

Pamela Martin

From: Public Hearings
Subject: 944 Heywood Avenue (No.00003)

From: dan kell [REDACTED]
Sent: Thursday, July 21, 2016 10:57 AM
To: Public Hearings <PublicHearings@victoria.ca>
Subject: 944 Heywood Avenue (No.00003)

To Mayor and Council:

We are in receipt of the Notice for Public Comment with respect to Development Permit with Variances Application No. 00003 ("Development"). After attending at City Hall to review the file, we submit the following comments. Please note that these comments supplement our submissions of January 20, 2015 and June 9, 2016.

Upon reviewing the Committee Report, we note the author stated: "**these variances are due to the short depth of the proposed small lot**". This statement confirms our position that the Development is too large for the lot size. The Report goes on to recommend approval and addresses our concerns by stating: "**variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce privacy concerns**". The mitigation measures noted in the Report were: "**1.8 meter fence, existing trees, existing shrubs on the adjacent property**". Here we respectfully disagree. These measures far from adequately address the privacy issue considering the design, height and proximity of the structures on the lot as proposed in the Development. As far as we can determine, despite our documented concerns, Mr. Andres has made no revisions to the Development in an effort to address any of these concerns.

We noted on the file there were submissions in support of the Development, one from the owner of 406 Vancouver Street ("406") and the other the owners of 349 Vancouver Street ("349"). With respect to 406 there is a large undeveloped buffer zone between the house and the Development and we submit that the adverse effects to 406 would be minimal. Further, we were advised by Mr. Andres that the owner of 406 is considering a similar development. This being the case, the owner has a vested interest in the Development proceeding as submitted. In addressing the submission of the owners of 349, previous tenants of 944 Heywood Avenue, again the adverse effects would be minimal due to their distance from the Development.

Although there have not been any recent submissions from 410 Vancouver Street ("410"), please do not consider this as consent to the Development. The owner of 410 at the time of the Community Meeting on January 19, 2015, made a submission objecting to the Development. Subsequently the property has been sold and the new owner has not yet taken possession. We cannot state as a certainty, but believe the new owner is unaware of the Development and did not receive the July 15, 2015 Notice. However, we are confident that the new owner of 410 would support our submissions.

Lastly, 940 Heywood Avenue is a beautifully maintained Heritage Designated property that abuts the Development to the north. This home exemplifies Victoria's rich history and is a tourist attraction in the area. We believe, as Councilors, it is incumbent upon you to protect the integrity of the setting of this historic property.

In summary, we are not opposed to development provided it is not at the expense or enjoyment of the existing property owners. In this case all of the adversely affected property owners have stated that the Development encroaches on their privacy and the quiet enjoyment of their property. Further, the Committee Report states

Pamela Martin

From: Toula Hatziioannou [REDACTED]
Sent: Sunday, June 12, 2016 5:06 PM
To: Victoria Mayor and Council; Rob Bateman
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 Hatziioannou



Pamela Martin

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

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.

--

Lawrie and Bea Cherniack
940 Heywood Avenue
Victoria, British Columbia

Pamela Martin

From: Lawrie Cherniack - [REDACTED]
Sent: Monday, July 18, 2016 9:06 PM
To: Victoria Mayor and Council
Subject: 944 Heywood Zoning Variance Request DPV00003
Attachments: 940 Heywood History.pdf

To:

The Mayor and Council

City of Victoria, British Columbia

Greetings:

This is in addition to our e-mail to you of June 15, 2016. We ask you to review that e-mail as well.

We understand that the public hearing into Mr. Andres's application for variances will be taking place on July 28, 2016. Barring unforeseen circumstances, Lawrie Cherniack will be there to make a brief presentation and to answer any questions any of you may have.

Our house at 940 Heywood Avenue, the most affected by Mr. Andres's proposal, celebrated its 100th anniversary this year, and we recently celebrated that with a thank-you party to the many tradespeople who have contributed to keeping it in great shape. It is set far back on the property because before it was built the family was living in a house directly in front of it, which was then demolished when they moved to the current house. The garage that is on the west lot line was part of the original house.

We bought 940 Heywood from our neighbour to the north at 938 Heywood Avenue, Graham Garman, who grew up beside, and then bought, 940 Heywood when the family who had lived in that house from the beginning decided to sell it. We are thus only the third set of owners of this wonderful property.

Graham lovingly restored it over a seven-year period, and then had both his house and our house designated as Heritage Properties. We happily bought 940 Heywood from him knowing that the Heritage Designation meant that we could not develop it, that it would stay as a magnificent part of Victoria's heritage. We have kept on the tradition of restoring it, replacing windows, the front steps, repairing wooden surfaces, and most recently painting the house according to the specifications of a Heritage designer, making it quite stunning from the street. Our house is one of perhaps two or three Heritage-designated homes left on Heywood Avenue and is one of the features of the horse-drawn carriage tours of the City.

