

September 23, 2021

RE: Letter of appeal to City of Victoria Mayor and Council regarding a garden suite application

Dear Mayor and Council of the City of Victoria,

I am in the process of applying for a delegated development permit to build a garden suite in my backyard at 224 Robertson Street (Gonzales). I would like to start by thanking the City of Victoria staff for their hard work on my application so far. Over the last four months, I have worked collaboratively with staff to identify several issues and made adjustments to the plans in order to meet all requirements. I am writing this letter in response to the single outstanding issue raised by staff: concern around my neighbors' privacy due to windows on the south elevation of my proposed garden suite. City staff have informed me, "*the current design guidelines do not specify when windows in side yards are suitable, except if they are transom or opaque (and inoperable),*" however, the proposed windows pose minimal impact on my neighbors' privacy. The neighbors in question (Scott and Carolyn Lapin) who reside to the south of me have stated their support for the project and that they **do not have any privacy or other concerns** about the impact of the garden suite. Although, the Senior Planner agrees that the windows are reasonable, given the large distance to the neighbor's house and the extensive landscaping which obstruct sightlines, she has asked for Council's approval since the design guidelines lack clarity with regards to windows in these situations.

I am requesting that Council allow me to proceed with my proposed design for the following reasons. First, my neighbors who would be impacted by the windows have written a letter of support and indicated that they are not concerned about the garden suite's impact on their privacy. Second, the current design, which incorporates extensive revisions requested by staff, does not impose on my neighbors' privacy because: (a) there is no direct sightline to the neighbour's house (the view is obstructed by landscaping and even if one could see through the landscaping, the sightline ends at a garage and gardens); and (b) the windows are 30 feet from the property line and 50 feet to the neighbours house, which is a distance that exceeds the length of many backyards in Victoria as a result of the large lot size. Please refer to the attached description of the property, including photographs of sightlines, and existing and proposed landscaping. Third, it is beneficial that new housing incorporates design features that maximize energy efficiency (e.g., passive heating provided by the windows).

Ultimately, I am trying to create a space I would love to live in. I have worked hard with city staff to balance the livability, aesthetics, and energy efficiency of the design while limiting the impact on neighbours, respecting protected trees, aligning with the quality of houses in the neighborhood, and managing stormwater. Removing the south elevation windows would undermine the building and landscape design, which would result in an overhaul of the design and staff work to date.

I hope that Council will agree that the proposed design is reasonable. If it would be necessary to obtain approval for the project, I will undertake further adjustments to the landscape plan to the satisfaction of the City and staff. Please note that any further revisions will be reviewed by staff. Please find (1) further details (including photographs) regarding the neighbor's privacy and (2) a support letter from my neighbors attached.

Thank you,



Madeleine McPherson  
224 Robertson Street, Victoria, BC, V8S 3X5

### Response to concern regarding impact on neighbors' privacy

This document responds to the concern raised during the DDP review regarding the impact that windows will have on the neighbors, and proposes revisions to address these issues. Specifically, three issues regarding neighbors' privacy were raised in the Application Review Summary:

- *Please provide more details of landscaping and screening on landscape plan to show how privacy impacts will be mitigated from principal dwelling and view into adjacent lot (south).*
- *The Garden Suite Design Guidelines discourage windows facing neighboring properties. Reduce the amount and size of windows on the south elevation.*
- *Window on north and west elevations should be small and opaque to reduce potential privacy issues. Ensure windows into kitchen area on north elevation are transom windows with appropriate height to discourage overlook. Please consider size of windows framing fireplace. Please label glazing as opaque on these elevations.*

This document does not cover all of the issues that were raised in the Application Review Summary. Responses to other issues/departments can be found in separate documents.

