

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 1, 2021 COTW Meeting

E.1.a.a -2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

Moved By Councillor Andrew
Seconded By Councillor Young

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.3 2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application for the property located at 2747 Asquith Street in order to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one).

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 Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
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 1. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit Application No. 00258 for 2747 Asquith Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 2747 Asquith Street. The proposal is to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one). However, a variance is required to reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan* as it adds to the existing housing rental stock.

- the proposal is consistent with the *Oaklands Neighbourhood Plan* as it maintains the low-scale, family-oriented character of the neighbourhood.
- the variance to reduce the required distance from the parking stall to the street by 0.13m (approximately five inches) is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

BACKGROUND

Description of Proposal

The proposal is to renovate the existing property to create a secondary suite. No parking is required for a secondary suite, but the one stall for the single-family dwelling is subject to the regulations in Schedule C – Off Street Parking, which requires a minimum distance of 1.0m from the parking stall to a street.

Affordable Housing

The applicant proposes the creation of one new secondary suite, which would increase the overall supply of rental housing in the area.

Tenant Assistance Policy

The proposal is for the creation of a secondary suite within an existing single-family dwelling and would not result in the loss of any existing residential rental units.

Sustainability

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

Active Transportation

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

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Variance Permit Application.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The proposed secondary suite would be accessed without the use of stairs.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Single Family Dwelling District Zone, the property could be developed to include either a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Single Family Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

Zoning Criteria	Proposal	Existing R1-B Zone
Site area (m ²) – minimum	508.90	460.00
First and second storey floor area (m ²) – maximum	208.50	280.00
Combined floor area (m ²) – maximum	223.50	300.00
Lot width (m) – minimum	15.22	15.00
Height (m) – maximum	6.24	7.60
Storeys – maximum	2	2
Site coverage (%) – maximum	30.00	40.00
Setbacks (m) – minimum		
Front	4.10** (to porch) 5.97** (to building)	7.50
Rear	10.20	8.36
Side (south)	1.70	1.52
Side (north)	3.60	3.00
Combined side yards	5.30	4.50
Parking – minimum	1	1
Distance from parking stall to street	0.87*	1.0

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 27, 2021 the application was referred for a 30-day comment period to the Oaklands 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 for an additional rental unit within an existing single-family dwelling and is consistent with the *Official Community Plan, 2012* (OCP), which supports housing diversity, rental housing choice and the ongoing upgrade and regeneration of the City's rental housing stock.

Local Area Plans – Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* notes a number of objectives related to housing, including “to make provision for a range of housing types and sizes in the Oaklands neighbourhood through limited infill, redevelopment and new housing” and “to maintain the family-oriented housing character of much of Oaklands”. The proposal is consistent with these objectives in the creation of a secondary suite within an existing dwelling.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts and no impacts to public trees with this Application.

Regulatory Considerations

The existing property operates with a legal non-conforming front yard setback. The proposal meets the required number of parking stalls (one) for a single-family dwelling and secondary suite. The parking stall is located in the front yard as permitted under the bylaw and meets the minimum standards for stall dimensions. However, given the legal non-conforming front yard setback, the proposal cannot meet the required 1.0m distance from a parking stall to a street, without radically altering the exterior façade of the building. The requested variance to reduce this distance to 0.87m is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

CONCLUSIONS

The subject site has been functioning with a legal non-conforming front yard setback for a number of years. The proposal to construct a secondary suite would increase the rental housing stock in the neighbourhood and the potential impacts on the neighbourhood would be minimal. Therefore, staff recommend that Council support the proposed variance.

ALTERNATE MOTION

That Council decline Development Variance Application No. 00258 for the property located at 2747 Asquith Street.

Respectfully submitted,

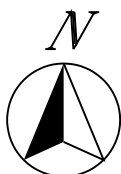
Charlotte Wain
Senior Planner – Development Services
Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

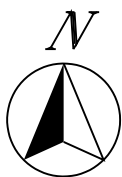
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 21, 2021
- Attachment D: Letter from applicant to Mayor and Council dated January 18, 2021.



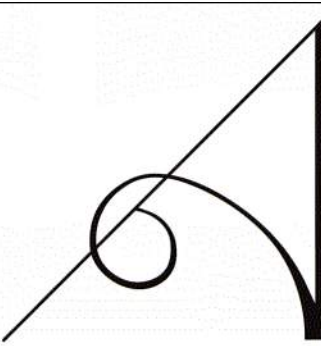
2727 Asquith Street
Development Variance Permit 00258





Air Photo





ARMITAGE ARCHITECT
1251 Victoria Avenue
Victoria, B.C. V8S 4P3
john_armitage@shaw.ca

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2. Verify all dimensions.
3. Check Drawings against Specifications. In case of discrepancies, specifications shall govern.
4. Use latest revised drawings only.

