

Kim Maddin

From: Anja Nurvo
Sent: November 5, 2015 09:51
To: Kim Maddin
Subject: FW: Council Meeting - November 2, 2015 - Agenda Item 6 (9) - Rezoning Application - 322 Plaskett Place - Omission of Neighbours' Letters and Materials
Attachments: December 19, 2013 Letter from Leanne Adkin and Robin Adkin of 14-300 Plaskett Place.pdf; December 27, 2013 Letter from Marianne Kimmitt and Bill Rowe of 13-300 Plaskett Place.pdf; January 3, 2014 Letter of Lynn Tiefenbach and Gerald Tiefenbach of 15-300 Plaskett Place.pdf; February 6, 2014 Letter of David James of 6-300 Plaskett Place.pdf; Discussion Points - January 13, 2014.pdf; Proposed Rezoning of 322 Plaskett Place.pdf; James Tree Care Report.pdf; REZONING OF 322 PLASKETT PLACE - NON-COMPLIANCE WITH OFFICIAL COMMUNITY PLAN.pdf

For mail-log please.

Anja Nurvo, BA, LLB
Director of Corporate Services
Corporate Services
Township of Esquimalt
Phone: 1-250-414-7135
www.esquimalt.ca

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: NOV 05 2015		
Referred: <i>Anja</i>		
<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

From: Bill Brown
Sent: November 5, 2015 9:35 AM
To: Anja Nurvo
Subject: FW: Council Meeting - November 2, 2015 - Agenda Item 6 (9) - Rezoning Application - 322 Plaskett Place - Omission of Neighbours' Letters and Materials

Anja,

Mr. Rowe will be calling you shortly. Please make sure that this e-mail is officially put into the administrative system.

Thanks.

Bill

From: Bill Rowe [<mailto:RoweLaw@shaw.ca>]
Sent: November 1, 2015 8:36 AM
To: Barb Desjardins; Meagan Brame; beth.burton-krahn@esquimaltcouncil.ca; Lynda Hundleby; olga.liberchuk@esquimaltcouncil.ca; susan.low@esquimaltcouncil.ca; Tim Morrison
Cc: Bill Brown; 'robertBob Larson'; 'Lynn Taylor'; 'mar bill'; 'Robert Frindt'; 'Karen James';
Subject: Council Meeting - November 2, 2015 - Agenda Item 6 (9) - Rezoning Application - 322 Plaskett Place - Omission of Neighbours' Letters and Materials

Dear Mayor Desjardins and Members of Council;

My name is Bill Rowe. I live at 13-300 Plaskett Place. I am sorry for supplying the attached material on such short notice, but the neighbours of 322 Plaskett Place were not advised by the administration that the rezoning application for 322 Plaskett Place was to be considered at the meeting tomorrow. We only found out about it on the afternoon of October 30th.

Many of the letters and other materials provided to the Mayor and the Council Members in December 2013 and January 2014 have been omitted from Schedule "D" to the agenda item about the rezoning.

We feel that in order to get a full picture of the extent of the opposition to the proposal and a better understanding of the reasons for that opposition, you need to review the attached material that was omitted.

The letters were sent to the Mayor and each Council Member. We have attached only the copy sent to the Mayor for the sake of brevity.

The following letters are attached:

1. Letter of December 19, 2013 from Leanne Adkin and Robin Adkin of 14-300 Plaskett Place.
2. Letter of December 27, 2013 from Marianne Kimmitt and Bill Rowe of 13-300 Plaskett Place.
3. Letter of January 3, 2014 from Lynn Tiefenbach and Gerald Tiefenbach of 15-300 Plaskett Place.
4. Letter of February 6, 2014 from David James of 6-300 Plaskett Place.

The following materials were provided to the Mayor and then Council Members who met with our community in January 2014 (again, for the sake of brevity, only the materials supplied to the Mayor are included):

1. Discussion Points – January 13, 2014
2. "Proposed Rezoning of 322 Plaskett Place"
3. James Tree Care Report
4. "Rezoning of 322 Plaskett Place – Non-Compliance with Official Community Plan

We would ask that you consider the attached material in any decision you make concerning the rezoning application for 322 Plaskett Place. We hope you will agree with us that the proposal should not be approved.

Kind regards,

Bill Rowe
13-300 Plaskett Place
Victoria, B.C. V9A 6G4
Phone:



Adkin Family
#14-300 Plaskett Place
Victoria BC V9A 6G4

December 19, 2013

Re: Development of Property 322 Plaskett Place, Victoria BC

Dear Esquimalt Council,

My name is Robin Adkin. I reside at #14-300 Plaskett Place, Victoria BC. I am writing because I am concerned about the potential rezoning of the property at 322 Plaskett from the current RS-3 zone to a Comprehensive Development Zone to allow an additional large Single Waterfront Residence. This development would subject many mature trees on my adjacent SL 14 property to risk. These trees have been protected since August 31, 1992 under a legal covenant through the Supreme Court of British Columbia placed by the previous owners of 322 Plaskett Place. Any blasting, digging for underground services or trucking around the trees critical root zones put them at risk according to the Arborist report. I ask that Esquimalt Council deny allowing this development from moving forward based on environmental damage.

On November 30th, 2013 we heard from a neighbor that Mike Hodson of 322 Plaskett Place had gone door to door at Royal Point inviting them Sunday December 8th, 2013 to an information session regarding his plan to develop the rear end of his property. We fully expected him to return with a personal invitation to our address since our property borders his but he never made the effort for a second visit. Nevertheless, along with the neighbors we attended the Sunday December 8th information session held at his home.

At the session, Mr. Hodson presented his plan for building a new residence and addressed our concerns about tree removal on his property which could possibly ruin our privacy. It was at this point that Mr. Hodson began a string of untruths regarding the proposed development.

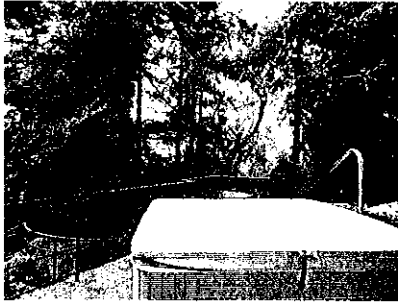
Firstly, Mr. Hodson assured us that only 3 trees would be sacrificed during development. One large fir at the base of the hill which he said the Esquimalt Arborist told him was compromised already and two other trees which would end up in the middle of his new proposed driveway. Since that time the complete Arborist report has come to light and we have found that Mr. Hodson was less than truthful with neighbors. In fact, Talbot McKenzie and Associates report that the "excavation has the potential to encroach into the critical root zones of "7 bylaw-protected trees on Mr. Hodson's property. Not only is this contrary to what we were told at the session; information Mr. Hodson also withheld was that blasting for the new driveway along with associated underground services will also put 4 trees on SL15 and 2 trees on my SL14 at risk. Mr. Hodson was also not telling the truth about the Esquimalt Arborist consultation. A neighbor contacted the said Arborist and he has confirmed that there has been no consultation regarding any trees being compromised on Mr. Hodson's property in quite a few years.

