

From: Sandra McDermid <[REDACTED]>
Sent: Thursday, November 11, 2021 12:55 PM
To: Martina Chait <MartinaC@dourodummer.on.ca>
Cc: Sandra McDermid [REDACTED]
Subject: Zoning Application R-13-12

Dear Ms Chait-Hartwig

I am writing in opposition of the proposed zoning bylaw R-13-12.

I am the owner of the property at 1484 Birchview Road which has a right of way across one of the properties in this zoning request.

I understand that this zoning request is one of the requirements in the severance request that was granted earlier last year. At the time of the severance request I was not overly concerned about the separation of the lands, however after the severance request was granted things changed.

In the interest of clarity, my issues with the zoning application is with respect to the current use of the private laneway which exits Birchview Road as a right of way across the land the applicants's own (the severed part of 1550). This laneway was established as a right of way to give access to my property 1484 Birchview Road, and our neighbour's property at 1492 Birchview Road. Before last summer this private laneway ended at the entrance to 1492 Birchview road and there was a clear barrier at the end of the laneway. The road is marked private, and no trespassing, however it has historically been ignored by pedestrians, cyclists and other users (some on horseback!).

As far as I am aware, shortly after the applicants purchased 1550 Birchview Road, in addition to their property at 350 Carveth's Marina Road, would drive down the maintained right of way and park at the end of the right of way right above the entrance to 1492 Birchview (but still on the 1550 part of the property). It was a restricted access right of way which did not go further towards Carveth's Marina Road.

The issue has arisen since the applicants were granted provisional severance of 1550 Birchview Road. After the severance was granted, the applicants removed the barrier restriction from the end of the laneway to open up access to their property at 350 Carveth's Marina Road. In other words, they drive off Birchview Road along two rights of way, and continue to drive past 1492 as if the right of way continues towards Carveth's Marina Road and park at their property (350 Carveth's Marina Road).

Since the opening of the restriction, this quasi-right of way/road has started to be used by vehicular traffic, including trucks, from other properties on Carveth's Marina Road, or by vehicular and pedestrian traffic who are looking to avoid the hill on Birchview Road. It is my understanding that the right of way was granted to 1484 and 1492, but is not a right of way for general use and potentially is already being used in violation of the terms of the right of way. While I understand there is no right of way for these cars and trucks to do this, they are doing it anyway, even with signs that say no trespassing, and private road. With this increase in vehicular traffic, we have a problem. I am concerned on many fronts including, noise, damage, liability and safety. We are a family with 3 children and 2 dogs. The private lane is not designed for cars to pass and has resulted at times in cars having to back up down a tight lane way. The laneway is being used outside of its remit.

We therefore do not support this zoning with the way it is currently being used by the applicants and are in opposition to it going ahead until this matter is properly resolved and a physical barrier to restrict access is re-erected, and the applicants honour the original intention of the right of way to create a private, limited use, laneway.

Thank you for your attention to this.

Kind regards
Sandra McDermid



Sandra McDermid

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