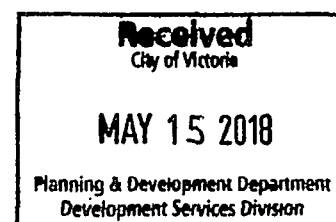


Attention
 Chelsea Medd, Senior Planner
 Planning Department
 City of Victoria BC



RE: 1276 and 1278 Gladstone Avenue
 PID 009-166-084
 Lot 2, Section 61, Spring Ridge Victoria BC VIP312

Introduction

I write to you in regards to 1276 and 1278 Gladstone Avenue, an existing property in Fernwood on which permission was granted for two residences to be constructed which by today's zoning are non-conforming with existing R1-B zoning regulations. My wife, son and I live in 1278 Gladstone and my sister, brother in-law and their daughter, live in 1276 Gladstone. This property was purchased in co-ownership by our families as it provided a few unique opportunities:

1. By having two homes on one lot, we were able to reduce the cost of housing in comparison to buying two separate homes on separate lots. Our collective purchasing power would not have enabled us to do that.
2. By having a shared yard space between the two homes, we are able to enjoy living in separate homes but having our families spend time together in a shared common space.
3. By having relatives close by, it helps with child care as my sister and my wife can easily swap babysitting duties. This reduces travel time and the costs that can be associated with child care while ensuring we know our children are being looked after by loved ones.

What we have at 1276/1278 Gladstone is unique and something that works so very well for our families and would work for many other families in the future. We are currently at risk of losing this should either home encounter a substantial loss due to fire, earthquake, flood or the like. That is what we aim to fix with our rezoning application.

Enclosed herein is an image of the building permit record card issued for this lot, titled "1276/8 Gladstone Avenue" listing for P.Plan No. 6609 / 1276 (civic address scratched out) dated 12-7-07 reflecting either July 12th, 1907 or December 7th, 1907 + followed by P.Plan no. 2636 / 1278 (civic address scratched out) dated 5-3-13 reflecting either May 3rd, 1913 or March 5th, 1913.

WATER PLUMBING

LOT 2 BLOCK 61 SE. MAN. 312 ROLL No. 7,461 023 DATE 12-7-07

PIPE LAYER _____ P. PLUMBING 6600 + 2636

PLUMBER _____ S. L. W. _____

FOUNDRY INCH. _____ J. H. W. _____

IS.P. _____ P. PERMIT No. _____

COVENANT INSTALLATION OF _____

STORIES	W.C.'s	BATH	KITCH	Rooms of Existing Prop.		OTHER FURNISH
				A. T. S.	Unsettled	
Basement						
FIRST FL.						
SECOND FL.						
THIRD FL.						
ADD'L						

MICROFILMED
FEB 17 1950

In addition, and pivotal to the City's former acceptance of two dwellings are the use and occupancy being stated in City records as "2 - S.F.D. on one lot".

Proof of Use and Occupancy

1276- Location: 1276 GLADSTONE AVENUE				
Lot: 2	Block:	Section:	Plan: 312	Roll:
Date:	Permit No:		Value:	
Owner or Agent: MARTO WENA				
Address: 1276 GLADSTONE AVENUE				
Architect:	Contractor:		Lic:	
Zone District:	Fire Limits:			
Occupancy: 2 - S.F.D. on one lot		No. of Rooms:		
Converted to:	Date:	Case No:		
Class Construction:	Size Bldg:	Height:		
Size Lot:	Setbacks: (side)		(front)	(back)
Joints: (Grid)	(2nd)	(3rd)	(Ceiling)	
Foundation:	Ext. Walls:	Posts:	Beams:	
Floors:	Rafters:	Chimneys:	Basement:	
Roof:	Stairs:	Exits:	Heating:	
Plumbing:	Wiring:			
Other Structures:				

City record demonstrates "2 single family dwellings on one lot" under occupancy

City records continue with several additional building permit records and plumbing records for various replacements of furnaces, water services, and installations of bathrooms / replacement of bathrooms with the last entry being dated 1981.

Purpose

The purpose of this rezoning application is to seek approval to maintain the existing R1-B zoning criteria consistent with neighbouring properties (*and as a sign of reassurance to those neighbours*), but to add to this property sufficient zoning statements so as to protect and define the existing condition, once approved by the municipality in building permits so long ago, as "acceptable" by zoning regulations today.

Traditional mortgages and insurance must all be based on a properties ability to be repaired, or indeed reconstructed in the event of a catastrophic loss. It also remains uncertain if necessary foundation repairs can be undertaken if in fact the building that needs to be repaired does not comply with the standard zoning criteria currently stated on this lot.