Secondly, Mike Hodson reported that he consulted with the Halbert family who live next door to him. He prefaced the conversation with "Mr. Halbert is dying anyway"; then assured us that he had spoken to them showing the site lines from their window and how his proposed residence would not block any of their ocean view. We have since found out that Mike Hodson has not spoken to the Halberts other than to say "hello" in over a year and also told them not to bother coming to the information session as other neighbors would "fill them in". I ask, does this represent fair neighborhood consultation on behalf of Mr. Hodson?

Thirdly, Mr. Hodson also told the group that the owner of SL12 (who was not in attendance) and he had come to an "agreement". He went onto say that the owners of SL12 "will get to keep their rock wall if I get to build this house". This sounded more of a threat to me than a gentlemen's agreement. In my mind, the above misinformation and manipulation of the truth puts to question any promises Mr. Hodson makes to the neighbors in future.

In regards to blasting the rock bordering SL15 and 322 Plaskett Place, Mr. Hodson reported that he was choosing to use water blasting to remove the rock in layers to avoid affecting the untagged tree #1 on SL15 at the entrance to the proposed driveway. I have been a General Contractor for over forty years and am well aware of rock removal techniques. Water blasting is not safer for the trees as there is just as much concussion with water blasting as regular blasting. Hoe ramming rock removal is safer for the tree but triple the price of conventional blasting. Water blasting and expanding grout rock removal combination is safest but ten times the price. Post water blasting, the excavator still has to go in and do hoe ramming and this will drive the price up considerably. Blasting is the cheapest and fastest way to

remove rock so this is most likely the choice Mr. Hodson will make in the end.



We purchased our SL14 in May 1996. At that time we were made aware of the restrictive covenant at the rear of our property. The said covenant dated August 1992 was placed on the property by the Halbert and Baker family (previous owners of 322 Plaskett) in the Supreme Court of British Columbia. Strata Lots 11 – 15 at 300 Plaskett Place were awarded variance to accommodate the covenant which was put in place to protect the large fir trees and maintain privacy between 322 Plaskett and the Royal Point Development. The covenant for my property SL14 states:

"That no rock or rock formation, soil, flora, sand or gravel, will be moved, altered, broken or disturbed from, on or in that part of Strata Lot 14 shown cross-hatched on the Sketch Plan attached hereto as Schedule A".

At the time I purchased my property, I signed an agreement to the above covenant. The rear of my lot remains in its natural state to maintain privacy between Mr. Hodson's and my property. I will continue to fight for this buffer area and anything that may possibly compromise this area.

Mr. Hodson has no motivation to save any trees on his or adjacent properties. At the information session he remarked "I can pay \$1400.00 to get a permit to have any of these trees removed". He has a potential to make a one million dollar profit developing his property which is more incentive than a small fine when he damages a tree. There is also a concern that in 1 to 3 years our trees die due to the damage caused during blasting. Mr. Hodson would no longer be responsible and we would have to have them cut down and removed at our own expense. Since the restrictive covenant on the rear of my property forbids me from replanting in the natural habitat, I will be left with only scrub brush for privacy in my back yard rather than the 70ft majestic fir trees that have taken 100 years to grow.

In conclusion I reiterate, I am concerned about the potential rezoning of the property at 322 Plaskett from the current RS-3 zone to a Comprehensive Development Zone to allow an additional large Single Waterfront Residence. This development would subject many mature trees on my adjacent SL 14 property at risk. These said trees have been protected since August 31, 1992 under a legal covenant through the Supreme Court of British Columbia placed by the previous owners of 322 Plaskett Place. Any blasting, digging for underground services or trucking around the trees' critical root zones put them

at risk according to the Arborist report. I ask that Esquimalt Council deny allowing this development from moving forward based on environmental damage.



Respectfully submitted,

Leanne Adkin DH BDSc MEd RDH

Robin Adkin- Owner/President Adkin Construction & Design Ltd

Gerald and Lynn Tiefenbach
#15, 300 Plaskett Place
Victoria, BC V9A 6G4

Email:

January 3, 2014

Mayor Barbara Desjardins,
Township of Esquimalt Municipal Hall,
1229 Esquimalt Road,
Esquimalt, B. C. V9A 3P1

Dear Mayor Desjardins,

Re: Proposed Rezoning of 322 Plaskett Place

My name is Lynn Tiefenbach and I reside at #15, 300 Plaskett Place. I am writing because my husband and I are very concerned about the potential rezoning of the property referenced above. It is my understanding that the above-referenced property is applying to rezone to a Comprehensive Development Zone, in order to allow an additional large Single Waterfront Residence.

This development would affect one Douglas Fir which would be adjoining the proposed property's driveway plus two Garry Oaks, a second Douglas fir and shrubbery which currently separates our properties. These trees and shrubbery are protected under a legal covenant (1992) through the Supreme Court of British Columbia as set in place by the previous owners of 322 Plaskett Place. When we purchased our home six years ago, we reviewed this covenant and signed it. It was our understanding at the time that our rear property would be left in its natural state.

We have been told that any blasting, digging for underground services or trucking around the trees' critical root zones will put the green space to the rear of our property at risk, according to the Arborist Report included in the redevelopment package circulated by the designer and owner of above mentioned property.

Our home is situated on a corner lot, and currently has traffic on two sides of the property. Were the development to go through as proposed, we would have an additional driveway to the rear of us, thus creating three sides of our home impacted by traffic and the associated noise.

It is a concern of my husband and me that as the proposed new driveway will be close to our property line and elevated, it will cause us to have a considerable loss of privacy. Not only will we hear the vehicles accelerating up the driveway, we will

actually see them as well. At the moment we have total privacy and quiet from the rear of our home. Both the view from one of our main living spaces, as well as the noise level, would be severely impacted by the proposed development, which would cause stress and a change to how we use our home. In addition, and more importantly, this development could have a significant impact on our property value.

An additional concern to us is the environmental impact of the proposed development. One of the benefits of our home is that the rear of the house faces onto a large green space of trees and shrubbery, which is protected under the covenant at present. This green space is a natural habitat for many wildlife animals and birds and it is something we have grown to enjoy on a daily basis.

You may visit our website address at norezonng322.wordpress.com for additional information.

Thank you for your time in reviewing this communication and evaluating our concerns. We look forward to meeting you on January 13, 2014 in regards to the above.

