

BRAD CUNNIN

2251 Lydia Street, Victoria, BC
V8K 4K6

Phone: 250-727-2723

Cel: 250-480-9693

City of Victoria

31 Centennial Square
Victoria BC
V8V 3W4

22 June, 2019

IN THE MATTER OF

2251 LYDIA STREET – DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION)**Mayor and Council:**

In April of 2007, the City approved a Re-Zoning of the above captioned property to R1-S2 and the required Development Permit for a 3 lot subdivision of the property. My personal priorities shifted and the Development Permit had expired before I commenced construction. As that DP has lapsed, we must re-apply.

It is my intention to complete the 3 small lot subdivision of my house at 2251 Lydia, to build 2 new homes on the new lots, and to restore the original old (~1905) house to its original look and condition. The old house is heritage designated. I have lived in the neighborhood for 13 years now and know most of my neighbours by name. We took the plans of this development to them again recently with a petition, and they again gave their unanimous approval to the project in whole, on all aspects. This petition was given to planning with our application on Nov 14, 2018

This DP application is, for the most part, the same as the DP that was recommended by staff and unanimously approved by council in 2007. The house shapes and sizes, and heights are all generally as they were before. To fit with the neighborhood, the form and character of the houses are of an older style, echoing elements of the nearby houses, without going to the more modern 'edgy' look. Exterior materials and colors are only slightly different than the last application, going towards more organic look (no metal) with more finished wood and shingles, and some stonework. There are variances required that were missed with the previous application that we seek to deal with them now. The only notable change is the preservation/restoration of the old garage on the old house.

The details of the application and requests are as follows:

1) LOT 1 – 2251 LYDIA -EXISTING HOUSE – SIDE YARD VARIANCE TO RETAIN GARAGE

After the original application, the foundation buckled and failed, and I have a Building Permit in progress replacing the basement to preserve this house, and to fully restore the exterior to the original heritage condition, including uncovering and restoring the stucco exterior on the upper floor. We wish to re-build the garage and the deck on top of it, as we could not include that original structure in the lift and drop for the foundation.

I ask the City to vary the interior side yard setback on the south side of the garage, from 1.5m to 0.6m, (a 90 cm variance) to preserve its use as a garage. Staff felt they are unable to support this request, indicating privacy and

overlook as their concern. I point out that a 60cm setback is the standard for accessory buildings, so if this garage was built detached from the house, no variance would be required. The City has allowed several minor variances in recent small lot re-zonings where they have preserved an amenity, and where the variance was not necessary to allow the development with reduced lot widths, or to allow for an increased house size. Such is the case here. For this house to comply without this variance we would have to tear off a perfectly good garage and replace it with just a deck. Having now lived there for more than 10 years, I feel the loss of the garage will be detrimental for the following reasons:

- 1) The garage allows one more car to be safely and securely parked off the street.
- 2) As an avid cyclist/cycle commuter, a safe, secure, dry place to keep and repair bicycles is desirable. Locking them outside anywhere in view (ie in a covered carport) is an invitation for trouble. I do not wish to tempt anyone with them or to have to replace them again un-necessarily. In the past, this neighbourhood has experienced a number of thefts from properties and vehicles (I have regrettable experience with that).
- 3) There are 2 trees; a pear and a plum, that we wish to retain. They hang over the driveway along the new property line. These trees drop sap and detritus that damage cars and increase significantly the amount of washing required. Preserving the garage aids in environmental preservation by reducing water used in constant vehicle washing, and reduces pressure to remove the trees.
- 4) With regard to the deck on the garage, and concerns about overlook and privacy, the wall on the side of the garage that is the subject of the variance request is only 6' above grade, and will be adjacent to a new house that I will build as part of this project. On the side of that proposed house there are only a door and window to the garage and a small kitchen window on the main floor. There are obscured windows to the second floor bathroom, and windows in wells for the basement, so no privacy is affected. The back wall of that house is further to the rear than this garage, with an apple tree between them, so there is no 'overlook' situation either.
- 5) A staff member in the past asked why not build a garage in the 'rear' yard of the old house. This is possible under the current bylaws without variance, but is clearly that is a wasteful use of land requiring a 65' driveway and under-utilizes uses a valuable back yard as car parking when it is better used as outdoor living space.