The revised design (refer to attachment 8 - Drawings) includes the following changes to the window design that have been implemented to mitigate privacy impacts:

- The size of the south facing (living room) window has been reduced by 28 square feet.
- The overall number of windows on the south elevation has been reduced.
- In addition to the existing landscaping and previously proposed landscaping, further landscaping has been added in strategic locations that obscure sightlines. The proposed wood privacy screens and dense ever green shrubs will be installed or will grow to the appropriate height such that they block visibility.
- The window on the east elevation that (due to the relative positioning of the garden suite and south neighbor's principal dwelling) had the clearest sightline to the neighbor's house has been reconfigured.
- The windows on the north and west elevations will be translucent and non-opening.
- The windows in the kitchen area have been raised to an appropriate height.

The following report explains how these changes will mitigate any potential privacy concerns for the neighbours. We hope you agree that the resulting design appropriately addressed privacy concerns, and strikes a reasonable compromise. In summary:

- There is not a direct sightline from the (south elevation) living room window to the neighbour's principal dwelling
- If one *could* see through the existing fence and proposed landscaping, the view from the south elevation windows to the neighbour's property looks onto a planted portion of their lot
- Due to my large lot depth (~60 feet), the south facing windows orient 'inward' to my own lot to a large extent
- The imposition of the proposed garden suite on the neighbour's privacy is no more significant than the existing imposition of houses already built in the neighbourhood

Further details and accompanying photographs follow.

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*There is not a direct sightline from the (south elevation) living room window to the neighbour's principal dwelling*

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The crux of the privacy concern, as it pertains to the windows on the south elevation, centers on the sightlines available *through* the windows to the neighbour's dwelling. To demonstrate what these sightlines are (and mitigate them appropriately), I have included pictures from the vantage point of the south elevation living window towards the neighbor's house and yard. Please refer to Pictures 1 and 2 which were taken from the location of the south-elevation windows on the proposed garden suite: (1) facing south and (2) facing to the south-east. Please refer to Figure 1 (landscape plan) as a reference for the locations and directions from which each of these pictures were taken.

- Picture 1: standing at the ~location of the living room window and facing directly south
- Picture 2: standing at the ~location of the living room window and facing south-east

For each of the perspectives, I have shown images of its in its current state (i.e. with the existing landscaping) labeled as 'a' in Pictures 1-2 below, as well as in its proposed future state (i.e. with the proposed privacy screens and plants) labelled as 'b' in Pictures 1-2 below.

**Pictures 'a' show the current state:** When looking directly south with the current landscaping (Picture 1a), you can see the neighbor's accessory building. Please note that this building is *\*not\** a dwelling unit. When looking south-east (Picture 2a), you can see my principal residence in the foreground next to a large shrub, with only a small portion of the neighbor's main house behind them. As shown in these pictures, the sightline looking south does *\*not\** look onto a dwelling area, the neighbour's deck, or the portion of the neighbour's back yard that is used (which is the portion of their lot that is near the house/deck). Rather, that window looks out onto the very back end of the neighbour's very deep lot, which is occupied by (their) trees and shrubs. In sum, even with just the existing landscaping in place, the window has a limited impact on privacy in the portion of the neighbour's lot that they occupy. With the proposed landscaping (discussed below), the impact is even further reduced.

**Pictures 'b' show the future state, with the proposed landscaping:** In Picture 1b, I have super-imposed an image of a Japanese maple in the approximate location where I would like to plant it, to show the effect on privacy that the proposed tree will have. In Pictures 2b, I have super-imposed an image of a privacy screen in the approximate location where I propose to plant it, again, to show the effect that the proposed privacy screen will have. I apologize for the rudimentary rendering of these images!

