

**F.1.a.a 1250 Dallas Road: Development Variance Permit Application
No. 00254 (Fairfield-Gonzales)**

Moved By Councillor Andrew

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. 00254 for 1250 Dallas Road, in accordance with:

1. Plans date stamped January 25, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height of the accessory building from 3.5m to 4.73m
 - ii. increase the floor area of an accessory building from 37m2 to 55.2 m2
 - iii. reduce the required vehicle parking from 7 stalls to 4 stalls.
3. One six space bicycle rack to be installed in the rear yard.
4. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1 1250 Dallas Road: Development Variance Permit Application No. 00254
(Fairfield-Gonzales)

Committee received a report dated April 1, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application for the property located at 1250 Dallas Road proposing to create additional floor area (loft area) in the existing accessory building.

Moved By Councillor Andrew

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:

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CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of April 15, 2021

To: Committee of the Whole **Date:** April 1, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00254 for 1250 Dallas 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 Development Variance Permit Application No. 00254 for 1250 Dallas Road, in accordance with:

1. Plans date stamped January 25, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height of the accessory building from 3.5m to 4.73m
 - ii. increase the floor area of an accessory building from 37m² to 55.2 m²
 - iii. reduce the required vehicle parking from 7 stalls to 4 stalls.
3. One six space bicycle rack to be installed in the rear yard.
4. The Development Variance 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 1250 Dallas Road. The property currently houses a five-unit residential strata development and one accessory building. The proposal is to create additional floor area (loft area) in the existing accessory building.

The variances are related to height and floor area of the accessory building. Due to the introduction of an internal staircase in the accessory building, the size of an existing parking stall

is reduced, and the stall no longer meets parking stall dimensions, which triggers a parking variance.

The following points were considered in assessing this application:

- The *Official Community Plan, 2012*, (OCP) identifies this site within the Traditional Residential urban place designation which supports a diversity of housing types.
- The Fairfield Neighbourhood Plan (2019) encourages a diverse mix of housing types and tenure and the retention and adaptive reuse of existing buildings.
- A Section 219 Covenant securing the design, exterior materials and landscaping of the development was secured as part of the 2017 rezoning process to allow the five-unit strata conversion. This application is consistent with that covenant and the covenant will remain in place.
- The accessory building is existing and the main change to the exterior of the building is the addition of shed dormers to provide adequate ceiling height for the loft area. The dormers do not have any windows, and, as such, do not create any privacy impacts.
- The proposed loft area added to the accessory building is intended to be an amenity space for residents, which will improve the liveability of the development.
- The previous approvals included a variance to reduce the vehicle parking from seven stalls to five stalls, which was considered sufficient for the five strata units within the principal building (one per unit). With the current proposal one stall within the garage does not meet the standards for stall length, however, this stall remains functional for a small car.
- The use of bicycles for transportation is encouraged by the following bicycle facilities: a six-space bike rack for short term use and six spaces for long term bicycle storage. These cycling facilities help to mitigate the parking variance.

BACKGROUND

Description of Proposal

The proposal is to create additional floor area within an existing accessory building. Specific details include:

- The inclusion of dormers in the accessory building is requested to provide adequate floor to ceiling height so this area can be used as an amenity area by the residents. The dormers and the reconstruction of the roof require a height variance to increase the height of the accessory building from 3.5m to 4.73m.
- The loft space will have a floor area of 19.2 m², which requires an increase to the allowable floor area of an accessory building from 37m² to 55.2 m².
- The existing accessory building on the subject parcel currently contains two parking stalls and an area designated for two bicycles (long term bike parking). With the reconfiguration of the accessory building, there will be space for three bicycles. In addition to this bicycle storage, there is a space within the principle building for the storage of three bicycles.
- Adding stairs within the garage, to access the loft space, reduces the size of one of the parking stalls, and, as such, the length of the stall does not meet bylaw standards of 5.1m reducing it to 2.695 m therefore triggering the requested variance.

Housing

A Housing Agreement is in place that ensures future Strata Bylaws do not prohibit the rental of units. This application does not affect this Housing Agreement, which will remain in place.

Sustainability

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

Public Realm Improvements

No public realm improvements are proposed in association with this application.

Active Transportation

The application will increase the amount of Class 1 bicycle parking stalls from five to six stalls. The six-stall bicycle rack for visitors (Class 2) will be installed in the rear yard.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The landscape, pathways and hard surface parking area surrounding the building are designed to be accessible.

Existing Site Development and Development Potential

The site is in R1-41 Zone, Dallas Road Restricted Conversion District. This site-specific zone was adopted on August 10, 2017, to allow the current use of the property for five self-contained dwelling units and subsequent strata subdivision. No further development potential exists on the property under the current zoning.

The variances relate to the accessory building and to the parking, and the following data table compares the proposal with the *Zoning Regulation Bylaw*, Schedule F (Accessory Buildings) and Schedule C (Off-Street Parking). It is noted that the site-specific zone that was drafted for this property in 2017 applies the Schedule C - Parking Regulations and the recent updates that exempt House Conversions from requiring parking do not apply.

An asterisk is used to identify where the proposal does not meet the requirements of the existing regulations.

Accessory Building – Schedule F			
	Proposal	Bylaw standard	Existing at time of rezoning
Location	Rear yard	Rear yard	
Combined Floor Area (m ²) – maximum	55.2*	37	35.8
Height (m) – maximum	4.73*	3.5	3.56

Accessory Building – Schedule F			
	Proposal	Bylaw standard	Existing at time of rezoning
Setbacks (m) – minimum:			
Rear	5.35	0.6	
Side	1.54	0.6	
Separation space from principal building	2.43	2.4	
Rear yard site coverage (%) – maximum	16.50	25	

Parking Requirements – Schedule C			
	Proposal	Bylaw standard	Required at the time of rezoning
Vehicle parking - minimum	4*	7	5
Bicycle parking – short term (6 space rack)	1	n/a (existing building)	1 (not installed)
Bicycle parking stalls– long term	6	n/a (existing building)	5

Relevant History

Over the 100 years of the life of the main building, a number of transitions have occurred from a single-family dwelling to a duplex, to four suite rental building and finally to its current status today of a five-unit strata development. Over this time, the subject parcel has been the subject of a complex history of approvals.

In 2017, Council approved a rezoning of this property to a site-specific zone allowing a five-unit strata subdivision of the existing dwelling, as the proposal could not proceed under the House Conversion regulations in place at that time. The construction to create the five strata units was completed under appropriate permits in December 2018.

This site-specific zone created for the project (R1-41 Zone, Dallas Restricted Conversion District) provided specific regulations for the five-unit strata subdivision. However, for accessory buildings and parking requirements, the standard regulations applied and are therefore currently applicable: Schedule F for Accessory Buildings and Schedule C for Off-Street Parking Regulations.

In 2017, the following were included as part of the development:

- five Class 1 bicycle parking stalls (long term)
- a six-stall bicycle rack for short term visitor use
- an electric vehicle charging station.

The electric vehicle changing station and long-term bike parking have been installed. At this time, the bike rack has not yet been installed as the area for the bike rack has not been fully landscaped. However, the developer has created a space for it in the rear yard. The installation of this bike rack is noted in the staff recommendation and would be listed as a condition of the Development Variance Permit, should Council approve the application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 2, 2020 and January 25, 2021, the application was referred for a 30-day comment period to the Planning and Zoning Committee of the Fairfield Gonzales Community Association. 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 *Official Community Plan, 2012* (OCP) identifies this site as being within the Traditional Residential urban place designation, which supports a diversity of housing types.

