

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.c Report from the July 12, 2018 COTW Meeting

**H.1.c.a 1276-1278 Gladstone Avenue - Rezoning Application
No. 00629 (Fernwood)**

Moved By Councillor Madoff

Seconded By Councillor Thornton-Joe

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way of 1.85m on Gladstone Avenue, to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That the following items be approved without further debate:

E.2 1276-1278 Gladstone Avenue - Rezoning Application No. 00629
(Fernwood)

Committee received a report dated June 28, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 1279-1278 Gladstone Avenue to allow for two existing non-conforming, single-family dwellings on a single lot.

Moved By Councillor Lucas

Seconded By Councillor Thornton-Joe

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way of 1.85m on Gladstone Avenue, to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of July 12, 2018

To: Committee of the Whole **Date:** June 28, 2018

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

Subject: Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way of 1.85m on Gladstone Avenue, to the satisfaction of the Director of Engineering and Public Works.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures; the density of the use of the land, building and other structures; the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1276/1278 Gladstone Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone to allow two existing non-conforming, single-family dwellings on a single lot.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan, 2012*, Traditional Residential Urban Place Designation, which envisions ground-oriented residential
- the proposal is generally consistent with the *Fernwood Neighbourhood Plan, 1994*, which encourages development that maintains the character of single-family dwellings
- the site specific zone would be drafted in a way that restricts the density, height, and setbacks to what currently exists for two single-family dwellings.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit the two existing, non-conforming single-family dwellings on a single lot. The two single-family dwellings were approved through a building permit in 1907 and are considered legal non-conforming; however, under the current Zone, R1-B Single Family Dwelling District, only one single family dwelling would be permitted. The applicant wishes to be able to rebuild what currently exists in the event the buildings were destroyed beyond what could be rebuilt in accordance with legal non-conforming legislation. The applicant has indicated they are not strata titling, and would keep the property under one title. A future subdivision would trigger the need for a Panhandle Subdivision Development Permit, which would require approval from Council.

The following differences from the standard R1-B Zone, Single Family Dwelling District, are being proposed, some of which would be accommodated in the new Zone:

- allow two single-family dwellings
- reduce the lot width from 15.0m to 13.74m
- reduce the front yard setback (south building) from 7.50m to 4.77m
- reduce the rear yard setback (north building) from 11.44m to 5.43m (to the building) and 3.03 (to the stairs)
- reduce the (west) side yard setback (south building) from 3.0m to 0.51m
- reduce the (east) side yard setback (north building) from 1.50m to 0.92m
- reduce the combined side yard setback (south building) from 4.50m to 4.06m
- reduce the combined side yard setback (north building) from 4.50m to 4.44m.

Affordable Housing Impacts

The applicant is not proposing the creation of any new residential units.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by single-family dwellings, duplexes, and multiple dwellings. Fernwood Village is located directly to the east, and Victoria High School is across the street to the south.

Existing Site Development and Development Potential

The site presently contains two single-family dwellings permitted by building permit in 1907. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single-family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the current R1-B Zone. An asterisk is used to identify where the proposal is less stringent than this Zone.

Zoning Criteria	Proposal			Current Zone R1-B
Site area (m ²) – minimum	625.30			460.00
Lot width (m) – minimum	13.74 *			15.00
Number of single family dwellings – maximum	2 *			1
Floor space ratio – maximum	0.27			n/a
Site coverage % – maximum	27.00			40.00
Open site space – minimum	49.00			n/a
	South Bldg.	North Bldg.	Both Bldgs.	
First and second storey floor area (m) – maximum	89.55	79.48	169.03	280.00
Combined floor area (m) – maximum	130.07	158.96	289.03	300.00
Storeys – maximum	1	1	1	2
Height (m) – maximum	4.96	5.49	-	7.6
Basement	Yes	Yes	Yes	Permitted
Setbacks (m) – minimum				
Front	4.77 *	31.09	-	7.50
Projections (stairs) - maximum	n/a	3.09 *	-	2.50
Projections (porch) - maximum	n/a	1.60	-	1.60

	South Bldg.	North Bldg.	Both Bldgs.	
Setbacks (m) – minimum				
Rear	30.14	5.43 * (building) 3.03 * (stairs)	-	11.44
Side (east)	3.55	0.92 *	-	1.50
Side (west)	0.51 *	3.52	-	3.00
Combined side yards	4.06 *	4.44 *	-	4.50
Parking – minimum	2			1

History

At some point in the past, a separate kitchen was added to the basement of 1278 Gladstone (north building). The kitchen is proposed to be removed with this Application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on December 6th, 2017. A letter from the CALUC dated April 13, 2018 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP) Urban Place Designation for the subject property is Traditional Residential. Within this designation, ground oriented residential buildings up to two storeys are envisioned, such as single-family, duplex and attached dwellings. The proposal is for an existing condition to be expressly permitted within the zone.

