severed property
 - 16 mature trees will be at risk on the NEIGHBOURS property
- The creation of the proposed lot would be a significant departure of large existing residential properties that are a clear characteristic of this historical, mature and established community/neighbourhood. This is a unique community and area within the City that according to the OP is meant to be preserved in order to maintain its historical value (century home and property fabric) and landscape characteristics (large mature treed lot) (OP Section 3.2) which is one of the most notable areas of the Brampton community.
- Saying "Subject to the recommended conditions of approval, the requested variances considered to maintain the intent of the Official Plan" does not make it so!

- There will be absolutely no Heritage value added to the area with the proposed project. Its value will only be diminished.

The planning report stated that...

- “Despite the reduced rear yard setback, sufficient outdoor amenity space will be provided”. How? The applicant stated that he is planning a 4 car garage – where will they even turn around? There simply is no room – especially given the anticipated size of the house.
- “there will be no impacts to the streetscape on Elizabeth Street South”. How is that possible when the applicant intends on removing all (10) mature trees? How is it possible when the applicant intends on building a huge 2 story house – hiding the view of the Heritage home and garden presently seen and frequently photographed from Elizabeth Street South.
- “In the case of the severed parcel, the lot will have frontage on Elizabeth Street South, via a small, existing laneway style access.” Yet, then you argue that this is not really the frontage. What is “laneway style”? Call it what it is – a historic, protected, laneway that cannot accommodate major construction without damaging trees which are in some cases, shared with neighbours.
- “The proposed consent presents no concerns with regard to flood control and the conservation of natural resources.” Trees ARE our natural resource and the planning department has made no attempt to recognize the limitations of using a flawed arborist report in protecting that resource. Mr. Claudio Teixeira has expressed a very real concern regarding further flooding in his backyard which has already happened since the applicant previously thinned out the trees/vegetation while working on the North East corner of his property. With almost the entire proposed new lot to be covered in concrete, the risk of future flooding will surely affect all properties abutting the lot. Why is the city not protecting our interests with regards to flood control?

The entire neighbourhood is united against this Development, as it is not minor, does not meet the 4 planning principles, will wreak environmental havoc on a heritage area, negatively impacts numerous other private properties, historic structure and enjoyment, and, sets a dangerous precedent for future development in backyards which will result in loss and degradation of the downtown core heritage lands.

A site visit of the applicant’s property was requested by us to enable our arborist to corroborate, refute and/or comment on any old or additional arborist findings. In that we have retained the services of Dougan & Associates, our arborist will only do a site visit at our direction. As of yet, there are no new findings. There is no new report. There is nothing new we need to pay our arborist to evaluate.

Jeanie Myers advised at the August 18th CoA hearing that any further reports had to be submitted no later than September 1st. The deferral was requested by planning staff “to allow the applicant to address the recent concerns”. The applicant was advised of this on August 12th. How could this possibly take more than 18 days to respond when the applicant’s arborist has already had the advantage of 5 previous attempts at a report and their own site visit at least 3 times? We would like to remind you that our previous professional peer review of the applicant’s arborist report was completed in two days.

It is now late in the afternoon on September 1st and we have yet to receive anything from the City and/or the applicant (who has our email address, our phone number and lives next to us so it would not be difficult to contact us).

The first deferral was given to allow the applicant time to produce a Heritage Impact Study and a Tree Preservation report. That final report had not been submitted when this application was put back on the CoA agenda. We had been waiting for this report. We were told by David Vanderberg (Senior Planner) that the arborist report was "only received yesterday" (July 28th, 2020) and that's why we didn't have it. I was subsequently told (in an email) by Shelby Swinfield that the report wasn't in but she was told by the applicant that it would be in by Friday (July 31, 2020). Friday came and went. I received a copy of this arborist report on Monday August 10th at 2:23 pm; only 3 full days before the City deadline for comments and a week before the CoA. We are shocked that the City planning department found this acceptable. This gave us very little time to do a peer review of their report (yet we managed it) and NO time for a site visit. This report is dated July 31, 2020. So who was holding this report back - the applicant? The planning staff? The City? Why is this fiasco happening again?

Has an update been received? If so, why don't we have it? If not, then what happens at the September 29th hearing? If the applicant's report is late, is it then refused for consideration? In light of receiving nothing further, addressing the arborist's and City's concerns, we will reserve our further comments and/or an additional peer review comments for the Committee of Adjustment on September 29th. Please ensure that I am slated to speak that day.

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71 Main Street South
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Chris Helik, PPFI

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October 22, 2019

SENT BY EMAIL AND HAND DELIVERED

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Subject: Applications B19-017 & A19-121

Further Issues and concerns regarding the application(s) Cultural Heritage Impact Assessment and Arborist Report are as follows;

Please be advised that these comments are a follow-up on the above applications following receipt of the Cultural Heritage Impact Assessment (Heritage Assessment) and Arborist Report as requested by the Committee of Adjustment at the July 19th, 2019 meeting. All of the other points we raised in our previous letter dated June 27, 2019 are still of concern to us and we await staff's response in connection with those concerns as well.

We would like to acknowledge that these reports (Heritage Assessment and Arborist Report) have not been evaluated by the City Heritage Planner. We appreciate that the Brampton Heritage Planner/Coordinator will have the opportunity to review and pass their comments on to the City Planner. The views in the report(s) therefore, are that of the firm hired by the applicant.

The Heritage Assessment has little substance; there is not much contained in it that one couldn't find with a quick internet search. This Heritage Assessment says they are not touching the existing house which has historical significance, but since the trees block the view, the severance "seems reasonable"! **This is not a heritage impact analysis.** There has been no acknowledgment whatsoever that the large garden and trees are part of that heritage value. The suggestion that the severance can form a "bridge" is nonsense. One could say the same thing about any change to any property of this nature.

The applicant chose a Toronto firm to do this assessment rather than a Brampton firm. While we gather this is not unusual, we suspect a Brampton (specific) Heritage report would have been much more stringent.

As an aside – this is exactly how this transpired – The Brampton Heritage Committee motion to deny support of both applications, still stands.

The Heritage Assessment states that it is an “underdeveloped portion of this existing residential property”. Having nothing in your backyard does not make it “underdeveloped”! Most people’s backyard is not developed. This does not make it “underdeveloped”. The large (single family dwelling) lots are part of what makes this district “special”. Allowing for development which goes against many current bylaws would change the whole dynamic of the area and set a disturbing precedent.

