



## Planning and Land Use Committee Report

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**Date:** December 19, 2013      **From:** Helen Cain, Senior Planner

**Subject:** **Rezoning Application #00411 and Development Permit for 97 Cook Street**  
Application to rezone to permit the retention of an existing house on a new lot and construction of small-lot house

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the property located at 97 Cook Street. The application is to rezone the property at 97 Cook Street from the R1-B Zone (Single Family Dwelling District) to permit the retention of a Heritage-Registered house on a subdivided lot and the construction of a new small-lot single-family dwelling. Because this heritage house has greater total floor area than allowable under its current zoning, it will require a new custom zone.

The following points were considered in assessing this application:

- The subject site is designated as Traditional Residential in the *Official Community Plan, 2012* (OCP). The Rezoning proposal is generally consistent with the uses identified for the Urban Place Designation.
- The proposal to rezone is compatible with the OCP objectives for sensitive infill and the proposed design will comply with applicable guidelines in Development Permit Area 15A: Intensive Residential Small Lot Development.
- The applicant has completed the Small Lot House Petition with an acceptable level of support (80%) from the adjacent residents and property owners.
- The owners have applied to designate the Heritage-Registered house should Council approve this Rezoning Application.

Given the proposal is consistent with the OCP policy and design guidelines, staff are recommending that these applications proceed for consideration at a Public Hearing, subject to referral to Heritage Advisory Panel.

### Recommendations

1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
  - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family dwelling and a new small-lot house;
  - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.

2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
- a. heritage designation of the Heritage-Registered house located at 97 Cook Street;
  - b. issuance of a Development Permit, in accordance with:
    - i. plans date stamped October 29, 2013,
    - ii. development meeting all *Zoning Regulation Bylaw* requirements,
    - iii. final plans to be in accordance with plans identified above.

Respectfully submitted,



Helen Cain  
Senior Planner  
Development Services Division

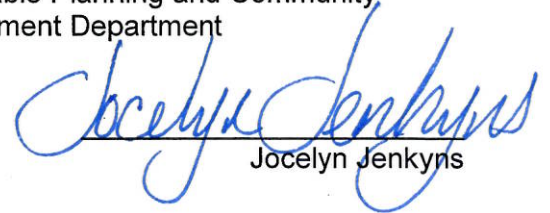




Deb Day, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

HC:aw

  
Jocelyn Jenkyns

## **1.0 Purpose**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the property at 97 Cook Street.

## **2.0 Background**

### **2.1 Heritage Property**

The existing house is listed on the City of Victoria's Heritage Register and the owner has applied for heritage designation concurrent with this Rezoning Application. Should Council wish to proceed to a Public Hearing with the current proposal, staff will bring forward a report on the owners' request for heritage designation for consideration by the Heritage Advisory Panel.

### **2.2 Description of Proposal**

The subject site is a corner lot at the intersection of Cook Street and Faithful Street. The applicant proposes to rezone the property located at 97 Cook Street from the R1-B Zone (Single Family Dwelling District) to permit subdivision with retention of the heritage house on Lot 1 ("Heritage House Lot") and construction of a small-lot house on Lot 2 ("Lot 2 House"). The latter will comply with all the criteria in the R1-S2 Zone (Restricted Small Lot Two Storey District). However, the heritage house has existing conditions that are legally non-conforming for the R1-B Zone. This single family dwelling with a secondary suite has a total floor area of 400.76 m<sup>2</sup>, whereas the maximum permitted is 300m<sup>2</sup>, and is three storeys, but the maximum allowed is two storeys. In addition, the new Heritage House Lot has a proposed rear setback of 5.65 m, whereas the R1-B Zone requires 8.39 m. A new custom zone for the Heritage House Lot will be necessary because the total floor area of the single family dwelling will exceed the R1-B Zone.

The proposed site plan, design and landscaping for the garden suite include:

- siding and details: fibre-cement shingles (painted beige) on the bottom and upper façade with HardiePlank (painted beige) portions on the second storey.
- windows and entrances: vinyl windows (white) with wood trim at the building's baseline, fascia, three gable elements in the roofline and above the main entrance and a recessed built-in garage with wood door (painted beige).
- driveway, paths and patios: the driveway to the existing house will be retained in its current location, crossing over Faithful Street, with the surface treatments of concrete and landscaping strip. For the proposed small-lot house, there will be a new crossing on Faithful Street and a driveway with a permeable surface treatment leading to a garage built into the front elevation of this new dwelling. In addition, the latter will have a rear patio, surfaced in concrete.
- trees and plantings: existing shrubs on the Heritage House Lot will be retained and a new tree and shrubs planted behind the driveway, where an accessory building will be demolished. A number of trees will be removed from Lot 2 for construction of the small-lot house, which will have new plantings along its front and rear elevations and a non-grassed area in the southwest corner of the rear yard.
- fence: a new wood fence is proposed to separate the existing and new houses.



## 2.3 Land Use Context

The subject property is located at the corner of Faithful Street and Cook Street. Along Faithful Street, the place character is predominantly single-family dwellings and Cook Street is similar but has a park setting, given its location directly across from the east edge of Beacon Hill Park. Three blocks to the north is Cook Street Village with a cluster of community and commercial services. New infill that is low-density, low-scale residential development in ground-oriented housing forms is well-suited to this context in south Fairfield.

The immediate land use context includes:

- on the 1100-block of Faithful Street, 12 parcels are in the R1-B Zone, Single Family Dwelling District, one parcel is in the R1-S Zone, Single Family Dwelling Small Lot District, and one parcel is in the R1-21 Zone, Faithful Bed and Breakfast District
- on the east side of Cook Street, three parcels are in the R1-B Zone, Single Family Dwelling District and Beacon Hill Park is located on the west side of that street.

## 2.4 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association on July 15, 2013. Correspondence from their Land Use Committee is attached to this staff report.

With respect to the Small Lot Housing Rezoning Policy petition, the required poll of neighbours (attached) was conducted in 2013 and yielded 80% support.

## 2.5 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B Zone (Single Family Dwelling District) and R1-S2 Zone (Restricted Small Lot Two Storey District). The proposal is less stringent than the applicable zoning criteria where identified with an asterisk (\*) as below. Dimensions marked with a double asterisk (\*\*) are existing legally conforming conditions.

Zoning Criteria	Proposed Lot 1	Zone Standard R1-B	Proposed Lot 2	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	710.42	460	260.1	260
Lot width (m) – minimum	21.15	15	12.3	10.00
Total floor area (m <sup>2</sup> ) – maximum	400.76**	300	130.81	190
Density (Floor Space Ratio) – maximum	0.56:1	n/a	0.5:1	0.6:1
Height (m) – maximum	6.95	7.60	7.39	7.50
Storeys – maximum	3**	2	2	2
Site coverage (%) – maximum	27.2	40	31.4	40
Setbacks (m) – minimum				
Front	9.87 (building) 5.69** (stairs)	7.50	6.00 6.00	6.00
Rear	5.65*	8.39	1.50	6.00
Side	6.39 (south)	2.12	1.50	1.50
Side	3.89 (building) 3.45** (stairs)	3.50		1.50



Combined side yards	9.84	4.5	3	n/a
Vehicle Parking – minimum	1 space	1 space	1 space	1 space

## 2.7 Legal Description

Lot 20, Fairfield Farm Estate, Victoria City, Plan 960.

