

**From:** [REDACTED] on behalf of Mark Milotay [REDACTED]  
**Sent:** Tuesday, January 02, 2018 11:33 AM  
**To:** Public Hearings  
**Cc:** Alec Johnston  
**Subject:** Input on Development Variance Permit Application No. 00184

As a long time resident of Vista Heights I am submitting my concerns over the variance requests being made for the proposed development at 1265 Vista Heights. They are as follows:

1. We have seen a number of properties developed in the neighbourhood where the lot has been razed, removing mature trees (most recent at 1245 Vista Heights). It would be one thing if the trees were replaced with more mature plantings, but instead they satisfy the requirement by planting trees that will take another fifty years to grow to the same size as the removed trees. The Garry Oak is dismissed as being a young tree, but considering how slow growing they are, a 300 mm diameter tree would be significantly older than similarly sized non-native trees. None of the three trees being proposed to replace it are native, as even the Starlight Dogwood is a hybrid of the native Pacific Dogwood with a Chinese species.
2. The request to reduce the property setback from 7.50m to 5.00m will contribute to changing the aesthetic character of our street by placing this imposing structure even closer to the street. Part of the charm of Vista Heights is that the houses are set well back from the street. This setback and the accompanying gardens creates a feeling of calm in this urban neighbourhood.
3. I believe that the proposed suite is not intended as a rental property to alleviate the housing crunch in Victoria, but simply to provide a space for visiting family and friends. The kitchen in the plan is intended to be used as a Passover kitchen and not one to serve a rental property. This is supported by their use of the suite & second kitchen in their current residence.
4. While awaiting approval to develop this property the Shortts have done little to upkeep the property. It has now become a dumping ground, with garbage routinely left in front of it. Most recently three mattresses were left in front, blocking the sidewalk. This has come across as an act of contempt to the neighbours who have objected to aspects of their desired development.
5. This neighbourhood would be better served by the building of townhouses on this lot to increase density and to provide more housing opportunities for working families. Instead this development will set the precedent for more expensive houses, thus increasing property prices and making the neighbourhood less

affordable for families who work in Victoria. Also, the increase in surrounding property prices will force people on fixed incomes to have to sell and move, as they will no longer be able to afford the taxes on homes they've raised their families in.

6. The addition of roof decks will infringe on the privacy of the surrounding neighbours. They will deprive them of the reasonable expectation of privacy, which cannot be regained through conventional means such as fences or hedging. The judiciary in BC regularly support this expectation of privacy based upon the oft quoted line from *Semayne's Case*, [77 Eng Rep 194](#); 5 Co Rep 91 (1604): "the house of every one is to him as his castle and fortress." The presence of the roof decks would go directly against this.

7. The builder they have selected for this project has been unable to complete the building of their most recent development on Vista Heights in a reasonable time, which has resulted in often significant disruption to the residents over the last 10 months. Given the size and complexity of this property versus the one still being completed, this could represent extensive impacts for the other residents on the street.

Sincerely,

Mark Milotay - 1250 Vista Heights