The OCP gives guidance on site-specific amendments to the plan that are consistent with the intent of the Urban Place Designations and that further the broad objectives and policies that are appropriate and site specific. The density for Traditional Residential envisions a FSR of 1:1, and the proposal is in keeping with the density at 0.27:1.

Since 1907, the use of this site has been for two single-family dwellings; and although the current Policy does not envision two single-family dwellings, it would support a duplex on this site (with variances). This proposal differs in that it is two detached dwellings.

Local Area Plans

The *Fernwood Neighbourhood Plan*, 1994, encourages that development maintain the look and character of single-family and duplex housing stock. The proposal is to retain the existing two single-family dwellings.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

Regulatory Considerations

The major difference between the R1-B Zone and the proposal is allowing two single-family dwellings on one lot. The site specific zone would allow two single-family dwellings, as they exist now; and if redeveloped, maintain the setbacks, density, and heights therefore ensuring they would be reconstructed as they currently exist.

The General Regulations of the *Zoning Regulation Bylaw* state that not more than one building other than an accessory building be built on one lot, except when a particular zone permits otherwise. The proposal is to rezone to a site specific zone that would allow two single-family dwellings on one lot.

The proposal is not considering small lot subdivision; however, if in the future it were, the standard lot size required would be 260m² for each lot, and it would also be subject to the panhandle lot regulations. The Small Lot Rezoning Policy does not support panhandle small lots. The applicant has indicated they are not planning on subdividing the property.

If the applicant were considering changing the use of one of the buildings to a garden suite, it would not meet Schedule M – Garden Suites, nor the Garden Suite Design Guidelines. The house at the rear is larger and would likely be considered the primary residence; however, the unit at the front would be over the maximum floor area for a garden suite and would also need several variances.

The *Fence Bylaw* regulates that fences constructed on residential zoned land must not exceed 1.22m if in the front yard. The applicant has indicated the height of the existing fence would be reduced to one metre, which also takes into account a three metre sight triangle next to the driveway.

Statutory Right-of-Way

The standard Right-of-Way for a local street is 18.0m; however, future transportation-related needs on the corridor can be met with a Right-of-Way width of 15.0m. The applicant is willing to grant the City a Statutory Right-of-Way of 1.85m on Gladstone Avenue for future upgrades to the sidewalk and boulevard.

CONCLUSIONS

The proposal to rezone the subject property from the R1-B Zone, Single Family Dwelling District, to site specific zone to permit the existing two single-family dwellings is generally consistent with the Traditional Residential Urban Place Designation and other *Official Community Plan* policies. It would allow a condition that was approved through a building permit in the past, and would allow this condition to exist in the future consistent with the existing setbacks, height, and density.

ALTERNATE MOTION

That Council decline Application No. 00629 for the property located at 1276/1278 Gladstone Avenue.

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: July 3, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 15, 2018
- Attachment D: Letter from applicant to Mayor and Council date stamped May 15, 2018
- Attachment E: Community Association Land Use Committee Comments dated April 13, 2018.

M
SON

SPR

1250
-
1258

1260

1268

1272

1280/82

1286

2102
2100

211
210
210
210

1251

1253
-
1263

1265
1269

1275

1279/81

1287

2050

2020

2016

2014

2012

-2010
2006

2023
2017
2013
2009

1246

1252

1258/60

1264

1266

1268

1270

1276/78

1280

1284-98

2000-2004

2005
1300 to

GLADSTONE AV

FERNWOOD RD

1289

1291

VICTORIA SENIOR
SECONDARY SCHOOL

1301 to
1923
1921

1919

1915
1913

1909

1905
1304



1276 & 1278 Gladstone Avenue
Rezoning No.00629





1276 & 1278 Gladstone Avenue
Rezoning No.00629





2 2017 Site Photo
A1.1 only



GLADSTONE AVENUE

All existing site conditions to remain unchanged

1 Existing Site Plan
A1.1 only

Site Survey prepared by Markwell Pty. Ltd.
dated 01 February 2017



PROJECT DATA

Project Description
Planning Application for the purpose of securing a Planning Permit for the development of a new building and associated works on site. The new development is proposed for the subdivision of the site.