If you are at all interested in the story behind our purchase, we are attaching a brief description from "Preserve", the quarterly publication of the Hallmark Heritage Society.

For a much longer version you can go to

<http://homes.winnipegfreepress.com/winnipeg-real-estate-articles/renovation-design/Fantasy-house-fantastic-reality/id-2622#>

This story, along with many more photographs of our house, first appeared in the Victoria Times-Colonist, and was then reprinted in the Homes section of newspapers in (at least) Vancouver, Calgary, Edmonton, Saskatoon, Montreal, Ottawa, Halifax, and Winnipeg.

You can also see the description of the designation at

<http://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id-10275>

The lot in question at 944 Heywood was owned by Graham Garman's brother, who sold it to Mr. Andres. When we learned that Mr. Andres intended to subdivide the lot and build two residences, we asked for and then met with Mr. Andres. After that meeting we thought there was agreement between us that we would be kept abreast of Mr. Andres's

proposal, with the thought that perhaps we could contribute to mitigating the effects of his proposal on our property. We had taken an interest-based approach, hoping that we could reach agreement on meeting both of our interests. We certainly identified privacy and sunlight as our major interests.

We appear to have been mistaken in our belief that there was an agreement between us to be kept abreast of Mr. Andres's proposal. The only discussions we have had with Mr. Andres since the initial meeting consisted of one initiated by us when he put a "For Sale" sign for what is known as Lot B, and requests by him at various times to support his proposals after he had submitted them.

During one discussion we had, we agreed to support his proposal if he moved the house on Lot B as far south and as far west as possible.

Without telling us what he had done, or even giving us notice that he was submitting an amended proposal, he changed his proposal to the one that is now before you. This proposal does move the house west, but does not move the house south, and Mr. Andres still asks for a variance to have his house closer to our house than the zoning currently permits. Nor has he proposed to change any of the windows or deck configurations which in their current design will seriously encroach on the privacy of the house.

We should point out that the report that you have from the Planning Department which says that our privacy issues are mitigated by a 1.8 metre fence, which exists now, does not tell the whole story about privacy. Certainly it currently protects privacy for the landscaped patio on the south side of our house (the only sitting area for our house because we have virtually no backyard) with respect to anyone on the ground level of Lot B. It could not possibly protect the privacy of the main floor and the second floor of our house in relation to the main floor and the second floor of the proposed house on Lot B, since they are higher than 1.8 metres from the ground.

Recently Mr. Andres told us that if he can't get the variances he has proposed, he will build a duplex on the lot. He says that would be worse for us and would block more light than his proposal.

Our conversations with the Planning Department lead us to believe that it will be extremely difficult for him to build a duplex fronting on Pendergast without variances that are even more extensive than he is asking for in this proposal, and we would oppose them vehemently.

On the other hand, it would be quite simple for him to build a duplex fronting on Heywood without asking for any variances. We would naturally welcome that, since that would simply replace the existing home and preserve the southern exposure and privacy our house now enjoys.

We do not oppose the general concept of increasing the density in our neighbourhood. Why shouldn't others be able to share in the wonderful amenities of the Fairfield Community? We bought our house knowing that the zoning provides that.

The zoning does, however, set reasonable limits as to the size and location of any houses built on a split lot. Mr. Andres bought the lot knowing those restrictions. Mr. Andres has now proposed to build houses that require variances because of their size in relation to the proposed lots.

We have no objection to variances for Lot A. They would affect no one in the immediate vicinity.

We submit, however, that Lot B should have a house no larger than the zoning permits and that that smaller house be designed creatively to fit the small lot concept. Further we submit that allowing variances that drastically encroach on the enjoyment of our property would not be fair to us and to the good faith we have shown throughout our ownership of our property.

If any councillors wish to speak with us about the issues we have raised, please let us know by e-mail when we should call you.

Lawrie and Bea Cherniack
940 Heywood Avenue
Victoria, British Columbia

Preserve

Your voice for heritage in the Capital Region and the Islands since 1973

A Quarterly Newsletter

Volume 41, Number 2, Summer 2013

We Have a New Address

Effective July 15, 2013, our former mail location is ceasing to operate.

Page 3

Honourable Mentions

The winner of the first Honourable Mention was Jane Taylor for the restoration of her home at 619 Avalon Road.

Page 3

Awards of Merit

An Award of Merit was shared by Graham Garman who did the restoration work on 940 Heywood Avenue

Page 4

Communication Awards

Dorothy Mindenhall won an Honourable Mention for the publication of *Unbuilt Victoria*.

Page 7

President's Award

The President's Award was won by Gabriel Ross Inc. for the rehabilitation of 2500 Rock Bay Avenue.

Page 9

Calendar

Keeping you informed about heritage activities.

Page 11

Young Researcher Steals the Show!