Fairfield Neighbourhood Plan

The Fairfield Neighbourhood Plan also supports a diversity of housing sizes, form and tenure. This property is within Sub-Area 3, where the well-established mix of housing types is recognized as contributing to the neighbourhood character.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

Regulatory Considerations

Height Variance for the Accessory Building

A height variance is requested for the existing accessory building. Schedule F of the *Zoning Regulation Bylaw* regulates the size and siting of accessory buildings. As this accessory building was existing at the time of the 2017 Rezoning Application and the subsequent strata subdivision, the accessory building has non-conforming status for its height. The height at that time was determined to be 3.56m, which is slightly over the maximum allowable height for an accessory building of 3.5m.

With the addition of dormers in the roof to allow for usable height in the loft area, the height is now calculated differently (from the mid-point of the shed dormers) and the new height is deemed to be 4.73m. At the roof peak, the actual increase in overall height is approximately 0.26m to allow for the reconstruction of the roof. From the public realm, this additional height will not have a significant impact.

The design of the dormers is complementary to the residence, which also has shed dormers. The dormers on the accessory building do not have windows and, as such, present no privacy issues.

Size of Accessory Building

As previously noted, the accessory building was in place at the time of the 2017 rezoning. The existing floor area is 35.8m². According to the project's architect, the loft area was in existence at the time of the rezoning, however, as it was not accessible it did not contribute to the floor area. By adding stairs to access the space and dormers to provide adequate ceiling height for use, an additional 19.4m² of floor area is added to the accessory building.

This additional floor area does not contribute to the building mass and provides usable amenity space for the occupants.

Parking Variance

Applying the current *Zoning Regulation Bylaw* parking standards to this project, seven parking stalls in total are required based on unit size, one of which is required for visitor parking. Currently, three surface parking stalls are provided in the rear yard and two stalls are provided in the accessory building. However, due to the inclusion of interior stairs in the accessory building to gain access to the loft area, one parking stall length has been reduced to 2.695m. The Bylaw standard length requirement is 5.1m. While reduced stall length may be functional for a small car, Schedule C of the *Zoning Regulation Bylaw* does not make provision for small car stalls.

While five parking stalls would be ideal for this development, as this would represent one per unit, four stalls are acceptable. The locational aspects of the project allow for walking and cycling access to outdoor recreation (Dallas Road and Beacon Hill Park) and services within Cook Street Village, which will lessen the reliance on vehicular trips.

CONCLUSIONS

Staff recommend that Council consider supporting the application. The proposed exterior changes to the existing accessory building are minor in nature and do not appreciably alter the mass of the building. There are no privacy impacts associated with addition of dormers in the existing accessory building, as there are no windows within the dormers. The proposal to allow additional floor area within the existing accessory building creates a functional amenity area for the residents and, as such, improves the liveability of the development. The parking reduction of one additional stall is supportable as adequate bicycle facilities are provided that will foster the use of bicycles by the residents.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00254 for the property located at 1250 Dallas Road.

Respectfully submitted,

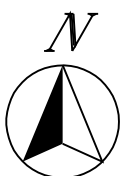
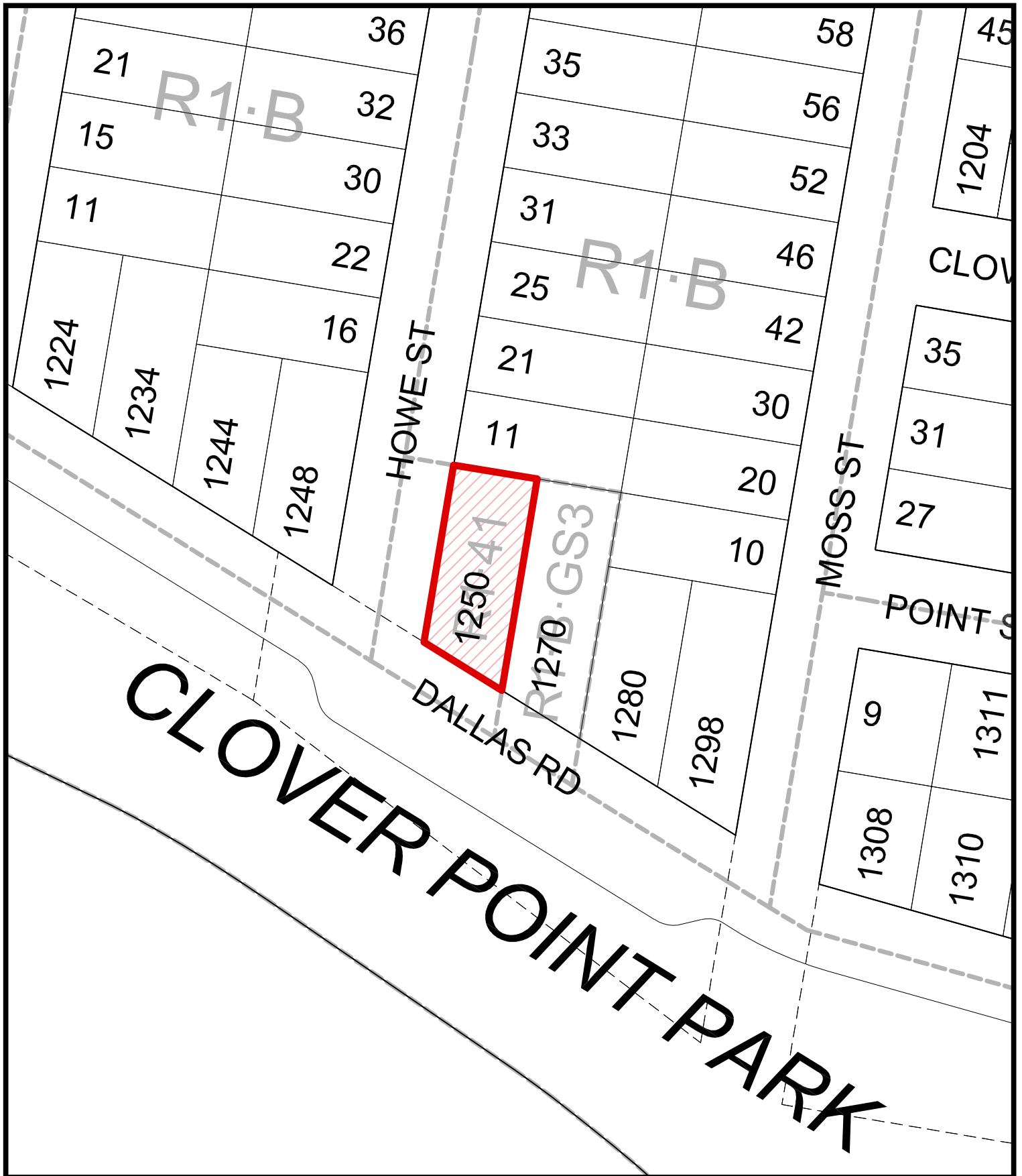
Lucina Baryluk
Senior Planner
Development Services

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

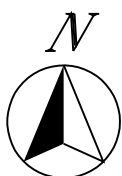
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 25, 2021
- Attachment D: Letter from applicant to Mayor and Council dated November 25, 2020 and December 10, 2020.



