

## H. REPORTS OF COMMITTEES

### H.1 Committee of the Whole

#### H.1.c Report from the July 12, 2018 COTW Meeting

##### H.1.c.e 944 Heywood Avenue - Update Report: Development Permit with Variances Application No. 00003 (Fairfield)

**Moved By** Councillor Alto

**Seconded By** Councillor Lucas

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 Permit with Variances Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

##### Proposed Lot A

i. Reduce the front yard setback from 6.00m to 3.20m

ii. Reduce the rear yard setback from 6.00m to 1.61m

iii. Permit parking to be located between the building and the front lot line.

##### Proposed Lot B

i. Reduce the front yard setback from 6.00m to 3.25m

ii. Reduce the rear yard setback from 6.00m to 4.63m.

iii. Reduce the side yard (east) setback from 2.4m to 1.5m.

2. Revisions to the plans date stamped November 2, 2017 to address errors and inconsistencies to the satisfaction of the Director of the Sustainable Community Planning and Development Department.

3. The Development Permit lapsing two years from the date of this resolution."

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Madoff

**CARRIED (8 to 1)**

**E. LAND USE MATTERS**

**E.4 944 Heywood Avenue - Update Report: Development Permit with Variances Application No. 00003 (Fairfield)**

Committee received a report dated June 29, 2018 from the Director of Sustainable Planning and Community Development regarding an application to demolish the existing single family house and create two lots in order to construct two new small lot houses.

*Committee discussed:*

- *The application of design guidelines for zoning.*
- *The Heritage Designation properties in the neighbourhood to the north of the subject site.*

**Moved By** Councillor Madoff

**Seconded By** Mayor Helps

- That Council decline Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

*Councillor Isitt returned to meeting at 10:14 am*

*Committee discussed:*

- *incorporating new styles and gentle density in the existing neighbourhood*

FOR (1): Councillor Madoff

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

**DEFEATED (1 to 6)**

**Moved By** Councillor Alto

**Seconded By** Councillor Lucas

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 Permit with Variances Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Reduce the front yard setback from 6.00m to 3.20m
- ii. Reduce the rear yard setback from 6.00m to 1.61m
- iii. Permit parking to be located between the building and the front lot line.

Proposed Lot B

- i. Reduce the front yard setback from 6.00m to 3.25m
- ii. Reduce the rear yard setback from 6.00m to 4.63m.
- iii. Reduce the side yard (east) setback from 2.4m to 1.5

2. Revisions to the plans date stamped November 2, 2017 to address errors and inconsistencies to the satisfaction of the Director of the Sustainable Community Planning and Development Department.
3. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Madoff

**CARRIED (6 to 1)**





## Committee of the Whole Report For the Meeting of July 12, 2018

---

**To:** Committee of the Whole **Date:** June 29, 2018

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

**Subject:** **Update Report: Development Permit with Variances Application No. 00003 for 944 Heywood Avenue**

---

### RECOMMENDATION

That Council consider declining Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a revised Development Permit with Variances Application for the property located at 944 Heywood Avenue.

On September 21, 2017, Council passed a motion (attached) directing staff to work with the applicant to revise the cladding and other exterior details of the buildings, and retain the trees on the Pendergast Street frontage of the property.

In response to this motion, the applicant has revised their proposal in the following ways:

- Lot A (Corner Lot): replaced metal siding and fascia with stucco, adjusted the massing and articulation which reduced the floor area, and changed the sloped roof to a flat roof which reduced the height. The applicant is also now proposing to retain one additional existing tree along Pendergast Street near the entrance of the proposed house.
- Lot B (Interior Lot): Replaced metal finish on fascia with a painted wood fascia. The existing tree located along Pendergast Street on Lot B is still proposed to be removed.

As with the previous proposal, the revised proposal is to demolish the existing single-family house, create two lots, and construct two new small lot houses. The property is in the R-J Zone, Low Density Attached Dwelling District, which permits small lot houses, therefore rezoning is not required; however, both properties would be subject to Development Permit Area 15A: Intensive Residential – Small Lot. The variances being requested to facilitate a two-lot subdivision are related to front, rear, and side setbacks and parking location.

The following points were considered in assessing this application:

- the applicant has made some changes in response to the previous Council motion; however, the changes do not retain all of the trees on the Pendergast Street frontage of the property, as directed in the motion
- as with the previous proposal, the revised proposal is still not consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan, 2012* (OCP)
- as with the previous proposal, the requested variances associated with the proposed house on the corner lot (Lot A) are to reduce the front and rear setbacks and permit parking in the front yard. The proposed front setback has been reduced from 3.50m to 3.20m due to a small projection adjacent to the entry
- as with the previous proposal, the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front, rear, and side setbacks.

## **BACKGROUND**

### **Description of Proposal**

As with the previous proposal, the revised proposal is to construct two new small lot houses.

#### Proposed Lot A (Corner Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary flat roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding and fascia
- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, trees, shrubs and ground cover.

#### Proposed Lot B (Interior Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary flat roofline, covered front entryway, and contemporary style windows
- the exterior materials include stucco siding, Hardi shingle siding and painted wood fascia and trim
- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, shrubs and ground cover.



## Sustainability Features

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

## Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

## Public Realm Improvements

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

## Accessibility Impact Statement

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

## Existing Site Development and Development Potential

The site is presently a single-family house. The current R-J Zone, Low Density Attached Dwelling District, permits all the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the R-2 Zone, Two Family Dwelling District. Therefore, the property could be redeveloped as two small lot houses or one duplex, subject to the regulations applicable in these zones. Variances would likely be required to accommodate a duplex on this lot.

## Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Site area (m <sup>2</sup> ) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.49 to 1.0	0.51 to 1.0	0.6 to 1.0
Total floor area (m <sup>2</sup> ) - maximum	139.37	146.34	190.00
Lot width (m) - minimum	15.55	15.55	10.00
Height (m) - maximum	7.31	7.41	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	32.20	31.00	40.00

Setbacks (m) - minimum			
Front (Pendergast Street)	<b>3.20 *</b>	<b>3.25 *</b>	6.00
Rear (north)	<b>1.61 *</b>	<b>4.63 *</b>	6.00
Side (east)	6.00	<b>1.50 *</b>	2.4
Side (west)	N/A	3.07	1.5
Side (Heywood Avenue)	3.55	N/A	2.4
Parking - minimum	1	1	1
Parking - location	<b>Front yard *</b>	Side yard	Not permitted in front yard

## Relevant History

On September 21, 2017, Council passed the following motion (see attached staff report for the September 14, 2017 Committee of Whole meeting):

*"That Council direct staff to work with the applicant to address the following:*

- 1. Revise the cladding and other exterior details of the buildings;*
- 2. Retain the trees on the Pendergast Street frontage of the property."*

In response to this motion, the applicant has revised the proposal as follows:

- Proposed Lot A (Corner Lot): Revisions to the cladding and other exterior details of the building
  - replaced metal siding and fascia with stucco
  - massing and articulation somewhat modified reducing the total floor area from 147.33 square meters to 139.37 square meters
  - sloped roof changed to flat roof reducing the building height from 7.45m to 7.31m.
- Proposed Lot B (Interior Lot): Revisions to the cladding and other exterior details of the building
  - Replaced metal finish on fascia with a painted wood fascia.
- Tree Retention on Pendergast Street Frontage
  - one additional existing tree would be retained located along Pendergast Street near the entrance to the proposed house on Lot A. The existing tree located along Pendergast Street on Lot B is still proposed to be removed.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property as being within Development Permit Area 15A: Intensive Residential – Small Lot. As with the previous proposal, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses, and therefore does not meet the *Small Lot House Design Guidelines* (see attached staff report for the September 14, 2017 Committee of Whole meeting for analysis related to the design guidelines).

### Tree Preservation Bylaw and Urban Forest Master Plan

The Arborist Report has been updated and is attached to this report. As with the previous proposal, there were thirteen trees inventoried on the subject property by the project arborist. Removal of one privately owned Bylaw protected maple tree is proposed. This is a multi-stemmed tree located along the east property line, less than one metre from the proposed



building footprint. Two medium sized canopy trees will be planted as replacements. The small publicly owned tree on the Heywood Avenue boulevard will be retained, as well as two privately owned Hawthorne trees in the northeast corner of the lot. Eight non-bylaw protected trees are proposed for removal.

