

From: Berberich, Doug

Sent: May 16, 2022 5:03 PM

To: oyalchits@london.ca

Cc: mcassidy@london.ca

Subject: Submission regarding rezoning application for 767 Fanshawe Park Road East File: Z-9499

Dear Olga Alchits,

Please find attached our response to the rezoning application to permit the replacement of a 1 storey single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a two and a half storey building containing 12 dwelling units (File Z-9499).

We are the owners of 768 Dalkeith Avenue, the abutting property immediately to the south of the property for which this rezoning request has been made.

For the reasons set out in more detail in the attached document, we strongly object to the proposed redevelopment plan and would like our comments to be taken into consideration in assessing the rezoning application.

We also wish to receive notice of and an invitation to attend any meeting at which the public may attend to speak to this matter.

We would be grateful if you would be so kind as to acknowledge receipt of this e-mail and attached submission, so that we know it has been received prior to the filing deadline of May 18, 2022.

Thank you,

Doug and Sue Berberich

768 Dalkeith Ave.

From: Berberich, Doug

Sent: Tuesday, May 17, 2022 11:30 AM

To: Doc Services <DocServices@london.ca>

Subject: [EXTERNAL] FW: Submission regarding rezoning application for 767 Fanshawe Park Road East
File: Z-9499

To: City Clerk

City of London

Please find enclosed our comments regarding a rezoning application for 767 Fanshawe Park Road East (File Z-9499), which have been submitted to Olga Alchits, Planning & Development, City of London.

In accordance with the instructions on the Notice of Planning Application form that was sent to us, this is to request that we be notified of any decision of the City of London on the proposed zoning by-law amendment.

We would also ask that you kindly acknowledge receipt of this e-mail.

Thank you.

Doug & Sue Berberich

768 Dalkeith Ave.

London, Ontario

N5X 1R8

Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

May 10, 2022

To: Olga Alchits
oyalchits@london.ca
Planning & Development
City of London
300 Dufferin Avenue, 6th Floor
London, ON PO Box 5035
N6A 4L9

cc: Maureen Cassidy
mcassidy@london.ca

From: Doug & Sue Berberich

768 Dalkeith Ave.
London, ON
N5X 1R8

[rear-yard directly abuts the subject property]

Subject: Notice of Opposition to Speculative Overdevelopment Proposal for rezoning to permit the replacement of a 1 story single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a 2 ½ storey building containing 12 dwelling units.
File Z-9499

Our home is located at 768 Dalkeith Avenue and our property is situated directly behind the subject property. We have lived in this neighborhood for 39 years and are very familiar with the area on which the subject lands are located.

In reviewing the Planning and Design Report (“the report”) submitted on behalf of Minh Tran, we noted that it contained a number of omissions and/or inaccuracies, which we believe are relevant to the consideration of this application. We will attempt to provide accurate information so that the city can properly discharge its obligations to make an informed decision.

We strongly object to the proposed rezoning and over-development plan as set out in the report. The proposed redevelopment is entirely out of keeping with the character of the neighborhood. The report notes that the subject lands currently have a single storey brick dwelling on the property. All homes on the south side of Fanshawe Park Road in the Northridge area (i.e. to the east and west of the subject property) are also detached single family residences. The homes that abut the subject property on McLeod Crescent and Dalkeith Avenue (west and south of the subject property) also consist of a range of detached single family residential dwellings 1 to 1.5 stories in height. Mr. Tran proposes to replace the existing 1 storey single family dwelling on the subject property with a much taller (1 to 1.5 stories taller than all surrounding homes) 2.5 storey structure (which the report inaccurately describes as

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“slightly taller than, but similar to the single detached dwellings to the south, east and west of the subject lands and maintains the low-rise character of the area” [page 15]).

The report also fails to mention that at the front (street level) of the subject property is at a significantly higher elevation than the surrounding properties to the south (Dalkeith Avenue) and west (McLeod Crescent), which will exacerbate the significant height difference compared to the existing structures. Not only is the height of the proposed structure much higher than the existing structure, but the proposed rear yard setbacks are much less than the existing set-backs, meaning that this much taller building will be much closer to our back yard, creating a “wall-like” effect impairing our sight-lines.

