

June 21 2018

Dear Mayor and Council,

Re: Development application for 331 and 337 St. Charles St.

We live on 1613 Earle St. next door to this proposed development. This application if approved as presented has significant negative impacts on my living expenses and property values.

Requirement to remove our garage - We received a letter dated March 5, 2018 from the developer. He stated that our detached garage is encroaching on his property and he demanded it be removed or relocated because of its "dilapidated" state. Regrettably this allegation is patently untrue. In fact, two Victoria city inspectors approved the maintenance work taken under a permit issued in 2000.

This requirement became clear to us only a month ago when we met with the city planner who explained that resolving the encroachment (0.25 m most of which is the garage overhang) that is noted on the site survey is a requirement of the application.

We do not have a viable option to relocate the garage (fig. 1 green marker) since ours is a narrow lot with a character house (built in 1913) that would lose its character if the garage were moved and attached to the house. Relocating the garage to the back yard is not possible because the city wants the ponderosa pine, which would sustain damage, preserved. I proposed to the developer to purchase this sliver of land. In his belated reply he wrote he is "taking advice as to whether it is even viable."

A Land Title document (dated 1920) shows the developer's property width as 30.19 m and the current survey shows 30.54 m (a discrepancy of 0.35 m). The current surveyors stated that the property dimensions are deduced rather than proved since a few lead plugs cannot be located. According to Case Law the current survey overrules the 1920 LTO document. A neighbour witnessed that the garage already existed when he moved on to Earle St. in 1956. We bought our property in 1987 and none of the owners of the encroached property, including the developer, have ever raised the garage location as an issue. In 2009, the developer granted me permission to paint the garage wall facing his property even though he stated to us that my garage is encroaching. In 2011, he proposed to resolve the encroachment by moving the boundary if his future development application was successful.

The garage is used for vehicle maintenance, and provides a workshop, and parking space. According to a construction firm it would cost \$18,000 to build an equivalent garage. It has been estimated that our property would be devalued by approximately \$30,000 if we were forced to give up the garage. These direct damages to our existing property and its value seem unreasonable, particularly since the garage has been in place as it is for so long.

Shadowing of our property - Our house has 10 windows and 2 doors with glass openings located to the southwest and facing the proposed new house to be located 7m from my house. We do not heat the house during the fall, winter and early spring months when the sun is exposed to these elements. The developer has submitted a document showing shadowing and states that there "appears to show little excess shadowing." My house is 2 stories tall and the document's bird's eye view is incapable of showing any shadowing of the windows. The attached pictures (fig 2,3 and 4) are examples that show the peak of the existing house on 337 St. Charles; during the winter the sun is barely above the roof which is located

15 to 20 m from my house. It is obvious that a 7.5 m tall house in between the existing house and ours would definitely block the sun and require us to purchase fossil fuels for heat.

We note that the proposed new house has only 3 windows (two small and one large) facing southwest. These windows will not capture the sun's energy since it will be shaded by the existing house on 337 St. Charles. This is not the kind of design that will help our city deal with the climate change crisis.

I am also concerned that the developer's mother paid a visit to two of my neighbours to solicit support for the subdivision. She reportedly stated that she lives on the corner of St. Charles and Earle St., which is a false statement—only her tenants live there. She was further quoted as suggesting that "City Hall is pressuring her to put townhouses in that location—we don't want that do we?" This fear-mongering tactic has succeeded with some residents who live in the Fairfield Planning zone behind the Fairfield Plaza. These residents are claiming that the city wants to put 4-story townhouses on their street: 8 townhouses on 1 lot without any need to rezone. On the other hand, the residents directly affected by the proposed subdivision have written individual letters, which oppose the proposed subdivision, to City Council.