## 2.7 Consistency with City Policy

### 2.7.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

### 2.7.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The property at 97 Cook Street is designated as Traditional Residential in the *OCP*, where ground-oriented housing, such as small-lot single-family dwellings, are enabled as appropriate forms of new infill.

In accordance with the *OCP*, the new small-lot dwellings are subject to DPA 15A: Intensive Residential - Small Lot. The objectives of DPA 15A are:

4. (a) *To accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages and residential area to encourage and support future and existing commercial and community services.*
- (b) *To accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a small scale and adaptive to the local contexts.*
- (c) *To integrate more intensive residential development in the form of single family dwellings on relatively small lots within existing Traditional Residential areas in a manner that respects the established character of neighbourhoods.*
- (d) *To achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods.*
- (e) *To integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking.*

The proposal for 97 Cook Street is consistent with DPA 15A objectives to achieve infill that is a high-quality design and that respects the established place character in residential areas.

## 2.8 Consistency with Design Guidelines

The proposal is subject to review under DPA 15A: Intensive Residential Small Lot Development. Building form, character, exterior finishes and landscaping details are controlled

and regulated in relation to the *Design Guidelines for Small Lot Houses, 2002*. Staff assessment of this small-lot house proposal for compliance with applicable guidelines is summarized as below.

### **2.8.1 Siting, Location and Topography**

The subject site is a corner lot with a heritage house that has a front yard on Cook Street and a rear yard on Faithful Street in the eastern portion of the land parcel, where a new small-lot house is proposed on a subdivided lot. This new dwelling ("Lot 2 House") will front onto Faithful Street with a south rear yard and side yard setbacks separating the small-lot house from the neighbouring property to the east and from the heritage house on Lot 1 ("Heritage House Lot"). While these side yards are both landscape strips of 1.5 m, the east elevation will have only one small upper-storey window and no windows are proposed on the western elevation, which will protect the privacy of the adjacent neighbours.

### **2.8.2 Architectural Envelope**

No exterior changes to the heritage house are proposed. With respect to the small-lot house, the form and massing will be compatible with the block of Faithful Street between Cook Street and Cambridge Street where houses range in scale, size, and character. The heritage house is a Craftsman style which will complement the proposed house design. Generally, the new small-lot house is influenced by Arts and Crafts architectural styles as seen in features such as the gable roof elements with broad eaves, wood brackets and trim detail, and shingled siding.

### **2.8.3 Openings**

The main entrance of the small-lot house will be a prominent feature of the Faithful Street elevation, centrally sited in the front façade with a gable roof. While this frontage will also have a built-in garage, the entrance will be set back from the building face and painted in a colour that blends with the lower façade. On the rear (south) elevation, there will be patio doors opening to the outdoor amenity space with landscaping for private enjoyment. While the rear of the house has five proposed windows that face the rear yard of the adjacent house to the south, the depth of the back yard (6.4 m) and a new tree planted near the common east and south property lines will contribute to the protection of the privacy of adjacent residents.

### **2.8.4 Texture and Detail**

The colour palette for the small-lot house will be neutral with a mix of materials and textures such as beige fibre-cement shingles and HardiePlank horizontal siding, white vinyl windows, a wood garage in beige and a wood front door, bracket details and window trim.

### **2.8.5 Landscaping**

No new landscape design is proposed for the Heritage House Lot. A number of trees will be removed from Lot 2 with new shrubs and groundcover along the building face of the front and rear elevations of the small-lot house. All setbacks are grassed with concrete hard surfaces for the driveway, pedestrian path along the east side of the house and back patio. In the rear yard, both a new maple tree and non-grassed garden area are proposed.



### 3.0 Issues

The issues related to this application are:

- Lot 1 conditions
- heritage retention.

### 4.0 Analysis

#### 4.1 Lot 1 Conditions

The proposed Lot 1 will not match some criteria of the R1-B Zone (Single Family Dwelling District). The total floor area (400.76 m<sup>2</sup>) of the heritage house is greater than standard (300 m<sup>2</sup>) and the house is three storeys in height, whereas the maximum allowed is two storeys. The north and west setbacks from the front stairs (5.69 m) and side steps (3.45 m) are more narrow than standardly required, and the newly created rear (east) setback (5.6 m) will be substandard. These are all supportable given that most are existing, legal non-conforming conditions. The east setback, which is the only new variance, will be mitigated by the existing driveway location and a new tree separating the Heritage House Lot from the small-lot house on Lot 2.

#### 4.2 Heritage Retention

Retention of the existing house on Lot 1 is consistent with the Small Lot House Policy, which does not support the demolition of single family dwellings, and OCP objectives and policies to conserve built heritage, which is integral to place character.

### 5.0 Resource Impacts

There are no anticipated resource impacts that are associated with this development.

### Options

#### Option One (Recommended)

1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
  - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family and a new small-lot house;
  - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
  - a. heritage designation of the Heritage-Registered house located at 97 Cook Street;
  - b. issuance of a Development Permit, in accordance with:
    - i. plans date stamped October 29, 2013,
    - ii. development meeting all *Zoning Regulation Bylaw* requirements,
    - iii. final plans to be in accordance with plans identified above.

Option Two (Decline Application)

That Council decline Rezoning Application #410 and the issuance of a Development Permit.

## **7.0 Conclusions**

This proposal is consistent with the OCP objectives and guidelines for sensitive infill in the form of a small-lot house development in residential areas with established place character. While the new lot with the heritage house will be substandard in relation to relevant zoning standards, the proposal is supportable because the impacts on the privacy of adjacent residents will be limited. Additionally, the voluntary designation of the Heritage-Registered house is a community benefit.

## **8.0 Recommendation**

1. That Rezoning Application #00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
  - a. preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family and a new small-lot house;
  - b. referral of the owners' Heritage Designation Application to Heritage Advisory Panel.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
  - a. Heritage designation of the Heritage-Registered house located at 97 Cook Street
  - b. Issuance of a Development Permit, in accordance with:
    - i. plans date stamped October 29, 2013,
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## **9.0 List of Attachments**

- Zoning map
- Aerial photo
- Letter from Heather Andrews and William Curran, stamped September 19, 2013
- Plans for Rezoning Application #00410, stamped September 19, 2013
- Summary and Responses to Small Lot House Rezoning Petition
- Fairfield Gonzales Community Association correspondence dated July 15, 2013, and July 22, 2013.



