



Committee of the Whole Report

For the Meeting of May 19, 2022

To: Committee of the Whole **Date:** May 5, 2022

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue

RECOMMENDATION

That Council decline Development Variance Permit Application No. 00263 for the property located at 1535/1537 Despard Avenue.

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a Zoning Regulation Bylaw provided the permit does not vary the use or density of land from that specified in the Zoning Regulation Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1535/1537 Despard Avenue. The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. Variances are required to reduce the lot width for each lot and to reduce the interior side yard setbacks between the two dwellings.

The following points were considered in assessing this application:

- The Official Community Plan contains a strategic direction for the Rockland Neighbourhood to preserve large lot character and although to the passer-by, the site would remain virtually unchanged, the proposal is not consistent with the goal of retaining larger lots.
- The proposal is inconsistent with the *Rockland Neighbourhood Plan* which encourages development of semi-attached or attached dwellings as a preferred alternative to subdivision of larger lots.
- Removal of the pergola connection between the dwellings would change the use from semi-attached dwellings to single-family dwellings. Under the existing R1-A Zone, Rockland Single Family Dwelling District, each lot could be developed with a single-family dwelling with either a secondary suite or garden suite.

- The proposed lot width and interior side yard setback variances would not impact neighbouring properties or the public realm; however, the subdivision would preclude future redevelopment of the site as semi-attached dwellings in accordance with the current R1-A Zoning.

Although the application is inconsistent with Council's approved policy, it is noted that there would be little visible difference from the street should the application be approved. In the event Council would like to consider approving this application, an alternate motion has been provided.

BACKGROUND

Description of Proposal

The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. The variances are related to reducing the width of each lot and the interior side yard setbacks between the two existing buildings. Specific details include:

- The semi-attached dwelling was constructed in 2010 in accordance with the R1-A Zone, Rockland Single Family Dwelling District regulations, which at the time allowed for a pergola, arbour or breezeway connection between dwelling units in a semi-attached or attached dwelling development.
- The R1-A Zone was amended in 2011 to remove reference to pergola, arbour and breezeway, and a common roof connection is now required with development of semi-attached or attached dwellings.
- According to the applicant's letter the request to subdivide the property is because the property presents and functions as two separate and distinct single-family dwellings and subdivision of the property and dissolution of the strata would simplify the insurance process and reduce associated costs.

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

Affordable Housing

The applicant is not proposing any new housing with this proposal; however, subdivision would facilitate the ability of each property to add a secondary suite or garden suite.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Variance Permit Application.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Existing Site Development and Development Potential

The site is presently developed as a semi-attached dwelling. If subdivided, the dwellings would be considered single-family dwellings and the R1-A Zone would allow each lot to have a secondary suite or garden suite in addition to the existing dwellings.

Data Table

The following data table compares the proposal with the existing R1-A Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk indicates where the buildings are legal non-conforming.

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
Site area (m ²) – minimum	835.85	835.73	740.00
Number of units – maximum	1	1	Principal dwelling plus secondary suite or garden suite
Density (Floor Space Ratio) – maximum	0.33:1	0.33:1	N/A
Combined floor area (m ²) – maximum	405.22	396.97	N/A
Lot width (m) – minimum	15.24*	15.24*	24.00
Height (m) – maximum	10.42**	10.36**	7.6
Storeys – maximum	2.5	2.5	2.5
Site coverage (%) – maximum	24.28	24.09	40.00

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
Setbacks (m) – minimum			
Front	11.28	14.37	10.50
Rear	16.89	22.23	13.71 (25% of lot depth)
Side (east)	1.52*	3.11	3.00
Side (west)	3.05	1.83*	3.00
Parking – minimum	2	2	1 per lot

Relevant History

The existing semi-attached dwelling was constructed in 2010 under the R1-A Zone regulations which at the time permitted dwelling units within a semi-attached building to be attached by a pergola, arbour or breezeway. The R1-A Zone was amended in 2011 and now requires a common roof connection for semi-attached dwellings. The maximum height permitted in the Zone was also reduced from 11.0m to 7.6m.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 26, 2021 the application was referred for a 30-day comment period to the Rockland CALUC. A letter from the CALUC is attached to this report.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Rockland Neighbourhood Plan

The proposal to subdivide the property is inconsistent with the *Rockland Neighbourhood Plan* which encourages semi-attached and attached dwellings as a desirable alternative to subdivision. The Plan also encourages adherence to the R1-A subdivision regulations (i.e., minimum lot area and lot width). The intent of this policy is to ensure the area maintains its large lot character with setbacks that provide “breathing room” for existing houses, preserves views towards traditional houses and conserves other heritage features. While the proposal is inconsistent with this general policy of discouraging subdivision, development of the site has already occurred and the subdivision and requested variances for lot width and interior setbacks would not result in a noticeable change along Despard Avenue. However, subdivision would preclude future redevelopment of the lot as semi-attached dwellings that are consistent with the current R1-A Zoning regulations (e.g., share a common roof connection).

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

Regulatory Considerations

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

Given there are no proposed changes to the existing buildings other than the removal of a pergola connection, these variances would not have an impact on the adjacent properties or the public realm. However, once subdivided, a secondary suite or garden suite could be added to each lot in accordance with the R1-A Zoning regulations.

CONCLUSIONS

The proposal to subdivide the property located at 1535/1537 Despard Avenue to create two single family lots and associated lot width and setback variances is inconsistent with the *Rockland Neighbourhood Plan*, which encourages semi-attached or attached dwelling infill as an alternative to subdivision. Therefore, consistent with this policy, staff's recommendation is that the application be declined; however, an alternate motion that would advance the required variance to an opportunity for public comment is provided below should Council wish to consider approving the application.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue, in accordance with:

1. Plans date stamped June 24, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. 1535 Despard Avenue
 - i. reduce the lot width from 24m to 15.24m
 - ii. reduce the east side yard setback from 3.00m to 1.52m
 - b. 1537 Despard Avenue
 - i. Reduce the lot width from 24m to 15.24m
 - ii. Reduce the west side yard setback from 3.00m to 1.83m
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

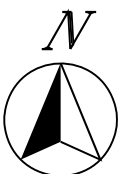
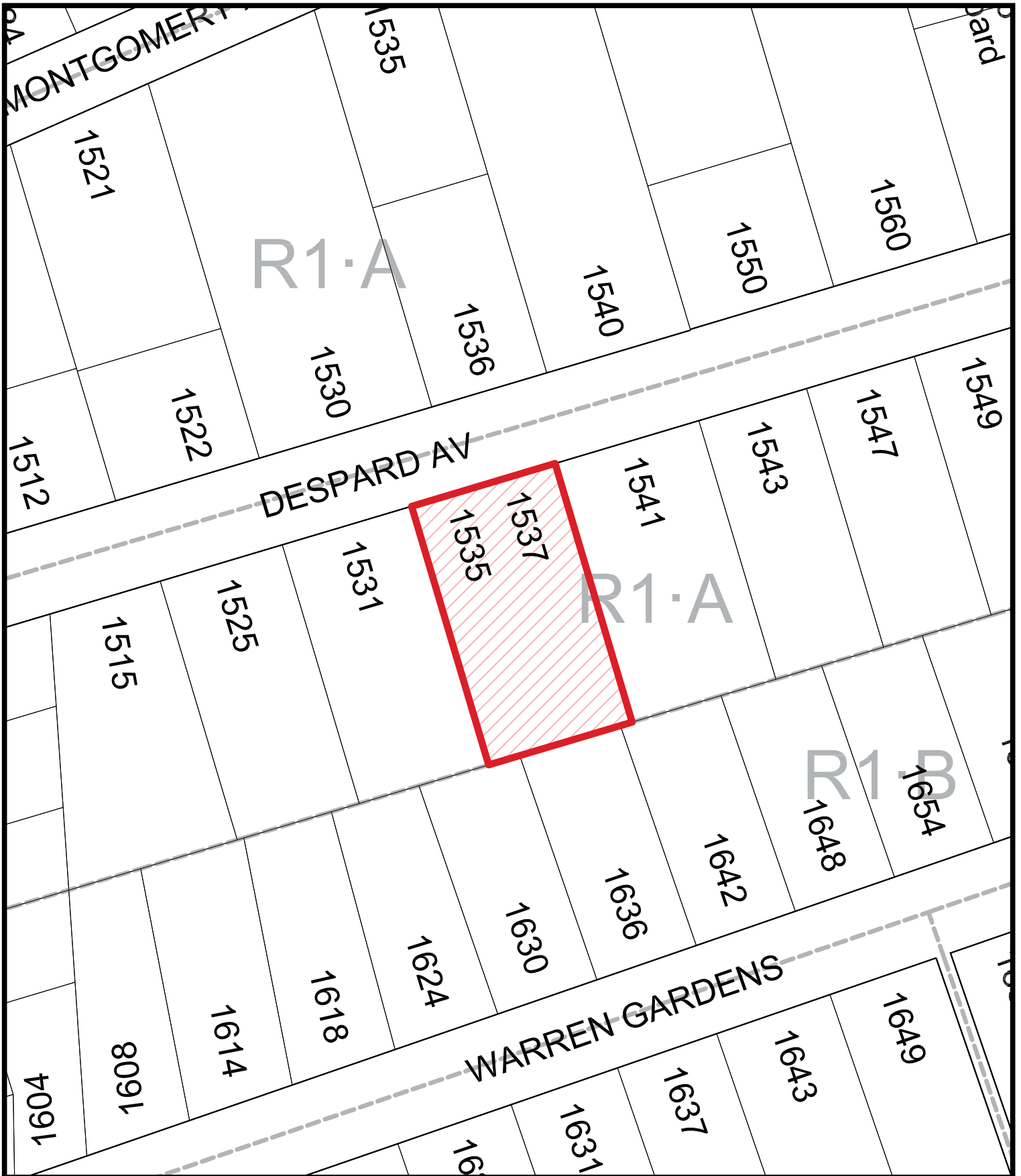
Alec Johnston
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

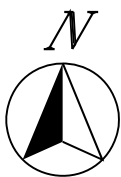
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 24, 2021
- Attachment D: Letter from Applicant to Mayor and Council submitted April 27, 2022
- Attachment E: Rockland Community Association Land Use Committee Comments submitted April 6, 2021
- Attachment F: Correspondence (Letters received from residents).



1535 & 1537 Despard Ave
Development Variance Permit No.00263





GENERAL NOTES

- ALL CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH MMCD AND THE CITY OF VICTORIA STANDARD SPECIFICATIONS AND DRAWINGS UNLESS OTHERWISE NOTED.
- WHEN A CONFLICT BETWEEN THE SPECIFICATIONS ARISES, THE MOST STRINGENT SHALL APPLY.
- OBTAIN A PERMIT TO CONSTRUCT WORKS ON A MUNICIPAL RIGHT OF WAY FROM THE CITY OF VICTORIA ENGINEERING DEPARTMENT 2 WORKING DAYS PRIOR TO THE START OF ANY CONSTRUCTION.
- OBTAIN A DEMO PERMIT PRIOR TO REMOVAL OF ANY NON-CONFORMING STRUCTURES.
- CONTACT BC HYDRO, TELUS, SHAW CABLE AND TERASEN GAS THROUGH BC 1 CALL AT 1 800 474 6886 A MINIMUM OF 72 HOURS IN ADVANCE OF ANY EXCAVATION ON THE SITE.
- EXPOSE ALL EXISTING SERVICES AT CONNECTION AND CROSSING POINTS 2 WORKING DAYS PRIOR STARTING CONSTRUCTION ON ANY SUCH SERVICES. ENSURE ENGINEER HAS CONFIRMED THE HORIZONTAL AND VERTICAL LOCATION.
- BED ALL PIPE USING CLASS 'B' BEDDING.
- WHERE A TRENCH IS UNDER OR WITHIN 1.0m OF THE EDGE OF A ROAD OR DRIVEWAY, USE PITRUN GRAVEL BACKFILL FROM THE TOP OF THE PIPE BEDDING TO THE TOP OF THE ROAD, PARKING OR DRIVEWAY SUBGRADE.
- DO NOT START ANY BACKFILL OPERATION UNTIL THE WORKS HAVE BEEN INSPECTED BY THE ENGINEER.
- AFTER CONSTRUCTION, RESTORE WORK AREAS AND ALL EXISTING FEATURES TO THEIR ORIGINAL CONDITION OR BETTER.
- MAINTAIN VEHICULAR AND PEDESTRIAN ACCESS ALONG DESPARD AVE DURING CONSTRUCTION.
- COMPACT TRENCH BACKFILL, ROAD BASE AND DRIVEWAY BASE TO 100% STANDARD PROCTOR DENSITY FOR THE TOP 300mm AND 95% MODIFIED STANDARD PROCTOR BELOW.
- ADJUST ALL PROPOSED AND EXISTING APPURTENANCES TO MEET THE FINAL DESIGN GRADES.
- ENSURE THAT ALL SERVICES TO THE EXISTING HOUSE REMAIN USABLE DURING CONSTRUCTION AND ARE CONNECTED TO ALL NEW SERVICES. ENSURE THESE SERVICES ARE INSPECTED BY THE CITY OF VICTORIA WORKS INSPECTOR.
- CONSTRUCT SEWER, DRAIN, WATER AND ROADS WITHIN PRIVATE PROPERTY IN ACCORDANCE WITH THE BC PLUMBING CODE AND NATIONAL BUILDING CODE. CONSTRUCTION SHALL BE INSPECTED AND APPROVED BY THE CITY OF VICTORIA INSPECTORS.

SEWER AND DRAIN

- SEWER AND DRAIN SERVICE CONNECTIONS TO BE 100# PVC DR28 AT A MINIMUM GRADE OF 2.0% COMPLETE WITH INSPECTION CHAMBERS. CATCH BASIN LEADS TO BE 150# PVC DR28 UNLESS OTHERWISE NOTED. IF CORNER IS LESS THAN 750mm, USE DUCTILE IRON PIPE.
- SEWER AND DRAIN PIPE UP TO AND INCLUDING 150mm DIAMETER TO BE PVC DR28 AND DR35 FOR 200mm DIAMETER AND OVER. PIPE TO BE C.S.A. APPROVED PVC.
- ① THE CITY OF VICTORIA SHALL INSTALL A NEW SEWER SERVICE C/W CLEANOUT AT THE PROPERTY LINE FOR LOT 4 AT DEVELOPER'S EXPENSE.
- ③ THE CITY OF VICTORIA SHALL INSTALL A NEW CLEANOUT AT THE PROPERTY LINE FOR LOT 4 AT DEVELOPER'S EXPENSE.

WATER

- ② THE CITY OF VICTORIA SHALL INSTALL TWO 25mm WATER CONNECTION TO THE PROPERTY LINE AT THE DEVELOPER'S EXPENSE. EXISTING WATER SERVICE TO BE REMOVED AT DEVELOPER'S EXPENSE.