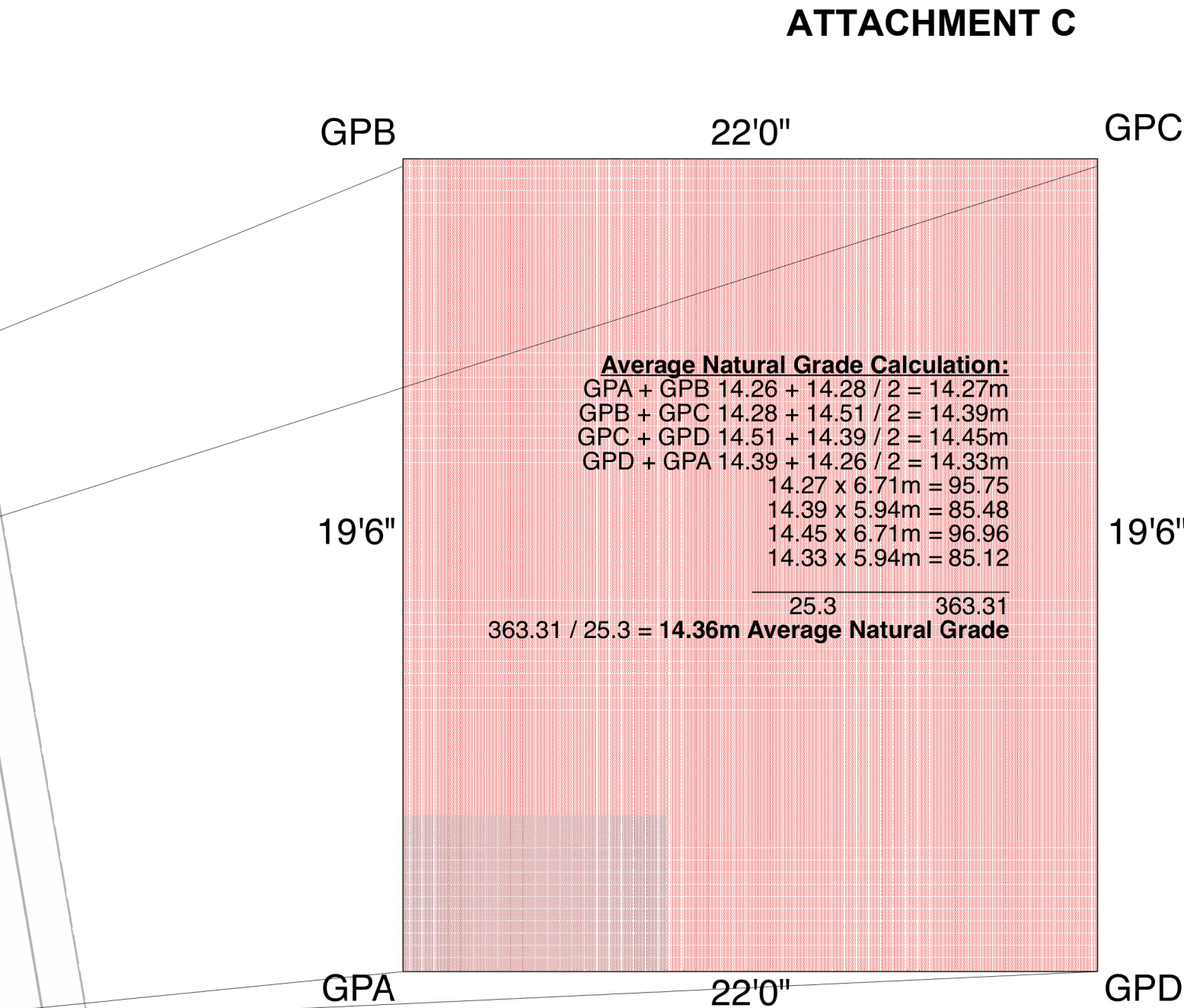
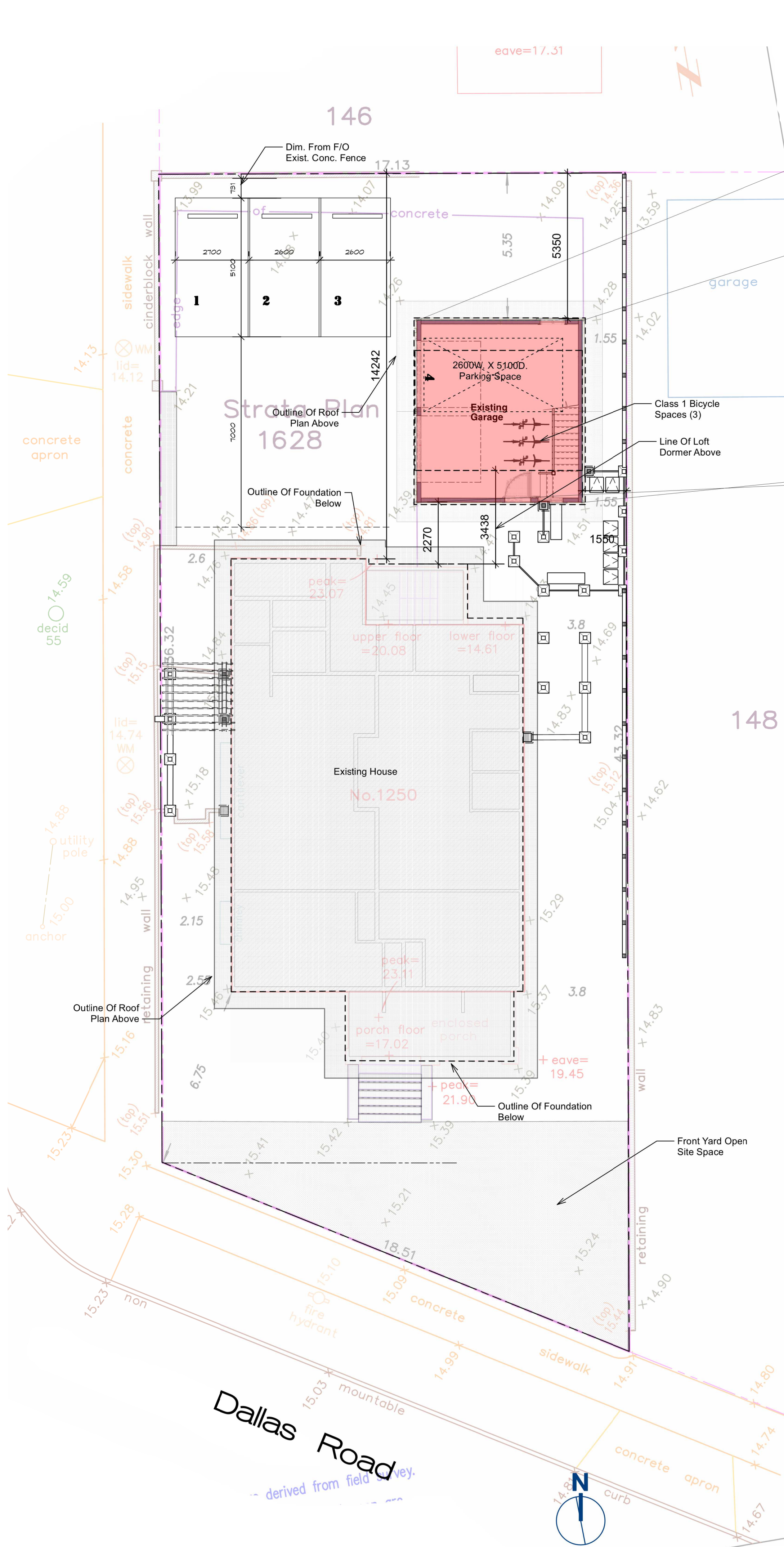
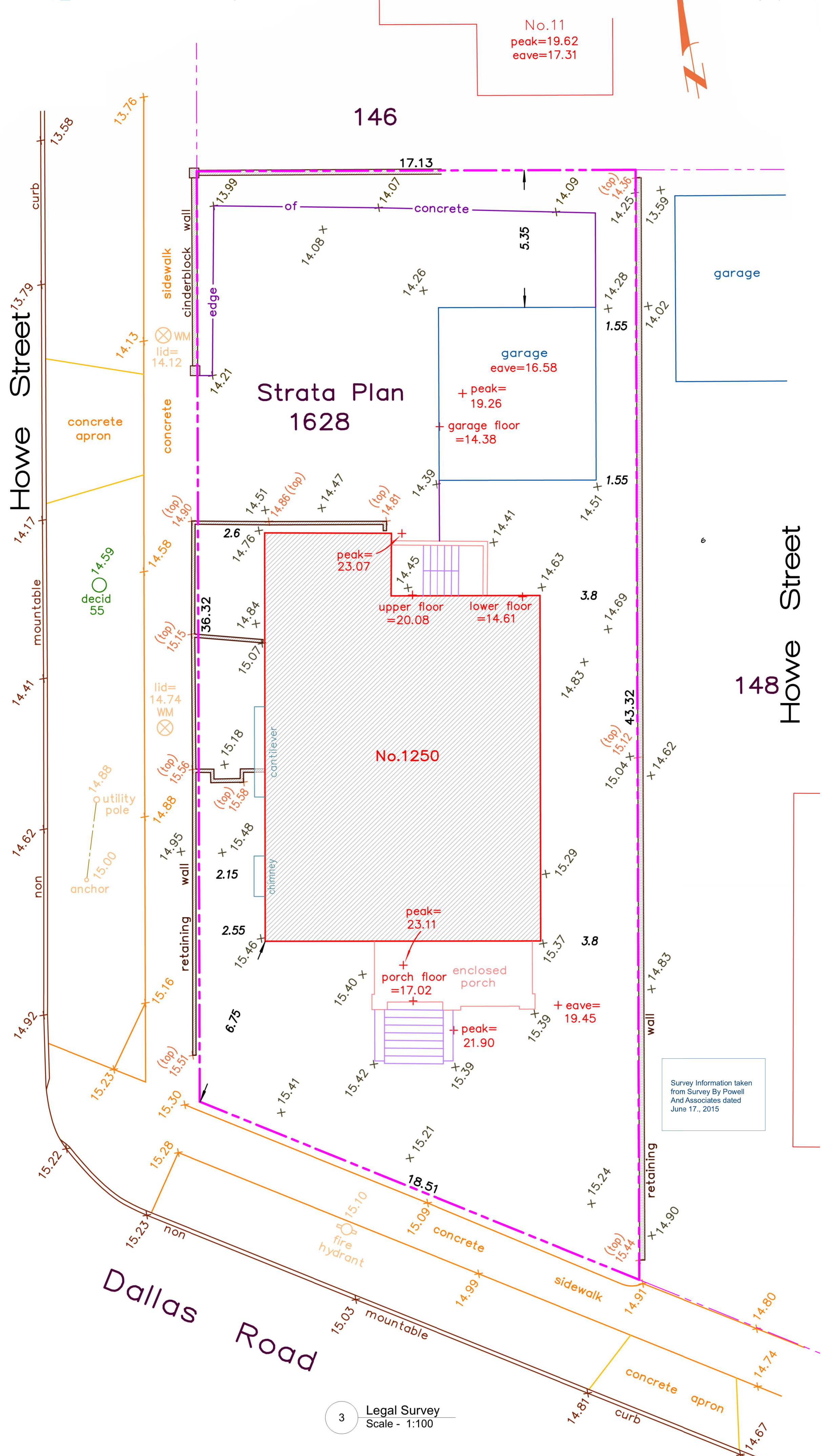
1250 Dallas Road
Development Variance Permit No.00254