BEACON  
HILL  
PARK

100

COOK ST

FAITHFUL ST

WOODSTOCK AV

133

123

107-111

105

1112

1120

1130

1138

97

75

67

59

1117

1120

1124

1130

1136

35

R1-B

R1

R1

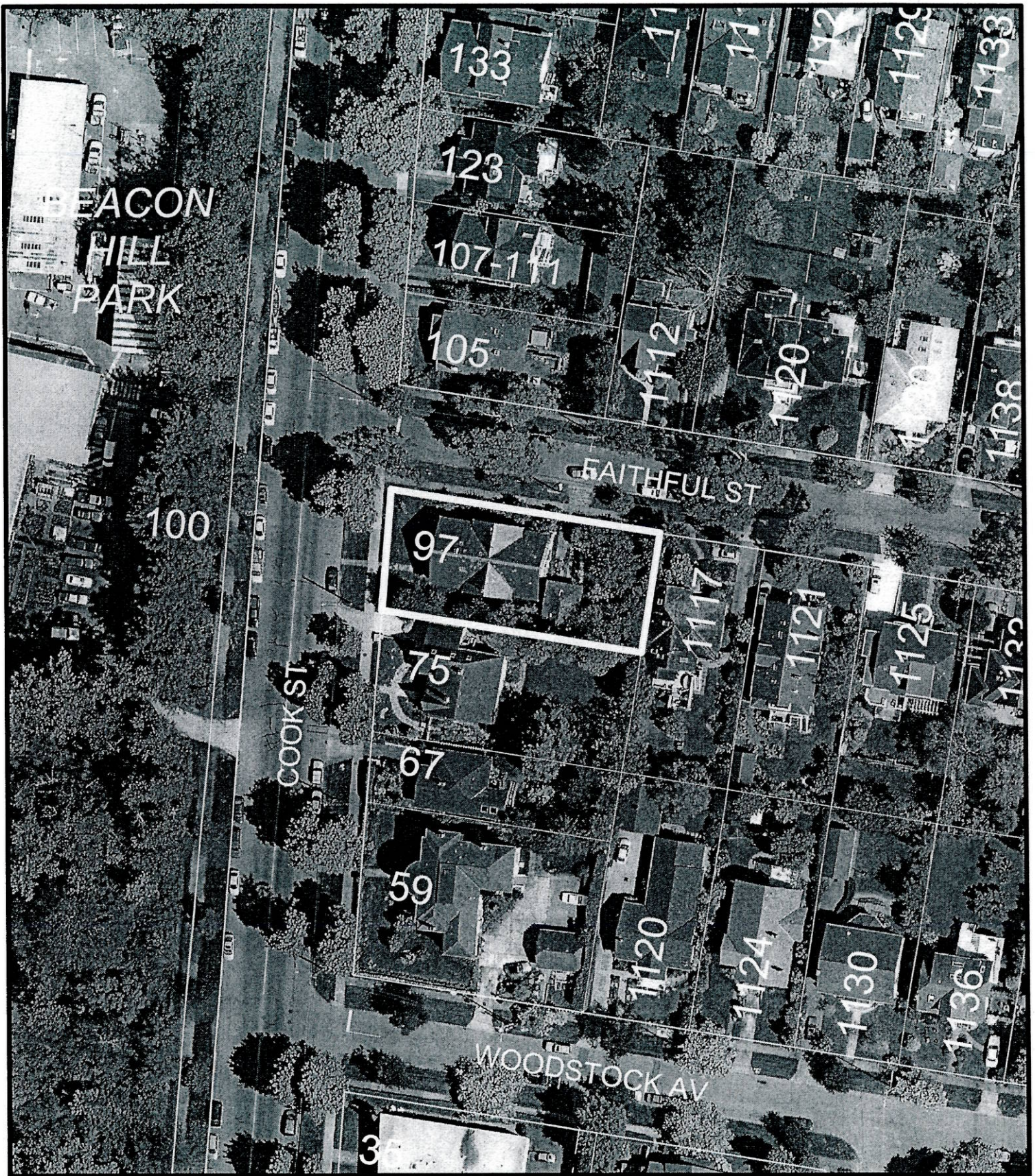
R3.2



97 Cook Street  
Rezoning #00411  
Bylaw #







97 Cook Street  
Rezoning #00411  
Bylaw #





Heather Andrews and William Curran  
97 Cook Street, Victoria, BC, V8V 3W7

September 5, 2013



Dear Mayor and Council:

**Re: proposed RI-S2 small lot subdivision plan for 97 Cook Street**

In March of 2005, my husband, William Curran, and I purchased 97 Cook Street. Our employment situation enabled us to move to Victoria and we were drawn to this beautiful craftsman bungalow at the corner of Cook and Faithful after selling our character Vancouver residence. The rather plain artificial stone exterior belies the beautiful interior woodwork which we have maintained in its original pristine condition. We learned that to power wash our home to brighten up the exterior appearance would actually ruin the patina of the exterior cement block construction. We have maintained the original slate roof and repaired where necessary rather than construct a new roof. We have installed a perimeter drain system that has kept our basement dry in heavy rains. We were not inclined to heritage designate our property in the past as we understood that additions and exterior changes would be more difficult for a future owner.

As it so befalls we are now moving back to Vancouver. My husband is already working in Vancouver and we put our home on the real estate market May 24. When we purchased this house, we did not understand that this wonderful heritage registry home was situated on an unusually large Fairfield lot that exceeds 10,000 square feet. Consequently it came to our attention that buyers were interested in the RI-B zoned property to build two new homes rather than to purchase the house at 97 Cook Street. We received one written offer to purchase our home but the buyer did not clarify whether the home would be saved.

Knowing the precarious situation we met with the local area planner, Helen Cain, and the heritage planner, Steve Barber, at 2:00 PM on Wednesday, June 26 to put forward our RI-S2 small lot subdivision plan which would enable the heritage designation of 97 Cook Street. We were met with a positive reaction and so we moved forward to present to the Fairfield Community Association our plan for 97 Cook Street at a July 15, 2013, neighbourhood meeting. Our intention was to end our plan if we met with any significant opposition and simply sell our home to the highest bidder.

The neighbours were not overly enthusiastic (Councillor Pam Madoff was present) to our concept of creating a small RI-S2 lot for a new craftsman home to be built in the rear yard of our property on Faithful street and the consequent heritage designation of 97 Cook Street. But there was no absolute opposition as neighbours weighed the possibility of 2 new homes replacing the 1911 landmark corner residence. Consequently the neighbours asked for a week to consider the proposition and we received a letter from the only two contiguous neighbours

approving the proposal. Hence we are before you today and request that if our proposal finds merit in your eyes that you move the process forward briskly in order that my husband and I may be back together hopefully by Christmas or the early new year.