The Victoria Heritage Committee has seen and approved this variance in principal, and a heritage alteration permit had been granted. It is in the process of being renewed.

I trust that council can see this as a reasonable minor variance that is not necessary for the subdivision, but desirable from a good land use / utility / amenity preservation, and grant the variance.

2) LOT 2 – 2245 LYDIA STREET - Missed Variances for Rear Yard (Stairs) and Side Yard (Windows)

The overall design of this house is nearly identical to the first design, save that it has been amended to incorporate comments from staff in lowering the driveway, and pushing the garage door back behind the front line of the house and under the floor above, reducing its presence to the street. In the first approved DP application, 3 variances were missed, namely, a rear yard variance to accommodate the rear stairs and landing, and side yard variances triggered by 2 windows in the south wall of the building, and window wells on the north wall. There were and are two small proposed piano windows to the living room (habitable area) which increase the required side yard from 1.5m to 2.4m. These items were on the plans provided in the earlier application, but both staff and our designer missed that they triggered variances. Because there is no privacy issue with these windows, we do not wish to use obscured or fogged glass. The actual house complies with or exceeds the required setbacks. Similarly for the window wells.

3) LOT 3 – 1705 DENMAN STREET - House Plan Mirrored- Under-house bicycle parking added.

We feel it is better to mirror the proposed house from the old design, and place the driveway on the west / right side. This will preserve the existing Douglas Fir tree on the northeast corner of the lot, re-uses an existing driveway location, and provides better overall parking. We have also decided to place a bicycle room under the house, since we could not get a garage under the house due to driveway grade issues. From the street, since the house plan is nearly symmetrical, the mirroring of the house from the original DP is not particularly obvious.

Missed Variances. As with Lot 2 on the previous approved DP application, 2 minor variances for the rear porch/landing and for upper storey windows to habitable space were not noticed by my designer or by city staff, although they were depicted on the plans presented. We now request those variances. The actual building complies with or exceeds the required setbacks.

As you are aware, I am on the Fernwood Land Use Committee. I presented these matters to my fellow members on the Fernwood Community Association, and then had an informal Community Meeting, and no one at the meeting expressed any significant concerns about requesting any of these variances as evidenced by the letter from the secretary, Stephanie Hill, which was delivered to planning in December 2016.

In summary, the variances generated by these plans to be included in the Development Permit are:

Lot 1- 2251 Lydia - existing house

- To vary the sideyard from 1.5m to 0.6m to retain the attached garage.

Lot 2 – Lydia - new house

- To vary the sideyard setback for windows to habitable rooms from 2.4m to 1.5m (south side)
- To vary the sideyard setback for windows to habitable rooms from 2.4m to 1.5m (north side)
- To vary the rear yard set-back from 6.0m to 5.4m to permit construction of stairs.

Lot 3 – Denman – new house

- To vary the sideyard setback for windows to habitable rooms from 2.4m to 1.5m (east side upper bedroom windows)
- To vary the rear yard set-back from 6.0m to 5.0m to permit construction of rear stairs.

I respectfully ask that council re-approve the Development Permit for the property that I might complete this project and commence building the new homes for my children. I am available to you by phone or email at any time.

Please feel free to contact me by 'phone at 250-480-9693 or email at brad@cunnin.ca. if you wish any clarity on any of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley W. Cunnin', written in a cursive style.

Bradley W Cunnin.



