

## 5. LAND USE MATTERS

### 5.1 Development Permit with Variances Application No. 00003 for 944 Heywood Avenue

Committee received a report dated June 8, 2016, from the Director of Sustainable Planning and Community Development regarding to construct two new small lot houses.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Planner provided Committee with a presentation.

Committee discussed:

- Concerns about the house being torn down and the large variances being sought to redevelop.
- The types of development that would be permitted under the existing zone.

#### **Motion:**

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

#### Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61 m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

#### Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;

3. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the affordability and the affects to neighbouring properties as well as the form and character of the neighbourhood.

*Mayor Helps withdrew from the meeting at 10:25 a.m. Councillor Isitt assumed the chair.*

CARRIED 16/COTW

For: Councillors Alto, Lucas, Thornton-Joe, and Young  
Against: Councillors Isitt, Loveday, and Madoff

## REPORTS OF COMMITTEES

### **2. Committee of the Whole – June 23, 2016**

#### **4. Development Permit with Variances Application No. 00003 for 944 Heywood Avenue**

It was moved by Councillor Young, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

##### Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61 m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

##### Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;

The Development Permit lapsing two years from the date of this resolution."

**Carried**

**For: Mayor Helps, Councillors Alto, Isitt, Loveday, Lucas, Thornton-Joe, and Young**

**Opposed: Councillor Madoff**



## Committee of the Whole Report For the Meeting of June 23, 2016

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**To:** Committee of the Whole **Date:** June 8, 2016

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 00003 for  
944 Heywood Avenue

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### RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan* (OCP). A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development



including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 944 Heywood Avenue. The proposal is to create two lots, demolish the existing single family house and construct two new small lot houses. The property is in the R-J Zone, Low Density Attached Dwelling District, which permits small lot houses. Therefore a rezoning is not required, however, both properties would be subject to Development Permit Area 15A: Intensive Residential – Small Lot. The variances being requested to facilitate a two-lot subdivision are related to front and rear setbacks and parking location.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan, 2012 (OCP)*
- the requested variances associated with the proposed house on the corner lot (Lot A) are to reduce the front and rear setbacks and permit parking in the front yard. These variances are the result of the proposed house being sited in relation to the side lot line instead of the front lot line (as defined in the Zoning Regulation Bylaw). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The reduced setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard
- the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front and rear setbacks. These variances are due to the short depth of the proposed small lot and do not have a substantial impact on shading and privacy of the adjacent lots.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct two new small lot houses.

#### Proposed Lot A (Corner Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding, corrugated metal siding, stucco fascia and soffit
- proposed parking stall surfaced with concrete and partially screened with landscaping
- new hard and soft landscaping would be introduced, including a concrete driveway, trees, shrubs and ground cover.

### Proposed Lot B (Interior Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a pitched roofline, distinctive front entryway, and traditional-style windows
- the exterior materials include stucco siding, fibre cement siding, painted wood fascia and trim and a standing seam metal roof
- parking would be provided in a garage inside the building
- new hard and soft landscaping would be introduced, including a concrete driveway, shrubs and ground cover.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application.

### **Existing Site Development and Development Potential**

The site is presently a single family house. The current R-J Zone, Low Density Attached Dwelling District, permits all the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District and the R-2 Zone, Two Family Dwelling District. Therefore, the property could be redeveloped as two small lot houses or one duplex subject to the regulations applicable in those zones.

### **Data Table**

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Site area (m <sup>2</sup> ) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.52 to 1.0	0.52 to 1.0	0.6 to 1.0
Total floor area (m <sup>2</sup> ) - maximum	147.33	146.93	190.00



Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Lot width (m) - minimum	18.29	18.29	10.00
Height (m) - maximum	7.46	7.26	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	36.04	36.05	40.00
Setbacks (m) - minimum			
Front (Pendergast Street)	<b>3.20 *</b>	<b>3.50 *</b>	6.00
Rear (north)	<b>1.61 *</b>	<b>4.57 *</b>	6.00
Side (east)	6.00	1.50	1.5
Side (west)	N/A	3.70	1.5
Side (Heywood Avenue)	3.55	N/A	2.4
Parking - minimum	1	1	1
Parking - location	<b>Front yard *</b>	Garage inside house	Not permitted in front yard

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 8, 2016 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. In addition to this, the applicant consulted with the Fairfield Gonzales CALUC at a Community Meeting held on January 19, 2016. A letter from the CALUC dated January 21, 2016 is attached to this report along with other correspondence received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed designs of the new houses are generally consistent with the *Design Guidelines for Small Lot Houses* (2002).

#### Proposed Lot A (Corner Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of the small lot house incorporates architectural elements, such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows.

This proposal is located in an area that has buildings with a wide variety of visual character and scale, and massing. The contemporary-style does not relate to the immediate context of the traditional-style houses. It is more rectilinear and has less ornamentation. The design does, however, relate to the visual character of the flat roofed apartment buildings located further down this block on Heywood Avenue and directly across Pendergast Street.

The proposed house provides visual interest by emphasizing the principal entry with cover, stairs, and windows, through window divisions, size and placement, and with a variety of siding materials (including stucco and corrugated metal).

#### Proposed Lot B (Interior Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of this small lot house incorporates architectural elements, such as a pitched roofline, distinctive front entryway, and traditional-style windows. These elements are similar to features of other houses in the neighbourhood.

Windows are maximized on the front and rear elevations. The proposed Lot A has no windows facing it and the elevation facing the existing house to the east (406 Vancouver Street) only has one window which is set back.

The existing adjacent house (940 Heywood Avenue) is setback from the street and therefore has a large front yard and small back yard. It also means that the existing building at 940 Heywood Avenue would be adjacent to the rear elevation of the proposed house on the interior lot (Lot B) and not the proposed house on the corner lot (Lot A). The proposed house may impact privacy of the existing house because both houses have windows that face each other. However, these impacts will be mitigated by a 1.8m high wood fence, existing trees and existing shrubs on the adjacent property.

### **Regulatory Considerations**

#### Proposed Lot A (Corner Lot) Variances

The applicant is requesting variances for Lot A as follows:

- reducing the front yard setback from 6.00m to 3.20m
- reducing the rear yard setback from 6.00m to 1.61m
- permitting the proposed parking stall to be located in the front yard.

These variances are the result of the proposed house being sited in relation to the side lot line (Heywood Avenue) instead of the front lot line (Pendergast Street is defined as the front in accordance with the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.

The parking stall is located partially in the side yard and partially in the front yard and has some landscape screening to reduce the visual impact from the street.

#### Proposed Lot B (Interior Lot) Setback Variances

The applicant is requesting variances for Lot B as follows:

- reducing the front yard setback from 6.00m to 3.50m
- reducing the rear yard setback from 6.00m to 4.57m.

These variances are due to the short depth of the proposed small lot and would not have a substantial impact on shading and privacy of the adjacent lots.



## Tree Preservation Requirements

The applicant has provided an arborist report (attached) outlining the impact mitigation measures required to retain trees as indicated.