The Heritage Assessment confirms that the subject property mainly contains deciduous trees. However, these trees do not provide a visual barrier for several months of the year especially between the months of November and May. Therefore, there will be visual impacts onto at least 7 surrounding neighbours’ backyards (including the retained parcel). Some of existing mature trees will be taken out to make space for the new development including the house but also for the driveway around the house and possible accessory structures such as a shed, a pool, a patio, a pergola, etc., which would worsen the visual impacts onto the neighbouring properties. The Arborist Report confirmed that by stating that the existing driveway to Elizabeth Street and the landscape plans would put some trees at risk and there would not be sufficient space for horizontal root-protection barriers. It appears that in the inventory of the existing trees, the Arborist identified several trees that are already injured. The proposed development could worsen their state and put them at risk of further injury or death. The proposed development may have significant impact on the environmental features of the lot and neighbouring lands. **The Arborist Report should be reviewed by a qualified City Staff or peer-reviewed by a professional consultant and provide comments to the City Planner for further recommendation to the Committee of Adjustment.**

While the City undertook a review by its own qualified staff member, it failed to acknowledge its flaws. It was not until a professional peer review (paid for by us) pointed them out, that we find ourselves in another deferment of these applications.

The Heritage Assessment states that 67 Main Street South has “a driveway entry from Main Street, and a second driveway from the underdeveloped portion of the lot”. In fact it is NOT the applicants’ driveway. The driveway from Main Street is owned by us at 71 Main Street South and the current Heritage home has access to that driveway by way of an easement. If this plan were to proceed, the remainder parcel of land with the current heritage home (67 Main Street South) would only have access out by means of private

easements through our lands and through the severed parcel, which **does not comply with City zoning and planning by-laws and policies.**

The existing 2nd driveways of some of the large properties of Main St. are identified as part of the Main Street Heritage District because of the heritage values of these lots, which includes the 67 Main St. property. This special feature should be preserved along with the large backyards of the lots comprised within the Heritage District.

The driveway of the subject property on Elizabeth Street has been clearly secondary to the property as it has been left natural over the years with gravel and grass. It did not provide the same vehicle movement than what is proposed with this new development. Currently it provides extremely low disturbance to the neighbouring properties on each side of the driveway. It would become very disruptive to those neighbours if the applications are approved. The driveway is very narrow (see picture in the Arborist Report). **It does not comply with the minimum driveway width requirement of the Zoning Bylaw** and the sounds of vehicles accessing this driveway will be very disturbing when people are outside their homes and most likely when inside their home. It could also result in vibrations of the homes' walls depending of the type of vehicles accessing the driveway such as courier, maintenance and/or delivery trucks.

The Heritage Assessment states that the "second driveway/access" (again, NOT a second access but the only access that he actually owns) is accessed from Elizabeth Street and that "These smaller residential properties are not within the boundary of the Main Street Heritage District". This is beside the point; the property does back on to Heritage homes. This is somewhat of an elitist attitude. Smaller homes are no less significant in this well established area of Brampton.

The Heritage Assessment talked about the topography of the lands in the area. The actual topography of the property and adjacent lands follows the rolling contour of the flooding area identified as Special Policy No. 3 of the Downtown Brampton Secondary Plan (SPA7), where the heritage homes were pushed back accordingly from Main St. compared to the adjacent houses to the south that are not within the floodplain. Our driveway which provides an access easement to the 67 Main Street property, follow that floodplain boundary and thus, the reason why this property does not have its own driveway onto Main St. This matter should be considered as well as part of the review, recommendation and decision on the applications.

Again, stating that "Mature deciduous trees have grown on all sides of the existing house, essentially block all view from Main Street and from Elizabeth Street South, as well as from the neighbouring properties". **This is simply not true!** It is not true of the present house and would definitely not be true of a new 2 story structure. It would not only be seen from Elizabeth Street but could dominate over the Heritage homes on

Elizabeth Street. In fact, the illustration of this planned home, shows a wall of glass windows overlooking our backyard. This will not block their view from us nor our view of them.

The Heritage Assessment report states that “the access drive from Elizabeth Street does not meet existing drive width or requirements for paving”... Exactly; it is far too narrow. All the more reason why permission should not be granted!

The Heritage Assessment states that “The property has been relatively unchanged or *(we assume it meant “for”)* nearly 1.5 centuries and is an important part of the history of Brampton”. We believe that the BRAMPTON Heritage Committee would agree that it should stay that way. It is the property that has Heritage value, not just the house. The laneway access is exactly that - a LANEWAY! It is not a driveway meant to service potentially 6 cars and a motorcycle - not including any guests and/or service vehicles!

The row of houses on Elizabeth Street was built very close to the street. None of the lots have been established in a staggered manner like it is proposed. The proposal is clearly an infilling lot not consistent with the existing lot layout on Elizabeth St. and of the lots within the Heritage District. It would be the only property like this in the neighbourhood, behind several neighbouring lots and their backyards. Mr. Hall, the Author of the Heritage Assessment, is of the opinion that the proposed lots (severed and retained) are compatible to the existing lots and houses of Elizabeth Street and will function as a “bridge” between those existing heritage house of Main Street South. In fact, there’s no need and no gain in having such infilling development in the neighbourhood and the Heritage District. It will destroy the heritage lot of the subject property by reducing the lot severely and creating 2 incompatible lots within the Heritage District. The severed and retained lot would create unwanted impacts on several existing surrounding properties.

The Heritage Assessment states that “as the trees on all sides of the property have grown to maturity, the existing heritage house and the rear portion of the lot are, essentially, not visible from either Main Street, from Elizabeth Street South or from adjacent heritage buildings within the heritage district”. Again – not true (winter!!!) but even if it were true – does that mean all the heritage homes can do whatever they want as long as they plant enough trees to hide what they’re doing? It certainly makes a mockery of the term “Heritage Property”.

The Heritage Assessment mentions that “if the planned new residence on the severed lot is of similar scale and impact on the Heritage District will have minimal visual impact”. This is not true for ANY neighbour that directly borders on to the applicants’ property (6 homes). Nor is it true for many other homes on Elizabeth Street. This new home will dwarf some and overlook others where their privacy will be adversely affected. Again, this would be for the benefit of one neighbour and the detriment of all the rest.

Specifically, the Heritage Assessment states that “the proposed new single-family house will function as a “bridge” between the existing heritage houses toward Main Street and the more recent development in the neighborhood along and west of Elizabeth Street”! Who are they kidding? By way of just one example, the new home would back directly onto a home that is more than 100 years old. The houses on Elizabeth Street are not new homes. It is a well-established area, a gem in Brampton, with many residents who have lived there for decades. What an insult! Is a “bridge” a nice way of saying landlocked (house on the retained parcel)?