The first award was presented to a young man whose curiosity led him to research the history of his school, Margaret Jenkins Elementary. On August 16, 2012, the Hallmark Heritage Society welcomed its youngest researcher, Nelson Currie. Although Mom drove him to the office, it was Nelson who asked the questions and pointed out errors in material in our files and in numerous published sources. Helen Edwards spent over an hour helping Nelson and says it was one of the most rewarding experiences of her Hallmark job.

We were pleased when we learned that Nelson wanted to donate copies of his research to our archives but could not decide on an appropriate venue. Nelson presented the binder of information to the society at the opening ceremonies of the South Vancouver Island Regional Heritage Fair, in front of much older students. His story was featured on the front page of the *Times Colonist* the next day and has generated numerous comments from his family and friends as well as the heritage community.



The Hallmark Heritage Society was honoured to present a Junior Researcher Award to Nelson "for his dedicated research into the history of Margaret Jenkins School." Nelson, you are an inspiration to us all. 🏠

Awards of Merit



An Award of Merit was shared by Graham Garman who did the restoration work on 940 Heywood Avenue, and new owners Bea and Lawrie Cherniack who are continuing the maintenance of the home.

The house is an outstanding example of the Edwardian Tudor Revival style. Set on a large lot, across from the playing fields of Beacon Hill Park, the house has a monumental presence on a street that is now largely populated by large apartment blocks. Its restoration ensures that this site will continue in its original form for years to come. Graham Garman who lived next door in a house built by his father, bought this building in 2000 and spent 6 years lovingly restoring it.

The house was built in 1916 for Major Harry Howlett Woolison to a design by architect Samuel Maclure. The builder was noted Victoria firm Luney Brothers. The Major was a representative of the early twentieth century's merchant class; he was Secretary-Treasurer of J. L. Beckwith Co. Ltd.,


David Cubberley won an Award of Merit for the painstaking and lengthy restoration of his residence at 3862 Grange Road.

This American Craftsman house was designed by architect Hubert Savage for his wife, Alys, and himself, and he resided there until his death in 1955. At the time of construction, the Interurban tram had been extended out into rural Saanich making large areas of low-cost land available for

manufacturer's agents and importers, commission agents, real estate and insurance brokers. This home was among the first in the neighbourhood to have a separate garage built at the same time as the residence. This represented a social statement that the owner was embracing the modern age and needed a garage to house his new car. The siting at the front of the property speaks to the vehicle's status for this prominent businessman.

In a newspaper article, Graham Garman is quoted: "I love old things, especially old houses, and I wanted to bring it back to its original state." He gutted the old kitchen and combined it with an old pantry. All the new cupboards were made from reclaimed wood. He also added a small bathroom on the main floor, refinished all the floors, insulated under the main floor, designed a full suite in the basement, carefully matching woodwork and features to those in the main house. He also added storm windows and protective glass over the stained glass windows. One of the challenges of the work was the discovery that a support post under the front verandah was rotten. It was carefully restored so that the structure was once again stable.

Current owner Bea Cherniack, visited from Winnipeg and walked by the house, dreaming of being able to live there. A chance meeting with Graham Garman led to a tour of the restored house and an offer that was accepted. Garman noted that the Cherniacks would love the house and, for that reason, it was easy to make the deal.

The restoration of this home is important for two reasons. First, it is a significant home in the neighbourhood and deserved to be returned to its previous condition and secondly, it is a rare treat to have a subsequent owner appreciate the work of the man who did the restoration, and to commit to maintaining his work. This home will remain as a monument to the past while being enjoyed in the present and being preserved for the future. 

sub-division and development. Grange Road was, at that time, known as Blackwood and was the second stop along the new Interurban line.

This stately cross-gabled bungalow has a granite foundation and double-bevelled siding, with wooden stringcourses and corner boards. The central entrance porch thrusts forward, its deep gable supported at each corner by three short columns on battered stone piers, connected by a

Pamela Martin

From: Randy [REDACTED]
Sent: Tuesday, June 21, 2016 7:16 PM
To: Victoria Mayor and Council
Subject: Neighbourhood plans for developement at 944 Heywood ave.
Attachments: Vernons letter of Support for Developement..docx

To whom it may concern,

My apology for this late response to the situation at hand with Mr. Vernon Andres development. Attached is the letter that was sent March 20th 2016.

If you have any questions you may reach me at [REDACTED].

Respectfully,

Randy Morrison
[REDACTED]

Tuesday June 21st 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

Email: [REDACTED]

Contact: [REDACTED]

that the Development is too large for the lot. We believe that any development should conform to the lot size without encroaching on the offsetting property owners. As such, should this Development proceed, we respectfully request it does so without the variances.

We shall await your most favourable response.

Dan Kell & Nora Lynne Martin
412 Vancouver Street



This email has been checked for viruses by Avast antivirus software.

www.avast.com