The previous proposal showed the removal of two non-bylaw protected trees along the Pendergast Street frontage (a 0.75m deciduous tree on Lot A, and a 0.5m deciduous tree on Lot B). In response to the Council motion, the proposal has been revised to now retain the tree on Lot A, but still remove the tree on Lot B. The arborist has determined that impacts to the tree on Lot B will be too significant given the location of the proposed building footprint.

### **Regulatory Considerations**

The applicant is proposing minor changes to the variances requested. For Lot A, the front yard setback requested has decreased from 3.5m to 3.2m (6m is required). This is due to a small projection adjacent to the entry. For Lot B, the rear yard setback requested has increased from 4.12m to 4.63m (6m is required). This is due to a measurement error and not the result of a change to the building. See attached staff report for the September 14, 2017 Committee of Whole meeting for analysis of the variances, which remains the same due to the minor nature of the changes.

### **CONCLUSIONS**

The proposal to construct two new houses is still not consistent with Development Permit Area 15A: Intensive Residential – Small Lot. Overall, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses. The applicant has revised the proposal in response to the Council motion to revise the cladding and other exterior details of the buildings and retain the trees on the Pendergast Street frontage of the property; however, the changes do not retain all of the trees on the Pendergast Street frontage of the property as directed in the motion. However, the variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend for Council's consideration that this Development Permit with Variances Application be declined.

If Council wishes to move this application forward to an opportunity for public comment, staff recommend for Council's consideration that the applicant be required to revise the plans to address minor errors and inconsistencies in the submission to the satisfaction of the Director of Sustainable Community Planning and Development Department. An alternate motion has been included with this report accordingly.

### **ALTERNATE MOTIONS**

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 Permit with Variances Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

#### Proposed Lot A

- i. Reduce the front yard setback from 6.00m to 3.20m
- ii. Reduce the rear yard setback from 6.00m to 1.61m
- iii. Permit parking to be located between the building and the front lot line.



Proposed Lot B

- i. Reduce the front yard setback from 6.00m to 3.25m
  - ii. Reduce the rear yard setback from 6.00m to 4.63m.
2. Revisions to the plans date stamped November 2, 2017 to address errors and inconsistencies to the satisfaction of the Director of the Sustainable Community Planning and Development Department.
  3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Rob Bateman  
Senior Process Planner  
Development Services Division

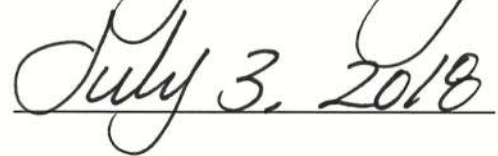


Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



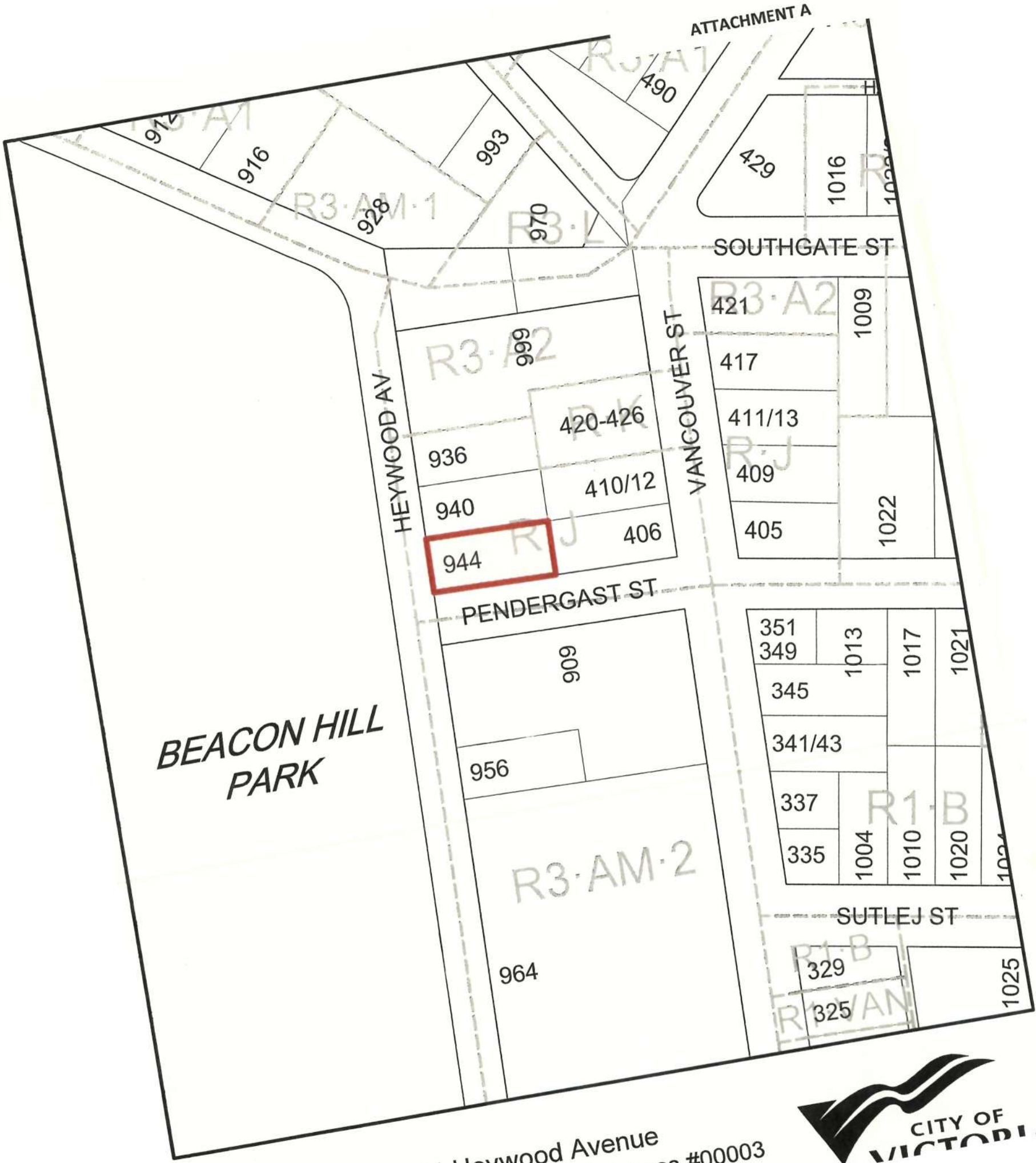
Date:



July 3, 2018

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 2, 2017
- Attachment D: Letter from applicant to Mayor and Council dated October 30, 2017
- Attachment E: Arborist Report date stamped May 7, 2018
- Attachment F: September 14, 2017 Committee of the Whole Report

