

Albert Rode and Kelly Dunsdon
2754 Forbes Street
Victoria, BC V8R 4C3



July 7, 2019

City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Attention: Mayor and Councillors
Permits and Inspections Department
Development Services Department

We live at 2754 Forbes Street and are writing to you regarding the garden suite currently under construction by our neighbours immediately to the north of us (2758 Forbes Street). We understand that the City of Victoria has issued all required permits to enable construction of this suite.

A couple of weeks prior to the start of construction, our neighbours at 2758 Forbes Street mentioned to us in passing that they would be starting to build a garden suite. We envisioned a modest, ground-oriented structure much like the garden suite built at 2740 Forbes several years ago. As a result, we were not concerned. However, once construction of the suite at 2758 Forbes started to progress we were horrified to see that it was actually going to be a massive, two-storey house facing directly into the back of our house where all of our primary living space is located (kitchen/eating area, living room, two decks, master bedroom, en suite bathroom), and with a bird's eye view of our entire back yard.

The property at 2758 Forbes Street is considered to be a "plus" site under the city's garden suite rules. The property owners have taken full advantage of these rules to create a colossal structure that has extremely negative implications for adjacent properties. ***We have attached photos of the structure, taken from our back yard and deck, to illustrate this point.*** It is taller than at least three of the five houses that interface with it, and taller than other houses nearby. It appears to be approximately the same height as the primary residence on the property. Design features have been used that minimize livable floor space in order to stay within the city's garden suite rules, while at the same time creating a massive structure that is much too large to be in keeping with the spirit and intent of the city rules. For example, the structure includes a large cathedral ceiling extending from the first through the second floor, and a false floor on the second storey – all of which could later be modified to significantly increase the livable floor space beyond the limits set out in the city rules.

We are struck by how many people walking or driving along Forbes Street have stopped to look at the garden suite, and have told us they cannot believe a structure so large is permitted under the city rules.

The most common reaction we have heard is “that is not a garden suite, it's a two-storey house”. Words such as “monstrosity”, “eyesore” and “ridiculous” have been used to describe this project. We have also spoken with owners of adjacent properties, some of whom we are sure you have heard from recently, and they are equally disturbed by the construction of the suite.

In March 2011, we lost our home to a fire. We love our neighbourhood and opted to re-build a house on the same property. We made significant investment in order to do so. Now, the efforts we have made to make a new home for ourselves at the same location are being negated. The construction of this garden suite has removed all privacy that formerly existed in the living space at the back of our house and in our back yard. We believe it will have a significant impact on the value of our home as well as other neighbouring properties, in light of the extremely negative impact on views and privacy. By contrast, there is no doubt that the value of the property at 2758 Forbes Street will increase substantially.

The construction of this suite was permitted to proceed, to the detriment of neighbouring properties, without any prior consultation. The neighbours on adjacent properties have all lived on their properties for much longer than the current owners of 2758 Forbes (e.g., Albert has lived at 2754 Forbes for almost 30 years), yet the city rules allow them to encroach on the privacy of every property surrounding them without any consultation with or concern for neighbours. The result is tension between neighbours and a loss of the goodwill that previously existed in our neighbourhood. We doubt that is the vision that City Council had when designing the garden suite rules.

We note that the City of Victoria *Garden Suite Policy and Guidelines* refers to a garden suite as a “small, ground-oriented unit”. While we are supportive of increasing the supply of ground-orientated rental accommodation in Victoria, we are certain that the garden suite currently under construction at 2758 Forbes Street is not “ground-oriented”. It is a massive, two-storey house that completely blocks the morning sun from the property immediately behind it, and overlooks the back of our house and yard as well as overlooking the property at 2766 Forbes Street.

We also note that the *Garden Suite Policy and Guidelines* state that “siting should respect mature trees both on site and on adjacent properties”. The homeowners at 2758 Forbes have removed several trees in their yard in order to build the garden suite, including a large tree that was close to the fence running along the boundary with our property and provided a welcome element of privacy. As a result, we are left with a back yard that is completely exposed to the views from the garden suite.

Furthermore, the garden suite under construction at 2758 Forbes Street has several windows that face the back of our house, as well as a window that faces directly toward our back yard. The *Garden Suite Policy and Guidelines* provide that “windows oriented towards adjacent properties are strongly discouraged to maintain levels of privacy with adjacent neighbours”.