## CONCLUSIONS

The proposal to construct two new houses is generally consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot houses would be a form of sensitive infill development and fit in with the diverse visual character of the existing neighbourhood. The variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

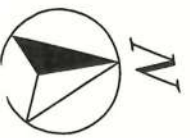


Date: June 15, 2016

## List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated May 18, 2016
- Minutes from Gonzales Fairfield's Community Association meeting (January 19, 2016)
- Arborist report dated April 11, 2016
- Plans dated May 18, 2016





BEACON HILL  
PARK

HEYWOOD AV

PENDERGAST ST

VANCOUVER ST

SOUTHGATE ST

944

936  
940

420-426  
410/12  
406

999

928

916

993

970

490

429

1016

421  
417  
411/13  
409  
405

1009

1022

351  
349

1013

1017

1021

345

341/43

337

335

1004

1010

1020

964

SUTLEE ST

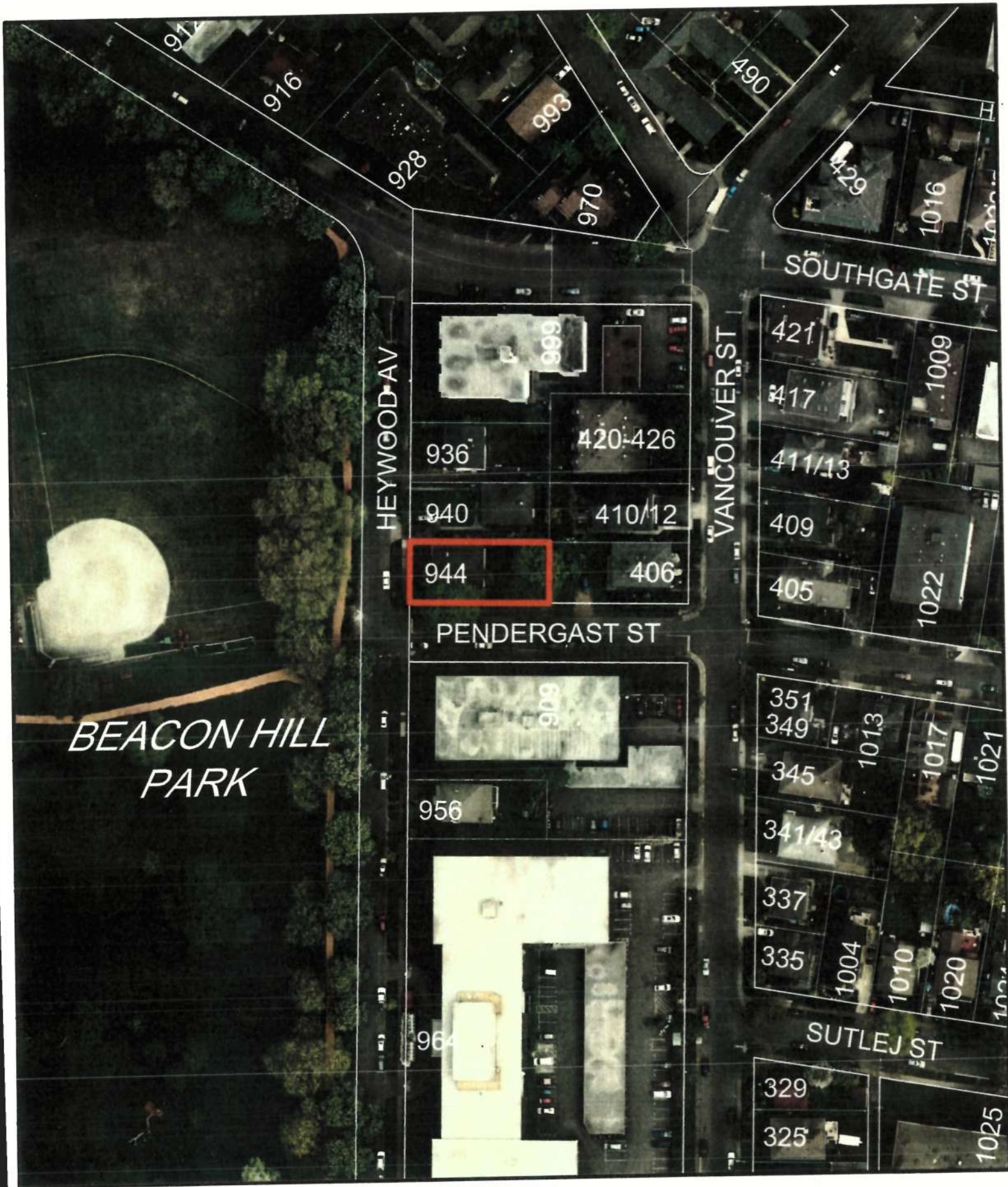
329

1025

944 Heywood Avenue  
Development Permit with Variances #00003







944 Heywood Avenue  
Development Permit with Variances #00003





May 18, 2016  
944 Heywood Avenue Small Lot Subdivision  
DPV # 00003

Dear Mayor Helps and members of Victoria City Council

I am applying for rezoning and a Development permit with variances on the above property. I am planning to subdivide 944 Heywood Avenue into two R1-S2 lots. The existing home would be demolished and two single family homes would be constructed. Prior to rezoning the neighbours were consulted with three dissenting responses and two positive responses. After meeting with the three dissenting neighbours and making some changes (Moving house "B" east 1.57m, providing a space of 9.07 m between House "A" and House "B", and providing a space of 4.57 meters between House "B" and 940 Heywood), all three have given approval to the design as submitted to Mayor and Council. After consultation with City of Victoria planning department I have also made some exterior changes that are indicated by bubbled drawings.

For explanatory purposes House "A" is on the corner of Pendergast and Heywood and House "B" is situated directly east.

Massing:

Current zoning allows the construction of a duplex.

The two new single family homes will have a 9.07 meter space between them and will allow substantially more sunlight to 940 Heywood, than the construction of a duplex, which would present a much larger uninterrupted building, blocking out more sunlight to 940 Heywood.

House "B" was moved 1.57 meters to the east to accommodate the property owners of 940 Heywood as this provided them with a wider space between house "A" and house "B" to give them more sunlight.

The roof height at the ridge of house "A" is 2.29 meters and house "B" is 2.86 meters below the roof height of 940 Heywood.

The house on the corner of Pendergast and Heywood will be a modern design.

Throughout Fairfield numerous infill houses are modern designs, which have added to the beauty and character of this community.

House "B" will be a more traditional design which will provide a design transition to the homes situated to the north, east and diagonally.

Heywood is not a heritage street as it is predominately a four story apartment street.

Variances:

The variances requested are stated on Page 2 of the drawings.

The front yard for both houses is now on Pendergast.

Using the current City of Victoria setbacks for small lot development, the footprint of each house would be approximately 56.1 square meters. (604 sq ft)

The exterior dimensions of each house would be 14.39 m x 3.9 m. (47.16 ft x 12.8 ft)

Conforming to these setbacks without applying for any variances would eliminate the possibility of constructing functional homes on this site.

The variances that I am requesting take into account the optimal functionality of the proposed homes and minimizes the impact to the adjacent homes.

The Victoria OCP states that increased density is desirable.

The only development that would substantially increase density and provide affordable housing would be a multifamily (townhouse or condominium) development.

I prefer two new homes and my intention is to live in home "A" and keep home "B" for family accommodation

I hope this letter provides clarity to my application. I feel that this development is the least intrusive of any possible development on this site.

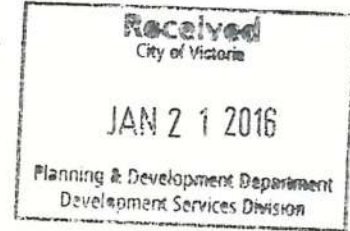
I thank the City planning department and the community for allowing my application to move forward.

