

J. REPORTS OF COMMITTEES

J.1 Committee of the Whole

J.1.c Report from the November 14, 2019 COTW Meeting

**J.1.c.a 1702 Fernwood Road - Heritage Alteration Permit with
Variances Application No. 00017 (Fernwood)**

Moved By Councillor Potts

Seconded By Councillor Loveday

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 Heritage Alteration Permit with Variances Application No. 00017 for 1702 Fernwood Road, in accordance with:

1. Plans, date stamped September 30, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the number of required parking stalls from 4 to 3
 - ii. Increase the maximum height of accessory building (existing garage) from 3.5m to 3.7m
 - iii. Reduce the minimum (north) rear and (west) side yard setbacks of accessory building (existing garage) from 0.6m to 0.4m
 - iv. Permit the addition of unenclosed floor space for a pre-1931 single family dwelling
 - v. Reduce the minimum of landscaped area in rear yard from 33% to 24%
 - vi. Permit exterior changes to a pre-1931 single family dwelling
 - vii. Reduce the required width of rear yard landscape strip from 1.5m to 1.0m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

E.1 1702 Fernwood Road - Heritage Alteration Permit with Variances
Application No. 00017 (Fernwood)

Council received a report dated November 7, 2019 from the Acting Director of Sustainable Planning and Community Development presenting Council with an application for the conversion of an existing heritage-designated single family dwelling into three dwelling units, with variances for a reduced rear yard landscaping, a parking reduction of one space, an increased roof eaves projection, a reduction in the width of the proposed rear yard landscape screen, and to retroactively permit the existing height, side and rear yard setbacks of the 1940s-era one-storey garage on the property. The report recommends moving forward to an opportunity for public comment.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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 Heritage Alteration Permit with Variances Application No. 00017 for 1702 Fernwood Road, in accordance with:

1. Plans, date stamped September 30, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the number of required parking stalls from 4 to 3
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 - vi. Permit exterior changes to a pre-1931 single family dwelling
 - vii. Reduce the required width of rear yard landscape strip from 1.5m to 1.0m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of November 14, 2019

To: Committee of the Whole **Date:** November 7, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Heritage Alteration Permit with Variances Application No. 00017 for 1702 Fernwood Road

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 Heritage Alteration Permit with Variances Application No. 00017 for 1702 Fernwood Road, in accordance with:

1. Plans, date stamped September 30, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the number of required parking stalls from 4 to 3
 - ii. Increase the maximum height of accessory building (existing garage) from 3.5m to 3.7m
 - iii. Reduce the minimum (north) rear and (west) side yard setbacks of accessory building (existing garage) from 0.6m to 0.4m
 - iv. Permit the addition of unenclosed floor space for a pre-1931 single family dwelling
 - v. Reduce the minimum of landscaped area in rear yard from 33% to 24%
 - vi. Permit exterior changes to a pre-1931 single family dwelling
 - vii. Reduce the required width of rear yard landscape strip from 1.5m to 1.0m.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information, analysis and recommendations for a Heritage Alteration Permit with Variances Application for the property located at 1702 Fernwood Road. The proposal is for the conversion of an existing heritage-designated single family dwelling into three dwelling units, with minimal alterations to the heritage-designated house. Variances are requested for reduced rear yard landscaping, a parking reduction of one space, an increased roof eaves projection, a reduction in the width of the proposed rear yard landscape screen, and to retroactively permit the existing height, side and rear yard setbacks of the 1940s-era one-storey garage on the property. Alterations are proposed to the rear (west) elevation of the heritage-designated house. A variance is also required for Schedule G of the conversion regulations which prohibits exterior changes following a conversion.

The application is consistent with the urban design guidelines and heritage policies in the *Official Community Plan* (OCP), which supports zoning variances that help enable and support heritage conservation. The application is consistent with the policies in the *Fernwood Neighbourhood Plan*, which encourages future housing development to maintain the integrity, look and character of the single family stock. The proposed minimal intervention approach, which limits the alterations to the back of the house, is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines).

The application was reviewed by the Heritage Advisory Panel at its August 20, 2019 meeting and was recommended for approval. Minutes are included as Attachment F.

BACKGROUND

Description of Proposal

Proposed are renovations to the existing heritage-designated house to accommodate three dwelling units. Minor alterations to the rear elevation are proposed and the applicant intends to widen the driveway at the back of the site to accommodate an additional parking space. The proposal includes the following major design components:

- alterations to the west elevation to relocate a door on the ground floor
- convert a second storey window into a door to access a new exterior balcony
- enlarge a stair landing on the rear elevation at the ground floor
- replace the existing brick chimneys with plywood replicas featuring a brick veneer cladding to match the appearance of the originals
- expand the width of the driveway to include one additional parking space.