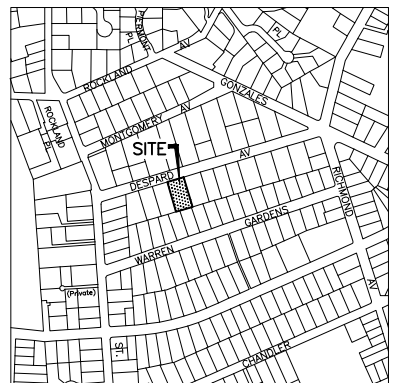
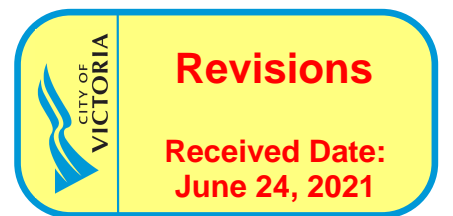
HYDRO, TELEPHONE, SHAW, AND GAS

- HYDRO, TELEPHONE, AND SHAW TO BE SERVICED OVERHEAD
- GAS SERVICE IS TO BE ABANDONED BY TERASEN AT THE GAS MAIN ON DESPARD.

LEGEND

- CONCRETE DRIVEWAY
- APPROXIMATE EXTEND OF ASPHALT
- AS RECORDED ELEVATION

WORKS AND SERVICES CHECK TABLE			
PLAN CHECKER	AUTHORIZED REPRESENTATIVE		DATE
	COMPANY NAME	SIGNATURE	
UTILITY	HYDRO ELECTRIC CO.	BC Hydro	Jan 20/10
	TELEPHONE CO.	TELUS	Jan 26/10
	GAS CO.	TERASEN GAS	Jan 21/10
	CABLE CO.	Shaw Cable	Jan 20/10
	FIBRE OPTIC CO.		
MUNICIPAL	UNDERGROUND SERVICES		
	TRAFFIC		
	HIGHWAYS		



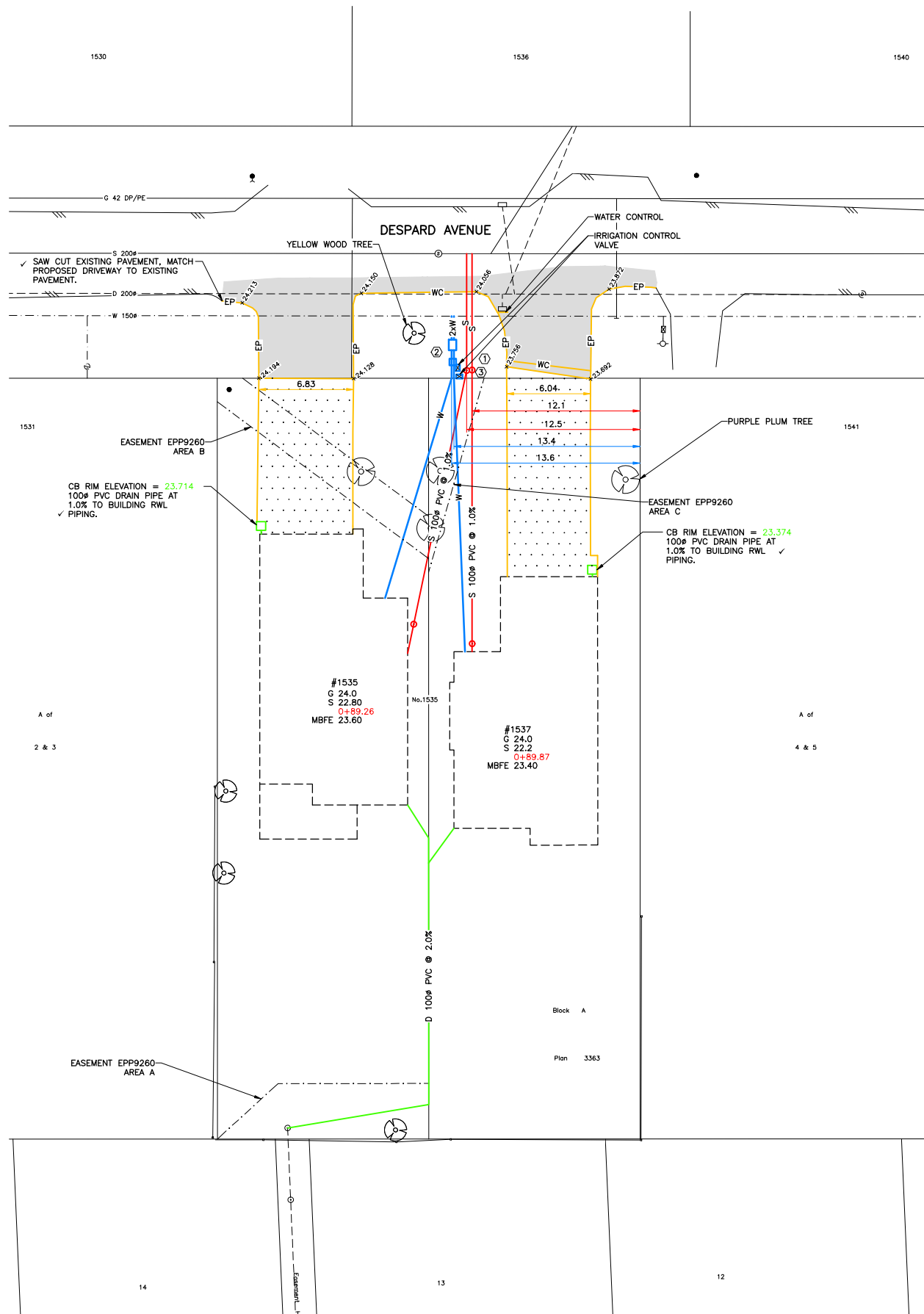
LOCATION PLAN

NTS
PROPOSED DEVELOPMENT OF LOT 4, BLOCK A, SECTION 68,
PLAN 3363, VICTORIA DISTRICT.



RECORD DRAWING

0 4 12m
1:200



LEGEND									
WATER	W	GAS	G	EXISTING U/G UTL.	MANHOLE	HYDRANT	MONUMENT	LOT PIN	
SEWER	S	CURB	C	PROPOSED U/G UTL.	CLEANOUT	VALVE			
DRAIN	D	SIDEWALK	S/W	LIGHT STANDARD	CATCHBASIN	METER	LEAD PLUG		
DITCH		EDGE PAVE.		POWER POLE	ROAD SIGN	REDUCER			
CULVERT		BUSHLINE		ANCHOR					
HEADWALL		TREE							

REVISIONS			
No.	DESCRIPTION	DATE	SIGN
1	RECORD DRAWING	21/05/19	Y

DESIGNED	MW
DRAWN	JS
CHECKED	PC
DATE	09/12/21
B.M.	303
ELEV.	25.304
SCALE	Horz. 1:200
	Vert. 1:50



WESTBROOK
Consulting Ltd.

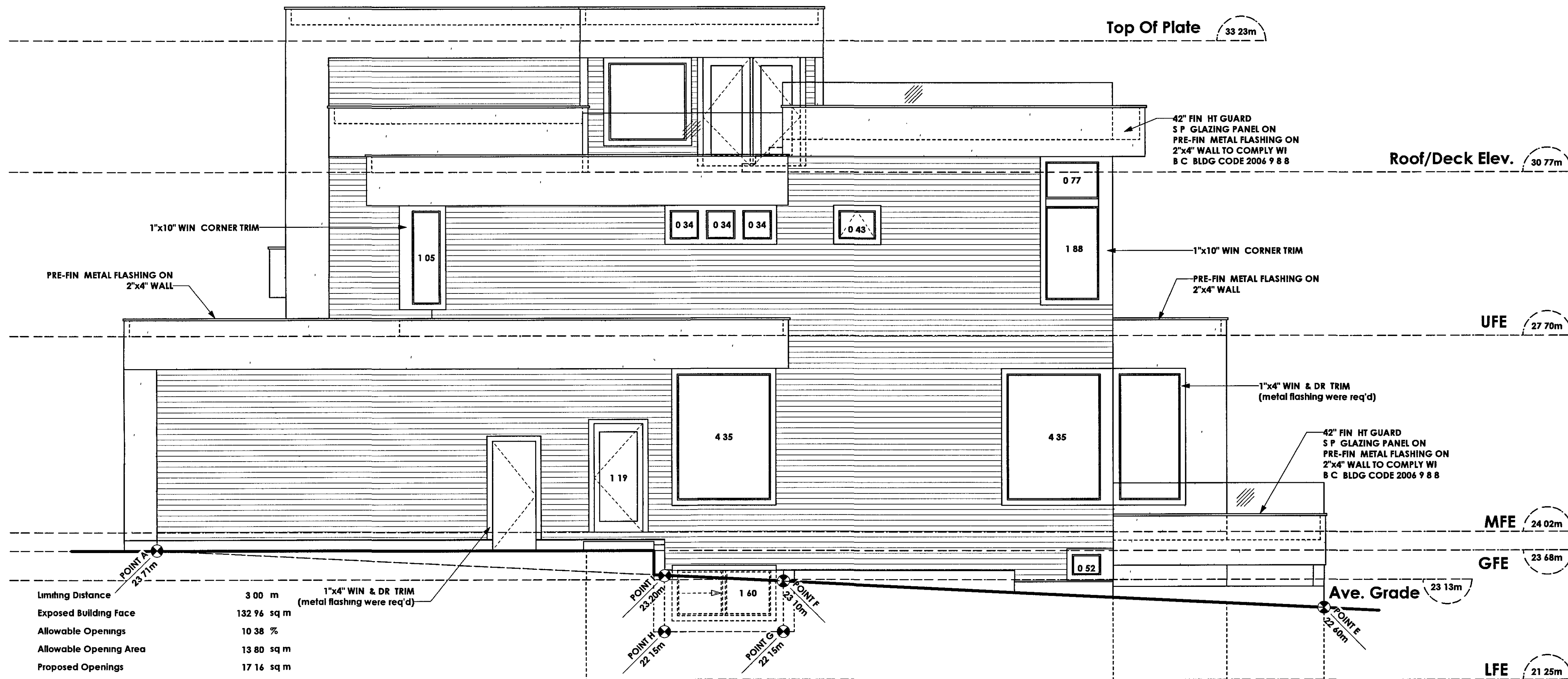
#202 - 774 Goldstream Ave., Victoria, BC V9B 2X3
Telephone: 250-391-8592 Facsimile: 250-391-8593

PROJECT
1535 & 1537 DESPARD AVE
NORM EDEN AND KEVIN ALGAR
OFFSITE SERVICING PLAN

WESTBROOK PROJECT No.		3663
GOVERNING AUTHORITY FILE No.		
SHEET	OF	REV.
1	1	1
WESTBROOK DRAWING No.		3663-01



1 Front Elevation
A2 Scale: 1/4" = 1'-0" AVE GRADE: ((23.43 + 23.43) ÷ 2) X 10.67 = (47.46) X 10.67 = 253.199



2 Right Side Elevation
A2 Scale: 1/4" = 1'-0"

AVE GRADE: ((22.60 + 23.10) ÷ 2) X 9.96 = (45.70 ÷ 2) X 9.96 = 22.85 X 10.16 = 232.156
 ((22.15 + 22.15) ÷ 2) X 4.64 = (44.30 ÷ 2) X 2.24 = 22.15 X 2.24 = 49.616
 ((23.20 + 23.71) ÷ 2) X 9.55 = (46.91 ÷ 2) X 9.55 = 23.46 X 9.55 = 224.04

PROFESSIONAL SEALS

Consultants

List of Drawings

S1	Siteplan
A1	Master Elevations, Trellis Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D, Details

ISSUED/REVISED

NO.	DATE	DESCRIPTION
01	10/30/09	95% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments, Rt Vents, Notes, Alarms
05	01/15/10	City Comments Siteplan
06	01/18/10	Page Numbering

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site or failure to report discrepancies. Refer to General notes included on plan.

Note: B.C.L.S. to verify placement and stiling of all structures on lot. General Contractor to work in conjunction with B.C.L.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any encroachments of any kind with regard to stiling or placement of structures on lot. Structural Engineer to review plan (where required), and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng roof trusses are shown, and to contact building designer to advise if revisions are necessary.

