

#### **F.4     1250 Dallas Road: Development Variance Permit Application No. 00254**

##### Development Variance Permit Application No. 00254

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1250 Dallas Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw*, Dallas Road Restricted Conversion District, R1-41 Zone, namely:

1. increase the height of the accessory building from 3.5m to 4.73m
2. increase the floor area of an accessory building from 37m<sup>2</sup> to 55.2 m<sup>2</sup>
3. reduce the required vehicle parking from 7 stalls to 4 stalls.

The proposal is to allow additional floor area (in the loft) in the existing accessory building (garage).

#### **F.4.a   Opportunity for Public Comment & Consideration of Approval**

Miko Betanzo (Planner): Advised that the application is to add dormers to the existing garage with variances for height of accessory building and size of accessory building and reduction of one parking stall.

*Mayor Helps opened the opportunity for public comment at 7:23 p.m.*

Michael Moody (Applicant): Provided information regarding the application.

Brandi Roth (Howe Street): Expressed concerns for the application due to the parking restraints.

*Council recessed from 7:30 p.m. until 7:35 p.m. to provide an opportunity for members of the public to call to speak live.*

*No further persons called in to speak to the proposed application.*

*Council discussed:*

- *Window placement and the proposed additions*
- *Location of stone wall and property line*
- *Neighbouring properties concerns with parking limitations*
- *Parking stall width*

*Mayor Helps closed the opportunity for public comment at 7:46 p.m.*

**Moved By** Mayor Helps  
**Seconded By** Councillor Loveday

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 37m<sup>2</sup> to 55.2 m<sup>2</sup>
  - 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.

*Council discussed:*

- *Positioning of dormers*
- *Construction occurring before permitted*

**Motion to speak:**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That Councillor Thornton-Joe be permitted to speak again on this matter.

**CARRIED UNANIMOUSLY**

**On the motion:**

FOR (4): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts

OPPOSED (5): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

**DEFEATED (4 to 5)**

**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 37m<sup>2</sup> to 55.2 m<sup>2</sup>
  - 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:

“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 37m<sup>2</sup> to 55.2 m<sup>2</sup>
  - 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**





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

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**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

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### RECOMMENDATION

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

“That Council authorize the issuance of Development Variance Permit Application No. 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 37m<sup>2</sup> to 55.2 m<sup>2</sup>
  - 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 m<sup>2</sup>, which requires an increase to the allowable floor area of an accessory building from 37m<sup>2</sup> to 55.2 m<sup>2</sup>.
- 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 <sup>2</sup> ) – maximum	55.2*	37	35.8
Height (m) – maximum	4.73*	3.5	3.56

<b>Accessory Building – Schedule F</b>			
	<b>Proposal</b>	<b>Bylaw standard</b>	<b>Existing at time of rezoning</b>
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	

<b>Parking Requirements – Schedule C</b>			
	<b>Proposal</b>	<b>Bylaw standard</b>	<b>Required at the time of rezoning</b>
Vehicle parking - minimum	<b>4*</b>	7	5
Bicycle parking – short term (6 space rack)	<b>1</b>	n/a (existing building)	1 (not installed)
Bicycle parking stalls– long term	<b>6</b>	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 35.8m<sup>2</sup>. 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 19.4m<sup>2</sup> 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,

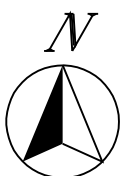
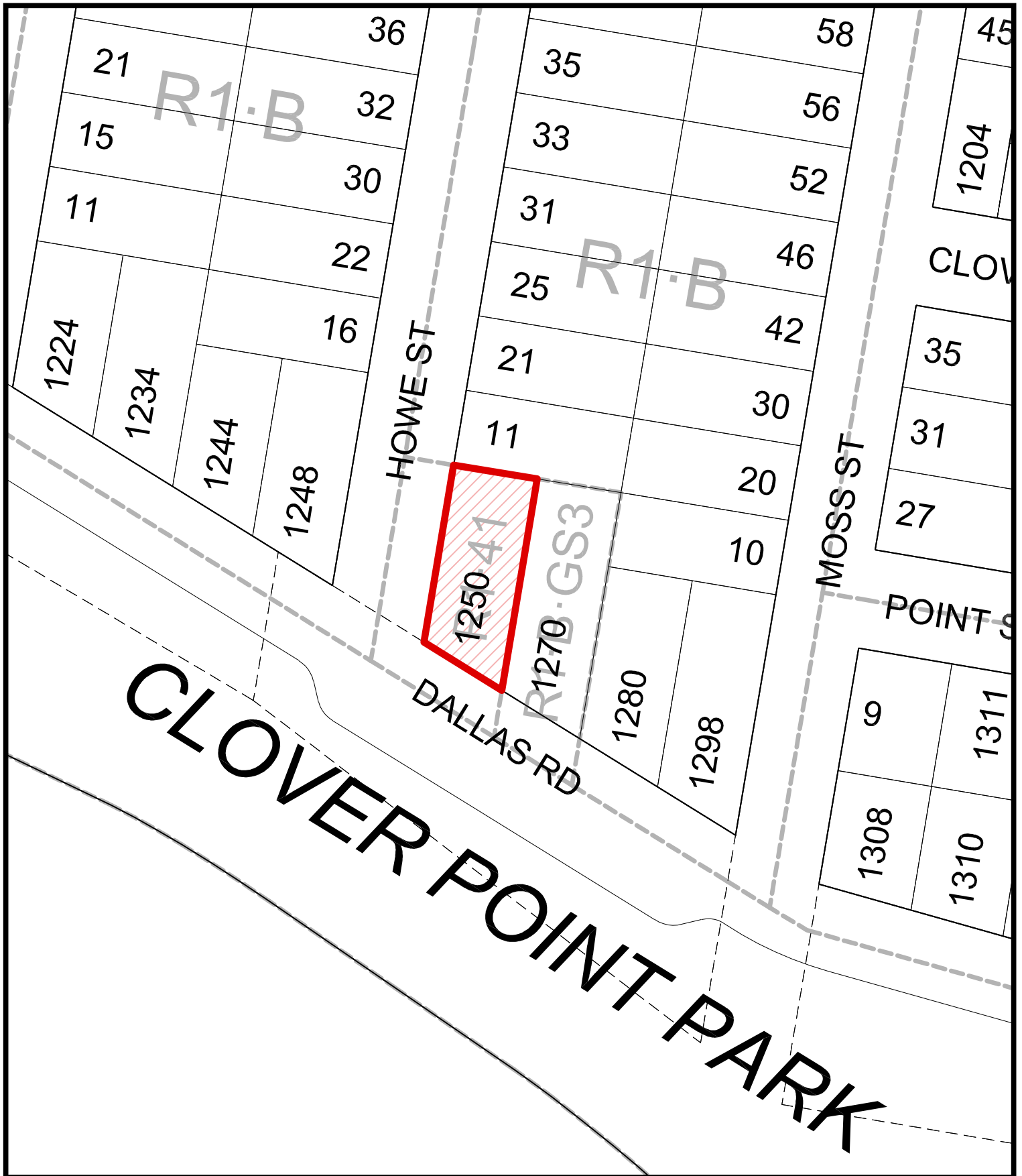
Lucina Baryluk  
Senior Planner  
Development Services