The City considers St. Charles and Earle Streets to be part of a "Greenway" and road dedications are being implemented to protect the trees. However, there will be a significant loss of trees (average height of 7.6 m, fig 1 orange marker) and tall Laurel hedges (average height 8 m, fig 1 blue marker) directly on the property. Besides the two ornamental Cherry trees, there are Hemlock and Douglas Fir trees, as well as an unidentified deciduous tree that will also be removed. This will effectively prevent this property from continuing to serve as a buffer zone between Hollywood Park and the residential neighbourhood and also between us and St. Charles Street

Street parking is a big issue on Earle Street. Currently, there is a lack of street parking for residents, users of the pre-school and park visitors between St. Charles and the entrance to Hollywood Park. One parking spot will be removed due to the new driveway as indicated on the proposed plan. Furthermore, although two parking spots will be created by this driveway, it is highly likely that, for practical purposes, only one car will be parked there.

I cannot overemphasize the degree to which this development will result in a significant encroachment on our privacy, light, and our use and enjoyment of our property. The developer has never engaged with the affected neighbours and has not mitigated our concerns even after the CALUC meeting.

In terms of addressing City housing concerns, the new house does not address affordability. Housing affordability and gentle density would be better addressed by developing secondary suites in the 2 large existing houses and/or by adding 2 garden suites. This would result in eliminating the negative impacts on us and the surrounding neighbour residents.

I trust City Council will seriously consider and appreciate our concerns and reject this subdivision application.