The report calls this “**The new family residential development**”. Houses and their owners do not go on in perpetuity. At some point one or both of the owners can/will vacate the property. Building a family “compound” should not be the goal of heritage properties in Brampton. Also, due to the easement that 67 Main Street South enjoys over our property it would be difficult and unfair for us to be in the position of policing the comings and goings of BOTH properties owned by the same family. Again, as we stated in our previous letter, **it would not be appropriate nor would we agree to expand the use of the private easement.**

The Heritage Assessment finishes by saying “New trees and landscaping will buffer any view from the entry drive”. Where is that possible? As it is, the rear yard setback of 25.72 feet versus the bylaw requirement of 65.16 feet and the request to allow a minimum lot width of 17.98 feet versus existing by-law requirements of 75.46 feet **would certainly not allow for much if anything in the way of planting!**

Not only is there little room for any NEW planting, the Arborist Report indicates that 9 mature trees are at risk of being injured and 2 will be removed. **The 2 that the report speaks of ARE NOT EVEN ON THEIR PROPERTY!!**

The latest version of the applicants report did not address any of that – in fact, it is worse – it went from 10 trees might be injured to 16!!! One tree they state will be removed (#5) is entirely in our backyard.

While the Arborist report concludes that the risk of tree mortality is low, since the Heritage Report's entire rationale for the severance approval is that the trees will hide it, **there should be no identified risk of injury whatsoever.**

The peer review pointed out that the tree mortality is understated and the measures taken to mitigate risk are likely insufficient.

The list of why this severance should not be granted is growing and growing.

It is in the public interest that the proposed severance and minor variance applications be refused.

Respectfully submitted,

Christine and Tony Helik
71 Main Street South, Brampton, L6Y 1M9

Good morning. Thank you for the opportunity to voice how utterly perplexed we and our neighbours are, that these applications are even being considered.

There is vigorous opposition to these applications; even more so in the last few days since the City's recommendation was released. Had this meeting been at City Hall, when one can just show up, I suspect the room would be jam packed. There are stacks of impassioned letters of objection from 2019 and 2020 but not even one letter is in support. This is very impressive when there is the assumption out there that "they won't be allowed to do that".

If meeting less than 75% of one minimum requirement and 60% of the other IS in fact minor; why then, even have Zoning by-law requirements? Zoning requirements can be varied by the CoA when they are minor. This application does NOT meet the intent of the Zoning By-law when they are so many impacts. They must consider their cumulative effect on the subject property and neighbouring properties; loss of important heritage value of the property including lot size, landscape features, mature old trees, change in the streetscape, to name just a few.

I found no CoA variances granted, in the past 3 years which have come anywhere close to offending the bylaw to such a degree. Variances have been allowed when they represent proper planning and when there is no major impact to the community or the City. This is definitely not true in this case. To permit a proposed development that only benefits the

current property owner's needs, without taking into account the long term use of the land, is not proper and orderly planning.

This committee's first requirement for deferral was for the applicant to provide a Heritage Impact study and present it to the Brampton Heritage Committee for support. Even after considering the city's recommendations, the Heritage Committee motioned to refuse to support these applications.

Subsequently there was inappropriate political interference at City Hall to remove that motion which could be viewed as unfavorable to the applicant. I addressed this in letter to the City Clerk, Mr. Peter Fay on February 25, 2020. You have that letter in your agenda package. To date, I have not had a response to my letter.

The Heritage Committee's recommendation matters, right?

We know now that these applications are unlikely to garner support, in public forum, for a Heritage Permit. This could be stopped right now by turning down these applications.

The second reason for deferral was to allow the applicant to obtain a Tree preservation report.

During the tree assessment process, we allowed the applicant's arborist to enter our backyard but were then horrified that he hammered plaques on 7 of our trees indicating

that they are at risk of injury. Could they have been identified by a gentler, other manner? Was it done on purpose to damage our trees? Could that procedure be the beginning of the end for those trees? Two of those trees are over 100 years old. The others are no less than 25 years old. This is in the area of our yard which our grandkids call the playground. When I showed my 5 year old granddaughter where the neighbours wanted to put a house her immediate concern was “But Gramma, where are they going to play”? Where indeed!

The White reports solution to protect our trees is by installing ¾ inch plywood and woodchips making our backyard virtually unusable for months and months by us and our grandchildren. What would be left of the grass, the perennial flowers, shrubs and the trees when it was uncovered? Over 800 people went through our yard, in one day, as part of the Brampton Garden tour. Our backyard is an oasis that we have been lovingly cultivating and nurturing for over 20 years.

How is it possible that a neighbour could jeopardize the health of our entire back garden? Those trees enhance this neighbourhood and are part of the natural heritage of the Downtown Area.

As my husband and I are no tree experts we hired a consulting arborist to do a peer review of the White report. Our arborist is from a reputable firm, Dougan and Associates. They were referred to us by the Ontario Agricultural College at the University of Guelph as being one of the very best. They unearthed many disturbing facts with the White report; revealing extensive inconsistencies and omissions with its’ contents and findings. The City

planner failed to acknowledge any of our expert's opinion but chose instead to use this flawed report in a condition to grant the applications.

There is no Planner acknowledgement that according to the White report, development would result in the removal of EVERY tree on the divided lot, and injure as many as 16 mature trees on neighbouring properties. To ignore our experts' critique of this assessment is an absolute travesty and a potential Death sentence to the neighbors' trees.

The White report states that injury to the neighbours' trees will occur due to construction activities in their root zones. Root zone impacts can affect tree health and stability, and result in tree die-back or death.

The White report only discusses root zone impacts in the context of the building foundation and driveway use. The **true** extent of injury to the neighbouring trees is actually unclear as the construction activity on site must include the working envelope for construction vehicles, servicing locations, changes to existing grades and/or surface drainage, and compaction due to heavy equipment use of the driveway.

Finally, based on the White report several trees are boundary trees where the ownership would be shared between the proposed development and the neighbouring properties.

Removal of these trees requires permission of both owners under the Forestry Act, and this

is not discussed in the report. Ignoring the Forestry Act is not an option. The City of Brampton's Tree Preservation By-law is also not discussed in the White report.

I can demonstrate, with ONE quick example, how flawed the applicants' arborist report is – Tree # 5 is our 100 year old Black Walnut. I have no doubt that construction will kill this tree that is entirely in the middle of our backyard, yet the White reports states that this tree will be removed. They have NO right to remove our trees!

In summary, the White report does not appropriately identify or quantify impacts to neighbouring trees. The impacts to the neighbours' trees could therefore be much higher than is portrayed in this report. This could wipe out the most mature part of our garden.