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.



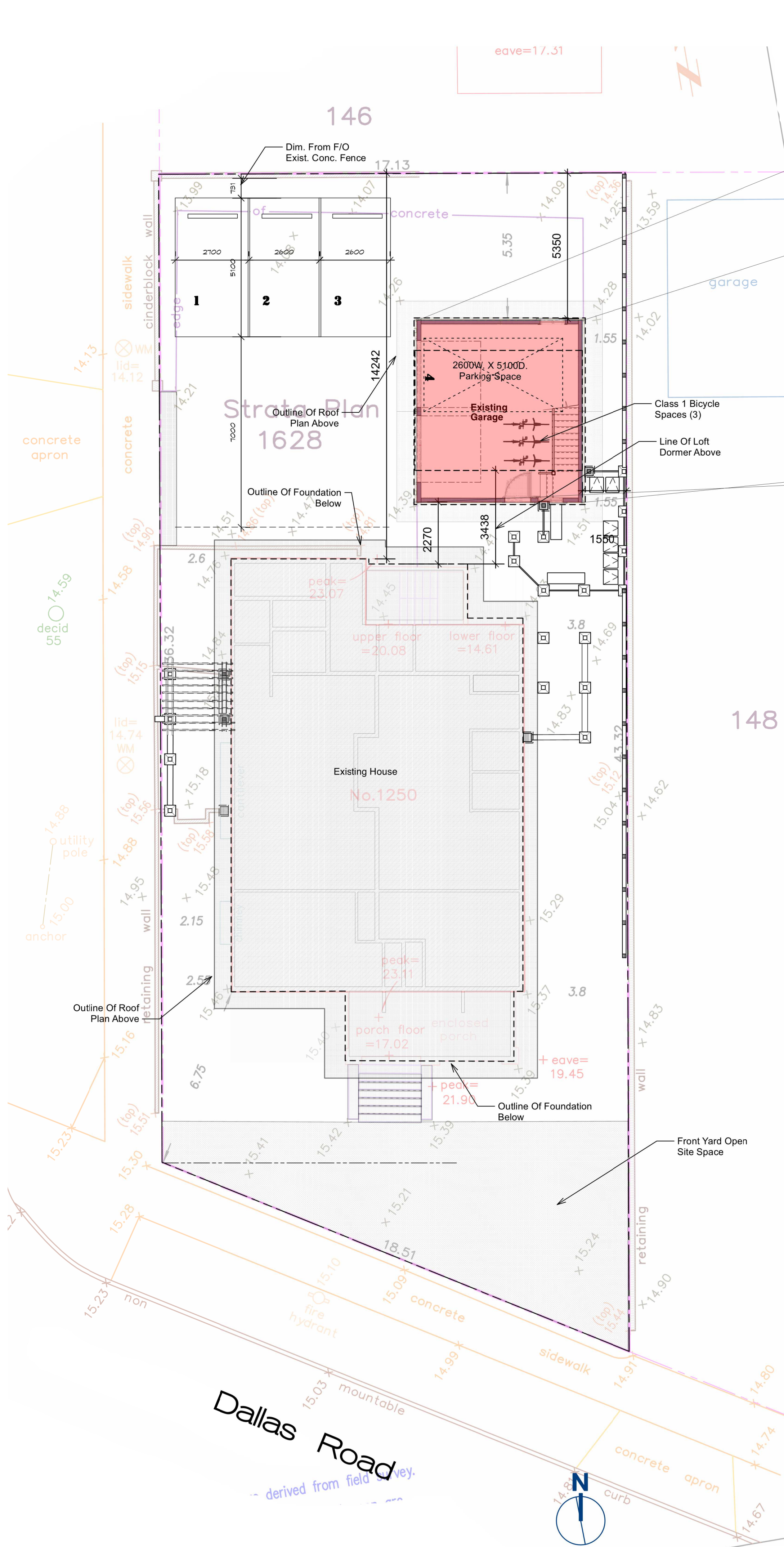
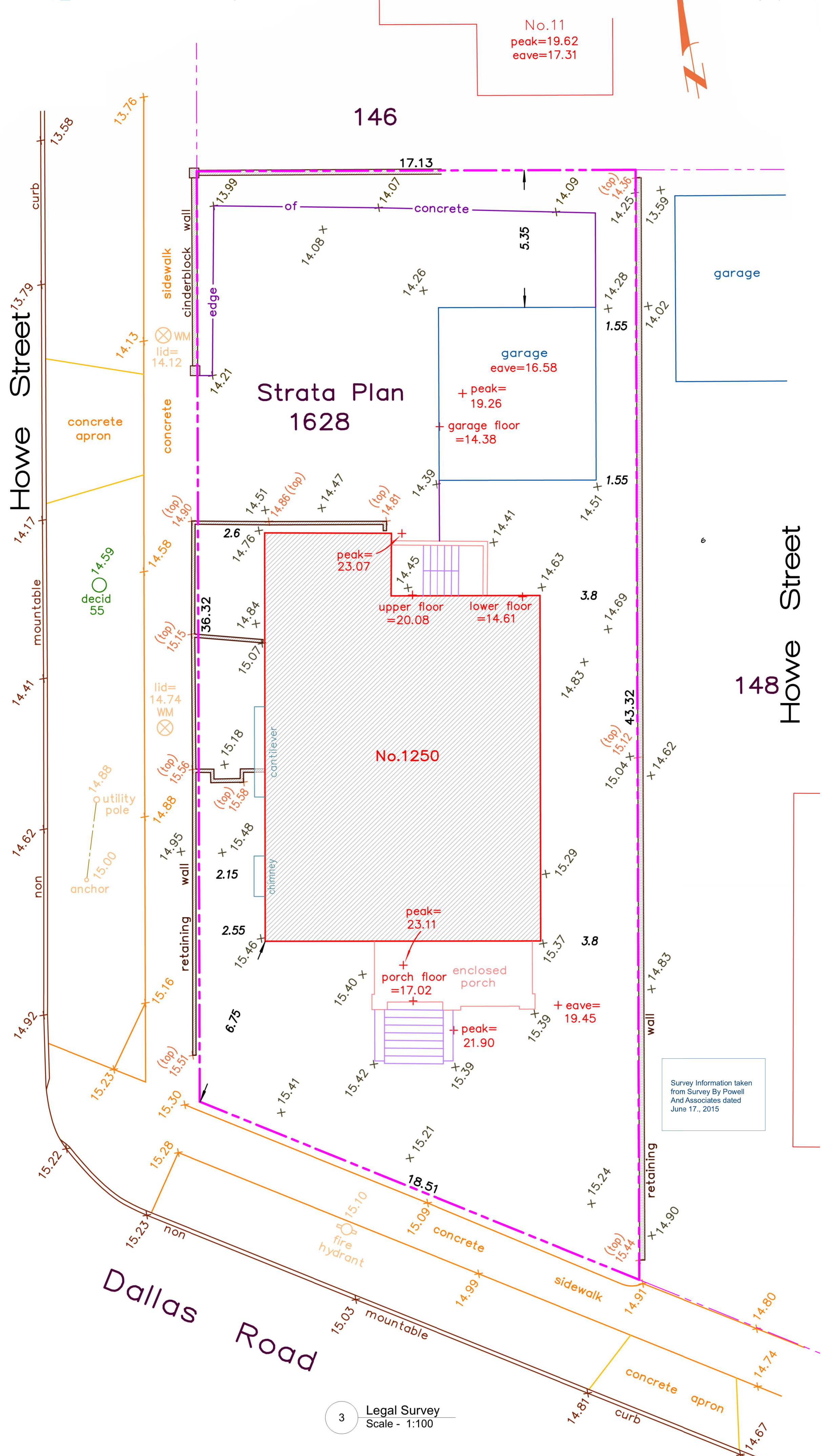
1250 Dallas Road  
Development Variance Permit No.00254