GRADE POINTS	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
A = 13.50m	Points A&B	((13.50+13.49) / 2)	x 2.72m	= 36.71
B = 13.49m	Points B&C	((13.49+13.50) / 2)	x 4.75m	= 64.10
C = 13.50m	Points C&D	((13.50+13.51) / 2)	x 9.53m	= 128.70
D = 13.51m	Points D&E	((13.51+13.53) / 2)	x 0.86m	= 11.63
E = 13.53m	Points E&F	((13.53+13.56) / 2)	x 0.43m	= 5.82
F = 13.56m	Points F&G	((13.56+13.60) / 2)	x 1.54m	= 20.91
G = 13.60m	Points G&H	((13.60+13.56) / 2)	x 0.43m	= 5.84
H = 13.56m	Points H&I	((13.56+13.74) / 2)	x 5.07m	= 69.21
I = 13.74m	Points I&J	((13.74+13.59) / 2)	x 5.82m	= 79.53
J = 13.59m	Points J&K	((13.59+13.50) / 2)	x 3.71m	= 50.25
				472.70
PERIMETER OF BUILDING = 34.86m				
GRADE CALCULATION: 472.70 / 34.86 = 13.56				

- Proposed tree - A Japanese maple
- Existing tree - B curly weeping willow
- Existing tree - A apple
- Existing tree - B maple
- Proposed private patio space - cedar deck
- Existing fencing to remain - black painted wood
- Existing fencing to be removed
- Proposed driveway - permeable paving
- Proposed pathway - stone step
- Proposed fencing - cedar
- Proposed shrub or climbing plant
- Existing cedar hedge (to be maintained)

Property Information		
Project Type: New Garden Suite		
Owners: Erika Lange		
Site Address: 224 Robertson Street		
Legal: Lot 25 Plan VIP246 Section 19 Land District 57 PID: 009-183-191		
Zoning: R1-G		
<b>Setbacks:</b>	<b>Zoning</b>	<b>Proposed</b>
Rear	0.6m	1.2m
Side	0.6m	1.2m/9.34m
House	2.4m	7.45m
<b>Height:</b>		
Roof Height	4.2m	4.18m
# of Storeys	1.5	1
<b>Floor Area:</b>		
Main	56m <sup>2</sup>	55.6 m <sup>2</sup>
<b>Lot Coverage</b>		
Lot Area	823.6 m <sup>2</sup>	
Rear Yard Area	354.2 m <sup>2</sup>	
House Area	141 m <sup>2</sup>	
Garden Suite Area	71.72 m <sup>2</sup>	
Lot Coverage	30%	25.8%
Rear Yard Lot Cov.	25%	20.2%
Open Site Space	50%	60.9%
Main Floor Elevation		13.56m
Average Grade		13.56m

Applicable Codes	
-BC Building Code Current Edition (2018)	
Energy	
Compliance path: BCBC 9.36	
Requirements applicable to this project: Step Code 3	
Ventilation	
BCBC 9.32	

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**224 ROBERTSON GARDEN SUITE**

Drawings and Specifications are instruments of service used by ADAPT Design in connection with the project. They are not to be used for any other project, without the express written consent of ADAPT Design. The Designer will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety, health and environmental programs in connection with the project.

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ISSUED FOR PERMIT

ISSUED:	