Affordable Housing Impacts

The applicant proposes to convert a single detached house into three new dwelling units, increasing the overall supply of housing in the area.

Sustainability Features

Conversion of the existing building will conserve the embodied energy of the existing building materials and make more intensive use of the site.

Active Transportation Impacts

The applicant is proposing to construct four weather-protected, secure bicycle parking spaces in the existing garage, which would be available to residents.

Public Realm Improvements

There are no public realm improvements proposed as part of this application.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks indicate an existing nonconformity.

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m ²) - minimum	653.00	460.00
Density (Floor Space Ratio) - maximum	N/A	N/A
Total floor area (m ²) - maximum	367.60**	300.00
Height (m) - maximum	8.72 (existing)**	7.60
Storeys - maximum	2	2
Site coverage (%) - maximum	32	40
Setbacks - minimum		
Front (Fernwood Road)	8.40	7.50
Rear (west)	10.90	9.32
Side (north)	1.20 (existing)**	1.77
Side (south)	4.80	3.50
Vehicle parking - minimum	3*	4
Visitor vehicle parking included in the overall units - minimum	0	0
Schedule F - Accessory Building Regulations		
Location	Rear Yard	Rear Yard
Rear yard site coverage (%) - maximum	19.26%	25%
Combined floor area of all floor levels (m ²) - maximum	34	37
Height (m) - maximum	3.7 (+0.2m)**	3.5
Setbacks (m) - minimum		

Zoning Criteria	Proposal	Zone Standard R1-B
Setbacks (m) - minimum		
Rear	0.4 (-0.2m)**	0.6
Side	0.4 (-0.2m)**	0.6
Separation from single family dwelling (m) - minimum	4.1	2.4
Schedule G - House Conversion Regulations		
Date of construction	1907 SFD	Pre 1931 SFD
Addition of unenclosed space	Yes*	Not permitted
Landscaped area - rear yard	24.4% (-5.6%)*	33%
Exterior changes (not including cladding, windows or doors)	Yes* (Porch)	Not permitted
Rear yard landscape strip	1.0m (-0.5m)*	1.5m
Landscaping - total for lot	54.6%	30%
Rear yard landscape screen	1.8m	1.8m

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 20, 2019 the application was referred for a 30-day comment period to the Fernwood 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 following policies of the *Official Community Plan* (2012):

- 8 (j) That heritage property is conserved as resources with value for present and future generations.
- 8.52 Continue to enable and support heritage conservation through incentives and allowances including, but not limited to: property tax reductions; grants; bonus density provision; and, zoning variances.

21.8.7 Retain neighbourhood heritage character, buildings and streetscapes of significance.

Fernwood Neighbourhood Plan

The proposal is consistent with the following policies in the *Fernwood Neighbourhood Plan* (1994):

- 2.1 To encourage future Neighbourhood housing development in Fernwood which maintains the integrity, look and character of the single family and duplex housing stock.
- 3.1 To encourage the conservation of heritage buildings and associated streetscapes, views, trees of special merit and other elements of the natural heritage in Fernwood, with a view to maintaining them for future generations.

Standards and Guidelines for the Conservation of Historic Places in Canada

The primary treatment for the building is considered to be "Rehabilitation" in the Standards and Guidelines as the following aspects are relevant:

- (a) repair or replacement of deteriorated features is necessary
- (b) alterations or additions to the historic place are planned for a new or continued use.

The following is recommended policy under the heading, "Additions or Alterations to Entrances, Porches and Balconies":

- modifying, replacing, or designing a new entrance, porch or balcony required by a new use or applicable codes and regulations, in a manner that is compatible with the building's style, era or character.

The proposed enlargement of the entry landing at the back of the house will extend the existing balustrade detailing and use the same materials in line with the recommendations for modifying a new entrance, porch or balcony.

Regulatory Considerations

Staff have reviewed the proposed variances and recommend that they be supported and approved. The property has a small rear yard area and a protected stone wall along the perimeter of the lot that limits the possible width of a driveway. Staff consider the requested parking variance for a one-space reduction to be minor in nature and necessary for the conservation of the stone wall. The requested variance to the Zoning Bylaw's house conversion regulations under Schedule G would permit minor changes to the exterior of the house that improve the livability of the units without seriously detracting from the building's heritage character. The applicant has applied for three variances for the accessory garage to permit a reduced rear and side yard setback and slight increase in permitted building height to retroactively approve existing non-conforming conditions. Unlike the house, the detached garage was constructed without a building permit in the 1940s and cannot be considered legal non-conforming. Staff recommend that the variances are supportable since they recognize conditions that have existed for many decades. The accessory building is also designed to match the exterior materials and roof cresting of the existing house and fits well into its context.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its August 20, 2019 meeting and was recommended for approval. Minutes of the meeting are attached as Attachment F.

