

Julie Lee and Jacquelyn Burkell
1158 Byron Baseline Road
London, Ontario
N6K 2C8

July 30, 2018

Dear Councillor Turner:

**RE: WRITTEN SUBMISSIONS – PUBLIC MEETING
BEFORE PLANNING & ENVIRONMENT COMMITTEE (August 13, 2018)
FILE: Z-8847
1146 – 1156 Byron Baseline Road**

We are the co-owners and residents of the home located at 1158 Byron Baseline Road, and we are writing to you in your role as the Chair of the Planning and Environment committee that will be considering file Z-8847 on August 13th. Unfortunately, we will be unable to attend the meeting, as we are out of town. We have, however, significant concerns regarding this application, and we want to put them before the committee in writing.

Our home is situated on the southeast corner of Griffith and Byron Baseline Road directly adjacent (on the west side) to the proposed 4-storey apartment building development. Our home is on the Heritage Register and is historically significant to the Byron Village community. It was built in 1911 by a member of one of the founding families of Byron. The architecture is unique, and the home's owner/builder individually constructed each of the molds used for the bricks, pillars, and arches that are characteristic of this heritage home.

We most vigorously oppose the change in the zoning by-law from the current R1 designation to an R8 designation with special provisions to allow a taller building (15 instead of the standard 13 meters) with a much smaller front yard setback (1.8 meters instead of the standard 8 meters) in order to permit the development of a 38 unit, 4-storey apartment building. We are of the opinion that the proposed development is incompatible with the neighbourhood and as such is inconsistent with the London Plan (2016) which has as a goal to achieve "development that is designed to be a good fit and compatible within its context" (p, 62); we also note that proposed plan presents environmental and health issues that have been neither acknowledged nor addressed by the Applicant. Both of these concerns arise in a context of a longstanding strained relationship between the Applicant and the neighbourhood. We will detail each of these concerns below.

Before providing this detail, we want to make it clear that we do *not* oppose the development of 1146 – 1156 Byron Baseline Road, so long as that development is consistent with the City's Official Plan. Indeed, we welcome an appropriate development on this property, which has been vacant for some time. However, the proposed development (and the integral request to

change the zoning designation) conflicts with the principles and requirements set out in the London Plan. The Applicant has many options for medium density housing that would not represent such a stark and unwelcome contrast with the neighbourhood and that would not require an R8 designation with special provisions. The Applicant, however, has put forward a plan that maximizes intensification/density without attention to key and balancing planning principles that include neighbourhood compatibility, respect for heritage, and environmental impact. It is for these reasons that we oppose the proposed zoning by-law change.

I. LACK OF COMPATIBILITY WITH AND CONSIDERATION OF NEIGHBOURHOOD/HERITAGE

The planning document provided by the Applicant suggests that the proposed building is “unlike the single detached homes immediately adjacent but quite like...the townhouse development at 1100 Byron Baseline Road.” We fundamentally disagree with this statement. The development at 1100 Byron Baseline Road consists of one and two-storey condominiums in detached groups of 4 – 7 units (R5 zoning designation), with interspersed trees and green space. The 1100 Byron Baseline property includes green space buffering between the townhouses and each of the nearest neighbours and the street-side view is of gardens and green space between the road and set back one or two-storey residential buildings. These buildings are entirely compatible with the surrounding single-family homes that are typically 1 to 1 ½ stories. By contrast, the proposed development (which would require an R8 designation with special provisions) would present a street-side view of a large four-storey apartment building set much closer to the street than any of the surrounding buildings, with minimal green space. The proposed placement of this building would utterly obstruct the street view of our heritage home from any view except traffic/pedestrians coming from the west.