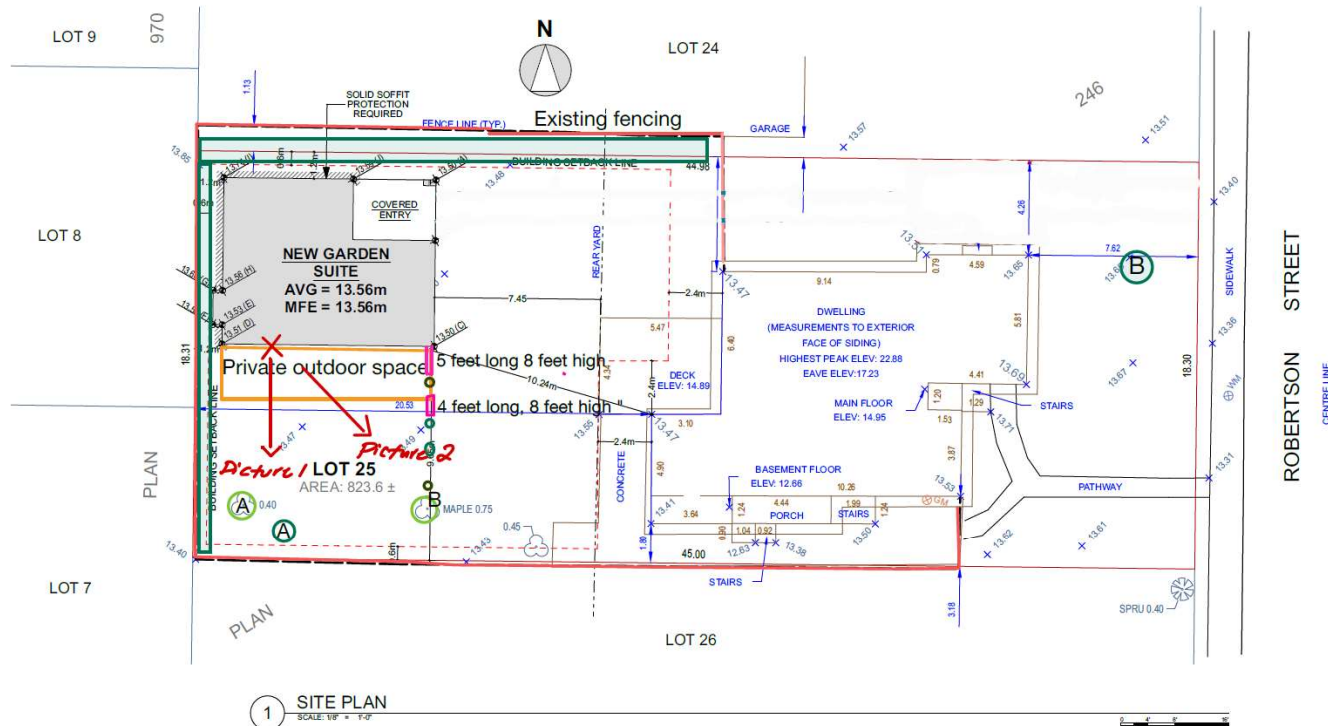


Figure 1 - Landscape plan: The locations and directions from where I took photographs shown in Pictures 1-2





Picture 1: View from the garden suite’s living room (south elevation) windows facing south  
(1a) Left – current view;  
(1b) Right – future view with proposed Japanese maple superimposed



Picture 2: View from the garden suite’s living room (south elevation) windows facing south-east  
(2a) Left – current view;  
(2b) Right – future view with proposed privacy screen superimposed

**In the current state:** When standing in the back yard and viewing the neighbor’s property with the existing landscaping and looking south (Picture 1a), we’re looking at the neighbor’s accessory building on the other side of the fence. On the other hand, when facing south-east (Picture 2a), we can just see a sliver of their main house, which is a dwelling unit (but most of it is blocked by my principal dwelling, the existing fence and a large mature shrub that will be maintained). Considering these two views, I hope you are reassured that the privacy impact on the neighbor’s main dwelling unit and the portion of their backyard and deck that they use, which should be prioritized over privacy for their accessory building, is limited.

**In the future, when the garden suite and landscaping is complete,** the view (through the south elevation living room windows) of the accessory building will be blocked by the proposed Japanese

maple (Picture 1b), and the view of their main house will be even more blocked by the proposed privacy screen (Picture 2b).

Taking the following into account:

- that the current sightline primarily looks onto an accessory building rather than the main house or the portion of the backyard that is used (i.e. the deck and lawn close to the deck that is not already landscaped with shrubs), and
- that sightline of the neighbor's house and accessory building that currently exists will be occluded by the proposed landscaping plans

The following changes have been made to the windows design:

- The window on the east elevation that (due to the relative positioning of the garden suite and south neighbor's principal dwelling) had the clearest sightline to the neighbor's house and thus posed the largest imposition on privacy has been removed.
- The size of the south facing (living room) window has been reduced by 28 square feet.
- The overall number of windows on the south elevation has been reduced.

