

**Pamela Martin**

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**From:** Jouni Tomminen [REDACTED]  
**Sent:** July 8, 2020 3:02 PM  
**To:** Public Hearings  
**Subject:** re 1023 Tolmie rezoning application

We are in support of this rezoning request for 1023 Tolmie Avenue. The recent additions of newer homes is an improvemnet for this area. Thank you for considering this request.

J. Allan Tomminen

Sent from [Mail](#) for Windows 10

Dear Victoria City Council Members and Mayor Helps,

As concerned residents, neighbours and property owners of Fifth St. and Tolmie Ave; we are opposed to the proposed development permit with variance No. 00097 and the concurrent rezoning application #REZ00672 for 1023 Tolmie Ave. in Victoria, BC. Said project is coming up for a Public Hearing and Council Meeting Thursday, July 9<sup>th</sup>, 2020.

The details are as follows:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1227) No. 20-064:

To rezone the land known as 1023 Tolmie Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-S1 Zone, Restricted Small Lot (One Storey) District, to subdivide the property and construct a new single family dwelling to the south of the existing building.

New Zone: R1-S1 Zone, Restricted Small Lot (One Storey) District

Legal Description: PID: 002-482-631, Lot E, Section 4, Victoria District, Plan 1526

Existing Zone: R1-B Zone, Single Family Dwelling District

We respectfully ask that said application be denied not because we are anti-development but because of the following points:

**1) The Neighbourhood does not support this project.**

The proposed permit and rezoning application is to subdivide an existing R1-B corner lot into two R1-S1 lots to accommodate the building of an infill house on the same property.

This proposal was made once before in 2009 and was not completed due to the surrounding community not being onboard. The same proposal was made again in Nov. 2018 and despite having a community meeting in 2019 where the majority of neighbours who attended were opposed, the process continued. *\*See attached signatures at end of document\**

**2) The stated reason for the development is tenuous at best.**

The stated reason for pursuing this development as per the initial plans and letters submitted for this proposal Nov. 7<sup>th</sup>, 2018 is *"the creation of one additional single-family dwelling by maximizing the use of a limited supply of land is a small, yet important contribution to increasing the City's housing stock."* The newest revisions of the plans were submitted Jan. 31<sup>st</sup> 2020.

Not once since November of 2018 until now do these letters or plans mention that there has been an approved and active development happening across the street in the lots spanning 1025 Tolmie Ave. to 1075 Tolmie Ave. or a proposed development across the street to the north in the municipality of Saanich.

We have tried to find documentation of said development at 1025-75 Tolmie Ave. on the City's development tracker, but unfortunately have been unable to locate anything on it *\*see attached images at end of document\**. This development has demolished the four houses in said lots and is in the process of building eight new ones in the same space (as of writing of this letter, zero of the eight have been sold). Furthermore, they have added three new driveway entrances on Fifth St. which were never there before. These have dramatically cut down the amount of street parking available. These new driveway entrances on the east side of the street are directly across from driveway entrance for the proposed new house at 1023 Tolmie.

Furthermore, approximately 50 meters away, across the street in the municipality of Saanich, there is an \$11,000,000 BC Housing development being built at 3200 Linwood Ave. This consists of a 5-floor building with 97 new apartments at the corner of Linwood Ave. and Tolmie Ave.

*\*See attached images at end of document\** Plans can also be seen at:

<https://www.saanich.ca/EN/main/local-government/development-applications/active-development-applications/saanich-core.html> for info on said development, file #'s DPR00680 and REZ00584 respectively.

Furthermore, our neighbourhood already has a higher than average amount of automobile traffic which limits the residents parking space due to the business' on Quadra St. to the west, Quadra School to the south and because there are no parking restrictions on either Tolmie Ave. or Fifth St. Adding one more household, putting in an extra driveway on top of the three new ones recently put in as per the discussed development across the street at 1025 Tolmie Ave. cuts into the already lessened street parking. That isn't even taking into account the vehicles that will come with the 97 units just to north with the new development in Saanich.