By contrast, the garden suite constructed at 2740 Forbes Street a few years ago is much lower structure that does not affect the privacy and shading of neighbouring properties. The owners of 2758 Forbes

could have chosen to build a similar garden suite, which would have been much more tasteful and considerate of neighbours. It is disappointing that they have opted to prioritize profits over the goodwill of neighbours.

We understand that Victoria City Council is considering changes to the garden suite rules including exploring mechanisms to limit the height of garden suites on “plus sites”, to address issues such as privacy and shading. We encourage the mayor and councillors to take a careful look at the current ill-advised rules and to consider the negative impacts that garden suites like the one at 2758 Forbes will have on neighbourhoods around the city. We will be watching carefully to see which individuals on city council continue to support the current rules despite all of the problems with them.

We are also requesting that city staff attend at 2758 Forbes to look at the garden suite under construction and to provide confirmation to us that it is in compliance with the city's rules.

We look forward to receiving a response from you regarding our concerns.

Sincerely,

Albert Rode and Kelly Dunsdon
2754 Forbes Street







August 8th 2019

To Victoria City Council – Public Hearing:

I am writing this letter in regards to the proposed garden suite height change. My understanding is that the problem with the existing height was that people were able to build a relatively large structure in their backyard in close proximity to a street or laneway. My client and I have a couple ideas in relation to this change because of a few issues I see. I'll start off with the story of why I'm writing.

I am a residential home designer in the Victoria area and am here to represent my client with an issue they are having with this rule change. My client and I have run into the situation where there has been no transitional phase for the change of this rule. The zoning bylaw on Victoria's website had not and still has not been updated with the proper information. At the time, there was also no update on the Garden Suite page of Victoria's website. We only learned about this change because I went down to planning to quickly discuss the project before applying for development permit.

Our project was seemingly caught in the void of transition of rules resulting in a design that the client loved and worked well with their property, but can not use. On top of that, their property had only one street frontage so their property is seemingly caught up in this rule change that is meant to address an issue not related to them. I'm sure planning will be running into this situation frequently in the future and council may see an increase in variances because of this situation.

The intent of this height change appears to remove any possibility of creating a two-story structure so that there will not be a large structure towering over a street or laneway. The rule change seems to fix the issue; however, the new height limit seems to have a lot of excess dead height that cannot be utilized without creating a few different issues.

1. It encourages people to create a more massive one-story structure, perhaps with a shed or inverted style roof and with large vaults that typically don't match the existing house or neighbourhood. Situations like this tend to put pressure on planning department as they would like the structure to match its surroundings, typically traditional gable and hip roofs.
2. If people are considering a more traditional style roof system with a one-story structure, the extra plus size height is almost useless to them. Unless the person decides to go with a 10' or 11' ceiling height, or an excessively large roof pitch there is no way to utilize this extra plus size height.
3. Another angle with regards to the unusable height is that people could come up with ideas that involve digging into the ground with a few descending steps at the front to obtain a two-story structure. Again, this situation could add pressure to planning department as it would look odd from the street.

We have come up with a couple ideas that we think could benefit many people moving forward and relieve planning department and council of unnecessary headaches.

1. Keep the height change the same at 4.2m, however, have this new rule apply to only plus size sites that have two street frontages/corner lot or where the rear yard has laneway access. Allow the regular 5.5m height to regular lots with a total area greater than 557m, the same as it was. This would mean most properties could utilize the same height as before and most of the issues I have presented would not apply to the vast majority of new garden suite applications. Again, we feel that the client's property has been caught up in a rule that should only affect the properties in which the rule was created. This would make that happen.

-and/or-

2. Create a transitional period where people can apply with their height at 5.5m and have it passed. People like us will still be applying with the old height in mind until the bylaw is changed. Allowing a small transitional period will relieve planning of added stress from unhappy people and will relieve council of unnecessary variances with potential valid hardships.

Thank you for taking the time to hear our story and ideas about the change in the garden suite plus size height. We look forward to hearing your decision about these matters.

Thank you,

Taylor Simpson-Bisson
AJB Home Design LTD.