

Janet Hawkins

From: Anna Finegan [REDACTED]
Sent: Sunday, Jul 5, 2015 1:42 PM
To: Public Hearings
Subject: Zoning application #00451 for 1049 Richmond Avenue

To whom it may concern,

Regarding the above application for rezoning at 1049 Richmond Avenue, I would like to send a note of support for the homeowners. We live at 1060 Richmond Avenue and we support the rezoning application and the plans of the homeowners at 1049 Richmond.

Thanks very much,

Anna Finegan
1060 Richmond Avenue (since 2001)
[REDACTED]

Janet Hawkins

From: Dee Perkins [REDACTED]
Sent: Monday, Jul 6, 2015 5:11 PM
To: Public Hearings
Subject: Re zoning 1049 Richmond Ave.

Hi there,

Our names are Rainer Tritt and Dee Peruzzo, formally Dee Perkins and we live at 3-1053 Richmond Ave. We both have lived next to 1049 Richmond Ave. and would welcome the rezoning. We have seen the plans and believe this is a lovely addition to the street. We both agree with the re zoning and look forward to the changes.

Best Regards,
Rainer Tritt and Dee Peruzzo

Janet Hawkins

From: KARIN KNOWLTON <karinknow@shaw.ca>
Sent: Tuesday, Jul 7, 2015 8:00 PM
To: Public Hearings
Subject: Rezoning Application no.00451 1049 Richmond Ave

To Council Members...

I have lived at 1053 Richmond Ave for 23 years..right next door to Ann and Julian at 1049.

They are a great family and have been wonderful neighbours all these years.

Their home is beautiful..both inside and out...the nicest on the block for sure. Ann maintains one of the loveliest gardens around!

I understand their desire to downsize ..now that their two boys are grown. I have seen the plans for their new home and I think it's perfect! It would be nothing but a beautiful addition to the neighbourhoodand best of all we'll still be neighbours!!! :) I know I speak for our entire house (4 suites) when I say..we are 100% behind Ann and Julian.

Sincerely....Karin Knowlton

#2-1053 Richmond Ave

Victoria BC

Sent from my iPad

Janet Hawkins

From: Dean Mr,Owen [REDACTED]
Sent: Wednesday, Jul 8, 2015 9:26 AM
To: Public Hearings
Subject: 1049 Richmond

Hello,

My name is Dean Owen, and I live at 1053 Richmond. My neighbor is applying to build a small addition on his property, and I want it to be known that I, and my fiancé, fully support him and his family in their efforts to do so.

Thank you for your time

Dean Owen

Janet Hawkins

From: Reevan McKay [REDACTED]
Sent: Wednesday, Jul 8, 2015 10:54 AM
To: Public Hearings
Cc: Michelle Frey
Subject: Public hearing for Rezoning Application 0451
Attachments: 1049_Richmond_Rezoning_Objection_Resubmitted.pdf

Please accept this correspondence for inclusion at the public hearing on July 9 for rezoning application 451

This correspondence had been sent previously but was not included in the public hearing correspondence. It remains largely relevant since what we have seen of the plans has not changed significantly since then.

Note that we have met with the applicants with our concerns and some suggestions that would help make the proposal more acceptable to us, specifically:

- Respect the 2.4m setback against our property. It appears that the applicants have chosen to deal with this by removing habitable spaces facing our property, meaning they intend to build even closer.
- Avoid extending the building past the rear line of the existing property)
- Avoid increasing the height of the construction above the existing story and height zoning guidelines

Currently it does not appear that these suggestions have been considered and as such we remain opposed to the existing proposal.

Regards,
Reevan McKay
Michelle Frey

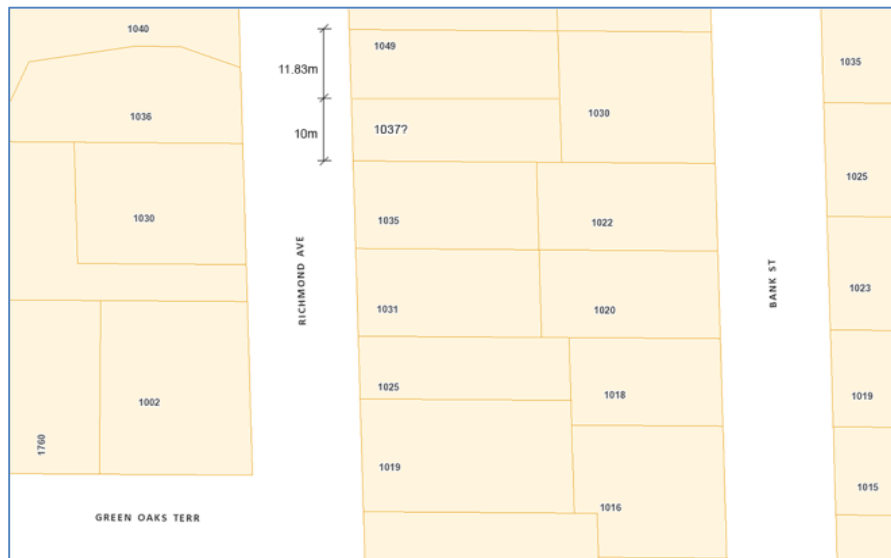
Objection to Proposed Rezoning and By-Law Amendment of 1049 Richmond Ave (REZ-00451)