Thank you

Vernon Andres  
[vernonandres@hotmail.com](mailto:vernonandres@hotmail.com)  
250 886 0031

**Minutes of Community Meeting  
Planning and Zoning Committee  
Fairfield-Gonzales Community Association (FGCA)  
January 19, 2015**

Facilitators for the FGCA: George Zador (Chair)  
Susan Snell



**Subject property:**

944 Heywood St. small lot subdivision (317 notices sent)  
Proposal by Mr. Vernon Andres

Attendance: 8 in person, 2 by proxy

Attendees were informed that subsequent to this meeting called, Mr. Vernon was advised by the City that his project would not need rezoning, the proposal would involve variances only. The application was also amended from the original intent to demolish the existing home on the property to keeping it, by repositioning and refurbishing it on one of two lots created.

**Attendee Questions and Comments:**

- Front and rear yard dimensions for variance application were questioned.
- Concern by neighbour behind new house about shading, insufficient separation.
- New house higher than existing (but within zoning allowance)
- Would the City build a sidewalk on Pendergast St ?
- Why not demolish the existing home?
- Historic neighbourhood with heritage homes, wish to maintain character.
- Potential concerns about crowded parking on Pendergast.

Several attendees indicated that they need more time to study the implications of the proposal and will further respond in writing. Three (3) such submissions were received to date (Jan. 21) and copied to the appropriate desk at the City.

**George Zador**

Planning and Zoning Chair  
Fairfield Gonzales Community Association  
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planandzone@fairfieldcommunity.ca  
www.fairfieldcommunity.ca  
*Facebook*





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250 889 9508



April 7, 2016

Joel Cuttiford  
1510 Queensbury Avenue  
Victoria, B.C.

Dear Vernon:

RE: Tree Construction Impact Report for 944 Heywood Ave

This letter is for the Parks Department of the City of Victoria to fully evaluate your tree assessment.

1. Assessment of existing trees (see Risk Assessment Form)
2. CRZ for Red Maple (28' from trunk)
3. CRZ for Yellow Maple (22" from trunk)
4. No Blasting (from my knowledge)
5. Proposed sidewalk to south of Red Maple through CRZ
  - a. Harmful effects include root damage to 1/3<sup>rd</sup> of root zone causing significant health effects to trees longevity
  - b. Potential for 1/3<sup>rd</sup> of tree to die if sidewalk is constructed through the CRZ
6. No Pruning required
7. Red Maple canopy will be approximately 3 meters from new building (approx.)
  - a. No significant conflicts with building
8. No conflicts with additional utilities being constructed

9. No new driveways in close proximity to both trees

a. New side walk proposed along south side of property (see #5)

10. No expected change of grade to both tree areas

11. No construction details at this point

a. Recommendation for both trees – 6" bark chips around CRZ if any construction equipment is needed under both trees

12. Protection Plan:

- a. Tree fence around both trees at min half the diameter of full CRZ for both trees
- b. Tree fence to be constructed with orange snow fence, 2\*4 posts and top stringer

13. Summary:

- a. Trees should be adequately unharmed as long as no machinery is being transported through CRZ
- b. New sidewalk construction would harm health of Red Maple and Yellow Maple by 1/3rd to one half due to the age of both trees
- c. No other issues

Joel Cuttifford  
Owner/Manager  
Larix Landscape Ltd.  
250 889 9508  
[www.larixlandscape.ca](http://www.larixlandscape.ca)  
[info@larixlandscape.ca](mailto:info@larixlandscape.ca)





# A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

## TREE HAZARD EVALUATION FORM 2nd Edition

Site Address: 944 Heywood

Map/Location: \_\_\_\_\_

Owner: public \_\_\_\_\_ private ☒ unknown \_\_\_\_\_ other \_\_\_\_\_

Date: April 14 Inspector: Joel Cutlerford

Date of last inspection: \_\_\_\_\_

### HAZARD RATING:

Failure Potential	Size of part	Target Rating	=	Hazard Rating
_____	_____	_____		_____
_____	_____	_____		Immediate action needed
_____	_____	_____		Needs further inspection
_____	_____	_____		Dead tree

### TREE CHARACTERISTICS

Tree #: \_\_\_\_\_ Species: Acer Rubrum (Red Maple)

DBH: 28 # of trunks: 4 Height: 100' Spread: 50'

Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ standard sprout ☐ stag-braced

Crown class: ☒ dominant ☐ co-dominant ☐ intermediate ☐ suppressed

Live crown ratio: \_\_\_\_\_ % Age class: ☐ young ☐ semi-mature ☒ mature ☐ over-mature/senescent

Pruning history: ☒ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ no pruning ☐ crown reduced ☐ bush cuts ☐ cable/braced ☒ none ☐ multiple pruning events Approx. dates: \_\_\_\_\_

Special value: ☒ specimen ☒ heritage/significant ☒ rare ☒ old/stable ☒ shade tree ☒ bird ☒ shade ☐ indigenous ☒ protected by gov. agency

### TREE HEALTH

Foliage color: ☐ normal ☐ chlorotic ☐ necrotic Epicormics? Y ☒

Foliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ small

Annual shoot growth: ☒ excellent ☐ average ☐ poor Twig Dieback? Y ☒

Woundwood development: ☐ excellent ☐ average ☐ poor ☒ none

Vigor class: ☐ excellent ☒ average ☐ fair ☐ poor

Major pests/diseases: None

### Growth obstructions:

☐ stakes ☐ wires/ties ☐ signs ☐ cables ☐ curb/pavement ☐ guards ☐ other \_\_\_\_\_

### SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest

Landscape type: ☐ parkway ☐ raised bed ☐ container ☐ mixed ☒ lawn ☐ shrub border ☐ windbreak

Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wetted

Recent site disturbance? Y ☒ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ new planting

% dripline paved: 0% 25 25-50% 50-75% 75-100% Pavement lifted? Y ☒

% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75

% dripline grade lowered: 10 10-25% 25-50% 50-75% 75-100%

Soil problems: ☐ drainage ☐ shallow ☐ compacted ☐ droughty ☐ salty ☐ alkaline ☐ acidic ☐ small volume ☐ disease center ☐ history of fail ☐ clay ☐ expansive ☐ slope 0 aspect: S

Obstructions: ☒ lights ☒ signage ☐ line of sight ☐ view ☐ physical lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☒

Exposure to wind: ☒ edge tree ☒ full canopy ☒ side canopy ☐ recently exposed ☐ windward, canopy edge ☐ area prone to windthrow

Prevailing wind direction: \_\_\_\_\_ Occurrence of snow/ice storms: ☒ never ☐ seldom ☐ regularly

### TARGET

Use Under Tree: ☒ building ☒ parking ☒ traffic ☒ pedestrian ☐ recreation ☒ landscape ☒ hardscape ☐ small features ☐ utility lines

Car target be moved? Y ☒ Can use be restricted? Y ☒

Occupancy: ☐ occasional use ☒ intermittent use ☐ frequent use ☐ constant use

## TREE DEFECTS

### ROOT DEFECTS

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: \_\_\_\_\_

Exposed roots: ☐ severe ☐ moderate ☒ low Underspread: ☐ severe ☐ moderate ☒ low

Root pruned: \_\_\_\_\_ distance from trunk Root area affected: \_\_\_\_\_ % Buttress wounded: Y ☒ N ☐ When: \_\_\_\_\_

Restricted root area: ☐ severe ☐ moderate ☒ low Potential for root failure: ☐ severe ☐ moderate ☒ low

Lean: 10 deg. from vertical ☐ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐

Decay in plane of lean: Y ☒ N ☐ Roots broken: Y ☒ N ☐ Soil cracking: Y ☒ N ☐

Compounding factors: \_\_\_\_\_ Lean severity: ☐ severe ☐ moderate ☐ low

CROWN DEFECTS. Indicate presence of individual defects and rate their severity (S = severe, M = moderate, L = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Protrusion				
Bow, sweep				
Codominants/forks	M	M	M	M
Multiple attachments		M	M	M
Included bark			M	M
Excessive end weight				
Cracks/splits	M	M		
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow		M		
Loose/cracked bark		M		
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burns	M			
Previous failure				

### HAZARD RATING

Free part most likely to fail: Small dead branches

Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other ☒

Failure Potential • Size of Part • Target Rating • Hazard Rating

1 • 1 • 3 • 5

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <5" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

### HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clear ☐ thin ☐ remove top ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: \_\_\_\_\_ Inspect further: ☐ root crown ☐ decay ☐ aerial ☒ monitor

Remove tree: Y ☒ N ☐ Replace? Y ☒ N ☐ Move target: Y ☒ N ☐ Other: \_\_\_\_\_

Effect on adjacent trees: ☒ none ☐ evaluate

Notification: ☒ owner ☐ manager ☐ governing agency Date: \_\_\_\_\_

### COMMENTS

1/ Burl 24" on NW side of root crown  
2/ Bark cracked W side 15-3 meters long  
3/ 10° degree lean towards S Phototropism \*





# A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

## TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 944 Heywood Ave

Map/Location: \_\_\_\_\_

Owner: ☐ public ☒ private ☐ unknown ☐ other \_\_\_\_\_

Date: April 1, 16 Inspector: Joel Cutlerford

Date of last inspection: \_\_\_\_\_

### HAZARD RATING:

Failure Potential	Size of Canopy	Target Rating	=	Hazard Rating
_____	_____	_____		_____
_____	_____	_____		_____
_____	_____	_____		_____
_____	_____	_____		_____

### TREE CHARACTERISTICS

Tree ID: \_\_\_\_\_ Species: Acer (Yellow Maple)

DBH: 22 # of trunks: 4 Height: 100' Spread: 43'

Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ stem sprout ☐ stag-headed

Crown class: ☒ dominant ☐ co-dominant ☐ intermediate ☐ appressed

Live crown ratio: \_\_\_\_\_ Age class: ☐ young ☒ semi-mature ☐ mature ☐ over-mature/serotinous

Pruning history: ☐ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ lowered ☐ crown reduced ☐ live cuts ☐ cabled/braced ☐ none ☐ multiple pruning events Approx. dates: \_\_\_\_\_

Special value: ☒ specimen ☐ heritage/historic ☒ wildlife ☐ ant. stud. ☒ tree: tree ☒ shade ☐ indigenous ☐ protected by gov. agency

### TREE HEALTH

Foliage color: ☐ normal ☐ chlorotic ☐ necrotic Epicormics? ☒ Y ☐ N

Foliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ small

Annual shoot growth: ☒ excellent ☐ average ☐ poor Twig Distortion? ☒ Y ☐ N

Wood development: ☐ excellent ☐ average ☐ poor ☒ fair

Vigor class: ☒ excellent ☐ average ☐ fair ☐ poor

Major pests/diseases: None

### Growth obstructions:

☐ stakes ☐ wires/fences ☐ signs ☐ cables ☐ curbs/pavement ☐ gutters ☐ other \_\_\_\_\_

### SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ airport ☐ natural ☐ vandalism/crimes

Landscape type: ☒ parkway ☐ raised bed ☐ courtyard ☐ mature ☒ lawn ☐ shrub border ☐ ground break

Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wounded

Recent site disturbance? ☒ Y ☐ N ☐ construction ☐ soil disturbance ☐ grade change ☐ landscaping ☐ other \_\_\_\_\_

% Curbline paved: 0% ☒ 10-25% ☐ 25-50% ☐ 50-75% ☐ 75-100% Pavement lifted? ☐ Y ☐ N

% dripline w/ fill soil: 0% ☐ 10-25% ☐ 25-50% ☐ 50-75% ☒ 75-100%

% dripline grade lowered: ☒ 0% ☐ 10-25% ☐ 25-50% ☐ 50-75% ☐ 75-100%

Soil problems: ☐ drainage ☐ shallow ☐ compacted ☐ droughty ☐ stony ☐ alkali ☐ frozen ☐ small volume ☐ adverse center ☐ history of fail ☐ clay ☐ expansive ☐ slope ☐ aspect: S

Obstructions: ☒ lights ☒ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☒ Fence

Exposure to wind: ☒ single tree ☒ within canopy ☒ above canopy ☐ recently dropped ☐ windward canopy edge ☐ area prone to windthrow

Prevailing wind direction: \_\_\_\_\_ Occurrence of snow/ice storms: ☒ never ☐ seldom ☐ regularly

### TARGET

Use Under Tree: ☐ banking ☐ parking ☒ traffic ☐ recreation ☐ recreation ☒ landscape ☐ hardscape ☐ street features ☐ utility lines

Can target be moved? ☒ Y ☐ N Can use be restricted? ☒ Y ☐ N

Occupancy: ☐ occasional use ☒ intermittent use ☐ frequent use ☐ constant use



## TREE DEFECTS

### ROOT DEFECTS:

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: \_\_\_\_\_

Exposed roots: ☐ severe ☐ moderate ☒ low Undetermined: ☐ severe ☐ moderate ☒ low

Root pruned: \_\_\_\_\_ distance from trunk Root area affected: \_\_\_\_\_ % Buttress wounded: Y ☒ N ☐ When: \_\_\_\_\_

Restricted root area: ☐ severe ☐ moderate ☒ low Potential for root failure: ☐ severe ☐ moderate ☒ low

LEAN: \_\_\_\_\_ deg. from vertical ☒ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐

Decay in plane of lean: Y ☒ N ☐ Roots broken: Y ☒ N ☐ Soil cracking: Y ☒ N ☐

Compounding factors: \_\_\_\_\_ Lean severity: ☐ severe ☐ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (S = severe, M = moderate, L = low)

DEFECT	ROOT	CROWN	TRUNK	SCAFFOLDS	BRANCHES
Proctor tip	/	/	/	/	/
Bow, sweep	/	/	/	/	/
Codominants/forks	/	/	/	/	/
Multiple attachments	/	/	/	/	/
Included bark	/	/	/	/	/
Excessive end weight	/	/	/	/	/
Cracks/splits	/	/	/	/	/
Hangers	/	/	/	/	/
Girdling	/	/	/	/	/
Wounds/seam	/	/	/	/	/
Decay	/	/	/	/	/
Cavity	/	/	/	/	/
Conks/mushrooms/bracket	/	/	/	/	/
Bleeding/sap flow	/	/	/	/	/
Loose/cracked bark	/	/	/	/	/
Nesting hole/bee hive	/	/	/	/	/
Deadwood/stubs	/	/	/	/	/
Borers/termites/ants	/	/	/	/	/
Conkers/galls/burls	/	/	/	/	/
Previous failure	/	/	/	/	/

### HAZARD RATING

Tree part most likely to fail: Small dead branches

Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other ☒

Failure Potential = Size of Part + Target Rating = Hazard Rating

1 + 1 = 3 + 5 = 8

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - < 3 (15 cm); 2 - 6-18 (15-45 cm);

3 - 18-30 (45-75 cm); 4 - >30 (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

### HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clear ☐ lim ☐ mechanical ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: \_\_\_\_\_ Inspect further: ☐ root crown ☐ decay ☐ aerial ☒ monitor

Remove tree: Y ☒ N ☐ Replace: Y ☒ N ☐ Move target: Y ☒ N ☐ Other: \_\_\_\_\_

Effect on adjacent trees: ☒ none ☐ evaluate

Notification: ☒ owner ☐ manager ☐ governing agency Date: \_\_\_\_\_

### COMMENTS

1) Construction of new sidewalk will harm health of tree due to age of tree + proximity to trunk  
2) Recommend sidewalk construction outside of drip line



Received  
City of Victoria  
MAY 18 2016  
Planning & Development Department  
Development Services Division



Proposed Small Lot Subdivision - 944 Heywood Avenue

Date- November 20, 2015  
Sheet One of Eight  
Revised - May 16, 2016  
**Gerry Troesch**  
Residential Design  
3714 Ridge Road Drive, Victoria BC V8C 4K6  
Phone - 250-660-0022 Email - gtroesch@shawnet.vic.bc.ca







Pendergast Street Elevation



Heywood Avenue Elevation



Proposed Small Lot Subdivision - 944 Heywood Avenue

Date- November 20, 2015  
 Sheet Three of Eight  
 Revised - May 16, 2016  
**Gerry Troesch**  
 Residential Design  
 3710 Ridge Road Drive, Victoria BC V8C 4A8  
 Phone - 250-565-5422 Email - gtroesch@victoriaresidential.com



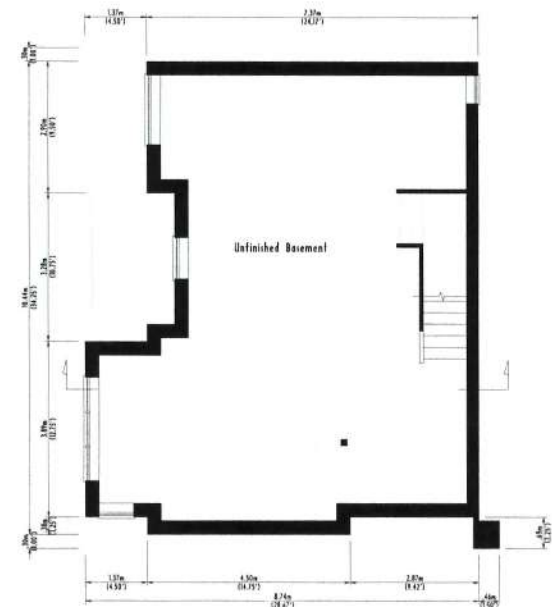




FIRST STOREY FLOOR PLAN  
73.42 sq. metres (790.3 sq.ft.)  
Scale - 1/4" = 1'-0"



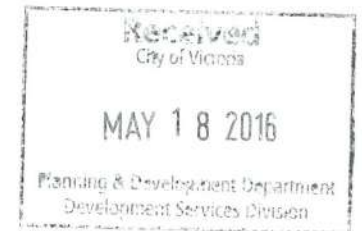
SECOND STOREY FLOOR PLAN  
73.91 sq. metres (795.54 sq.ft.)  
Scale - 1/4" = 1'-0"



BASEMENT PLAN  
68.04 sq. metres (732.35 sq.ft.)  
Scale - 1/4" = 1'-0"



CROSS SECTION  
Scale - 1/4" = 1'-0"



# HOUSE FOR LOT A

Revised - May 16, 2016

Date- November 20, 2015  
Sheet Five of Eight

**Gerry Troesch**  
Residential Design  
3719 Stepa Point Drive, Victoria BC V8C 4M8  
Phone - 250-606-6422 Email - gtroesch@shaw.ca

Proposed Small Lot Subdivision - 944 Heywood Avenue

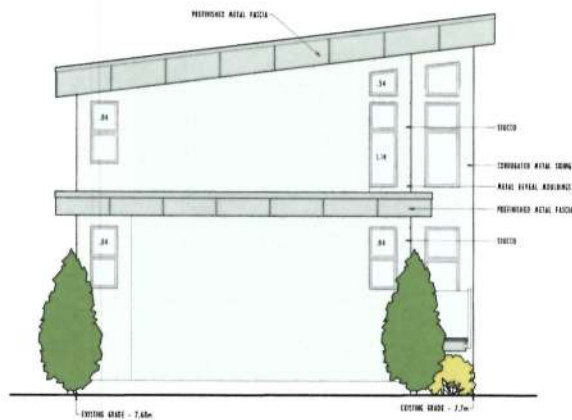




WEST (HEYWOOD AVENUE) ELEVATION  
SCALE - 1/4" = 1'-0"

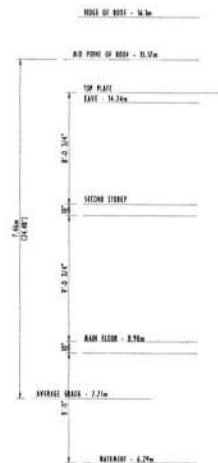


SOUTH (PENDERGAST STREET) ELEVATION  
SCALE - 1/4" = 1'-0"  
WEST (HEYWOOD AVENUE) ELEVATION  
SCALE - 1/4" = 1'-0"



NORTH SIDE ELEVATION  
SCALE - 1/4" = 1'-0"

UNIMPOSED OPENING CALCULATION	
EXISTING BUILDING FACE	15.73 sq.meters
EXISTING DOORS	5.60m
ALLOWABLE UNIMPOSED OPENINGS	8.22m or 4.37 sq.meters
PROPOSED UNIMPOSED OPENINGS	7.35 (4.3 sq.meters)



EAST (REAR) ELEVATION  
SCALE - 1/4" = 1'-0"