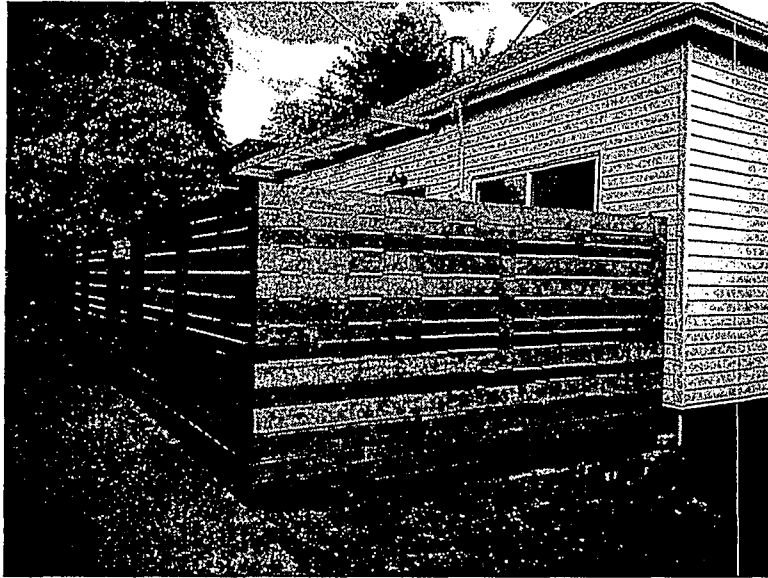
In addition, following an earthquake or fire, creating a condition of substantial building loss, mortgages may exist on a building for which no permission would be granted for insurances to rebuild. This means our families, which reside in each respective home, may be out of our home with no mechanism to rebuild but while still obligated to make our portion of the mortgage payment.

Providing certainty to City and owner

The rezoning application therefore is to provide certainty to all parties, both the land owner and his mortgage lenders and insurers, and also to the City, so that their planning and building approvals staff have clear guidelines registered on title as to what defines being compliant with zoning. Defining compliance speeds the response immediately following a building loss, or repair after a partial building loss.

Bldg. 1 – 1276 Gladstone Ave

(owner installed fencing will be modified to suit Bylaw regulations governing fences)



Supplementary conditions

Governing bodies are typically able to grant permission to rebuild non compliant / non conforming buildings if less than a specific percentage of building damage has occurred. If in the municipality of Victoria, this percentage of building damage is for example 85%, therefore what happens when a fire insurance agent determines a higher than acceptable percentage is damaged.

What happens when the original emergency is an earthquake generating a less than that permitted amount of building damage but subsequent overland flooding from broken water mains, or neighbouring fires contribute additionally to the percentage of building loss. It is not uncommon for one initial emergency to cause subsequent additional damage unfolding. Sometimes only from the passage of time following an event and awaiting approvals; addition effects of weather intrusion, or acts of vandalism or theft increase the initial loss.

Under multiple scenarios like these, municipal staff may be unable to clarify what is permitted to be repaired or rebuilt without engaging in a RZ process. This request is therefore preemptive – establishing terms prior to an event, with no current development plans - and therefore permitting a smoother more efficient response following and emergency. This application is not permission to build more. It is for the recognition by Planning of what has been permitted by Victoria previously and the maintain the rights currently contained within R1-B. After consultation with the community, it became evident that their desire for this rezoning would be to maintain the provisions of the R1-B zoning but with the right to have two single family dwellings contained within their current footprints.

Bldg. 2 – 1278 Gladstone Ave



Zoning Conditions relative to R1-B on title

Currently two single family homes exist on site under previously approved building permits.

The intention of this request is a zoning statement registered on title allowing their approved / installed / existing buildings to exist and be able to be re-built, if need be, on their existing footprints.

The acceptance of the existing zoning criteria of R1-B protects the neighbourhood from unintended change. Adding criteria representing "today's conditions" approved in building permits, also protects the neighbourhood from change. This rezoning request is not to provide independent title to each home, does not request building strata designation, does not request another rebuild in another two dwelling form. It is a request to recognize that which exists as supplementary condition to its existing R1-B zone.

To protect the neighbourhood, the request is for the current zone (R1-B) and the rights to rebuild or repair that which exists as additional statements. Permitting owners to rebuild only the current buildings described, or to build to the lesser volume of R-1B zone.

1.2.1 Permitted uses

a. Single family home permitted. The original home was built in 1907.

It is requested that this definition include an other single family home, being an "independent building" built prior to 1914, permitting its reinstatement, repair, or replacement only in a building conforming to today's dimensions, areas and building volumes.

1.2.2 Site area

Site area complies with min site criteria.

Min R1-B lot area is 460 m2. The property is 625.3m2 lot area.

1.2.3 Floor area

b. floor areas, for the first and second floors combined, not to exceed 280 m2.

1276 Gladstone ground floor	89.55 m2	
unfinished crawl space	40.52 m2	130.07 m2

1278 Gladstone (rear residence) main floor	79.48 m2	
finished lower floor (occupiable)	79.48 m2	158.96 m2

Both buildings combined are less than 300 m2 (all floors, all buildings: 289.03 m2)

It is requested that this definition include a single family home built in 1907 and an "independent building" built prior to 1914, and that the site total not exceed this existing built area of 158.96m2 at 1278 Gladstone and 130.07 m2 at 1276 Gladstone. A combined total of ±289.03 m2.