Sincerely,

Lynn Tiefenbach

Gerald Tiefenbach

MEETING WITH MAYOR BARB DESJARDINS

JANUARY 13, 2014

DISCUSSION POINTS

1. We believe that the proposed development has many serious problems. Mr. Hodson has other options that would be more environmentally friendly and equally lucrative. He could develop a duplex using the footprint of his existing home.
2. This proposed development cannot proceed without the certain destruction of at least three very mature and bylaw protected trees and the likely destruction of many more very mature and bylaw protected trees on Mr. Hodson's and his neighbours' properties. The arborist report confirms the danger to the trees. This is in direct conflict with the Official Community Plan whose mission statement includes protection of the natural environment.
3. The application process has been compromised right from the start by the many misrepresentations made by Mr. Hodson to his neighbours and the APC, such as:
 - (a) That the municipal arborist agreed that the Grand Fir tree now located where he wants to build his garage was damaged and should be cut down;
 - (b) That there would be no blasting;
 - (c) That neighbours not invited to the "public consultation" had no objection to the proposed development;
 - (d) Presenting a depiction of the proposed residence that still showed all of the trees that he intended to cut down still on his lot;
 - (e) Presenting a depiction of the proposed new driveway that misrepresented its height and its location to make it look like the greenery now existing would be maintained.
 - (f) Presenting a depiction of the garage by the side of the existing house in the arborist's report when that was not the plan.
4. We believe that this application is a bad plan and should be rejected on its lack of merit. Any future proposal should only be considered if the Development Permit application for the site specific development and the rezoning application are considered together, so that the exact development is defined and fixed by the zoning bylaw. If we do not proceed in this way, the neighbours and the municipality are being asked to "buy a pig in a poke". This level of uncertainty is creating a great deal of anxiety for the neighbours of Inspiration Cove.
5. Ocean setback – The development, as proposed, is only 2 meters from the oceanfront property line of Mr. Hodson's lot. It is important to note that the line purporting to denote the "present natural boundary" (from which the 8.5 meter setback is measured) is, according to the surveyor

who prepared the survey, "subject to approval before reliance". We are not aware of any such approval.

6. Rear lot setback —#13-300 Plaskett Place is the only ocean view lot and one of only 3 or 4 interior lots in Esquimalt that would have buildings only 1.5 meters from our property line on 3 sides.
7. The development of Royal Point over 20 years ago was approved in a different time when environmental concerns were not taken into consideration as much as they are today. Perhaps it should not have been developed, but it is here now. There was no Official Community Plan at that time. One of the stated goals of the OCP is "to protect and enhance the natural environment while accommodating change and development". The protection of the natural environment in this case requires the refusal of the rezoning application.
8. Please see the email report of James Johnston, ISA Certified Arborist, of James Tree Care that speaks to the interconnectedness of the natural environment and the potential damage to not only trees on the applicant's property, but also those of adjoining neighbours.

James Tree Care Report

Hi Bill,

My phone app is not cooperating, so I thought I'd just send you a email with what we talked about.

This is my own opinion from viewing trees from neighbors property at 13 Plaskett Place;

The trees in question at 322 Place, with the proposed construction in place will in my opinion, all be effected and compromised.

The large Grand fir at the back of property looks to be in good health, has reasonable good structure and a good proportion of live healthy branches to support it.

All the trees in the area look to be in reasonable fair health.

The proposed construction, with equipment going back and forth will cause compaction with the root systems of the trees on property. With the close proximity of the proposed drive way there will be roots damaged and greatly compromise the health of the trees. The excavating , blasting of rock will also cause damage and compromise the health and life of trees as well.

The trees at the front of property; Douglas Fir and Garry Oak, will also be impacted with the proposed driveway.

All the trees on the property and the ones close by (bordering on neighbors property) are all connected with there roots. What happens to one tree will effect other trees in that area.

The water tables and drainage pattern will change after construction having an effect on remaining trees.

I'm not disagreeing with arborist report submitted by Talbot & McKenzie, I'm just pointing out what I see as obvious impacts of construction on trees on property and neighboring properties.

Thank you,

James Johnston ISA Certified Arborist
James Tree Care 250 382 9162

WILLIAM ROWE, J. D.
DR. MARIANNE KIMMITT
13 - 300 PLASKETT PLACE, VICTORIA, BC V9A 6G4

December 27, 2013

Mayor Barbara Desjardins,
Township of Esquimalt Municipal Hall,
1229 Esquimalt Road,
Esquimalt, B. C. V9A 3P1

Dear Mayor Desjardins,

Re: Proposed Rezoning of 322 Plaskett Place

My name is Marianne Kimmitt and I am writing to you with the concerns my husband, Bill Rowe and I have regarding this proposed development by Michael Hodson, the owner of the 322 Plaskett Place. We live at 13-300 Plaskett Place, which is one of the two homes most affected by this proposed development.

Our biggest problem with this proposed development is the loss of the natural habitat (trees, birds and other wildlife) at 322 Plaskett Place and adjoining properties that we enjoy on a daily basis. Weather permitting, we are in our backyard, or on our back deck enjoying the many species of birds visiting our trees. (Please see the neighbourhood website "322 Plaskett - Stop the Rezoning and Subdivision!" for a greater sense of all the birds that will be affected by this development. The website address is: norezoning322.wordpress.com . A current copy of the website content is attached.)

The proposed tree plan calls for the destruction of three, approximately 100 year Grand Fir trees and will most likely compromise the health of several other trees, including an Arbutus tree on 322 Plaskett Place. The tree report provided by Mr. Hodson and Mr. Lunt (Mesa Design) was called "disingenuous" by Mr. Slater (a member of the APC). The tree report they gave the APC was pronounced outdated and incomplete by Mr. Slater. It didn't include a report on the 6 trees on adjoining properties, SL14 and SL15, including 2 Garry Oak trees that are located approximately 3-4 feet away from the proposed driveway. The other 4 trees on the adjoining properties are also located approximately 3-4 feet away from the proposed driveway. The tree report presented at the APC also had the garage of the proposed home at the front of the lot (by Mr. Hodson's present home) which was misleading.

But for the courage of Mr. Slater, this application would have succeeded in not addressing the health and welfare of several bylaw protected trees. Even though the tree report was incomplete, it does say:

The proposed building footprint and associated excavation has the potential to encroach into the critical root zones of bylaw protected trees #286, #287, #288, #289, #290, #291, and #292. In our opinion it is unlikely that it will be possible to retain trees #288, 289 and 290. (P. 4 under Building Footprint)

Mentioned on 2 separate occasions in the tree report is the sentence: "Blasting could potentially impact untagged trees #1-6 located on the neighbouring strata properties at 14 and 15 Plaskett Place."

