

[REDACTED]

From: Gordon [REDACTED]
Sent: Thursday, June 24, 2021 11:29 AM
To: Public Hearings
Cc: Catherine Aronson
Subject: Changes to 2740 and 2742 Fifth Street
Attachments: New Single Family House opposite our apartment_v1.1.docx

Please find attached the text and graphics that I will refer to in my presentation to council later this evening.

Catherine Aronson and I oppose the granting of this variance and we hope to have contacted other apartment owners of Westhampton Gardens by this evening to add to this list.

Thank You

Gordon Kemp

Sent from [Mail](#) for Windows 10

We live in apartments at 2747 Quadra Street (Westhampton Gardens) and do not support the submission of the issuance of a development Variance Permit for the land known as 2740 & 2742 Fifth Street for the purpose of varying certain requirements.

Specifically, we neither support the re-zoning of the land from R-2 to R2-38 or the relaxation of the setback for zone R2-38.

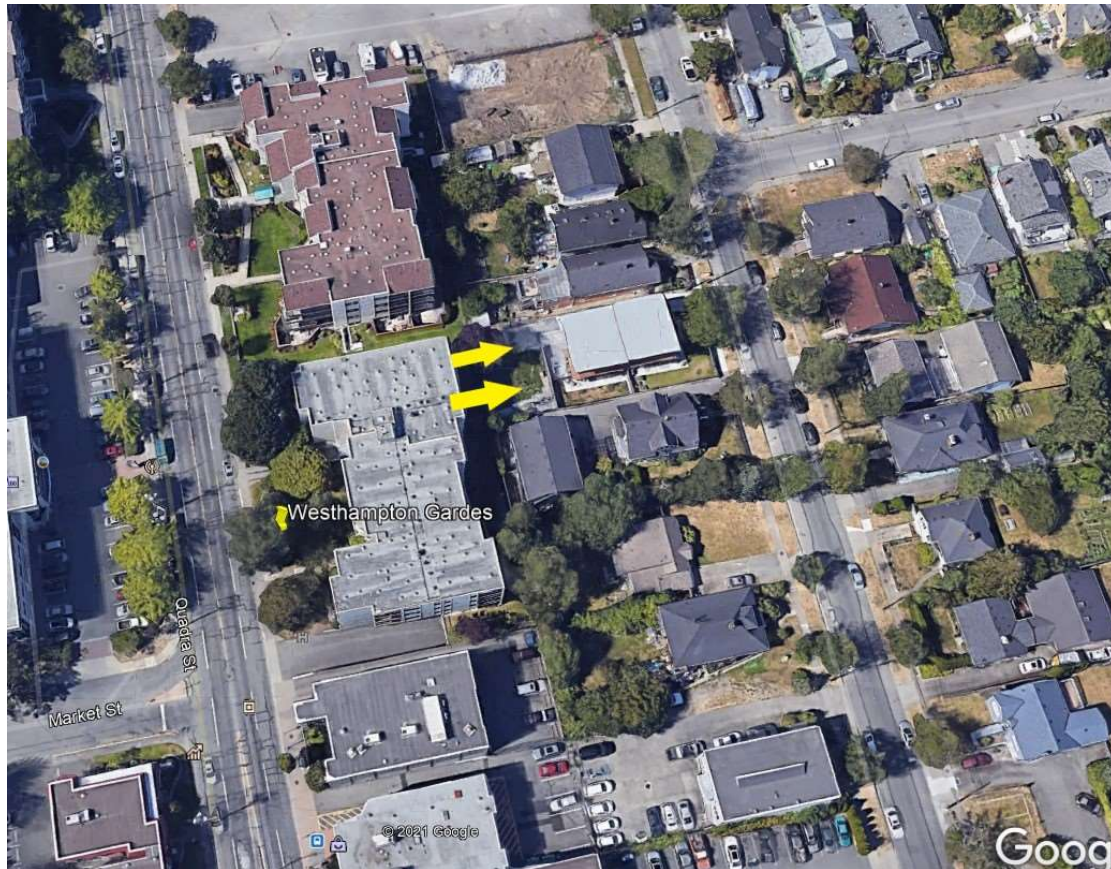


Fig 1 - Location of Westhampton Gardens and Proposed site.