GPB 22'0" GPC

19'6" 19'6"

GPA 22'0" GPD

**Average Natural Grade Calculation:**  
GPA + GPB 14.26 + 14.28 / 2 = 14.27m  
GPB + GPC 14.28 + 14.51 / 2 = 14.39m  
GPC + GPD 14.51 + 14.39 / 2 = 14.45m  
GPD + GPA 14.39 + 14.26 / 2 = 14.33m  
14.27 x 6.71m = 95.75  
14.39 x 5.94m = 85.48  
14.45 x 6.71m = 96.96  
14.33 x 5.94m = 85.12  
25.3 363.31  
363.31 / 25.3 = 14.36m Average Natural Grade

Project Information Table	
Zoning (existing)	R1B
Proposed zone or site specific zone	R3-A1
Site area (m <sup>2</sup> )	652.2
Total floor area (m <sup>2</sup> )	441.8
Commercial floor area	N/A
Floor space ratio	6.48:1
Site Coverage (%)	31.5
Open Site Space (%)	59
Height of building (House) (m)	13.7
Height of Accessory Building (m)	4.39m (Variance 1 Requested)
3m <sup>2</sup> Permitted	Main Floor 35.8m <sup>2</sup> Loft area 14.4m <sup>2</sup>
3m <sup>2</sup> Permitted	55.2m <sup>2</sup> (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	
Unit types	3 - 1 bedrooms, 2 - 2 bedrooms
bedrooms	
Ground-oriented units	2 at ground, 2 at Main, 1 at attic
Minimum unit floor area (m <sup>2</sup> )	55.7
Total residential floor area (m <sup>2</sup> )	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 <sup>2</sup>	More than 45m <sup>2</sup> but less than 70m <sup>2</sup> : 25/unit	1.7, Or 2 Req'd
Unit 202	71.5m <sup>2</sup>		
MAIN			
Unit 201	71.2m <sup>2</sup>	More than 45m <sup>2</sup> but less than 70m <sup>2</sup> : 25/unit	1.7, Or 2 Req'd
Unit 202	59.4m <sup>2</sup>		
UPPER			
Unit 301	121.4m <sup>2</sup>	More than 70m <sup>2</sup> = 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 <sup>2</sup>	5 x 1.25 = 6.25 spaces Or 6	

Civic Address :  
1250 Dallas Road

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

MJM Architect Inc.