Building Owner
Markwell Pty. Ltd.
101 East Melbourne Road
Melbourne VIC 3001

Architect
Hillel Architects
101 East Melbourne Road
Melbourne VIC 3001

Legal Description
Lot 2, Section 11, Spring Ridge, Victoria City Plan 312
P.O. Box 100, 3001

Site Address
1278 Gladstone Avenue, Victoria VIC

Received
City of Victoria

MAY 15 2018

Planning & Development Department
Development Services Division

As Found Conditions of Site and Building Plan

Hillel
ARCHITECTS

1278/1278 Gladstone Avenue

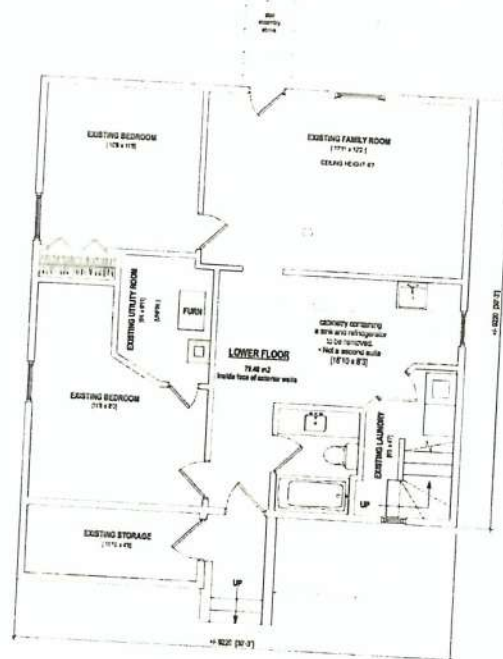
Site Plan & Existing House Plans

A1.1

Received
City of Victoria

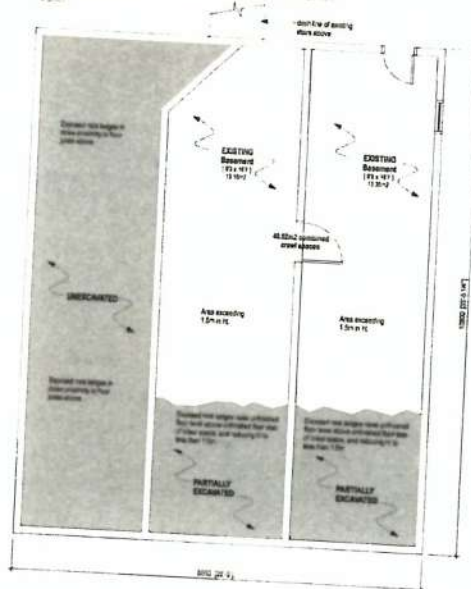
MAY 15 2018

Planning & Development Department
Development Services Division



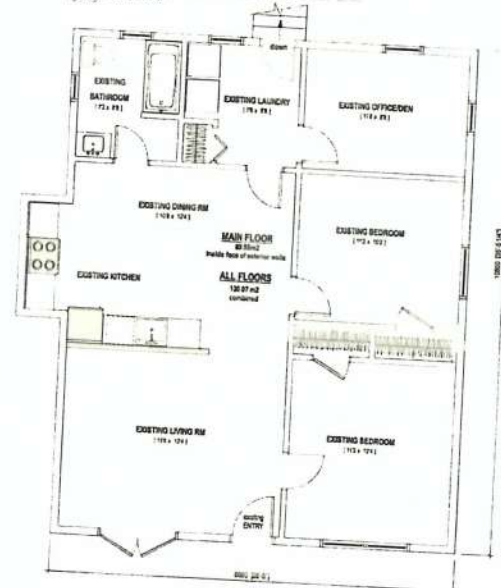
4 No. 1278 Existing Lower Floor Plan
A2.1 1/8" = 1'-0" PHOTO SCALE 1:75

3 No. 1276 Existing Foundation / Crawl Space Plan
A2.1 1/8" = 1'-0" PHOTO SCALE 1:75



1 No. 1278 Existing Main Floor Plan
A2.1 1/8" = 1'-0" PHOTO SCALE 1:75

2 No. 1276 Existing Main Floor Plan
A2.1 1/8" = 1'-0" PHOTO SCALE 1:75



PROJECT DATA

Project Description
Planning application for the purpose of determining if Planning is required for the proposed development. The proposed development is a proposed subdivision of a lot.