CONCLUSIONS

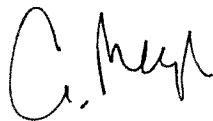
Staff recommend that the proposed alterations to the porch on the west elevation and the addition of a new balcony on the second floor be supported since they comply with heritage standards and guidelines. Staff also recommend that the proposed minor variances be supported considering the site constraints in the rear yard and the protected stone wall.

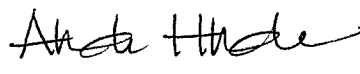
ALTERNATE MOTION

That Council decline Heritage Alteration Permit with Variances Application No. 00017 for the property located at 1702 Fernwood Road.

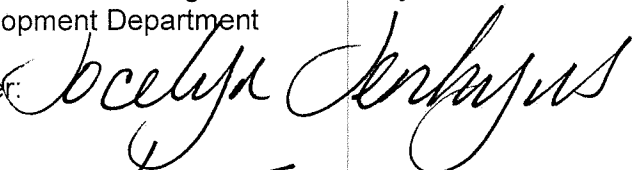
Respectfully submitted,


John O'Reilly
Senior Heritage Planner
Development Services




Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Nov 5, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Plans, date stamped September 30, 2019
- Attachment E: Applicant's letter, dated June 10, 2019.
- Attachment F: Minutes of the August 20, 2019 Heritage Advisory Panel Meeting
- Attachment G: Statement of Significance.

Heritage Alteration Permit with Variances #00017



Designated

Registered



CITY OF



1702 Fernwood Street

Heritage Alteration Permit with Variances #00017



Designated

Registered



1702 Fernwood Road



West Elevation



Garage



West Elevation



South Elevation



East Elevation (Fernwood Road)



North Elevation

key architecture ltd.

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250-562-3322 k@keyarchitecture.com

COMMENTS

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR REVIEW	23/01/18	JA
2	ISSUED FOR DMAP	21/07/18	JA
3	ISSUED FOR PERMIT/ALTERATION/CONVERSION	12/01/18	JA
4	ISSUED FOR VAP	06/06/18	JA
5	REV 1	18/10/18	JA

GENERAL NOTES

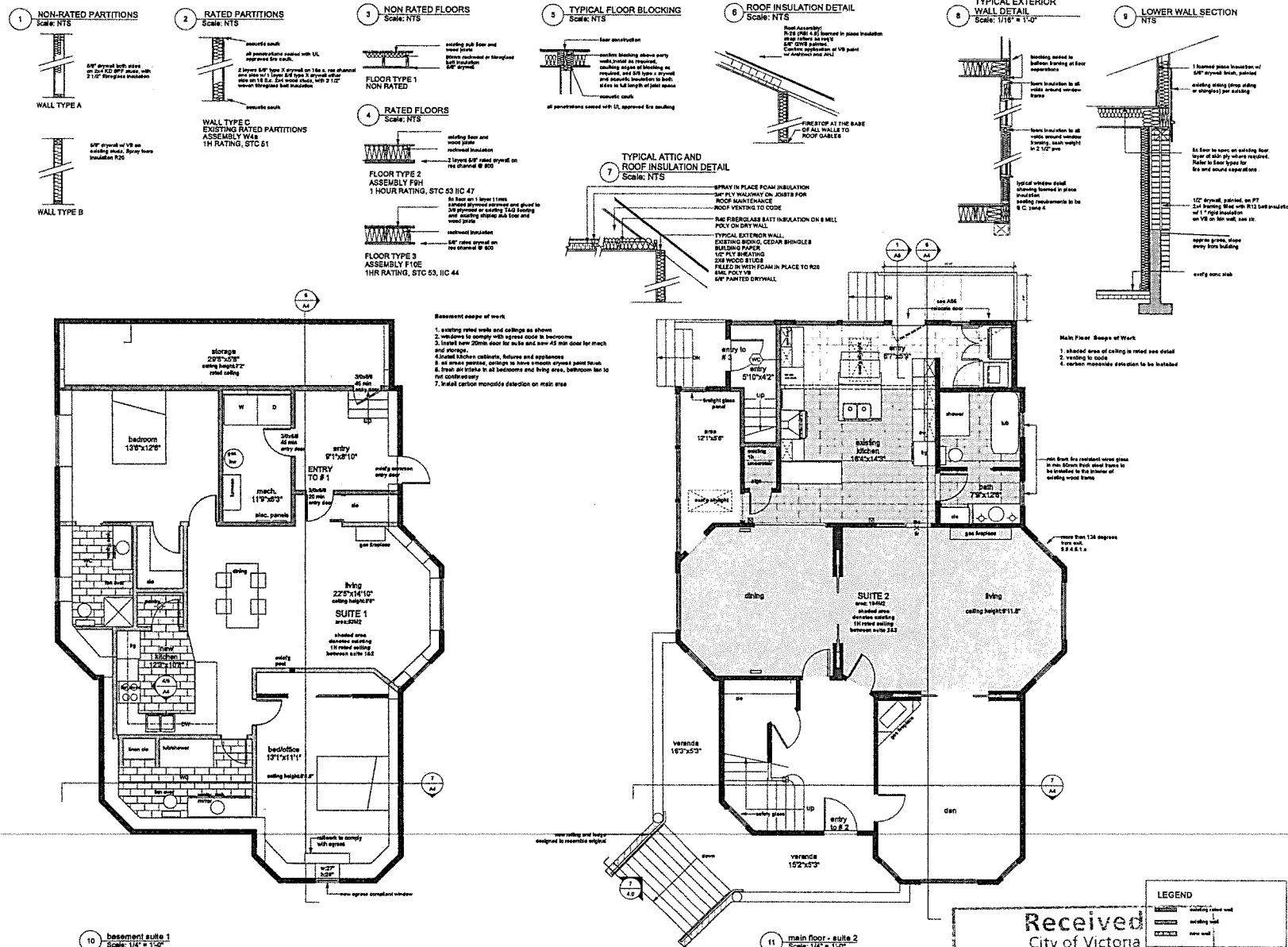
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PROJECT
1702 FERNWOOD ROAD
EXTERIOR ALTERATIONS
TRIPLEX CONVERSION
HAP

