

**From:**  
**To:** [Committee of Adjustment \(SM\)](#)  
**Cc:**  
**Subject:** A 2023-064 - Belmont Avenue West application for variance  
**Date:** Wednesday, June 14, 2023 12:26:51 PM

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June 14, 2023

Committee of Adjustment  
Legislated Services  
City of Kitchener

Written Submission regarding application for minor variance

A 2023-064 - 35 Belmont Avenue West Zoning By-law to permit 9.8 m rather than required 13.1 m, to facilitate the construction of an Additional Dwelling Unit in rear of yard of property.

Builder: Greenfield Homes - Octavian Rosu

Dear Members of the Committee of Adjustment,

Recently a builder has applied for a variance concerning property 35 Belmont Avenue West.

I am raising both concern and objection to this variance. I am the property owner of \_\_\_\_\_ and \_\_\_\_\_, the properties directly south and directly bordering to the rear this building site.

Our clinic, has been in existence on our property for over 35 years. We keep our backlot pristine (see photos enclosed), and ecologically undisturbed; both to attract wildlife, preserve green space and provide a quiet place of reflection for our patients.

With this recent reckless, and thoughtless build, our peace and ability to safely enjoy our property has been interrupted. We and our surrounding neighbours are upset with the way the build has progressed, and now with the proposed addition of a backyard rental unit. (ADU)

1. It has come to our attention that this build has encroached onto our property, spilling building debris, garbage and disturbing our natural forest habitat.
2. Someone has trespassed through and onto our property, without our consent, notification, and knowledge to access their building lot, "tap" into the hydro or phone access module (see photos), and in doing so deliberately cut our fencing, which is on OUR property, in four places, thus damaging our fence. Building debris and fill has spilled over onto our property.
3. Our vegetation has been trampled, trees cut and pruned, and natural retaining fence damaged to facilitate this build. Stones and supporting cement on the retaining wall have been removed to find or access utilities.
4. The minor variance should NOT be granted as the lot is too small to accommodate the current building to proper building standards, and certainly would not adequately accommodate another house structure. The topography would cause drainage problems as it has already done to our property, and it would crowd the existing neighbours and invade our quiet privacy.
5. The space is too small to accommodate adequate parking for all future tenants, forcing them to park on the street, furthering the already narrow and frequently congested Belmont Avenue through-way to Highland road from St. Mary's Hospital. This route is often used as a north/south ambulance pathway.
6. Currently there does not exist nor is their infrastructure to accommodate proper building drainage, sewage and

adequate run off. Run off from an additional structure would run onto our property.

7. Another structure on this lot would ruin the currently idyllic quiet that this neighbourhood has enjoyed for decades, by adding even more people than what the lot size had originally been zoned for.

8. It would ruin our backyard view that we have so carefully cultivated and nurtured, thus destroying our ability to enjoy our properties.

9. The additional unit would increase noise, pollution and disturb the current abundance of wildlife in our wooded lot, that includes, nesting foxes, peregrine falcons, mallard ducks and other fragile wildlife.

10. This additional build was never included in the original design and building permit and is a rushed, “underhanded” attempt to create another unit for rental profit for the builder.

11. Currently, there is a stop work order on the site, as the builder has numerous building code violations issued by a labour standards inspector, an unsafe worksite, open utilities that have been “tapped,” and has egressed on to neighbouring properties without making redress. The builder has not made any attempt at communicating or listening to adjoining property owners and their concerns.

12. The existing height of the retaining wall does not provide adequate slope for further building or landscaping that could accommodate another structural load and its height remains unsafe.

It is for these reasons, that as property owners of TWO adjacent lots we object to the minor variance and ask the committee to enforce the original building permit.

You may see from your records that others have opposed this variance, yet still more neighbours are now meeting to sign a petition against this variance and complain about the current build that is not in keeping with the landscape, or character of our neighbourhood.

I have included pictures of our property, and the build spillover and damage to our lot.

Respectfully submitted, as owners listed below,

Dr. Harry Hoediono  
Dr. Helen de Man  
2112761 Ontario Ltd  
2143584 Ontario Ltd

Dr. Harry F. Hoediono, B.Sc., D.D.S

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