Location and height of
Piano Windows - limited 'overlook'

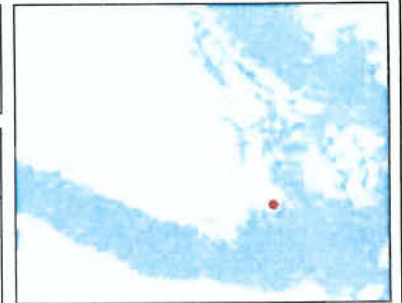
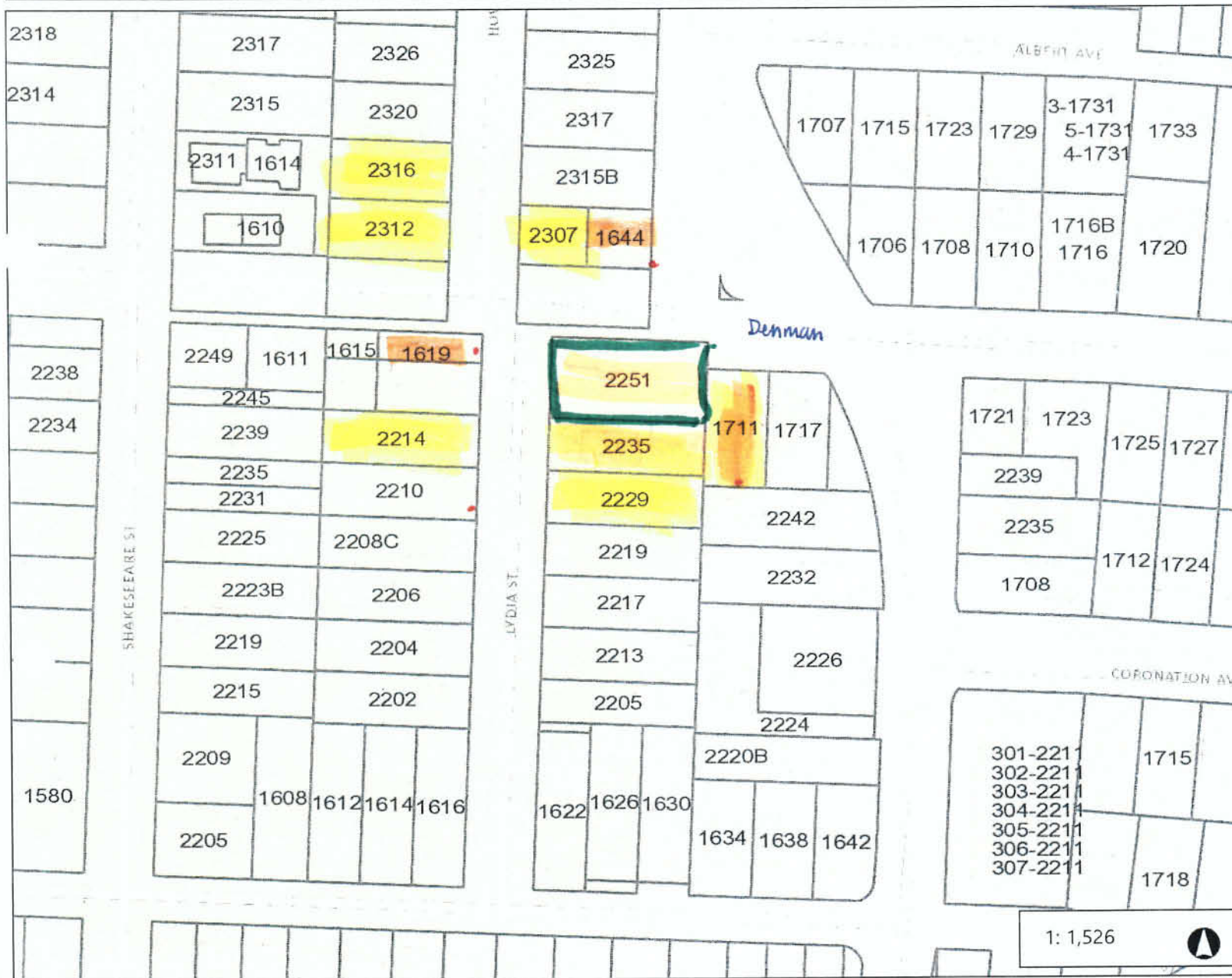
Property Line

Building footprint



Making a difference...together

Map Title



Legend

Brad = Owner

Approved by Neighbour.