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VICTORIA DESIGN GROUP

105 - 501 JEFFERSON AVENUE VICTORIA, B.C. V8S 0A5

PH 250-382-7374 FAX 250-382-7364 WWW.VICTORIADESIGNGROUP.CA

DRWG NO. **6738**

SHT. NO. **A2 OF A11**

DATE **Nov 25, 2009**

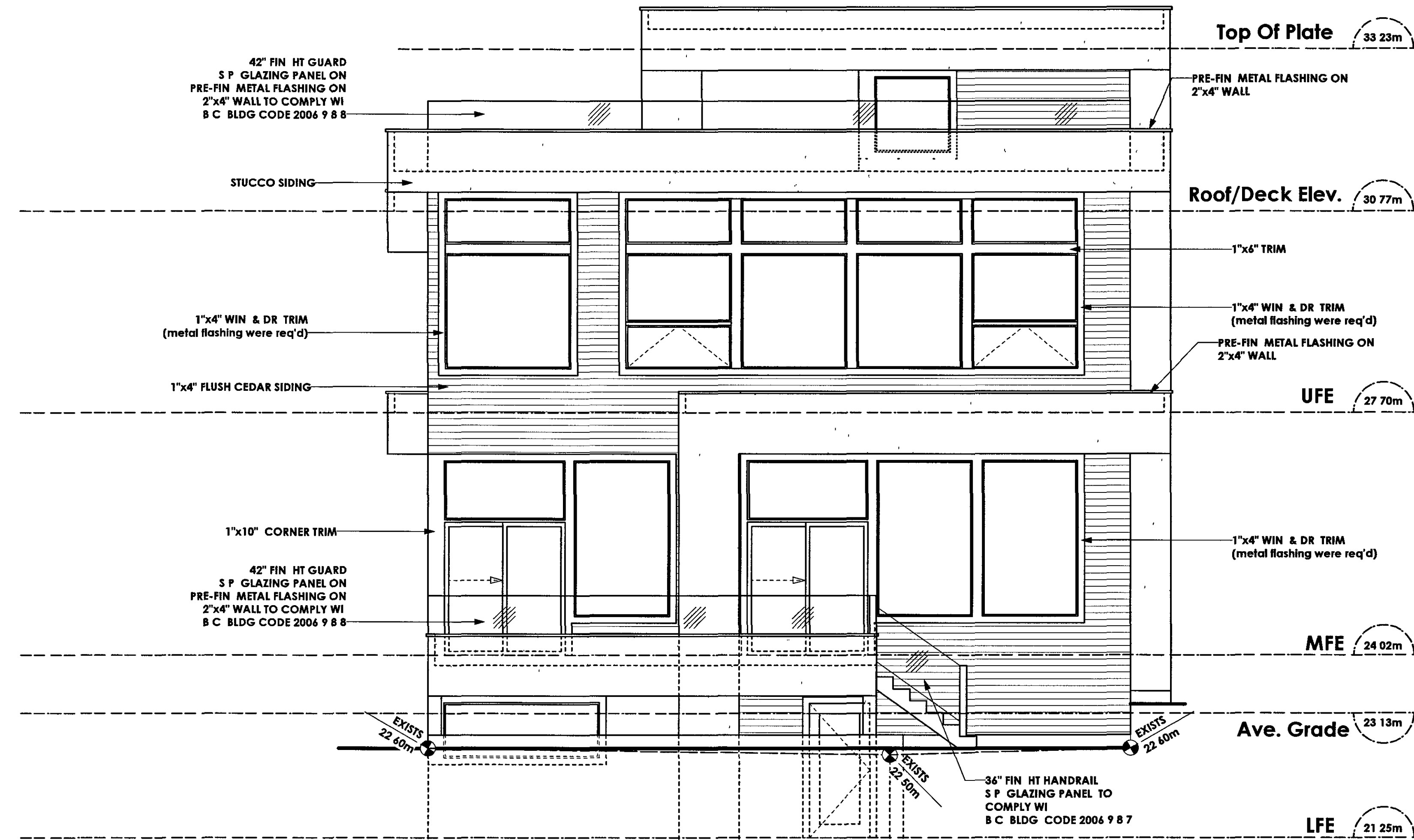
SCALE **As Shown**

DRAWN **M.D.K**

REVIEWED BY

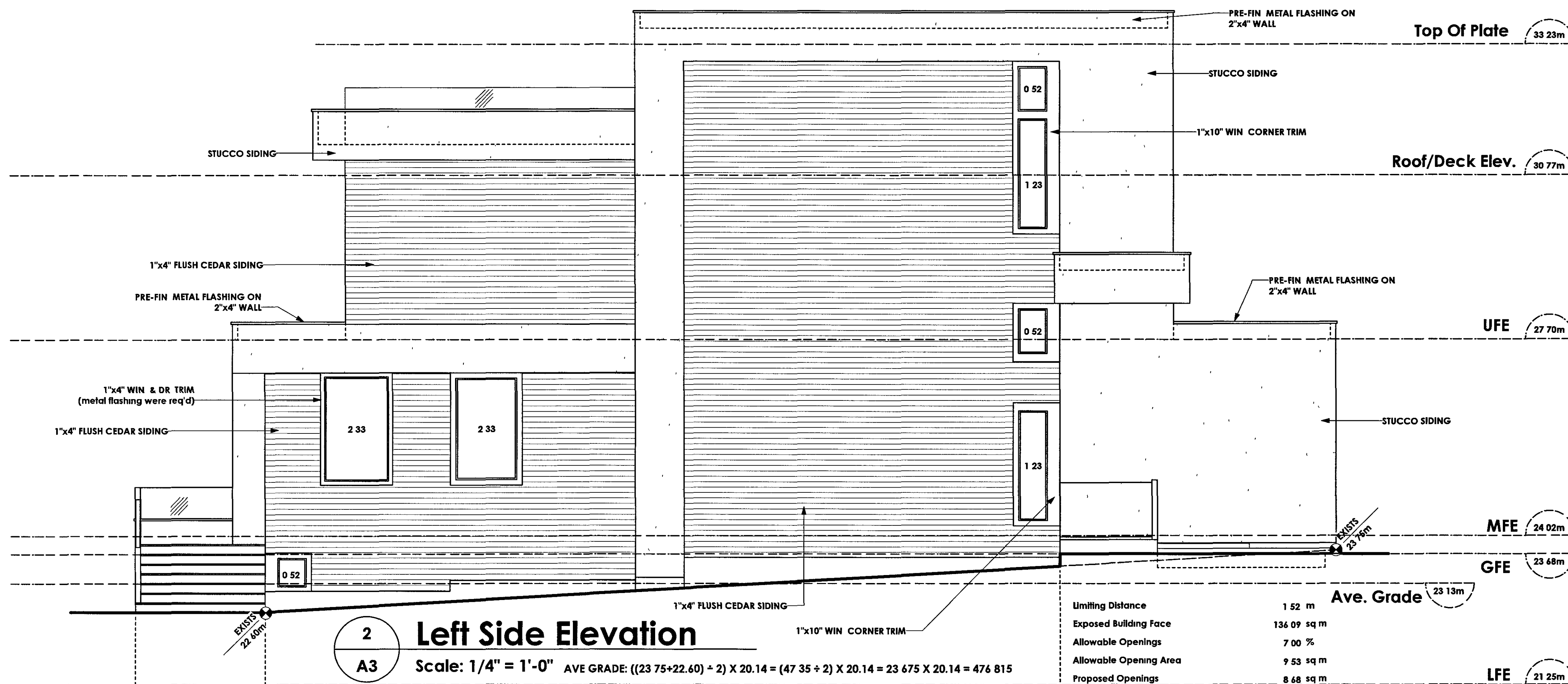
Proposed Residence
Leonard Cole
1535 Despard
Victoria B.C.

Date: 1/18/10
 Time: 9:41.39 AM



1
A3
Rear Elevation
Scale: 1/4" = 1'-0"

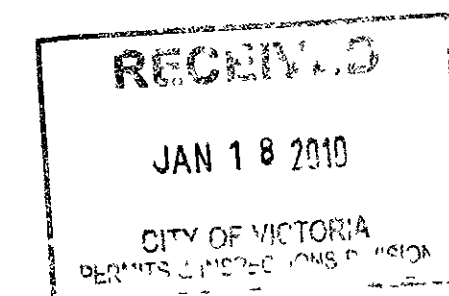
AVE. GRADE: $((22.60 + 22.50) \div 2) \times 10.67 = (45.10 \div 2) \times 10.67 = 22.55 \times 10.67 = 240.609$



2
A3
Left Side Elevation
Scale: 1/4" = 1'-0"

AVE. GRADE: $((23.75 + 22.60) \div 2) \times 20.14 = (47.35 \div 2) \times 20.14 = 23.675 \times 20.14 = 476.815$

Limiting Distance	1.52 m
Exposed Building Face	136.09 sq m
Allowable Openings	7.00 %
Allowable Opening Area	9.53 sq m
Proposed Openings	8.68 sq m



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A9	Roof Plan
A10	Section A-A, Section B-B, Section C
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01	10/30/09	95% Complete
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05	01/15/10	City Comments: Siteplan
06	01/18/10	Page Numbering

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Structural Engineer to review plan (where required), and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design where eng. roof trusses are shown and to contact building designer to advise if revisions are necessary.

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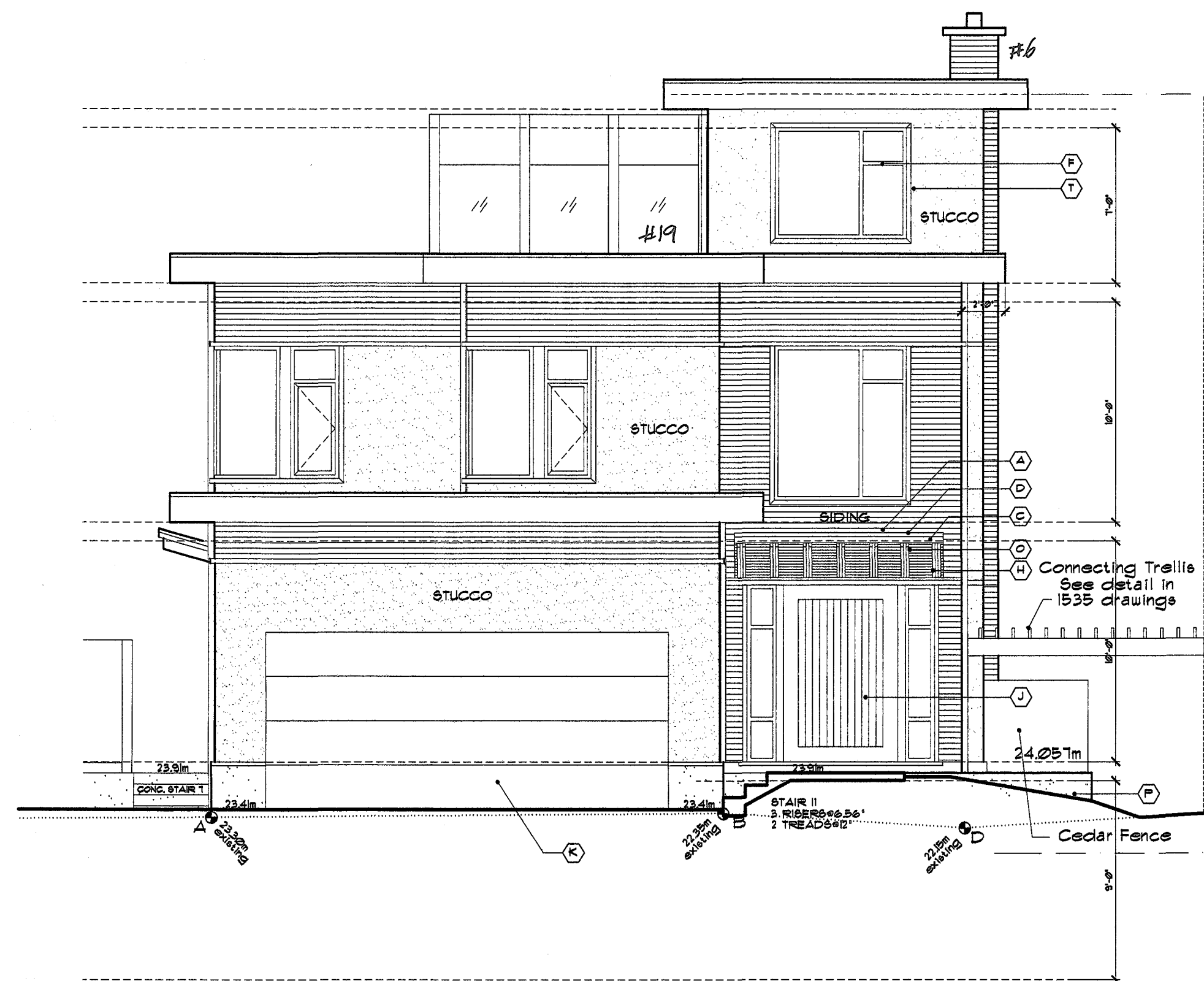
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VICTORIA DESIGN GROUP 103 - 891 17700 AVENUE VICTORIA, B.C. V8N 0A6 PH: 250 382 7374 FAX: 250 382 7364 WWW.VICTORIADESIGNGROUP.CA	DRWG NO.	6738
	SHT. NO.	A3 OF A11
	DATE	Nov 25, 2009
	SCALE	As Shown
	DRAWN	M.D.K.
	REVIEWED BY	

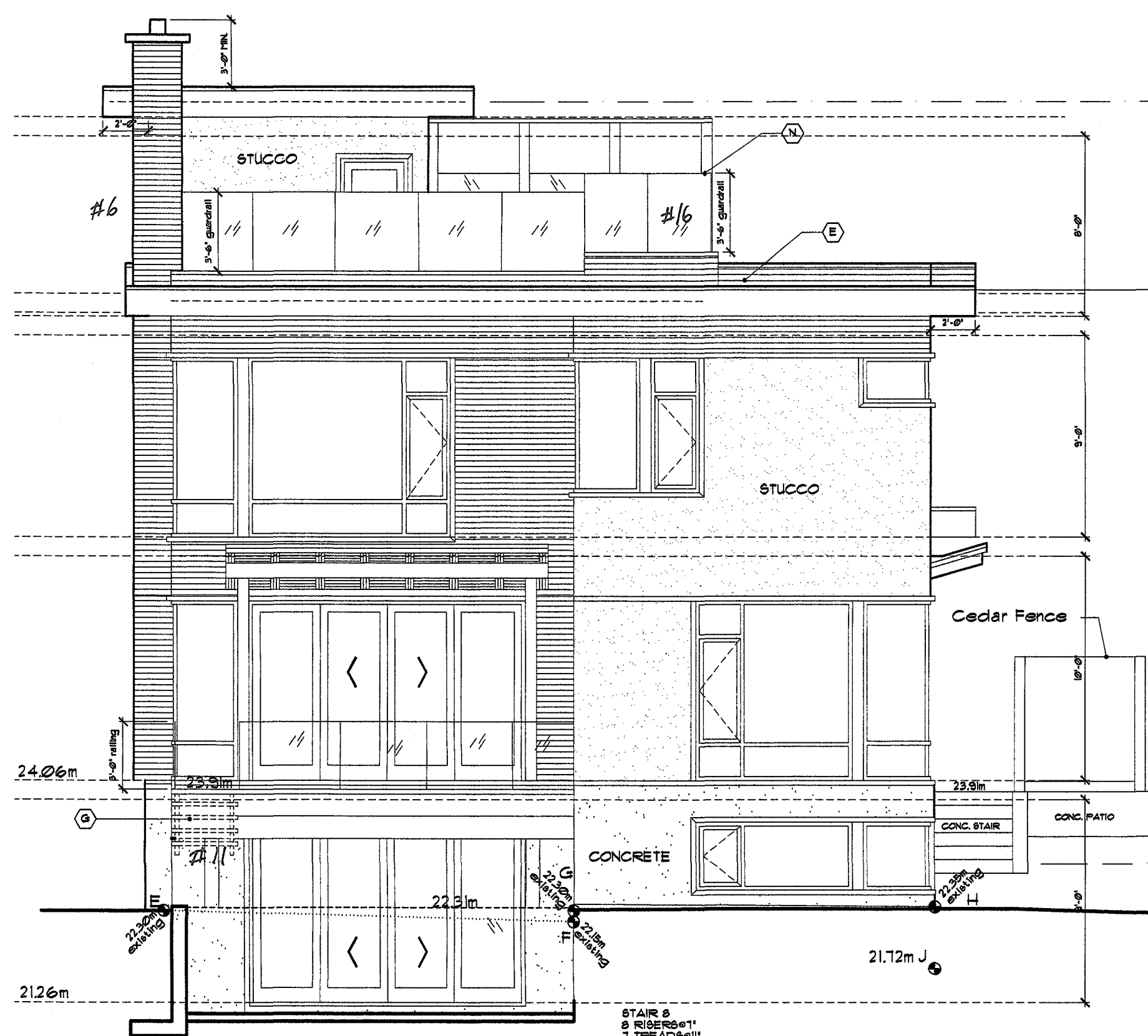
PROJECT

Proposed Residence
Leonard Cole
1535 Despard
Victoria B.C.