1250 Dallas Road
Development Variance Permit No.00254





Project Information Table	
Zoning (existing)	R1B
Proposed zone or site specific zone	R3-A1
Site area (m ²)	652.2
Total floor area (m ²)	441.8
Commercial floor area	N/A
Floor space ratio	648:1
Site Coverage (%)	31.5
Open Site Space (%)	55
Height of building (House) (m)	13.7
Height of Accessory Building (m)	4.39m (Variance 1 Requested)
3m ² Permitted	Main Floor: 35.8m ² Loft area: 14.4m ²
3m ² Permitted	55.2m ² (Variance 2 Requested)
Number of storeys	3
Parking stalls (number) on site	4
5 Approved	4 Provided (Variance 3 Requested)
Bicycle parking number (Class 1 and Class 2)	6 Class 1, 1-6 space bike rack
Building Setbacks (m)	
Front yard	1.5
Rear yard	14.242
Side yard (west)	2.15
Side yard (east)	3.8m
Complied site yard	4.95
Residential Use Details	
Total number of units	3 - 1 bedrooms, 2 - 2 bedrooms
Unit types	
bedrooms	
Ground-oriented units	2 at ground, 2 at Main, 1 at attic
Minimum unit floor area (m ²)	55.7
Total residential floor area (m ²)	441.8

PARKING INFORMATION
As per Bylaw 20-159, Schedule "C", "Other Area"

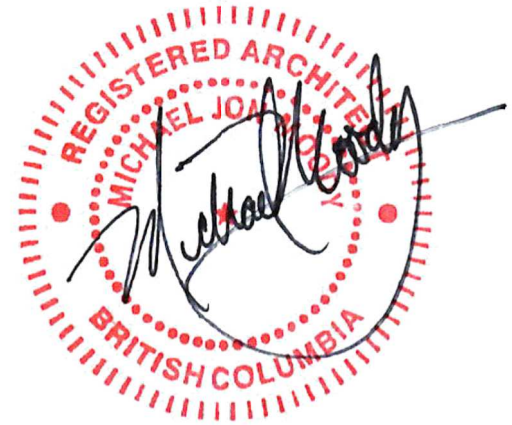
Location	Area	Parking Requirements	Sub-Total Parking Req'd
LOWER			
Unit 201	64m ²	More than 45m ² but less than 70m ² : 05/unit	1,7, Or 2 Req'd
Unit 202	71.5m ²		
MAIN			
Unit 201	71.2m ²	More than 45m ² but less than 70m ² : 05/unit	1,7, Or 2 Req'd
Unit 202	55.4m ²		
UPPER			
Unit 301	121.4m ²	More than 70m ² : 1.45/unit	1.45, Or 1 Req'd
Visitor Parking = 1/Unit		5 Units (x.1) =	5, Or 1
Total Parking Requirements			7
Total Parking Provided			4
Long Term Bicycle Parking		1.25 spaces per dwelling unit that is more than 45m ²	5 x 1.25 = 6.25 spaces Or 6