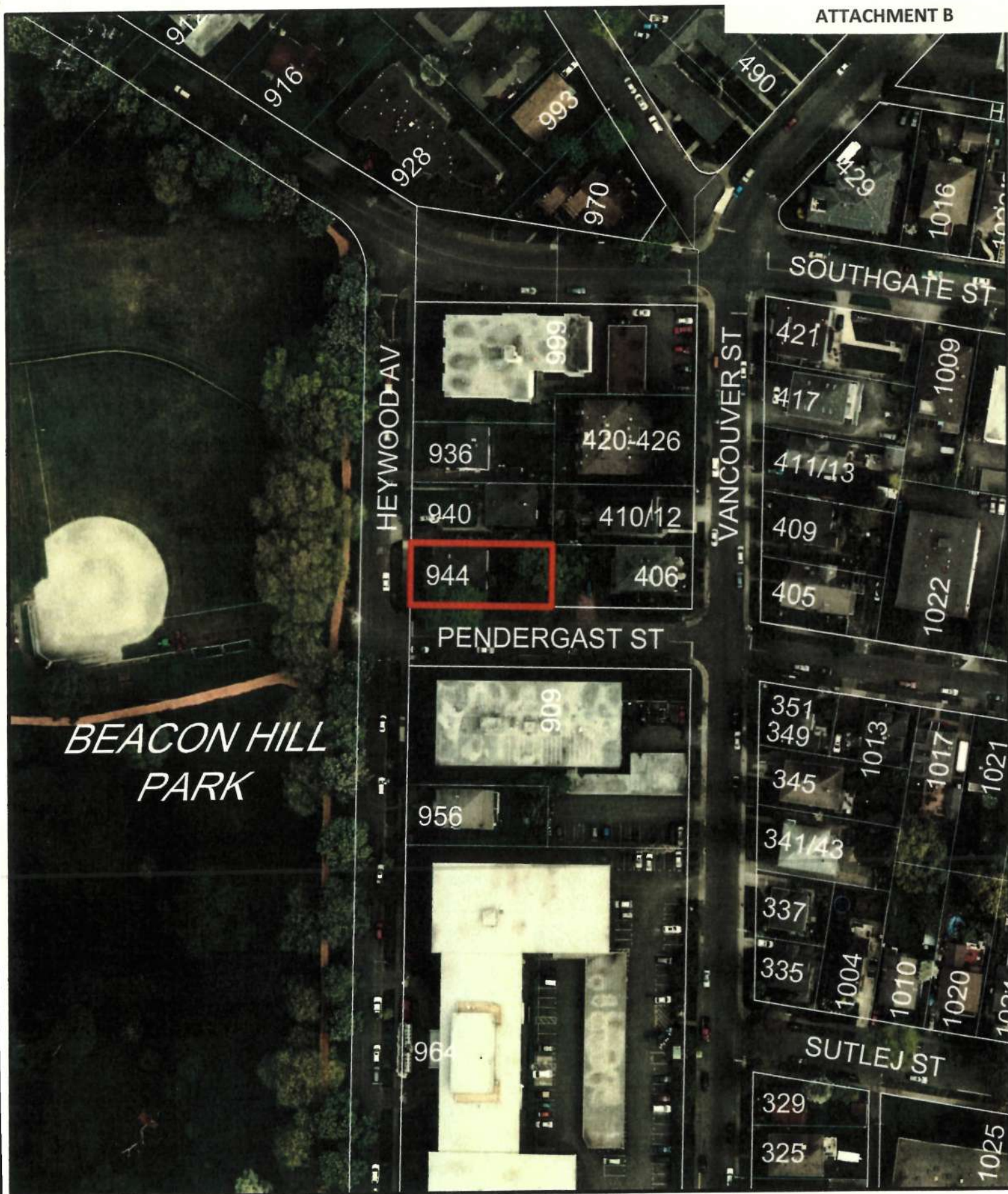


BEACON HILL  
PARK

944 Heywood Avenue  
Development Permit with Variances #00003







BEACON HILL  
PARK

HEYWOOD AV

VANCOUVER ST

SOUTHGATE ST

PENDERGAST ST

SUTLEJ ST



944 Heywood Avenue  
Development Permit with Variances #00003







Received  
City of Victoria  
NOV 02 2017  
Planning & Development Department  
Development Services Division

**Gerry Troesch**  
Residential Design  
3719 Ridge Pond Drive, Victoria BC V8C 4M2  
Phone - 250-606-6422 Email - gtroesch@uktel.net Website



Scale = 1:100

Dated this 17th day of December, 2014.



Scale = 1:100

Coted this 17th day of December, 2014.

Distances and elevations shown are in metres.  
Elevations are based upon geodetic datum.



Heritage  
Garage  
Slab: 7.85  
Peak: 12.05  
Eave: 10.47

Heritage  
Garage

31

36.58

Main Floor (Door Sill): 9.65  
Peak: 18.39  
Eave: 15.47

Strata Plan VIS6032

16.4

6

Main Floor (Door Sill): 8.60  
Peak: 14.70  
Eave: 11.47

36.58

15.55

Vancouver Street

SITE DATA - LOT A

ADDRESS	1012
LOT AREA	2943 sq. meters (1000.2 sq. ft.)
LOT COVERAGE	91.66 sq. meters = 32.2%
TRAFFIC SIGNAL LIGHT SIGNAL, STOPPING SPACE SIGN, ETC.	190.37 sq. meters (5000.09 sq. ft.)
ADJACENT FRONTING STREET TO HOUSE	2.5m (8.20')
FRONT PORCH/SCREENED PORCH TO PORCH	1.5m (4.92')
FRONT PORCH/SCREENED PORCH TO STOP SIGN	** 2.5m (8.20')
WALK WAY (SCREENED PORCH)	** 4.0m (13.12')
WALK WAY TO HOUSE	0.5m (1.64')
WALK WAY TO STOP	4.0m (13.12')
SCREENED PORCH	7.0m (22.97')
NO. OF STOREYS	2
PARKING	1

\*\* . VARIANCE RATIO

**SITE DATA - LOT B**

[illegible]

• **Volume 10**

Wey Mayenburg Land Surveying Inc.

www.waysurveys.com  
#4-2227 James White Boulevard  
Sidney, BC V8L 1Z5  
Telephone (250) 856-5155  
Fax: 1-800-884-5156

Pendergast

Street

CITY OF VICTORIA

RECEIVED

**DEEMED**

MAY 25 2018

NOV 02 2017

Received  
City of Victoria

NOV 02 2017

Planning & Development Department  
Development Services Division



Pendergast Street Elevation



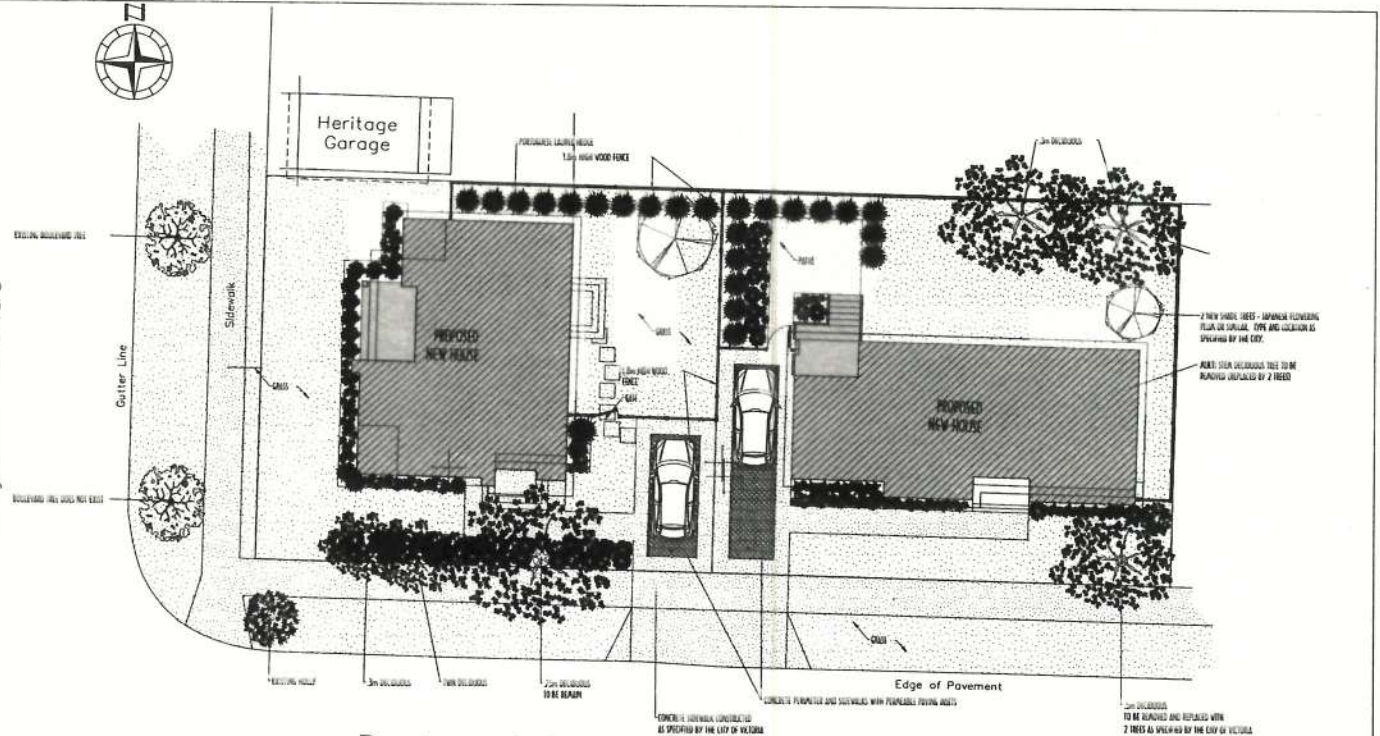
Heywood Avenue Elevation

Proposed Small Lot Subdivision - 944 Heywood Avenue

Date- November 20, 2015  
Sheet Three of Eight  
Revised - October 30, 2017

**Gerry Troesch**  
Residential Design  
3718 Ridge Road Drive, Victoria BC V8C 4G8  
Phone - 250-660-6412 Email - gtroesch@telus.net Website