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*If one could see through the existing fence and proposed landscaping, the view from the south elevation windows to the neighbour's property looks onto a planted portion of their lot*

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When looking south at the neighbour's property (backyard and accessory building), the view is (1) first obscured by existing and proposed landscaping in my yard, and then (2) the fence, and then (3) the landscaping that currently exists in my neighbour's backyard. Please refer to the pictures below see what the garden suite will actually look onto.

- Picture 3: There are two mature trees on the south end of my property I will maintain. Furthermore, I will be adding additional landscaping (privacy screen and a tree) to increase the privacy even more (please refer to the Picture 1b).
- Picture 4: There is a large fence that blocks the view of their lawn (or person in the backyard) almost entirely.
- Picture 5: The portion of the neighbour's lot that is behind the garden suite looks onto a portion of their lot that is planted with trees and shrubs, and which they don't occupy (rather, they occupy the east portion of their lot, which is closer to the house and the deck (Picture 6).

The back part of their backyard is landscaped with trees and shrubs (Picture 5), and that is the portion of their backyard that I do I have a view into (their beds, fruit trees, and large shrubs are there already). The portion of the backyard that the neighbours use I closer to the house (further east), and is blocked by the large mature maple.





Picture 3: View to the neighbour's property, blocked by the existing mature trees and shrubs



Picture 4: View to the neighbour's property, blocked by the existing fence



Picture 5: The portion of the neighbour's lot behind the garden suite is mostly planted



Picture 6: The portion of the neighbour's lot that they use is near the house, on the east side of the property (not behind the garden suite)

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*Due to my large lot depth (~60 feet), the south facing windows orient 'inward' to my own lot to a large extent*

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The distance between the south wall of the garden suite and the property line is almost 10 metres (around 30 feet). This area will be landscaped and turned into a large back yard for the garden suite. As such, the feeling from the garden suite building, when looking south, is actually that you are looking into

the garden suite backyard (inward towards my own lot) rather than onto the neighbour's lot. The neighbour's lot itself is quite far away. The fact that the back yards on our block are so large and deep makes for naturally private backyards. My very wide lot gives the sense (when looking out the windows on the south elevation) that you are facing inward toward my own lot, rather than the neighbour's lot.

In fact, the distance between the south wall of the garden suite and the south property line is actually *further* than the length of others' backyards in the area (i.e. the distance between the primary residence and their back property lines). This is due to the fact that the lots on my block are just very large!

In addition to the distance from the garden suite to the property line, there is approximately fifty feet to the neighbour's house and deck. This large distance gives a huge sense of privacy to/from the neighbors to the south.



Picture 7: The 'backyard' of the garden suite is quite large and very private, due to the large lot sizes (in particular depth)

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*The imposition of the proposed garden suite on the neighbour's privacy is no more significant than the existing imposition of houses already built in the neighbourhood*

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The imposition of the proposed garden suite on the neighbour's privacy is no more significant than the imposition on privacy that already exists in the neighbourhood (albeit from main houses with different guidelines than garden suites). For example, the house that is across the street from me, which faces directly into my living room, has substantial glazing, as shown in Picture 8. Because my lot is so wide and



so deep, and the houses on my block are relatively close to the street, the distance between the house across the street from me is actually comparable to the distance between the garden suite and the neighbours to the south! As such, the glazing on my garden suite is no more of a privacy infringement on neighbours than what already exists in the neighbourhood.



Picture 8: The glazing on the house across the street from mine

On the two sides of the garden suite that do not enjoy such distances from the neighbors (i.e. north and west), the windows will be opaque and non-openers. Please refer to the updated drawings to see these changes.

While these changes go a long way to mitigate neighbour's privacy, the densification of our city will inevitably have an impact on people's privacy. However, densification is an important element to mitigating our ongoing housing crisis as well as combating climate change – two key priority areas for the City of Victoria.