Clearly, the planned building is out of scale with the single-family homes in the area – both in terms of height and density. In addition, the Applicant’s Planning Report does not accurately deal with the contrast between the roof-line/height of our home and the proposed four-storey structure. Our home is 2 ½ stories rather than three (as stated in the Planning Report), and the outbuilding on our property is also 2 ½ stories rather than three (as stated in the Planning Report). In addition, the surrounding homes all meet or exceed the setback required by the R1 zoning, and the planned development would present a stark contrast to the existing neighbouring homes in this respect. We also note that in the proposal the entire site is devoted either to the footprint of the building or its parking lot. Such a plan is entirely inconsistent with the well-established neighbourhood standard of set back residences and plenty of green space.

There are a number of higher-density apartment buildings (4-5 storey) in Byron. A number of these are located on Commissioners Road directly across from Springbank Park. According to the City of London data, Commissioners Road carries almost double the traffic of Byron Baseline (14-15 thousand vehicles per day, compared to 7.5-9 thousand vehicles per day on Byron Baseline in the region of the planned development); moreover, Commissioners Road in the vicinity of the apartment buildings includes significant commercial development. Thus, these apartment buildings are appropriately placed on a busier thoroughfare that is *not*

primarily single family residential (consistent with the zoning). These buildings are “set-in” to the natural slope/topography of the vicinity – thereby reducing the roof-line by at least one storey. Further, these buildings are significantly set back from the street/sidewalk and have integrated greenspace and landscaped buffers. In addition to the apartment buildings on Commissioners Road, there are also four-storey apartment buildings located on the north side of Byron Baseline Road (almost directly across the street from the gravel pit). Similar to the Commissioners Road buildings, these are also “set-down” by at least one story, as they have built into the natural sloping topography. Again, these buildings have incorporated set back and green space that is characteristic of Byron village, and they are located on a busier stretch of Byron Baseline Road. Thus, we do not see the proposed development as consistent with these existing buildings.

In addition to these general considerations, we are particularly concerned about the impact of the proposed development on our home and our ability to enjoy this space. The plan places the proposed building as close as possible to our home, within 12 feet of the shared property line, with the bulk of the building immediately opposite our home. We have a number of large windows on the east side of the home, including those in our kitchen – we have enjoyed the morning and early afternoon sun. We believe that the proposed building would significantly shadow our living space. We do not agree with the Applicant’s Plan which states that “any sun shadowing would typically be to the north and east.” The Applicant’s Plan does acknowledge that this conclusion is *not* based on any reliable information given that a shadowing study was not completed. Our lived experience would suggest that their claim of no shadowing, specifically as it relates to our property, is false. Again, none of these issues have been addressed or acknowledged in the Applicant’s Planning Report.

The discussion of ‘compatibility’ in the Applicant’s Planning Report pays some attention to the southern and eastern borders of the property. Notably, the eastern and southern borderlines are *most distant* from the proposed building, which would be situated on the property close to the western edge. Remarkably there is little discussion of compatibility with our property, which is on the western border, where the proposed building would be set close to the property line. There is mention of “perimeter vegetation” that, it is suggested, would assist in separation of the building and the “heritage asset” (our home), but this is a misrepresentation of the existing vegetation. Indeed, there is *no* existing significant planting on the property line with the exception of a 3-4 foot hedge that starts well in front of our home, and that would therefore provide no separation of the proposed building and our home. There are a small number of Manitoba Maples trees on the property line, which are in poor health and likely to experience increased deterioration as a result of any significant construction. These trees, therefore, are unlikely to provide any significant screening from the proposed building. In any event, given that the plan is that the apartment building is to be built directly proximate to the western boundary and within feet of our home, it is plainly obvious that neither a wall nor a planting could ever provide a meaningful visual border between our house and the apartment building. It is our view that the Planning Report misreports or mischaracterizes the negative visual impact of the proposed building on our home.