Revisions

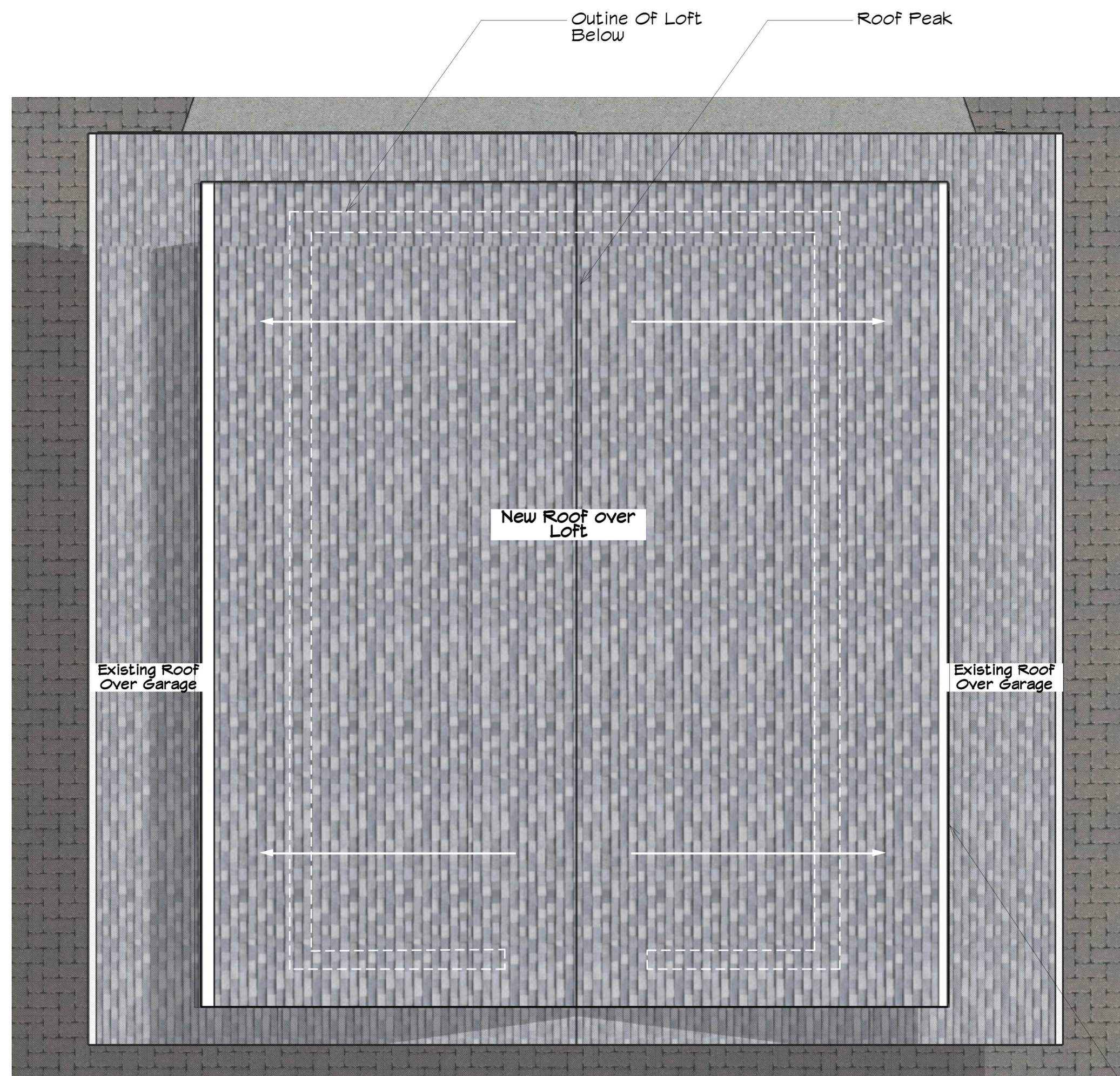
Received Date:
January 25, 2021

Civic Address :
1250 Dallas Road

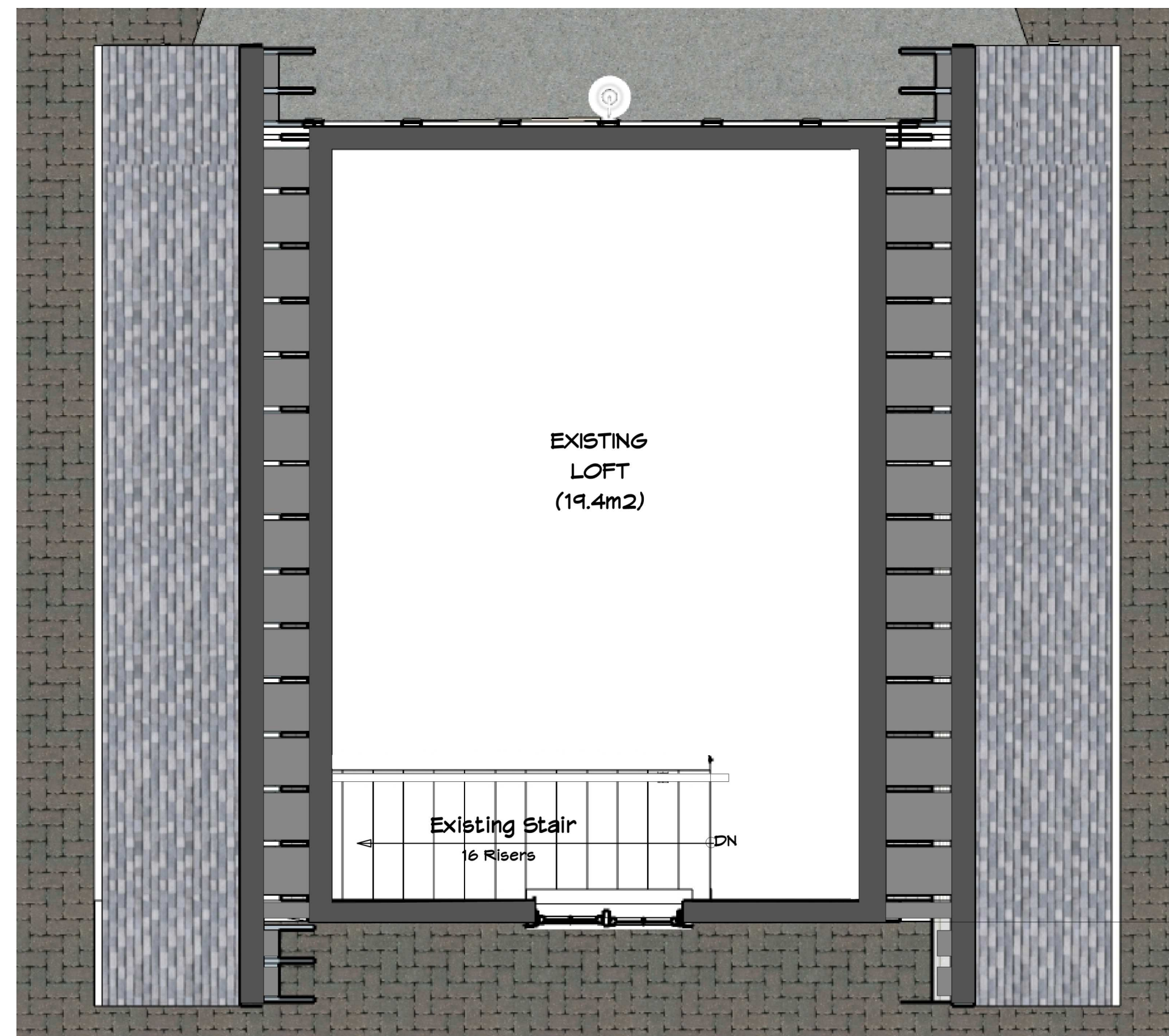
Legal Description:
Strata Lots 1 to 4, Fairfield Farm Estate
Victoria City, Strata Plan 1628