Yours Truly,

Insha Khan

Lydia Wiet

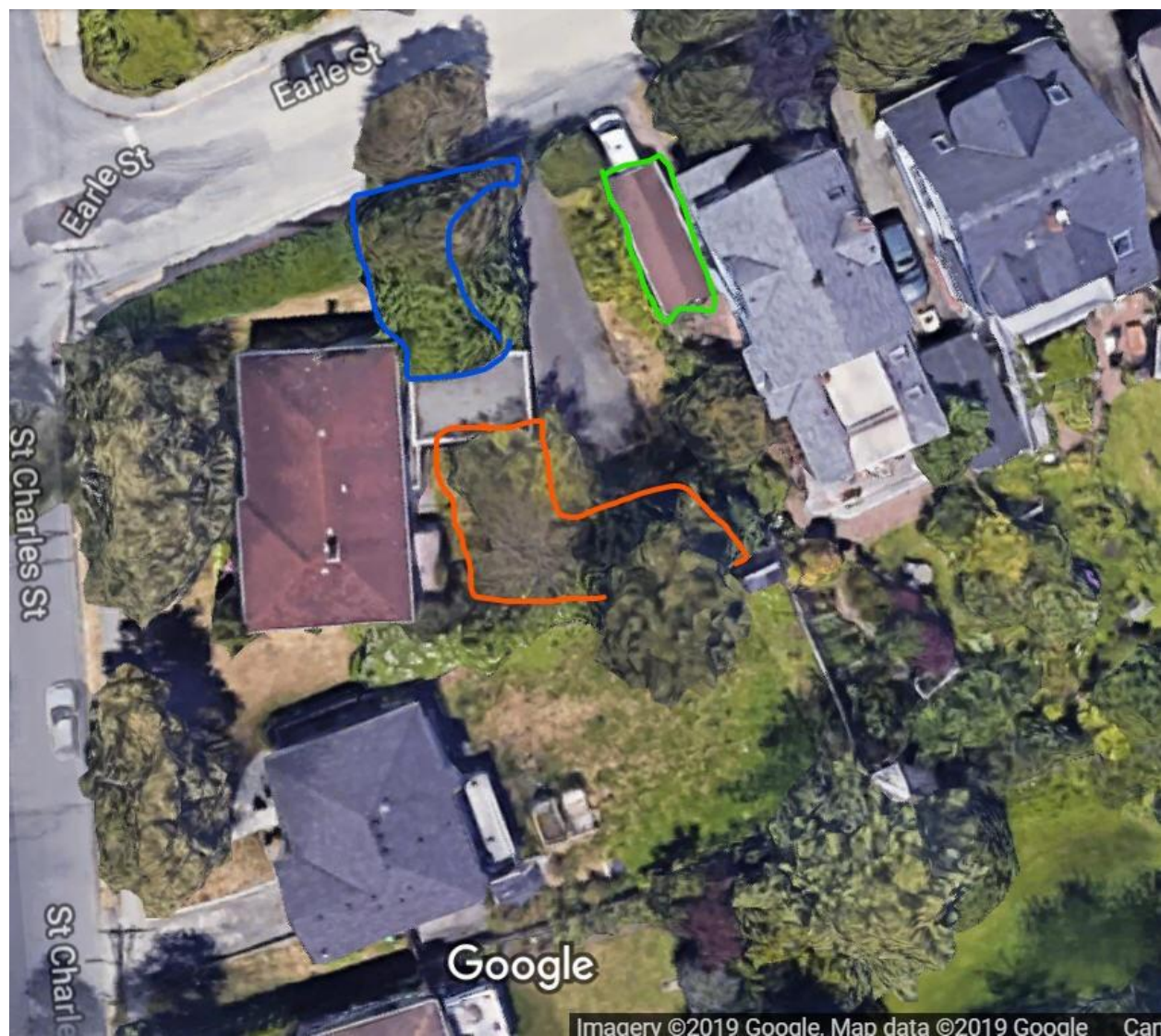


Fig 1



Fig 2



Fig 3



June 23, 2019

Mayor and Council

City of Victoria

RE: Development Variance Permit 331 and 337 St. Charles St.

I am the owner of the property at 343 St. Charles St. My property is located directly across Earle St. to the North of 331 St. Charles. There are five windows in my house which look directly at the property in question. I have lived in this location for the past thirty four years and have several concerns regarding the proposed development.

Parking in this area has always been a concern. Events at Hollywood Park, the presence of several in-home businesses in the area, tenant parking and overflow from Fairfield Plaza all contribute to parking pressures especially on Earle St. The construction of another house with a secondary suite and another driveway onto Earle St. will only make a bad situation worse. The driveway will remove 1-2 parking spaces from an area that is already overcrowded. I realize that the plan requires provision of off street parking spaces but there is no guarantee that they will be used.

One of the attractions of this area has always been the large number of mature trees, hedges and plantings which add to the ambience and character of the neighbourhood as well as providing important visual and acoustic buffers. This proposal will require the removal of several mature trees on site as well as extensive areas of well established mature hedging. Along with the increased density resulting from the new dwelling this permanent loss of trees, hedges, plantings etc. cannot help but have a negative effect on privacy for my property in particular and the neighbourhood in general.

Instability due to existing soil and subsoil conditions in this area raise other concerns. Homes in the area have had problems with foundations, stairs etc. due to the unstable soil conditions. In the short term, construction activities such as excavation and concrete placement could result in damage to adjacent properties such as mine and my neighbours. Long term, the presence of an additional structure will also have an effect on subsurface stability as well as groundwater drainage patterns etc. which will affect neighbouring structures.

My final concern is that approval of these variances and allowing the development will set a precedent for future developments that are not aligned with the values and character of the Fairfield area.

I would like to thank the councillors for considering my concerns as outlined and urge them to follow the existing plans and bylaws and reject the requested variances.

Yours truly,

David Shepherd

343 St. Charles

Date:

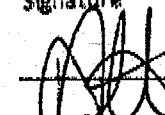
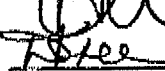
To Mayor and Council

Proposed permit for 331/337 St Charles

I understand a sub-division plan for a new single family home at 331/337 St Charles, and supportive of this project and facilitating in-filling to alleviate our housing crisis.