Revisions:
1 Oct 28 / 20 - BP Revisions
2 Jan 9 / 21 - BP Revisions
3 Jan 11 / 21 - Variance Application

Project:

Stucchi-Leach Residence, Lower Level Renovation
2747 Asquith Street,
Victoria, BC.

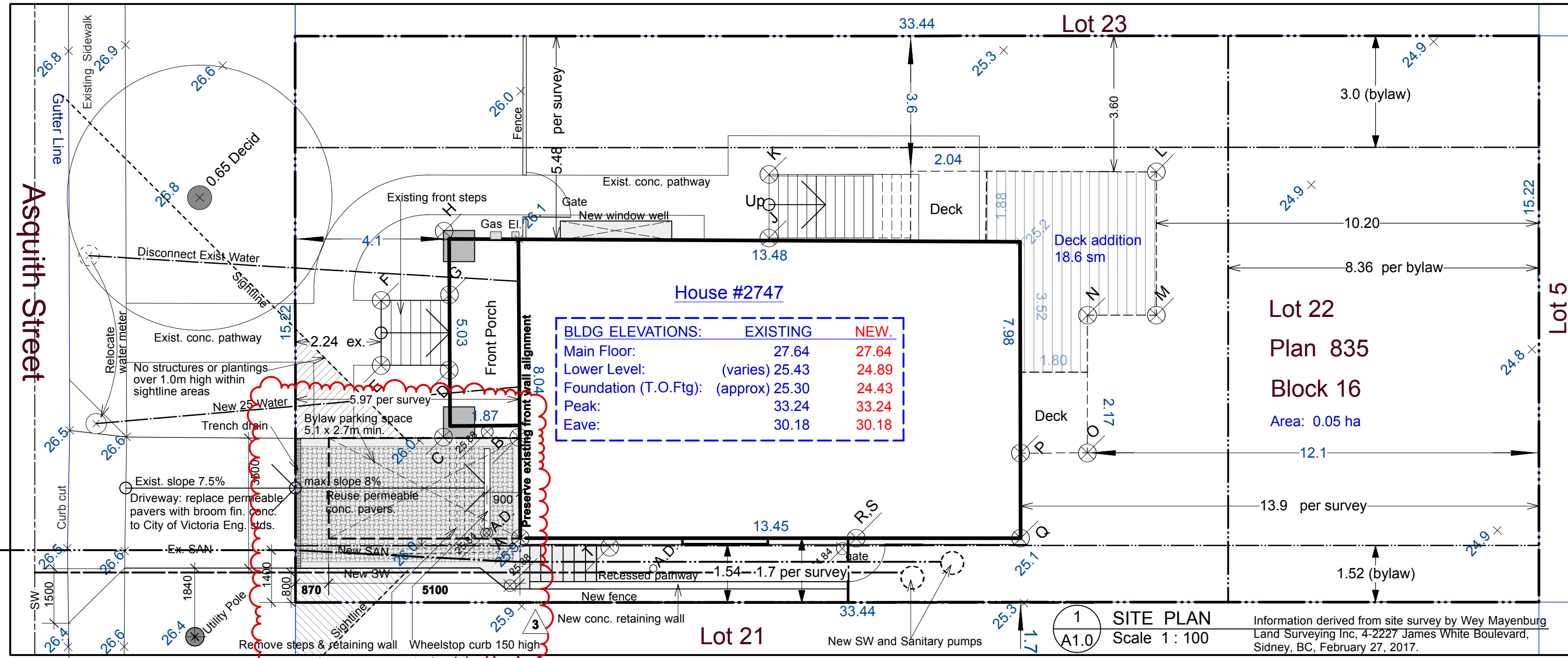
Title:
SITE PLAN
FLOOR PLANS

Date: June 12, 2020
Scale: As noted
Issue: BUILDING PERMIT

Sheet Number:

A-1.0

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PROJECT DATA

Property address: 2747 Asquith Street.