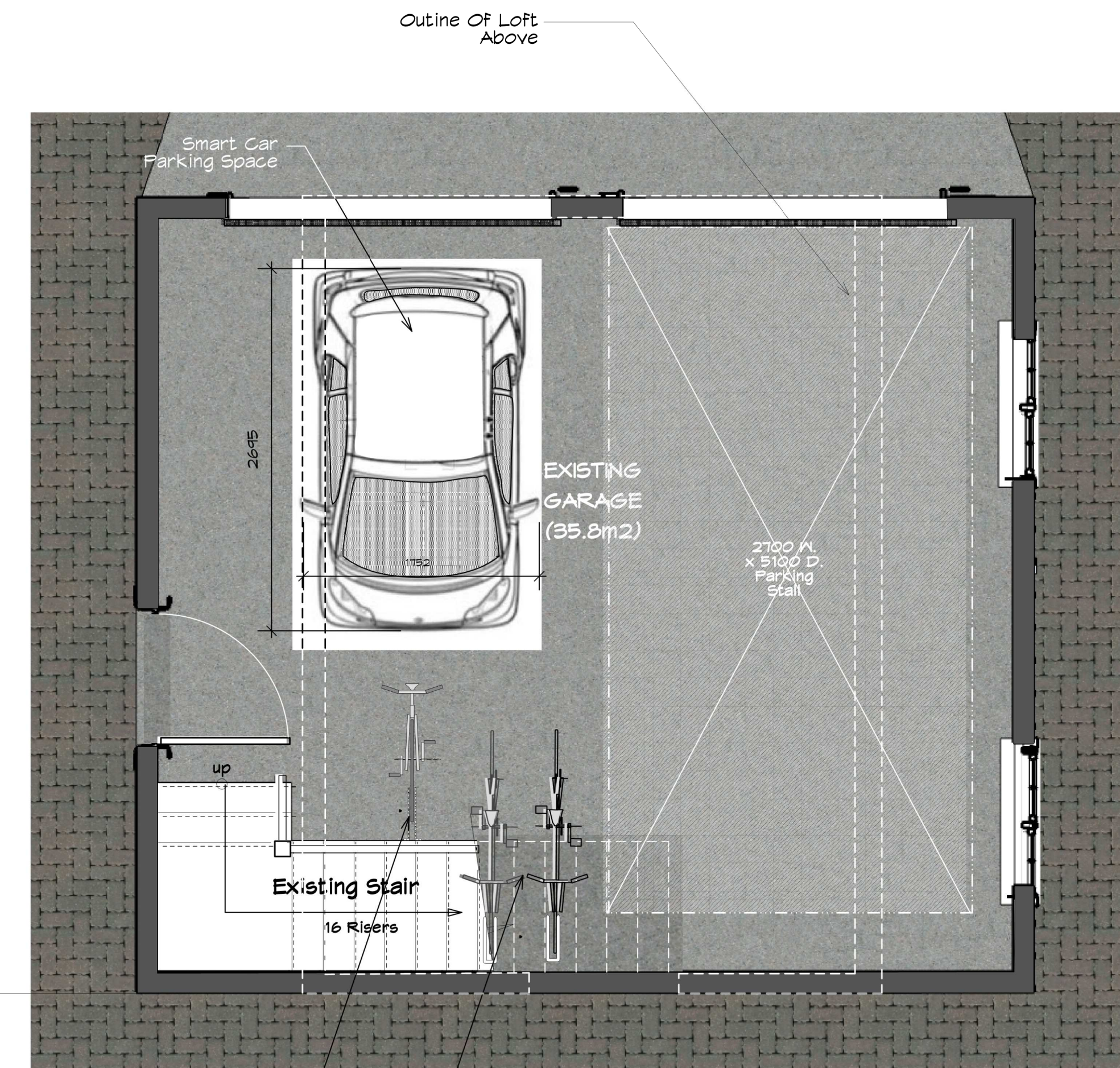
project name: Variance Application 1250 Dallas Road, Victoria, B.C.		project no. 2018	
drawing title: Lega Survey / Site Plan		drawn by: mjm	checked by: mjm
scale: As Noted		date: 20/11/20 rev: 21/01/18 yy/mm/dd	drawing no. SK-01