Pendergast Street

Landscape Plan  
Scale - 1:100

CITY OF VICTORIA

RECEIVED

**DEEMED**

MAY 25 2018

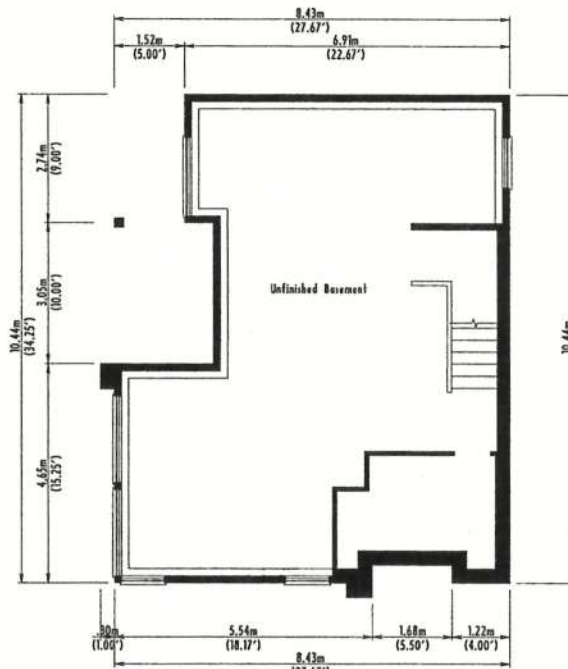
NOV 02 2017

	COMMON NAME	LATIN NAME	SIZE
SHRUBS TREES	AS NOTED		
	JAPANESE MAPLE	ACER JAPONICUM VAR. "MONROVIAE"	50M CAL
	COMMON MAPLE	ACER NEGUNDO	50M CAL
	FLORIDIAN SPRUCE	FLORIDA RED BUD, "YAGI" MAPLE	30M CAL
	JAPANESE FLOWERING QUINCE	SPICE TREE & "SANDALWOOD"	30M CAL
	FLORIDIAN PINE	PRUNUS S. BLOSSIDA	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORIDIAN PINE	8 CM CAL
	FLORIDIAN PINE	FLORID	

Proposed Small Lot Subdivision - 944 Heywood Avenue

Revised - May 18, 2018  
Revised - October 30, 2017  
Date- November 20, 2015  
Sheet Four of Eight

**Gerry Troesch**  
Residential Design  
2114 Ridge Road, Suite 200, Victoria BC V8C 4B8  
Phone: 250-690-6452 Email: gtroesch@telus.net Website:



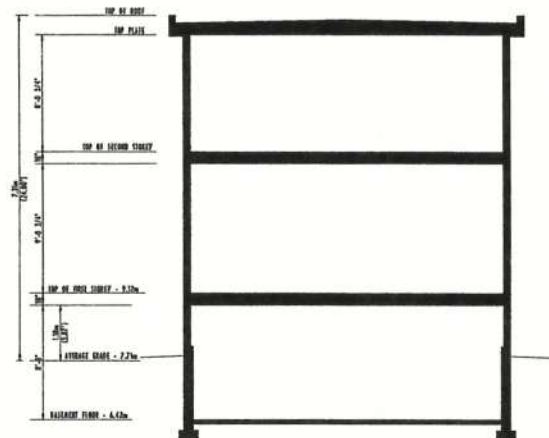
**BASEMENT PLAN**  
65.15 sq. metres (701.32 sq.ft.)  
Scale - 1/4" = 1'-0"



**FIRST STOREY FLOOR PLAN**  
70.75 sq. metres (761.54 sq.ft.)  
Scale - 1/4" = 1'-0"



**SECOND STOREY FLOOR PLAN**  
68.62 sq. metres (738.65 sq.ft.)  
Scale - 1/4" = 1'-0"



**CROSS SECTION**  
SCALE - 1/4" = 1'-0"



**HOUSE FOR LOT A**

Revised October 30, 2017

Date- November 20, 2015

Sheet Five of Eight

**Gerry Troesch**  
Residential Design  
3718 Riga Road Drive, Victoria BC V8C 4M6  
Phone - 250-550-8402 Email - gtroesch@shaw.ca

Proposed Small Lot Subdivision - 944 Heywood Avenue



NOV 02 2017

Planning & Development Department  
Development Services Division



UNPROTECTED SURFACES  
EXPOSURE SURFACES  
SURFACES  
SURFACES  
SURFACES

**HOUSE FOR LOT A**

Revised October 30, 2017

Date- November 20, 2015

Sheet Six of Eight

**Gerry Troesch**  
Residential Design

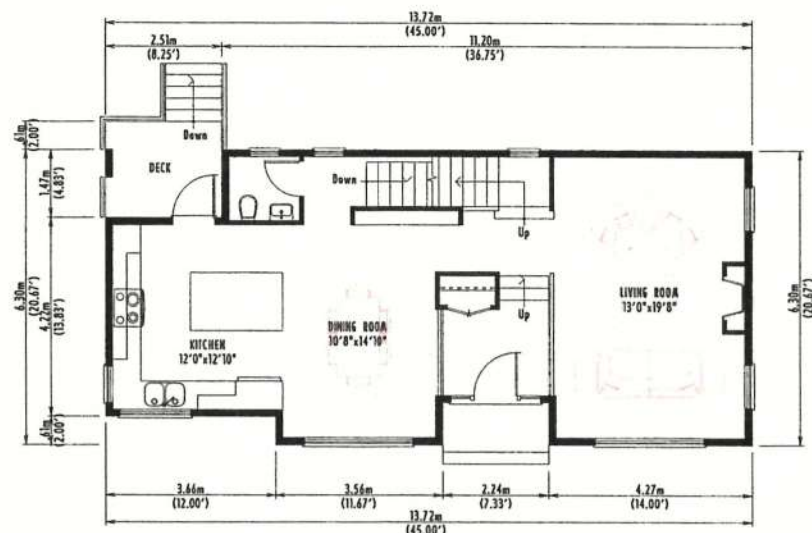
3718 Ridge Road Drive, Victoria BC V8C 4M8  
Phone - 250-400-9422 Email - gtroesch@telus.net

Proposed Small Lot Subdivision - 944 Heywood Avenue

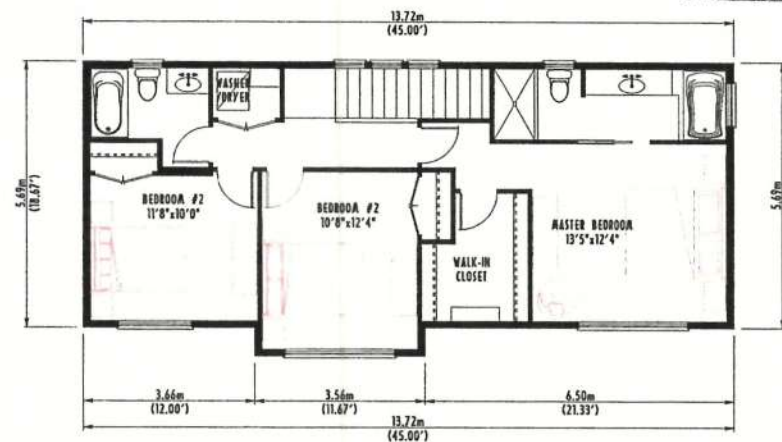
Received  
City of Victoria

NOV 02 2017

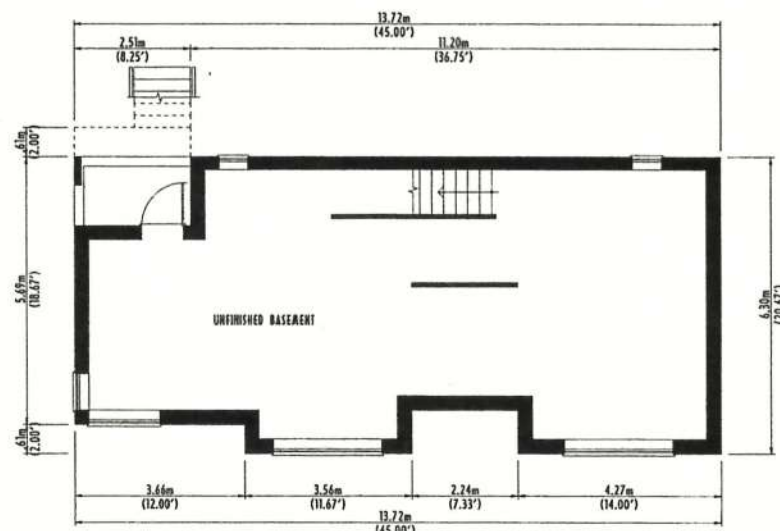
Planning & Development Department  
Development Services Division