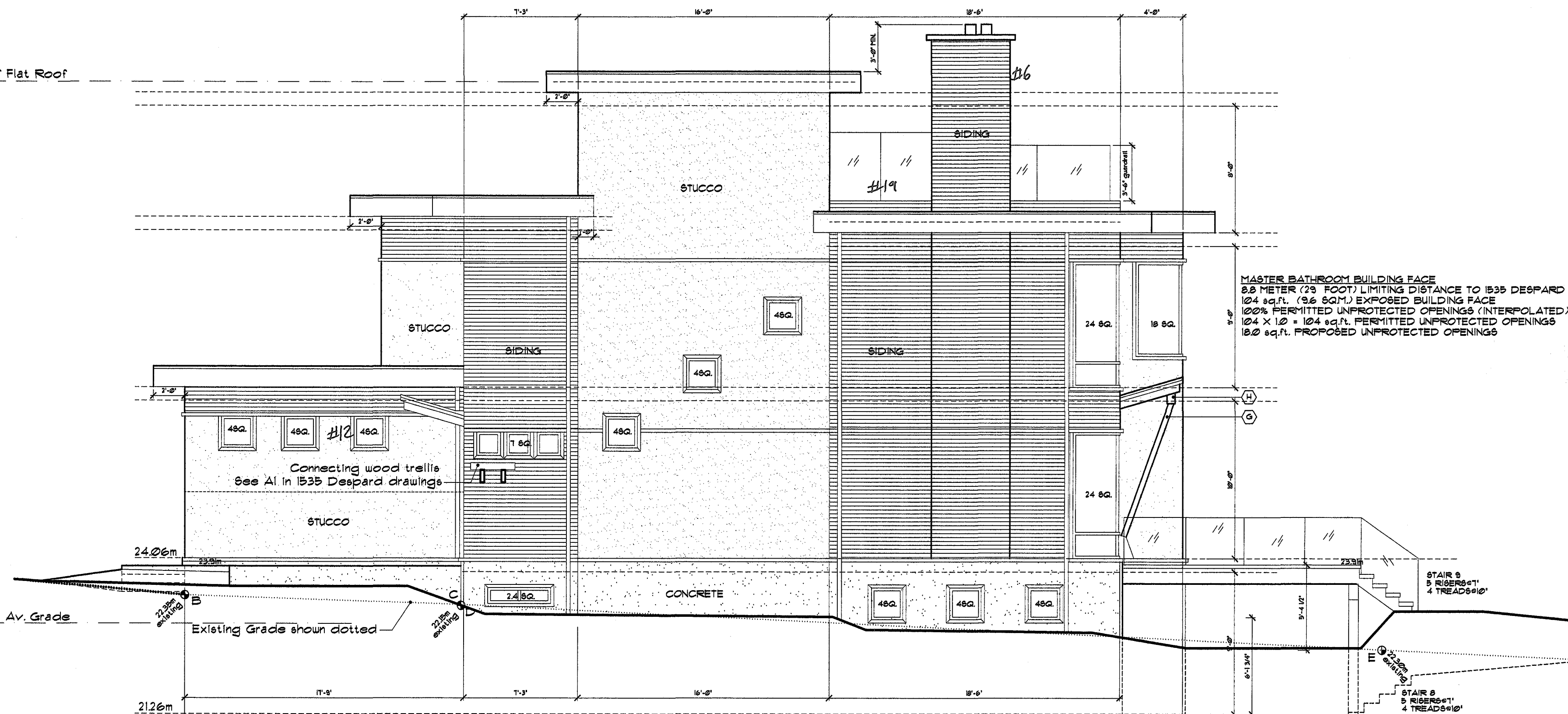
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Time: 9:41 39 AM



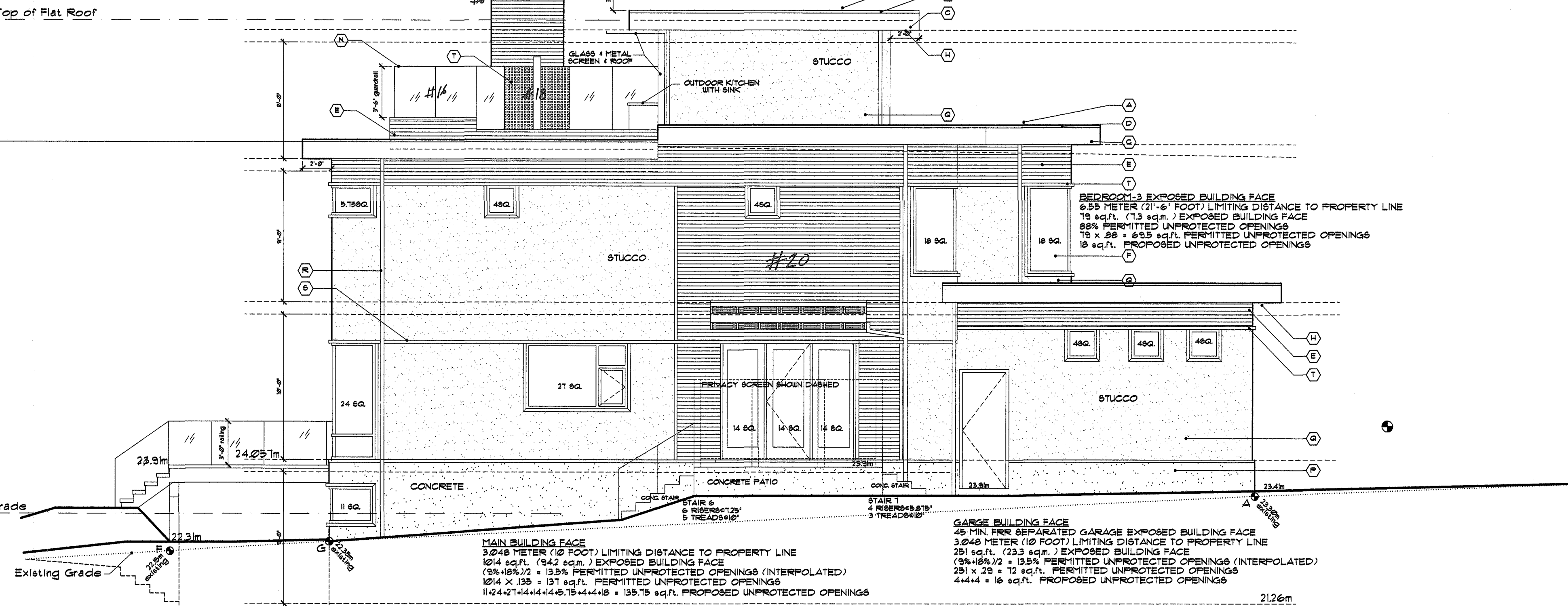
1 FRONT ELEVATION
Scale 3/16" = 1'-0"



3 REAR ELEVATION
Scale 3/16" = 1'-0"

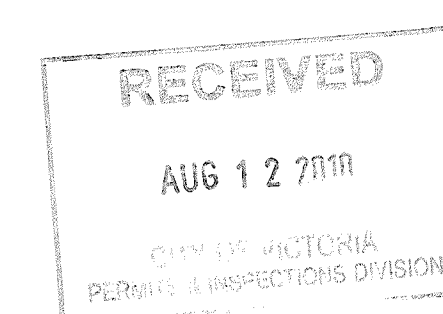


2 RIGHT SIDE ELEVATION
Scale 3/16" = 1'-0"



4 LEFT SIDE ELEVATION
Scale 3/16" = 1'-0"

EXTERIOR FINISHES		
(A) TORCH-ON ROOFING	(H) 6X8 PARALAM BEAMS + RAPTERS - STAINED	(O) TAG CEDAR DECKING - STAINED
(B) -	(J) CUSTOM FIR DOOR CAS GLAZED PANELS	(P) ARCHITECTURAL CONCRETE FINISH
(C) 2" X 8" WOOD BARGE BOARD PAINTED	(K) PANELED O/H GARAGE DOOR 1/2X1/2	(Q) STUCCO
(D) FIRE FIN METAL FLASHING	(L) 2-1/2" WOOD TRIM PAINTED	(R) GALVANIZED METAL RAINWATER LEADERS
(E) HORIZONTAL CEDAR SIDING - STAINED	(M) 2 PANEL FIBREGLASS DOOR	(S) GALVANIZED METAL FLASHING
(F) DOUBLE GLAZED ALUMINUM WINDOWS SEE SCHEDULE	(N) POWDER COATED METAL RAILING - BLACK ENGINEERED	(T) PREFINISHED PERFORATED METAL
(G) 6X8 PARALAM POSTS - STAINED		



Re-issued for permit Aug. 12

1537 DESPARD

CITTA
CONSTRUCTION LTD.

PROPOSED RESIDENCE
1537 DESPARD
VICTORIA BC

SHEET TITLE ELEVATIONS	PROJECT NO. 1537	DESIGN JAL/JH	DATE 12 AUG 2010
SHEET NO. AA.1	DATE 12 AUG 2010	DESIGN JAL/JH	DATE 12 AUG 2010



VICTORIA LAND TITLE OFFICE

Oct-12-2010 15:56:10.002

EPS299

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

0599

PAGE 1 OF 6 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Alan Powell
AR6XRI

Digitally signed
by Alan Powell
AR6XRI

1. BC LAND SURVEYOR: (Name, address, phone number)

Alan Marshall Powell

250-2950 Douglas Street

apbcls@telus.net
(250) 382-8855

Victoria

BC V8T 4N4

2. PLAN IDENTIFICATION:

Control Number: **128-622-4203**Plan Number: **EPS299**This original plan number assignment was done under Commission #: **599**LTO Document Reference: **CA1764457**

3. CERTIFICATION:

☒ Form 9☐ Explanatory Plan

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on: 2010 September 14 (YYYY/Month/DD)

The plan was completed and checked on: 2010 October 04 (YYYY/Month/DD)

The checklist was filed under ECR#: 115484

I am a British Columbia land surveyor and certify that the buildings included in this strata plan have not been previously occupied as of 2010 October 04 (YYYY/Month/DD)

☐ None☒ Strata Form U1☐ Strata Form U1/U2

I am a British Columbia land surveyor and certify that the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan

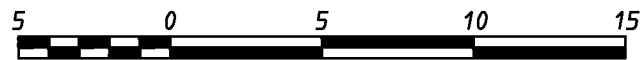
Certification Date: 2010 October 04 (YYYY/Month/DD)

Arterial Highway ☐

4. ALTERATION: ☐

Strata Plan of Lot A, Section 68,
Victoria District, Plan EPP5690
BCGS 92B044

Sheet 1 of 5 Sheets
Strata Plan EPS299



The intended plot size of this plan is 280mm
in width by 432mm in height (B size)
when plotted at a scale of 1:250.

All distances are shown in metres.

Integrated Survey Area No. 17, City of Victoria
NAD83 (CSRS).

Grid bearings are derived from observations between
geodetic control monuments 10-65 and 10-110

This Plan shows horizontal ground-level distances
except where otherwise noted. To compute grid
distances, multiply ground-level distances
by combined factor 0.9996068.

Civic Address:

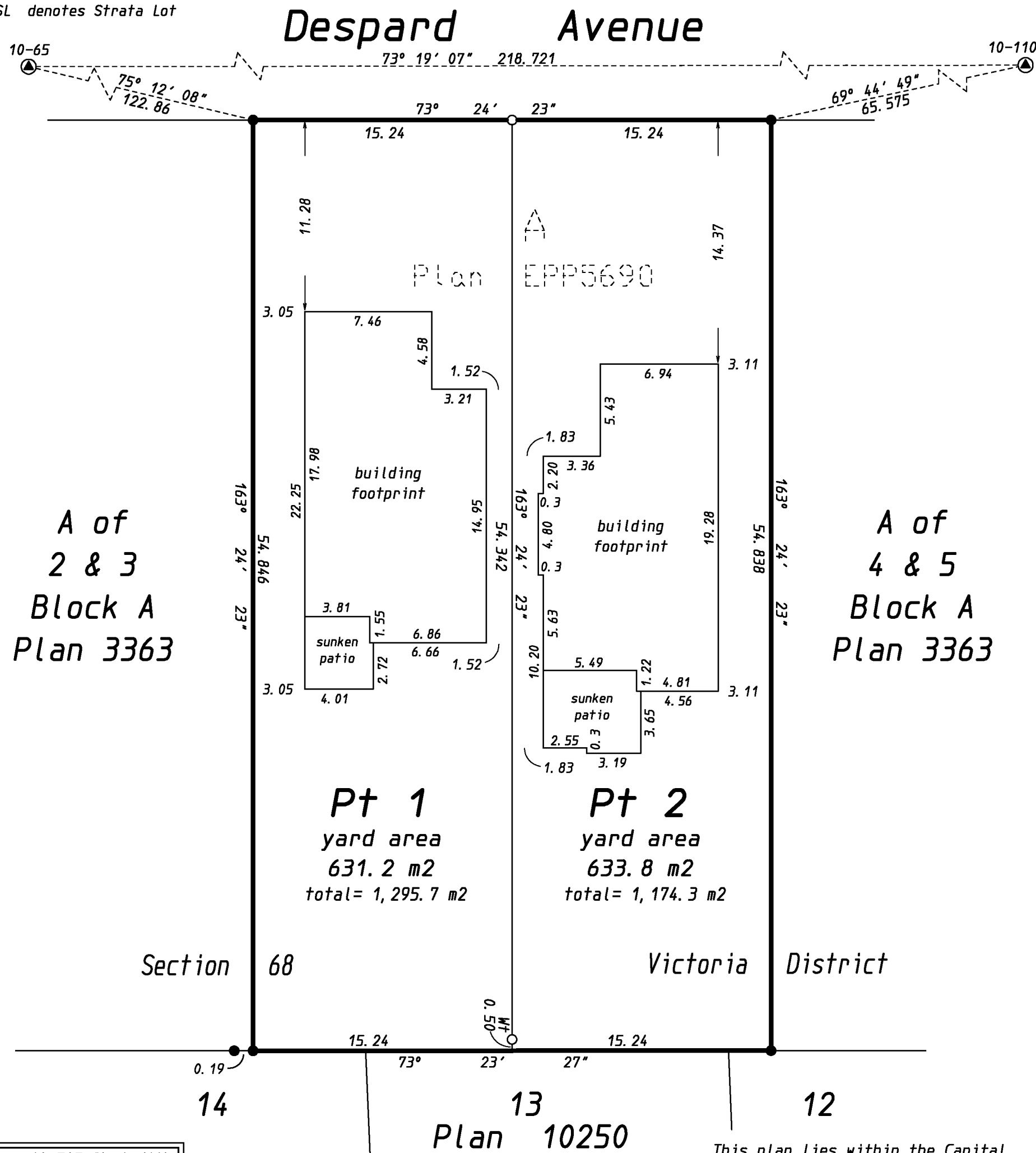
SL 1 - 1535 Despard Avenue
SL 2 - 1537 Despard Avenue
Victoria, B.C. V8S 1T2

Legend

Found Set Denotes

- Control Monument.
- Standard Iron Post.
- Pt denotes part of Strata Lot
- SL denotes Strata Lot

This plan shows one or more witness posts
which are set along the production of the
property boundary unless otherwise noted.