3 Garage Roof Plan
Scale: 1:100



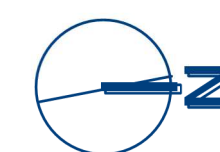
2 Garage Loft Floor Plan
Scale: 1:100




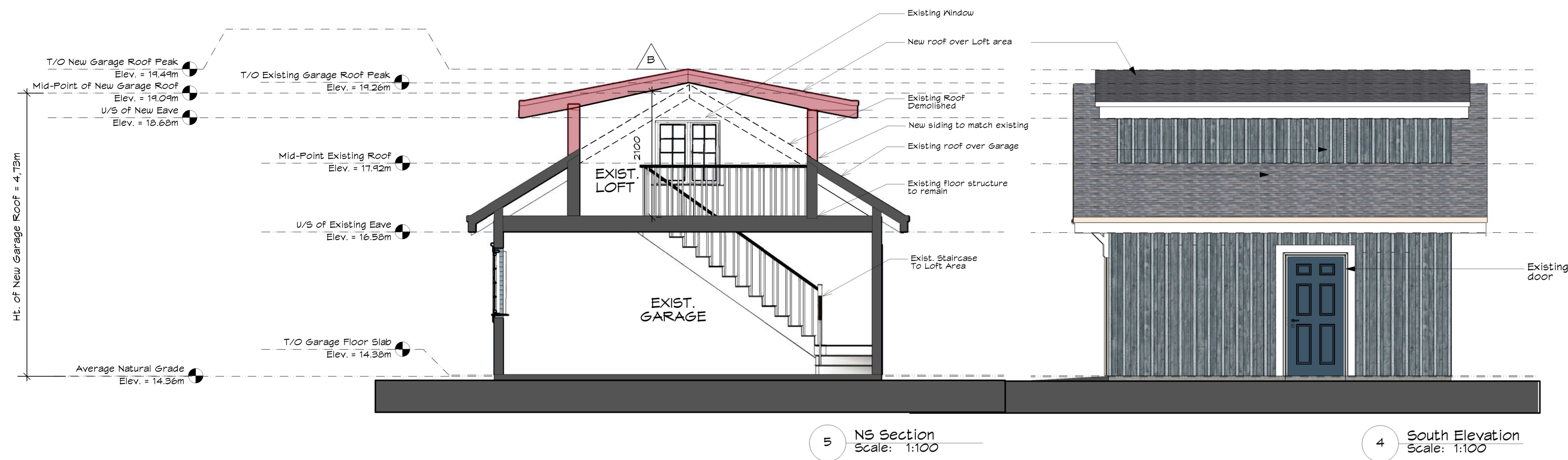
1 - Vert. Class 1
Bicycle Space

2 - Horiz. Class 1
Bicycle Spaces

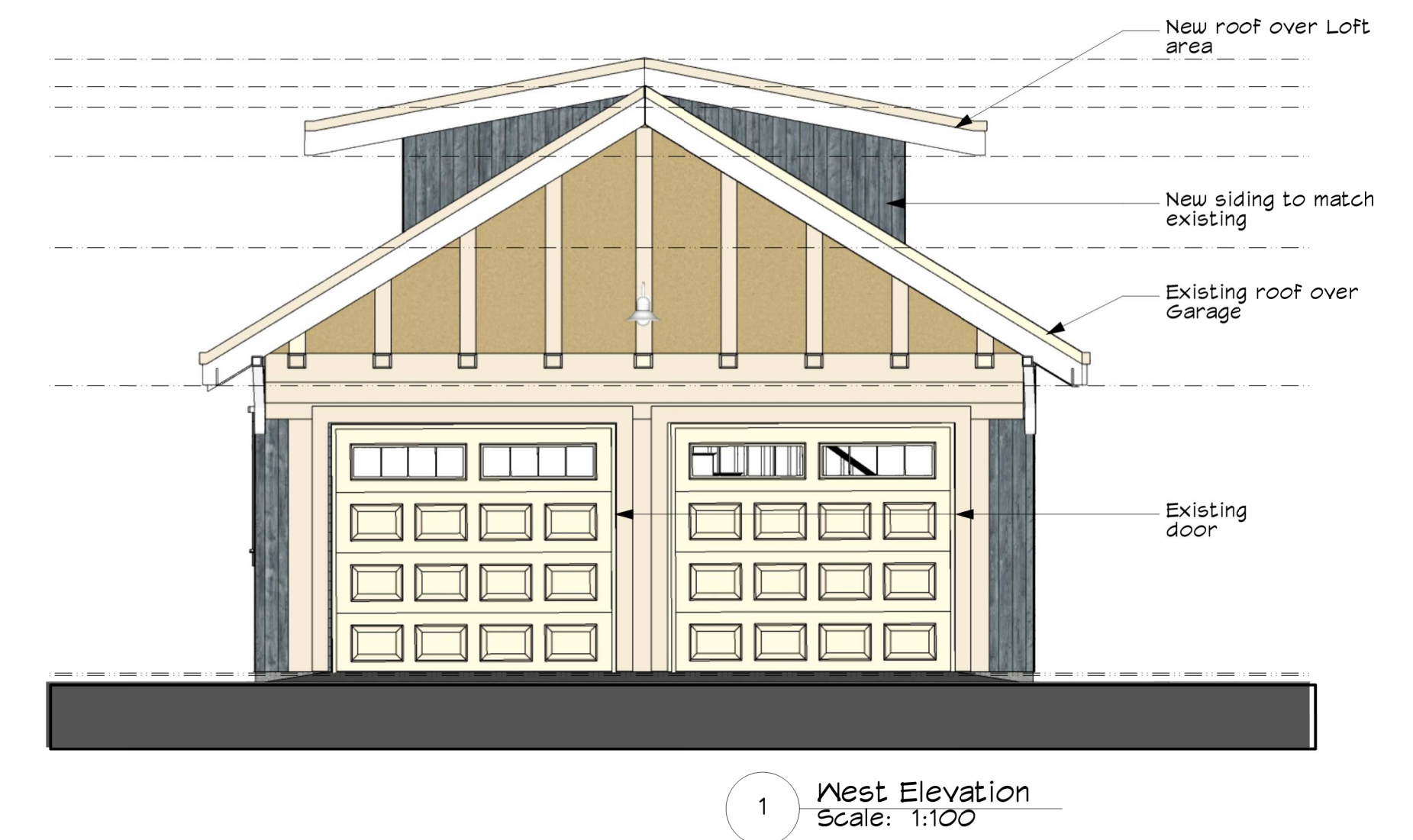
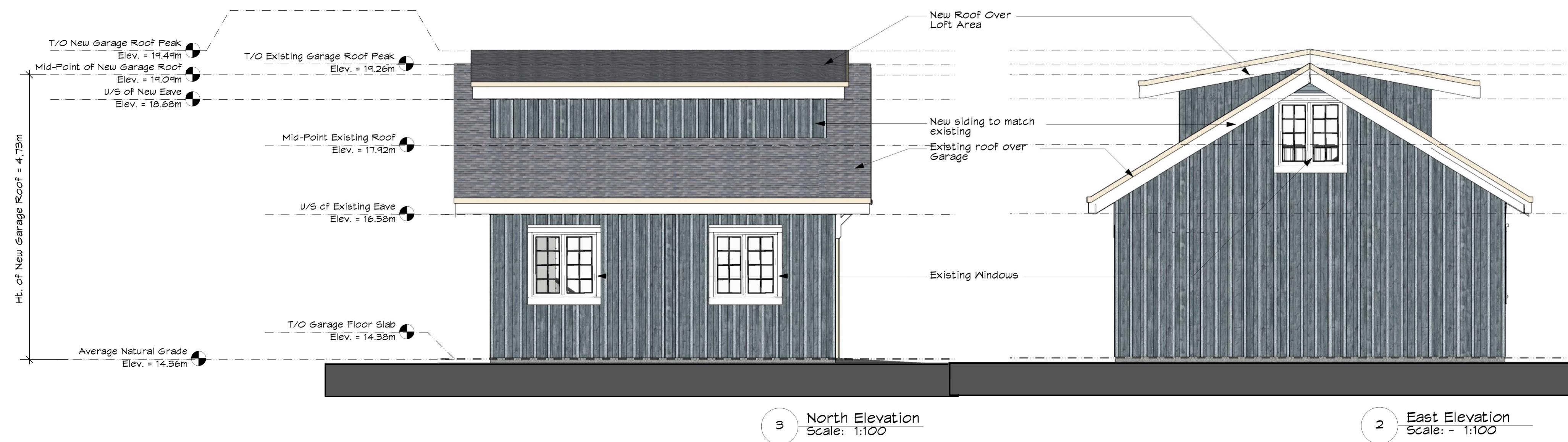
1 Garage Main Floor Plan
Scale: 1:100



		project name: Variance Application 1250 Dallas Road, Victoria, B.C.			project no. 2018		
MJM Architect Inc.							
#10, 809 Vancouver Street, Victoria, B.C. V8V 2V6 ph: (250) 681-5492 e-mail: mjmoodys@shaw.ca		drawing title: Floor Plans & Roof Plan		drawn by: mjm checked by: mjm	scale: As Noted	date: 20/11/20 rev. 21/01/18 yy/mm/dd	drawing no. SK-1



View Of Existing Garage From Howe Street



MJM Architect Inc. #10, 909 Vancouver Street, Victoria, B.C. V8V 3V6 ph: (250) 681-5492 e-mail: mjmood@shaw.ca		project name: Development Variance Application 1250 Dallas Road, Victoria, B.C.		project no. 2018	
drawing title: Elevations & Section		drawn by: mjm	scale: As Noted	date: 20/11/20 rev. 21/07/18 yy/mm/dd	drawing no. SK-2.0



November 23rd., 2020

Sustainable Planning and Community Development Department
 City of Victoria
 1 Centennial Square,
 Victoria BC
 V8W 1P6

Re: Development Variance Permit Application - 1250 Dallas Drive

To Whom It May Concern,

We are writing to explain the necessity for the development variance permit for the property at 1250 Dallas Road. Several years ago the owners converted a single-family home into 5 suites and now live in one of those suites. The existing garage remained untouched except for an exterior re-painting to match the new residences.

