

12 Briar Place

Victoria, BC

V8S 3J5.



4 July 2017

Attention Committee of the Whole, July 6, 2017

RE: Rezoning and Small Lot Subdivision Application – 335 Moss Street, Victoria, BC

We are residents of the above address. Briar Place is immediately adjacent to the rear property line of 335 Moss Street. There are a number of reasons which have created concerns for us regarding this proposed development.

Foremost is the lack of communication between the owner/developer and the nearest neighbors, of which we are one. We have not been petitioned by the owner/developer regarding this proposal. It was only through the community grapevine that we heard of a community meeting discussing this project in the fall of 2016. Further, we have been made aware by our neighbors that there have been a number of changes to the proposed development since that meeting, again without community consultation.

In addition, we are very concerned about the existing easement across 335 Moss Street, which contains our underground water, gas, storm drain and sanitary drain services. We are not aware of any assurances by the owner/developer to mitigate the possible interruption of these services to our home and the other three homes located on Briar Place during any excavation/construction. This concern was expressed at the initial community meeting last fall, and we are not aware of any mitigating strategies under consideration.

Additionally, living on this busy corner (Moss and Fairfield), with the school and the Community Place, parking and traffic flow is heavy and at a premium. As council is aware, the Fairfield Church is potentially being developed into 16-18 rental units, further adding to the local parking crunch. 335 Moss Street currently has only one parking spot, and is already a four-plex, without sufficient parking for its occupants. Moss Street also only allows parking on one side of the street, further adding parking stress.

Thank you for your consideration of these concerns.

Sincerely


Vanessa Young and Steve Keeler



JUL 05 2017

Planning & Development Department
Development Services Division

1 Briar Place
Victoria, BC
V8S 3J5

4 July 2017

**With reference to Rezoning and Small Lot Subdivision Application - 335 Moss Street -
Victoria, BC**

This letter is from the property owners of 1 Briar Place. Below are listed the reasons that we believe this rezoning and small lot subdivision should not be permitted:

Inadequate parking

Only one parking spot currently exists at the original home of 335 Moss St, although there are 4 units at this property. There is a garage that is part of the house structure, but it is used as a workshop and is not available for parking. The proposed new house will only have one parking space and no garage. Would it not be reasonable to expect the existing house to have to provide adequate parking for the existing 4 units, before a new house can be built next door, adding to the parking problem. Parking is only permissible on one side of the street on Moss Street and the parking situation is already stressed.

Inadequate Set Backs

Rules are rules, and should be enforced in an equitable manner. The proposal is suggesting that the existing property is the property that is not in alignment with the set back requirements but this is quite obviously not true. The existing house at 335 Moss currently has a very generous set back on the south side of more than 10 meters. The plan however says that the existing set back on the south side is 1.3 meters! This is an arbitrary set back, imposed by the positioning of the proposed house, that cannot be sited any further south on the lot because of an easement granted to the four houses on Briar (1, 3, 10 and 12) for their services (water, gas, sanitary drain, storm sewer). **The house that is not in compliance is the proposed one.**

Fire Safety

Why is there not a requirement to replace the highly flammable siding (cedar shingles) on the south side of the existing structure at 335 Moss St with inflammable siding, such as Hardieplank siding? The new house should be built with steel studs and inflammable siding, such as stucco, on the north side, adjacent to the existing house

Has any consideration been given to the narrowness of the space between the two houses (335 and 337) causing difficulty with ladder access for the fire department in the event of a fire?

Inaccessibility to Underground Services through Easement

The four neighbouring houses on Briar, who have been granted a permanent easement through the property at 335 Moss St, are concerned for the accessibility to their underground services. The proposal replaces a grassed and easily accessible area into a paved driveway, with a retaining wall and garden beds. The existing services were laid and renewed fairly recently (circa 2005) at large expense (more than \$10,000) to the owners on Briar at the time

The services allowed through this area are water, gas, storm drain and sanitary drain. Currently the services being supplied through this easement are gas, storm drain and sanitary drain. A copy of the easement is attached.

At this time, the proponent has given no indication as to how he proposes to mitigate the interruption of services to the four houses on Briar when the house is under construction.

We respectfully submit this document for consideration by the Committee of the Whole at the hearing on July 6, 2017.

Signed

The image shows two handwritten signatures in blue ink. The first signature, on the left, is 'Christine Becher' and the second, on the right, is 'Paul Bourke'. Both are written in a cursive, flowing style.

Christine Becher and Paul Bourke

THIS INDENTURE MADE the 6th day of March, 1946.

BETWEEN:

173200
PAUL LINDAL ELLISON, of the City of Victoria,
in the Province of British Columbia, and
ROSE FLORENCE ELLISON, his wife,

(Hereinafter called "the Grantors")

OF THE FIRST PART,

-and-

GEOFFREY CONYERS D'ARCY and GRACE AGNES
D'ARCY, his wife, and LIONEL ANTHONY D'ARCY
and ARLEIGH JEAN D'ARCY, his wife, all of
the said City of Victoria,

(Hereinafter called "the Grantees")

OF THE SECOND PART.