Notes

NAD_1983_UTM_Zone_10N
© Capital Regional District

Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

BRAD CUNNIN

2235 Lydia Street, Victoria, BC
V8K 4K6

email: brad@cunnin.ca
Cel: 250-480-9693

25 March, 2018

2251 LYDIA STREET – DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) DELEGATED HERITAGE ALTERATION PERMIT

NEIGHBORS!

In April of 2007, the City approved a Re-Zoning of the above captioned property to R1-S2 and the required Development Permit for subdivision for my old house at 2251 Lydia Street. My priorities shifted and Development Permit had expired before we commenced construction. As the DP has lapsed, we must re-apply.

It is my intention to complete the 3 small lot subdivision and to build 2 new homes on the vacant lots, and to restore the original old (1905) house to a proper condition. The old house is heritage designated, and the alterations to the old house will require a Heritage Alteration Permit for the deck on the garage and a new bathroom on the main floor. (See sketches provided) .

This DP application is, for the most part, the same as the DP that was approved in 2007. The house shapes and sizes, and heights are all generally as they were before. To fit with the neighborhood, the houses are of an older style, echoing elements of the nearby houses, without going to the more modern 'edgy' look. There are variances required that were missed by the City with the previous application that would have become apparent at the building permit stage, and fortunately are able to deal with them now.

The details of the application and requests are as follows:

1) LOT 1 – 2251 LYDIA -EXISTING HOUSE – SIDE YARD VARIANCE TO RETAIN GARAGE - HERITAGE ALTERATION PERMIT

You will have noticed that we are in the process of replacing the basement of the old house. The foundation has failed and we must act quickly to preserve the house. Since we will be in the construction process, we are also asking the City to re-approve a Heritage Alteration Permit to add a bathroom to the second floor, and to formalize the deck on the garage roof.

As part of the small lot subdivision, we are asking for a variance on the south side of the existing garage. This variance is not necessary for lot width, or setback from the main house. Without a variance, we would have to tear off a perfectly good garage and replace it with surface parking spot.

I would justify this request with the following comments:

- 1) There is limited parking in the area and it allows one more car to be safely parked off the street.
- 2) As an avid cyclist/cycle commuter, having a safe, secure, dry place to keep and repair bicycles without having to carry them through the house to the basement is desirable. Locking them outside anywhere in view (ie in a covered carport) is an invitation for trouble. In the past, the neighbourhood has experienced a number of thefts from properties and vehicles (I have regrettable experience with that). This garage provides valuable secure and covered storage for a vehicle and bicycles.

3) There are 2 trees; a pear and a plum, over the driveway along the new property line that we wish to retain. These trees drop sap and detritus that damage cars and increase significantly the amount of car washing required. Preserving the garage aids in environmental preservation by reducing water used in constant vehicle washing, and reduces pressure to remove the trees.

4) The wall on the side of the garage that is the subject of the variance request is only 6.5' tall above grade, and will be adjacent to a new house that I will build as part of this project. On the near side of that house is only a door and window to the garage, a small kitchen window, and obscured windows to the second floor bathroom, so no privacy is affected.

5) Destroying a garage is a waste of resources, time and seems to run contrary to the cities efforts to usher in sustainable practices. Preserving it would have the least amount of impact.

The Victoria Heritage Committee has seen and approved this variance in principal, and a new heritage alteration permit had been granted and will likely be renewed.