Originally Submitted: April 23, 2014

Resubmitted for public hearing: July 8, 2015

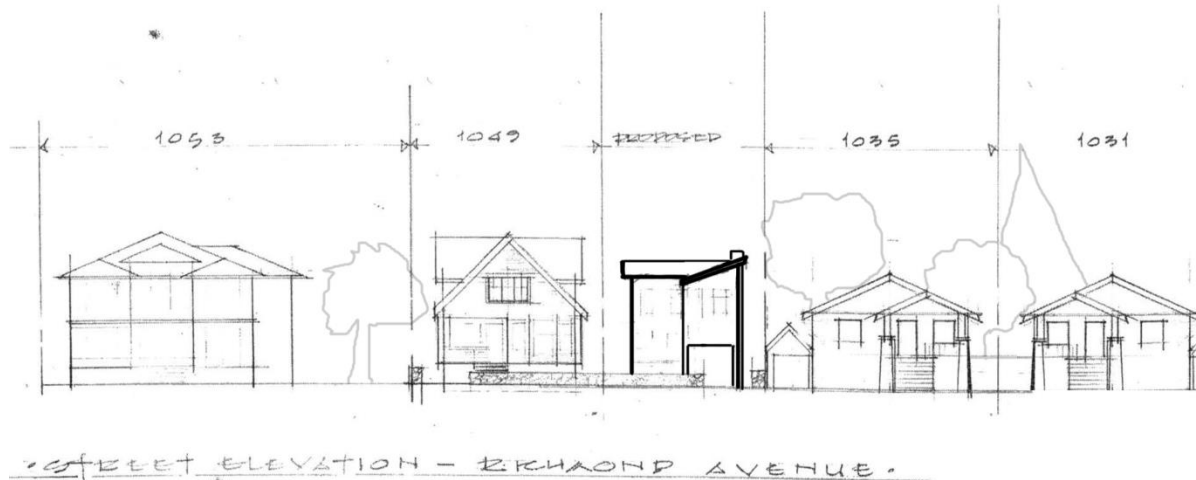
Opposition to the Proposal

The residents -Reevan McKay and Michelle Frey - and owner - Derek McKay - of 1035 Richmond Ave. are opposed to the proposed rezoning and by-law amendment of 1049 Richmond Ave. which would see lot 1049 rezoned from R1-G¹ into two R1-S2(or R1-G2)² Small Lots. This proposal requires several variances to the R1-S2/G2 code just to make it possible. We submit that the lot at 1049 is too narrow to support this subdivision into two Small Lots and the proposed construction is out of proportion and character for the neighbourhood. It is taller, wider and closer to neighbouring properties than other construction in the area. This proposal is invasive to the privacy, access to light, peace & quiet and resale value of the 1035 property and other homes in the area.



¹ The Victoria Development services site lists the property as R1-G zoning. The Development Proposal Notice of Community Meeting lists the site as R1-B zoning.

² Some confusion appears to exist over the exact zoning designation of the new lot – it is listed as R1-S2 and R1-G2 on different documents.