Proposed Small Lot Subdivision - 944 Heywood Avenue

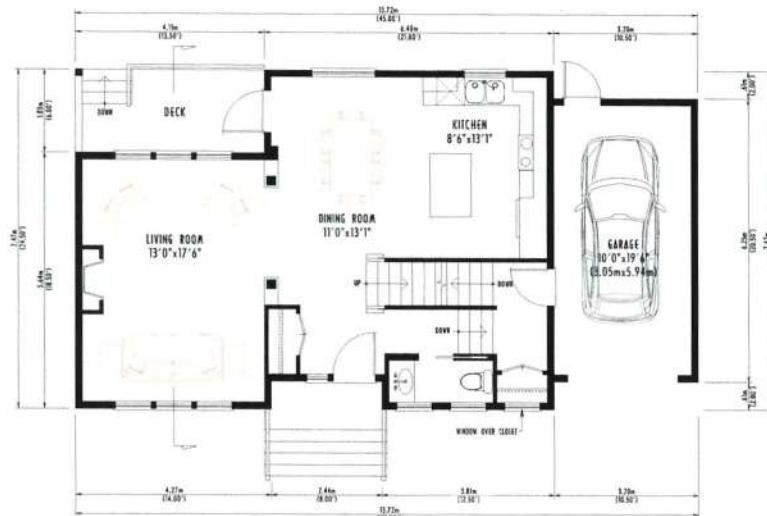
HOUSE FOR LOT A

Revised - May 16, 2016  
Date- November 20, 2015  
Sheet Six of Eight

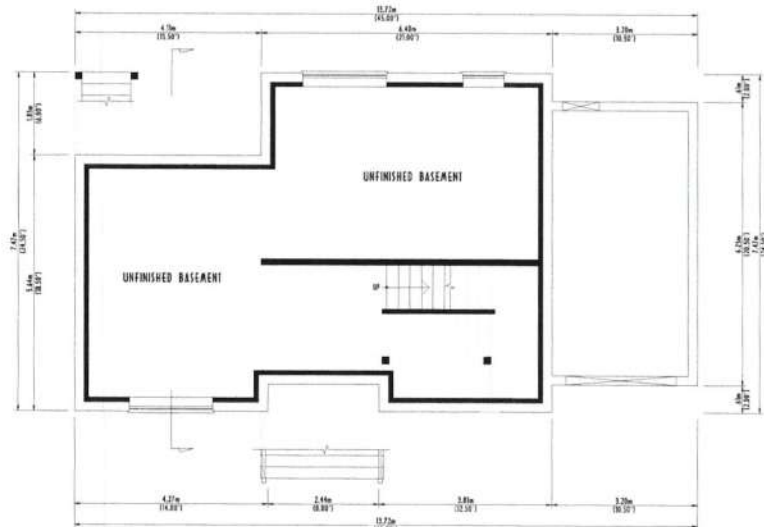
**Gerry Troesch**  
Residential Design  
2718 Ridge Road Drive, Victoria BC, V8C 4M6  
Phone - 250-866-8417 Email - gtroesch@telus.net Website



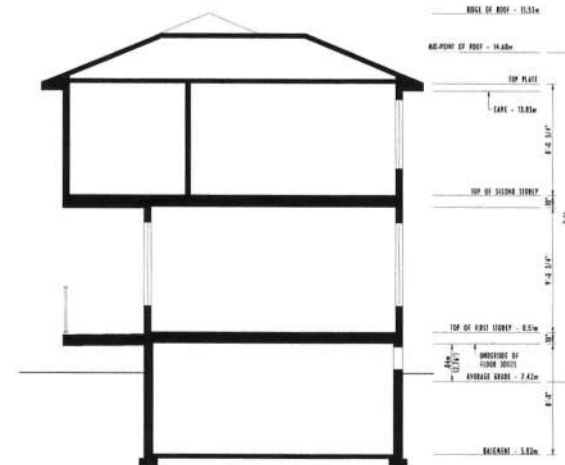
**SECOND STOREY FLOOR PLAN**  
82.08 sq. metres (883.5 sq.ft.) as per Zoning Bylaw  
Scale - 1/4" = 1'-0"



**FIRST STOREY FLOOR PLAN**  
64.85 sq. metres (698.0 sq.ft.) as per Zoning Bylaw  
GARAGE - 18.12 sq. metres (195 sq.ft.)  
Scale - 1/4" = 1'-0"



**BASEMENT FLOOR PLAN**  
58.55 sq. metres (630.25 sq.ft.) as per Zoning Bylaw  
Scale - 1/4" = 1'-0"



**BUILDING SECTION**  
SCALE - 1/4" = 1'-0"



**HOUSE FOR LOT B**

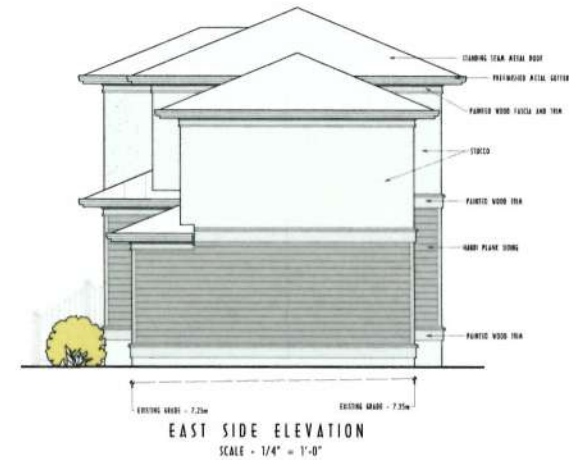
Revised - May 16, 2016

Date- July 24, 2015  
Sheet Seven of Eight

**Gerry Troesch**  
Residential Design  
3719 Ridge Road Drive, Victoria BC V8C 4M6  
Phone - 250-555-8402 Email - gtroesch@telus.net

Proposed Small Lot Subdivision - 944 Heywood Avenue





UNPROTECTED OPENING CALCULATION  
EXISTING BUILDING FACE 85.7 sq.meters  
EXISTING BALCONY 4.53m  
ALLOWABLE UNPROTECTED OPENING 22.54m  
PROPOSED UNPROTECTED OPENING 15.3% (36.8 sq.meters)

Received  
City of Victoria  
MAY 18 2016  
Planning & Development Department  
Development Services Division

**HOUSE FOR LOT B**

Revised - May 16, 2016

Date- July 24, 2015  
Sheet Eight of Eight

**Gerry Troesch**  
Residential Design  
3719 Ridge Road Drive, Victoria BC V8C 4M8  
Phone - 250-660-8400 Email - gtroesch@vicnet.net

Proposed Small Lot Subdivision - 944 Heywood Avenue

**Laura Wilson**

---

**From:** Duane Blewett  
**Sent:** Wednesday, Jan 21, 2015 11:28 AM  
**To:** Laura Wilson  
**Subject:** FW: Development Proposal - 944 Hayward

**Duane Blewett, CPT**  
Senior Planning Technician  
Sustainable Planning and Community Development Department  
Development Services Division  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0359 F 250.361.0386



---

**From:** dan kell [mailto:[dan.kell@fairfieldcommunity.ca](mailto:dan.kell@fairfieldcommunity.ca)]  
**Sent:** Tuesday, Jan 20, 2015 3:11 PM  
**To:** Duane Blewett; [kayor@victoria.ca](mailto:kayor@victoria.ca)  
**Subject:** Fw: Development Proposal - 944 Hayward

Duane/Leanne: I'm forwarding my concerns regarding the captioned for your further handling. I sent it to both of you as I'm not sure which of you will be handling the file. George Zador of the Community Association did advise us that he would attached any comments to the minutes of the meeting but I thought it best to sent it to you directly.

Regards Dan

— Original Message —

**From:** dan kell  
**To:** [planandzone@fairfieldcommunity.ca](mailto:planandzone@fairfieldcommunity.ca)  
**Cc:** [Nancy Ruhl](mailto:Nancy.Ruhl@fairfieldcommunity.ca)  
**Sent:** Tuesday, January 20, 2015 12:01 PM  
**Subject:** Development Proposal - 944 Hayward

ATTN: George Zador, Land Use Committee Chair, Fairfield Community Association

Our names are Dan Kell and Noralynne Martin and we are owners of the property located at 412 Vancouver Street. We were in attendance at the captioned meeting and are writing to express our comments and concerns.

We were told that the subject proposal notice was sent to 317 residences and, although only approximately 10 individuals attended the meeting, this should not be interpreted as concurrence to the proposal. I would submit that the area affected by the proposal consists primarily of apartments and suites, as such, these individuals being non-property owners would have no interest in matters of this nature. Conversely, those individuals in



attendance either owned property or were representing people who own property directly offsetting the proposed development either laterally or diagonally. As one of the property owners my concerns are as follows:

1. The meeting was initially required to address the rezoning of the property from RJ to R1-S2, however we were advised at the meeting that rezoning was not required as the property is zoned R1-S2 and the planning department's initial advice was in error. Not to slight anyone in the planning department but we would request that the zoning be again reviewed and confirmed.