The subject property simply does not have sufficient depth to accommodate such a large structure and allow for unimpaired sightlines and a reasonable buffer between the two properties. In this regard, it should be noted that the higher density structures on the North side of Fanshawe Park Road have significantly deeper lots with much larger buffer areas between those structures and abutting properties.

Another significant concern we have relates to potential drainage issues, including potential for flooding onto my property and seepage of gas, oil, salt and other contaminants from the cars/trucks in the parking lot proposed to be created on the subject property. The planning and design report [page 2] says that the site consists of a grassed area with generally flat topography. In fact, the property slopes downward from the road level to the rear of the property (we estimate a 6-8 foot difference in elevation). The existing large grassy back yard on the subject property absorbs most run off from rain and snow, however, the proposal calls for substantially the entire lot to be paved for parking spaces, with only a thin strip of grass around the edges of the property. As a result, we are extremely concerned that this proposed development will change the existing drainage patterns to the detriment of our property.

The proposed plan also calls for the destruction of 31 of 32 mature trees on the property, entirely out of keeping with the character of the neighbourhood. It is also noteworthy that because Mr. Tran is seeking to put as large a structure as possible on the subject property, the replacement trees purportedly designed to offer a buffer between the subject property and abutting properties are so close to the property lines that the site diagram shows that the canopies of these trees will all need to encroach onto the abutting properties to offer any buffer at all. Planning to encroach on the neighbors to maximize a development on a lot that is not large enough to properly accommodate such a large development, does not seem reasonable.

The planning and design report also makes reference [page 9] to a vacant property at 1515 Trossacks Avenue and Fanshawe Park Road East (on the north side of Fanshawe Park Rd). While the report seems to dismiss this property, it should be noted that this property (being on the north side of Fanshawe adjacent to another townhouse complex and having street access on a quieter street, would be a significantly better suited location to this sort of development.

Other concerns include odor and rodents from outdoor garbage storage, noise, light from cars entering and exiting parking lot and parking right at my fence line, loss of privacy.

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The subject property would reasonably be suited to a 1 to 1.5 storey duplex (with entrances at ground level rather than elevated as shown on the drawing) that maintains a large grassed back yard and as many mature trees as possible. The current proposal, appears to seek to overdevelop the property beyond what it can reasonably accommodate to the detriment of the abutting properties.

Comments on Specific Elements of the Planning and Design Report

Design Goals and Objectives:

- Ensure compatibility and fit with surrounding neighborhood context – building a 2.5 storey – 12 unit structure, removing substantially all of the mature trees and greenspace to be replaced with a parking lot does not reasonably achieve this objective
- Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties. A 12 unit structure that is significantly higher than all surrounding houses and positioned closer to all abutting houses, 14 plus parking spaces all facing into the abutting properties, with a tiny green-space for 12 families to share, also does not seem likely to achieve this objective.
- In summary, the proposed development does not achieve either of these design goals, because the building is too high, has too many units, is too close to abutting properties, calls for too many cars/trucks to park directly against abutting properties back yard lot lines, destroys substantially all of the mature trees on the lot and leaves not nearly enough green space remaining to allow for water absorption or provide an effective buffer between abutting properties.

Vehicular Access:

- The proposal seems to recognize that increasing traffic exiting and entering a busy road like Fanshawe Park Rd is not ideal, but responds by saying that vehicular access will be right turn in and out. However, this is not a change as this is the situation now. What is proposed to change is that 12 times the volume of traffic would be entering and exiting from the subject property. When traffic is multiplied by 12 times, this represents 12 times the traffic risk.

Built Form and Site Compatibility

- References to “North Side of Fanshawe” – references in the plan to the higher density structures on the north side of Fanshawe do not support the proposed 12 unit 2.5 storey structure on the south side of Fanshawe. The properties on the South side are characterized by detached single family residential dwellings that are 1 or 1.5 storeys in height. Moreover, the higher density structures on the north side have deeper lots and much larger buffer zones.
- References to the proposed 2.5 storey height of the proposed building being “slightly taller” than the 1 and 1.5 story structures to the south, east and west of the subject lands and that this “maintains” the low rise character of the area appear to be paying mere lip service to the objectives of compatibility and “remaining respectful to the older sophisticated character of the low-density residential component of the surrounding neighborhood”. With respect, remaining

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respectful of the surrounding neighborhood would imply a much smaller 1 or 1.5 storey structure that allows for the retention of a significant number of mature trees and a large grassed rear yard.