File: 10,705 Sh-1 (10)
POWELL & ASSOCIATES
BC Land SurveyorS
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

The buildings included within this strata
plan have not been previously occupied.
The buildings shown hereon are within the
the external boundaries of the land that
is the subject of this Strata Plan.

This plan lies within the Capital
Regional District within the
City of Victoria

The field survey represented by this plan
was completed by Alan M. Powell BCLS on
the 14th day of September, 2010

Basement



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

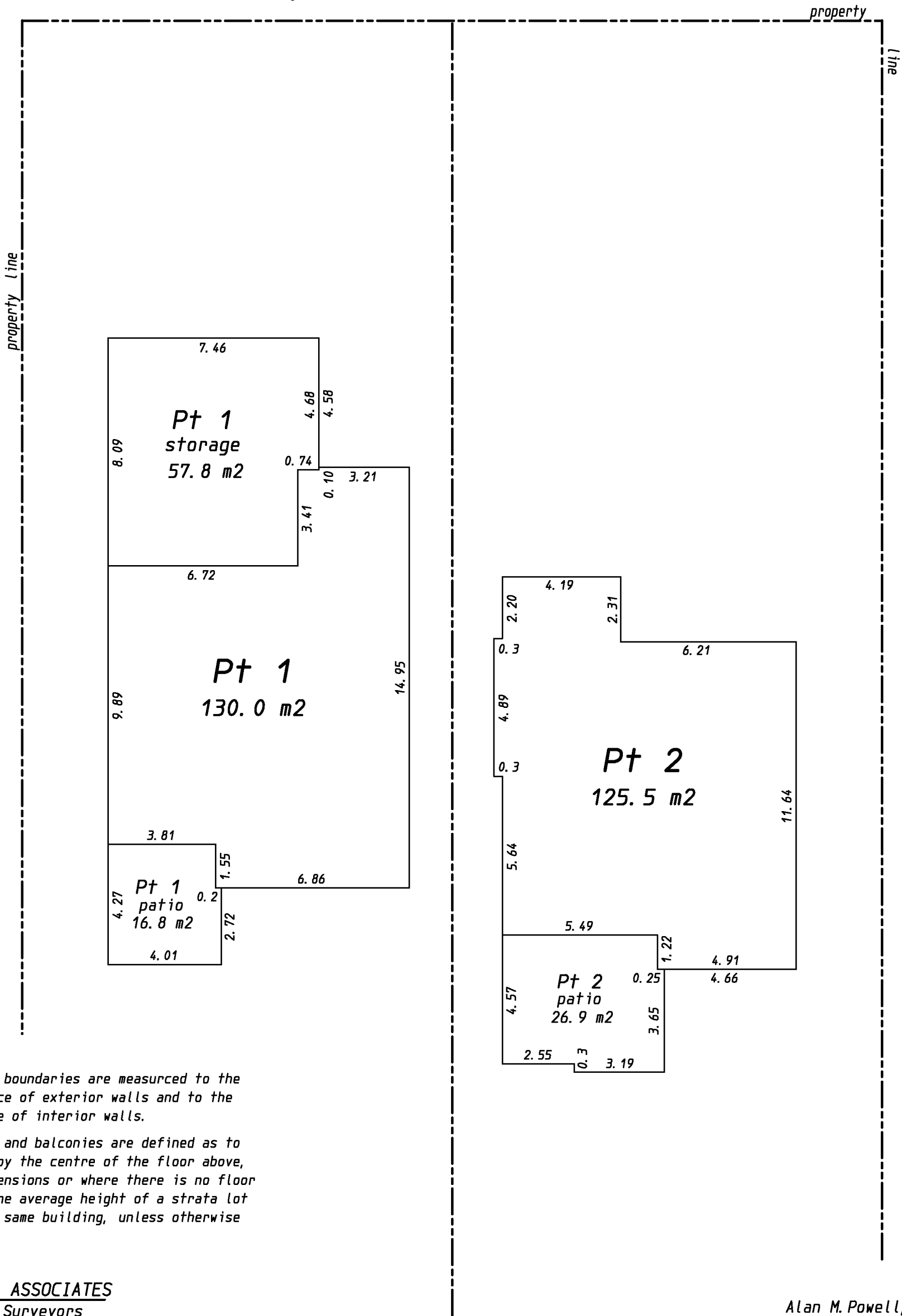
Legend

Pt - denotes Part of Strata Lot___



Sheet 2 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.
All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Main Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:150.

All distances are shown in metres.

Legend

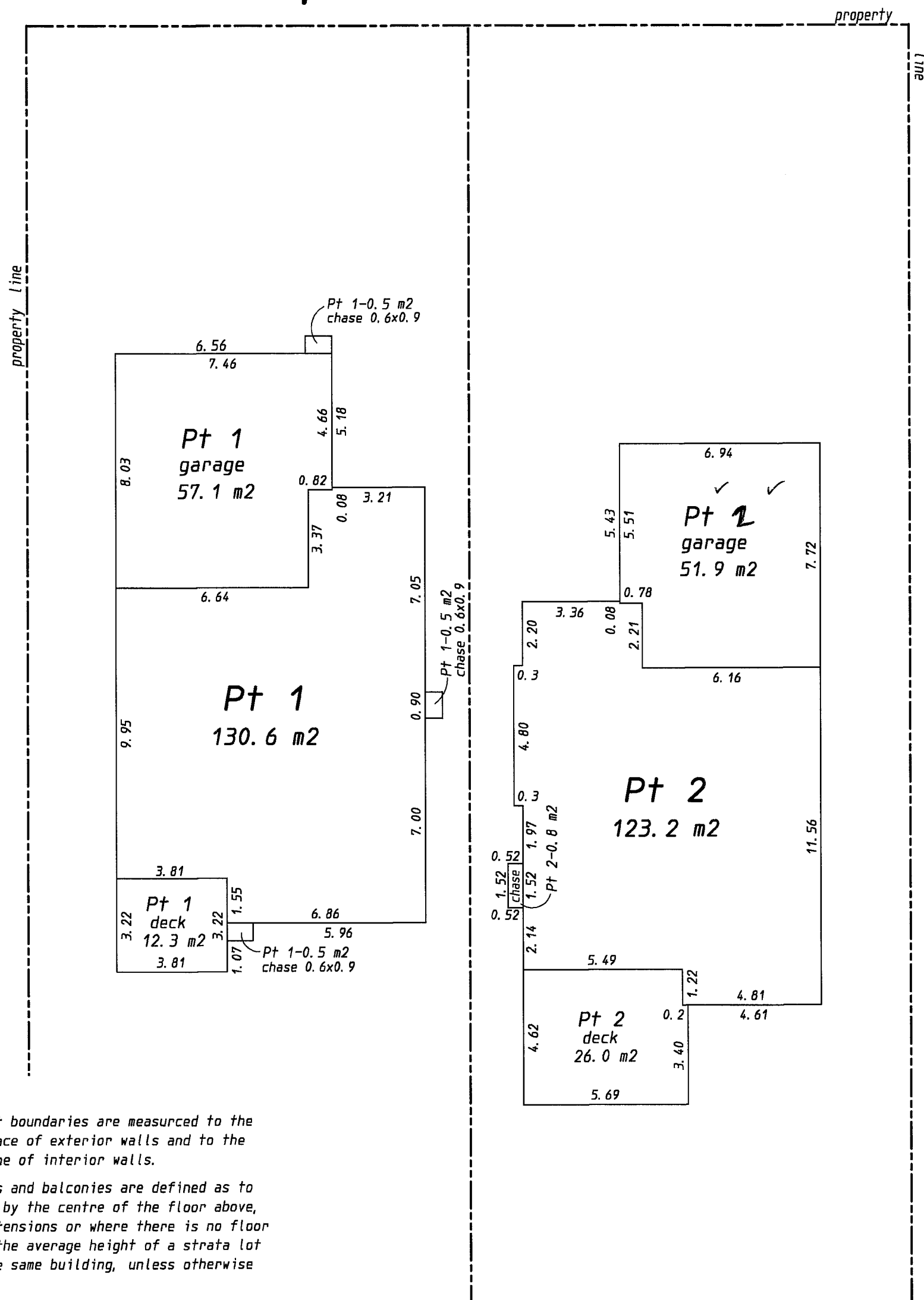
Pt - denotes Part of Strata Lot__



Sheet 3 of 5 Sheets
Strata Plan EPS299

Corrected this 22ND
day of October, 2013
See CA3415494.

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10,705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Upper Floor



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

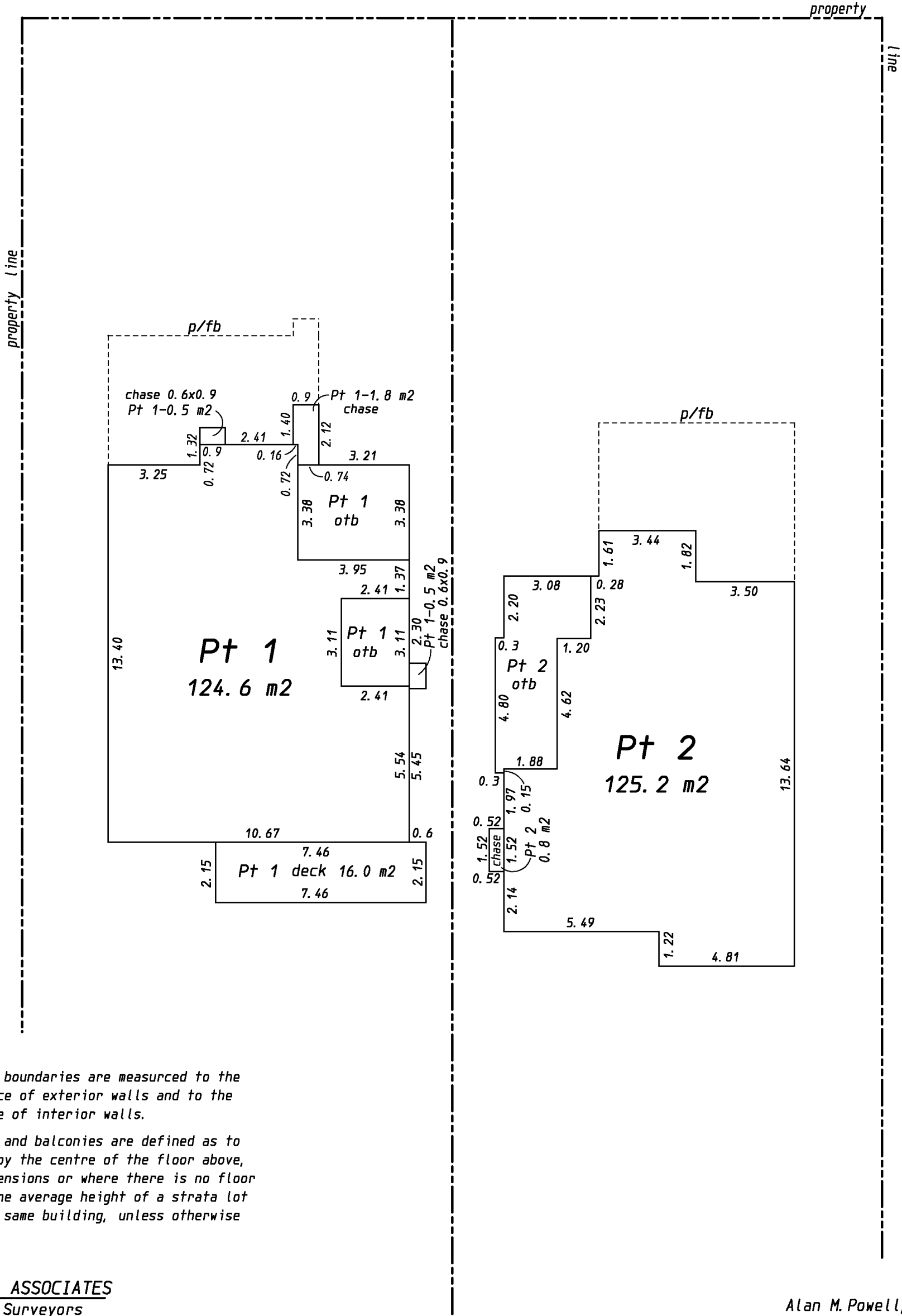
Legend

- Pt - denotes Part of Strata Lot___
- p/fb - denotes perimeter of floor below
- otb - denotes open to below



Sheet 4 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

Roof – Deck



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1: 150.
All distances are shown in metres.

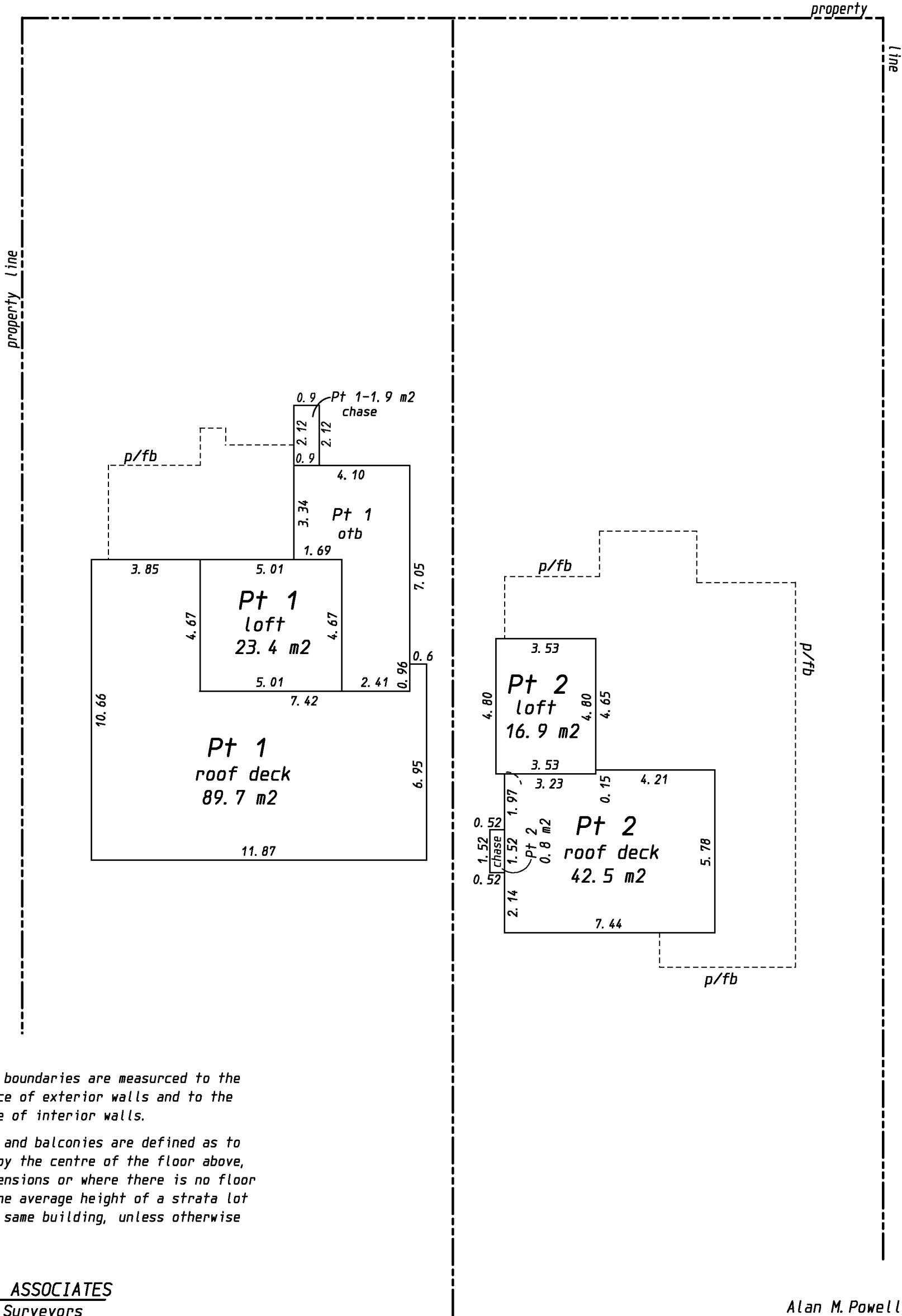
Legend

- Pt - denotes Part of Strata Lot___
- p/fb - denotes perimeter of floor below



Sheet 5 of 5 Sheets
Strata Plan EPS299

Despard Avenue



Strata lot boundaries are measured to the outside face of exterior walls and to the centre line of interior walls.