The existing loft area, accessed by a stairway within the garage, is currently being underutilized as storage room since the headroom is insufficient to conform to the BC Building Code. The owners wish to create a fitness room in the loft space and will need to increase the ceiling height to accomplish this. In keeping with the design of the adjacent residences, they are proposing to open up the existing roof and add a shed dormer over the existing structure. This is evident in the cross section on attached drawing SK-02. Since the calculation of height is measured to the mid-point of the sloped roof, the new height of the garage would now be measured to the midpoint of the shed dormers, requiring a height variance of 1.23m (3.5m (existing height) to 4.73m). We would like to point out that the actual increase in height from the existing roof peak to the roof peak of the new shed dormers is less than 10", resulting in a very negligible impact on the adjacent neighbours.

We respectfully request your consideration and approval of this variance so that the owners may make better use of such a valuable space and improve their health and well-being at the same time.

Thank you very much for your attention to this matter and if there are any questions or concerns we would be happy to respond to any enquiries.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Moody". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Moody
 Architect AIBC, MRAIC, LEED® A.P.
 Principal

Michael Jon Moody Architect AIBC, MRAIC, LEED® A.P. Principal
 #202- 535 Yates Street, Victoria, B.C. V8W 2Z6

ph: (250)661-5492 e-mail: michael@mjmarchitect.ca

10 Dec 2020

Mayor and Council,

RE: Development Variance Application for the property at 1250 Dallas Rd.

We are writing to confirm that there would be a loss of one parking spot in the garage. Since rezoning the property no vehicles have been parked inside the garage. We have five legal residences and will now have four parking spaces, if this application is approved. We have witnessed single family residences with as many vehicles parked on the street as our five legal residences have vehicles parked on the street combined. Therefore we are impacting street parking less than single family residences in the area.

With the approval of the variances for the garage we would then have accessible storage and a small workout area in the upstairs portion. This will allow us to use the areas as intended and have adequate accessible storage and parking in the garage. We would like to mention we drive an electric smart car which easily fits in the "lost" parking spot which currently does not meet the "parking requirements" of the City, although not a standard dimension, it still provides more than adequate space to park our smart car, as well as another vehicle.

We live in 600 sq ft and would like to have a spot to have some resistance training equipment. With Covid 19, and seemingly future illnesses on the horizon, this allows for the residents at 1250 Dallas Rd to stay active and healthy.

There is no impact to our neighbours since no windows overlook their properties and sight lines are not impacted. It does change the look of the garage, a look that will match the home and will be constructed to the same high standard as the main house.

Thank you for your time and consideration

James Colebourn
Jane Leece

Pacific Diamond Holdings
202-1250 Dallas Rd
Victoria, BC
V8V 1C4

1

Development Variance Permit Application for 1250 Dallas Road



1

Aerial View

2



2

View of 1250 Dallas with accessory building 3



3

Accessory building 4



4

Accessory building dormers

5



5

Accessory building and adjacent house on Howe Street

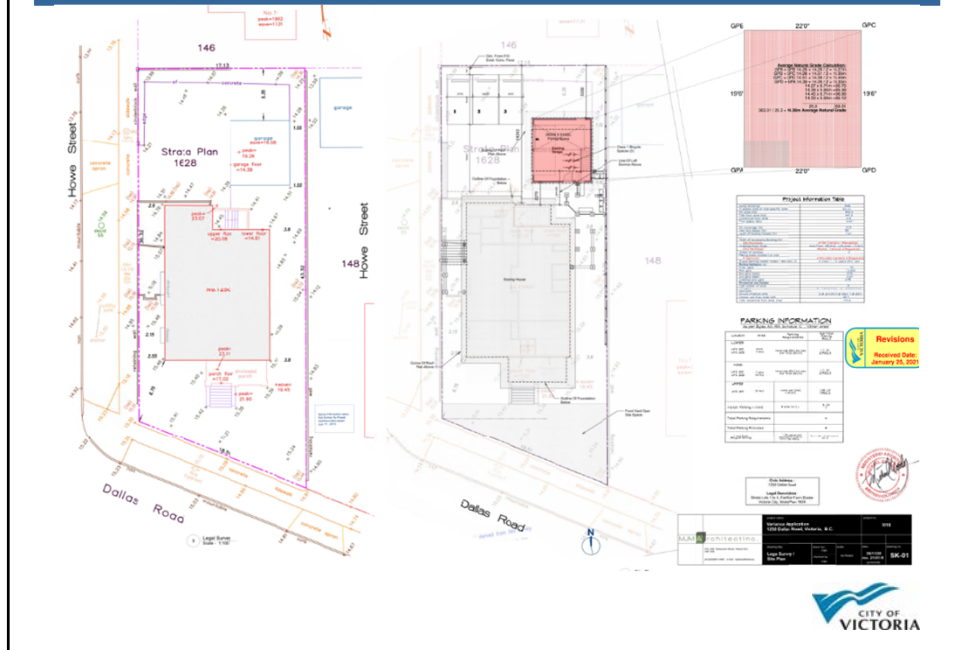
6



6

Site Plan

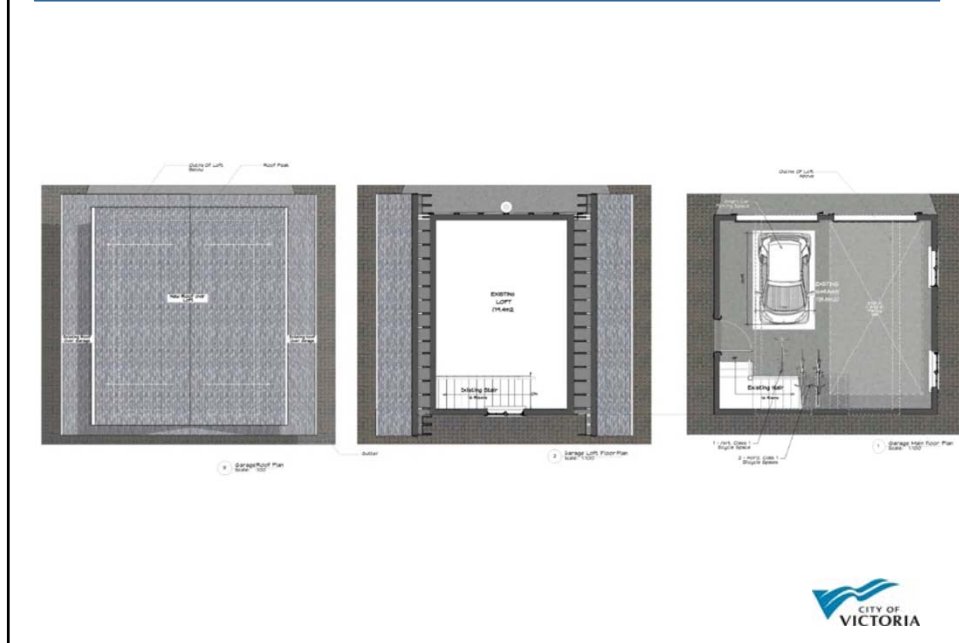
7



7

Accessory Building floor plans

8



8

Accessory Building elevations

9