**3) The building of this house requires multiple and significant variances that are in direct contradiction of the Zoning Regulation Bylaw (No. 80-159) for the City of Victoria.**

Said variances are to do with minimum setbacks or section 8 of said bylaw;

**8** the minimum setbacks of the main structure must be in compliance with the following:

(a) front yard of 6.0 m

(i) an entrance porch and steps may project from the main building face by a maximum of 2.5 m, with a maximum height of 1.7 m, including any vertical enclosures to the porch and steps,

(b) rear yard of 6.0 m;

(c) side yard interior of 1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window;

(d) side yard on a flanking street of 2.4 m.

For the proposed new house these are problems with the proposed plans:

**As per section 8a front yard;** they are requesting a variance of 1.8m, as the main structure will only be 4.2m from the property line and side walk. However the attached porch will be 3m away, and the stairs will only be 1.92m which is significantly closer to the sidewalk than any other house on the street.

**As per section 8b, rear yard;** they are requesting a variance of 2.5m as the main structure will be 3.5m from the neighbouring house to the west.

**As per section 8c, side yard interior;** as per their plans there is only a 1.5m space between the new building and property line which separates the southern house occupying the neighbouring space at 3180 Fifth St. Also as per their plans there is only a 1.74m space between the new building and the south facing wall of the existing house.

The bylaw states: “1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window”. The house at 3180 Fifth St.’s north wall has both first floor and basement windows and is roughly 0.5m from the property line where the proposed house’s south wall will be built.

As per section 8c of the bylaw, the space between the house at 3180 Fifth St. and the newly proposed house would need to be 2.4m, which it currently is not. Even with added 0.5m to the proposed distance of 1.5m from the house to the property line, it still only brings the total space to 2m. Furthermore, if constructed there will only a 1.73m space between the proposed house and the south facing wall of the existing house, again being an inhabited part of the dwelling with windows, it would need to be extended to a minimum of 2.4m.

This leads into issues with the existing house as per their proposed plans:

**As per section 8b, rear yard;** they are requesting a variance of 4.27m as the rear yard of the existing house in essence becomes the *side yard interior* of the proposed house. It’s difficult to call 1.73m of space a back yard, especially when the current tenants have both children and a large breed dog which take advantage of the current yard space.

In conclusion, we the residents of both Fifth St. and Tolmie Ave. respectfully oppose both the rezoning application and development permit for 1023 Tolmie Ave. Again, we aren’t against change or progress, in fact we’re very supportive of well thought out urban development. That being said, we feel that adding one more dwelling on a corner where eight new houses and a 97 unit apartment complex are being built. As well as requiring multiple and significant bylaw variances that will affect the street, sidewalk, neighbouring houses and overall look of the neighbourhood does not fall under that heading.