Utilization of existing municipal resources

- It is our understanding that the subject property is not hooked into the city sewage lines, but rather remains on a septic system. The accuracy of the claim about the existing infrastructure being able to accommodate the proposed development should be validated. Furthermore, given the drainage issues presented by the property sloping down to the abutting lands to the south and west, we believe that a proper drainage plan to ensure that abutting properties are not exposed to flooding or run-off should be a pre-requisite to any development that would change the drainage or exacerbate the risk of causing flooding onto neighboring properties.

Intensification where appropriate:

- While the policy of intensification is reasonable, any proposal must be assessed based on the characteristics of the property and its ability to accommodate the development. The subject property is not of sufficient size or depth to accommodate such a large structure. This is why the proposal calls for the elimination of virtually every mature tree (31 of 32), shrinking of set-backs and the elimination of most green space in favour of a paved parking lot that covers most of the rest of the property that is not taken up by the building itself and with insufficient room for any kind of effective buffer between the subject property and the abutting properties.

No Risks to Public Health or Safety

- If the development and paving of substantial portions of the lot gives rise to risks of flooding and/or seepage of gasoline, oil, salt or other contaminants onto the abutting properties this most definitely could create health and safety risks.
- Similarly multiplying by 12 the number of vehicles accessing and leaving the property onto a heavily trafficked road does pose risks that are not acknowledged in the report
- Also, if the plan calls for external storage of garbage, there is an additional concern that having large refuse containers servicing 12 families will attract rodents to the neighborhood.

Official Plan Designation remains appropriate – it does not need to be changed

- It is noted on page 20 of the report that the subject lands are designated “Low Density Residential”, which permits single detached, semi-detached and duplex dwellings, the latter two of which would permit reasonable intensification that could be appropriately accommodated without erecting a structure that is too high and too big for the lot and that requires the destruction of substantially all of the mature trees and green space on the property.
- Although higher density structures may be permitted under the official plan designation, this is only under special conditions when compatible with a neighborhood.
- The subject lands are not well suited to accommodate the proposed development, which is not in keeping with the character of the neighborhood due to the “over-reaching” nature of this proposal.
- The proposed development has minimal landscaping, retains only 1 of 32 existing mature trees, proposes parking right up to the edge of the back yards of at least 3 of the abutting properties,

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with a sliver thin grass buffer and new trees to be planted so close to the property lines that the canopies (according to the developers own drawings) substantially encroach onto the neighbouring properties. It also calls for 12 families to share what appears to be a tiny green space (described in the proposal as “a large outdoor amenity space”).

Scale of Development

- Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy.
- The proposed structure which will be located at the front of the property (which is already significantly higher than the neighboring properties due to the downward slope from the road to the rear of the property) is proposed to be 2.5 stories in a neighborhood where the abutting homes are 1 and 1.5 stories and positioned closer to all property lines, will mean that the residents in the building will look directly down into the backyards of the abutting properties (loss of privacy) and that owners of the abutting properties will have their sightlines obstructed by a much higher building that sits closer to their properties.
- As a result, the above problems are not “minimized” with the current proposal.

Supporting Infrastructure

- Residential intensification will only be permitted where adequate infrastructure exists to support the proposed development:
- As noted previously due to the size of the proposed structure and plan to pave most of the remaining property to allow for off street parking there is no room left to provide adequate buffering
- Also as noted previously the traffic impacts have been minimized in the report notwithstanding that 12 times the number of vehicles will be exiting and entering onto a very heavily traveled road.
- Further, other than the natural absorption of water into the existing large grassed rear and side yards (on the south and the west sides of the property), which the proposed development will replace with pavement, the subject property also has no drainage system other than onto the abutting properties to the south and west of the subject property.