Legal: Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Zoning: R1-B
Single Family Residential
Secondary Suite permitted

Floor Area:

	Bylaw:	70sm
Total (minimum):	218.24sm, existing	
Total (maximum):	215.55sm, proposed	300sm
Storeys 1 & 2(max):	203.24sm, existing	280sm
	200.55sm, proposed	

Building Height:

	Bylaw:	7.5 m
- Bylaw:	7.60 m	2 storeys
- Existing:	6.24 m	2 1/2 storeys (per Variance, Sep 14, 2017)

Setbacks: (per Variances, Sep 14, 2017)

	Bylaw:	7.5 m
Front: House:	5.97m, no change	
Front Porch:	4.10m, no change	5.9 m
Front Steps:	Existing 2.24m	5.0 m

Rear: 10.20m 8.36 m

Sides: 1.54m & 3.6m, 1.52 m & 3.0 m

Lot Area: 509 sm

Site Coverage:

	Bylaw:	203.6 sm
- Bylaw:	509 x 40% =	
- SFD:	Existing + New (incl decks) 153.0 sm (30%)	
- Accessory buildings:	None	

Floor Area, Secondary Suite:

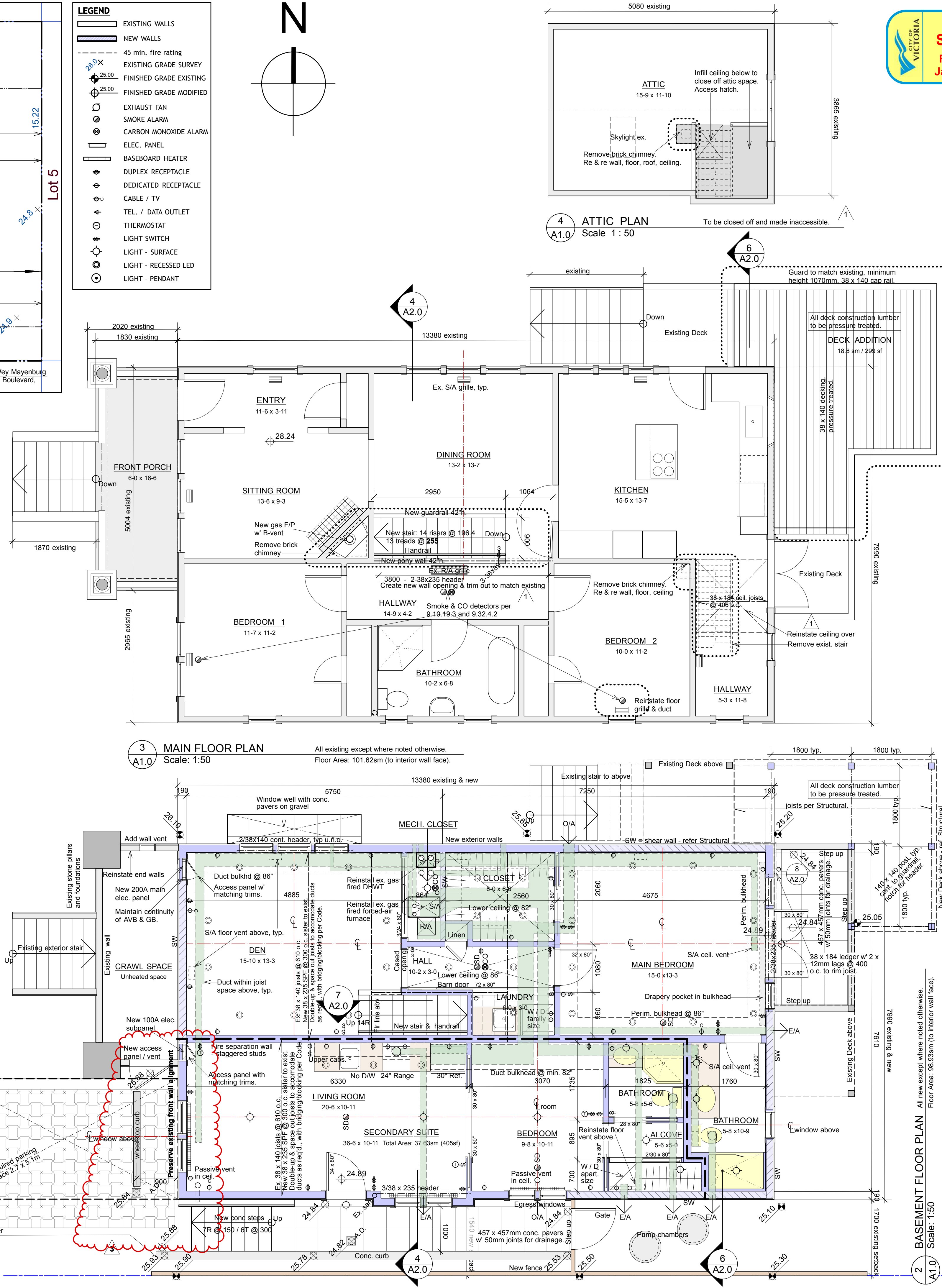
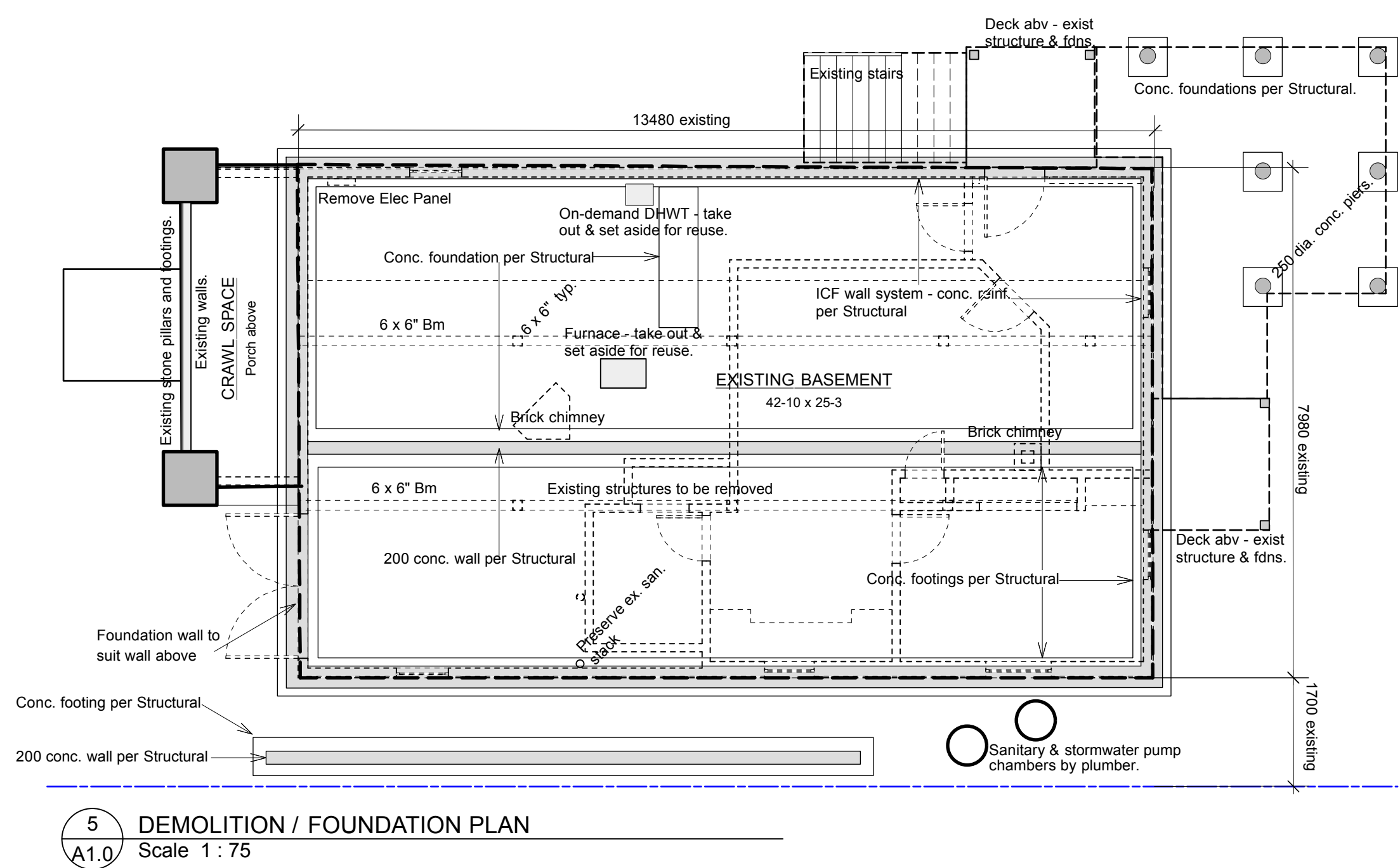
	Bylaw:	80.22 sm or 90 sm
- Bylaw:	200.55 x 40% =	
- New secondary suite:	37.63 sm	

Fire Separations (Secondary Suite): 45 minutes, walls & ceiling.
Refer Elevations.

