

From: Jane and Beat Mertz, 89 Howe Street, Victoria, BC [REDACTED]

RE: Development Variance permit Application No. 00254, May 14, 2021, City of Victoria

Although kudos to the developer for keeping the design to fit in the neighbourhood, the site should have only had four units, as requested by the neighbours. The developer received permission from council for many variances to build the five strata properties on the site.

The developer started to build a suite in the garage until a couple of neighbours inquired about the two new dormers being built in the roof of the supposed garage. The developer/owner did not have permits to modify the garage. Work was stopped at that point by the city.

The garage has never been used for cars by the owner/developer or the residents since the units were rented. There were never seven (7) stalls for parking for the building, as stated in the current variance request, five (5) at best. The two garage spaces were apparently never available for use. There are only three (3) parking stalls now available for the tenants on the lot in front of the garage. Only two tenants ever use it, everyone else is parked on the street. Reality vs planning.

It is very doubtful that the space will be used as a yoga or exercise space for the tenants. It will be a garden suite, which does not fit the community plan for Fairfield or the City. (*"Eligible locations for a garden suite in Victoria include all properties that contain only a single-family detached dwelling and are appropriately zoned..."*).

Also, I do not understand how it can be used as a Commercial exercise space when it is zoned Residential use only. Will the developer now apply for rezoning for Commercial usage? The City cannot enforce that only tenants use the site.

Parking is becoming a problem on Howe Street for its residents and visitors. Even more so now that the new Dallas bikeway has been installed. People are parking down Howe Street instead of Dallas Road, just as predicted. Turning off Dallas Road onto Howe Street can be hazardous when larger vehicles are parked at the corner on Howe; very common event. You cannot see around the parked vehicle coming from the eastern entrance from Dallas onto Howe. We may ask for residential parking soon.

Council voted for what was/is best for the developer and not the neighbours in Fairfield. Please do not allow this variance request to go through. So-called gentle density is not so gentle on the neighbours.



Picture of the parking usage onsite and Howe Street.

[REDACTED]

From: cheryl marli [REDACTED]
Sent: Wednesday, May 26, 2021 8:39 AM
To: Public Hearings
Subject: Development Variance Permit Application #00254

To Victoria City Council

When this rezoning was originally considered by council, the proposal for five units was countered by some Howe/Dallas residents for approval of four units ONLY due to parking concerns. It was also recommended by some to have garage removed at end of project to provide even more parking in back of property for not only renters but guests. Contractor convinced council this garage would provide two more parking places so it was included in rezoning and council approved five units. To date, I have never seen more than 2-3 cars parked in back and none in garage. The overflow of cars is onto Howe/Dallas road. Clover Point parking has been greatly reduced now putting even more pressure on limited parking on side streets.

As someone who delivers groceries to next door visually impaired neighbor, it is a nightmare to enter or exit her property which adjoins 1250 Dallas Road property. There are already cars parked on both sides of Howe and Dallas making it dangerous to pull out onto either Dallas or Howe Street.

Contractor/owner has done a nice job of developing this property to fit into neighborhood with the exception of providing enough parking.

Sent from my iPhone

[REDACTED]

From: Victoria Mayor and Council
Sent: Wednesday, May 26, 2021 4:12 PM
To: Public Hearings
Subject: Fw: questions regarding re-zoning for 1250 Dallas to be considered Thursday May 27/21

Follow Up Flag: Follow up
Flag Status: Completed

From: mld [REDACTED]
Sent: May 26, 2021 4:06 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: questions regarding re-zoning for 1250 Dallas to be considered Thursday May 27/21

1. Does this mean every garage in our neighborhood can be raised 3+ feet and the accessory building converted to living space?
2. Why are there no drawings or elevations for the neighborhood to see what this is going to look like?

RE: Development Variance Permit Application No. 00254, May 14, 2021, City of Victoria

From: Howard Barker and Elizabeth Sharp, 55 Howe Street, Victoria, BC
[REDACTED]

We have seen the Variance Permit Notice as well as the Applicant's letter to Mayor and Council dated 10-Dec-2020. We have also seen submissions to this Variance Permit made by Jane and Beat Mertz and by Paul Freeman and Brandi Roth, and while we concur with their submissions, we have the following additional comments.

To begin, we commend the Owner/Applicant of 1250 Dallas Rd for making renovations and expansions to their property that respect and maintain the character of the original structure and neighbourhood as a whole. This comment cannot be made of numerous properties in close proximity on both Dallas Rd. and N-S streets running off it. We believe, however, that there is something amiss with their Variance Permit Application.