We remain surprised that this plan was passed through the APC. It was looking like it wouldn't pass, but then an exchange happened between members of the APC and Mr. Trevor Parkes, who seemed annoyed that Mr. Salter and Mr. James Harada-Down were making suggestions he said were more appropriately made by engineers and the Planning Department. In speaking with our neighbours after this meeting we were all very heartened by the positions taken by Mr. Slater and Mr. Harada-Down who both indicated they would like more information before granting the application. When the developer, Mr. Lunt, from Mesa Design, and Mr. Hodson saw that their application was faltering, they said they were amenable to any and all of the suggestions made by the APC (e.g., that the new home use compost toilets to lessen the need to disturb the natural habitat and that the new owners not bring their car down the driveway but use a golf cart for transportation). It appeared to us that in order to put this application through, Mr. Hodson and Mr. Lunt and some members of the APC needed to avoid discussing the obvious: how does one excavate, blast and remove enough rock and soil to build a 4000 square foot home set into the bank of the waterfront (which would require multiple dump truck trips) without destroying or severely impacting the natural habitat?

An on-site visit to 322 Plaskett Place would provide the necessary visual evidence to see how problematic this development is with regard to protecting the existing natural habitat despite the skill and best intentions of arborists. One of our other neighbours is a General Contractor and he predicts a minimum of 500 truck loads (for removal of rock and soil and delivery of construction materials) each weighing 57,000 lbs. going in and out of this property with narrow clearance between trees.

On December 19, 2013, two days after the APC meeting, Mr. Hodson, sent Bill and me an e-mail telling us that he would be erecting a fence between our two properties, with construction to commence in January, 2014. In his application to the APC, the landscape plan submitted shows a 6 foot cedar plank fence to be built along the property line between his lot and our lot and the adjacent lot, SL14. Now he is planning a fence only at the back of our lot. We feel that this move is premature and retaliatory, as we were the most vocal in speaking against the development at the meeting at Mr. Hodson's home on December 8th and helped coordinate the 16 neighbours from Plaskett who attended the APC meeting. We have sent a response to Mr. Hodson indicating that we would prefer that he not build the fence and

instead keep the existing shrubs and greenery that have been there for the past 21 years.

Unfortunately, this fence will also be in the sight line of all the other neighbors along Inspiration Cove and will require the destruction of the current ivy border between our properties.

Most of the neighbours have their own unique account of misrepresentations by Mr. Hodson. I will only refer to the misrepresentation we were directly involved with. Mr. Hodson's told several neighbors at the meeting that tree #290 had been accessed by the municipal parks arborist who said it was damaged and that it was a good idea to remove it. We phoned the arborist, Mr. Eric Wilde, (whom we dealt with 5 years earlier due to a damaged tree on our property) and he said that he said no such thing, and that he had not been out to our immediate neighbourhood since assessing our tree 5 years earlier.

Our home and those of our neighbours are situated in a semi-circle around Inspiration Cove. What one neighbour does affects the quality of life and property values of everyone. Neighbours do their part to maintain the park like setting that has existed here for over 20 years. It seems remarkable that the financial gain of one person should come at such a high cost to the natural habitat and to all of the neighbors who enjoy the serenity and value of living so close to nature.

We love our community and have chosen to live here because of the sense of neighborhood we enjoy and the quality of life the community provides. We are determined to protect our natural habitat. We feel that this proposal goes against a basic principle stated in the Official Community Plan:

2.2.3 a)

Proposed subdivisions or redevelopment/infill within established single-unit and two-unit residential areas must be built to high design and landscaping standards and respond sensitively to existing neighbourhood amenities and existing significant views.

With the present proposed development, our entire view from the main floor of the house where my husband's office is located will be obstructed. From our backyard, where we spend a good deal of time, we will be seeing 2 meters of building and our view out over the Cove will be obstructed. From our second floor we will have a prominent view of the proposed home, will look out over the roof and will not see the Cove at all, but only part of the shore across the Cove. We had our own survey company go over the elevations provided by Mr. Hodson in order that we could be accurate in reporting the obstruction of our views. Also we understand from studying the bylaws that a developer by all rights could put in an air conditioning unit, heat pump etc. on the roof of the home that is not covered by the

height restriction contained in any rezoning bylaw. This would further obstruct our views and bring down our property value.

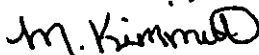
If this development happens we will no longer have an unobstructed view of the Cove, we will not look across at the green space that exists across the lawns of our neighbours and we will be subjected to traffic noise down the driveway to the single car garage attached to the new development. A single car garage isn't very plausible with a 4000 square foot home. The plan proposes a dead end driveway so we and all of our neighbours will be seeing and hearing the cars attached to the new home accelerating up the sloped driveway or re-positioning in order to get up the driveway. This includes delivery traffic and visitors. So now what is green space would be dotted with a driveway and cars and the sounds and pollution that this brings.

One last problem specific to our home is the minimal setback being proposed for this development. We are not aware of another lot in Esquimalt (that has the quality of our lot and the value of our home) with a 1.5 meter setback from its rear property line. The vast majority of the homes in Esquimalt have a 7.5 meter rear yard setback. The setback is there for a reason. It provides privacy between neighbours and is in keeping with a balanced site plan. We believe that this setback issue alone will have a negative impact on our property values and our quality of life. Our neighbourhood is a "calling card" for Esquimalt and this development does not fit in.

The proposed development, which is basically only a footprint (and a hazy one at that!) could change significantly during the development permit application process. To be honest, we are frustrated and angered by the process so far. It seems like the municipality and the neighbours are being asked to approve a "pig in a poke". With so much misrepresentation and the lack of documentation we are disappointed that this plan has gotten this far along in the process. We hope that the municipality's need for tax dollars does not override the concerns of the many neighbouring homes and the preservation of the natural habitat we all share.

Thank you for reading about our concerns. If you have any questions please don't hesitate to contact us at

Yours Sincerely,



Marianne Kimmitt


Bill Rowe

322 Plaskett Place – Stop the Rezoning and Subdivision!

*Preserving the character of this iconic
Esquimalt neighbourhood*

Posted on December 19, 2013

Residents of the Plaskett Place neighbourhood were informed recently that the owner of 322 Plaskett Place, Mr. Hodson, has applied for a re-zoning of his property in order that he may build a second house. It is just as likely that he will sell the new lot with the rezoning attached. The Esquimalt Planning Department has advised that Mr. Hodson's application is not simply for a re-zoning to already existing zoning categories such as Single Family Residential and Single Family Panhandle Residential. It is a for a Comprehensive Development District with site specific parameters to allow for the specific building Mr. Hodson wants to erect. Mr. Hodson does not have a legal right to develop his property. Whether or not this project goes ahead is **completely** at the discretion of the mayor and city Councillors. Densification is not appropriate for every available site.

Read about the strange happenings at the Advisory Planning Commission meeting on December 17, 2013.

Fallout from the APC meeting

Download a .PDF of the proposed development of 322 Plaskett Place.

The neighbours of Plaskett Place feel that the potential development project (322 Plaskett Place) will have a permanent and deleterious impact on all the properties in the immediate area because of the resulting destruction of natural habitat, lack of privacy, and light and sound pollution. All of this will significantly affect property values, the use and enjoyment we have living here and more broadly, the current character of the neighbourhood.