The City's planners appear to have received the report from the Applicant's arborist as simply checking a box. There are significant deficiencies in it as confirmed by the City's own landscape architect expert, Danica Quinn, who was included in the circulation of the application for her comments and has also reviewed our expert critique. Ms. Quinn confirmed in an email to me on August 13, 2020 that OUR peer review – and I quote – “is very much in line with the concerns I have raised.” Why has planning staff ignored its own City expert and made no mention whatsoever as to the impact of relying on a flawed report?

How is it possibly reasonable for the City of Brampton to receive a report one week before this Hearing Date and then just accept its content even though its own expert and another highly qualified expert have raised serious concerns? How is this a responsible or fair approach?

In her recommendation report, Ms. Swinfield did not consider nor address any of the comments that were submitted by the public. Not ours or our neighbours. We went to great lengths to review the Brampton Official Plan, Secondary Plan, Zoning By-law and other pertinent planning documents, and provided comments, which included expressing our strong objection with respect to the applications.

The Official Plan policies and the governing By-laws are there to safeguard the neighbours and the community. You, the members of the Committee of Adjustment, have this opportunity and responsibility to recognize the legitimate concerns of the community and uphold the purpose and intent of the Official Plan policies and the by-laws and refuse these applications.

Thank you for your time

August 7, 2020

SENT BY EMAIL only (due to COVID-19)

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Subject: Applications B19-017 & A19-121

Dear Ms. Myers;

This letter is further to our previous letters dated June 27, 2019, October 22nd, 2019 and January 21, 2020 for consideration by the Committee of Adjustment and City Staff with respect to the applications above noted.

We live at 71 Main Street South and are the neighbours directly south of the property in question. In that it has been over a year since our first objection letter(s) as well as changes in City staff reviewing the applications, we would like to reiterate some of those concerns and our strong objection to these applications.

Providing a Heritage Impact Assessment was one of the conditions of these applications being deferred at the July 9, 2019 meeting. The applicants submitted the required report and the matter was brought before the Heritage Committee who **refused to support the applications**. The only government official on that Committee (Councilor Paul Vicente) was the only dissenting member of the motion to NOT support the applications. He subsequently attempted to have the motion (made at the Heritage Committee) removed from the minutes by City Council. A copy of our letter dated February 25th, 2020 (to Mr. Peter Fay, City Clerk) objecting to this gross stretch of parliamentary rules of order and how this played out at City Hall, is attached.

At this time we are unable to make any further comments regarding the applicants' arborist report as it has not been made available to us. Due to the inconsistencies and errors on the 4th (but apparently not final) report we have hired a consultant to review the "new" version however we may not have enough time to review.

While our initial letter (June 27, 2019) goes into great detail quoting sections of the City Official Plan (Section 3.1, 3.2), Unique Communities in Brampton (Section 3.2.10), Ontario Heritage Act By-law (176-86) City By-laws, Downtown Brampton Secondary Plan (Section 5.6.1.1), OMB appeal tribunal recommendations (Section 4.2.1.18, 4.2.1.19.1, 4.2.1.18.2, 4.2.1.18.3), Special Policy 3D, and "Thanks Neighbour; A guide to City of Brampton By-law Services" regarding our strong objections for both applications, they are summarized as follows;

- The application would require the committee to completely ignore the City's own minimum by-law requirements by more than 75% of the first minor variance and 60% of the second. In fact, the term "Minor" variance hardly seems appropriate. The City and the COA have an obligation to enforce the by-laws established to protect ALL citizens, as they themselves state "Some by-laws may seem restrictive, but they're prescribed for the greater good." If you can flaunt the by-law to such a degree – what City of Brampton by-law IS safe? ***This is NOT minor in nature. It is NOT in keeping with the purpose and intent of the Zoning By-law and it is NOT appropriate and desirable for the development of the subject property and for the area.***

- The proposal does not represent urban growth as the proposed infill is not a development that will achieve a higher density than the existing nor that it is an area for growth to take place as the property is located outside the Urban Growth Centre and the Central Area intensification corridors. *It is therefore NOT in keeping with the purpose and intent of the Official Plan.*
- This area is a jewel of Brampton's Heritage district. The property, including the existing house and large garden, has been designated for its historic value and interest under the Ontario Heritage Act by the City of Brampton By-law 176-86. The Committee of Adjustment required a Heritage Report and the City of Brampton's own Heritage Committee refused to lend support to the 2 applications. *It is NOT minor in nature, nor is it in keeping with the purpose and intent of the Official Plan and it is NOT appropriate and desirable for the development of the land and for the area.*
- The creation of the proposed lot does not add value to the area and would be a significant departure of large existing residential properties that are a clear characteristic of this historical, mature and established community/neighbourhood. This is a unique community and area within the City that according to the OP is meant to be preserved in order to maintain its historical value (century home and property fabric) and landscape characteristics (large mature treed lot) (OP Section 3.2) which is one of the most notable areas of the Brampton community. *The proposal is not minor in nature, it is NOT in keeping with the purpose and intent of the Official Plan nor is it appropriate and desirable for the development of the and for the area.*
- While it is important that this property should not be severed to preserve its own heritage large garden, mature trees and house, some consideration must also be given to the (potentially) devastating effect on the neighbours' trees. There are 7 in our yard alone which could be affected – 2 of which are over 100 years old. Reducing these mature, cultivated gardens *is NOT appropriate and desirable for the development of the land and for the area.*
- This proposed new house would have an odd lot with barely any frontage (except a laneway) and orientation towards the neighbour rather than the street. The OMB appeal tribunal recommendations state that "Dwellings or building additions should be generally consistent with the setbacks, orientation and building separation distances within the host neighbourhood". *The proposal is far from being consistent with those criteria. Therefore, it is NOT minor in nature; it is NOT in keeping with the purpose and intent of the Zoning By-law, and it NOT appropriate and desirable for the development of the land and for the area.*
- There would be a significant loss of privacy (visually and noise) to the 6 abutting neighbours. Neighbours who chose this area based on the mature trees, large lots and distance between houses. *It is therefore NOT an appropriate and desirable development for the area nor is it in keeping with the purpose and intent of the Zoning By-law.*
- The retained parcel of land would only be accessible via 2 easements, essentially making it landlocked between the severed lot and an official flood zone. *It is NOT minor in nature. It is NOT in keeping with the purpose and intent of the Zoning By-law and is NOT appropriate and desirable for the development of the land and for the area.*