SHEET TITLE
BASEMENT AND MAIN
FLOOR PLANS
& DETAILS

SCALE
AS SHOWN
DATE PLOTTED
SEP 12, 2019
DRAWN BY
AJL/JA

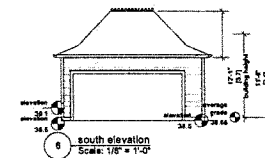
A02



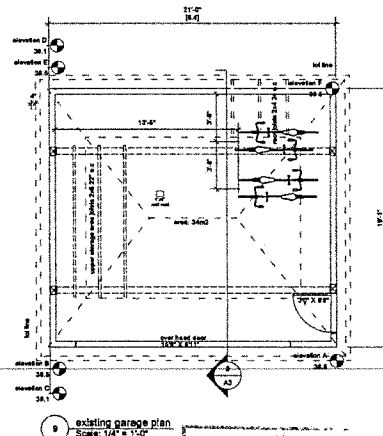
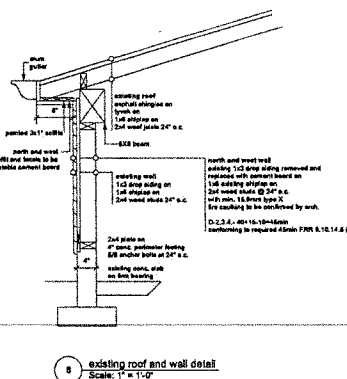
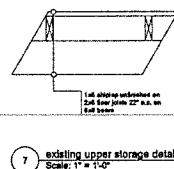
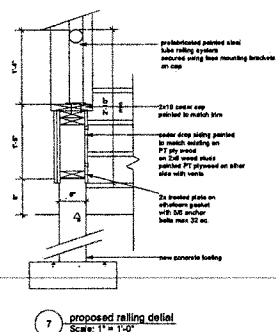
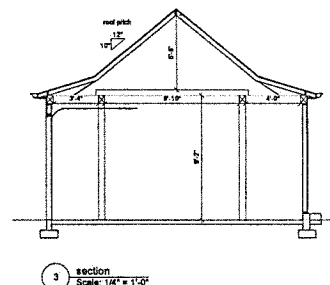
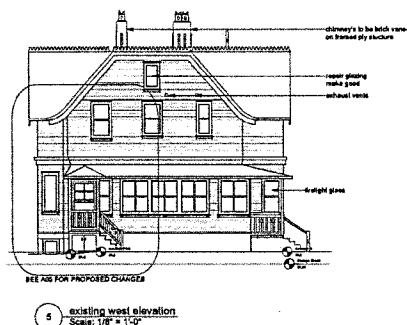
Received
City of Victoria