WHEREAS the Grantors are the owners of the parcel
of land in the City of Victoria particularly described as
Amended Lot Fifteen (15), Fairfield Estate, Plan 1456,
Victoria City;

AND WHEREAS the Grantees Geoffrey Conyers D'Arcy
and Grace Agnes D'Arcy, his wife, are the owners of an
adjoining parcel of land particularly described as Lot Five
(5), Fairfield Estate, Plan 4712, Victoria City; and the
Grantees Lionel Anthony D'Arcy and Arleigh Jean D'Arcy, his
wife, are the owners of an adjoining parcel particularly
described as Lot Six (6), in the said Plan 4712;

AND WHEREAS the Grantees are desirous of obtaining
and the Grantors have agreed to grant such rights over a
portion of their said lands as are hereinafter expressed;

NOW THEREFORE THIS INDENTURE WITNESSETH that in
consideration of the sum of One Dollar (\$1.00) now paid
by the Grantees to the Grantors, the receipt whereof is
hereby acknowledged, the Grantors do hereby grant unto
the Grantees full and free liberty, right,

149875
160775
162156

123200 h.
REGISTERED THE 10th DAY OF Feb. 1947
IN THE BOOK, VOL. 4th DAY OF Feb.
APPLICATION RECEIVED THE 25th DAY OF Feb.
1947 AT THE HOUR OF 2:56 P.M.

REGISTRAR

123200
and authority for themselves, their agents, servants,
and workmen, to enter into and upon a strip of land
ten feet (10') in width, part of the said Amended Lot
15, Fairfield Estate, Plan 1456, particularly described
as the most Southerly ten feet (10') of the said Lot,
extending from the Westerly to the Easterly boundary thereof,
for the purpose of laying, maintaining, constructing
and repairing sewers, drains and water and gas pipes
for the purpose of providing sewer, drainage, water
and gas service for the lands of the Grantees herein-
before described;

THIS INDENTURE shall enure to the benefit
of and be binding upon the Parties hereto respective-
ly, and each of their successors in title as owners
of the hereinbefore described parcels of land.

IN WITNESS WHEREOF the Grantors have here-
unto set their hands and seals on the day and in the
year first above written.

SIGNED, SEALED and DELIVERED)

in the presence of:

[Signature]

Barrett, Jr.

1149 Ocean Ave.

Oak Bay, B.C.

) *Paul Ellison*

) *Rose Florence Ellison*

)

)

)

FEB-7-47
No.



120200

LAND REGISTRY ACT.
FORM C. (Section 128.)

Application for Registration of Charge.

Date February 3, 1947

I, Harold Arthur Beckwith, solemnly declare
that I am [or Solicitor for or the duly authorized Agent of] Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, his wife, and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, his wife, and that he is entitled to a
charge by way of easement

over the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration of a charge accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner of the charge is Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, 1321 Vimy Ave., Victoria, B.C.; and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, 614 Monterey Ave., Victoria, B.C.

† Not applicable where the applicant is a corporation. Strike out words not applicable.

I am a British subject.† [Or]
I am not a British subject.† [Or]

I am informed by the persons so entitled and

verily believe, that the person so entitled to be registered as owner of the charge is a British subject [or] is not a British subject.†

The fee-simple is registered in Vol. 149895, Fol. 16/385 of the Register.

DESCRIPTION OF LAND.

| MUNICIPALITY OR ASSESSMENT DISTRICT. | LOT OR SECTION. | ADMEASUREMENT OR ACREAGE. |
|--------------------------------------|---|---------------------------|
| Victoria City | Amended Lot 15, Fairfield Estate, Plan 1456, Victoria City. | 16/385 ✓ |

LIST OF INSTRUMENTS.

| DATE. | PARTIES. | CHARACTER OF DEED. |
|---------------|---|---|
| March 6, 1946 | Paul Lindal Ellison & Rose Florence Ellison, his wife, -and- Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, his wife, and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, his wife. Tax Certificate | Grant of Easement Produced |

And I solemnly declare that I have investigated and ascertained the value of the interest covered by the charge, registration of which is hereby applied for, and that the true value thereof at the date of this application is \$50.00 dollars: [in the case of a Solicitor or Agent, add] and I am duly authorized by the owner to make this application [in the case of an Agent, add] and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

DECLARED before me this 7th day of February, 1947 at Victoria, British Columbia.
(Signature) [Signature]
(Full Post-office address) 206 Union Bldg., Victoria,
For mailing notices and documents.

B.C.

* NOTE.—Insert here the estate less than the fee-simple, or encumbrance, or equitable interest claimed in, over, or upon the land.
E.g.—Mortgage in fee-simple for \$500, estate for life, its pendens (according to circumstances, upon, in, over).

Do not write outside the side-line. Space reserved for binding.

(Section 56 (b).)

For Maker of a Deed

133200

I HEREBY CERTIFY that, on the 6th day of March, 1946,
at Victoria, B. C., in the Province
of British Columbia, Paul Lindal Ellison and Rose Florence
Ellison, [whose identity has been
proved by the evidence on oath of me
who is] personally known to me, appeared before me and acknowledged to me that they are
the person s mentioned in the annexed instrument as the maker s thereof, and whose name s
are subscribed thereto as part v, that each knows the contents thereof, and that
they executed the same voluntarily, and each is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand and Seal of Office at me
Victoria, B. C., this 7th day of
March, the year of our Lord one thousand nine hundred
and forty-six

[Signature]
A Notary Public in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

NOTE.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.