2. It is obvious to us when looking at the variances required, that the developer is attempting to cram two (2) single family dwellings into lots where the size and shape are not appropriate for the dwellings being proposed. The variances sighted on the plan detrimentally affect the offsetting property owners by:

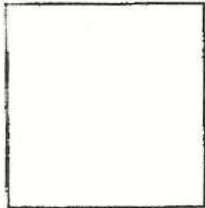
- a) reducing the green space
- b) increasing the noise pollution
- c) restricting the sunlight
- d) reducing the privacy

More importantly, these factors not only reduce our property and resale value but also our ability to sell our property. Further, any increase in density only serves to exasperate the parking issues in the area.

In summary I would say that we are not opposed to development provided it is not at the expense of the existing property owners. Accordingly, we would respectfully request that approval of this development be held in abeyance until the proposed variances have been addressed to our satisfaction.

Should you wish to contact me, I can be reached at [REDACTED]

Dan Kell



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Laura Wilson

---

**From:** Duane Blewett  
**Sent:** Wednesday, Jan 21, 2015 11:29 AM  
**To:** Laura Wilson  
**Subject:** FW: application for variances 944 Heywood

Duane Blewett, CPT  
Senior Planning Technician  
Sustainable Planning and Community Development Department Development Services Division City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0359 F 250.361.0386

-----Original Message-----

**From:** Nancy Ruhl [REDACTED]  
**Sent:** Tuesday, Jan 20, 2015 11:41 AM  
**To:** Duane Blewett; [planandzone@fairfieldcommunity.ca](mailto:planandzone@fairfieldcommunity.ca)  
**Cc:** Toulia Hatzioannou; bea cherniack; Shirley Shirley; Nora-Lynne and Dan KELL  
**Subject:** application for variances 944 Heywood

I attended the community meeting Jan. 19th re the variances required for the development of 944 Heywood. I own 410 Vancouver and my back yard corner meets the 944 corner. Any activity on this lot greatly affects my view, the light, my privacy and my property value.

We have not had sufficient time to address the issues. I was notified by mail exactly one week prior to the meeting. Assuming this is when all the neighbours received the notification, such short notice meant that several of the impacted neighbours were unable to attend the meeting. Also, because no rezoning was required, (contrary to the notice), the meeting became a discussion of the variances, rather than that of re-zoning. Mr. Zador informed us that he would be submitting the minutes and that we could also email him our concerns within 2-3 days. I am requesting more time to look at the proposed changes and would like to know what the deadline is for any comments.

I strongly object to the Lot B REAR variance proposal of 4.57m. The windows of the proposed 2 storey house would loom over my back yard and all light would be blocked from the south. Because there is no variance required for the "side" yard, I could end up with a two storey house 1.5 m and 4.57 from my corner.

Parking is provided for one car for each house, but it is not unfair to assume that each house will have more than one car. This puts more pressure on an already stressed street parking situation.

Moving the current house from 6m to within 3.32 m of Heywood will negatively impact the appearance of this side of the lot, which faces Beacon Hill Park on a predominantly heritage street.

Although it does not need to be re-zoned, this lot is not big enough to support this proposal without seriously compromising the quality of life and the property values of the adjoining properties as well as the community.

Nancy Ruhl  
410 Vancouver st  
Victoria V8V 3T5  
[REDACTED]



## Alicia Ferguson

---

**Subject:** RE: 944 Heywood Ave.

**From:** Toula Hatzioannou

**Sent:** Sunday, June 12, 2016 5:06 PM

**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Rob Bateman <rbateman@victoria.ca>

**Subject:** 944 Heywood Ave.

Dear Mayor and Council,

This is in regards to the new development proposed for 944 Heywood Avenue.

My house is located directly east of 944 Heywood at 406 Vancouver Street, and so, I'm directly affected by what happens on the site.

I am in favour of two houses being built on the property for a number of reasons. I like that the second proposed house has more of a traditional feel about it, and this creates a nice design transition between the new modern house on the corner of Heywood and Pendergast and the existing homes around it.

I also like the idea of two single houses built on the site rather than a duplex or a townhouse complex; both options would obstruct more of the site view and lessen the sense of space around the buildings.

If each house is priced at over \$1,000,000., consistent with what we are seeing in this area for new houses, the value of all our homes would increase.

Finally, I have no concerns about increased density because, as I understand it, there will be onsite parking provided for each new house, and the City of Victoria is encouraging increased density.

When the duplex directly north of me on Vancouver Street was built, the result was that it made the whole street look more attractive and appealing. I'm looking forward to seeing this development take form, as I think the new homes will be quite beautiful.

Sincerely,

Toula Hatzioannou

## Rob Bateman

---

**From:** dan kell [REDACTED]  
**Sent:** Friday, June 10, 2016 7:00 AM  
**To:** Rob Bateman  
**Subject:** Re: DPV00003 Application, 944 Heywood Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rob: We originally sent a response, albeit some time ago, with respect to Mr. Andres original proposal as presented in a community meeting in Fairfield. The second proposal is different than what was originally presented. This being the case we are not sure what proposal is being presented nor are we aware of the relaxations that have been requested.

We are not trying to be difficult but as you can see we are not familiar with the process. However, we would submit that the basic issues with both letters are the same and assuming the last proposal is the one being considered we will let the second letter stand. If our assumption is incorrect please advise.

Regards Dan

----- Original Message -----

**From:** Rob Bateman  
**To:** dan kell  
**Sent:** Thursday, June 09, 2016 5:55 PM  
**Subject:** RE: DPV00003 Application, 944 Heywood Avenue

Hello,

You had sent another letter to the CALUC and forwarded to City staff on Jan.20. Would you like to rescind the last letter and just keep this one for Mayor and Council? It would be clearest if we just had one letter from you accompanying the application package going to Council.

Thanks,

Rob Bateman, MCIP, RPP, LEED AP  
Planner  
Sustainable Planning and Community Development  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0292 F 250.361.0557



---

**From:** dan kell [REDACTED]  
**Sent:** Wednesday, April 06, 2016 1:36 PM  
**To:** Rob Bateman <rbateman@victoria.ca>  
**Cc:** Timothy Hewett <THewett@victoria.ca>; Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** DPV00003 Application, 944 Heywood Avenue



My wife and I are the owners of 412 Vancouver Street and are writing to comment on the correspondence we received from Mr. Vernon Andres regarding the community concerns with respect to the captioned application. Some of our comments may not directly relate to the above, but they do have a direct impact on the quality of life in the area.

#### SETTING

Our house is located on Vancouver St. between Southgate and Pendergast. This is a very short block and aside from our house, which is a duplex, there is only one other single family dwelling (SFD). The balance of the structures consist of an large apartment building, a townhouse and several large suited buildings (five or more suites/structure). The proposed development kitty-corners our property to the south and west.

#### APPLICATIONS

We were told that a rezoning application is not required but a development permit containing all variances will have to be obtained prior to commencing construction. Once the development permit is completed and filed it would be our understanding that we would have the opportunity of comment prior to approval.

#### PROPERTY VALUES

The current plan proposes to shoehorn two (2) SFDs on this property. As we have a front under-drive garage we have no front yard and spend a great deal of time in our developed backyard. Our concern here is even if the proposed development adhered to the guidelines it would reduce both our sunshine and privacy which would have a detrimental effect on our property values. Approval of variances amending the set backs would only serve to magnify the aforementioned.

#### STREETSCAPE

The ultramodern design of the house on the corner of Pendergast and Heywood seems out of place with the streetscape but we will reserve any further comment at the present time.