SEP 30 2019

Planning & Development Department
Development Services Division



garage average
3'x6'
A-B=248.4
B-C=222.8
C-D=222.8
D-E=222.8
E-F=248.4
F-A=222.7
899.4475 S = 38.81



key
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2nd floor, 1124 Fort Street, Victoria, BC V8W 3M8
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COMMENTS		
no.	description	date
1	ISSUED FOR REVIEW	29/07/18 JA
2	ISSUED FOR SHAP	31/07/18 JA
3	ISSUED FOR PERMIT (Detailed/complete)	12/08/18 JA
4	ISSUED FOR SHAP	08/09/18 JA
5	REV 1	16/09/18 JA

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PROJECT
1702 FERNWOOD ROAD
EXTERIOR ALTERATIONS
TRIPLEX CONVERSION
HAP

SHEET TITLE
ELEVATIONS
EXISTING
STORAGE SHED

SCALE AS SHOWN	JOB NO. 1803
DATE PLOTTED SEPT 26, 2019	A03
DRAWN BY JGUA	

Received
City of Victoria

SEP 30 2019

Planning & Development Department
Development Services Division

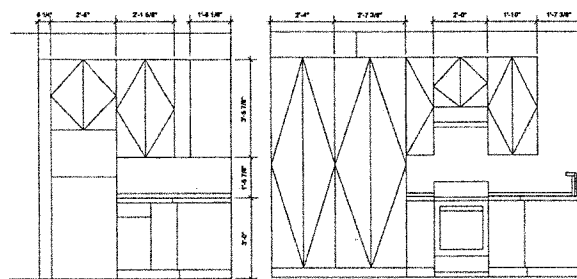
keay
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COMMENTS		
NO.	DESCRIPTION	DATE
1.	ISSUED FOR REVIEW	22/07/19 JA
2.	ISSUED FOR CHAP	21/07/19 JA
3.	ISSUED FOR PERMIT/ENDORSEMENT	17/07/19 JA
4.	ISSUED FOR HAP	06/08/19 JA
5.	REV 1	16/10/19 JA

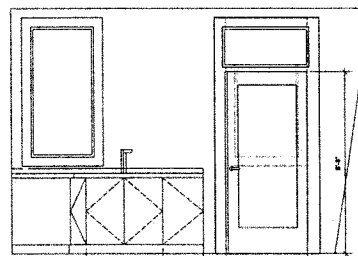
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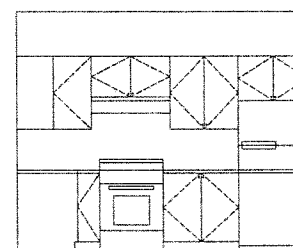


1 Unit #3 Kitchen - East
 Scale: 1/2" = 1'-0"

2 Unit #3 Kitchen - South
 Scale: 1/2" = 1'-0"

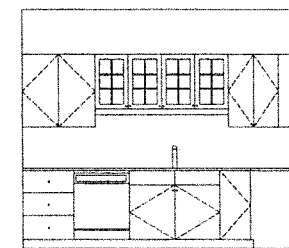


3 Unit #3 Kitchen - West
 Scale: 1/2" = 1'-0"



NOTE: STORED MILLWORK TO BE REINSTALLED

4 Unit #1 Kitchen - South
 Scale: 1/2" = 1'-0"

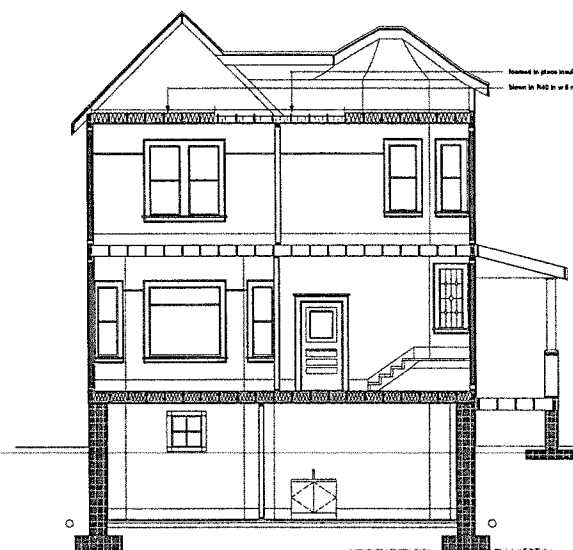


NOTE: STORED MILLWORK TO BE REINSTALLED

5 Unit #1 Kitchen - West
 Scale: 1/2" = 1'-0"



6 section
 Scale: 1/4" = 1'-0"