This objection is based on three levels:

- A. Directly Affected – 8 apartments that will lose privacy, associated property value and some degree of direct sunlight.
- B. Who assumes liability for maintenance work on the concrete subterranean structure of our building?
- C. Interpretation of Zone R2-38

(A)

The yellow arrows in Fig 1 reflect where 8 owners are directly impacted by loss of light, view, privacy and value of property. To get an idea on the loss of direct light that will affect residents on the first three floors of Westhampton Gardens consider the current (Fig 2A) and proposed (Fig 2B) construction.



Fig 2A

Fig 2B

Currently a duplex on the proposed development site is approximately 19m away from the ground level apartment windows in Westhampton Gardens. The proposed construction and setback variance will reduce this distance to 6m. Since the sun travels at approximately 15 degrees per hour, this will mean a loss of 2 hours of direct sunlight during summer solstice and a complete loss of sunlight for the bottom floor apartments in the winter solstice (the sun never reaches 49 degrees in winter, stopping at around 33°). People up to and including the 3rd level will be directly affected. Direct sunlight (especially in winter) is a value-added feature to an apartment.

Depending on window placements, people on balcony windows will be within 4m of neighbour windows. Windows need to be open in summer to keep residents cool and this will detract from privacy and property value.

(B)

The proposed setback reduction directly impacts the maintenance of our subterranean parking and building concrete structure. See fig 3. In fact, had we not been currently busy with maintenance, we would likely have missed this point completely. We are already struggling with one property just south of this variance proposal, already in zone R2-38.

The areas most prone to periodic maintenance are located on the periphery of our lot, where vegetation roots attack the membrane to access pooled water and the roof overlaps the wall. From current direct experience, we know that we need at least 3m clearance beyond our perimeter to safely use a mini-excavator to expose the wall and roof area for repair.

Who will assume liability for any structural damage incurred to the proposed dwelling should the city approve this variance? We will need to maintain this membrane into the future.