Building Permit
Building Permit is required for the proposed development. The proposed development is a proposed subdivision of a lot.

The Purpose of the submission
The purpose of the submission is to determine if Planning is required for the proposed development. The proposed development is a proposed subdivision of a lot.

Worship
Worship is required for the proposed development. The proposed development is a proposed subdivision of a lot.

Building Owner

Longtime & Sonnet
10000 Sonnet Avenue
Victoria BC V8N 1Y1

Architect/Planning Consultant

10000 Sonnet Avenue
10000 Sonnet Avenue
Victoria BC V8N 1Y1

Legal Description

10000 Sonnet Avenue
10000 Sonnet Avenue
Victoria BC V8N 1Y1

City Address

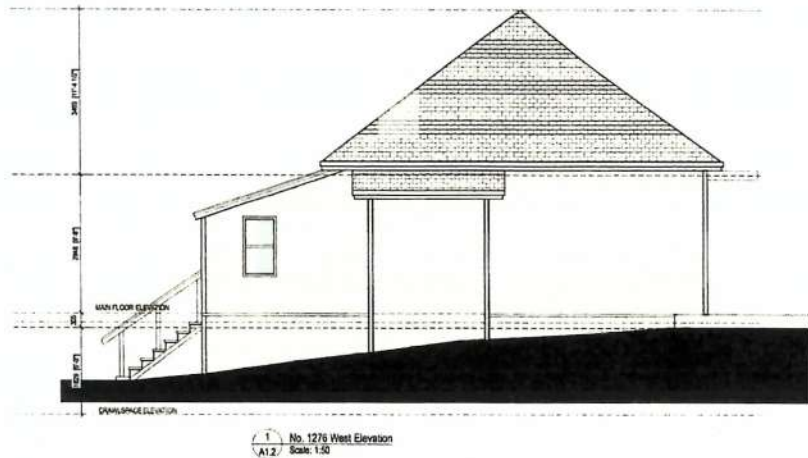
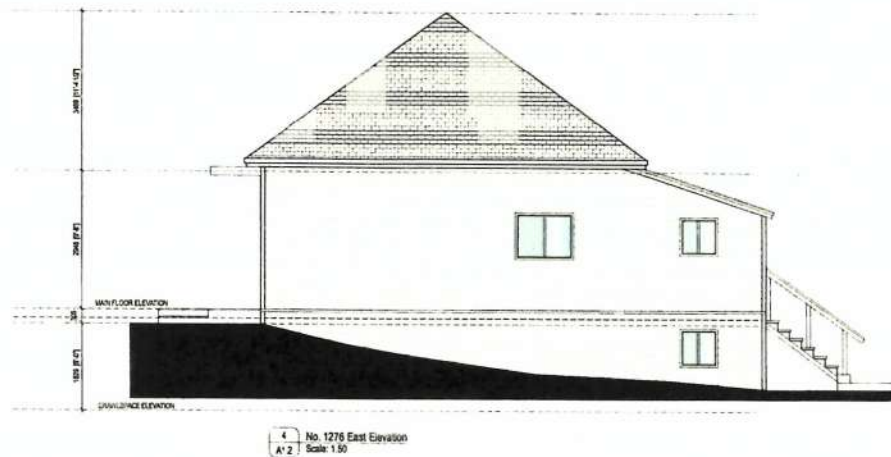
10000 Sonnet Avenue
10000 Sonnet Avenue
Victoria BC V8N 1Y1

As Found Conditions of Site and Building Plans

Condition	As Found	As Proposed
1. Existing Building	1. Existing Building	1. Existing Building
2. Existing Foundation	2. Existing Foundation	2. Existing Foundation
3. Existing Site	3. Existing Site	3. Existing Site
4. Existing Surroundings	4. Existing Surroundings	4. Existing Surroundings



1276/1278 Gladstone Avenue
Victoria BC
Site Plan & Existing House Plans
A2.1



Received
City of Victoria
MAY 15 2018
Planning & Development Department
Development Services Division