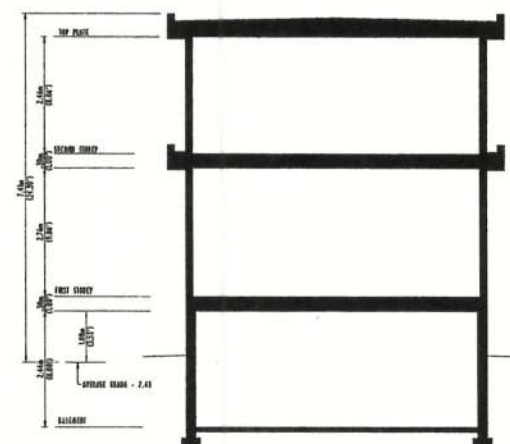
FIRST STOREY FLOOR PLAN  
FLOOR AREA - 72.14 sq.metres (776.46 sq.ft.)  
Scale - 1/4" = 1'-0"



SECOND STOREY FLOOR PLAN  
FLOOR AREA - 74.2 sq.metres (798.67 sq.ft.)  
Scale - 1/4" = 1'-0"



BASEMENT PLAN  
FLOOR AREA - 66.44 sq.metres (715.14 sq.ft.)  
Scale - 1/4" = 1'-0"



CROSS SECTION  
SCALE - 1/4" = 1'-0"

Proposed Small Lot Subdivision - 944 Heywood Avenue

HOUSE FOR LOT B

Revised - May 23, 2017

Date- July 24, 2015  
Sheet Seven of Eight

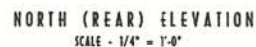
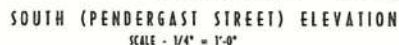
**Gerry Troesch**  
Residential Design  
3718 Ring Road Drive, Victoria BC V8C 4B8  
Phone - 250-600-0432 Email - gtruesch@shaw.ca



City of Victoria

NOV 02 2017

Planning & Development Department  
Development Services Division



HOUSE FOR LOT B

Revised - May 23, 2017

Date- July 24, 2015  
Sheet Eight of Eight

**Gerry Troesch**  
Residential Design  
3718 Ridge Pond Drive, Victoria BC V8C 4M4  
Phone - 779-555-8833 Email - gtroesch@shaw.ca Website -

## Proposed Small Lot Subdivision - 944 Heywood Avenue

October 30, 2017

Mayor & Members of Council  
City of Victoria  
#1 Centennial Square V8W 1P6

Re: Development Variance Permit – 944 Heywood Avenue

Attached are revised plans for my application to subdivide my property at 944 Heywood Avenue, which I hope will address the comments and concerns raised at the Committee of the Whole meeting September 14, 2017.

The majority of the changes have been made to the house on the corner of Heywood and Pendergast, as this is where I felt most of concerns raised at the meeting were directed.

To add more interest to the facades of the house, I have removed one of the bedrooms on the upper floor of the house. This reduces the size of the house by just under 8 square metres (85.7 sq.ft.). This has allowed us to add a small balcony off each bedroom that faces the park, and recess the upper floor above the front entry. We also cantilevered part of the upper floor on the Heywood elevation .914m to further articulate the upper floor, and add cover to the balcony on the main floor below.

As there were concerns expressed at the Committee of the Whole Meeting about the corrugated metal siding on the house, and the metal cladding on the fascias, I have removed both these finishes from the house...and went with a multi-tone stucco finish, with metal reveal moulding in some areas to break up the stucco into a grid of panels, and add shadow lines to what would be a flat surface. As this will ultimately be my retirement home...I want low maintenance finishes that will not require regular painting and upkeep.

The third major design change to the house was to remove the sloping roof, and incorporate a flat roof. This allows us to reduce the Building Height by .14m and the overall height of the house by 1.08m. This has a significant impact on the overall massing of the house, gives the house a clean contemporary look, and ties in with the house on Lot B and the numerous flat roof buildings already along Heywood Avenue.

The house on lot B remains mostly as it was in the previous submission. We removed the metal fascias, and replaced them with a stepped painted wood design, which may be more in keeping with existing buildings in the area. We have spent so much time on this house design, trying to arrive at a solution that our neighbour to the North is happy with (as instructed by Members of Council at the original Public Hearing), and to satisfy comments raised by City Staff. It has



seemed to be an impossible task as many of the things my neighbour has asked us to do have put us at odds with the desires of City Staff and City Guidelines. I think the design for the Lot B house is an attractive compromise, and I hope you will agree.

The last change we have made, as requested by Committee of the Whole, is to retain the two existing deciduous trees along the Pendergast street frontage.

I thank you for your time and consideration of this revised proposal.

Sincerely,

Vernon Andres



**GARDEN CITY**  
**TREE & LANDSCAPE**

**Tree Preservation Plan**

Prepared for Vernon Andres,

[vernonandres@hotmail.com](mailto:vernonandres@hotmail.com)

Regarding 944 Heywood Ave, Victoria BC.

Prepared by Conan O'Dell. ISA Certified

Arborist PN-7854-A

Qualified Tree Risk Assessor

**ATTACHMENT E**

**Received**  
City of Victoria

**MAY 07 2018**

Planning & Development Department  
Development Services Division

Site visit: December 5, 2017 8:30am.

Site conditions: Residential property.

Weather at time of visit: Sunny, clear visibility.

**Executive Summary:** The proposed development at 944 Heywood Ave. allows for the retention of most of the trees on site, but some are to be removed. One of the trees to be removed is protected under City of Victoria's tree preservation bylaw. As such it is to be replaced by 2 medium canopy trees to be determined at a later date. Another tree (European Ash) is to be removed as it is highly unlikely it will survive damage from construction, and will be replaced by 2-3 medium canopy trees to be determined at a later date. If mitigation measures are followed, negative impact to the retained trees is likely to be minimal.

**Scope of report:** This report has been commissioned to outline the tree protection strategy for the upcoming construction on the site at 944 Heywood. This report covers the retention and/or/ removal of trees on the site as well as mitigation measures during and after the construction.

**Methodology:** All trees were measured with diameter tape on site. The crown spread was measured using City of Victoria GIS maps. The root zone diameters have been estimated using the GIS map crown spread measurements, using the dripline as the root zone. The presence of non-porous hardscape (road) and the existing house was taken into consideration as inhibitors of root spread. Manual exploratory excavation was done using hand tools to determine the extent of root infiltration into the construction areas.

**Site and Project Description:** The site is currently a single house on the front portion of the lot. The project intends to divide the lot, demolish the house and build two separate houses. A sidewalk is to be installed along Pendergast St. and driveways will be installed from Pendergast St. as well.

**Mitigation measures:** Tree protection zones should be established in the critical root zones of any trees to be retained. This includes the two hawthorne at the north-east corner, the maple on the south line and the magnolia on the west boulevard. The protection zones will be no less than 2m radius where possible from the trunks of affected trees. These should follow the guidelines set forth in the City of Victoria Tree Protection Bylaw. The critical root zones of the trees shall be surrounded with fencing 1.2m high clearly marked with "Protected Root Zone-No Entry".