GENERAL NOTES.

- All work to be carried out in accordance with 2018 BC Building Code, latest edition, governing legislation and Standards, and applicable local bylaws.
- Firestop plumbing and other penetrations through fire separations. Limited penetrations for electrical boxes are permitted if tightly fitted. No interconnected ductwork or vacuum system.
- Install Can/ULC-S531 smoke alarms hard-wired to Code, interconnected within each dwelling unit, but not connected between SFD and Secondary Suite.
- All new windows, doors and skylights to conform to the thermal performance standard *AAMA WDMA/CSA 1011, S.2/A440-08 NAFS - North American Fenestration Standard/Specification for Windows, Doors and Skylights* together with Canadian Supplement *A440S1-09*.
- Obtain engineered structural drawings for non-standard foundation, underpinning, retaining walls, shoring and framing details.
- Mechanical ventilation to SFD portion to connect to existing gas-fired furnace with new ductwork to suit, all by licensed mechanical contractor.
- Mechanical exhaust ventilation to SFD portion as follows:
Main bathroom - continuous, 110 cfm, Panasonic FV-11VQ5,
Kitchen - existing rangehood,
Ensuite bathroom - 110 cfm, Panasonic FV-11VQ5.
- Secondary suite ventilation as follows:
Bathroom - continuous exhaust, 110 cfm, Panasonic FV-11VQ5,
Kitchen - rangehood to be determined, Make-up air inlet vents Panasonic FV-GKF32SI
- Secondary suite heating - electric resistance baseboard heaters, to be sized by licensed electrical contractor.

GRADE CALCULATION				
POINTS	AVERAGE	X	DISTANCE	TOTALS
A + B:	(25.88 + 25.88) / 2	x	2.70	= 69.88
B + C:	(25.88 + 26.00) / 2	x	1.80	= 46.69
C + D:	(26.00 + 26.00) / 2	x	1.90	= 49.40
D + E:	(26.00 + 26.30) / 2	x	1.80	= 47.07
E + F:	(26.30 + 26.30) / 2	x	2.00	= 52.60
F + G:	(26.30 + 26.25) / 2	x	1.80	= 47.30
G + H:	(26.25 + 26.25) / 2	x	1.80	= 47.25
H + J:	(26.25 + 25.65) / 2	x	8.50	= 220.58
J + K:	(25.65 + 25.65) / 2	x	1.80	= 46.17
K + L:	(25.65 + 25.08) / 2	x	10.50	= 266.33
L + M:	(25.08 + 25.05) / 2	x	3.80	= 95.25
M + N:	(25.05 + 25.05) / 2	x	1.90	= 47.60
N + O:	(25.05 + 25.05) / 2	x	3.70	= 92.69
O + P:	(25.05 + 25.10) / 2	x	1.80	= 45.14
P + Q:	(25.10 + 25.10) / 2	x	2.30	= 57.73
Q + R:	(25.10 + 25.10) / 2	x	3.60	= 90.36
S + T:	(24.84 + 24.84) / 2	x	7.70	= 191.27
T + A:	(24.84 + 25.88) / 2	x	2.10	= 53.26
			61.50	= 1566.57
AVERAGE GRADE:				
1566.57 / 61.50m (perimeter)				= 25.47




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January 18, 2021

The City of Victoria,
 1 Centennial Square,
 Victoria, BC. V8W 1P6.

To: The Mayor and Council,

Re. 2747 Asquith Street, Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Request for Variance:

Front Yard Setback – Parking: 5.97m existing versus 6.1m bylaw

On behalf of the Owners of this property, we wish to outline the rationale for this variance request.

This Arts and Crafts cottage was built in about 1913 and is very representative of the form and character of its time. This includes a close and direct relationship to the street that contributes significantly to the pedestrian-friendly character of this inner suburb. It is the owners' intention to preserve the appearance and character of this house as much as possible.

The new owners purchased the property in 2016 and are proposing to upgrade the below-standard basement to expand living space for their growing family and create a secondary suite. An earlier (2017) proposal to lift the house and rebuild the basement, with related variances, was abandoned due to cost and other factors.

A subsequent bylaw change now permits on-site parking to be located in the front yard only, rather than behind the line of the house front. This is a crucial innovation to encourage the development of secondary suites (and help address our housing crisis) and was a deciding factor in the choice of renovation strategy in this case.