As Found Conditions / Exterior Elevations

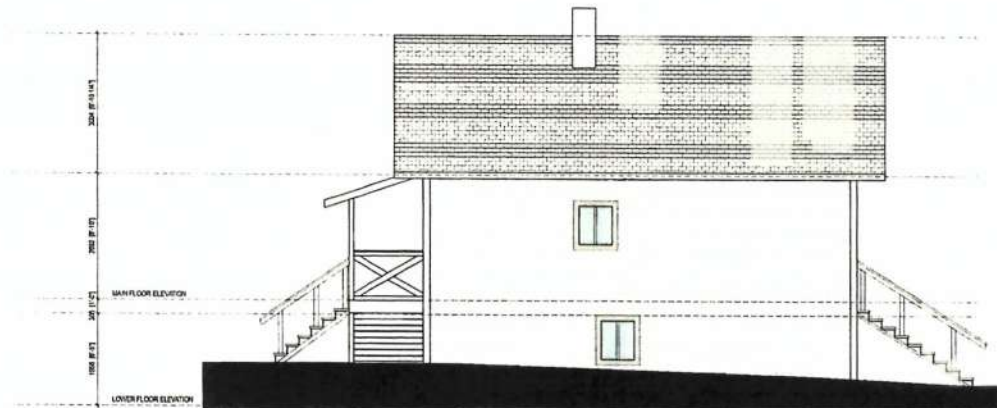
Scale	North Arrow	Project Name
1:50	North Arrow	1276/1278 Gladstone Avenue
1:50	North Arrow	No. 1276 Existing Exterior Elevations
1:50	North Arrow	A3.1

Hillel
architecture

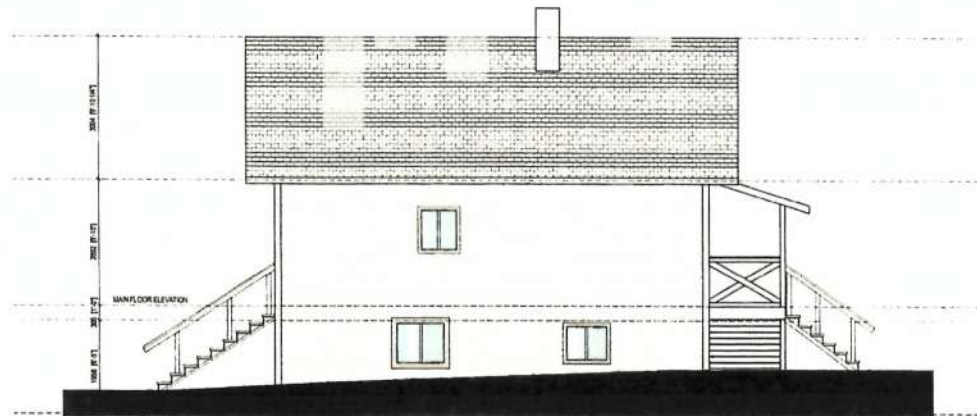
1276/1278 Gladstone Avenue
Victoria BC
No. 1276 Existing Exterior Elevations
A3.1



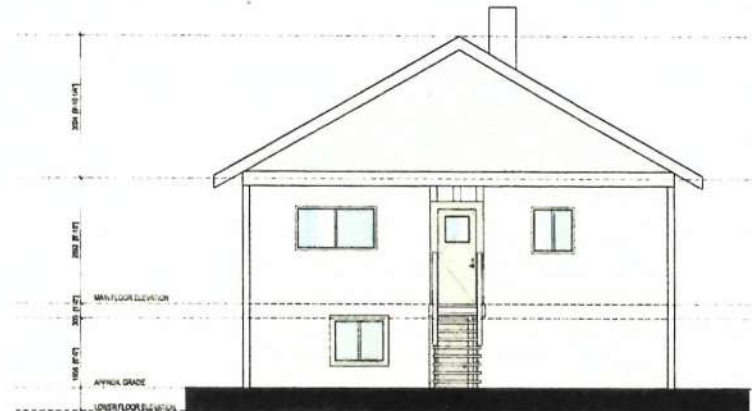
2 South Elevation
Scale: 1:50



4 East Elevation
Scale: 1:50



1 West Elevation
Scale: 1:50



3 North Elevation
Scale: 1:50

Received
City of Victoria

MAY 15 2018

Planning & Development Department
Development Services Division

As Found Conditions / Exterior Elevations

NO.	DATE	DESCRIPTION	BY	CHECKED
1	12/18/17	Initial Design	Hillel	Hillel
2	12/18/17	Revised Design	Hillel	Hillel
3	12/18/17	Final Design	Hillel	Hillel

Hillel
architecture

1276/1278 Gladstone Avenue
Vancouver BC

No. 1278 Existing Exterior Elevations

Scale: 1:50

Sheet No. A3.2

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.