- As the holders of the easement which allows 67 Main Street South access to Main Street via our driveway, we are not willing to extend this privilege to a new severed lot. We should also not be in a position to police the improper use of that easement over our private property. *It is therefore NOT appropriate and desirable development for the land and our neighbouring property.*
- The OMB appeal tribunal recommendations state that building separation distances within the host neighbourhood should be consistent. There are no other instances where 3 properties stand between Main Street South and Elizabeth Street South. *It is therefore NOT an appropriate and desirable development for the land and the area nor is in keeping with the purpose and intent of the Zoning By-law.*
- According to the Downtown Brampton Secondary Plan, "Subdivision of existing lots which front on Main Street South shall be discouraged by the City". *The proposed severance should be refused as it would be contrary to the Official Plan Policies and it is NOT an appropriate and desirable development of the property and for the area.*
- The proposal will have a detrimental effect on the heritage value of the subject property and of the surrounding heritage designated properties. *Therefore, the proposal is not consistent with the intent of the Official Plan and the Zoning By-law, is not desirable for the development of the land, and is not minor in nature.*

Again, we reiterate that approval of these two applications will not benefit the City, the neighbours or the neighbourhood. It will ONLY benefit the applicant. These applications for a "New family Residential development" (as called by the applicant) if approved, would forever be an egregious error. It would potentially open the door to similar requests based on the precedent established in this case.

These applications should have been refused right from the beginning regardless of a tree inventory report and heritage impact assessment. Therefore, the Committee of Adjustment should refuse the applications.

Respectfully submitted,

Chris & Tony Helik
71 Main Street South
Brampton, ON, L6Y 1M9

C: Ms. Shelby Swinfield
Central Area Planner
Brampton City Hall
2 Wellington Street West
Brampton, ON L6Y 4R2

Email: Shelby.swinfield@brampton.ca

Tuesday February 25th, 2020

Mr. Peter Fay
City Clerk
City of Brampton
2 Wellington Street
Brampton, ON, L6Y 4R2

Dear Mr. Fay,

Re: Planning and Development Committee Meeting of February 10, 2020 and Heritage Board's Minutes of January 21, 2020 in relation to Committee of Adjustment Applications B19-017 and A19-121 for 67 Main Street South, Brampton

While we are addressing this letter to you, we are copying the members of City Council (to be accompanied by the Planning and Development Committee recommendation), as it pertains to them.

Firstly, we had requested (in writing) that the City advise us of any action to do with applications before the Committee of Adjustment, specifically B19-017 and A19-121 for 67 Main Street South, Brampton. When we spoke January 22nd, 2020, you apologized to us, on behalf of the City for failing to advise us that those applications would be discussed at a Heritage Board meeting. Once again, we were not advised of a subsequent meeting by the Planning and Development Committee and then an upcoming meeting at City Council. This intervening step(s) in the process was not communicated to us during our conversation. We specifically inquired if this opinion by the Heritage Committee was to be passed directly to the COA and were told, by you, yes – there are no intervening steps. That was simply not true.

The significance of us being continually left out of the loop is now more apparent than ever.

At the Planning and Development Committee meeting held February 10th, 2020, Councillor Paul Vicente brought a motion to amend the minutes of the Heritage Board's meeting of January 21, 2020. Specifically, he wanted to strike out from the Heritage Board's minutes, item #3 which stated that it is the opinion of the Heritage Board that the above-noted Committee of Adjustment applications should not be supported. Councillor Vicente wanted to eliminate this statement which documents what actually transpired at the Heritage Board's meeting. We do not have a concern that he wanted the minutes to be changed to document what the staff's recommendations were, but to then eliminate that the Board looked at those recommendations and DID NOT ACCEPT them is completely inappropriate. As a reminder, at the Heritage Board, Councillor Vicente was the only dissenting vote for the Heritage Board's conclusion that staff's recommendations should not be accepted and the Committee of Adjustment applications should not be supported.

The City of Brampton's own Procedure By-law - 160-2004 under 9.4 Motion to amend, specifically states that ***(5) a motion to amend shall not be received if it is contrary to the motion.*** Obviously, removing a motion in its entirety is contrary to a motion!

Frankly, had one of our neighbours and a member of the Heritage Board, Mr. Paul Willoughby, (who actually made the motion at the Heritage Board meeting) not been there to watch over the proceedings at the Planning and Development Committee, I expect that Councillor Vicente's motion to delete the Heritage Board's recommendation would have been completely removed – totally contradicting the intent of the Heritage Board after much discussion.

Thankfully, Councillor Singh (at the Planning and Development meeting) realized that removing the Heritage Board's recommendation from the minutes of its meeting would be "inappropriate" and he advocated to leave this recommendation from the Heritage Board, in the minutes. Again, the Heritage Board clearly did NOT offer support for the applications, and that finding should never have been deleted to distort the truth of what happened there. We understand that the Heritage Board is not a decision-making body but rather makes recommendations to the Planning

and Development Committee and Council, but to completely change the documentation of this volunteer Board's recommendation as though it never happened, is wrong and disrespectful of the important role that the Heritage Board plays in planning matters for the City. It is imperative that minutes of meetings reflect what actually transpired there – especially in regard to motions and votes that are duly taken and findings or recommendations are made.

At the Planning and Development Committee, it was clear that Councillor Vicente started out with the intention to dismiss the recommendation of the Heritage Board. There was no discussion about why he felt that the rest of his co-members were wrong or why he was the only one to dissent. The Heritage Board took over an hour and a half to discuss the applications and to ask questions of staff and the delegations. The Planning and Development Committee dealt with the matter in about 15 minutes.

In any event, we thank Councillor Singh for advocating that the minutes should not have been deleted as Councillor Vicente had wanted, although we still cannot understand how the Planning and Development Committee basically tossed out the Heritage Board's recommendation without any effort to understand why they decided as they did. It is important that the public has confidence in the fair process of matters before its elected officials and administrative bodies, and this action at the Planning and Development Committee did nothing to inspire confidence – in fact, did everything to erode it.

This brings us to a matter of grave concern which we have for the process of these two applications to date and while it gives me no comfort in discussing the rationale for our concern, I feel that it is time to address the issue.

It appears (to us and our neighbours) that certain members of Council may be taking steps to encourage the endorsement of these applications, or at the very least, to help to remove any roadblocks for the applicant. This is not a belief that we have come to lightly, but arises from the applicant's own words directly, and then borne out in the processing of the applications so far at City Hall.

Mr. Dave Kapil said to both of us, when we first met outside at our residence and I quote: **"I have a lot of political friends."** While we thought, at the time, that this was an odd thing to say to a new neighbour, we were unaware of the applications being made by his son so that his newly acquired property at 67 Main St. South could be severed allowing him to build "his retirement home".