The neighbours of Plaskett Place and Saxe Point Park form a semi-circle around Inspiration Cove. From every angle along this Cove one can see the park like setting of the neighbourhood. On the property that is subject to the re-zoning application (322 Plaskett Place) there are several trees that are integral to the ecosystem supporting many birds, mammals, and flora. Arbutus, Garry Oak, Douglas Fir, and Grand Fir trees could well be compromised if the proposed plan goes ahead, according to the arborist's report. There are also three mature Grand Fir trees that are slated to be destroyed. We believe that the loss of any mature trees will affect the quality and character of the neighbourhood.

Here are some photos of our neighbourhood taken in Dec. 2013.





Also high on the list of concerns about this development is vehicular traffic down the slanted driveway into the proposed one car garage. Neighbours are concerned about having a driveway on a significant incline and also a dead end driveway. With the proposed 4000 square foot house, it is likely that more than one vehicle will be attached to this development. Instead of looking out onto one another's backyards the neighbourhood will be looking at a driveway, the owner's vehicle(s) and will be dealing with the noise pollution that comes with car(s) having to reposition themselves in order to be pointing in the right direction and then accelerate out of the driveway.

This re-zoning application brings with it an extensive construction project with more than the usual upheaval construction involves. At the meeting on Dec. 8, 2013, Mr. Hodson told the neighbours that he would be digging several feet down into his property and that the proposed 4000 square foot home would sit some feet below the grade of the lawn closer to his present residence.

We also learned the details of removing the extensive rock at the front of his lot, which will have to be removed in order to build the driveway.

The Township of Esquimalt has a picture of Plaskett Place homes on the home page of its municipal website because it is proud of the desirability of the neighbourhood. We believe that the picture of our neighbourhood serves as a kind of advertisement to prospective home buyers and investors in Esquimalt. Looking across from Saxe Point park to our neighbourhood is a special experience for visitors to Victoria and Esquimalt residents alike. We think that the character of the neighbourhood will be adversely affected by this very large home.

We think it unreasonable that the financial gain of Mr. Hodson should come at such a significant cost to so many of his neighbours. It is most likely that this proposed development will decrease property values and perhaps lead the way to further subdivision and re-zoning applications along Inspiration Cove. We are hoping that Esquimalt Township will see past its hope for greater density in Esquimalt to the need to preserve the present character of our neighbourhood.

Steps in the Application Process

1) Mr. Hodson is required to show consultation with neighbours over the proposed development. This took place on Dec. 8, 2013.

2) The Esquimalt Advisory Planning Commission met on December 17, 2013 to consider the re-zoning application for 322 Plaskett Place. It was a strange process because, although all that was at issue was the rezoning of the existing lot, almost all of the discussion revolved around the specific house to be built. The result of the meeting was that the Advisory Planning Commission voted to forward the application to Council with a recommendation to approve the application but with the following conditions:

- a) That an engineering report be prepared to evaluate the placement of utility services on the north side of the property rather than under the proposed driveway on the south side;
- b) That the Advisory Planning Commission recommends to Council that the proposal be referred to the Design Review Committee for review;
- c) That a Tsunami Report be prepared by a professional engineer;
- d) That a more comprehensive tree report and map be produced including information on the potentially affected trees on the lots to the south; and
- e) That a detached garage at the front of the property be considered for inclusion in the design.

Please see the blog post [Strange Happenings at the Advisory Planning Committee](#) for details of the meeting.

3) A public hearing will be held (date yet to be announced) at which the neighbours will have an opportunity to voice this concerns.

In the meantime, it is important for us to show solidarity to this development at an early stage. Since this is ultimately a political decision made by the Esquimalt Mayor and Council, public opinion will listened to and taken seriously. **If you would like further information from the Township on the application process, please contact Trevor Parkes at Esquimalt City Hall at 250-414-7148.**

What can I do?

- 1) You can call, write or visit the mayor or members of the Council to voice your concerns.
- 2) Look over the plans for 322 Plaskett Place provided by [David Lunt of Mesa Design](#) and see if you have any concerns regarding the setback or design of the home.

Posted in [Uncategorized](#) | [2 Comments](#)

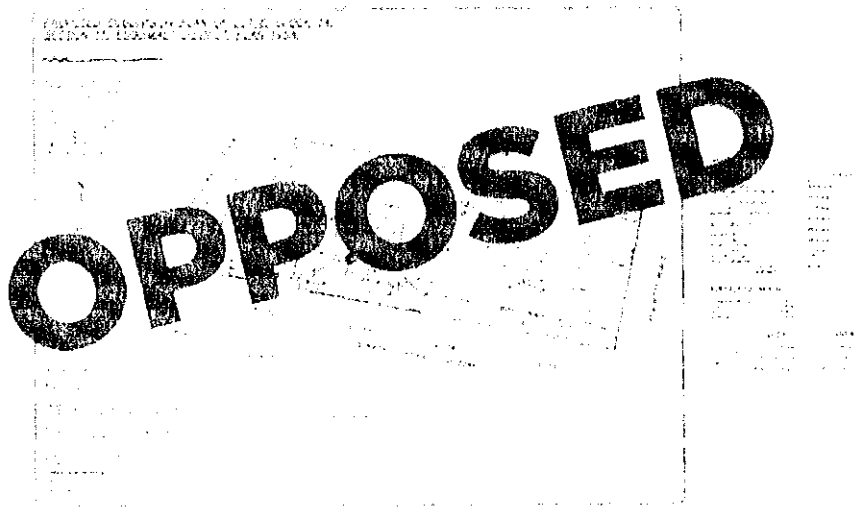
322 Plaskett Place – Stop the Rezoning and Subdivision!

*Preserving the character of the historic
Plaskett Place neighbourhood*

Latest Updates

Strange Happenings at the Advisory Planning Commission

On December 17th, the Plaskett Place neighbourhood went en masse to the Advisory Planning Commission (APC) meeting to oppose the proposed rezoning of 322 Plaskett Place. Sixteen neighbours attended, including one of our elderly neighbours who is confined to a wheelchair and who is on dialysis. Even though public input isn't allowed at these meetings, he felt that his presence and support were nevertheless essential. He was an inspiration to us.