#10, 808 Vancouver Street, Victoria, B.C.  
V8V 3V8  
ph: (250) 661-5482 e-mail: mjmcroody@shaw.ca

project name:  
**Variance Application**  
1250 Dallas Road, Victoria, B.C.

project no.  
**2018**

drawing title:  
**Lega Survey / Site Plan**

drawn by:  
mjm

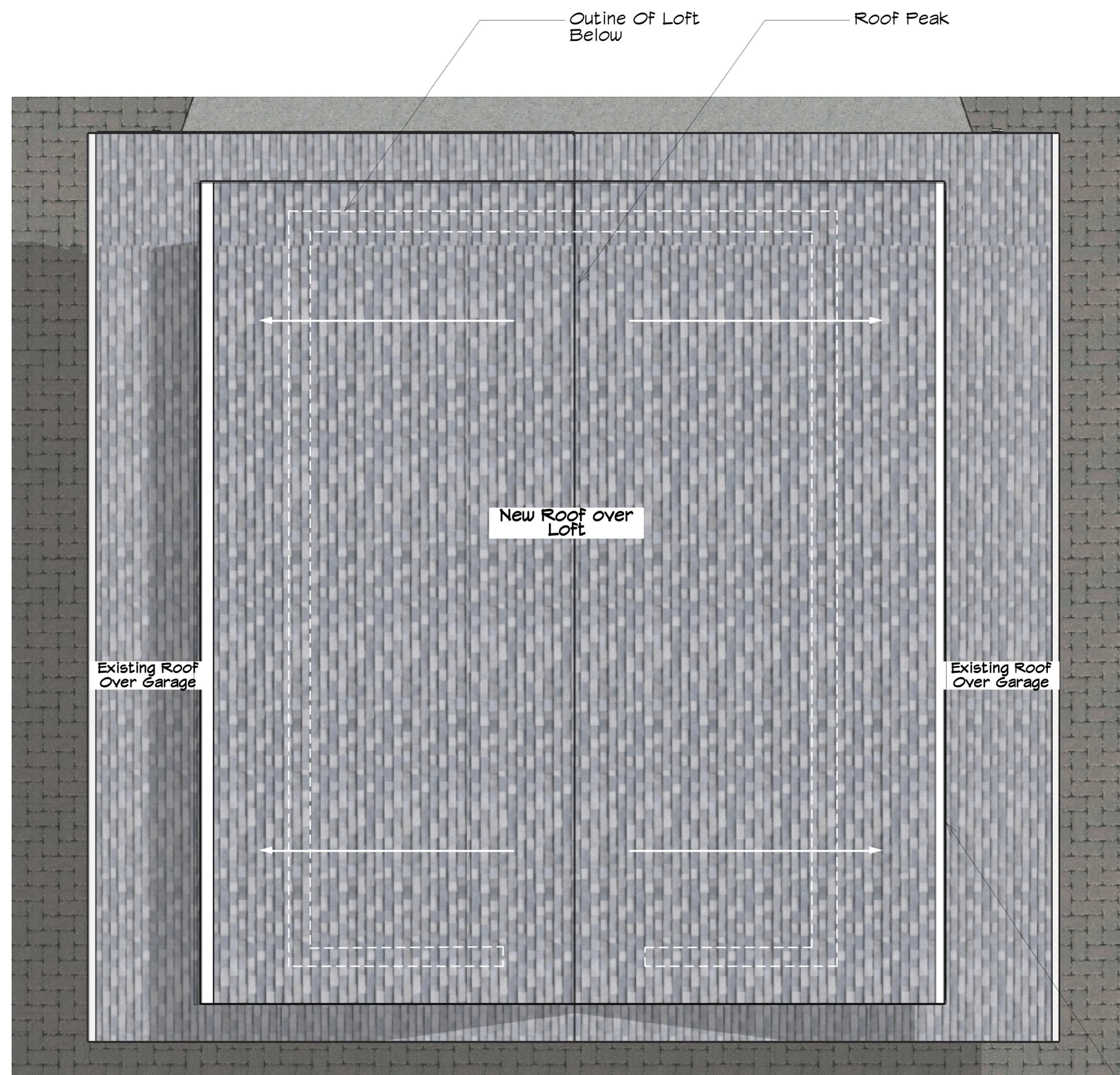
checked by:  
mjm

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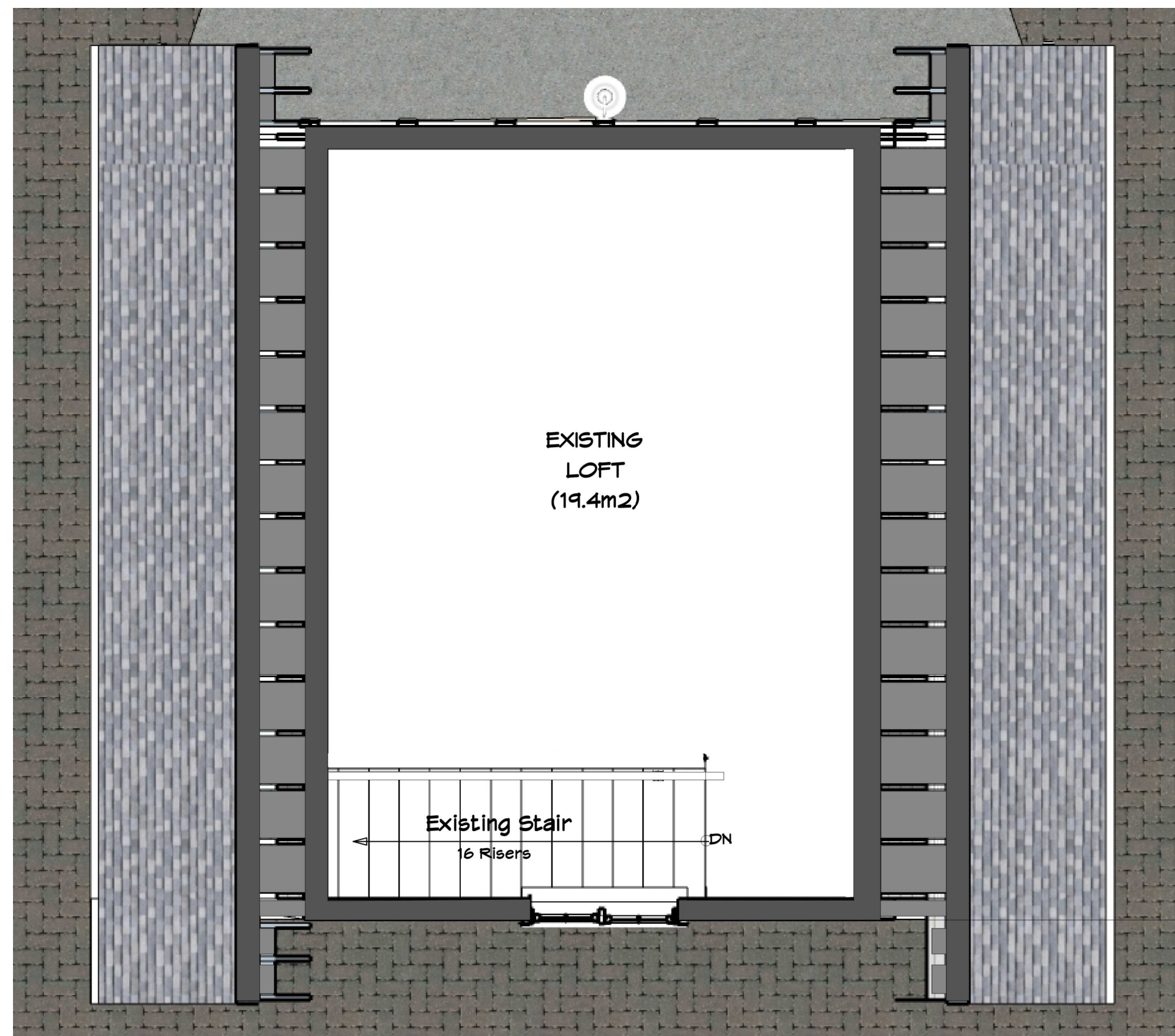
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**SK-01**