At the initial Committee of Adjustment meeting (July 9, 2019) for these two applications, Mr. Dave Kapil stood up and said to the neighbours in attendance "for those of you who don't know me... look me up". Again, he wanted everyone to know how politically connected he was, and that to oppose him would be a battle, in light of who his "political friends" are.

We have taken Mr Kapil at his word and did "look him up". There are dozens of pictures easily available of Mr. Dave and Manoj Kapil – in City Hall, at his home for a birthday party, introducing the Mayor on election night, and on the "New Brampton Committee" web site – a Committee he shares with Councillor Vicente.

Mr. Kapil stated that he has been working with the City staff to see what they would like - a member of City planning staff (when speaking to us) simply referred to Mr. Kapil as "Dave". We have on several occasions now, not been notified when the applications are going to be discussed at different meetings. A Councillor was willing to distort the Heritage Board's minutes by removing an unfavourable opinion (to Mr. Kapil's applications) by the Heritage Board. Both Councillors Martin Medeiros and Jeff Bowman told us (and our neighbours) specifically that they could not speak to us about these applications before the COA, yet Mr. Kapil makes it clear that his "political friends" at City Hall will be supportive to him. We are left being extremely concerned about an underlying conflict of interest here and wish to be assured and see evidence of a pattern of action at City Hall that leaves these applications to be determined solely upon their merits, without distortion of facts and without any political pressure to make the process easier and more favourable for this one particular neighbour to the detriment of all of the rest.

We are angry and saddened. Mr. Kapil was given the assistance of the City of Brampton Heritage planner to massage his document (four versions) into something that could be acceptable to them. While it is too late for the staff's Heritage Report, the neighbours should be given the same opportunity when it comes to the impending City comments on the applicant's arborist report. They should have access to the same City resources to ensure that there are no inaccuracies to that document that the City Planner uses to form an opinion and recommendation. At the moment, the arborist's report contains skewed, inaccurate and limited information. This solution would calm some of the neighbours' resentment over the appearance of preferential treatment.

The residents put their trust in the hands of their elected representatives and the municipal staff. All should work for the community and in the public interest. It is the City's obligation to follow procedures and take unbiased and transparent actions/decisions.

Yours truly,

Christine and Tony Helik
71 Main Street South
Brampton, ON, L6Y 1M9

CC:

Councillor Rowen Santos
Councillor Paul Vicente
Councillor Paul Whillians
Councillor Michael Palleschi
Councillor Jeff Bowman
Councillor Martin Mederios
Councillor Charmaine Williams
Councillor Pat Fortini
Councillor Harkirat Singh
Councillor Girpreet Dhillon

Comments made by: Christine Helik

71 Main Street South, Brampton, ON, L6Y 1M9

RE: Cultural Heritage Impact Assessment (December 6, 2019) and the Recommendation Report from the City Heritage Planner (December 12, 2019) associated with Application for Consent #B19-017 and Application for Minor Variance #A19-121-67 Main Street South

Good evening. I would like to begin by thanking this Committee for allowing me to speak here tonight. While I would have liked more time to consider my comments, we found out about this meeting and the City of Brampton Heritage Report only Sunday evening from a neighbour. So, if I ramble, please forgive me.

I have been a resident of Brampton since I was 4 years old and I don't mind telling you that I'm 60. I've had a strong connection with this neighbourhood for virtually my whole life. Twenty years ago we purchased our property on Main Street South because it was surrounded by heritage properties and majestic old trees. We acknowledge the privilege and responsibility which comes with being between these magnificent homes and trees. We continue to appreciate the care that the City has taken to maintain this areas heritage value for the better part of 100 years. It appears that our relatively new neighbour purchased their property specifically for development purposes!

Specifically we are concerned about the apparent omissions and/or errors contained in the 4th edition of the Cultural Heritage Assessment provided by the proponent.

The City Heritage recommendation report is disappointing! Evidence of the Tree impact assessment is nowhere to be seen. The focus was strictly based on the revised December 6, 2019 Cultural Heritage Impact Assessment submitted by the proponent, Mr. Kapil, as opposed to the City's own policies and bylaws. It states that "This severance and the planned new residence are permitted according to the existing Official Plan and Zoning Bylaw of City of Brampton". This simply is not true. The plan does not meet the

bylaw requirements – In fact, this application comes significantly short of meeting the **minimum** by-law requirements.

We realize that this committee deals solely with heritage matters but this statement in the report speaks to a biased view of the overall project that could ultimately impact Heritage. We need to be mindful of any further expansion of the Heritage district to include Elizabeth Street. A plan which, we understand is presently under consideration. Based on that, we should consider what impact the proposed severance would also have going forward for adjacent properties on Elizabeth Street.

Infilling lots within heritage designated areas is a departure from the protection of the lands and priorities of conservation of properties that represent our historical culture. This consent to sever the subject lot will create a precedent for further severances of the existing adjacent heritage large lots along Main St. South.

The proposal has no benefit to the City; it's detrimental to the protection of the heritage lot fabric of the area and impacts a considerable number of neighbours that all voiced formal objections to this development. There has been no acknowledgment that many letters and verbal comments of objection have been submitted to the Committee of Adjustment. Several of these objections addressed heritage matters associated to the proposed development. It appears that neither the Heritage Board nor the City Heritage planner have been supplied with these letters and/or comments of objection to approve.

I have a list of those properties separately for clarification.*

Perhaps more impactful is that it also appears that the City Heritage Planner and subsequently this Heritage Committee may not have been provided with the arborist report since those findings are not included in the staff's report to this Committee. The City Report appears to be accepting the applicant's report that says the mature trees won't be affected very much. They just recommend a condition that the "dwelling must be designed to avoid impact to mature vegetation." In other words, they want to protect

the trees, and say that they will look at the design to ensure that they are not cut down. That doesn't mean that these trees won't die later due to the development impacts.

Specifically, the tree preservation report, which was required by the City, clearly states that 9 mature trees are at risk of being injured and 2 WILL be removed for construction.

There was no mention in the applicant provided tree report about our 2 mature black walnut trees which provides a canopy over the property line into 67 Main Street South. In that the roots are typically 2 ½ times the canopy, there is no doubt in our mind that that our 100 year old tree would be adversely affected when digging for a new house. I understand that at least two neighbours directly backing onto 67 Main Street South have voiced the same concerns about trees on their properties in their letters given to the Committee of Adjustment.