## GARDEN CITY TREE & LANDSCAPE

If any excavation is to be done within the critical root zones of retained trees, the project arborist shall be on site to monitor for critical root damage. Any roots extending into the excavation areas shall be pruned prior to excavation to avoid breakage. If pruned roots will be exposed for longer than 8 hours they should be covered with moistened burlap to mitigate moisture loss. If any damage or root pruning occurs during the project the trees should be re-assessed by a qualified tree risk assessor within one year to determine scope of damage and level of recovery.

**Recommendations:** It is recommended that the mitigation measures set forth in this report be followed. Regarding the proposed sidewalk placement along Pendergast St., the placement of the sidewalk will necessitate the removal of all the laburnum, hawthorne and holly on the south property line. It will also require the removal of a large low limb on the maple (tree #9). Moving the sidewalk to the edge of the street will prevent the large limb removal as well as allow for the retention of some of the laburnum/ hawthorne. The sidewalk should be constructed at existing grade with minimal excavation to prevent damage to the roots of tree #9. Any excavation within the root zone shall be done under the supervision of the project arborist.

The root excavation on tree #9 revealed that the building footprint is unlikely to affect the critical roots. The additional root excavation for the driveway revealed few roots extending into the footprint of the proposed driveway, and based on the smaller diameter of these roots in relation to the trunk size, pruning these roots back from the footprint is unlikely to negatively affect the health and stability of the tree. It is recommended that the over-excavation be reduced to 0.5m to reduce impact to tree #9. The exploratory excavation shows that no special excavation is needed (ie. Air spade, hydro-vac) and that excavation will be done by standard excavator. The contractor and project arborist will be onsite to supervise all excavation in the root zone.

For the construction of the proposed walkway, the area should be excavated with low impact methods (air spade, hydro vac or manual excavation) and if it is determined that standard construction will negatively affect root viability, an appropriate subbase of gap graded stone structural soil should be applied to allow for continued root viability.

The utilities (water, sewer) will be run along the North property line and will not negatively affect the critical root zones of any trees. The services (hydro, shaw, telus) will be overhead and as such will not impact critical root zones of retained trees. The exact location of the overhead services is unknown as of yet. If the services are run along the South side of the property, some canopy pruning of tree #9 may be required to avoid conflict. This pruning would not negatively affect the health and viability of the tree. The multi-stemmed Douglas maple (tree #11) on the east side of the property should be removed as the proposed building will be located over 50% of the root zone and be within 1m of the trunk. The 64cmDBH (52/19cm multi stemmed) European ash (tree #10) should be removed. The exploratory excavation revealed several roots infiltrating the proposed footprint of the new building. This included one 13cm diameter root extending directly into the



GARDEN CITY  
TREE & LANDSCAPE

Building footprint. Severing a root this size and in this close proximity (2.7m) to the stem will destabilize the tree and likely cause significant stress resulting in premature mortality.

Role of the Project Arborist: The project arborist will be on site to supervise the erection of tree protection fencing, as well as to supervise excavation in the root zone areas not contained within the protection zones. The arborist will also be on site for exploratory excavation. The arborist will also be available to advise on courses of action if critical roots are damaged during construction.

Conan O'Dell  
ISA Certified Arborist PN 7854-A





GARDEN CITY  
TREE & LANDSCAPE

Appendices:

Page 1, 2: Tree inventory.

Pages 2, 3: Photos taken  
during assessment. Pages

4, 5, 6: Photos taken during  
exploratory excavation

Attached PDF: Site plan

Attached PDF: Labelled site plan to include tree locations and numbers as well as replacement tree locations and proposed utilities.



## GARDEN CITY TREE & LANDSCAPE

Species and Number	DBH	Health	Structure	Crown spread	Root Zone Spread	Protected	Retained	Public or private	Relative tolerance
Magnolia (Magnolia cuminata)	7cm	good	good	2m	<1m	no	yes	public	fair
)Laburnum(Laburnum anagyroides)	7/7/7cm	good	good	2m	3m	no	no	unknown	good
)Laburnum(Laburnum anagyroides)	7/6cm	good	good	2m	3m	no	no	unknown	good
)Laburnum(Laburnum anagyroides)	9cm	good	good	2m	3m	no	no	unknown	good
)Holly (Ilex aquifolium)	13/13cm	good	Fair (topped and hedged)	2m	2m	no	no	unknown	good
)Laburnum(Laburnum anagyroides)	8/6cm	good	good	2m	3m	no	no	unknown	good
)Hawthorne (Crataegus monogyna)	25cm	good	fair	4m	4m	no	no	unknown	good
)Laburnum(Laburnum anagyroides)	13/18cm	good	good	3m	3m	no	no	unknown	good
)Douglas Maple (Acer glabrum douglasii)	72cm	good	good	17.1m	10.5m	no	yes	private	fair
O)European Ash (Fraxinus excelsior)	52/19cm	good	fair	13m	13m	no	no	private	fair





GARDEN CITY  
TREE & LANDSCAPE

1)Douglas Maple Acer glabrum douglasii)	19/34/34/34/13/43c	good	fair	14.34	14m	yes	no	private	fair
2)Hawthorne Crataegus monogyna)	27cm	good	good	5m	5m	no	yes	private	good
3)Hawthorne Crataegus monogyna)	33cm	good	good	4.5m	4.5m	no	yes	private	good



GARDEN CITY  
TREE & LANDSCAPE

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca





GARDEN CITY  
TREE & LANDSCAPE

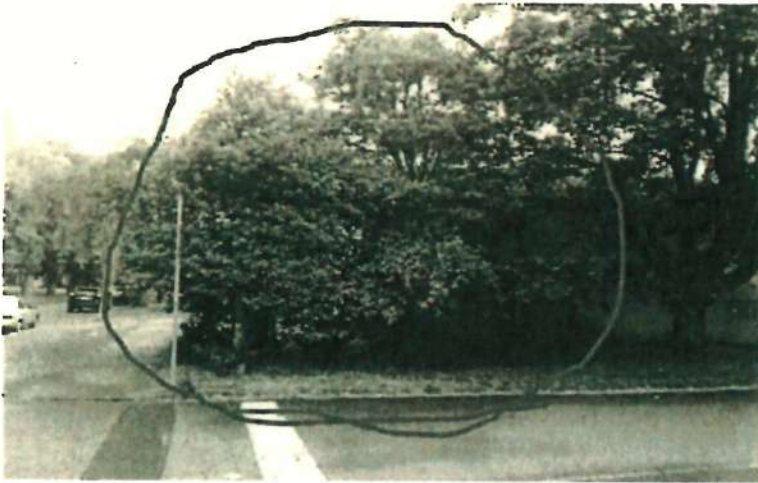


Photo I showing cluster of holly, laburnum and hawthorne (trees 2,3,4,5,6,7,8) at the south west corner of the property

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca



GARDEN CITY  
TREE & LANDSCAPE



Photo 2 showing South side of property showing tree #9) 71.5cmDBH Douglas maple

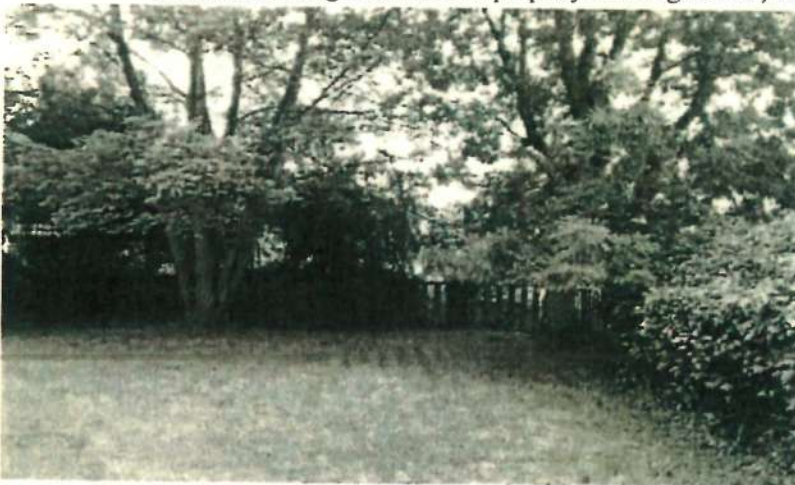


Photo 3. South east corner of yard showing multi-stemmed tree #11) Douglas Maple on left and tree #10) European ash on right.