All patios and balconies are defined as to to height by the centre of the floor above, or its extensions or where there is no floor above by the average height of a strata lot within the same building, unless otherwise indicated.

POWELL & ASSOCIATES
B C Land Surveyors
File: 10, 705 Sh-2 (10)

Alan M. Powell, BCLS
September 21st, 2010

To: Victoria City Council (zoning@victoria.ca)

Re: Development Variance Permit and Request for Subdivision Approval

Introduction and Background

We would like to begin by thanking each Council member for their service to Victoria and Vancouver Island and for taking the time to review and consider this submission.

This Explanatory Letter is in support of an application for Development Variance Permits and for approval to subdivide Lot A, Section 68, Victoria District, Plan EPP5690, BCGS92B044 ("Lot A") into two fee-simple lots of approximately 9000 sq ft each.

Lot A is currently covered by Strata Plan EPS299 (the "Strata" or "Strata Plan") which is attached for ease of reference.

Of considerable interest is that prior to the development of the Strata, the land that comprises Strata Lot A was originally two fee simple lots representing the easterly 25 feet of Lot 3 and the westerly 75 feet of Lot 4 Block A Section 68 Plan 3363. We have been advised by the developer of the Strata that these two lots were combined into the current 100 foot lot and then divided into the two current 50 foot Strata lots. We have also been advised that at that time the developer could have instead applied to subdivide the original 100 foot lot by way of a lot adjustment rather than taking the approach they did which was to develop the site as a Strata in accordance with the rules in place at that time. In some respects, our request is "back to the future" (1979 lot plan attached).

The first version of this letter was submitted to City staff on March 12, 2021. Since then, the owners have responded to and fulfilled all requirements of all City departments. Further the Owners incurred engineering consulting expenses and have made a commitment to contribute financially to the City of Victoria's Pedestrian Master Plan.

The Strata Plan covers 1535 Despard Avenue ("1535") and 1537 Despard Avenue ("1537").

The home at 1535 is owned by Jordana Pine-Algar and Kevin Algar (purchased October 2020) and the home at 1537 is owned by Norman Eden (collectively referred to as the "Owners"). Both are proud residents of the Rockland community.

As shown in the attached survey, despite the classification as a Strata, the family homes are completely detached and there is no common or limited common property. 1535 is represented as Part 1 of the Strata and 1537 is Part 2. Both homes have existed as they are today since 2010.

For reasons primarily related to the complications of dealing with insurance for the Strata (explanation to follow), the Owners would like to convert the Strata into two separate fee-simple properties with the lot line between the two being the same as the line between Parts 1 and 2 as shown on the Strata Plan (attached). To do so, Development Variance Permits would be required to relax the requirements for lot width and the side yard setbacks between 1535 and 1537, which as separate properties would not comply with the R1A zoning that covers the properties. Assuming the relaxations are granted, the Owners also seek approval to subdivide Lot A into two fee simple lots with a new lot line between 1535 and 1537 being the line that currently separates Part 1 from Part 2 in the attached survey.

The Crux

Our requests will not result in any changes to the buildings, and as such we believe there is no consequential impact to the community of Rockland or the immediate neighbourhood on Despard avenue.

Further, our position is supported by our neighbours. As suggested by City staff, we canvased our immediate neighbours and other neighbours along Despard Avenue and have received great support for our application.

We have been advised that other neighbours emailed their letters of support directly to Mayor and Council

Rockland Neighbourhood Association Submission

We were recently provided with a copy of the submission prepared by the Rockland Neighbourhood Association (RNA) in response to our application. The animosity and exaggeration contained in the submission is very surprising and suggests there is a lack of good governance at the RNA.

Kevin Algar and Jordana Pine-Algar, the relatively new owners of 1535 Despard, have been very surprised to learn of the historical opposition associated with their home and find the description of their concerns as “laughable” and “disingenuous” to be hurtful and uncalled for and are frankly annoyed to be questioned whether they are proud residents of Rockland. They have made a considerable investment in their home and plan to make 1535 their home for many years to come. They were not involved in the development the property and are simply hoping for quiet enjoyment of their home, free from being publicly attacked by people they have never met. It is particularly surprising that after more than 12 years such opposition still exists, purely it seems for its own sake since our requests make no physical changes to the properties. It's a reasonable statement that no third party will be affected by the requested changes.

The RNA claims that the homes have caused a “decade of disruption” to the neighbourhood yet the homes both won the highest awards given to new homes on Vancouver Island. In 2011, the Canadian Home Builders' Association- Victoria and CARE Awards of Vancouver awarded 1537 Despard the Gold Award for Best Single Family Detached Home on Vancouver Island as well as 6 Gold Awards for architectural design, entrance foyer, kitchen design, family media room, outdoor patio space and landscape design. In 2012, 1535 Despard won the same awards. And the accolades continue almost daily as visitors to our homes and pedestrians along Despard regularly applaud the design of the buildings and the landscape. Apart from a vocal minority at the RNA, the vast majority of opinion is highly positive and makes it clear that the development has been very positive for the community of Rockland.

The RNA seems to be challenging the City of Victoria's right to have initially approved the development, but the development was done completely in accordance with rules in place at the time. RNA is of course within its right to not like what happened and to have a subjective bias against West Coast Contemporary design (despite that there are now several other homes with contemporary designs in Rockland and elsewhere throughout Victoria and Oak Bay), but they should not presume to usurp the authority of the Victoria City Council.

The RNA is in error to describe our lots as undersized as they are in fact approximately 836 square metres each. This exceeds the minimum required lot size of 740 square metres. Exaggeration for effect does not change the facts. It's in the same category as stating the "relaxations...would result in a windfall of million-dollar endowments for each unencumbered property". This of course is pure unsupported fantasy intended to create emotional opposition to our proposal. We see no evidence that our BC Assessments are reduced due to our Strata status and therefore that eliminating the Strata status would increase the value of our properties. In fact, by comparison to a newer (2018) very high-quality fee simple home of on the same side of Despard (arguably comparable), our assessed building cost is 14% higher and our per square foot lot value is 50% higher.

The suggestion in their submission that approving our requests would "create independent lots, which would be open to further development" can only refer to their opposition to garden suites, which clearly suggests their ongoing presumption to usurp the Council's authority.

Detail

According to the Strata Plan, the lot width for each of 1535 and 1537 is 15.24 metres, whereas the required minimum lot width for single family dwellings in the R1-A Zone in the Rockland District is 24 metres. Further, the side yard setbacks of 1535 and 1537 to the line separating Part 1 from Part 2, is 1.52 metres and 1.83 metres, respectively, whereas the required setback is 3.0 meters. Both Owners are prepared to waive the minimum side-yard setback requirement.

As stated earlier, the homes have been in place for over 10 years. The Owners are not proposing to change or add to the current homes. Accordingly, the Development Variance Permits the Owners are seeking are not prospective in nature, as would usually be the case for such permits. If the requested relaxations are granted, nothing will change except the legal status of the properties. Thus, there will be no impact whatsoever to the existing homes or any of the neighbouring properties.

While the subdivision requested does not meet two zoning requirements, it is noted that the Rockland Neighbourhood Plan dated October 1, 1987, stated "The objectives, policies and recommendations of the plan do not represent hard and fast regulations". Clearly, some of the concepts contained in the Plan have been formalized since then, but we suggest the spirit should remain the same despite the RNA's evident desire to apply hard and fast rules.

Council may wish to consider that, as we understand it, under Victoria's zoning rules, a Strata cannot have garden suites. Thus, the Strata status of our property prevents the addition of rental accommodation which would be allowed if the Strata were separated into two separate fee simple lots. While the Owners have no plans to add such rental accommodation, creating and preserving the opportunity to do so seems consistent with the interests of the broader Victoria community especially given our inner-city location which may help to reduce traffic congestion and carbon footprints. That said, should Council consider it advisable to allay any concerns our neighbours and the RNA may have, we would be pleased to add covenants to our newly minted fee simple lots preventing the construction of garden suites.

Given the absence of common or limited common property, the Strata classification in this case seems entirely inappropriate. No one looking at the survey or, indeed, looking at the homes in person would imagine that they form part of a Strata. A picture of the homes is attached for ease of reference.

In fact, after viewing the property several times and deciding to proceed with a purchase, it came as a complete surprise to the new owners of 1535 Despard that it is a Strata. It was not brought to their attention by the realtors until well into the decision-making process and even then, it was thought to be a Bare Land Strata. It was only before the matter was put before a lawyer that the true status was

understood. Up to that point bylaws and other Strata documents had not been provided to the new owners. The realtors involved did not have a good understanding of the situation. Nevertheless, having fallen in love with the home (beautiful street, multiple award-winning home, proximity to daughter's school and friends and family), the new owners decided to proceed in the hope that the other Strata owner would agree to take steps to alter the Strata classification. That is how we got to this point. In other words, this is primarily an initiative of the new owners of 1535 Despard with the appreciated participation of the other Strata owner, Norm Eden. As such, Norm Eden does not deserve the vitriol directed at him by the RNA.

Property Insurance

The main issue for the Owners is that under the Strata Property Act, the Strata is required to purchase insurance for the Strata as a whole. And because of the Strata classification, insurers will only issue a Blanket, Commercial Insurance Policy. Such a policy is appropriate for a multi-unit building with common and limited common property. But it is not appropriate in the current case where there are two stand-alone homes with no common or limited common property, and with significant differences between the homes. To use an analogy, it's like trying to fit a square peg in a round hole.

The most glaring insurance issues are:

1. Under the blanket, commercial policy we are required to coinsure 10%. The result is that we are unable to acquire insurance that will fully restore our homes in the event of a significant damaging event. Further, given the differences in the two homes, it is hard to imagine how, in the event of significant damage requiring an insurance claim, the insurance payout and the resulting effect on premiums would be equitably allocated.
2. Unlike a common residential policy, we cannot obtain a policy that guarantees replacement, only a fixed dollar amount.
3. Despite the legislative requirement, it is conceivable that a future Strata owner would refuse to participate in the insurance process, including coverage discussion and payment. This would necessitate costly, unnecessary and wasteful resort to the formal dispute resolution remedies under the Strata Property Act.
4. The cost is substantially more than a standard policy and must be acquired in two separate parts, one part for the building and the other for contents. To illustrate, the cost for the share of the policy for 1535 Despard avenue is \$5,391 and contents coverage is \$4,281 for a total of \$9,672. If 1535 were insured as a fee simple property, the cost covering building and contents would be \$3,967 resulting in an annual savings of \$5705. And the fee simple policy would provide better/proper coverage for the two separate buildings and higher and better contents coverage.

The excess insurance cost is wasteful and unnecessary. The excess funds could be redirected to expenses that would make a difference to our community such as installing automobile charging ports or purchasing an electric bike or contributing to the City of Victoria's initiative to reconcile with indigenous communities.

The RNA suggests that the owners deserve these negative insurance consequences, essentially a form of punishment that appears to make them feel better about the situation. Strange indeed. The fact is the evolution of Strata insurance was not foreseen at the time of development and is absolutely a hardship from a quantitative and qualitative perspective.

Another example of why the Strata classification is inappropriate in this case concerns the possibility (as mentioned earlier) of a dispute between future property owners. Thankfully, the current Owners have an agreeable and aligned relationship, but one can imagine a situation where a future owner of one of the properties refuses to obtain insurance or disputes the amount and type (e.g., earthquake) of coverage. In such cases, a remedy may be sought from the Civil Resolution Tribunal (CRT), but to involve the CRT in a

dispute between two essentially independent homeowners would be the height of absurdity, not to mention an egregious waste of valuable government resources. Approving the subdivision we are requesting eliminates any possibility of disputes within the context of the province's Strata legislation.

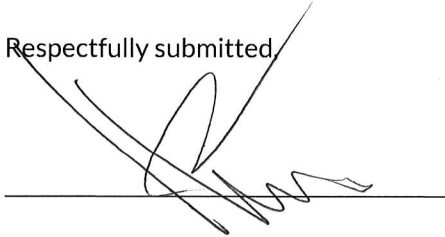
Conclusion

We respectfully appeal to the Victoria City Council to help us eliminate this hardship and allow each of us to deal with our properties independently in future by approving the relaxations requested and approving the subdivision of Lot A so the Owners may independently seek proper residential (not commercial) insurance coverage. The physical reality is that we have two separate buildings with no common or limited common property that are on 15.24 metre "parcels". All we are asking to allow the legal reality to match the physical reality.