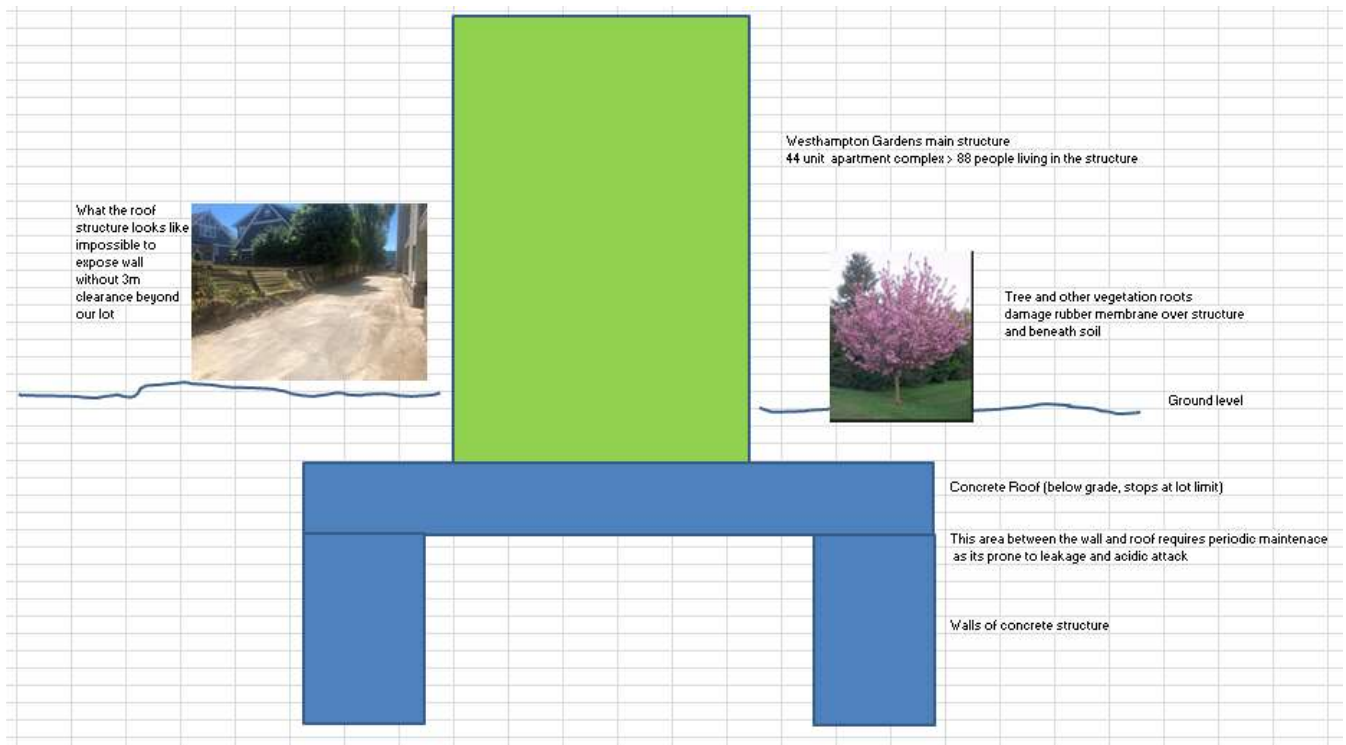


Fig 3 schematic of existing underground structure at Westhampton Gardens

(C) Zoning changes:

R2-38 Zones are only permitted for single family dwellings or duplexes and require a 3m setback from a rear lot line and at least three parking spaces. Zoning by-laws have been through a time tested and often tortuous development process. Changing them at the behest of a single homeowner should not be a trivial matter.

The current and proposed development is as shown in Fig 4A and B

According to Google earth dimensions, the proposed construction will occur in a lot approximately ~ 42 X 18 m or 756m² – From the zone R2-38 requirements (see fig 5)

- does the actual lot meet the minimum lot area of 752 m² ?
- Site coverage will exceed the maximum 30% if a similar structure to the first two is constructed
- the intent of the zone R2-38 is to limit the number of structures to two in these lots (single family plus duplex). This proposal violates the intent of the zone definition. The single family unit just south of the proposed development shows the intent of this zone definition.
- Are variances (above) from R2-38 also being asked?
- Accommodation is at a premium in the neighbourhood, the addition of a single family home within the Victoria jurisdiction does not make sense. The district needs more multi-family units

and greenspaces that can be reclaimed by building upwards instead of adding to urban sprawl and blotting out greenspace.

- There is a complete lack of architectural harmony with these new single family homes in our neighbourhood. They are out of place and detract aesthetically as well impacting us financially.