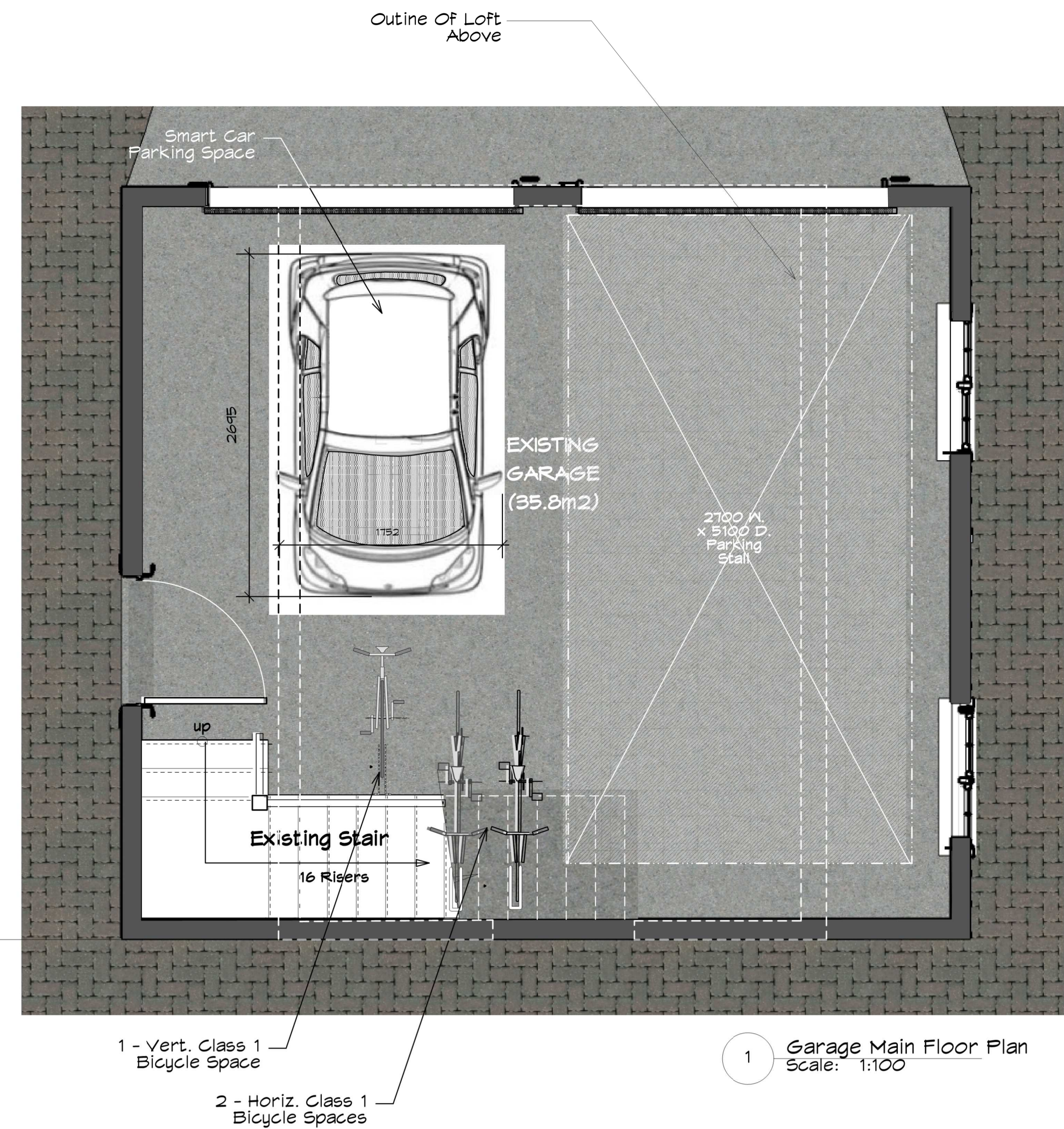




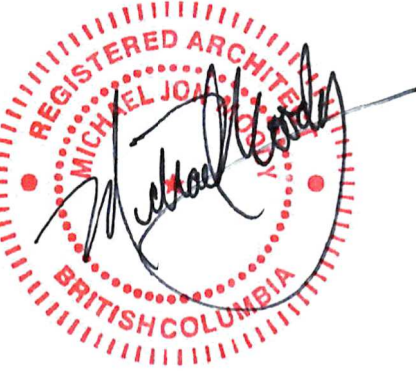
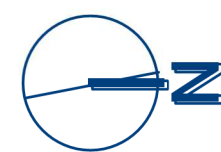
3 Garage Roof Plan  
Scale: 1:100