2) LOT 2 – 2245 LYDIA STREET - Missed Variances for Rear Yard (Stairs) and Side Yard (Windows)

In the first approved DP application, 2 variances were missed by the City, namely, a rear yard variance to accommodate the rear stairs and landing, and a side yard variance triggered by 2 windows in the south wall of the building. There were and are two small proposed windows to the living room (habitable area) which increase the required side yard from 1.5m to 2.4m.

3) LOT 3 – 1705 DENMAN STREET

This is a mirrored Version of the original house with a bicycle room under the proposed house and place the driveway on the west side (right side) of the house. This will preserve the existing tree on the northeast corner of the lot. As with Lot 2, on the previous approved DP application, 2 minor variances for the rear porch/landing and for upper storey windows to habitable space were not noticed by my designer or by city staff, although they were depicted on the plans presented. The actual building complies with or exceeds the required setbacks.

In summary, to ensure that I have covered all bases, my understanding of the variances generated by these plans to be included in the Development Permit are:

Lot 1- 2251 Lydia - existing house

- To vary the sideyard from 1.5m to 0.6m to retain the attached garage.

Lot 2 – Lydia - new house

- To vary the sideyard setback for windows to habitable rooms from 2.4m to 1.5m (south side)
- To vary the rear yard set-back from 6.0m to 5.4m to permit construction of stairs.

Lot 3 – Denman – new house

- To vary the number of stories from 2 to 3,
- To vary the sideyard setback for windows to habitable rooms from 2.4m to 1.5m (east side upper bedroom windows)
- To vary the rear yard set-back from 6.0m to 5.0m to permit construction of rear stairs.

Please feel free to contact me by 'phone at 250-480-9693 or email at brad@cunnin.ca.

Sincerely,



Bradley W Cunnin.

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the Tom West

- ☒ Registered Owners
☐ Tenant / Renters of

Address 2229 Lydia,

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 ○ Specific _____

Comments :

Signature or initials: J. West, _____

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the Andrew Broadley / Elise

- ☒ Registered Owners
☐ Tenant / Renters of

Address 2307 Howard,

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☐ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 ○ Specific _____

Comments :

Signature or initials: A. Broadley, Elise

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the YANG, Hsien Ming

- ☒ Registered Owners
☐ Tenant / Renters of

Address 2312 Scott Howard,

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 ○ Specific _____

Comments :

Signature or initials: 楊成海, 25 March, 2018

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the Beverly Kirk

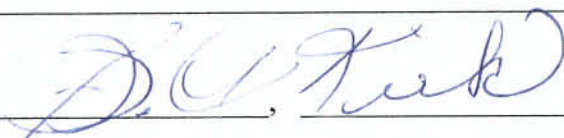
- ☒ Registered Owners
☐ Tenant / Renters of

Address 2316 Howard St.

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 ○ Specific _____

Comments :

Signature or initials: 

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the Roger Stephen

- ☒ Registered Owners
☐ Tenant / Renters of

Address 2214 Lydia,

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 o Specific _____

Comments :

Signature or initials: sh

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the Mandeep Shahi

- ☒ Registered Owners
☐ Tenant / Renters of

Address 1171 Denman,

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 ○ Specific _____

Comments :

Plans look very nice!

Signature or initials: MS, _____

25 March, 2018

Neighborhood Canvassing

2251 LYDIA STREET –

DEVELOPMENT PERMIT APPLICATION (RE-APPLICATION) for Subdivision

DELEGATED HERITAGE ALTERATION PERMIT

I / We, the BRADLEY CUNNING

- ☒ Registered Owners
☐ Tenant / Renters of

Address 2235 Lydia.

have been shown the plans for the Heritage Alteration Permit for the old house at 2251 Lydia and plans for the Development Permit for the subdivision of 2251 Lydia Street, and

- ☒ Support the application and Variances requested,
☐ Do Not Support the application and Variances requested,
☐ Do not support the following Variance request,
 o Specific _____

Comments :

Great - PLANS!
- DEVELOPMENT!
- LAND USE!
- Neighbor!

Signature or initials: _____

BC