

LegislativeServices@victoria.ca

**Re: 515 Foul Bay Road and consideration by City Council on Rezoning Application No. 00807
Development Permit with Variances Application No 002255 for the property. Scheduled for a decision
July 18th**

This submission to council and City of Victoria Staff is to provide some history of the two properties at 515 and 511 Foul Bay, but more importantly to make council and staff aware there is now a legal and privately negotiated access agreement between myself (Mike Fenger, owner of 511) and the developer of 515 (GMC, CEO Jordan Milne, <https://www.gmcprojects.com/>). This legal access agreement will be registered on title by the developer/owner of 515 Foul Bay Road once the zoning changes are approved. This easement will provide future access to Foul Bay Road for my 511 Foul Bay property through 515's proposed two-way driveway. The most recent plans include a 12 ft wide entry way for access to 511 from the proposed 2 lane driveway in the panhandle portion of the 515 property. (See Figure 1 below)

I (Mike Fenger) am the owner of 511 Foul Bay. There is an easement on my 511 property to allow sewer, storm water, water, telephone and hydro service across my property for 515 Foul Bay. This easement was registered on 511 Foul Bay in the 1960's when this property was subdivided and sold by the owners of 515 Foul Bay Road. At that time (1960) and up to today, the easement has allowed the services for 515 Foul Bay to stay where they were when placed in 1910 and they run underground and aerially through my property. GMC (the development company) is to be commended on their plans to move road access and all 515 services onto the panhandle portion of their property. The underground services will improve the street views of the original heritage house which was designed by Samuel Mclure. This mansion is a real feature for this property and the neighborhood.

<https://victoriaheritagefoundation.ca/HReg/Gonzales/FoulBay515.html>)

Although my current driveway entryway has been shared between 511 and 515 since the 1960's there was and still is no legal access for 515 Foul Bay through 511 Foul Bay land. The existing easement 515 has over 511 land is for services only and not access, however through the decades, as good neighbours, we've shared driveway access without incident. During construction (should the zoning be approved) this informal access through my 511 Foul Bay property will remain in place but will change when the new driveway is completed.

Lawyers representing GMC and myself have written a legal easement, signed by myself and owners of 515 (GMC) that allows future access for 511 Foul Bay via the driveway (still to be constructed) of 515 Foul Bay and the use in perpetuity of the new two-lane access road shown on the plans. Once the new access road and the new services are functional, the Services Easement on 511 Foul Bay will no longer be needed for 515 Foul Bay (see Figure 1). The easement for 515 will be removed from title of 511 Foul Bay Road at that time. The current road access will no longer be used by 511 Foul Bay when the new driveway access is functional.

I am thankful to GMC for working with me to come to this new access agreement that ensures Foul Bay Road has legally binding access through 515 for myself and future owners of 511 Foul Bay Road. This allows for safer entry and egress onto Foul Bay Road for both properties.

Figure 1. Access for 511 Foul Bay Road through 515 Foul Bay Road as shown on 2/21/2024 plans as shown on development tracker:



Michael (Mike) Fenger

511 Foul Bay Road.

From: Marc Stoiber
Sent: July 16, 2024 8:47 AM
To: Legislative Services email
Cc: Colleen Wild
Subject: Comments to proposal for 515 Foul Bay Road development...

Greetings,

We are Colleen Wild and Marc Stoiber, the homeowners at 613 Foul Bay Road.

Our property is arguably **the most impacted** by development at 515 Foul Bay Road, as EACH of the new townhomes butts up against our property.

Our approval of this proposal is conditional on:

- The owners of 515 Foul Bay Road building a **sturdy opaque fence** the entire length of our property line, at a **height of 8 feet** - the height of the tallest point of the current dilapidated fence between our properties. As **we have bedrooms facing the proposed development**, the fence needs to be opaque and sturdy - we don't want headlights beaming into our bedrooms at night.
- The **fence needs to be built before project begins at 515 Foul Bay**, to mitigate disruption caused by construction.
- **More trees need to be planted along the property line that faces our kitchen**, preventing any view of the buildings being erected immediately across from our kitchen.
- We would **strongly advocate for lower elevations for the new townhomes**. Currently there will be a **significant amount of shade thrown** by the 3 storey townhomes during the winter months. We will be the neighbour directly impacted by this.
- We need assurance the **dead foliage and fallen trees / vines will be cleared out** along the property line abutting our property.
- The corner of 515 Foul Bay that faces our home has been used as a **compost dump** - we want assurance this will be **cleaned up before construction begins**.

We bought this property and were NOT informed of any development until we'd bought the property. There was no signage, and an unethical seller / realtor hid the truth from us. In fact, our research showed that this was a protected old growth Garry Oak forest.

We don't want to stop this development, but expect our conditions to be respected.

Many thanks,

Colleen & Marc

From: Michelle Bonner
Sent: July 16, 2024 8:17 AM
To: Legislative Services email
Subject: Re: 515 Foul Bay Rd. Variances

Dear Council,

I am writing regarding the request for variances for the development project at 515 Foul Bay Rd. I have a few comments:

1. Assuming that the request for variance on the slope of the driveway will reduce the need for blasting (and thus possible damage to trees and houses), I support the developers' request for an increased slope for the driveway.
2. I strongly support the developers' request to reduce the width of the driveway. Indeed, if it could remain as it is that would ideal. At the moment, from the curb it appears as a pretty lane. If it is widened there will be more trees lost and a sea of concrete, making it look like the ugly Chadwick Place around the corner from us. Widening the driveway would also require a lot of blasting, potentially damaging trees and neighbouring houses.
3. I understand the developers' need to use the "front yard" for parking. However, I am concerned about the aesthetics of this for the neighbourhood. The "front yard" is a triangular lot by the road, currently occupied by mature trees and a lovely stone fence. These trees are enjoyed by neighbours and those passing by and contribute to the beauty of the neighbourhood. The parking lot would convert this space into a sea of cement and, my understanding is that, all trees on their property at this spot (most of the trees in this area) would be removed. This would mean this space would, again, look like the ugly Chadwick place around the corner from us. It would be greatly appreciated if a balance could be struck between the developers' needs and the aesthetic and climatic needs of the neighbourhood, such as maintaining more of the mature trees to hide the parking lot and give us shade. Since we live next door to the proposed parking lot, we have requested that the developer put in a fence. They said they would but please ask at a minimum that this will happen.
4. Overall, I don't know if council has any control over this, it would be very much appreciated if as many mature trees as possible all over the property are kept. Our neighbourhood has experienced many development-led clear cuttings over recent years, the most recent at Quamichan and Foul Bay. Trees are not only an aesthetic consideration but important to fight climate change and cool us as temperatures rise. Certainly, densification helps too but I do hope that the two are not viewed as zero sum.

Sincerely,

Michelle
527 Foul Bay Rd.