#### GENERAL

##### a) Parking

Vancouver St. is currently zoned "residential parking" only and the current means of monitoring abusers is inadequate at best. When you consider the housing density, the proximity to Cook Street Village, Beacon Hill Park and Dallas Road parking is at a premium. Any new development needs to ensure sufficient off-street parking for two (2) cars per family.

##### b) Bike Lanes

The city is proposing to use Vancouver Street for a bike lane which is not a very well thought out decision. First of all this will reduce the already limited parking by half. Further, the traffic on the street is extensive as drivers use this as a cut-through thereby avoiding the main thoroughfare, Cook Street.

In the alternative, we would suggest that the bike lane be moved to Heywood Avenue. The reasons are quite obvious to us, as Heywood abuts the park there is no parking on the west side of the avenue. As a result the bike lane could be placed on the west side of the avenue with minimal disturbance to the area. In addition Heywood would not have to be narrowed to accommodate same as you could encroach on the park lands. Parking on Vancouver would not be affected and safety would be increased due to the reduced traffic volumes on Heywood

##### c) Traffic

As previously stated traffic on Vancouver is extensive as people are using the street as a cut-through -- not just cars but commercial vehicles of all sizes, as well as, City of Victoria vehicles and equipment. We would

like to see some calming measures implemented on the street to reduce both the speed and volume of the vehicles.

Should you have any questions or comments regarding the above, please do not hesitate to call. We can be reached at [REDACTED]

Regards



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[www.avast.com](http://www.avast.com)



## Rob Bateman

---

**From:** Lawrie Cherniack [REDACTED]  
**Sent:** Wednesday, June 15, 2016 9:38 AM  
**To:** Victoria Mayor and Council  
**Cc:** Rob Bateman  
**Subject:** 944 Heywood Zoning Variance Request DPV00003

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Mayor and Council, Victoria, British Columbia

Greetings:

### **Introduction:**

We are the owners of 940 Heywood Avenue, a heritage home that will be the most affected by this development proposal. We have always planned this house to be our home. For the time being, because of personal circumstances, we live in it a few months a year. We have invested a great deal of money in maintaining and upgrading it and are very proud of it.

Our house has received heritage grants from the City of Victoria -- for storm windows, painting, and stairs. We are very proud of its heritage appearance and believe it enhances our street, the Fairfield area -- and, as well, the City of Victoria, because of our location overlooking Beacon Hill Park.

Our house's main windows face south and west. The south windows on our second floor are the windows for two master bedrooms; the south windows on our first floor are dining room and living room windows; the south windows on our garden suite are living room and bedroom windows. We built a large patio for our garden suite which is on the south side of the building, where the entrance to that suite is. The patio enjoys a great deal of sun from early morning to the evening all year round.

Because the house is set back quite a distance from Heywood, and virtually abuts onto our neighbour to the north, we have a very tiny back yard and no north yard. In addition, our south exposure is the only outside space for our garden suite.

We fully recognize that the owner of 944 Heywood, Mr. Andres, has the right under the R-J Zone, Low Density attached Dwelling District, to subdivide the property. We also fully recognize that whatever Mr. Andres builds, whether it conforms to existing zoning or whether variances are granted, will in some way diminish our enjoyment of our property; and that if Mr. Andres conformed completely to existing zoning we could do nothing about that.

Given that Mr. Andres has the right to subdivide the property and build two dwellings on the existing lot, we are not attempting to oppose the subdivision in principle, or to argue that the greater density already allowed by the zoning should somehow be denied. We do say, however, that our interests are significant and should be taken into account in determining whether the variances should be allowed.

We do point out that we have spoken with Mr. Andres on a number of occasions about our interests and concerns.

### **Concerns:**

We have two main concerns.

The first concern is sunlight and the second is privacy. Our interest is that the proposed development affect our property as little as possible in those two areas. To that end, if our interests are met, we would not oppose other variances that would not affect those interests but might assist Mr. Andres in developing his property. We would also oppose any variances that would impact on either of these interests.

The most recent development proposal we have seen is the one revised May 5, 2016.

We note that the proposed new house on proposed Lot B (we'll refer to it as "House B", and the proposed new house on Lot A as "House A") is (a) approximately the same height as our house; (b) slightly longer (east to west) than ours; and (c) proposed to be closer to our house than the zoning currently provides for.

We do note that Mr. Andres has revised his proposal to have House B as far east as zoning permits, and we are grateful for that, because it does open up the space between House A and House B and provides more of an opening for sunlight at least part of the time.

He has, however, continued to request to have House B farther north (closer to our house) than the zoning permits, rather than complying with the zoning requirements or even moving it farther south than that. Anything that would increase the distance between House B and our house would be welcome to us.

We recognize that the Engineering Department seems to require that a sidewalk with a boulevard be constructed on the north side of Pendergast. We do not see a need for such a sidewalk on a little-used portion of Pendergast since a sidewalk would essentially service only Mr. Andres's two houses, and we understand he does not want a sidewalk there. In addition, we think that the current sidewalk on the south side of Pendergast is perfectly adequate.

If, however, there is an insistence that there be a sidewalk on the north side of Pendergast, then we do not think there is a need for a boulevard. After all, the current sidewalk on the south side of Pendergast does not have a boulevard. That should allow for House B to be moved farther south, which would increase the distance between our house and House B, thus lessening the effect on both our privacy and sunlight.

### **Sunlight:**

We think it is reasonable to predict that House B will adversely and seriously affect our access to sunlight on all three levels of our house, including the garden suite patio, for at least half, if not two-thirds of the year.

### **Privacy:**

The North Elevation of House B has many windows plus a deck that will face right onto our property. We thus have the right to anticipate that our privacy will be affected by residents of House B being able to look over onto the garden suite patio and through the windows of the garden suite, the first floor, and the second floor. Although we understand Mr. Andres's wish to have a lot of windows for the bedrooms and the deck, they will seriously impact our privacy.

### **In general:**

We believe that we have shown a commitment to the appearance and quality of the neighbourhood, and that our



interests and concerns are reasonable. We do remind you, however, that both we and Mr. Andres bought our properties knowing the zoning requirements, and that variances to those requirements require serious thought before being granted. We ask only that when you consider the proposal you keep our interests and concerns in mind.

This letter summarizes all previous correspondence with Mr. Batemen, and therefore previous letters can be rescinded.

Thank you.

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Lawrie and Bea Cherniack  
940 Heywood Avenue  
Victoria, British Columbia

Tuesday June 21<sup>st</sup> 2016

Dear Mr. Bateman,

This letter is in regards to the new development proposed for 944 Heywood Ave. Our house is located south east of 944 Heywood Ave at 349 Vancouver St. As this new project would affect us and the rest of our neighbours we wanted to express our thoughts.

We are in favor of two houses being built on the property for a few reasons.

1. The two homes of the design intended aesthetically, would look better than another complex. A duplex or townhome complex would not be as complimentary to the existing homes around the area and make it feel even more congested.
2. We love the look of the proposed design ideas for the houses and feel they would be a great fit for the neighbourhood.
3. The houses according to the proposal are actually lower in height and scale than the neighbouring homes and require a smaller foot print. We feel that this look would be much better for the neighbourhood than another complex.

We feel that the addition of this project would make the whole street look more attractive and keep some of the neighbourhood charm. We are looking forward to seeing this development take form and think the new homes will be quite beautiful.

Sincerely,

Maria Da Silva & Randy Morrison