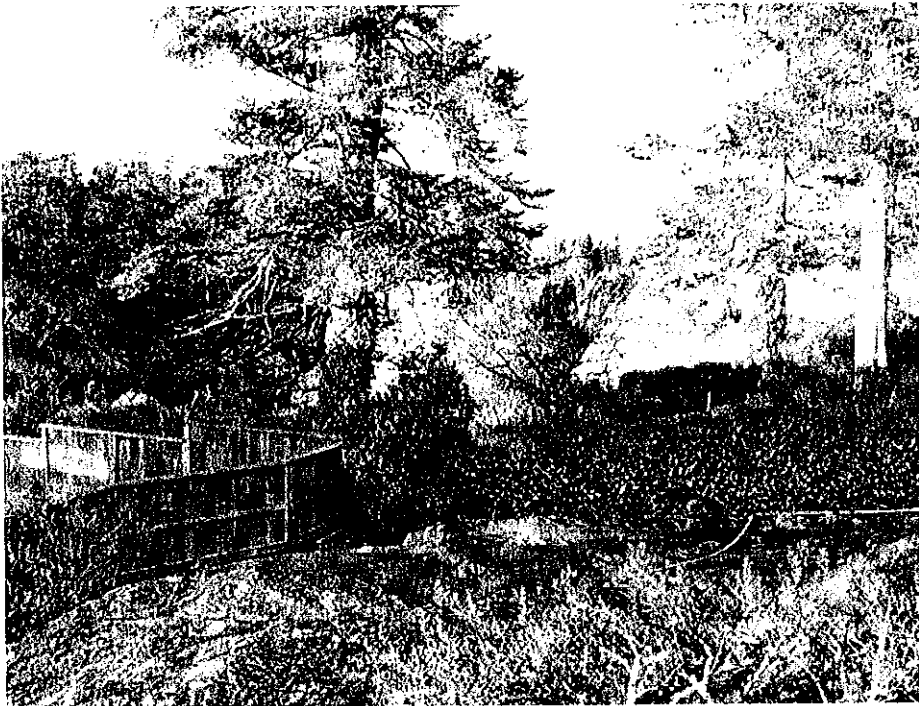
The questions the APC asked during the earlier applications for variances or rezoning were heartening because the APC consistently expressed concern regarding adequate neighbourhood consultation and approval and a comprehensive Arborist's Report to ensure that existing trees weren't damaged in the building process.

Two of the Advisory Council members, Mark Salter and James Harada-Down, raised two of the many salient problems with the 322 Plaskett application. Mark Salter suggested that the information about the trees provided by Mr. Hodson was "disingenuous" and that it was difficult to ascertain the number and position of the trees in the drawings, let alone their safety during such a major construction project. Mark Salter received a round of applause from the neighbours.

James Harada-Down also commented on the overall lack of documentation provided by Mr. Hodson and David Lunt from Mesa Design, which they started to put forth when it looked like their application for rezoning was in trouble. It was as if they would agree to any recommendation made by the APC (e.g. using compost toilets, no driveway going back to the proposed development, putting the utility services down the North side of the property)...anything to get the application through.

There was much discussion about the impact of the driveway and ways to mitigate this. It was suggested that the owner might use a golf cart to get from his car in the garage located beside Mr. Hodson's present home. This suggestion overlooks the fact that a lot of heavy machinery will make a multitude of trips into the back yard, thereby compromising the mature beautiful trees in the back yard and the habitat they provide to all the birds and other creatures in the area.

Unfortunately, even though Mr. Hodson's neighbours on Plaskett place are very much opposed to this proposed development, Mr.Hodson's application moved forward, albeit with conditions.



Moving forward, we plan to meet with the Mayor and Council to voice our concerns about the development. We might also address the problems and frustrations the neighbours faced at the meeting last night. We thought we were there to hear about an actual comprehensive plan for the proposed development at 322 Plaskett: a plan that would take into account the safety and care of the natural habitat that exists in our backyards, among other concerns. Instead, it appeared the applicant saw which way the wind was blowing during the hearing and promised that he will consider and act on problems raised by the APC in order to have his application approved.

We are moving forward to meet with our elected officials with high hopes that all of the neighbours are listened to with care and that our concerns to preserve the park-like setting we presently live in are heard together with the many other concerns we have about this application.

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3 Responses to *Latest Updates*

Vetu says:

December 24, 2013 at 9:04 am

So let me get this straight. A luxury home on an expensive lot is considering using compost toilets and a golf cart for transportation between their home and the street (suggestions made by APC committee members) in order to get their rezoning permit. Sounds like everyone was scrambling to get this through regardless of what a bad plan it is.

[Reply](#)**Covesitter says:**

December 24, 2013 at 8:08 am

Yeah for Mr. Salter (APC member) who nailed it when he called the tree report "disingenuous". Mr. Hodson and David Lunt (Mesa Design) used an outdated tree report showing the garage at the front of the house rather than attached to the new proposed home. So much easier to misrepresent than deal with the problem of preserving several 100 year old trees!

[Reply](#)**Birdwatcher on Plaskett says:**

December 24, 2013 at 3:05 pm

I agree with the last comment. Another thing that bugs me is there was no assessment of 6 trees on adjoining properties , among them 2 Garry Oak trees. The proposed driveway will be around 3-4 ft. away from the Garry Oak trees and 4 other 70 year old trees.

[Reply](#)**322 Plaskett Place -- Stop the Rezoning and Subdivision!***The Twenty Ten Theme. Blog at WordPress.com.*

322 Plaskett Place – Stop the Rezoning and Subdivision!

*Preserving the character of this home
and its neighbourhood*

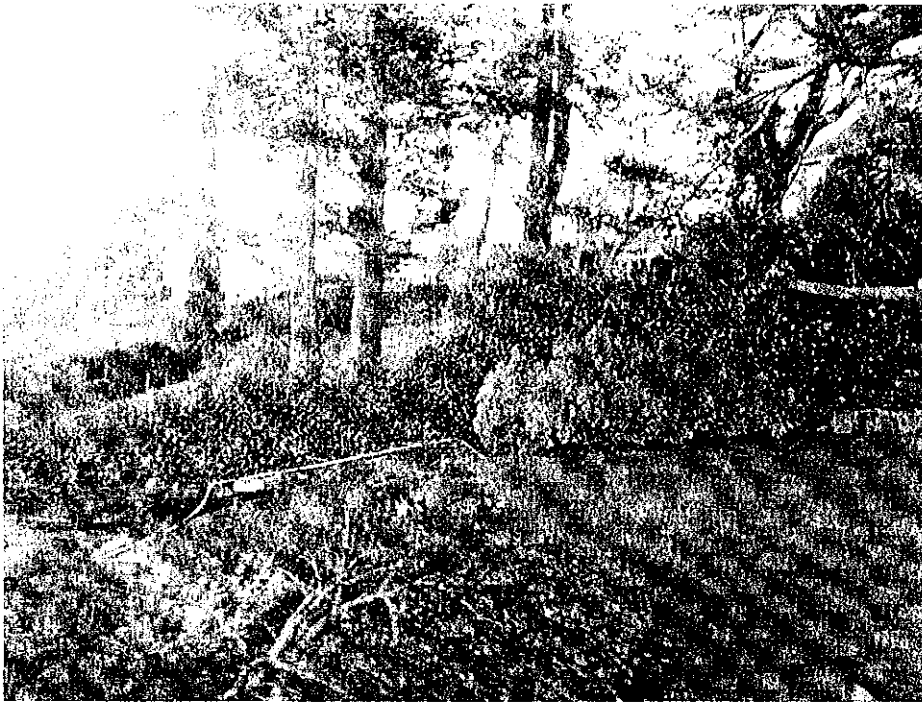
Fallout from the APC Meeting

On Dec. 19th, 2013, two days after the APC meeting (at which Mr. Hodson and Mr. Lunt were criticized for having a “disingenuous” tree report and for providing incomplete information regarding their actual development), one of the neighbours active in opposing the plan received notice via e-mail from Mr. Hodson that he will be building a fence along the back of their lot with the work “planned to begin in January of 2014.”