We believe that our proposal meets with the Official Community Plan and our current Neighbourhood/Precinct Plan. We mention that 1146 Faithful is a RI-S2 (2985 square foot lot) residence which is located on our block of Faithful street. We are attempting to create the smallest lot possible within the zoning regulations and will expect our neighbours to put in their input as to the design of the new home.

The most significant project benefit will ensure that the craftsman bungalow at 97 Cook Street and its heritage features will be maintained for future generations. The other significant benefit will be to create another residence, built to the highest possible green standards, in the much desired Fairfield neighbourhood that will increase our tax base and reduce commuting time.


The present zoning would allow for 2 new residences without any public input but with the potential loss to our heritage streetscape. There is clearly adequate public infrastructure in place and the Victoria engineering department has stated that there will be no need to widen either Cook or Faithful streets, consequently impacting as little as possible nearby neighbours.

We believe saving this heritage registry residence is of significant neighbourhood benefit and in a larger sense significant to the Victoria heritage streetscape. There would be no loss of any significant trees. The existing driveway will service 97 Cook Street and one new driveway would access the new home. There will be no negative parking impact as such a small home will contribute one more car to the neighbourhood but 2 new larger homes with legal additional suites would have had a much greater impact.

We believe that the Faithful streetscape will not be negatively affected, much like the additional RI-S2 residence that was added in 1985 at 1146 Faithful street. In fact, there is an area to the east of 97 Cook Street's present driveway, where the new house would be situated, that seems a most appropriate site for a new home that would fit into the Faithful streetscape.

We feel that our proposal will benefit our neighbourhood and city in an environmentally green manner maintaining our heritage home at 97 Cook Street in keeping with the charm and character that is Victoria. We ask for your support in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Andrews', with a stylized, flowing script.

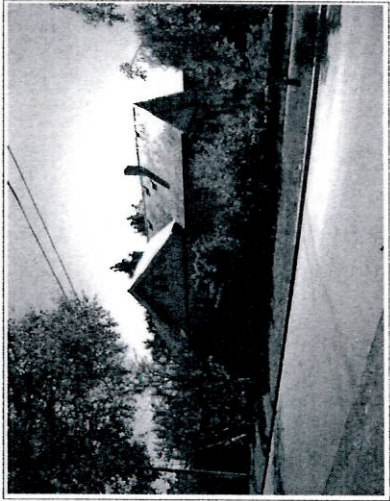
**Heather Andrews**

97 Cook Street, Victoria BC

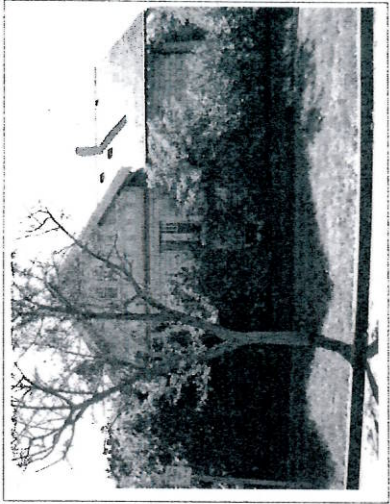




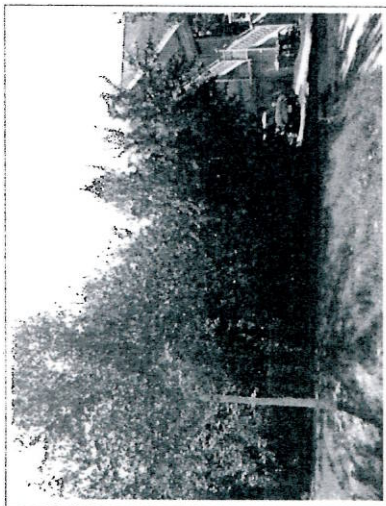
Subject Property from Cook Street



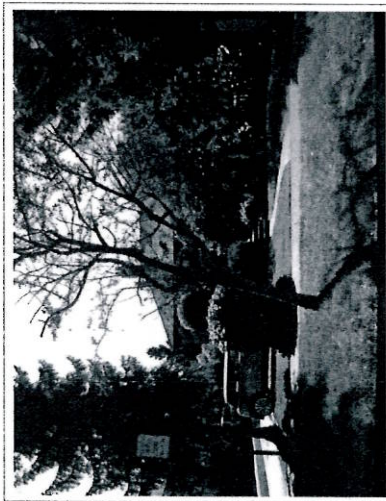
Subject Property from Faithful Street



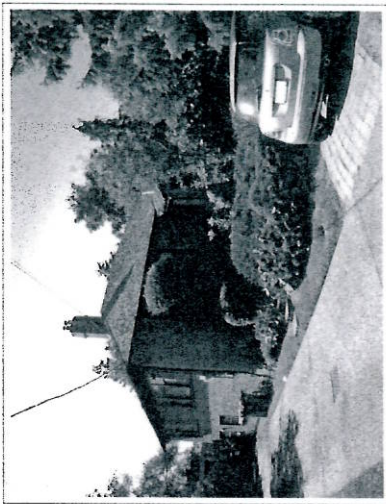
Existing House from Faithful Street



Location of New Lot & House

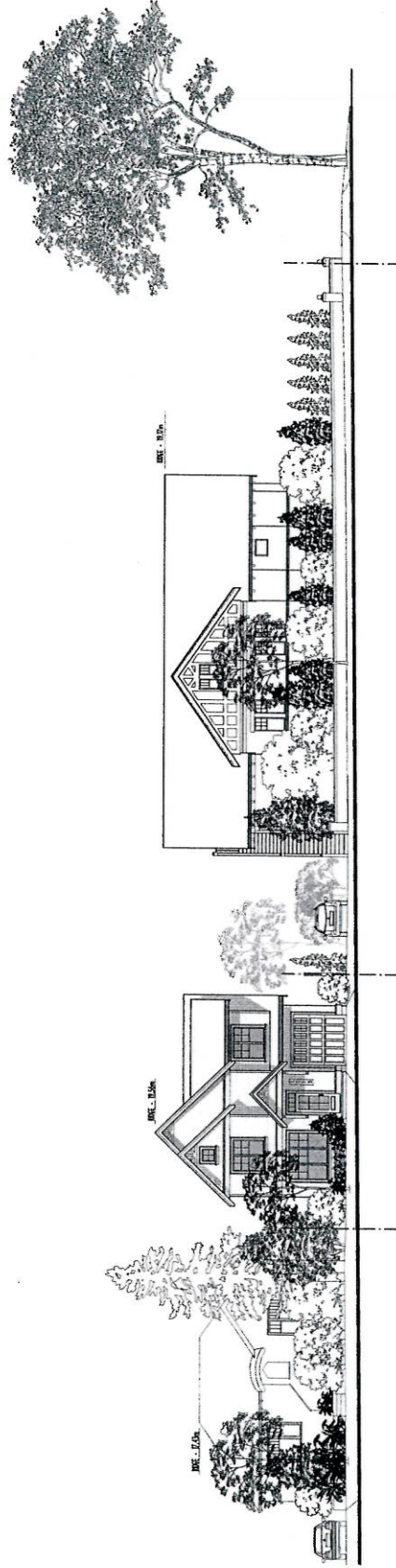


House to the East of Subject Property - 1117 Faithful Street



House to the East of Subject Property - 1117 Faithful Street

REVISED	OCTOBER 20, 2013
<b>Gerry Troesch</b> Residential Design	
1000 West 10th Street, Suite 100 Victoria, BC V8M 2T2	
Phone	250.683.1111
Fax	250.683.1112
Email	gerry@troeschdesign.com
Website	www.troeschdesign.com
Project Name	Proposed Rezoning 97 Cook Street Victoria, BC
Drawn By	Site Plan
Scale	As Shown
Sheet	1 of 6
File No.	