7 section
 Scale: 1/4" = 1'-0"

PROJECT
 1702 FERNWOOD ROAD
 EXTERIOR ALTERATIONS
 TRIPLEX CONVERSION
 HAP

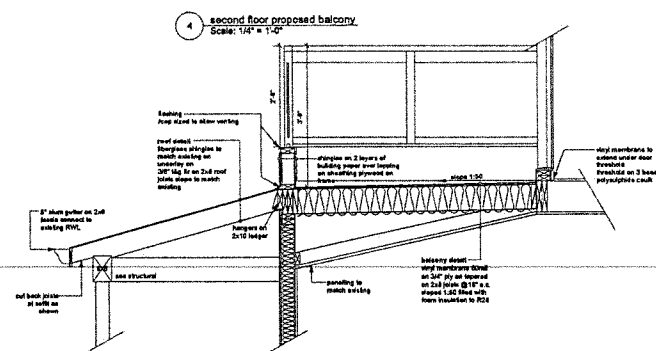
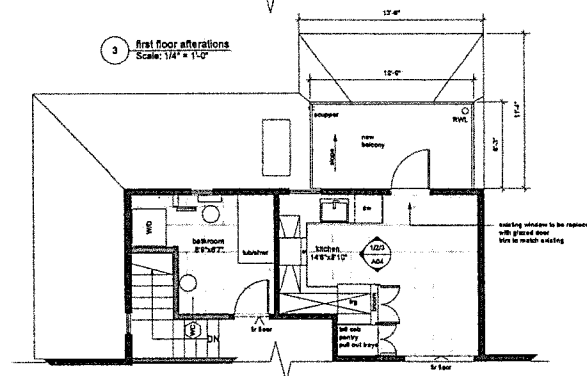
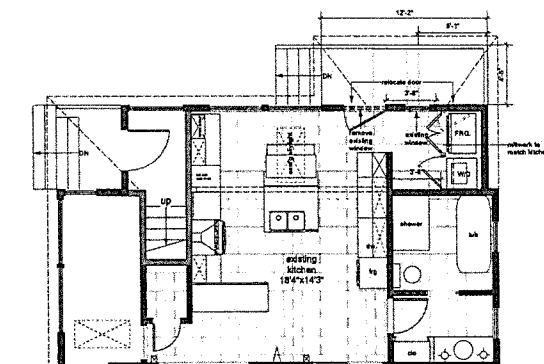
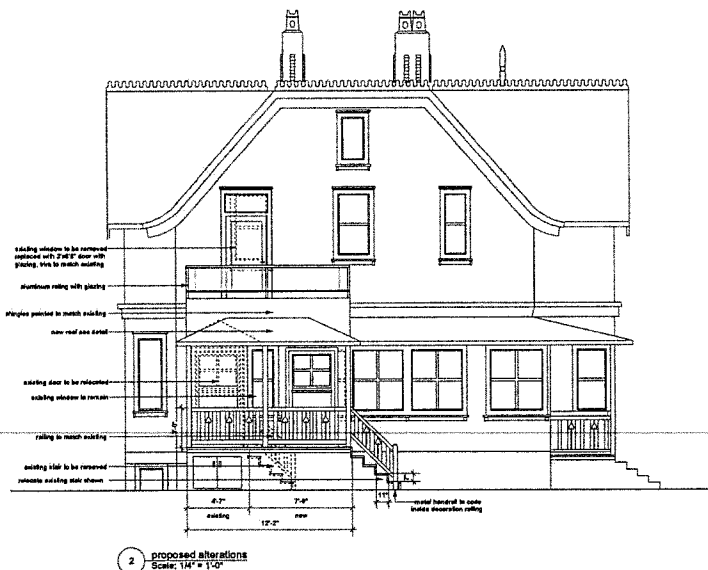
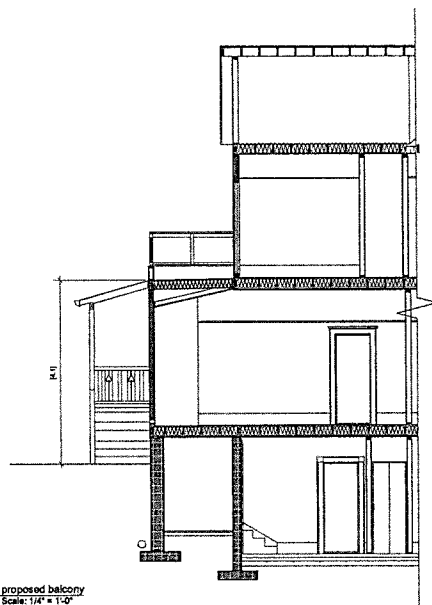
SHEET TITLE
 INTERIOR ELEVATIONS
 SECTIONS