The 10-Dec-2020 letter states that the structure in question is a "garage". Yet, it also says that it has not housed a vehicle as yet. Now they want to expand it to have vehicle storage space plus a "small workout area in the upstairs portion". Coincidentally, the proposed floor space of 600 ft² is very close to that of some of the existing units. Given that the "garage" is both electrified and plumbed, it would appear as though it is being "prepped" to become a *sixth* living space as opposed to a gym plus garage (but it has not been used as a garage... why not?... to avoid future living space smelling like a garage?). While six units on a single property would certainly be densification of living space, which City Council is clearly not averse to, it is definitely not the type of densification Council likes to promote. This is not "affordable housing", for a unit such as this, in its location, would easily rent for more than \$3K/month or sell for over \$500K.

Moreover, if this Variance is granted it would be riding the existing "thin edge of the wedge" in terms of what is happening along the Clover Point portion of Dallas Rd. Some of the structures that have been constructed recently are sadly out of step with the near-universally attractive, and consistent, character of south Fairfield. The condition of several properties along this stretch suggests assuredly that they are facing imminent demolition and questionable replacement! Should the ground be made fertile for 1250 Dallas Rd. to expand significantly into a sixth unit on a single property, it will only bolster the drive toward excessive, out-of-character alteration of the area.

Finally, a question directed to the Mayor, Council, and City Development Department... If you receive multiple submissions that argue *against* the granting of a Variance Application, how many do you have to receive before the "rights" of those arguing against it, and in favour of maintaining a neighbourhood's character and safety, outweigh the "right" of a single applicant to make alterations for individual capital gains?

May 27, 2021

City of Victoria Legislative Services
#1 Centennial Square
Victoria, BC V8W 1P6

Submission by: E-mail (publichearings@victoria.ca)

RE: Proposed Changes to 1250 Dallas Road (Development Variance Permit Application #00254).

As the owners/residents of 21 Howe Street, we are familiar with both the previous and current changes to 1250 Dallas Road. We are also aware that the owner at 11 Howe Street has grave concerns regarding how the latest developments at 1250 Dallas Road will impact both her property and the immediate neighbourhood (she will be providing a separate submission outlining those issues). This situation has created a disturbance within this quiet, amicable neighbourhood and our sincere hope is that this Review Panel can determine a suitable resolution.

The issues, while seemingly simple, have left us with questions. As such, we list them here and ask whether it is possible for someone to please address them with us so that we are better informed. The items for discussion are as follows:

1. The height of the accessory building changing from 3.5 – 4.73 m;
2. The floor area of [the] accessory building changing from 37 – 55.2 m²; and
3. The vehicle parking on the site changing from 7 stalls to 4 stalls.

a. Items #1 & #2 (Request to increase the height and floor area of the “accessory” building):

a.1 Adverse impact on the view/property value.

The enclosed photo is taken from our south-facing master bedroom (at 21 Howe Street). As can be seen within the photo, the roof of the “accessory” building is visible and to a minor degree, impedes our ocean view. We wonder whether this current review pertains to leaving the height at its current status or whether it will be further increased (possibly eliminating more of our view). Obviously, we have concerns regarding the latter as we cherish our ocean views and hope that they remain; however, we are often reminded by family and friends that development is inevitable and should, for example, our “southern” neighbours (including the owners at 11 Howe Street) decide to re-build, most likely that view would be altered/eliminated and we most likely will have little-to-no recourse to affect that change. So we live each day enjoying our view (while we still have it!) and hope that others will respect their desires and we attempt to respect theirs.

We appreciate how the owner at 11 Howe Street could have concerns about the current renovation, especially if this structure impedes her view or detracts from her site’s privacy. As such, we urge this Review Panel to determine a suitable outcome that provides an adequate solution/compromise to both the owners of both 1250 Dallas Road and 11 Howe Street.

a.2 Ability to convert this structure to additional living/commercial space

In the Notice, there is no mention of what activity/activities are intended for what is simply referenced as the, "accessory building." In conversation with the owners at 1250 Dallas Road, they indicated that this space will be used as "personal" space (for a gym/workshop). Because they reside on the property with their tenants, we can understand why this onsite, personal "get-away" space would be desirable. We must admit that we are confused by the fact that there has already been construction while there is still a permit review and ask for clarification—"Is the intention of this review to determine whether the building height/dimensions should be further increased or is it addressing the construction to date?" If it is addressing the work-to-date, there is little impact on our residence (i.e. minor view obstruction); however, we can appreciate why the resident at 11 Howe Street might have concerns.