2 Garage Loft Floor Plan  
Scale: 1:100

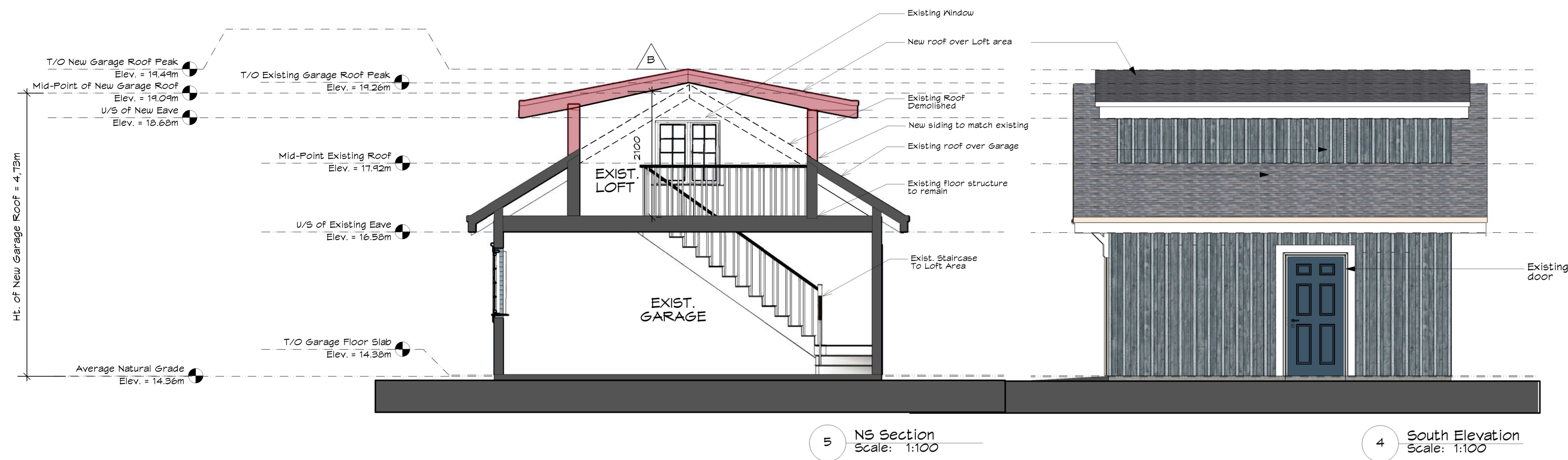


1 Garage Main Floor Plan  
Scale: 1:100

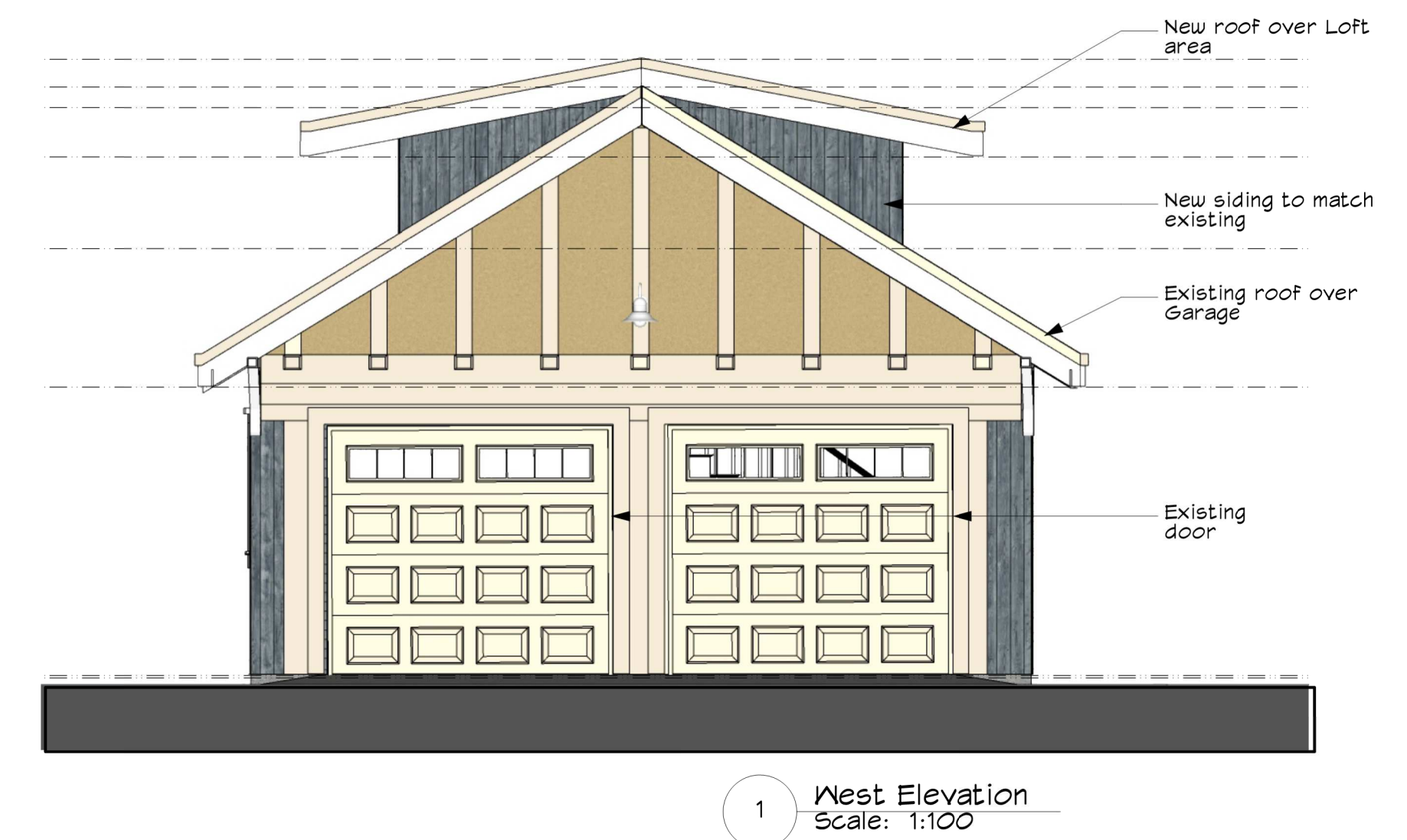
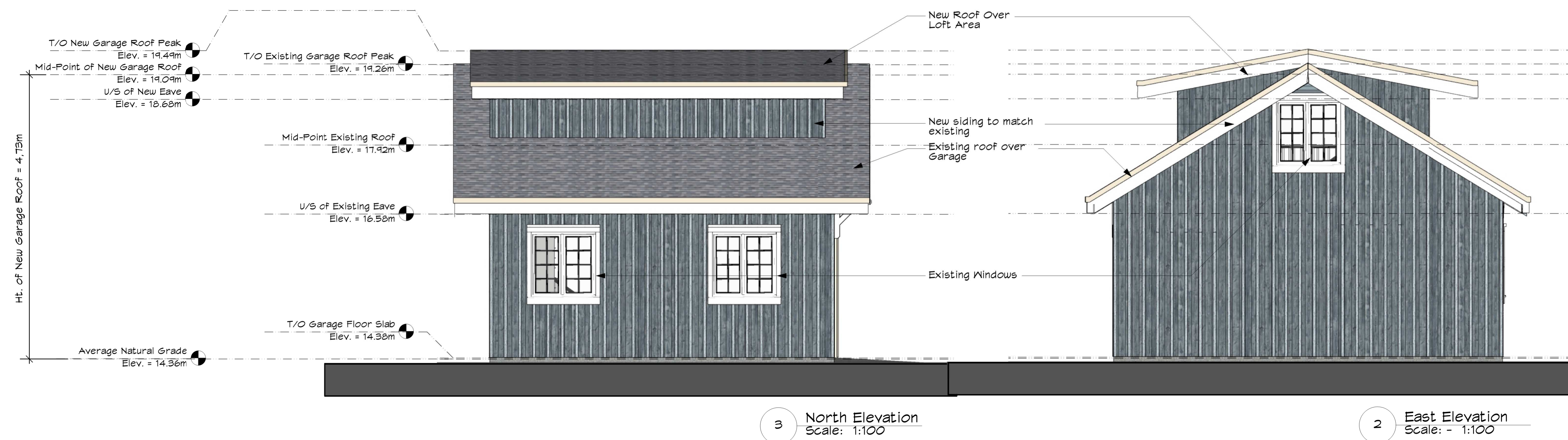


		project name: <b>Variance Application</b> <b>1250 Dallas Road, Victoria, B.C.</b>			project no. <b>2018</b>	
MJM Architect Inc.						
#10, 809 Vancouver Street, Victoria, B.C. V8V 2V6  ph: (250) 681-5492 e-mail: mjmoodys@shaw.ca		drawing title: <b>Floor Plans &amp; Roof Plan</b>	drawn by: mjm  checked by: mjm	scale:  As Noted	date: <b>20/11/20</b> <b>rev. 21/01/18</b> yy/mm/dd	drawing no. <b>SK-1.0</b>