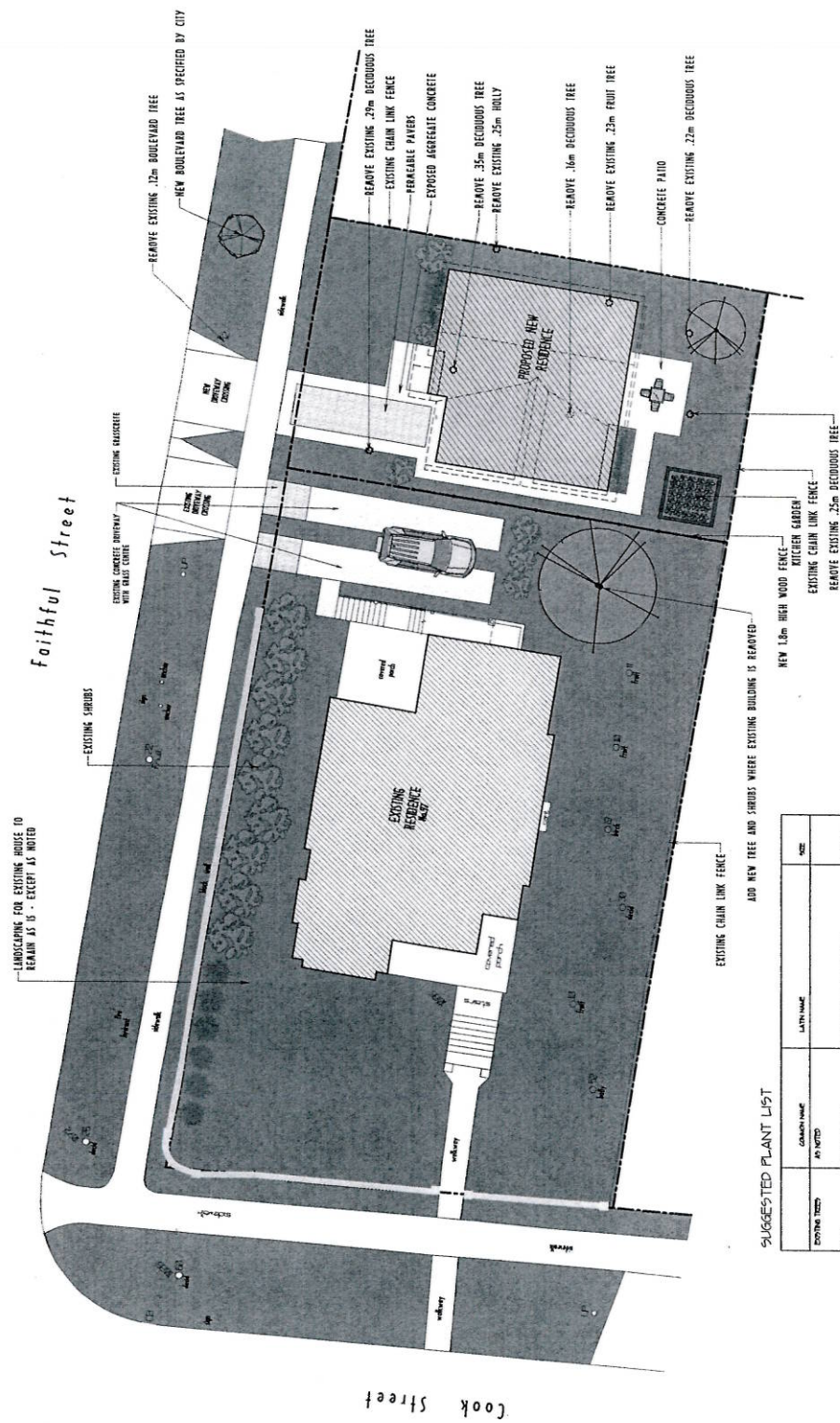
# Streetscape

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14-0010 07/09/17 10:00

<b>Gerry Troesch</b> Residential Design	
Owner: Mr. & Mrs. Troesch	Project: Proposed Remodeling
Date: September 12, 2013	Address: 97 Oak Street
Scale: 1/8" = 1'-0"	Location: Wichita, KS
Project:	Drawn by: Streetscape
Project:	Reviewed by:
Project:	Approved by:
Sheet: 2 of 6	File No.





Landscape Plan  
Scale - 1:100

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WITH ALL LABORERS WERE TO COMPLY WITH REGULA AND NANTA STANDARDS INTERPRETATIONS

RECEIVED - OCTOBER 28, 2013

**Gerry Troesch**  
Residential Design

370 Kings Road (3rd, 4th, 5th fls)  
Phone (202) 462-4322  
Email gl-robert@comcast.net

Drawn By: G. TROTSCH

Date: September 12, 2013  
Scale: AS 580078

Project:	Proposed Rezoning
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97 Cook Street  
Victoria, BC

as follows:

Drawing  
LIMBIC SYSTEM

LANDSCAPE PLAN

Revisions:	
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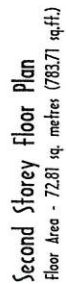
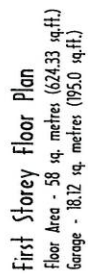
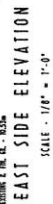
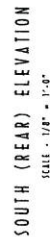
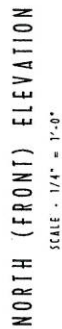
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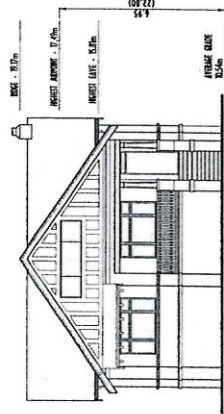
Sheet 3 of 6

Plant No.	
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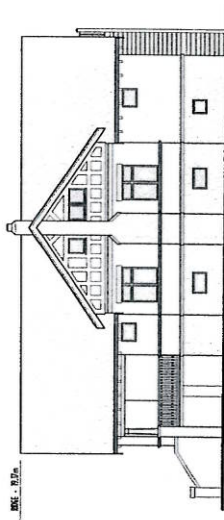