The setback requirement (per Zoning Bylaw, Schedule C) is 6.1m total: 5.1m for the parking space plus an additional 1.0m to a street, commonly referred to as a "landscape strip". The existing setback for this house is 5.97m so it is non-conforming by 130mm (approximately 5") sometimes referred to as "less than a cellphone". On this and neighbouring streets, there is an additional 4.4m of municipal boulevard, between the property line and the back of the sidewalk, that provides a substantial buffer for residential parking. It seems a remote possibility that the City might one day choose to widen this street to such an extent that the length of this driveway would ever become an issue physically or practically. Also, the concept of the 1.0m "landscape strip" is more appropriately applied to "hammerhead" driveway configurations and large commercial parking lots, whereas it is somewhat moot in this case being an essential part of the driveway itself.

To bring the house into conformance would not be impossible but would require cutting back half of the front face of the house. This would require some structural contortions and would compromise the integrity of its appearance and structure. Similarly, a conforming "hammerhead" driveway configuration is theoretically possible but would result in paving almost the entire front yard. This would be out of step with the form and character of the streetscape and would potentially compromise a municipal street tree. Either solution would impose a degree of hardship without achieving any community benefit.

In summary, the variance condition represents a trivial historical anomaly, a "paper" discrepancy between an arbitrary bylaw requirement and an existing physical condition that is neither functionally deficient nor materially improved by bringing into literal conformance.

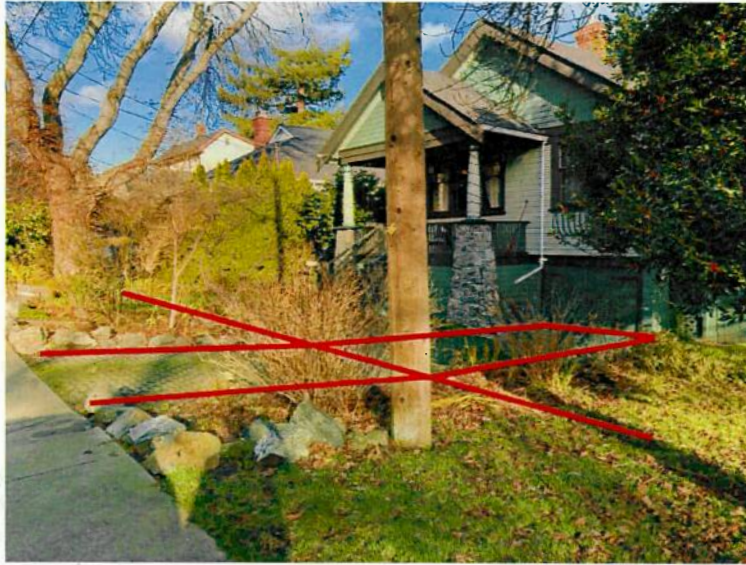


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Subject property with driveway and front property line marked.

We trust you will find the proposed variance request to be modest in scope and entirely due to pre-existing conditions, and to be consistent with the form and character of this house within its established neighbourhood.

Respectfully submitted,

John Armitage, Architect AIBC.

1

Development Variance Permit No. 00258 for 2747 Asquith Street



1

Aerial View

2



2

Subject Site

3



3

Context

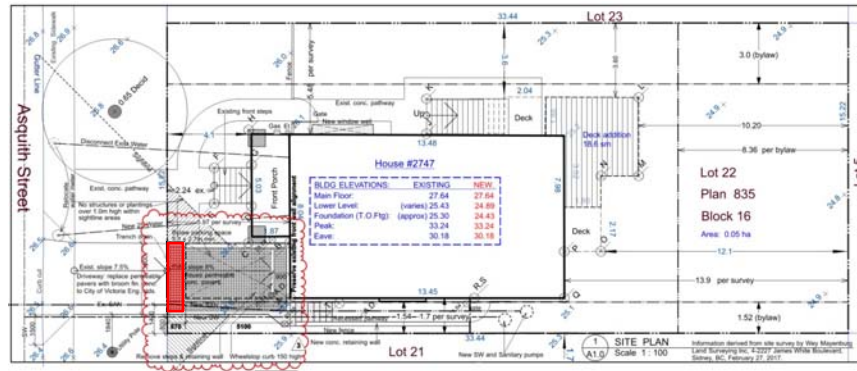
4



4

Site Plan

5



5