



## Committee of the Whole Report

For the Meeting of September 20, 2018

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**To:** Committee of the Whole **Date:** September 6, 2018

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Variance Permit No. 00207 for 423 Edward Street

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### RECOMMENDATION

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. 00207 for 423 Edward Street, in accordance with:

1. Plans date stamped August 30, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the required vehicle parking from four stalls to one stall
  - ii. reduce the rear yard setback from 7.5m to 3.25m
  - iii. allow the addition of a roof deck
  - iv. allow exterior changes to the street façade to a proposed house conversion
  - v. reduce the separation distance for an accessory building from the main building from 2.4m to 2.15m
  - vi. allow an accessory building in the side yard.
3. The Development Permit lapsing two years from the date of this resolution
4. Final issuance of the Development Variance Permit subject to:
  - i. a Statutory Right-of-Way of 1.8m on the Russell Street frontage being registered on title to the satisfaction of the Director of Engineering and Public Works
  - ii. revised plans addressing minor drafting errors to the satisfaction of the Director of Sustainable Planning and Community Development."

### 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 423 Edward Street. The proposal is to convert a single-family dwelling with secondary suite to a triplex. The application proposes the following variances from the *Zoning Regulation Bylaw*:

- the proposal requires four vehicle parking stalls; however, only one parking stall is being provided. Therefore, the application proposes a parking variance of three stalls
- a stairwell has been added to the north elevation of the building and projects into the rear yard setback; therefore, the application proposes to reduce the rear yard setback from 7.5m to 3.25m
- in order to meet exiting requirements for the third-floor unit, the applicant is proposing to add a balcony on the east elevation of the building. The *Zoning Regulation Bylaw* classes this as a roof deck, which is not permitted and requires a variance
- Schedule G of the *Zoning Regulation Bylaw* provides regulations for house conversions and restricts exterior alterations to buildings along the street frontage for five years prior to a house conversion. In this instance, the applicant is proposing to increase the size of windows along Russell Street, which requires a variance
- a variance is required to reduce the separation distance between an accessory building and the main building from 2.4m to 2.15m to facilitate a small bicycle storage shed
- a variance is required to allow for the partial placement of the bicycle storage shed in the side yard.

The following points were considered in assessing this application:

- the proposal responds to objectives and policies outlined in the *Official Community Plan, 2012* (OCP) relating to mix of house types, tenures and affordability
- the proposal is consistent with the *Victoria West Neighbourhood Plan, 2018*, which supports the conversion of existing houses in all Traditional Residential Sub-Areas
- the proposed parking variance is not expected to result in a significant impact on the neighbourhood
- the stairwell proposed in the rear yard setback does not encroach beyond the north elevation of the existing house
- the proposed minor alterations to the rear of the house are required to satisfy British Columbia Building Code requirements and enhance the liveability of the dwelling units.

## BACKGROUND

### Description of Proposal

The proposal is to convert an existing single-family dwelling with a secondary suite to a triplex. Specific details include:

- minor alterations to the exterior of the building, including a new staircase, balcony and fenestration
- the proposed house conversion would result in two three-bedroom rental units, and one two-bedroom rental unit. It should be noted the applicant is not willing to enter into a Housing Agreement to secure the rental tenure of the dwelling units at this time.

The application proposes variances related to a reduction in the required number of vehicle parking stalls from three four stalls to one stall; the rear yard setback; the separation distance from the main building to a bicycle storage shed; the location of the bicycle storage shed; and

variances required for the proposed exterior alterations to the existing building.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- a six-stall visitor bicycle rack
- secure storage for four bicycles.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Variance Permit Application.

### **Statutory Right-of-Way**

The Standard Right-of-Way for a local road is 18m; however, the future transportation needs on this corridor can be met with a Right-of-Way width of 15m. To achieve this minimum on Russell Street, a Statutory Right-of-Way (SRW) was requested. The applicant has agreed to register a 1.8m SRW on the Russell Street frontage.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

### **Existing Site Development and Development Potential**

The current use of the site is a single-family dwelling with a secondary suite. The property is zoned R-2 Zone, Two Family Dwelling District; however, given that the site area is less than 555m<sup>2</sup>, a duplex could not be developed under the current site zoning.

### **Data Table**

Although the property is in the R-2 Zone, the following data table compares the proposal with the existing R1-B Zone, given that a two-family dwelling could not be developed under the current zone based on the subject site area. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify an existing legal non-conformity.

Zoning Criteria	Proposal	Zone Standard (R1-B Zone and Conversion Regulations)
Site area (m <sup>2</sup> ) - minimum	388.70	230
Lot width (m) - minimum	18.26	7.5
1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	262.17	280