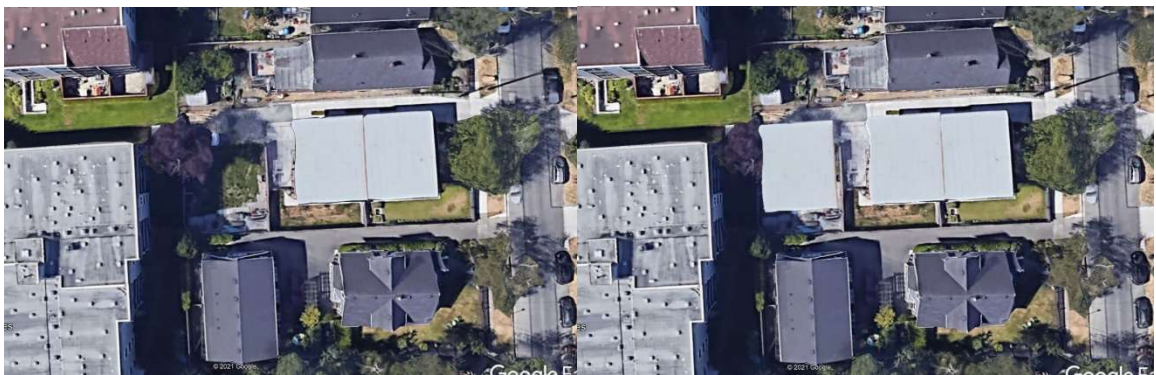


Fig 4 A before and

Fig 4B after the proposed development

PART 2.104 - R2-38 ZONE, FIFTH DUPLEX DISTRICT		
Uses	1	The following uses are the only uses permitted in this Zone: <ul style="list-style-type: none"> (a) <u>single family dwellings</u>; (b) <u>duplexes</u>.
Lot area	2	A <u>lot</u> must have an <u>area</u> of at least 752.5 m ² .
Building site area	3	Each <u>self-contained dwelling unit</u> on a <u>lot</u> must occupy at least 250 m ² of the <u>lot area</u> .
Number of buildings	4	A <u>lot</u> must not contain more than one <u>single family dwelling</u> and one <u>duplex</u> .
Height	5	The <u>height</u> of a <u>building</u> must not exceed 6.8 m nor 2 <u>storeys</u> .
Floor Area	6	<u>Total floor area</u> must not exceed 493.6 m ² .
Floor space ratio	7	<u>Floor space ratio</u> must not exceed 0.66 to 1.
Lot coverage	8	<u>Site coverage</u> must not exceed 30.5%.
Setback(s)	9	The <u>setbacks</u> must be at least: <ul style="list-style-type: none"> (a) 6.5 m from Fifth Street; (b) 3 m from a <u>rear lot line</u>; (c) 3 m from a north <u>lot line</u>; (d) 1.8 m from a south <u>lot line</u>.
Parking	10	A <u>lot</u> must contain at least 3 parking spaces.
Outdoor Features	11	<ul style="list-style-type: none"> (a) The setbacks set out in section 9 apply to outdoor features as though they are buildings (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower

Fig 5 Zone R2-38 requirements

[REDACTED]

From: Sheena Kelly [REDACTED]
Sent: Thursday, June 24, 2021 1:37 PM
To: Public Hearings
Subject: Input for "zoning regulation bylaw, amendment bylaw (no.1216) - no. 21-058

Hi

I wanted to share my input regarding today's public hearing for 2740 & 2742 Fifth Street. My name is Sheena Kelly, and I live at 104-2747 Quadra Street. I'm in the basement condo unit directly behind where they are trying to build.

I am not in support of having a new 2-storey dwelling constructed directly behind us, and I am not in support of the Development Variance Permit for the land of 2740/2742 Fifth Street. They want to reduce the rear yard setback from 3m to 1.2m, which will also impact me in a negative way. The following are reasons I am not in support of this:

- Having a 2-storey new build that close to the rear yard setback will obstruct our view (even more so if they build at a 1.2m distance from the rear setback). We will be directly facing the back of a house and have not any view of the sky.
- This will most definitely decrease our property value for resale.
- This will also drastically decrease the amount of natural light entering our basement unit (likely reducing it to none!), which will have a negative effect on our overall health and wellness. The dwelling next door at 2736/2738 is quite close to the fence already, and we do not see the sky or get any sunlight from that area at all.
- Privacy is also a concern. The windows from the dwelling almost touching the fence line will be looking directly into our unit.

Question - are the owners required to put up a privacy fence or hedges since they are building directly behind us?

Other considerations - I personally wouldn't mind a single-storey dwelling to be constructed at a 3m distance from the rear yard setback. This can possibly be an alternative since it would minimize impact on neighbors and also allow the owners to build something.

Sincerely,

Sheena Kelly