Multiple Variances Required

The lot on 1049 is currently zoned as R1-G (single family dwelling-Gonzales district) according to the Victoria Planning & Development Services department. To create the new R1-S2 lots, the proposal relies on a total of almost four meters of setback variances across two lots (See **Figure 1**)

- The existing side setback on 1049 north is already too small. It is apparently 1.3 meters instead of the ~3.15 meters required for a ~21 meter-wide lot according to code R1-G, and less than the 2.4m required for an R1-S2/G2 lot for habitable space with windows.
- The south setback on the newly rezoned 1049 is proposed to be between 1.3 and 1.5 meters instead of the required 2.4 meters for habitable space with windows.
- The north setback on the newly created 1037(?) lot is proposed to be 1.5 meters instead of the required 2.4 meters for habitable space with windows. If granted and combined with the small setback on the south of 1049, this will have an impact on the view, light and privacy received by the purchasers of 1049 which currently has most of its fenestration on the south elevation. The windows of the two houses will now be 2.8 meters away from *each other*, which has obvious implications for privacy, light and fire safety.
- The south setback on the newly created 1037(?) lot is proposed to be 1.5 meters instead of the required 2.4 meters for habitable space with windows. Since the main living space fenestration of 1035 is on the north elevation, the owner and residents of 1035 are opposed to this variance for reasons of privacy, light, view and safety.

Normally, the rezoning of 1049 and 1037(?) should not occur without the granting of the south setback variance on the existing 1049 building scheduled to become R1-S2, or else the newly created 1037(?) lot would be too narrow (~9 meters) to qualify for the minimum lot width for an R1-S2 zoning (10 meters). See **Figure 2**.

Confusion Regarding Existing and Proposed Zoning Impact on Floor Area

The Victoria city map database lists the existing site as R1-G zoning. While owners and designers assert that it is R1-B zoned. With regards to the new zone, it is listed as R1-G2 on the Community Petition handed out by the proponents, but it is listed as R1-S2 on the Community Development Proposal meeting. If it is to become R1-G2, then the allowable floor area is reduced to 160 m² instead of 190 m², making the existing proposal (at approximately 190 m²) too large for the site.

Difference between this proposal and other Small Lot subdivisions in the Neighbourhood

The existing 1049 lot is only ~21.8 meters wide. A previously subdivided lot in the neighbourhood (1019/1025) was approximately 28 meters wide before subdivision. When it was subdivided, 1019 remained an R1-G lot (approx. 18 meters wide) while 1025 became R1-S2 (10 meters wide). The proposed division of lot 1049 will produce two R1-S2/G2 lots (both less than 15m wide), one of which will already be in violation of the Small Lot zoning by-laws based on the existing construction (setbacks and height).

View, Light and Privacy Impact on Neighbouring Lots

- The existing construction at 1049 is more than 10m tall at the peak according to drawings produced by Banks Design. While the drawing don't show the official building height (midpoint of peak to eaves), it is likely about 8.5m since the eaves are at the height of the 1035 property which measures 7.1m at the peak. This is already taller than what is allowed on an R1-G, R1-B or R1-S2 lot. The proportions of this existing building on a Small Lot will have an impact on light and view for the newly created 1037(?) lot.
- The proposed construction of 1037(?) is more than 7m tall according to the illustrations provided by Banks Design. While this is allowable for an R1-S2/G2 lot, the requested south side setback variance causes unreasonable view and light obstruction for 1035, which currently receives all of its sky views and natural light from the north side. See **Figure 3** and **Figure 4** (*These images are rendered using the Banks Design measurements and plans provided to us with the Community Petition on April 6, 2014*).
- The requested side setback variances mean that the upper bedroom and den of 1037(?) will end up looking into the living room of 1035 from a short distance, having an impact on privacy.
- The single sloped roof angled away from the 1035 property presents the residents of 1035 with an unreasonably tall elevation. While the official height of the building (midpoint of peak to eaves) is within the limits, the sheer wall facing 1035 is the height of the peak, effectively expanding the height of the building for shading and obstruction purposes.

Loss of Green Space for Front Parking

The updated designs proposed at the April 22nd community meeting indicated what appeared to be a large concrete parking pad in the front of the houses, shared between the two properties (not shown in Figure 1). If this is indeed the case, it would appear to go against the R1-G design guidelines (1.6.7a). It's unclear whether the design guidelines on front parking are similar for R1-G2 zoned lots? It also appears to contradict the guidelines in Schedule C.3 regarding front parking.

Conclusion

The owners and residents of 1035 are opposed to this rezoning proposal due to the scale of construction, the large number of variances required to make it feasible, and the short and long term impacts on neighbouring properties' privacy, light and safety.

Our concern is that this proposal appears to represent an attempt to maximize sale revenue by permanently sacrificing the character of a beautiful and unique piece of land and green space.