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca





GARDEN CITY  
TREE & LANDSCAPE



Photo 4. Largest root from maple found at edge of existing building.

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca



GARDEN CITY  
TREE & LANDSCAPE



Photo 5. Showing exposed roots from maple hitting perimeter drain and foundation

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca





GARDEN CITY  
TREE & LANDSCAPE



Photo 5. Large root (13cm diameter) from the ash extends into proposed footprint.



GARDEN CITY  
TREE & LANDSCAPE



Photo 6. Exploratory excavation along proposed footprint. Roots are from ash.





GARDEN CITY  
TREE & LANDSCAPE



Photo 7.) Exploratory trench along proposed driveway footprint.

101-4370 Interurban Road, Victoria BC V9E 2C4 : 250-385-4858 Fax 250-590-0063

info@victoriagardencity.ca www.victoriagardencity.ca





## Committee of the Whole Report For the Meeting of September 14, 2017

---

**To:** Committee of the Whole **Date:** August 31, 2017

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

**Subject:** Development Permit with Variances Application No. 00003 for 944 Heywood Avenue

---

### RECOMMENDATION

That Council direct staff to work with the applicant to address the proposal's inconsistencies with the *Small Lot House Design Guidelines* as follows:

1. Revise the design to reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent houses.
2. Revise the design to provide a higher level of detail on the rear and sides of the buildings to improve visual interest as seen from the street.
3. Revise the massing and building proportions to better reflect the nearby established houses.

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design, and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 944 Heywood Avenue. The proposal is to create two lots, demolish the existing single-family house and construct two new small lot houses. The property is in the R-J Zone, Low Density Attached Dwelling District, which permits small lot houses, therefore rezoning is not required; however, both properties would be subject to Development Permit Area 15A: Intensive Residential – Small Lot. The variances being requested to facilitate a two-lot subdivision are related to front, rear, and side setbacks and parking location.

The following points were considered in assessing this Application:

- the proposal is not consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan, 2012 (OCP)*. The proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses, and therefore does not meet the *Small Lot House Design Guidelines*. Although the design of the house on the corner (Lot A) is suitable for the context beside the park and across from an apartment building, the design of the house on the interior lot (Lot B) is not supportable because it does not fit with the traditional style of the adjacent existing houses.
- the requested variances associated with the proposed house on the corner lot (Lot A) are to reduce the front and rear setbacks and permit parking in the front yard. These variances are the result of the proposed house being sited in relation to the side lot line instead of the front lot line (as defined in the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The reduced setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.
- the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front, rear, and side setbacks. These variances are due to the short depth of the proposed small lot. The rear setback variance is measured to the stairs at the rear of the house. The wall of the house would be six metres back from the rear lot line which is consistent with the rear setback requirement. The front setback variance would line the building up approximately with the proposed and existing houses on either side.

## BACKGROUND

### Description of Proposal

The proposal is to construct two new small lot houses.

#### Proposed Lot A (Corner Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding, corrugated metal siding, and prefinished metal fascia
- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, trees, shrubs and ground cover.

#### Proposed Lot B (Interior Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary flat roofline, covered front entryway, and contemporary style windows
- the exterior materials include stucco siding, Hardi shingle siding, prefinished metal fascia and painted wood trim



- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, shrubs and ground cover.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with this Application.

### **Public Realm Improvements**

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

### **Accessibility Impact Statement**

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

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

The site is presently a single-family house. The current R-J Zone, Low Density Attached Dwelling District, permits all the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the R-2 Zone, Two Family Dwelling District. Therefore, the property could be redeveloped as two small lot houses or one duplex, subject to the regulations applicable in those zones. Variances would likely be required to accommodate a duplex on this lot.

### **Data Table**

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Site area (m <sup>2</sup> ) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.52 to 1.0	0.51 to 1.0	0.6 to 1.0
Total floor area (m <sup>2</sup> ) - maximum	147.33	146.34	190.00
Lot width (m) - minimum	18.29	18.29	10.00
Height (m) - maximum	7.45	7.41	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	31.90	31.00	40.00



Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Setbacks (m) - minimum			
Front (Pendergast Street)	3.50 *	3.25 *	6.00
Rear (north)	1.61 *	4.12 *	6.00
Side (east)	6.00	1.50 *	2.4
Side (west)	N/A	3.07	1.5
Side (Heywood Avenue)	3.55	N/A	2.4
Parking - minimum	1	1	1
Parking - location	Front yard *	Side yard	Not permitted in front yard

### Relevant History

At the July 28, 2016 Council meeting, after allowing an opportunity for public comment, Council passed a motion (attached) to refer the Application back to staff to work with the applicant, with a view towards greater mitigation of concerns raised by neighbours. The subject of this report is a revised proposal from the applicant. The previous report is attached to this report.

As directed by Council, staff have worked with the applicant and encouraged the applicant to work with the neighbours directly to help mitigate their concerns. Letters received from neighbours have been attached to this report for Council's consideration.

The applicant has revised the Application, however, the current proposal does not meet the *Small Lot House Design Guidelines* (see below). The applicant has indicated to staff that they would like to proceed to Committee of the Whole with the current Application that is the subject of this report.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 8, 2016 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. In addition to this, the applicant consulted with the Fairfield Gonzales CALUC at a Community Meeting held on January 19, 2016. The revised plans have also been referred to the CALUC. A letter from the CALUC dated August 9, 2017 is attached to this report, along with other correspondence 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

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property as being within Development Permit Area 15A: Intensive Residential – Small Lot. Overall, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses, and therefore does not meet the *Small Lot House Design Guidelines*, particularly along Pendergast Street where the proposed building style has changed from a traditional-style to a contemporary design.



This proposal is located in an area that has buildings with a wide variety of visual character, scale and massing. Although the contemporary-style of the two buildings relate to the visual character of the flat-roofed apartment buildings located further down this block on Heywood Avenue and directly across Pendergast Street, they do not fit the immediate context of the traditional-style houses to which they are adjacent (including a Heritage Designated house at 940 Heywood Avenue).

The design of the proposed houses provide visual interest (as described below); however, the rear and sides do not have the same level of detail as the front elevations and would be visible from the street. In addition, the proposal would remove existing trees along Pendergast Street that currently help screen existing houses from view.

Overall, the contemporary design of the proposal does not have the same level of ornamentation as the adjacent traditional houses; they are more in keeping with the nearby apartments. They do not incorporate roof character elements, such as dormers, and eaves brackets, but they do have secondary roof elements dividing the storeys which helps to break up the massing of the house.

#### Proposed Lot A (Corner Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of the small lot house incorporates architectural elements such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows.

The proposed house provides visual interest by emphasizing the principal entry with cover, sidelights, transom window, stairs, and windows, through window divisions, size and placement, and with a variety of siding materials (including stucco and corrugated metal). Different materials are used to help express the building's articulation. The materials also wrap around the corners of the buildings to help visually break up the massing.

There are a wide variety of finishes and materials in this part of Fairfield. Some of the materials, such as stucco, relate to the nearby apartment buildings. Other materials, including metal, do not fit with the adjacent traditional building materials that include wood clapboard siding and shingles.

Although this house has a contemporary design, the massing and building proportion more closely reflect the established nearby housing than the proposed house on Lot B. This is due to the smaller width of the floor plate and its location on the corner of Heywood Avenue and Pendergast Street.

This house is located on the edge of the neighbourhood adjacent to a large park, which helps the contemporary design fit in.

#### Proposed Lot B (Interior Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of this small lot house incorporates architectural elements such as a contemporary flat roofline, covered front entryway and contemporary style windows.

The proposed interior house materials include stucco for the upper floor and Hardi shingle for the lower floor, which relates in style to the adjacent traditional houses. Different materials are used to define the different levels of the house.