While the arborist report concludes that the risk of tree mortality is low, since the Heritage Report's apparent rationale to support the severance approval is that the trees will hide it, **there should be no identified risk of injury whatsoever.**

In a situation like this one where the City (albeit with stipulations) appears to be supporting it because the lot and large lawn are screened from views from Main Street, you would think that it would be critical to have ZERO impacts on the trees. They shouldn't be proceeding just on the basis of the applicant saying it should be O.K.

The City report states that "From a heritage perspective, the proposed severance will not change the perception of the estate lot pattern of the area from Main Street South, and will not impact the heritage attributes of the Property".

The statement is that the **front yard** depth, the lot width and the side yard setbacks when viewed from Main Street are not changing and therefore the “perception” is that the estate lot configuration and park like setting are not impacted. **The perception is not the reality**, however, since the lot would be cut in half and the large park like lawn behind the existing house will be gone. You certainly CAN see the lawn from Elizabeth Street where there are also potentially designated heritage homes (certainly homes that are over 100 years old) and if many of the trees will be impacted as the arborist states, you will be able to see it even more. So are we dealing with perception or are we dealing with reality? The streetscapes from Elizabeth Street WILL change dramatically should a home be built in what is presently a backyard!

If the severance is permitted and the applicant builds his second house, you won't see the estate lawn any longer because a new house will have replaced it. They seem to be saying that the park like setting only matters if the Main Street vista were changing. I don't know how the Planner can interpret City policies this way as those policies don't indicate that only views from Main Street are relevant. The severed lot would then be an adjacent property to a Heritage lot and can't help but take away from its heritage value.

If we can see the 100 year old house on Elizabeth Street (now) from Main Street South, how will the streetscape NOT change if you put another house in between these 2 beautiful 100 year old homes even if (by pure luck) NO trees were damaged in construction? The City has a great deal of evidence demonstrating what happens to nearby trees in a construction zone. The arborist report tells us there is not enough room to do full root protection. These gigantic trees are the joy of the neighbourhood. Their visual impact to downtown Brampton is monumental. We need to protect them and certainly not risk them for the enjoyment of only one citizen.

Finally, please see Bylaw 176-86 – signed by the Mayor and City clerk which is the actual By-law that designated the applicant's property as being of heritage value. Schedule "B" explains why it is being designated. It talks about the prominent citizens who have lived there and some interesting architectural features to be preserved. Note that it also refers to the size of the lot, originally 2.1 acres but references a severance of .7 acres in the 1970's, with a resultant 1.4 acres left. It also says that "the grounds were the scene of many beautiful summer garden parties over the years." Since the by-law doesn't just refer to the house, but the grounds as well, the Heritage Board should not be ignoring the impact of the severance to the grounds – all of the grounds, not just the front yard depth.

I concede that I have limited knowledge about Heritage but I am saddened to think that you can simply cut a Heritage property in half and sell what is left to the highest bidder with no regard for the impact on the neighbours or the neighbourhood.

Getting approval from the Heritage Committee will not be the only deciding factor when the Committee of Adjustments makes its decision on severance but we have a responsibility to protect the streetscape from Main Street South AND Elizabeth Street. Thank you for taking that responsibility seriously. Please do not endorse this project.

*At least one written submissions were given by...

70 Elizabeth Street South

72 Elizabeth Street South

73 Elizabeth Street South

76 Elizabeth Street South

77 Elizabeth Street South

78 Elizabeth Street South

65 Main Street South

66 Main Street South

71 Main Street South

73 Main Street South

Two verbal submissions (VanBelkam & McLaughlin) against the proposed severance, were also made at the Committee of Adjustment meeting from July 2019

June 27, 2019

SENT BY EMAIL AND HAND DELIVERED

Jeannie Myers, Secretary-Treasurer
City of Brampton Committee of Adjustment
City Clerk's Office
Brampton City Hall
2 Wellington Street West
Brampton, ON L6Y 4R2
Email: Jeanie.myers@brampton.ca

Subject : Applications B19-017 & A19-121

Firstly, let us apologize for not being in attendance (in person) to this COA meeting. It in no way detracts from our extremely strong concerns regarding these applications. We are presently on a family reunion vacation in Scotland with our children, their spouses and our four grandchildren. This was arranged over a year ago.

We are in receipt of the Notice of Applications for Consent and Minor Variance above noted made by Manoj Kapil for the property located at 67 Main St. South (Part of Lot 3, Plan BR-21). We strongly object with the proposed development.

The property in question is abutting our property immediately to the north. We have lived here since 2000. We purchased the property in large part because of the size of the backyard and the similar size backyards of all properties fronting on both Main Street South and Elizabeth Street. In effect there was a parkland, cottage feel to the entire city block with privacy being common throughout. The possibility of a 4671 square foot residential property being built on the requested severed lot, totally changes this dynamic. The backyards of six residential properties, not including 67 Main St. South, are directly affected by this request to sever. These and other residents will be directly affected by the building of a massive property and the resulting parking spaces.

Our driveway has been used by our neighbours to access their property at 67 Main St. South by mean of an access easement, as they do not have a direct access to Main St. South. Their current personal access to a road is from Elizabeth St. located at the back of their property which will be obstructed should the proposed consent be granted.

The subject property is located within the Central Area as identified on Schedule A of the Brampton Official Plan (OP).

Issues and concerns regarding the application(s) are as follows:

1. It is the policy of the City OP Section 3.1 that "Priority to preserving and enhancing the City's rich cultural heritage and existing social fabric that is integral to the City's urban design and community revitalization strategies" and will "Respect and enhance the existing built, social, and environmental context to instil a sense of pride and identity and contribute to the stability and vitality of the

community.” This section also promotes retention of heritage resources through proactive designation of significant resources in accordance with the Ontario Heritage Act and to integrate heritage conservation objectives into the planning process for enjoyment and stewardship of Brampton’s heritage. It recognizes that the City is built on a rich heritage including the subject property and the surrounding ones. This property (building and land) has been designated for its historic and architectural value and interest under the Ontario Heritage Act by the City of Brampton By-law 176-86 (copy attached). Therefore, this property should not be severed to preserve its heritage large garden, mature trees and house.