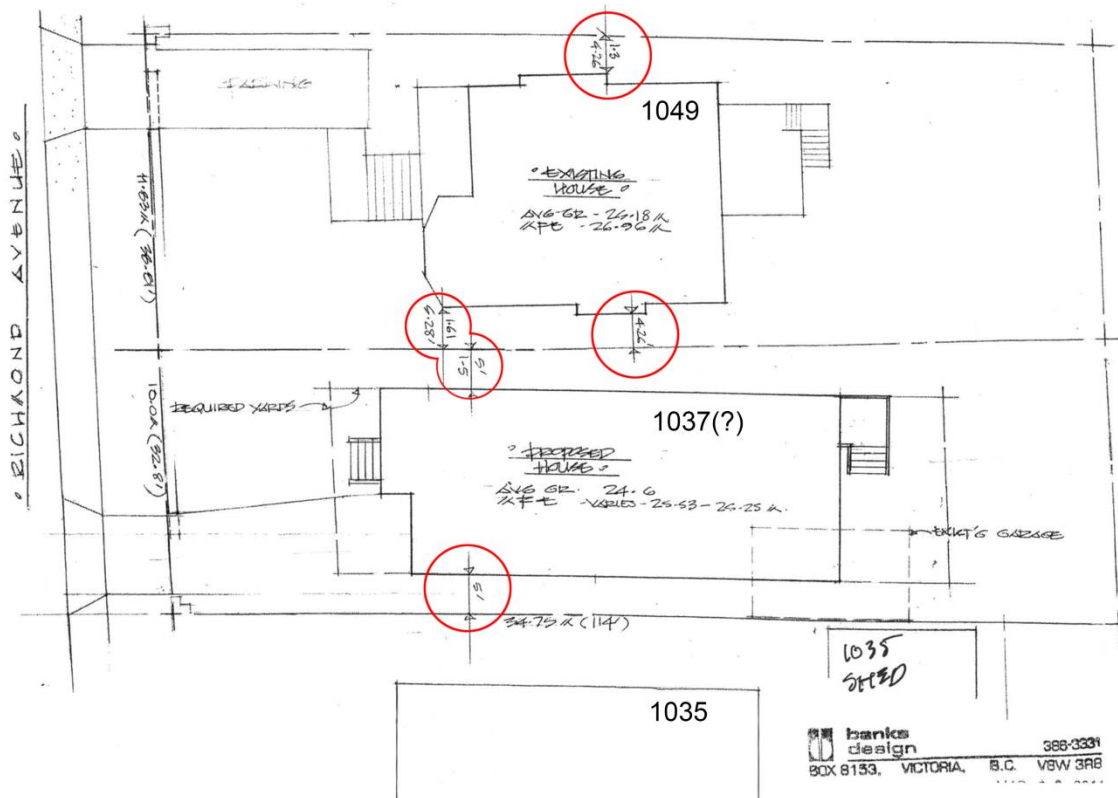


Figure 1-Proposed lot with existing and proposed variances marked in red³

³ Drawings from April 6. Note that these drawings do not reflect modifications made by the proponents since then, including revised parking layouts.