SCALE AS SHOWN	DATE PLOTTED SEPT 26, 2019	DATE 1803
DRAWN BY JQUA		A04

Received
 City of Victoria

SEP 30 2019

Planning & Development Department
 Development Services Division



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COMMENTS

no.	description	date	by
1	ISSUED FOR REVIEW	23/4/18	JA
2	ISSUED FOR SHAP	23/05/18	JA
3	ISSUED FOR PENM/Tender conversion	12/07/18	JA
4	ISSUED FOR SHAP	16/08/18	JA
5	REV 1	16/08/18	JA

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PROJECT

1702 FERNWOOD ROAD
EXTERIOR ALTERATIONS
TRIPLEX CONVERSION
HAP

SHEET TITLE

EXTERIOR ALTERATIONS
FLOOR PLANS
ELEVATIONS

SCALE AS SHOWN	FOR FILE 1803
DATE PLOTTED SEPT 26, 2019	
DRAWN BY JGJJA	A05

Received
City of Victoria

SEP 30 2019

Planning & Development Department

keay architecture ltd.

John Keay, Architect, AIBC

Nicole Parker, Architectural Technologist, AIBC

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June 10, 2019

To: Mayor and Council
City of Victoria
Planning Department
1 Centennial Square
Victoria, B.C.

Re: Rationale for 1702 Fernwood Heritage Alteration Permit

Dear Mayor and Council,

We are submitting a Heritage Alteration Permit for 1702 Fernwood to allow for the single family dwelling to be converted into three rental suites. The residence was built in 1907 for the Westcott family, and is considered one of Victoria's finest examples of the Queen Anne style. A copy of the house's history has been attached to this letter. The front turret of the property caught fire in late January 2017, there was major fire damage to the roof and upper floor, and water damage throughout the home.

The home previously functioned as a duplex, however, this use was never approved by the city. At some point the garage was constructed without permit (pre 1950). Part of this application is to bring these two issues into conformity and then to allow a third suite within the home.

A new roof has been constructed and a building permit for the SFD has been applied for. We are proposing to convert the SFD to a triplex with the following variances.

- i. 1 Parking Stall - Because of the heritage designated stone wall along Balmoral Road we are unable to widen the driveway to satisfy the parking requirement of 4 stalls, therefore we are requesting a variance of one stall. Please note that schedule C 3.2(d) exempts the need for bike parking.
- ii. 8.6% of required rear yard green space - Although Balmoral is the widest of the two streets, Fernwood Road has been designated by Planning as the frontage. We are requesting a relaxation of the 33% required rear yard soft landscaping by 8.6% as we are providing 24.4%.
- iii. .5m of the required rear yard parking screen - We are requesting a variance for the required 1.5m rear yard parking screen, we are able to provide 1m.

- iv. 2 setback variances and height variance for the existing garage – As noted existing garage was built without a permit in the 1940's. We are asking for two setback variances as the garage's setback to both the side and rear lot lines is .4m. The required setback for an accessory building is .6m, therefore a variances of .2m for the rear yard and .2m for the side yard are required. The accessory building is also over height at 3.7m, we require a variance to allow the structure to be .2m over the maximum 3.5m height.
- v. Schedule G section 6, exterior changes - Schedule G requires that no exterior changes that result in the addition of space be preformed 5 years prior or after a new use is created as a result of a house conversion. We are proposing to construct a small deck along the north west facade at the second floor, elongate the existing west porch, and relocating the rear entrance door along the west façade. The proposed changes along the west can be seen on A05. Preliminary meetings with Heritage indicated the alterations are supportable.

The proposed use is utilizing the requirements of the fire remediation to provide current standards of thermal and fire prevention. As well, the additional units will assist in the current rebuilding and ongoing maintenance of this prominent heritage structure. At the same time, the proposed alterations are at the rear of the building and provide a useful outdoor space with minimal impact on the home. We trust this is the information you require at this time.

Sincerely,



John Keay, Architect

Jessica Allerton, Junior Technologist

3. **1702 Fernwood Road**
Heritage Alteration Permit with Variances Application No. 00017

Attendees: Nicole Parker and Jessica Allerton (Keay Architecture Ltd.)

Steve Barber provided a brief introduction. Nicole Parker presented.