This action appears premature and retaliatory given all of the many conditions that were attached to the proposal at the APC meeting. Moreover, Mr. Hodson’s original landscape plan presented at the APC provided for a 6 foot cedar plank fence to be installed along the back property line of two adjacent properties, instead of the one property now singled out.

Although Mr. Hodson has a legal right to erect a fence, doing so will change the character of the neighbourhood and its park like setting not only for the owners shown in the pictures below but for all of the surrounding neighbours.





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322 Plaskett Place – Stop the Rezoning and Subdivision!

The Twenty-Ten Theory Blog at WordPress.com.

The Mayor and Councillors
Township of Esquimalt

6-300 Plaskett Place
Victoria, BC. V9A 6G4

6th February, 2014

Re: proposed rezoning of 322 Plaskett Place

Dear Mayor and Councillors

I am resident of #6-300 Plaskett Place within the Royal Point Bare land Strata development consisting of 15 high-end ocean front and near ocean front houses that were constructed 20 or so years ago. This is a beautiful part of Esquimalt as evidenced that a photograph of the area was selected for use on the home page of the Township of Esquimalt's website.

While we are not as closely impacted by the rezoning of 322 Plaskett Place as some of our neighbours, we remain strongly opposed to the current proposal.

Please note that we are not opposed to rezoning process in general if the planning and by-laws are fully met and if the development fits in with the current neighbourhood. This means that rezoning developments should not decrease the value of nearby homes. They should not decrease the visual appeal of the existing neighbourhood or decrease the right of privacy of long established residences. Perhaps, a sensible criterion for approval is that the any redevelopment should at minimum have neutral impact on the neighbouring properties but more ideally; enhance the natural beauty of an area. Redevelopment should never detract from it. Failing these criteria several of which are elements of Esquimalt's OCP, should be good reasons for rejection of a rezoning proposal even if a project is fully by-law compliant.

At the recently held APC meeting that we attended, it became clear that there was a huge bust between what has been presented to council and what has been stated by the applicant to our community. While this is probably not an uncommon practice during such applications, these differences have created a furor in our neighbourhood. Given we are all good neighbours and many are friends, I find this aspect of the process most disappointing and could have been avoided.

During the presentations at the APC meeting, there was a lot of technical material presented by the applicant and his developer that supports their contention that the application merited approval. But since the general public was not permitted to speak at the meeting, only one side of the issue was heard. In this letter, I will not attempt to navigate my way through the technical issues of interpreting by-law compliance. Those issues will be dealt with by others from our community who are better informed in such legalities. Instead, I would like to address a few common sense issues that should be considered by council. These are hardly exhaustive but I feel capture some of the more important concerns that need to be considered carefully.

One of the biggest areas of discussion that emerged during the APC meeting was the removal of numerous mature trees that are a signature of our strata and to those viewing from Saxe Point Park. We find it highly ironic that the then owner of 322 Plaskett Place was opposed to our strata development 20 or so years ago and was instrumental in having a covenant placed on the large trees within the strata properties to protect his privacy. The applicant, as the subsequent owner of 322 Plaskett Place, has had the advantage of that covenant and taken steps to enforce it, but now, he is prepared to sacrifice large trees on his property simply because they are in the way of his proposed development. Furthermore, his

development has the potential to endanger the health of trees on the strata properties that the original covenant protects. Obviously the applicant wants to have it both ways.

If trees are removed as part of the development, the visual attractiveness of the area from every direction will be diminished in addition to considerable loss of natural habitat. We think these alone are sufficient reasons to reject the development proposal.

Other concerns are the highly inclined driveway behind existing strata homes that would render one house (#15) with significant traffic on three sides, and two sides for the remaining homes that back onto proposed development. Remember, these are high-end, long established homes whose owners should have precedence over a later redevelopment that will significantly reduce their property values and property enjoyment.

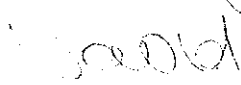

My understanding is that 15-300 Place was built with the understanding of the privacy tree and vegetation covenant such that the rear of the house was visually protected from 322 Plaskett Place. If the trees and vegetation are removed as a result of this redevelopment, this side of the house that was purposely hidden with no rear windows will look unsightly as one enters the strata from Plaskett Place, diminishing the visual appeal of the entry and obviously weakening market value.

While all residents within the strata will be impacted by the development as planned, the residents at 12 through 15 300 Plaskett Place will be most seriously impacted given the removal of green space at the rear of their properties, the building of an unsightly fence and close proximity of the large residence, garage connected by an inclined driveway, not to forget the loss of trees. The present plan places the large house to be built very close to rear property boundaries, especially that of #12 and #13 and represents a huge intrusion of their current privacy. Even with a more reasonable set-back, the view, privacy and previous green space will be drastically reduced. This will no doubt cause a significant reduction in property values spilling over to the entire strata.

We are hopeful that this letter, with the others that council will evaluate over the next few months will give you good reason to further investigate the entire redevelopment plan. The devil is in the details and we encourage you to look very carefully at the plans and sudden deviations or omissions from said plans. We are concerned that you are not being given the entire picture. Furthermore, we are concerned that the plan will change once they start building because of one issue or another. This project should be stopped before we get to such a situation.

I also encourage you to do a visual inspection of the area from various view sites within Plaskett Place and also from the adjacent Saxe Point Park. Once you have done that, I would find it very difficult to understand how anyone could support this rezoning development. This area is a hidden gem within Esquimalt and even in the greater Victoria area. We would like it to remain that way.