Compatibility

- The report indicates that the proposed development is compatible with the surrounding neighborhood because the existing structures are of “slightly” lower height than the 2.5 story height of the proposed structure, But in reality the proposed structure is almost twice the height of the surrounding residential dwellings.
- The report also indicates that the proposed 2.5 story structure is in proximity to buildings of equal or greater heights. The buildings being referred to in this statement are on the north side of Fanshawe Park Rd, which is zoned for higher density residential dwellings, whereas all of the residential dwellings on the South side of Fanshawe are low density residential dwellings. Accordingly, this proximity argument is something of a “red herring”.
- The report further indicates that the building setbacks will ensure no undue adverse impacts or privacy issues with adjacent lands. However, the proposed setbacks are all closer to the abutting

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properties then the existing structure and the building is significantly higher, which will impact on privacy and sightlines.

Location

- the subject lands are not of a sufficient size or configuration to accommodate the proposed residential intensification. The property is not deep enough to allow for a structure of this size with the number of parking spaces required and still allow for adequate buffering with abutting properties

Land supply

- there is reference in the proposal to an undeveloped parcel of land at 1515 Trossacks Avenue, which is larger than the subject property and is located on the north side of Fanshawe Park Rd which already has the zoning that would permit a higher density residential development the report states. The report, however, suggests that the proposed development on the subject property would nevertheless be preferable because it is uncertain whether the undeveloped parcel is municipally serviced and does not have an existing vehicular entryway. However, neither is the subject property currently serviced by municipal sewers. Furthermore, the other property offers the capability of entering and exiting onto Trossacks Avenue, which is a quieter street and which has a light at the intersection of Trossacks and Fanshawe to facilitate safe turns and pedestrian crossings (which would be far more desirable than exiting and entering onto a busy arterial road like Fanshawe as is necessary on the subject property).

Mitigation of adverse impacts

- the report acknowledges that adverse impacts are typically considered to be loss of privacy noise and the visual impacts of site development view obstruction shadowing and goes on to say that for the proposed development privacy will be maintained through the use of landscaping tree retention fencing and appropriate building setbacks. However, as can be seen by the drawings in the proposal, these adverse impacts are not accounted for or adequately mitigated by the proposed development due to the significantly greater height of the proposed structure relative to the surrounding structures, the destruction of substantially all of the mature trees on the subject property, the elimination of substantially all of the green space on the existing property, and the creation of parking directly along the property lines of at least three of the abutting properties

Housing objectives

- the proposal states that the proposed development broadens the range and mix of housing types in the area however there is already a broad mix of housing types in the area. The area on the north side of Fanshawe Park Rd has a significant number of multi family residential dwellings. The fact that the South side of Fanshawe Park Road in the Northridge area is low density residential, actually helps to preserve a balanced mix of housing types in the area (low density on the south side and higher density on the north side).

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The London Plan

- the London plan includes the following statement: as directed by the policies of this plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighborhoods and represents a good fit.
- Respectfully, the current proposal most definitely does not do this.

Conclusion:

We have carefully reviewed the planning and design report and believe that the proposed development is simply too ambitious for the size of the lot. The proposed building is too high and contains more dwelling units than can appropriately be accommodated. We are very concerned about the various issues that we have raised in this document (including concerns about drainage and runoff, loss of privacy, noise, view obstruction and shadowing) and respectfully ask the City to act to protect our interests and the interests of the other property owners in the neighborhood of the subject property.

To be clear, we are not opposed to any development on the subject property. Some development could be appropriate, provided it truly is sensitive to existing neighborhood and represents a good fit. This would permit a single detached, semi-detached or duplex dwelling (as provided for in the official plan) of a height of 1 to 1.5 stories (in keeping with the height of the neighboring structures) that retained adequate green space, including a large grassed back yard and the retention of as many mature trees as possible.

However, the proposed development in our view seems aimed at maximizing the development opportunity for one property owner (who has never resided in the neighborhood) and does not adequately consider the adverse impacts to the neighboring property owners (many of whom have lived on the abutting properties for many years).

We would ask to receive notice of any public hearing related to this matter, so that we can arrange to attend and speak to this application.

Thank you,

Doug and Sue Berberich