2. The proposal does not represent urban growth as the proposed infill is not a development that will achieve a higher density than the existing nor that it is an area for growth to take place as the property is located outside the Urban Growth Centre and the Central Area intensification corridors. The creation of the proposed lot does not add value to the area and would be a significant departure of large existing residential properties that are a clear characteristic of this historical, mature and established community/neighbourhood. This is a unique community and area within the City that according to the OP is meant to be preserved in order to maintain its historical value (century home and property fabric) and landscape characteristics (large mature treed lot) (OP Section 3.2) which is one of the most notable areas of the Brampton community.
3. According to Section 3.2.10 for Unique Communities in Brampton, “there are a number of communities that are of unique characteristics including the Toronto Gore, Huttonville, Churchville and Downtown Brampton. These areas possess unique cultural, historic, natural, and landscape qualities which are valued by the communities. Their conservation forms an important part of the City structure and contributes to the sense of place and identity. Downtown Brampton, notably the area along Main Street, is home to and has the largest concentration of the City’s heritage buildings and features. It is the subject of a proposed study to investigate the feasibility of establishing it as a Heritage Conservation District under the Ontario Heritage Act.” The subject property located at 67 Main St. South (building and land) has been designated for its historic and architectural value and interest under the Ontario Heritage Act by the City of Brampton By-law 176-86 (copy attached). Therefore, this property should not be severed.
4. Section 4.2.1.18 for Older, Mature Neighbourhoods, though under appeal at the Ontario Municipal Board (OMB)/Local Planning Appeal Tribunal (LPAT), still provides the City’s vision that “Development of new detached dwellings, detached replacement dwellings or building additions to existing dwellings be compatible with the general size, type and style of dwellings in the neighbourhood which are integral to the established character of mature neighbourhoods. Massing, scale and height of the dwellings or building additions should be consistent with the host neighbourhood. Detached dwellings or building additions shall be designed to minimize loss of privacy and sunlight on neighbouring properties. Detached dwellings should not dominate the lots. The separation of dwellings shall be generally consistent with existing separation of dwellings in the neighbourhood. Landscaping and fencing is encouraged to maintain established aesthetics and privacy.

4.2.1.18.1 The built-form of development, including scale, height, massing and architecture, is to be compatible with the built-form of the host neighbourhood.
4.2.1.18.2 Dwellings or building additions should be generally consistent with the setbacks, orientation and building separation distances within the host neighbourhood.

4.2.1.18.3 Impacts of drainage, access, privacy and shadowing on adjacent dwellings shall be minimized." The development as proposed in consent and minor variance applications is not compatible and does not integrate with adjacent land use, including lot size, configuration, frontage, massing, streetscape, heritage features, setbacks and privacy. Schedule SP7(A) of the Downtown Brampton Secondary Plan Area 7 shows clearly the parcel fabric of the properties along the west side of Main St. and adjacent to the subject property, including the lots configuration and their large size.

5. According to the Downtown Brampton Secondary Plan Area 7, the subject property and adjacent lands are located within the Special Policy Area Number 1 which "includes a number of homes which are listed in the Brampton Inventory of Heritage Resources. When viewed together these properties form a significant gateway to the Downtown Brampton District Secondary Plan"(Section 5.6.1.1). Furthermore, this Section of the Secondary Plan states that "Subdivision of existing lots which front on Main Street South shall be discouraged by the City"[underlined for emphasis].

In addition, the front part of the subject property and our property is located within Special Policy 3D (see Schedule SP7(C2)). Section 5.6.3.3d) states that "within the area outlined as Special Policy Area 3D on Schedule SP7(C2), no additional residential units (over those which legally existed as of May 7, 2014) are permitted unless safe access to flood-free lands can be achieved from the building. Such access shall be entirely above Regulatory Flood. Consents for the purpose of constructing new residential units are not permitted unless direct access to flood-free lands is provided." The severed parcel and dwelling would have access to flood-free land onto Elizabeth Street but the retained parcel and existing dwelling would be land-locked between the severed lot and the flood zone. Therefore the severance would be contrary to this Policy.

6. As the current owner of the driveway on 71 Main Street South we are not prepared to allow any traffic accessing or exiting the proposed new property as the existing easement only applies to 67 Main Street South. Expansion of the easement is not contemplated by the registered instrument on title and we are concerned that the severance, if approved, would improperly expand the original stated intention of that private easement.

The proposed severance (B19-017) application is contrary to the Policies of the Brampton Official Plan, the Downtown Brampton Secondary Plan and is not in keeping with the City Zoning By-law. Therefore, the application should be refused.

Incidentally, the associated minor variance application (A19-121) should be refused as well as the lot should not be created in the first place.

It should be acknowledged that the proposed lot width of 5.48m of the severed parcel is a significant deviation from the minimum lot width requirement of 23m, leaving the proposed lot with barely any frontage on a road except for a laneway. It also creates an odd shape lot with no streetscape value, which is not compatible with the surrounding properties in the area. The proposed reduced rear yard, will leave this lot with less than desirable amenity space, which may result in other zoning non-compliance for normal amenity structures such as a deck, a patio, a pool, a children's play structure and/or a shed. Since the rear yard is proposed to be reduced considerably by 3 times the minimum requirement, the adjacent neighbours will be directly affected by the visual impact of a new dwelling onto their properties, the noise of close new residents and limited potential for adequate planting and landscaping in line with the surrounding existing properties. The proposal will have a detrimental effect on the heritage value of the subject property and of the surrounding heritage designated properties. Therefore, the proposal is not consistent with the intent of the Official Plan and the Zoning By-law, is not desirable for the development of the land, and is not minor in nature. The application should be refused.

We would like the Committee of Adjustments to refer to the **"Thanks Neighbour; A Guide to City of Brampton By-law Services"** which is currently on the City of Brampton website. Due to our already lengthy submission of comments and concerns, we will not quote from it in its entirety but would like to highlight a couple of its guiding principles;

"Guided by a strategic priority to develop strong communities, the City of Brampton is focused on creating distinct, lively spaces that help instill civic pride. Maintaining the quality of neighborhoods is crucial to our image, and upholding our community standards is a shared responsibility, in which all Bramptonians have a role to play. City by-laws help contribute to a high quality of life in Brampton". It goes on to say that *"Some by-laws may seem restrictive, but they're prescribed for the greater good."*

This application comes short of meeting the minimum by-law requirement by more than 75% of the first minor variance and 60% of the second. In fact, the term "Minor" variance hardly seems appropriate.

This joint application, if approved, opens the door to similar requests from other property owners as it will be impossible to decline future requests based on the precedent established in this case.

In conclusion, the application(s) benefit no one except Mr. Kapil, the very recent purchaser of this property. The losers will be both the neighbours and the neighbourhood.

Thank you for your time.

We request to be notified of any future Committee of Adjustment meetings should the applications be deferred and of any decisions with respect to these applications.

Respectfully submitted,

Christine and John Anthony (Tony) Helik
71 Main Street South, Brampton, L6Y 1M9