

From: Joel Van Es [REDACTED]
Sent: Wednesday, May 15, 2024 2:57 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: Committee of Adjustment Meeting - May 21

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I am writing the Committee in relation to the proposed variance changes at 32 Montana Cres in Kitchener. I am the owner of the adjacent property, [REDACTED] which I have owned since 2005. I have resided at this residence for many years and recently have made it available as a rental property and have been diligent in keeping the property at a high standard to help maintain the neighbourhood feel. I regularly keep in touch with my neighbours and ensure the property is a positive impact on the neighbourhood.

The property at 32 Montana Cres was constructed as a single-family semi-detached dwelling which was converted to a duplex a few years back. Since this time the property has not been well maintained and violated many property standard by-laws. This property was not designed to house numerous family units and adding another unit will further degrade the property, the neighbourhood atmosphere and will likely result in additional property standard violations. The current owner has been negligent in maintaining the property and in my opinion is not suited to manage any rental property let alone a larger multi-residential building. Neighbours have taken time to speak with the tenants and owners to rectify some of the property standard violations however no improvement has been made in years.

Some of the most notable violations are as follows:

- For months at a time the property regularly has garbage spread out over the driveway and property, including uncovered / unsecured waste containers, an abandoned water heater, gasoline can and an old car battery. The waste has attracted many rodents (rats, skunks and raccoons), the water heater is unsightly and poses a safety risk if it fell over on a child or delivery person and the car battery and gasoline cans have a significant risk of leaking acids, lead contaminates and hydrocarbons into the soil.
- The grass areas of the property is rarely cut (only 2-3 times last year) and over grown vegetation causing damage to the surrounding fences has been left until neighbours are forced to tidy it up.
- The driveway is single width and functionally does not allow for proper parking of multiple housing units. The driveway abuts the driveway at 30 Montana, making two single width driveways side-by-side. In the past vehicles have often been illegally parked on the lawn or when blocked in the vehicles exit by curving around parked vehicles on the driveway of 30 Montana, this has caused damage to vehicles, noted and reported to the tenants. The driveway is not suitable for multi-unit parking.
- Noise violations for numerous late night parties. This is negatively impacted the neighbouring children and the enjoyment of the surrounding properties. Kitchener By-law can confirm the number of calls for this property.

Some further concerns I have with the City making a zoning variance for this building are as follows:

- Adjacent housing pricing will decrease due to the over crowding of this property. Purchasers make life-time investments into housing with the understanding that the City zoning will keep the neighbourhood in a similar condition and neighbour appearance. Changing zoning requirements will have a negative impact on property values.
- Over crowding of a small property like this will increase the parking and vehicle traffic for this property and the City has not widened the street to accommodate this traffic. If zoning is to be modified the City must first upgrade infrastructure to accommodate such changes.
- Montana Cres has no sidewalks and has community mailbox service which means residents, including many children must navigate the street to move through the neighbourhood. Increasing traffic and increasing the need for street parking by allowing

over crowding of a property will create safety hazards and goes against the Region's Vision Zero.

- Changing the existing property setback of 32 Montana will negatively alter the enjoyment, lighting (both natural and man made) and sightlines of the adjacent properties. Any additional structure should fall within single level construction to fall in line with existing outbuildings (sheds and garages). The proposal for 32 Montana is set too far back and too tall.
- The City has a very limited supply of smaller residential homes with attached green space, such as the type of homes on Montana Cres. Purchasers or renters looking for a home that is affordable and has a yard is in high demand. These properties allow residents with pets and/or children a safe and enclosed outdoor space, something condo buildings often do not. Allowing 32 Montana to develop its land is essentially converting this property into more of a condo style or multi-residential dwelling, something the City already has significant construction volumes. The City does not need more residential units but homes, places where people can live and this includes the enjoyment of an outdoor space.
- I question the previous building inspections completed by the City's Building department for the current duplex modifications. Either the inspector missed some items or changes were made after final inspection. I would strongly support a re-evaluation of the compliance of the duplex standards. One of the noted concerns is the new side entrance has improper riser heights from the precast step to the door threshold, no landing, handrail, the gas venting is also a trip hazard and the venting appears too close a building opening. See photo attached. Perhaps before allowing further construction the existing building code compliance should be achieved.

Overall, I think it is very clear that making a zoning variance for the current proposal at 32 Montana is harmful to the surrounding community and property owners and only benefits the owner of 32 Montana Cres. If these owner want to expand their rental investment portfolio I strongly suggest to purchase another property that can accommodate their development dreams without ruining the adjacent homes. I also believe the past compliance of the owner clearly displays that they are not well suited to manage a multi-unit residential property and approving it will be reckless. Lastly the safety concerns raised and the lack of proper infrastructure clearly shows the City is not prepared for this type of development nor the precedent it will set for this neighbourhood and that approving the zoning variance will affirm that the City and this Committee are now aware and accepting of these risks and financial losses.

Thank you for hearing my concerns,

Joel Van Es

I can be reached at [REDACTED] and [REDACTED]