Attachments to this Application (* indicates provided by the City of Victoria)

1. State of Title Certificate for 1535 Despard Avenue
2. State of Title Certificate for 1537 Despard Avenue
3. Survey Plan Certificate of Alan Powell for Strata Plan EPS 299 for 1535 and 1537 Despard Avenue (Including Floor Plans) *
4. Easement Areas Over Parts of Strata Lots 1 & 2*
5. Offsite Servicing Plan*
6. 1535 Front and Right Elevations*
7. 1535 Rear and Left Elevations*
8. 1537 Front, Rear, Left and Right Elevations*
9. Picture of the homes located at 1535 and 1537 Despard Avenue.
10. Lot plan form 1979 showing previous 1535 Despard Avenue being comprised of a 75' lot and a 25' foot lot.
11. Letters of Support from Neighbours

Respectfully submitted,



Norman Eden



Jordana Pine-Algar



Kevin Algar

SUBSTITUTE FORM "C" - PARTICULARS

H 81913

Date Oct 1 1979 Nature of Interest EasementDeclared Value Normal 1000000Please Merge Full

Telephone 477-0121

Johnson and Co. and Co., 212-1595
212-1595 (Victoria Ave., Victoria, B.C. V8N 1A4)

SERVICE EASEMENT

81007-W
OK F22076THIS INDENTURE made the 15 day of Sept, in the year of our
Lord, One Thousand, Nine Hundred and SEVENTY-NINE,

BETWEEN:

KAREN JOY YOUNG, Teller, presently of 1630 Warren
Gardens, Victoria, British Columbia,

(hereinafter called the "Grantor")

OF THE FIRST PART,

AND:

STEWART KOLBINSON, Executive, presently of 1535
Denpard Avenue, Victoria, British Columbia,

(hereinafter called the "Grantee")

OF THE SECOND PART,

AND:

WEST COAST SAVINGS CREDIT UNION, of Victoria,
British Columbia,

(hereinafter called the "First Mortgagee")

OF THE THIRD PART.

A. WHEREAS the Grantor is seized in fee simple of that certain parcel
or tract of land and premises situate, lying and being in the City of Victoria
and Capital Assessment Area in the Province of British Columbia, and more partic-
ularly known and described as:-Lot 14
Section 68
Victoria District
Plan 10250

Land herein within building scheme, see DD 246752-I and 267055-I.

Form "C" Land Registry Act (Sec. 50)
THIS INSTRUMENT IS A DEED OF EASEMENT
H. 81913 on the 10 day of 10 1979
on application received at the time
of registration on the application
mediation stamped on the application
R. E. Hooper Registrar of Deeds

- 2 -

2

B. AND WHEREAS the Grantee is seized in fee simple of that certain parcel or tract of land and premises situate, lying and being in the City of Victoria, in the Province of British Columbia, and more particularly known and described as:-

The easterly 25' of Lot 3 and the westerly 75' of Lot 4,
Block 'A'
of Section 68,
Victoria District
Plan 3363,

C. AND WHEREAS the First Mortgagee is the Mortgagee under a certain Indenture of Mortgage filed in the Victoria Land Registry under Number F22077 covering all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Victoria and Capital Assessment District in the Province of British Columbia and more particularly known and described as:-

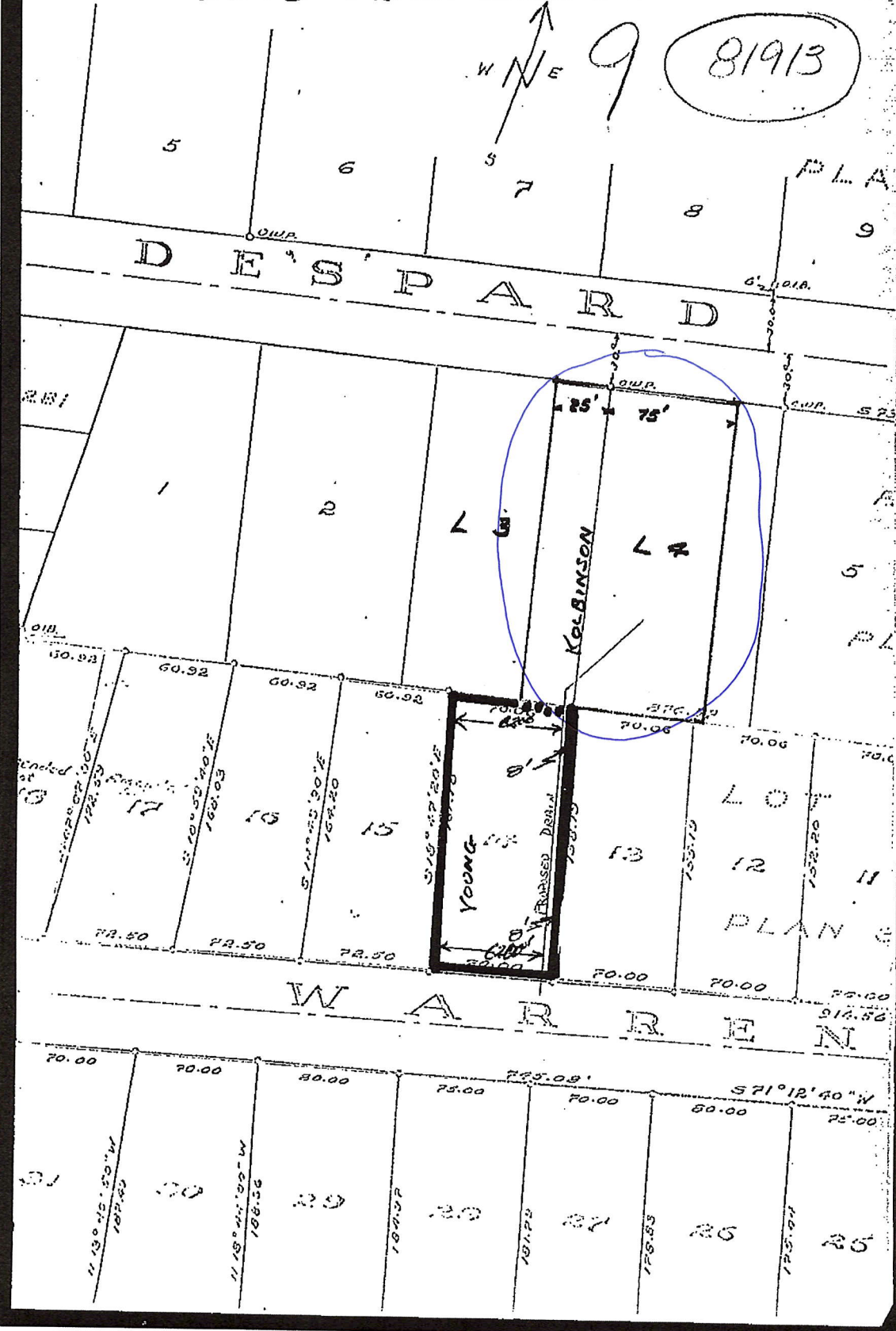
Lot 14
Section 68
Victoria District
Plan 10250,

D. AND WHEREAS the Grantee is desirous of obtaining a right of way upon and over part of the said Lot 14, Section 68, Victoria District, Plan 10250 for the purposes of constructing and maintaining a storm drain from the easterly 25' of Lot 3 and the westerly 75' of Lot 4, Block 'A', Victoria District, Plan 3363,

E. AND WHEREAS the Grantee has applied to the Grantors for, and the Grantors have agreed to grant to the Grantee a right of way for the benefit of the Grantee, his successors and assigns, together with such rights in respect thereof as are hereinafter expressed.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, now paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged), the said Grantor HEREBY GRANTS, CONVEYS AND CONFIRMS unto the Grantee, his successors and assigns as appurtenant to the said easterly 25' of Lot 3 and the westerly 75' of Lot 4, Block 'A', Section 68, Victoria District, Plan 3363, a right of way over and upon the land and premises described as follows:-

HALF OF FORMER 3363 AND LOT "A" PLAN 81





Dear Mayor and Council:

Re: 1535 & 1537 Despard Avenue Development Variance Permit No. 00263

The Land-Use Committee of the Rockland Neighbourhood Association finds it imperative to respond to this application.

These properties have historically caused such disruption to the neighborhood, and especially, the immediate neighbors, that there were three direct results of their erection: the creation of a rooftop patio ban in the R1-A zone, changes to require a common roof line in the semi-attached regulations, and new grade manipulation restrictions.

The houses are connected by the structure that was required under the zoning; therefore, they are rightfully strata properties, like other duplexes or townhouses. The semi-attached designation in the bylaw was created to encourage owners to save their heritage homes by allowing them to add a small home if the lot size is at least 30m wide. It was never intended to circumvent the R1-A lot width requirement of 48m for two houses or to permit developers to double their profit by demolishing existing character houses and squeezing two huge buildings onto sites that are too small to subdivide, as happened on Despard and on other streets in Rockland.

Although the applicants have always been fully aware of the semi-attached designation on their properties, they are now asking that Council ignore the rationale for the existence of that designation, and bestow upon them relaxations that would result in a wind-fall of million-dollar endowments for each unencumbered property. It would also create independent lots, which would be open to further development.

It is disingenuous of the applicants to claim that the houses are “completely detached” buildings with “entirely inappropriate strata classification.” The homes were intentionally built to the R1-A semi-attached specification.

The professed “hardship” of paying insurance rates commensurate with other strata properties is unsupportable, given that it was this very strata designation that permitted the building of the two houses on one R1-A lot. The opportunity for the semi-attached houses to be separated paves the way for the owners of many other such dwellings in the R1-A zone to be similarly rewarded.

It is laughable that informed developers, after a decade of disruption to the neighborhood of which they profess to be “proud residents,” now wish to discard the very zoning which enabled them to own a residence on an undersized lot.

Please do not enable this variance.



ROCKLAND NEIGHBOURHOOD ASSOCIATION

P.O. Box 5276, Station B, Victoria BC, V8R 6N4

rockland.bc.ca

Bob June, co-chair RNA LUC

From: Janette Nation [REDACTED]
Sent: Friday, June 11, 2021 4:19:55 PM
To: Alec Johnston <ajohnston@victoria.ca>
Subject: 1535 and 1537 Despard Avenue

Dear Mr. Johnston,

I live across the road from 1535 and 1537 Despard Avenue. I am currently overseas due to the cancellation of my Air Canada flight in April 2020. I cannot tell from your website when there will be a public meeting or a call for public submissions to discuss this matter. Therefore, I am writing to you with my views.

1. My understanding is that 1535 and 1537 Despard Avenue were built following a consent to remove a restrictive covenant that limited the original lot to "one residence". This consent was not validly obtained in that the "one residence" restrictive covenant which was registered on the title of all the lots on Despard Avenue by the original subdivider(s), requires the consent of all the owners of the lots as described in the original restrictive covenant. However, the developers of 1535 and 1537, one of whom is the registered proprietor of 1537 Despard Avenue, obtained the consent of just one owner on the street to remove the restrictive covenant from the title. For whatever reason, the City does not appear to take any notice of these restrictive covenants or ensure they are observed.
2. It is also my understanding that there was a furore over the removal of the original house on which 1535 and 1537 stand. I was not living on the street at the time but I would have opposed the development as these two houses are so massive in height they block the views my house previously enjoyed.
3. The owners of 1535 and 1537 appear to base their need for variances and subdivision purely on the cost of insurance. They have not, however, provided any costs regarding the insurance which they claim is so onerous compared to the insurance for single family dwellings that are not strata titled. There are many single family dwellings which are designated strata title. Consenting to the not insignificant boundary variance would make a mockery of the planning powers which Council exercises to control the requirements of a planning scheme or zoning. Given the value of these homes and the property taxes, the owners could surely afford whatever the insurance difference might be, of which they provide no evidence in their submission. There was some gossip that the required common wall between 1535 and 1537 is not visible because a common wall was built underground. This may just be folklore.
4. The owner of 1537 was one of the developers. The owner of 1535 bought the house for several million, knowing it was strata title and the insurance involved.
5. Whilst in their submission the owners claim there is no intent to add to the footprint of the homes or subdivide further, this can only be preserved if the original restrictive covenant limiting each of the properties to one residence only were imposed, should Council agree to the variance and allow conversion to fee simple lots. The benefit of the restrictive covenants should be for all adjacent properties as well as Council.

In conclusion, to allow these variances and subdivision into fee simple lots sets a dangerous precedent for all bare lot strata schemes. I would venture to say the latent value of these properties should they become fee simple properties is the true reason behind the application. A surveyor advised one of the owners on the street that one of the houses was going to be sold, which is not strictly relevant but points to the motivation of the owner of 1537, given that 1535 was just sold in 2020. I do not believe that the original restriction of the development to a strata scheme should be circumvented on the basis of insurance costs.

Thank you.

Janette Nation
 1536 Despard Avenue
 Victoria, BC V8S1T3
 [REDACTED]

To: MayorandCouncil@Victoria.Ca

Date April 9/2022

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

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Should you wish to contact us regarding our support, we can be reached as indicated below.

HEATHER SAVOY

Owner (Print name)

[Signature]

Signature

Michael Mabey

Owner (Print Name)

[Signature]

Signature

1597 Despard Ave.

Address

Contact Phone Number



To: MayorandCouncil@Victoria.Ca

Date Apr 9 / 2022

Cc: AJohnston@Victoria.Ca

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Mehrbano Behrooz

Owner (Print name)

Meh Beh.

Signature

Dara Behrooz

Owner (Print Name)

D. B.

Signature

1580 Despard Ave, Victoria BC V8S 1T3

Address

Contact Phone Number: [REDACTED]

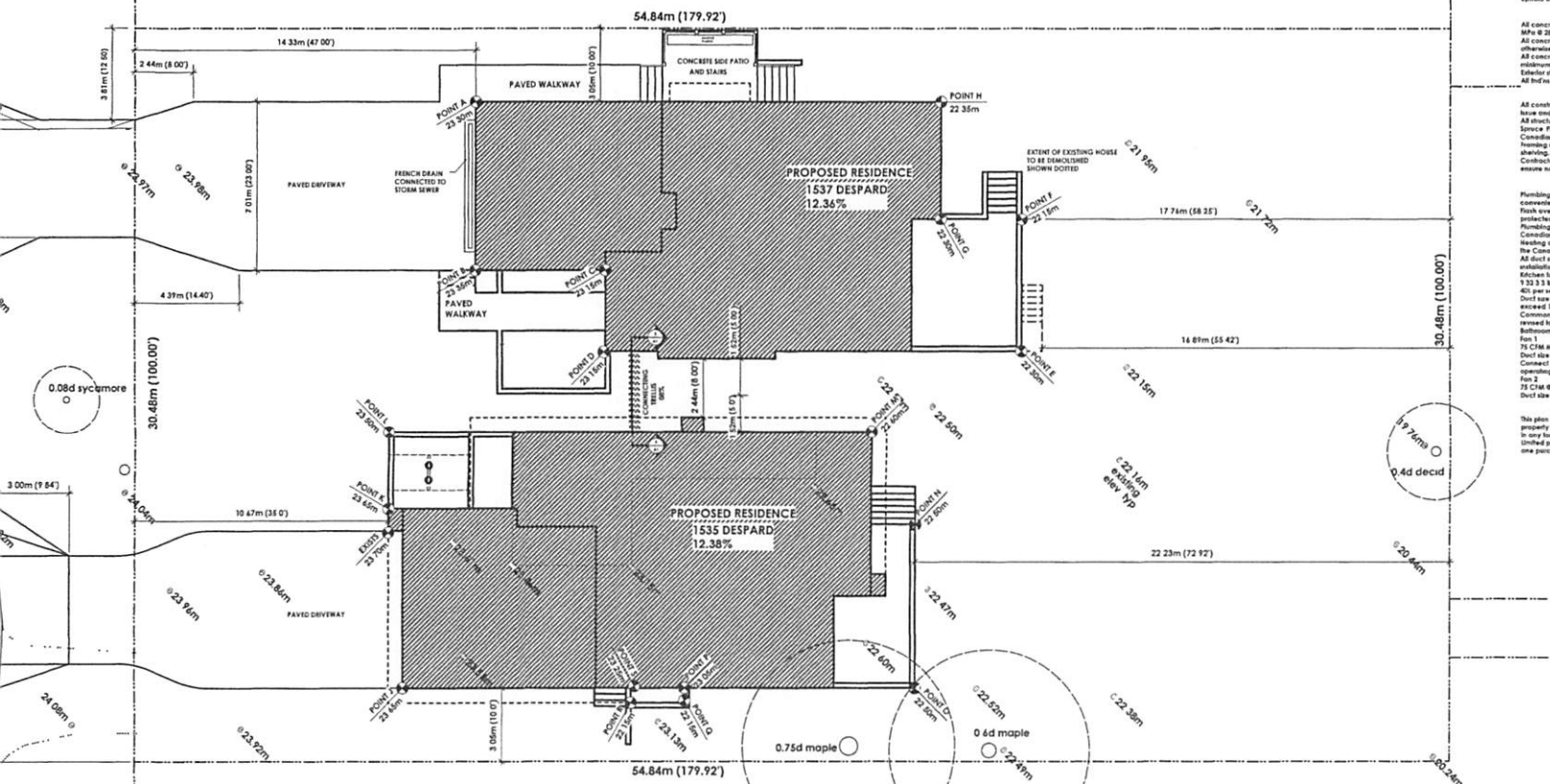
No.1535 & 1537 Despard Avenue
Legal - Easterly 25 feet of Lot 3, and the Westerly 75 feet of
Lot 4, Block A, Section 68, Victoria District, Plan 3363