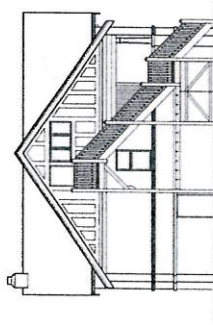
WEST (COOK STREET) ELEVATION

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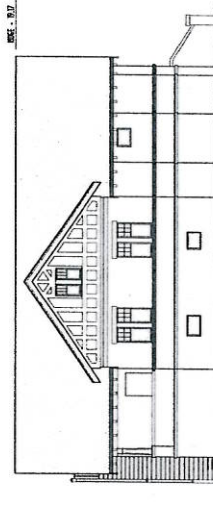
SOUTH SIDE ELEVATION

SCALE - 1/8" = 1'-0"



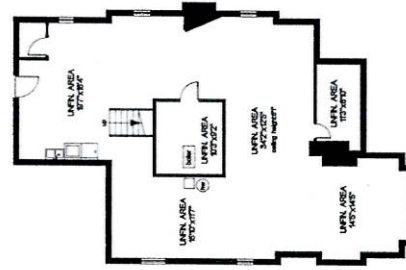
EAST (REAR) ELEVATION

SCALE - 1/8" = 1'-0"



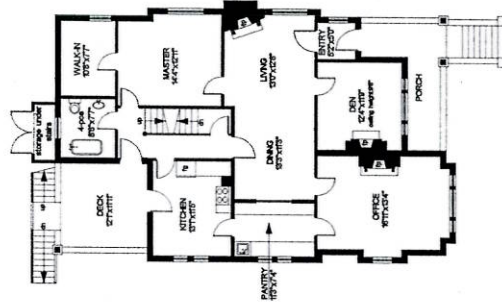
NORTH (FAITHFUL STREET) ELEVATION

SCALE - 1/8" = 1'-0"



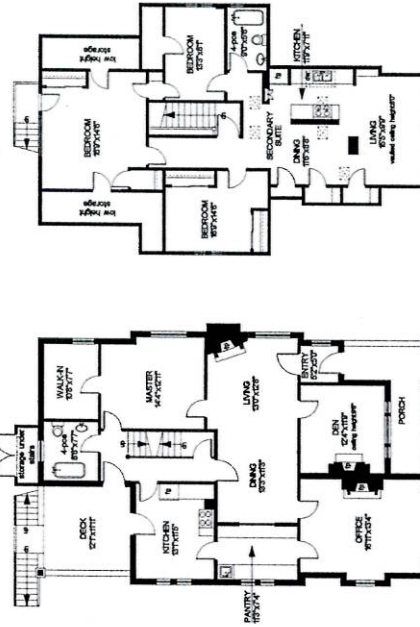
First Storey Floor Plan

Floor Area - 136.78 sq. metres (1472.3 sq.ft.)



Second Storey Floor Plan

Floor Area - 136.78 sq. metres (1472.3 sq.ft.)



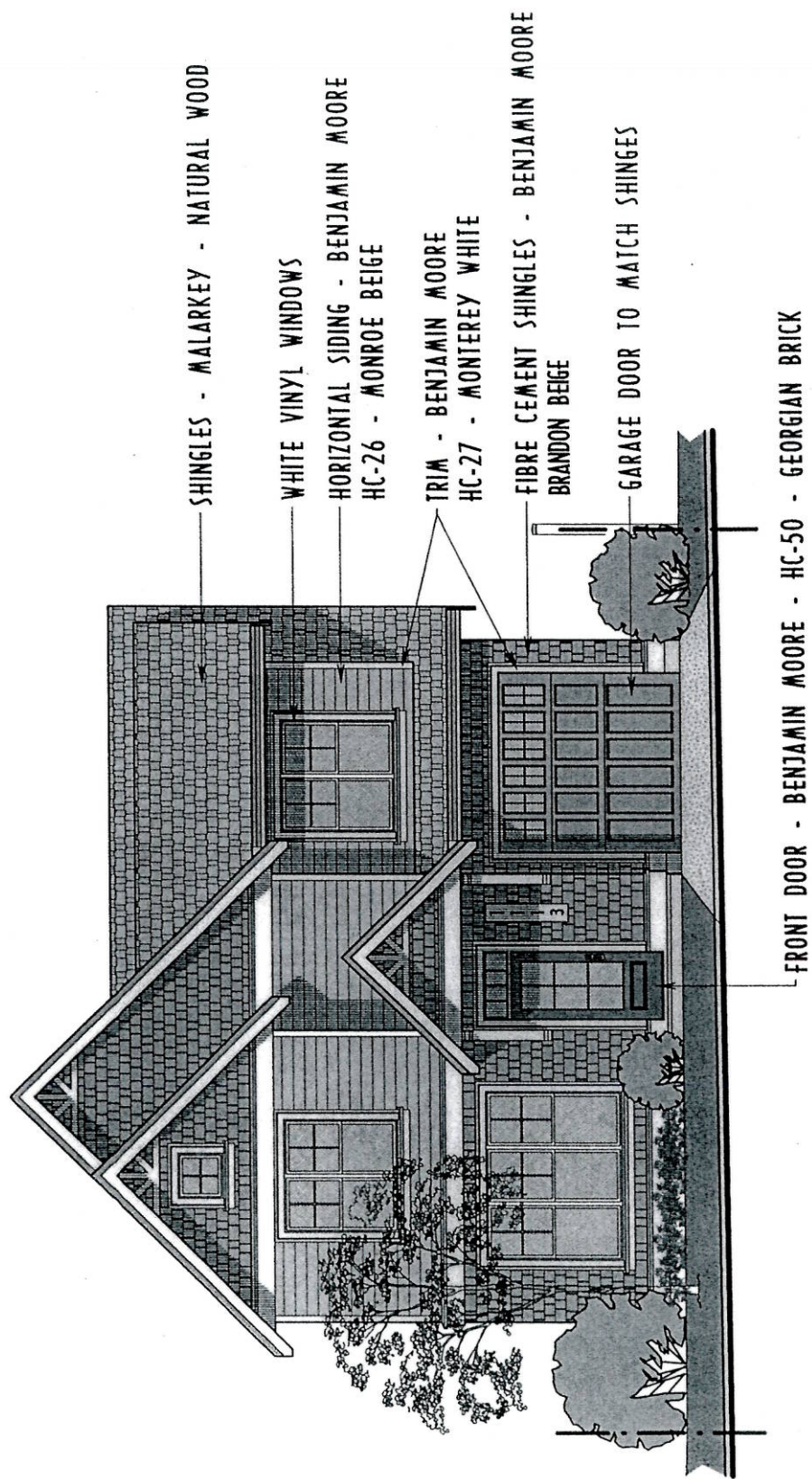
Third Storey (Secondary Suite) Floor Plan

Floor Area - 127.2 sq. metres (1369.2 sq.ft.)