Panel Questions and Comments

- Why does the railing at the front need to be changed? Nicole Parker: Due to building code requirements, an aluminum tube handrail will be installed on the recreated wood railing. The existing handrail is not the original.
- What is the proposed rezoning? Steve Barber: There are two existing units and the proposal is for an additional unit. Council will review the Rezoning Application and HAV Application concurrently.
- The provision of more rental housing and an additional parking stall is good. The variances are supportable. The addition to the rear wall is in keeping with the original house. The view from the street is not impacted.
- The fire provided an opportunity for adaptive reuse and the applicant has done that successfully.

Moved

Seconded

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variances No. 00017 for 1702 Fernwood Road be approved as presented.

Carried (unanimous)

Statement of Significance**1702 Fernwood Road****Description of Historic Place**

1702 Fernwood Road is a one-and-one-half storey, wood-frame house situated on the north-west corner of the intersection of Fernwood Road and Balmoral Road behind a low wall. It is located near the centre of the Fernwood neighbourhood, approximately one and one half kilometers from the downtown core of Victoria.

Heritage Value

1702 Fernwood Road, built in 1907-08, is valued as an excellent example of a Queen Anne house built during the Edwardian era, when the style was declining from its earlier popularity in Victoria and was showing signs of transition to other fashions. The building is located on a corner lot with two façades, each viewable from a different street. Each of these façades presents the impression of an asymmetrical Queen Anne house; however, when viewed obliquely from the corner, the house is perceived as symmetrical, congruent with the contemporary trend to Classical Revival houses.

1702 Fernwood Road is also valued for epitomizing the homes of a large number of residents of the Fernwood neighbourhood, many of whom were skilled workers or small business owners, and who frequently were related to each other.

Sources: City of Victoria Planning & Development Department; Victoria Heritage Foundation

Character-Defining Elements

The character of 1702 Fernwood Road is defined by:

- the Queen Anne elements of the design, such as the cutaway bay windows with their coloured glass transoms, the beveled siding on the first-floor level separated by a pent roof from the shingles on the second-floor level, the wraparound porch, the pinnacles and cresting on the roof, and the cross gables and the corner tower with its eaves brackets
- the Classical Revival elements, such as the Tuscan columns on the porch
- the artificial stone wall and piers and metal gate between the house and the street

Heritage Alteration Permit with
Variances Application No.
00017 for
1702 Fernwood Road



Location in Fernwood Neighbourhood





Existing Garage



West Elevation

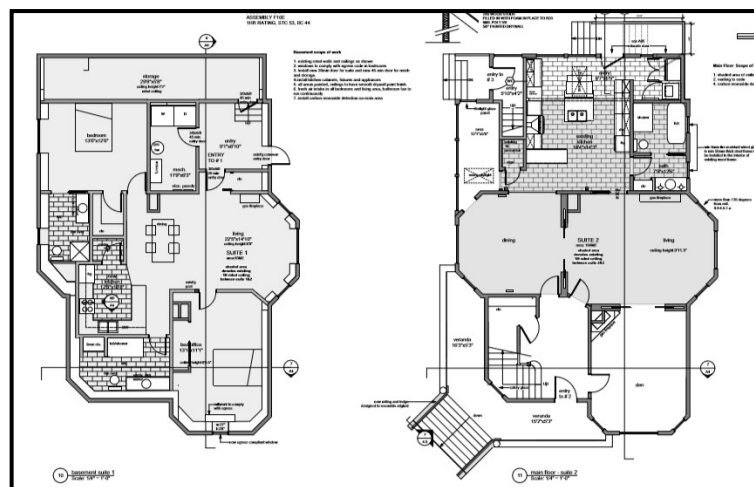


Heritage Status: Designated, Not in HCA

- Constructed in 1907-08
- An excellent example of the Queen Anne
- Style of residential architecture in Victoria

Character Defining Elements

- landmark corner location
- the overall symmetry when viewed on a diagonal
- Queen Anne elements of the design
- the Classical Revival elements
- The stone wall and metal gate

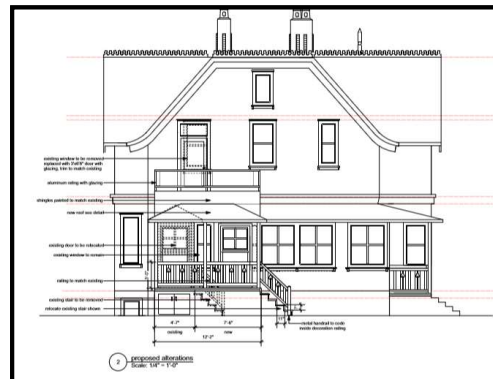


Basement & Main Floor Plans





Elevations



West Elevation



Existing West Elevation