All distances are shown in metres.
REFER TO CIVIL DRAWINGS FOR SITE SERVICE PLAN

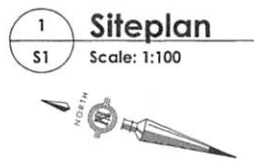
AVERAGE GRADE CALCULATION - UNIT 1537
A TO B (23 30 + 23 35) - 2 X 7 01 = 46 65 - 2 X 7 01 = 23 33 X 7 01 = 163 51
B TO C (23 35 + 23 15) - 2 X 5 41 = 46 50 - 2 X 5 41 = 23 25 X 5 41 = 125 78
C TO D (23 15 + 23 15) - 2 X 3 35 = 46 30 - 2 X 3 35 = 23 15 X 3 35 = 77 42
D TO E (23 15 + 23 20) - 2 X 17 32 = 45 45 - 2 X 17 32 = 22 73 X 17 32 = 393 47
E TO F (22 30 + 23 15) - 2 X 5 49 = 44 45 - 2 X 5 49 = 22 23 X 5 49 = 121 93
F TO G (22 15 + 23 20) - 2 X 3 35 = 44 45 - 2 X 3 35 = 22 23 X 3 35 = 74 62
G TO H (22 30 + 23 25) - 2 X 3 88 = 44 45 - 2 X 3 88 = 22 23 X 3 88 = 108 88
H TO J (22 35 + 23 30) - 2 X 19 36 = 45 65 - 2 X 19 36 = 22 23 X 19 36 = 441 78
(163 51 + 125 78 + 77 42 + 393 47 + 121 93 + 74 62 + 108 88 + 441 78) - 66 17 = 1507 68 - 66 17 = 22 79m

AVERAGE GRADE CALCULATION - UNIT 1535
J TO K ((23 45 + 23 45) - 2) X 7 47 = (47 30 - 2) X 7 47 = 23 73 X 7 47 = 176 618
K TO L ((23 45 + 23 60) - 2) X 3 20 = (46 10 - 2) X 3 20 = 23 05 X 3 20 = 75 44
L TO M ((23 60 + 22 40) - 2) X 20 12 = (46 10 - 2) X 20 12 = 23 05 X 20 12 = 463 697
M TO N ((22 40 + 22 50) - 2) X 1 83 = (45 10 - 2) X 1 83 = 22 55 X 1 83 = 41 247
N TO O ((22 50 + 22 50) - 2) X 3 61 = (45 10 - 2) X 3 61 = 22 55 X 3 61 = 81 338
O TO P ((22 50 + 22 50) - 2) X 7 04 = (45 00 - 2) X 7 04 = 22 50 X 7 04 = 158 873
P TO Q ((22 15 + 22 15) - 2) X 2 24 = (44 30 - 2) X 2 24 = 22 15 X 2 24 = 49 505
Q TO R ((23 25 + 23 45) - 2) X 9 55 = (46 10 - 2) X 9 55 = 23 45 X 9 55 = 223 948
R TO S ((23 45 + 23 45) - 2) X 0 41 = (47 30 - 2) X 0 41 = 14 427
(176 618 + 75 440 + 463 697 + 41 247 + 81 338 + 158 873 + 217 501 + 49 505 + 223 948 + 14 442) + 65 46 = 1508 32 + 65 46 = 23 03m

COMBINED AVERAGE GRADE CALCULATION
(22 79 + 23 03) + 2 = 45 82 + 2 = 22 91m



SITE DATA		R1-A		SITE DATA		R1-A	
ITEMS	REQUIRED	PROPOSED		ITEMS	REQUIRED	PROPOSED	
LOT AREA	740 00 sq m	1671 52 sq m		FLOOR AREA - UNIT A			
SITE COVERAGE (%)	25 0 %	24 82 %		- LOFT	18 58 sq m		
SITE COVERAGE (sq m)	417 88 sq m	417 88 sq m		- UPPER	104 93 sq m		
HEIGHT	10 50 m	10 483 m		- MAIN	125 79 sq m		
SETBACKS				- LOWER	127 46 sq m		
- FRONT (NORTH)	10 50 m	10 47 m		- GARAGE	45 04 sq m		
- REAR (SOUTH)	13 72 m	14 89 m		TOTAL FLOOR AREA	386 82 sq m		
- SIDE (EAST)	3 00 m	3 05 m		FLOOR AREA - UNIT B			
- SIDE (WEST)	3 00 m	3 05 m		- LOFT	10 47 sq m		
				- UPPER	117 45 sq m		
				- MAIN	110 92 sq m		
				- LOWER	120 00 sq m		
				- GARAGE	54 33 sq m		
				TOTAL FLOOR AREA	378 57 sq m		
				REQUIRED PARKING	2		



GENERAL NOTES
Dimensions given shall take preference over scale. Contractor to check and confirm all dimensions of Building Footings and Foundations drawings prior to work commencement.
Any discrepancies are to be reported immediately.
Survey and/or Contractor to confirm all aspects of siting and placement of structure on lot. Designer not responsible for placement in the event that the proposed new or existing structure does not conform to N.B.C. of Canada, 2006 S.C. Building Code or structural engineer may be required to be submitted by owner.
All materials to be of best quality, complying with the applicable sections of the latest C.S.A., C.C.S.R. and N.B.C. standards.
All work shall be done in accordance with the National Building Code of Canada, the rules and customs of best trade practice and these specifications shall be executed by skilled tradespersons well equipped and suitably experienced.
All materials shall be used strictly according to manufacturers printed directions, where not inconsistent with this specification. No situation permitted except where specified.
STRUCTURAL DESIGN
Structural is based on criteria stated in Part 3 and Part 9 of the 2006 S.C. Building Code and other applicable sections. Design live loads as follows:
Design main floor load - 40 p.s.f. / kN/m²
Design basement floor load - 40 p.s.f. / kN/m²
Design roof load - 40 p.s.f. / kN/m²
For heavier snow loading, drawings must be revised.
DEMOLITION
For all renovations and additions, contractor must establish strength and stability of existing structure, provide and install all shoring and props to support and construct during the duration of the work.
CONCRETE
All concrete used for footings and foundations is to be not less than 15 MPa @ 28 days unless otherwise noted.
All concrete used for floors is to be not less than 20 MPa @ 28 days unless otherwise noted.
All concrete used for carport, garage floors and exterior steps is to be minimum 25 MPa @ 28 days.
Exterior slabs and stairs also require 5% air entrainment.
All footings and slabs to be cured down to and undisturbed curing.
ROUGH CARPENTRY
All construction and materials to comply with the "approved" current laws and amendments of C.S.A. of Canada and N.B.C.
All structural framing members are to be standard grade No. 2 better.
Sawn Pine-Fir (in accordance with N.B.C. standard grading rules for Canadian Lumber) except where specifically noted otherwise.
Trussing contractor to provide bracing for all plumbing, gas, electric, heating, cooling, radiators, etc.
Contractor shall be responsible for the proper setting out of all work and ensure no encroachments occur.
MECHANICAL
Plumbing contractor to allow for (min) 2 exterior hose bibs of conventional location.
Flush over all exposed openings, doors, windows, etc., not directly protected by eaves.
Plumbing installation shall comply with current edition of A.C.N.S.C. Canadian Plumbing Code and Electrical Code.
Heating and/or air conditioning systems are to comply with A.C.N.S.C. the Canadian Heating Ventilating & Air Conditioning Code current issue.
All duct size, line and ventilation requirements to be verified prior to installation and to match to manufacturers specifications.
Fiches line - minimum req. by C.E.C. 2006 - see S.C.C. table 133 3.3.3.
40% air sealed 80 CM insulated, 2" exterior static pressure.
Duct size 6" smooth, 8" flexible, shall be noncombustible, and not exceed 10m and 2 elbows.
Commonly sold form exceed req'd C.M.S. and duct size should be revised to meet R.C.C. heights and manufacturers' specs.
Bathroom fans - minimum required by S.C.C. 2006.
Fan 1 - See S.C.C. table 133 3.3.3.
75 CM max, 110 CM max @ 2" external static pressure.
Duct size 6" smooth, 8" flexible, should not exceed 10 m and 4 hour operating period per duct.
Connect to 10mm control valve to provide a min. of 4 hour operating period per duct.
Fan 2 - See S.C.C. table 133 3.3.3.
75 CM max, 110 CM max @ 2" external static pressure.
Duct size 6" smooth, 8" flexible.
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PROFESSIONAL SEALS		
List of Drawings		
S1	Siteplan	
A1	Master Elevations, Treils Detail	
A2	Elevations - Front / Right	
A3	Elevations - Rear / Left	
A4	Foundation	
A5	Lower Floor Plan	
A6	Main Floor Plan	
A7	Upper Floor Plan	
A8	Roof/Deck Plan	
A9	Roof Plan	
A10	Section A-A, Section B-B, Section C	
A11	Section D-D Details	
ISSUED/REVISED		
NO.	DATE	DESCRIPTION
01	10/30/09	15% Complete
02	11/25/09	100% Complete
03	12/01/09	Trees on Siteplan
04	12/17/09	City Comments & Vents Notes Added
05	01/15/10	City Comments Siteplan
06	01/18/10	Page Numbering
07	02/01/10	Grade Calculation Error
08	02/23/10	Building Comments, Grades
09	03/04/10	Site Coverage, Siting
10	03/05/10	Siteplan Shaded 1537 Foundation
11	03/08/10	Siteplan Normalizing

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site as follows to report discrepancies. Refer to General notes included on plan.
Note: S.C.L.S. to verify placement and siting of all structures on lot.
General Contractor to work in accordance with S.C.L.S. to ensure proper placement of structures on site prior to starting work.
Building Designer not responsible for any encroachments of any kind with regard to siting or placement of structures on lot.
Structural Engineer to review plan (where required), and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.
Truss Manufacturer to review plans to verify roof design, where wing roof frames are shown, and to contact building designer to advise if revisions are necessary.
© COPYRIGHT
This plan and design is covered by copyright law and may not be reproduced, copied or used in any form without the express written permission of Victoria Design Limited, and may only be used to construct the particular dwelling on the specified lot indicated in the title block below.

VICTORIA DESIGN GROUP
1100 JEFFERSON AVENUE
VICTORIA, B.C.
V8M 1A8

Drawn: 6738
S1 OF S1
Date: Nov 25, 2009
Scale: As Shown
Drawn: M.D.K.
Reviewed by:

RECEIVED
MAR - 9 2010
CITY OF VICTORIA
PERMITS & INSPECTIONS DIVISION
Date: 3/8/10
Time: 10:49:17 AM

PROJECT
Proposed Residence
Leonard Cole
1535 & 1537 Despard Ave.
Victoria B.C.

To: MayorandCouncil@Victoria.Ca

Date April 11th 22

Cc: AJohnston@Victoria.Ca

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

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R. J. KLASSEN

Owner (Print name)

GLORIA CHEUNG

Owner (Print Name)

[Signature]

Signature

[Signature]

Signature

1508 DESPARD AVENUE

Address

Contact Phone Number: [REDACTED]

To: MayorandCouncil@Victoria.Ca

Date APRIL 12, 2022

Cc: AJohnston@Victoria.Ca

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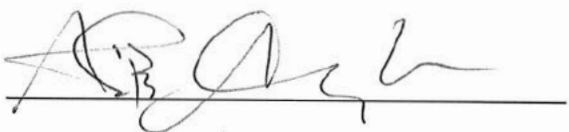
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ALIX CAMPBELL

Owner (Print name)



Signature

DAVID HAMBLETON

Owner (Print Name)



Signature

1531 DESPARD AVENUE

Address

Contact Phone Number: 

To: MayorandCouncil@Victoria.Ca

Date April 12, 2022

Cc: AJohnston@Victoria.Ca

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Kin-Yip Chun

Owner (Print name)

[Signature]

Signature

Meng Chan

Owner (Print Name)

[Signature]

Signature

1525 Despard Avenue, Victoria BC V8S 1T2

Address

Contact Phone Number: [Redacted]

To: MayorandCouncil@Victoria.Ca

Date 18 April 2022

Cc: AJohnston@Victoria.Ca

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Shannon Hill

Owner (Print name)

GARCIA SANTOS

Owner (Print Name)

SC Hill

Signature

[Signature]

Signature

1753 Gonzales Ave Victoria BC V8S 5H4

Address

Contact Phone Number:

To: MayorandCouncil@Victoria.Ca

Date 18 APRIL 2022

Cc: AJohnston@Victoria.Ca

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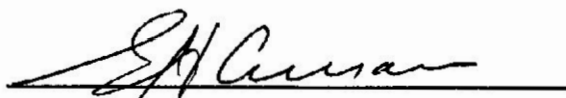
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EDWARD H. CURRAN

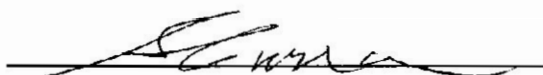
Owner (Print name)



Signature

CHINDO S. CURRAN

Owner (Print Name)



Signature

1636 WARREN GARDENS, V8S 1T1

Address

Contact Phone Number: 