1.2.4 Height, Stories, Roof Decks

a. residential building max ht permitted to be 7.6m, and 2 stories

Building 1: Perimeter = 40.82m

$$\begin{aligned}\text{Average grade } (31.5 + 31.0) / 2 &= 31.25 \times 8.66 = 270.6 \\ (31.0 + 30.5) / 2 &= 30.75 \times 10.8 = 332.1 \\ (30.5 + 31.0) / 2 &= 30.75 \times 8.66 = 266.3 \\ (31.0 + 31.5) / 2 &= 31.25 \times 12.7 = \underline{396.9} \\ &1,265.9 / 40.82 = \mathbf{31.12m}\end{aligned}$$

Height **4.96m** (one storey)

Building 2: Perimeter = 36.88

$$\begin{aligned}\text{Average grade } (29.75 + 29.25) / 2 &= 29.50 \times 9.22 = 271.99 \\ (29.25 + 29.00) / 2 &= 29.125 \times 9.22 = 268.53 \\ (29.00 + 29.00) / 2 &= 29.00 \times 9.22 = 267.38 \\ (29.00 + 29.75) / 2 &= 29.375 \times 9.22 = \underline{270.84} \\ 1,078.74 / 36.88 &= \mathbf{29.25m}\end{aligned}$$

Height **5.49m** (one storey)

Additional note:

The buildings were documented by a registered BC Land Surveyor. The current buildings meet the ht. criteria.

1.2.5 Setbacks and Projections

A current survey, conducted 27th January 2017 is enclosed herein as a record of existing building setbacks. No request is being made to decrease these minimum setbacks of current R1-B zoning, only to respect the extant conditions now on site.

- a. front yard min 7.5m
 - Existing survey records 4.77m as today's BP approved condition.
 - steps less than 1.7m in ht. complies
 - porch min 1.6m complies
- b. rear yard setback 7.5m or 25% of lot depth min.
 - Existing survey records 5.43m as today's BP approved condition.
- c. side yard setbacks: 1.5m or min 10% of lot width
 - 3.0m to one side without rear lane access
 - Bldg 1: Existing survey records as 3.55m and 0.51m
 - Bldg 2: Existing survey records as 0.92m and 3.52m
- d. combined side yard setbacks min: 4.5m
On site conditions reverse which side offers the largest sideyard
- f. max permitted eave projection into setbacks: .75m
 - existing overhangs are less than those permitted but projecting into non conforming sideyards

1.2.6 coverage


- a. permitted max 40% of 625.3m² lot area, or: a maximum of 250.12m²
existing conditions, inclusive of porches and stairs ±193.25m² and comply.

- b. parking as per sch C = 1 stall per dwelling would dictate 2 stalls under this scenario. The existing lot can provide two independent parking space capable of independently entering and existing the lot.

Conclusion

The purpose of this rezoning application is to seek approval to maintain the existing R1-B zoning criteria and add to this property sufficient zoning statements so as to protect and define the existing condition.

It is hoped that the enclosed survey, building drawing records produced by Hillel Architecture Inc, and this application are sufficient to initiate this rezoning application. We welcome discussion with the planning to department to resolve this unfortunate existing condition of **two - once approved – single family homes** on one lot, which over the passage of time would no longer be permitted. And it is "the existing condition" that raises concerns needing to be addressed now while time permits, rather than at the time of crisis, and both the municipal staff and the owner and insurers will require clear guidance.



Jordan Milne

Explorer

Land Surveying Inc

B. C. Land Surveyor's Certificate of Location for:

**LOT 2 SECTION 61 SPRING
RIDGE VICTORIA CITY PLAN 312**

101 - 2610 Douglas Street
Victoria, B. C. V8T 4M1
Tel: (604) 355-8879
Email: kenneth@explorersurvey.com
File: 11383

**LOT A
Plan VIP38665**

I have inspected the residential premises shown at 1276/1278 Gladstone Avenue and hereby certify that the said structures are situate with respect to nearby boundaries as shown on this sketch.

This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition, and should not be used in a manner which would assume so.

The property is subject to charges, legal notations, and interests shown on the title as of the survey date.

There are no encroachments by the said improvements shown.

SCALE:

0 1:250 10

All distances are in METERS and decimals thereof.

Parcel Identifier: 009-166-084
in the City of Victoria

Prepared exclusively for: Jordan Milce

ZONING : R1-B

**LOT 3
Plan VIP312**

**LOT 2
Plan VIP312**

**LOT K
Plan VIP2302**



GLADSTONE AVENUE

Kenneth Ng, BCLS

Field Survey - 27 January, 2017.

Dated this 1st of February, 2017.

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