Zoning Criteria	Proposal	Zone Standard (R1-B Zone and Conversion Regulations)
Combined floor area (m <sup>2</sup> ) - maximum	386.19	300
Storeys - maximum	3**	2
Height (m) – maximum	9.01**	7.6
Roof Deck	Yes*	Not permitted
Site coverage % - maximum	36.50	40
Setbacks (m) – minimum:		
Front (south)	3.12**	7.5
Rear (north)	3.25*	7.5
Side (east)	5.85	1.83
Side (south)	1.49**	3.5
Combined side yards	7.34	4.5
Parking - minimum	1*	4
Bicycle parking stalls (minimum)		
- long term	4	4
- short term	6	6
<b>Conversion Regulations (Schedule G)</b>		
Date of construction	1906	pre 1931
Required area (m <sup>2</sup> ) - minimum	386.19	245
Minimum unit area (m <sup>2</sup> ) - minimum	120	33
Addition in last 5 years	n/a	Not permitted
Exterior change	Yes*	Not permitted
Landscape – total lot (%) – minimum	53	30
Landscape – rear yard (%) - minimum	56.6	33
<b>Accessory Building Regulations (Schedule F)</b>		
Location	Side yard*	Rear yard
Combined Floor Area (m <sup>2</sup> ) - maximum	5.3	37
Height (m) – maximum	2.4	3.5

Zoning Criteria	Proposal	Zone Standard (R1-B Zone and Conversion Regulations)
Rear setback (m) – minimum	0.6	0.6
Side setback (m) – minimum	0.6	0.6
Separation space from main building (m) – minimum	2.15*	2.4
Rear yard site coverage (%) - maximum	9	25

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on January 31, 2018, the application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

### Official Community Plan

The proposal is consistent with the *Official Community Plan, 2012 (OCP)*, and the triplex conversion addresses several OCP objectives and policies relating to increasing the supply of rental housing; housing affordability; and supporting a range of housing types, forms and tenures within the neighbourhood.

### Local Area Plans

The proposal is consistent with the *Victoria West Neighbourhood Plan, 2008*, which supports the conversion of existing houses in all Traditional Residential Sub-Areas.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

## Variances

### Parking

The property currently accommodates one parking stall in association with the single-family dwelling with a secondary suite. Schedule C of the *Zoning Regulation Bylaw* requires four parking stalls for the proposed triplex based on the size, location and tenure of the dwelling units. Therefore, staff anticipate that the proposal would result in a shortfall of three parking stalls and this shortfall will likely impact the availability of on-street parking.

Although there appears to be space to provide additional off-street parking in the side yard of

the property, the applicant has indicated that they would prefer that this space be retained as amenity space for tenants. Staff would support this approach as the subject lot is relatively small and additional on-site vehicle parking would likely occupy a significant portion of the remaining amenity area.

While the development results in a shortfall of off-street parking, given the policy support for the proposed use outlined in the OCP and the *Victoria West Neighbourhood Plan*, and the extent of the variance being proposed, staff recommend that Council consider supporting this variance.

Should Council wish to require that the applicant further explore opportunities for providing additional off-street parking in the side yard, an alternative motion is provided.

#### Exterior Alterations and Additions

Schedule G of the *Zoning Regulation Bylaw* provides regulations for house conversions and restricts exterior alterations to a building for five years prior to a house conversion. In this instance, the applicant is proposing to enlarge the windows facing onto Russell Street which requires a variance. In addition, a staircase is proposed to the rear of the building and a small balcony is proposed on the upper-level of the east elevation. The latter is considered a roof deck and is not permitted in the site zoning, hence, a variance is required.

The aforementioned alterations are minor in nature, are required to satisfy British Columbia Building Code requirements, and enhance the liveability of the dwelling units. Furthermore, they are considered to have minimal impact upon neighbours.

While the proposed stairwell is located in the side yard setback area (and thus requires a setback variance), it does not project beyond the wall of the existing building.

#### Accessory Building

A bicycle storage shed is proposed within 2.15m of the existing building. Schedule G of the *Zoning Regulation Bylaw* requires a separation distance of 2.4m between accessory buildings and the main building, hence, a variance is required. In addition, the building partially projects into the side yard of the property triggering another variance.

Again, these variances are minor in nature and the accessory building would not adversely impact the liveability of the proposed dwelling units.

#### **CONCLUSIONS**

The proposed application to convert the existing building to a triplex is consistent with City policy. The proposal would result in a shortfall of parking stalls and, as a result, the development will have some impacts on parking availability in the vicinity of the subject site; however, given the support outlined in City policy for this type of house conversion, and the extent of the variance being proposed, staff recommend that Council consider supporting this variance. The other variances being proposed are considered minor in nature and would have minimal impact on neighbours.

## ALTERNATE MOTIONS

### Alternate Motion 1 (explore the potential for providing additional off-street parking)

That Council, subject to staff working with the applicant to explore the possibility of providing additional off-street parking on-site and after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:


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1. Plans date stamped August 30, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
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  - iv. revised plans addressing minor drafting errors to the satisfaction of the Director of Sustainable Planning and Community Development."

### Alternate Motion 2 (decline application)

That Council decline Development Variance Permit Application No. 00207 for the property located at 623 Edward Street.

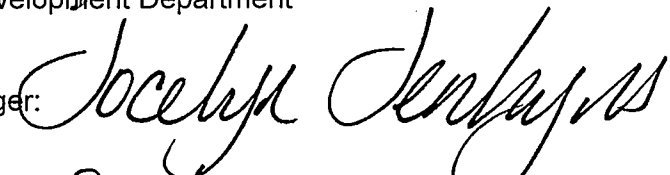
Respectfully submitted,

  
Jim Handy  
Senior Planner – Development Agreements  
Development Services Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

  
Sept. 13, 2018

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 30, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 30, 2018