REVISED - OCTOBER 30, 2013

<b>Gerry Troesch</b> Residential Design	
1000 10th Avenue Victoria, BC V8T 2C6	1000 10th Avenue Victoria, BC V8T 2C6
Phone: 250-383-1100	Mobile: 250-383-1100
Website: www.gerrytroesch.com	Website: www.gerrytroesch.com
Project: 197 Cook Street Victoria, BC	Project: 197 Cook Street Victoria, BC
Drawn: Gerry Troesch	Drawn: Gerry Troesch
Checked: Gerry Troesch	Checked: Gerry Troesch
Reviewed: Gerry Troesch	Reviewed: Gerry Troesch
Sheet 6 of 5	Sheet 6 of 5
Plan No.	Plan No.





PROPOSED EXTERIOR COLOURS - 97 COOK STREET

80 %

**SUMMARY  
SMALL LOT HOUSE REZONING PETITION**

I, WAYNE NELSON, have petitioned the adjacent neighbours\* in compliance with  
(applicant)

the *Small Lot House Rezoning Policies* for a small lot house to be located at 97 Cook Street  
(location of proposed house)

and the petitions submitted are those collected by 15/18/09/2013\*\*  
(date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
75 COOK STREET	✓		
105 COOK STREET		✓	
112 FAITHFUL ST.	✓		
117 FAITHFUL ST.	✓		
1120 FAITHFUL ST	✓		
1121 FAITHFUL ST			✓

SUMMARY	Number	%
IN FAVOUR	4	80
OPPOSED	1	20
TOTAL RESPONSES	5	100%

\*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

\*\*Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.





1264

## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

\_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) \_\_\_\_\_ (see note above)

ADDRESS: 105 COOK STREET

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☒ ~~I am~~ <sup>We are</sup> opposed to the application. Proposal will create an absolute minimum-size small lot permitted under R1S2 zone, and 'join' a 2 storey residence on the small lot - an outcome that is inconsistent with, and inappropriate in, this neighbourhood.

- Comments:
- absolute minimum sized lot created under R1S2 zone and require a variance to rear-yard setback of adjoining parcel to achieve
  - absolute minimum front, rear and side yard setbacks.
  - east side yard setback is minimum 1.5 metres even though east side of proposed residence contains a window
  - maximum roof height exceeds maximum permitted under R1S2 zone creating greater mass to the house
  - all mature vegetation will be removed from the small lot.

SEPT 20 2013  
Date

1263 1264  
Signature

In addition, proposed information available with this petition does not provide assurance that the proposed residence will be the one eventually built on the small lot, if created, nor assurance that heritage designation of 97 Cook St will occur prior to, or concurrent with, the subdivision if approved.

REQUIRED

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

WAYNE HOLCOMB  
(print name), am conducting the petition requirements for the

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) ROSS KUPP / JOANNE (see note above)

ADDRESS: 1121 FAITHFUL

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☐ I am opposed to the application.

Comments:

NEUTRAL

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Sept 18/13  
Date

[Signature]  
Signature

[Signature]



REQUIRED

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

\_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Alex & Kelly Galtzins (see note above)

ADDRESS: 75 Cook St

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15/9/2013  
Date

therussjan@shaw.ca  
\_\_\_\_\_  
Signature

REQUIRED

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

\_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Renate Karis (see note above)

ADDRESS: 1112 Fairford St.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Sept. 15, 2013  
Date

Renate Karis  
Signature

*[Handwritten mark]*



REQUIRED

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

\_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) NOEL SCHACTER (see note above)

ADDRESS: 1117 FAITHFUL ST

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:


☒ I support the application.

☐ I am opposed to the application.

Comments:

RELUCTANT SUPPORT

SEPT 15/13  
Date

  
Signature



REQUIRED

### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

INDINE HOLLOMAN  
(print name), am conducting the petition requirements for the

property located at 97 Cook Street, Victoria BC, V8V 3W7

to the following Small Lot Zone: R1 S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) KEVIN JENSEN (see note above)

ADDRESS: 1120 FAITHFUL ST.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

I SUPPORT PROTECTION OF HERITAGE HOUSES  
& PRO. OR POSITIVE DEVELOPMENT IN  
FAIRFIELD.

SEPT 18 2013  
Date

[Signature]  
Signature



Community Meeting input for FCGA July 15<sup>th</sup>, 2013

#### 97 Cook Street

In this neighbourhood's history, homes lining Cook Street between May and Dallas were less optimally maintained, few owners on site, multiple boarding rooms and transient flop homes. Since those days, the neighbourhood has seen new homeowners take great care in restoring heritage homes, improving older homes with upgraded systems and gardens that are now joyous for visitors to pass. We now have our neighbourhood group - the Cook Street Circle includes Block Watch and Emergency Preparedness. Although you may see single-family homes, we are a diverse neighbourhood of owners with renters who love heritage and the natural environment.

**Designating the Heritage Home:** The house was built 1909 by John Avery, a renowned architect builder who pioneered the use of concrete block. He sold to Captain W. H. Logan who lived in the house until his death 1927. He served in the British Navy, and then became agent for the London Salvage Association from Panama Canal to Alaska.

**Contribute towards our Heritage Conservation Area** – requested by the Cook Street Circle 2002 (neighbourhood group) and approved by city council in the new OCP 2012 pages 142-3.

[http://www.victoria.ca/assets/Departments/Planning~Development/Community~Planning/Documents/OCP/OCP\\_Section-21\\_Neighbourhood-Directions.pdf](http://www.victoria.ca/assets/Departments/Planning~Development/Community~Planning/Documents/OCP/OCP_Section-21_Neighbourhood-Directions.pdf) By starting the process, any redevelopment in our neighbourhood will enhance the heritage character which in turn increases property values in this stable neighbourhood. Good for everyone! We want this type of planning rather than spot rezoning causing upsets, future property speculations, and redevelopment that may not sympathetically fit in the neighbourhood.

I would like the house sold as single-family home with a secondary suite OR as a strata titled home. I have done the same with my 1912 home and although I did not strip it to provide "first home warranty", those who bought understood it was a renovated OLD home under today's building codes. In fact, the first buyer has just resold one unit which wouldn't have qualified for "first home warranty" even if we had stripped it down. I would be happy with a rentable "garden suite" in the garage – and this goes for any property in our HCA study area. Many yards in Fairfield are becoming useless because there is little space for kitchen gardens, fruit trees or backyard chickens – I would like to retain the yards in our HCA for this reason, giving it a heritage context and providing future owners the joys of having such a yard.

This neighbourhood has seen change – change for the better! And it has been a supportive neighbourhood that accepted my preschool without complaint for fourteen years, supported renters, seniors, families and students. We have supported garage sales, artist's open house, block parties, special events, etc. Some of us volunteer to restore Natural Areas in the parkland across the street. We want the city works with us on establishing HCA for future change. We do not want threats of removing homes for sub dividable lots or variances for small lots that are small enough without variances. I would encourage the realtor to find a happy buyer like he did to our current neighbours at 97 Cook Street.