Thanking you for your attention

 
Dr. David Paul James D. Phil (Oxon) P.Geol

Proposed Rezoning of 322 Plaskett Place Meeting with Mayor Barb Desjardins

Our concerns:

- **certain destruction of three 80 year old trees**
- **likely destruction of twelve 80 year old trees (including Arbutus, Garry Oaks etc. See report by James Johnston, certified arborist)**
- **loss of a vibrant ecosystem which supports an abundance of neighborhood wildlife. What happens to one tree affects all the other trees.**
- **loss of use and enjoyment for ten neighboring properties who presently see a natural, park like setting when they look out their windows.**
- **serious loss of wind protection due to the destruction of trees.**
- **significant loss of privacy due to the loss of trees.**
- **traffic noise as cars, delivery trucks etc. reposition to accelerate up narrow, slanted driveway from single car garage (for 4000 sq. foot home!)**

**- Configuration of the proposed driveway.
Neighbors in #15 will lose all present privacy
at the back of their home. They will have traffic
on three sides of their home.**

**- 1.5 setback from the rear yard setback of #13
instead of the usual 7.5 meter setback we see in
Esquimalt resulting in a significant lack of
privacy.**

**-minimal setback from the Oceanfront property
line. The use of the present natural boundary has
not, to our knowledge, been approved by the
Surveyor General or a B.C. Land Surveyor.**

**-being asked to assess a plan that is at best
hazy and at times misleading.**

REZONING OF 322 PLASKETT PLACE

NON-COMPLIANCE WITH OFFICIAL COMMUNITY PLAN

1. The implementation of the Official Community Plan ("OCP") vision requires enhancement of our quality of life and protection of our natural environment. (Page 1 of the OCP).
2. Goal 1.8.1 – Well Managed Growth – "To accommodate and manage moderate population growth in a manner that **enhances Esquimalt's existing amenities** (for example, Saxe Point Park) and services and **preserves and enhances the natural areas.**"

This proposed development violates this goal in all the ways recited in this analysis from destruction of natural habitat to detracting from the views from Saxe Point Park and negatively impacting the use and enjoyment of neighbouring properties.

3. Goal 1.8.5 – Respect for the Natural Environment
 - (a) "To recognize the intrinsic value of the natural environment and its importance to Esquimalt's quality of life.
 - (b) To protect and enhance the natural environment while accommodating change and development."

This proposed development violates these goals. In this instance it is impossible to protect and enhance the natural environment and allow this development. Please see both arborists' reports.

4. 2.2 Residential Land Use – "The objectives and policies of this section are intended to ensure that residential growth occurs in a manner that maintains and enhances individual neighbourhoods and the community as a whole."

This proposed development neither maintains nor enhances the immediate neighbourhoods of Plaskett Place and Inspiration Cove. It would detract from both, as well as the community resource of Saxe Point Park. All the neighbours along Inspiration Cove will be looking out onto a driveway, vehicles and a 4000 square foot cube instead of a green space.

5. 2.2.1 (a) – "To encourage new residential development with high design standards for building and landscaping **and which enhance existing and new neighbourhoods.**"

This section was referred to in the Staff Report to the APC Meeting. It is essentially the same as 2.2. This proposed development detracts from the existing neighbourhood for the reasons mentioned above.

6. 2.2.3 (a) – “Proposed subdivision or redevelopment/infill within single unit and two-unit residential areas must be built to high design and landscaping standards and **respond sensitively to existing neighbourhood amenities and existing significant views.**”

This proposed development will seriously detract from the existing neighbourhood amenities (for example, Saxe Point Park), and the existing significant views (Saxe Point Park and the residents of Inspiration Cove).

7. Environmental Objectives

- (a) 7.1.1 (a) – “To balance the need for development with the need to protect and maintain a healthy environment.”

This proposed development will result in certain destruction of 3 80 year old Grand Fir trees and the likely demise of many more mature bylaw-protected trees including an Arbutus tree and Garry Oak habitat.

- (b) 7.1.1 (c) – “To encourage public stewardship of natural areas on private lands, with particular care and concern for Garry Oak habitats ...”

This proposed development will result in certain destruction of 3 80 year old Grand Fir trees and the likely demise of many more mature bylaw-protected trees including an Arbutus tree and Garry Oak habitat.

- (c) 7.1.1 (d) – “To preserve and enhance the scenic and environmental values of the marine shoreline ...”

This proposed development will negatively impact both the scenic and environmental values of the marine shoreline of Inspiration Cove and Saxe Point Park.

- (d) 7.1.1 (e) – “To ensure that the natural environmental features and functions are appropriately considered during subdivision, rezoning and development permit processes.”

This proposed development will decimate the natural environmental features and functions of the property and the surrounding properties.

8. 9.8.3.1 Preferred Locations/Site Characteristics

"The following characteristics define the general suitability of a property for Single Unit Infill Housing:

- (a) Lots currently zoned RD-1 (Two Unit Residential) and RD-3 (Two Unit/Single-unit Residential), especially those with extra width and lot area;
- (b) Lots with a frontage on more than one street (including corner lots);
- (c) Properties that are transitional between lower density and higher density housing or other land uses; ..."

This lot is currently zoned RS-3, not RD-1 nor RD-2. It does not have frontage on more than one street. It is not transitional between lower density and higher density housing or other land uses. It fails on all three criteria for Single Unit Infill Housing. It is our submission that granting the requested zoning in light of these requirements should require an amendment of Section 9.8.3.1 of the OCP.

9. 9.8.4.2 Massing

"New Structures should be designed so that the overall massing is in keeping with other single-unit residences in the immediate area. New structures for lots other than corner or double frontage lots should be limited to one and one half storeys."

The proposed development is two storeys, not one and one half storeys.

With respect to the first sentence, we must comment on what was said about this in the Staff Report to the APC:

- (a) The report states that there would be no impact on the form and character of the Plaskett Place streetscape. However, what is not mentioned is that the construction of the driveway on the proposed new lot and the clearing out of all plant life along the south border of the new lot will expose the back of the residence on Lot 15-300 to the street and will likely result in the demise of the Douglas Fir in the north east corner of Lot 15-300. The proposed driveway will be about two feet from the Douglas Fir Tree. Therefore it will have a great impact on the streetscape.
- (b) The report states the proposed home is "congruent" with the homes in Royal Point and it is desirable that the proposed home complement the existing waterfront viewscape. The proposed home is not in keeping with homes surrounding Inspiration Cove to the north and west. Building a 4000 square foot cube in no way complements the existing waterfront viewscape. In fact, it seriously detracts from it.

10. 9.8.4.3 Privacy/Screening/Shadowing

- (a) "Proposed infill dwellings should have only a minimal impact on adjacent homes and be separated from neighbouring residences by vegetation, screening, natural elevation differences, or a combination of them."

This proposed development has a major impact on not only adjacent homes but all the houses on Inspiration Cove and a major impact on Saxe Point Park. It is proposed that the residence would be only 1.5 meters from the rear lot line of Lot 13-300 and 3 metres from the rear lot line of Lot 12-300. The existing vegetation on the south property line of the proposed lot will be removed to build the driveway which will be virtually on the property line between the proposed lot and Lots 15-300, 14-300 and 13-300. There will be no screening of the development from any of the neighbouring residences. It will be in full view of all of them as well as from Saxe Point Park.

11. 9.8.4.5 – Landscaping

- (b) "Retention and protection of trees and the natural habitat is encouraged wherever possible."

This proposed development will result in the certain destruction of 3 80 year old Grand Fir Trees and the likely demise of many more on the existing lot and those near the rear property lines of Lots 15-300, 14-300 and 13-300 including the Garry Oaks on Lot 15-300.