PLUMBING PERMIT

LOT 2 BLOCK 61 SR. MAP 312 REG. NO. 7461 028 DATE 12-7-07 0-0-13

PIPE LAYER _____ E. LAY _____ Δ INP. _____ FINAL E.L. & Δ _____

PLUMBER _____ JOURNEYPERMAN _____ CASE NO. _____

ROUNDER INSP. _____ FLOOR INSP. _____

S.P. _____ P. PERMIT FEE _____ NEW RECORD _____

COVERING INSTALLATION OF _____

STORIES	W.G.'s		Sinks	Showers	Records of Existing Piping		Other Fixtures
	W.G.'s	Baths			Sinks	Shower	
Basement							
First Fl.							
Second Fl.							
Third Fl.							
Attch. St.							

MICROFILMED
FEB 11 1959

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: 1278 GLADSTONE AVENUE				
Lot: 2	Block:	Section:	Plan: 312	Roll:
Date:	Permit No:		Value:	
Owner or Agent: MARIO REDA				
Address: 1278 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:		
Site Lot:	Setbacks: (side)		(front)	(back)
Joists: (Grnd)	(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.

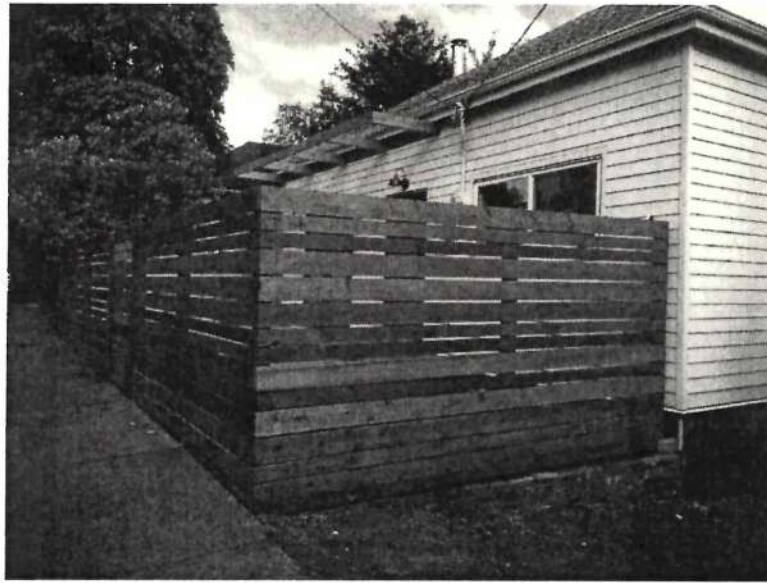
In addition, following an earthquake or fire, creating a condition of substantial building loss, mortgages may exist on a building for which no permission would be granted for insurances to rebuild. This means our families, which reside in each respective home, may be out of our home with no mechanism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

A handwritten signature in black ink, appearing to read 'J. Milne', with a stylized, flowing script.

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 Milne

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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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or action taken based on this document.



FERNWOOD COMMUNITY ASSOCIATION

April 13, 2018

Mayor and Council
City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6



Re: Rezoning Application for 1276 – 1278 Gladstone Avenue

On December 6, 2017 the proposed rezoning of 1276 – 1278 Gladstone Avenue was presented at the Fernwood Community Association Land Use Committee meeting. This was the formal community meeting to discuss rezoning the R1-B (Single Family Dwelling) lot to permit the two existing single family dwellings on this one lot.

The proponents also discussed this proposed rezoning on November 1, 2017 at an informal Land Use Committee meeting.

The two owners of the property explained this unusual and complicated situation that triggered this application. Neighbours were told that the lot would remain an R1-B zoned lot and not be subdivided so that each of the existing dwellings had separate titles.

Currently the lot easily accommodates necessary parking onsite. Attendees at the meeting were reassured to hear the no changes to the look and feel of this property will result from this rezoning.

Sincerely,

David Maxwell, Chair
Land Use Committee
Fernwood Community Association

Cc Sustainable Planning and Community Development
Development Services Division
City of Victoria