Representative-Cook Street Circle: Cornelia Lange, 25 Cook St/250-382-2525/kacy@islandnet.com

**CALUC Community Meeting  
Fairfield Gonzales Community Association  
July 15, 2013**



In Attendance: three members of FGCA Planning and Zoning Committee (Paul Brown, George Zador and Jim Masterton)

**Proposed Garden Suite 152 Moss Street**

Present: 11 attendees signed in

The principle and dominant concern expressed by those attending is the additional pressure this garden suite will put on an existing parking problem in the area. Residents are concerned that the subject property that presently houses five individual residents (not a family) will now expand to up to 7 residents, potentially all with vehicles. Add on to this, an empty office building, if and when leased, will add additional stress to the parking situation.

There was much discussion on how the parking situation could be resolved however no option raised seemed to be practical.

A concern was also expressed by one resident (adjacent property) that their view could be impacted by the garden suite. This could not be determined to be the case until sight lines and building placement could be visualized.

The presenter was questioned regarding the garden suite meeting city standards and assurance was given that all such standards were met by what was being proposed.

**Proposed Subdivide 97 Cook Street**

Present: 7 attendees signed in

The property is presently listed for sale with a conditional offer in place.

The property was presented as being unlikely to remain in its present form, with two most likely options both not to the liking of some of those attending the meeting: the existing house torn down and replaced with a newer home or potentially two if subdivided; retaining the existing dwelling by having it designated as heritage in return for subdivision of the property to allow for a small lot and subsequent dwelling.

Some attendees questioned whether these were the most likely options/outcomes and that other outcomes were plausible.

There was discussion as to whether the City could and would designate the property heritage on its own initiative – possible though not high probability was the consensus. Other discussion around whether the legal suite that is presently part of the existing dwelling might be given up in return for the subdivision of the property.



A significant concern expressed was that subdividing the lot would detract from the larger lots most prevalent in Fairfield and the nature of the community.

General consensus was for neighbours to further discuss the situation and provide their comments to the Community Association prior to this report being submitted to the City (one week timeline). They expressed the analogy of being between a rock and a hard place.

Included as part of this report are two letters received from residents clarifying and confirming their comments and concerns.

Paul Brown  
Land Use Committee  
Fairfield Gonzales Community Association



RE: Rezoning, Subdivision and Heritage Designation Proposal for 97 Cook Street

Thank you for hosting the community information meeting on July 15<sup>th</sup> to allow neighbours to gain a better understanding of the proposal for 97 Cook Street that would, if approved, result in rezoning and subdividing the current parcel (Lot 20) to create an additional small lot under the R1-S2 zone, and designate the existing home on the heritage registry to preserve its heritage character. We also appreciate your willingness to briefly delay submission of the Fairfield Gonzales Community Association (FGCA) comments to allow affected neighbours to absorb what was learned at the meeting and provide comments for consideration by your Land Use Committee. We understand that this information meeting was the first step for the 97 Cook Street proposal and a formal application for rezoning, subdivision, and heritage designation has not been submitted to the City of Victoria.

The 97 Cook Street proposal as we understand it, based on the realtor's overview and responses to questions posed by community members, is to:

- Designate the home on the heritage registry in exchange for approval to rezone and subdivide the rear portion of the lot into a R1-S2 zoned small lot;
- Create the minimum-sized small lot allowed under the R1-S2 zone (260 m<sup>2</sup>, 2799 ft<sup>2</sup>) that is only possible if a variance is provided on the rear yard set back (reduce from the required 25 feet to 18 feet) for the existing home on the parent parcel; and
- Remove the coach house/garage/studio to allow for future construction of a 2-storey home with a total size of approximately 1800 ft<sup>2</sup>; the R1-S2 zoning could also allow an additional basement storey.

There are obvious impacts of the proposed rezoning and subdivision on the neighbours. Most acutely, this will be felt by the immediately adjoining properties at 1117 Faithful and 93 Cook Street. These homeowners will be directly impacted by the new minimal-sized small lot and future 2-storey home as they will suffer from a dramatic loss of privacy and green space with a material effect on their quality of life and property value. In addition, all of the neighbours surrounding 97 Cook Street will be affected by the loss of mature landscaping that will accompany the development of the new lot as well as the traffic and parking issues that will inevitably result from increasing the existing 2 dwelling units (home and secondary suite) to 3 dwelling units.

However equally, and possibly more important, is the impact of this proposal on the future of the Fairfield neighbourhood. It is difficult to argue against preserving heritage values such as the home at 97 Cook Street as those values are integral to the highly desirable quality of living so valued by both current residents and those who aspire to live in this special part of Victoria. But larger lots, mature landscaping, diversity of home styles, and proximity to natural areas and social amenities are, to many, arguably more important than heritage attributes in defining the Fairfield quality of living.

Approving the small lot rezoning and subdivision for 97 Cook Street, including set back variance to create a minimum lot size, establishes a new precedent and baseline for producing new housing stock in Fairfield. Inserting minimal lot sizes and smaller set backs to adjoining properties will, over time, change the character of the neighbourhood



and diminish the unique and highly desired Fairfield attributes. Land values will drive this development pressure as Fairfield home prices support the business case for creating small lots among the larger lots, and building new homes.

The current owners of 97 Cook Street have not acted to designate their home on the heritage registry prior to sale. Instead, the proposal is to extract a favourable zoning and subdivision decision from the City in exchange for a commitment to secure heritage designation for the home in order to maximize the sale price for their property. During the July 15<sup>th</sup> community meeting the realtor was unable to explain how this heritage designation commitment would be secured during the transfer of 97 Cook Street from the current owners to future owners.

The proposal represents a difficult choice for those who live in proximity to 97 Cook Street. Our preferred outcome for 97 Cook Street would be to retain the current situation – a heritage structure with a secondary suite situated on a character lot with mature landscaping that maintains the quality of the streetscape and the heritage attributes. Those people interested in the listing for 97 Cook Street are reportedly examining the development potential of the 10,300 ft<sup>2</sup> parcel that will allow subdivision into two lots under existing R1B zoning once improvements are removed. This development interest may, to some degree, be a result of the current pricing of 97 Cook Street as it reflects the parcel's development potential.

After considerable reflection, while we would prefer to see the heritage values conserved, we cannot support the proposed small lot rezoning and subdivision for 97 Cook Street given the precedent it creates for the future of our neighbourhood.

Again, thank you for providing the opportunity to better understand the proposal and considering these comments in preparing the FGCA's submission to the City of Victoria regarding 97 Cook Street.

Sincerely,

Val and Ken Baker  
105 Cook Street

Renate Varwig  
1112 Faithful Street

Johanna Smith  
109 Cook Street

Noel Schacter & Elizabeth Simpson  
1117 Faithful Street