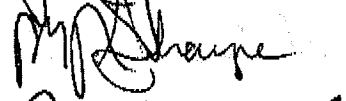
Signature

Address

 Amy Kamasaka
 Donna Kree

331 ST CHARLES ST. VICTORIA, BC.

1510 Earle Place Victoria

1535 Earle Place Victoria

1512 Earle Place


305 ST CHARLES ST, Victoria.

Philip Arthur

2-366 St Charles St Victoria

Jay Smith

3-366 St. Charles St Victoria


Donna Kree

372 ST. CHARLES ST. Victoria

378 ST Charles ST.

George Gonzalez

1660 Earle Street. Victoria



309 St. Charles St. Victoria

Candi Beebe

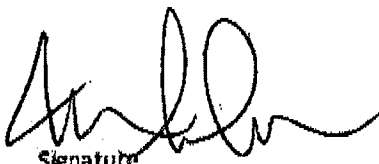
Katherine Brown 337 St. Charles St. Victoria

Date:

To Mayor and Council

Proposed permit for 331/337 St Charles

I understand a sub-division plan for a new single family home at 331/337 St Charles, and I supportive of this project and facilitating in-filling to alleviate our housing crisis.



Signature

1587 EARLE PLACE

Address

Date:

To Mayor and Council

Proposed permit for 331/337 St Charles

I have reviewed the proposed sub-division plans for a new single family home at 331/337 St Charles, and have no opposition to this project.

Signature

Address

W. Varga

1591 Earle Place.

~~W. Varga~~

1558 Earle Place

6596

1550 Earle Place

9/11/10

1549 EARLE PLACE

Adont

1555 Earle Place

S. Munn

1886 EARLE PLACE

~~W. Varga~~

1565 Earle Place

R. W. Varga
bygones

1564 Earle Place

347 St Charles St.

Ross Cross

{ 1617 Earle St

{ 1617 EARLE ST WITH NO SUITE

Pamela Martin

From: Chez DJ [REDACTED] >
Sent: June 24, 2019 8:16 PM
To: Public Hearings
Subject: Proposed Development at 331 and 337 St. Charles Street

Dear Mayor and Council,

As we are unable to attend the public hearing in person, we are submitting our comments to you in writing. We are residents of 325 St. Charles Street. We hope that you will consider our previous letter, dated April 16, 2018, as well as the various letters written to you by residents living around Hollywood Park, expressing our view that any development adjacent to a neighbourhood park must be sensitive to the ecological function and social values of that park. Thus, a request for variances to front, rear and side yard setbacks, as well as the removal of existing trees, is of concern.

The concerns of neighbours were shared with the developer and discussed at the CALUC meeting on June 7th. At that meeting, the developer had indicated that he would consider making adjustments to the design to address those concerns. However, we note that there have been no changes to the development plans since that June 7th meeting, which is disappointing.

Best Regards,
Debbie & John Wells

Timothy and Marija Stonhouse
1616 Earle Street
Victoria, B.C. V8S 1N5

Mayor and Council
City of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

June 24, 2019

Dear Madame Mayor and City Council:

Thank you for giving us the opportunity to share our thoughts and concerns concerning the development proposed for 331/337 St. Charles Street. First, a brief introduction. My wife and I purchased our property at 1616 Earle Street in 1996 as we were taken with the character of this Fairfield property as well as the liveability of the neighbourhood. Part of what drew us to this area was its maturity and understated beauty. Employment circumstances did not allow us to actually move in until late 2014. In the five years since living in our house our love of the neighbourhood as grown.

While we understand that any neighbourhood cannot remain static and that changes will come, we are firmly committed to maintaining what makes Fairfield special. We have watched the neighbourhood development proposal with considerable interest, discussing the project with many of our neighbours as well as attending many community meetings discussing the future of the area. As a result, we have more than a passing knowledge and interest in the proposal that is currently before council.

We have the following comments: some positive, some negative. First, the positive: we would like to applaud the developers for their desire to maintain the character of the area with their design. We submit that generally the design will fit in well with the surrounding properties. As well, the materials proposed are such that they will further enhance the current 'look' of the street.