The existing adjacent house (940 Heywood Avenue) is set back from the street and therefore has a large front yard and small back yard. It also means that the existing building at 940 Heywood Avenue would be adjacent to the rear elevation of the proposed house on the interior lot (Lot B), and not the proposed house on the corner lot (Lot A). The proposed house will impact privacy, shading, and views of the existing house at 940 Heywood Avenue, as well as the houses at 410/412 Vancouver Street and 406 Vancouver Street. The privacy impacts will be mitigated by a 1.8m high wood fence, hedges, and trees. Additionally, the windows are maximized on the front elevation. The proposed rear and side elevations have smaller windows. This would help with privacy for the adjacent houses but detracts from visual interest, especially because the sides and backs would be visible from Heywood Avenue and Pendergast Street. The larger amount of windows on the front will provide light inside but may also cause privacy issues for future residents of the proposed house because of the reduced front yard setback.

The massing and building proportion of established nearby housing is not reflected in the new house. The building is essentially one large rectangular shape. The overall size and shape is not sufficiently broken up into smaller parts, which makes the building appear bulky and does not fit with the adjacent existing houses. The flat roof (as opposed to pitched roofline) also makes the building appear taller and more abrupt in the existing streetscape pattern. The width of the house is nearly maximized on the lot. This results in a further reduction in the width between the two proposed buildings, resulting in reduced views and increased shade for the existing house at 940 Heywood Avenue.

The proposed house does not provide a transition from the contemporary corner design to the adjacent traditional-style houses. Particularly, the form and character is quite different from the adjacent house to the east (406 Vancouver St.).

## **Regulatory Considerations**

### Proposed Lot A (Corner Lot) Variances

The applicant is requesting variances for Lot A as follows:

- reducing the front yard setback from 6.00m to 3.5m
- reducing the rear yard setback from 6.00m to 1.61m
- permitting the proposed parking stall to be located in the front yard.

These variances are the result of the proposed house being sited in relation to the side lot line (Heywood Avenue) instead of the front lot line (Pendergast Street is defined as the front in accordance with the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.

The parking stall is located partially in the side yard and partially in the front yard and has some landscape screening to reduce the visual impact from the street.

### Proposed Lot B (Interior Lot) Setback Variances

The applicant is requesting variances for Lot B as follows:

- reducing the front yard setback from 6.00m to 3.25m
- reducing the rear yard setback from 6.00m to 4.12m
- reducing the side (east) yard setback from 2.4m to 1.5m.



These variances are due to the short depth of the proposed small lot. It should be noted that the rear yard setback is measured to the rear stairs; the wall of the house would be approximately 6.00m away from the property line. The proposed front setback variance would place the house approximately in line with the proposed corner lot house and the existing adjacent house to the east. The variances would not have a substantial impact on the privacy of the adjacent lots.

### **Tree Preservation and Urban Forest Management**

There were thirteen trees inventoried on the subject property by the project arborist. Removal of one privately owned Bylaw protected maple tree is proposed. This is a multi-stemmed tree located along the east property line, less than one metre from the proposed building footprint. Two medium sized canopy trees will be planted as replacements. The small publicly owned tree on the Heywood Avenue boulevard will be retained, as well as two privately owned Hawthorne trees in the northeast corner of the lot. Nine non-bylaw protected trees are proposed for removal, the largest being 72cm in diameter.

### **CONCLUSIONS**

The proposal to construct two new houses is not consistent with Development Permit Area 15A: Intensive Residential – Small Lot. Overall, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses. Although the design of the house on the corner (Lot A) is suitable for the context beside the park and across from an apartment building, the design of the house on the interior lot (Lot B) is not supportable because it does not fit with the traditional-style of the adjacent existing houses. The variances, however, are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend that Council direct staff to work with the applicant to address the discrepancies from the Design Guidelines as outlined in this report.

### **ALTERNATE MOTIONS**

#### Option 1 – Decline Current Proposal

That Council consider declining Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

#### Option 2 – Approve Current Proposal

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 Permit with Variances Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped July 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

#### Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 1.61m
- iii. Schedule “C” (3): Permit parking to be located between the building and the front lot line.

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.25m
  - ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.12m.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

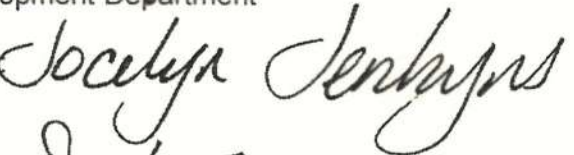


Rob Bateman  
Senior Process Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager



Date:

Sept 7, 2017

**List of Attachments**

- Attachment A: Zoning map
- Attachment B: Aerial map
- Attachment C: Applicant's letter to Mayor and Council dated July 26, 2017
- Attachment D: Letter from Fairfield Gonzales CALUC dated August 9, 2017
- Attachment E: Arborist report dated June 15, 2017
- Attachment F: Staff report and attachments for previous proposal (June 23, 2016 Committee of the Whole Meeting)
- Attachment G: Council meeting minutes (July 28, 2016)
- Attachment H: Plans dated July 25, 2017
- Attachment I: Correspondence dated August 8, 2017.

Development Permit #00003 formerly DP #000449  
944 Heywood Avenue

Update: June 28, 2018

Takes into consideration council motions made at the COTW meeting of September 21, 2017

1. The arborist report of March 22, 2018 stated that the ash tree (tree #11) on the south-east corner would be structurally impacted because several large roots will have to be cut. The arborist report explains the situation in the last three lines of Page 2 and the first two lines of Page 3 and Photos 5 and 6. My intention now is to remove tree #11 and plant two trees specified by Parks Victoria as replacements for tree #11.
2. The proposal did not meet the design guidelines for exterior materials. The metal siding has been removed and the exterior is now hardi-shingles and stucco.

Best regards

Vernon Andres



## Katie Lauriston

---

**From:** David Biltek <david@departurestravel.com>  
**Sent:** Monday, November 27, 2017 2:58 PM  
**To:** Katie Lauriston  
**Cc:** Alec Johnston  
**Subject:** RE: Revised Plans Received for 944 Heywood Avenue - DPV No. 00003

Katie:

Our CALUC continues to be very concerned about variances that exceed a change of more than 15%, which in this particular case applies to ALL of the requested variances.

We have seen too many examples of variances approved by the City which then several years later create problems for neighbours and in fact the original property.

The standards for setbacks etc. were created for a variety of reasons: health, fire prevention, aesthetics etc. If Council continues with changes it may be best to review all such standards and create new ones. We have also seen variances, along with subdivision, etc., which effectively change a property without the benefit of community review. A recent example is 515 Foul Bay

We believe that a "variance" is a small change and not the substantial ones we see here.

**David Biltek**  
Advisor in the Art of Travel



1889 Oak Bay Ave. Victoria, BC V8R 1C6  
Ph: 250.595.1161  
Toll Free: 1.800.475.3755 or 1.800.232. 6641  
David direct: 780 831 1910  
e:[David@Departurestravel.com](mailto:David@Departurestravel.com)  
There is no better compliment than a referral!

**From:** Katie Lauriston [mailto:kauriston@victoria.ca]  
**Sent:** Monday, November 27, 2017 2:40 PM  
**To:** planandzone@fairfieldcommunity.ca  
**Subject:** Revised Plans Received for 944 Heywood Avenue - DPV No. 00003

Dear Mr. Don Monsour and Mr. David Biltek,

Re: 944 Heywood Avenue – DPV No. 00003

Please be advised that the Sustainable Planning and Community Development department has received revised plans for DPV Application No. 00003 for 944 Heywood Avenue.

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances:

LOT A

- Part 1.23.8 (a) - Relaxation for the minimum required front yard setback from 6.00m to 3.20m
- Part 1.23.8 (b) - Relaxation for the minimum required rear yard setback from 6.00m to 1.61m
- Schedule C Section 3 - Relaxation to allow parking within the front yard

LOT B

- Part 1.23.8 (a) - Relaxation for the minimum required front yard setback from 6.00m to 3.25m
- Part 1.23.8 (b) - Relaxation for the minimum required rear yard setback from 6.00m to 4.63m
- Part 1.23.8 (c) - Relaxation for the minimum required side yard setback from 2.4m to 1.5m

The details of this application can be found on the Development Tracker at 944 Heywood Avenue. You will be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department.

Yours truly,

**Katie Lauriston**  
Planning Secretary  
Sustainable Planning and Community Development  
Development Services Division  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0498 F 250.361.0386