It is also our understanding that there is no intention to develop this "accessory" building into additional rental/accommodation or commercial space (as evidenced by the fact that it currently is not plumbed to accommodate this). Increasing the usage of this space as an additional residence or as a commercial space may impact other residences within the neighbourhood due to the increase in traffic/parking, etc. Obviously, 11 Howe Street would be the most inconvenienced by this change.

b. Item #3 (Reduced parking on the site):

A couple of years ago, when the initial renovation of the main residence was conducted, it was our understanding that the owners applied for a variance to allow for five (5) suites as opposed to the previous four (4) units. We are of the understanding that as part of that variance to increase the number of dwellings, the owners provided assurances that there would be ample on-site parking to off-set the increase in site occupants. However, in this latest application, the owners are now requesting that the previously agreed upon on-site parking be down-sized, thereby necessitating the need for a great percentage of the residents at this site to park on the street. We understand that street parking is public parking and is therefore available on a "first-come, first-served" basis; however, but appreciate how this might be disconcerting for the owner at 11 Howe Street as her residence is in direct proximity to the proposed changes and as such, she would theoretically be most impacted.

Summary Statement:

In closing, we truly appreciate that our residence has an ocean view and convenient street parking. More importantly, however, we enjoy/cherish the fact that the residents within our neighbourhood are civil and respectful. This issue has proven to be emotionally charged and has created distress for not only the parties at 11 Howe Street and 1250 Dallas Road, but also, for those around them. We wish only the very best for both groups, and as such, we urge this Review Panel to implement a decision (or decisions) that will allow for a suitable resolution (and possible compromise) as we want the neighbourhood to return once again to a state of harmonious co-existence.

As mentioned above, we would greatly appreciate clarification to our questions above (we only became aware of this review proceeding earlier this week and as such, feel relatively ill-informed). In addition, if you require our further participation/involvement, we would be happy to assist where possible.

Sincerely:

Buck
Patricia & Darren Buckler
21 Howe Street
Victoria, BC V8R 1J8

Attachment:

Photograph 1: View from 21 Howe Street's Master Bedroom Window

Note: the plywood/plastic identifies the location of the current construction.



Comments Re: Development Variance Permit Application No. 00254

The proposal laid out by the applicant to expand the garage outbuilding at 1250 Dallas Road for a gym and storage appears to be thoughtful and quite convincing. It addresses the negative impacts on parking and privacy and portrays the expansion as advantageous to the health and well-being of its residents. However, from our perspective, as residents of 11 Howe Street directly adjacent to the proposed development, we have a number of serious concerns.

Parking

- The direct loss of 3 parking stalls as a result of this proposal will have a significant impact on street parking.
- Parking congestion is already a serious problem on the top end of Howe Street. The stalls onsite at 1250 Dallas Road are generally occupied, as well as is adjacent on-street parking. This is despite the fact that the garage does not appear to be used currently for parking. It should be noted that there is already an allocated street parking spot for a Modo car which contributes to the congestion. This congestion creates a risk as it is at the intersection of Dallas and Howe Streets and near an existing fire hydrant.
- Despite what the applicant says, the greatest demand for parking on the first block of Howe Street comes from the occupants of their property. It should be noted that the demand for street parking can be expected to increase as pandemic-related concerns ease, and socialization increases.
- Street parking availability in front of our home is extremely important for us as one of us is legally blind and use of our driveway is affected by a concrete wall that separates the two properties (insufficient room for both driver and passengers to enter/exit the vehicle). There are times when we and others have had to park a distance from our home. This creates a significant inconvenience and risk should an emergency arise.
- The applicant states that they drive a small electric vehicle but have neglected to mention that they also have an SUV for construction activities.

Garage Conversion and Expansion

- The applicant made significant alterations to the garage last year without having the necessary building permit which they now seek. This included framing in a large dormer that faces directly on to 11 Howe St.
- The developer has a history of construction without seeking permits and completely disclosing their intentions. If this variance proceeds, the applicant will be one step away from adding another suite(s) to the property.
- When approval was sought and granted in 2017 for changing the zoning to permit 5 units in the main house, it was our understanding that garage was designated for parking.
- The applicant has stated that they have only 600 square feet of living space in their apartment. This should be confirmed and whether it would be possible to include a gym/storage facility somewhere in the main house.

- For safety reasons, it may not be advisable to have a gym in a garage due to carbon monoxide risk. This risk is greater if there is reduced ventilation from no outside windows as the applicant is proposing.
- The dormer has an impact, although relatively minor, on the site lines from the rear of our house.

Our Position/Conclusion

- For these reasons, we do not support this Development Variance.
- We recommend that the garage be returned to its original aesthetic and be maintained in its intended and zoned use for parking. This will help ease the current parking congestion on the upper end of Howe Street.
- We believe that this proposal negatively impacts the enjoyment of our property and could adversely affect its value.
- We have included a number of photos for illustration.
- We thank Council for consideration of our objections in this matter.

Paul Freeman and Brandi Roth
Owner Occupants
11 Howe Street
[REDACTED]

May 24, 2021



