Now the negative: As council is likely aware, Earle Street is a relatively short stretch of road that has Fairfield Road on one end and St. Charles on the other. Slightly mid-point is Hollywood Park which is used continually as it features a play park, two tennis courts, several small soccer pitches as a large baseball diamond. On a typical summer evening and during the weekend parking is virtually impossible with cars often parking in 'resident only' spaces which causes major difficulty for residents and their guests. While we could call bylaw enforcement we want to be 'good neighbours' and rarely do so. The real issue is that there simply not enough parking. Couple those parking issues with the fact that Earle Street has become a preferred

route for cars and bicycles wishing to avoid the very busy intersection of Fairfield Road and St. Charles Street. All of these activities add up to a potentially serious reality. An additional dwelling on Earle Street with the potential for a legal suite will add additional vehicles to an already crowded street.

What are the options? Several come to mind. The first would be to stipulate that the proposed structure not be approved for a secondary suite. Second would be to insist that sufficient off-street parking be provided in the development. This would result in the loss of green space. Third would be to allow for garden suites for the existing properties on St. Charles Street. Because of the smaller footprint of the garden suites, there could be provision for off street parking without the offsetting loss of green space.

Finally, the developer will likely argue that because of his investment in purchasing the two existing properties he needs approval for a large structure with the potential for a secondary suite. While we have some sympathy with his need to make a reasonable profit the reality is that he likely paid too much for the subject properties which incidentally raised his neighbour's property values resulting in higher taxes for all of us.

In closing, we do not necessarily want council to totally reject this proposal but to insist on changes to address the concerns expressed by ourselves and our neighbours.

We thank you for the opportunity to address council.

Yours truly,

Tim and Marija Stonhouse

June 25, 2019

Dear Mayor and Council,

Re: Development application at 331 and 337 St. Charles Street

We are the owners of 1617 Earle street – two houses away from the proposed subdivision. We are opposed to this development application and request that you reject the application.

We understand that this development application to subdivide the lots at 331 and 337 St. Charles Street, will allow construction of a new 5-bedroom house **with a basement suite**, in a new **very** narrow-sized lot, with limited parking in one driveway.

The lack of parking is a very serious issue in our local neighbourhood and must be dealt with before new dwellings are added. We have mall employee's, hospital staff, daycare parents, park users and residents all competing for existing parking and there are days when we can't even park close to our house as the street parking spaces are full. The current proposal will eliminate two on street parking spaces which are already filled the majority of the time. (one by the new driveway and the other as there is not enough room to park between the two proposed driveways. If the basement suite was eliminated, then we could support the application as there would be less demand for parking.

We support increased density and development as being necessary to allow for improved infrastructure, energy efficiency and climate change objectives, as well as creating more affordable housing. However in our view, allowing this proposed development, which **significantly exceeds** the minimum setback requirements set out in the *Zoning Regulation Bylaw*, is inconsistent with the principles of the *Official Community Plan*, and makes no contribution to any of the of the above mentioned objectives, is simply not sound public policy. The owner could have built additional rental suites in both houses or added "Granny" buildings which would fit within current zoning and bylaws.

We are saddened that many of our neighbours are very stressed about this proposal and there are rumours that between 8 and 10 town houses could be built on these two lots if this application is not approved. This is causing many people to support the subdivision proposal as they have been led to believe that this would effectively stop any future town house development.

We purchased this house in 1989 and have always been advised by the folks in the planning department that eventually the lots surrounding the park, including the strip of city owned lots parallel to St Charles would be developed (adjacent to the Hollywood Park lot). We were of the understanding that the Planning department would use the city owned lots as an incentive to promote and encourage sound and rational development. Apparently, this may no longer be the case and a valuable opportunity to undertake sound planning will be lost.

Thank you for your public service and for reading our concerns.

Ross and Loraine Curtis
1617 Earle Street