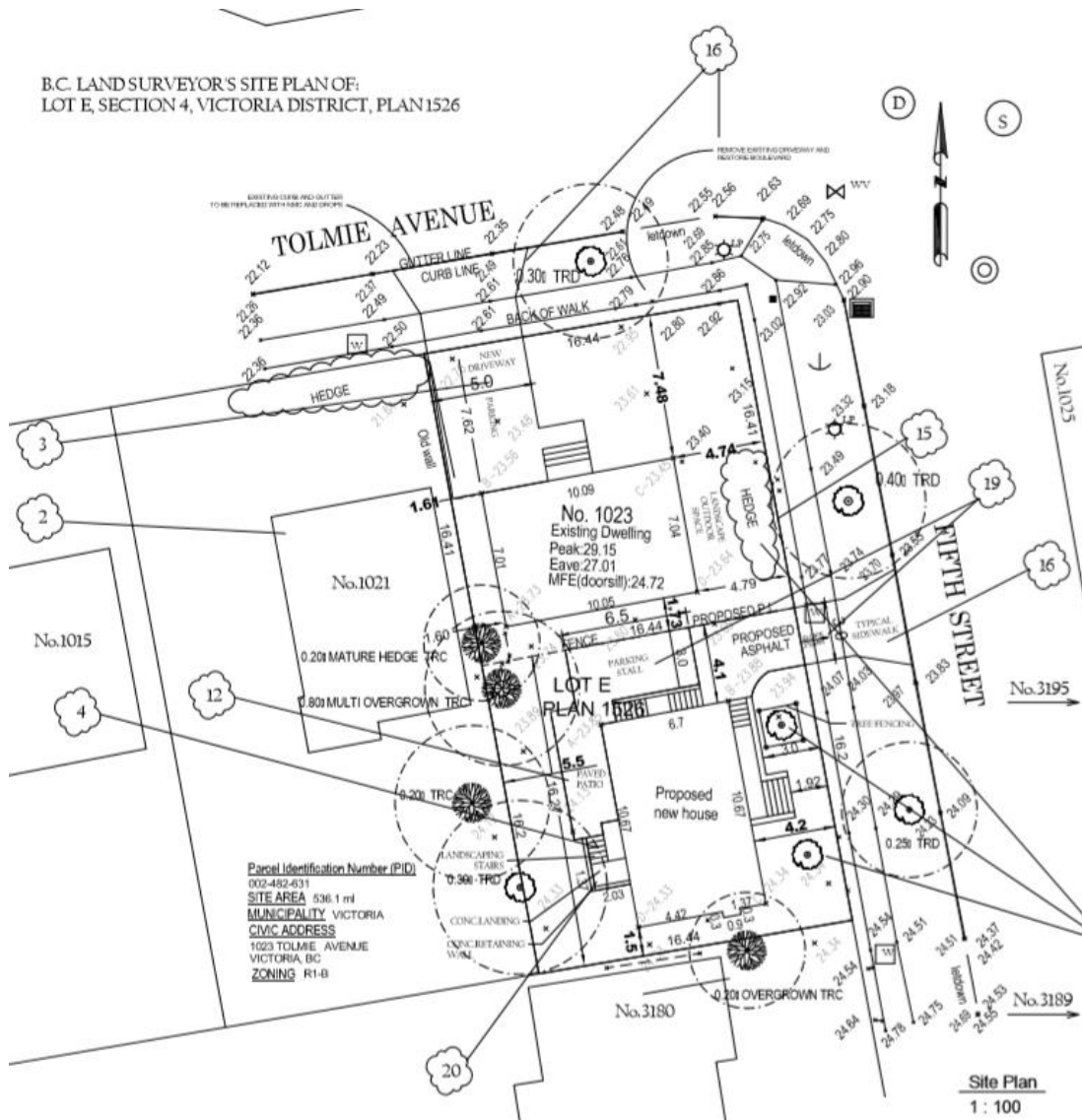
Thank you very much for your time and consideration,

*Concerned residents of Tolmie Ave. and Fifth St.*

Neighbours opposed to the proposed development permit with variance No. 00097 and the concurrent rezoning application #REZ00672 for 1023 Tolmie Ave. in Victoria, BC.

| <u>Name</u>      | <u>Address</u>  | <u>Contact Info</u> |
|------------------|-----------------|---------------------|
| Doris M. Lynn    | 3161 Fifth St   |                     |
| Lynn Nguyen      | 3176 Fifth St   |                     |
| Chris Brierley   | 3176 Fifth St   |                     |
| Catherine Raig   | 3180 FIFTH ST.  |                     |
| John Garvey      | 3180 FIFTH ST.  |                     |
| TRAV SHORT       | 1009 TOLMIE AVE |                     |
| I. Gauthier      | 4145 Fifth St   |                     |
| K. Kumburg       | 3131 Fifth St   |                     |
| Matt Garvey      | 3180 Fifth St   |                     |
| Wendy Carmichael | 3136 Fifth St.  |                     |
| John Parent      | 3125 FIFTH ST   |                     |
| Alison Gaveau    | 3140 Fifth St.  |                     |
| Dan Leung        | 3140 Fifth St   |                     |
| J MacEachern     | 3155 Fifth St.  |                     |
| Andrei Badulescu | 3148 Fifth St.  |                     |
| Patrick Murphy   | 3150 Fifth St   |                     |
| Mark van Aun     | 3115 Fifth St   |                     |
| Ned Feller       | 3107 Fifth St   |                     |
|                  |                 |                     |

# Overhead plans of proposed development #1



## Overhead plans of proposed development #2



Plans for front of houses/street view.





Overhead view of neighbourhood with current/active developments:



Recent images of development across the street @ 1025 Tolmie Ave. and Fifth St.





Planned development across the street, north side of Tolmie Ave.

in Saanich @ 3200 Linwood Ave.