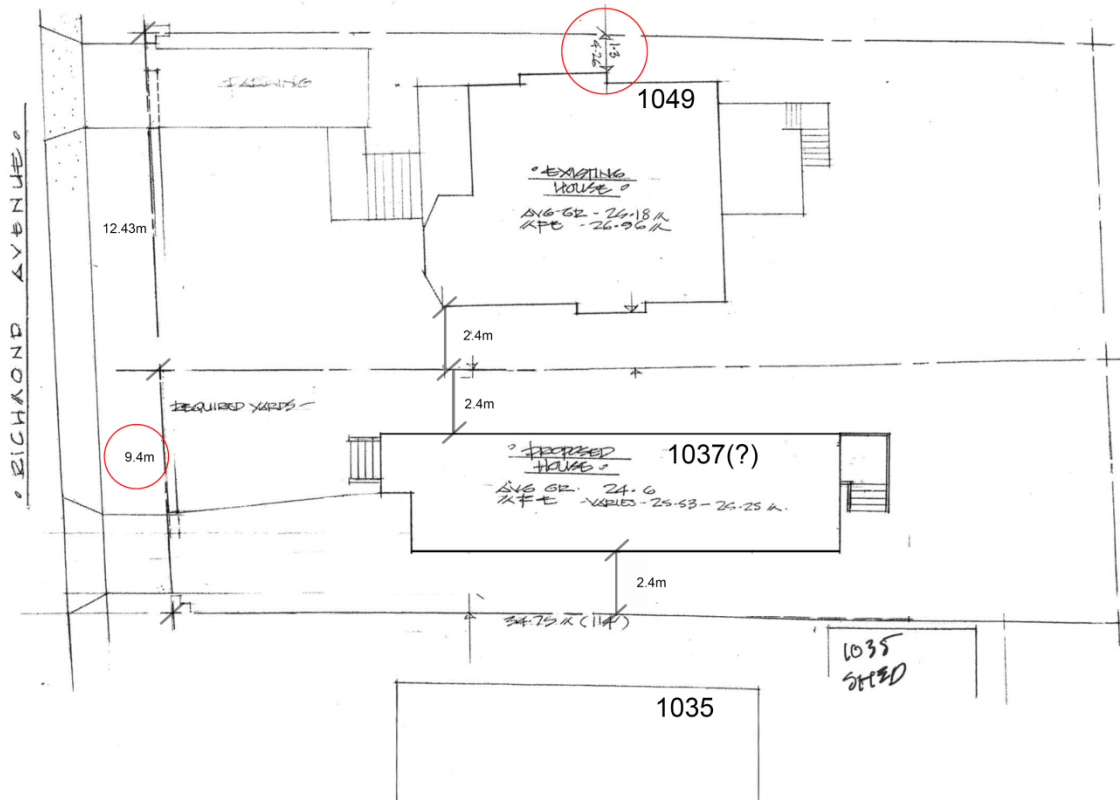


Figure 2-Site map with correct side setbacks; 1037(?) site is now too narrow to comply with R1-S2 minimum width. The existing side setback variance at 1049 north remains circled in red. Maximum width of construction at 1037(?) is now 4.6m instead of 7m.



Figure 3-View North-East from 1035 (current)

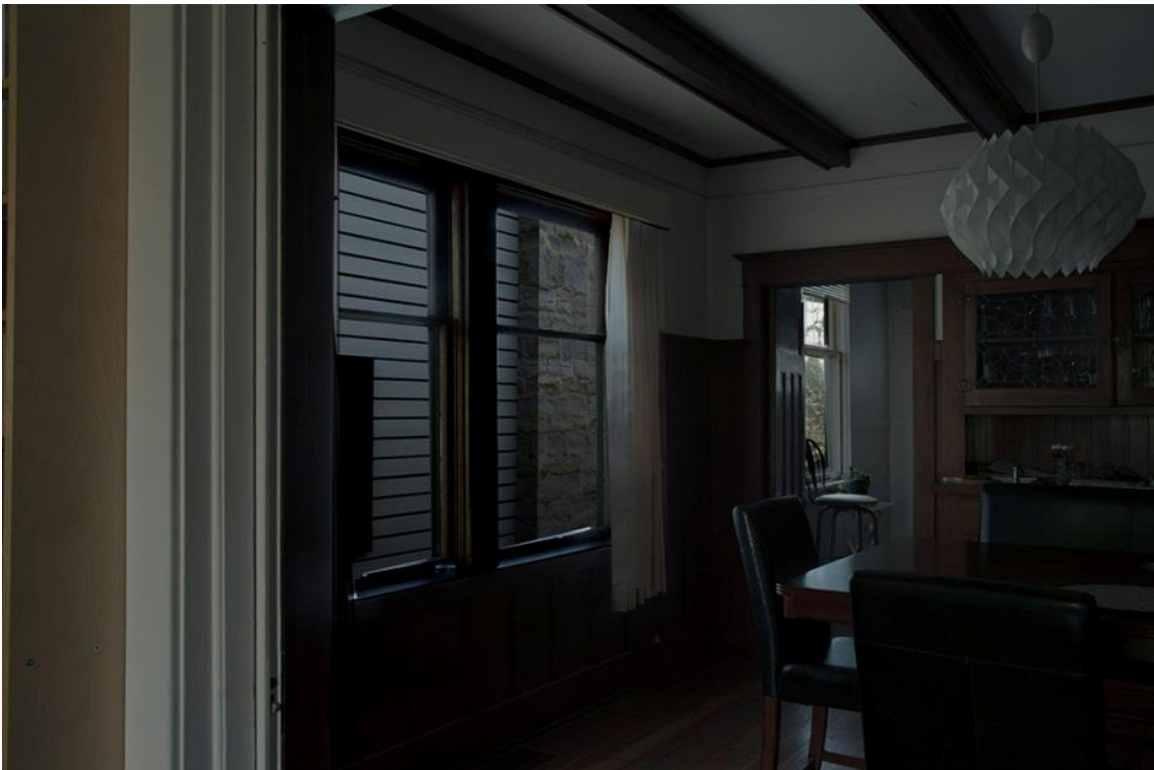


Figure 4-View North-East from 1035 (after proposal)