II. FAILURE TO CONSIDER ENVIRONMENTAL/HEALTH ISSUES

We have a well on our property that existed long before the provincial requirement for well construction records. The well has long been serviced by Staintons Limited, and is a drilled well approximately 100 feet deep. We are totally reliant on our well for water, including drinking water. Our property does not have city water service. Our well is situated close to the eastern edge of our property, and thus close to the west side of the proposed apartment building. We are very concerned that the process of construction for the proposed apartment building as well as the resulting long-term and high-density use would negatively affect our well and water supply. Excavations for the planned building site would be within 12 feet of our property line and proximate to our well. Pile driving or any type of construction method involving percussion would risk the integrity of our well system/water. There has been no environmental assessment carried out to assess this plan's impact on our well. Indeed, we were left a letter by a third party assessor in late 2017/early 2018, asking us to contact them regarding the well. Despite our repeated telephone calls and messages to the telephone number that was provided there has been no response or follow-up.

Over the past twenty years we have regularly secured water tests for our well water. All tests have demonstrated the high quality of the water. We will be securing a "Well Wise Water Test for Metals, Minerals and Salts" to establish the baseline (current) for the quality of our well. We are putting the city and the developer on notice that we will seek damages if there is any negative impact on our system and/or water quality in the event of moving ahead with this project.

We are concerned as well about the trees that would be affected by the proposed development. The Applicant's Planning Report relating to the tree planting survey/plan is illegible. There is a small grove of mature walnut trees at the southwestern corner of the site; these are desirable trees, providing a welcome green space in the urban environment. The London Plan notes that trees are important features of a neighbourhood's character and sense of place. It is, however, unclear whether the developer plans to keep these trees safe, and indeed the plan suggests that these trees would be destroyed to make way for required parking. Further, the trees on the western boundary of the property, which provide the only visual screening for our home, are in poor health and would be likely to deteriorate quickly and die during construction.

Finally, we consider the likely shadowing that would occur as a result of the proposed development to be a significant environmental issue. Given the proximity of the proposed building to our home, we believe that we would experience significant shadowing, especially in the morning and early afternoon.

III. POOR DEVELOPER/NEIGHBOUR RELATIONS

On a couple of occasions we have directly spoken with Mr. Birani, who we understand to be the Principal (owner) of the property and, presumably, the Principal of 2186121 Ontario Inc. Mr Birani has not been forthcoming or honest with us or with our neighbours about his intentions for the property. We asked him about his plans for the property (after the existing three structures were demolished), and we were told that he planned to build townhouses, of a tear-down nature, given that [he] planned to eventually build nice homes for his children. Thus, we have good reason to be concerned about the quality of the proposed building. We have received reports from other neighbours that they also asked the Principal about potential land use and they were advised that the plan was for townhomes. These conversations occurred less than two years ago. These individuals relied upon this representation for the purpose of purchasing homes in direct proximity to this property.

The Applicant did not hold, or even attempt to schedule, a neighbourhood/public meeting with respect to this proposal being issued (although the Planning Report indicates that such a meeting was planned for September, 2017). Thus, the Applicant has not sought any feedback from the community with respect to the planned development. It should come as no surprise, therefore, that this Plan is highly insensitive to our community. When a public meeting was finally held, facilitated and supported by the City, the Principal's representative indicated that the plan would remain intact and unchanged despite the community members' many and varied requests and concerns for accommodation and amelioration of the most egregious negative impacts of the proposed development. We, and other members of the community, are emphatically *not* opposed to development, and even intensification, of the proposed site. We *are* opposed, however, to the proposed development, which is profoundly 'out of step' with the surrounding neighbourhood and plainly includes no consideration for existing neighbourhood residents.

In closing, we restate our position opposing the application for a change to the zoning for this property with additional special considerations. We also request that our written submission be considered at the upcoming Public Meeting. Unfortunately, we have to be out of the province for the scheduled meeting. We urge our City to actively oppose this Plan in further proceedings, including any hearing at the Ontario Municipal Board.

Sincerely,

Julie Lee, LL.B.

Jacquelyn Burkell, Ph.D.