View Of Existing Garage From Howe Street



<b>MJM Architect Inc.</b> #10, 909 Vancouver Street, Victoria, B.C. V8V 3V6 ph: (250) 881-5492 e-mail: mjmood@shaw.ca		project name: <b>Development Variance Application</b> <b>1250 Dallas Road, Victoria, B.C.</b>		project no. <b>2018</b>	
drawing title: <b>Elevations &amp; Section</b>		drawn by: mjm	scale: As Noted	date: <b>20/11/20</b> rev. <b>21/07/18</b> yy/mm/dd	drawing no. <b>SK-2.0</b>





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](mailto: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

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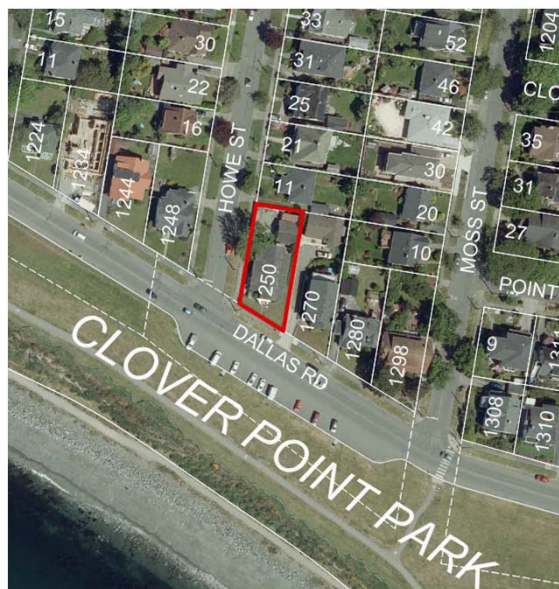
# Development Variance Permit Application for 1250 Dallas Road



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

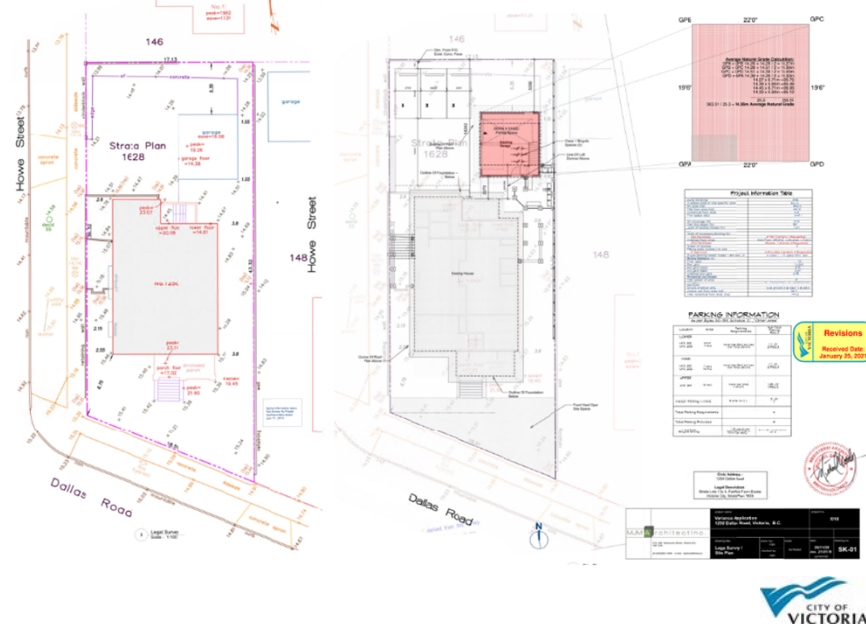
6



6

## Site Plan

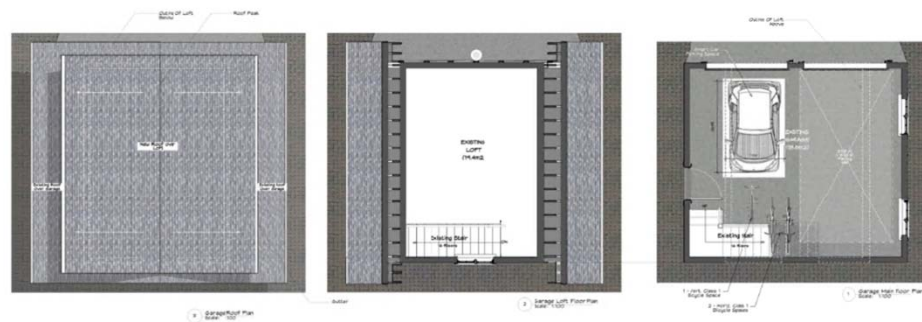
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## Accessory Building floor plans

8



CITY OF  
VICTORIA

8

# Accessory Building elevations

9



[REDACTED]

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**From:** Susan Korneychuk [REDACTED]  
**Sent:** Thursday, May 20, 2021 10:00 AM  
**To:** Public Hearings  
**Subject:** Development Variance Permit Application No. 00254

Further to the application for Development Variance for 1250 Dallas Rd, Victoria, BC V8V 1C4 I am writing to say that I am in support of the changes being proposed. As a resident I am in favour of the development of a shared space that will be offered for use by the residents of the property.

The overall height of the building does not increase with the addition, only the roof line profile.

In regards to the reduced parking spaces, there are currently five separate 'families' living at 1250 Dallas Road and each one has one vehicle for a total of 5. As this property is on a corner lot there is plenty of street parking available on both Dallas Road and Howe Street and the reduction in parking stalls would not, in my opinion, put any further stress on parking availability.

Sincerely, Susan Korneychuk  
102 - 1250 Dallas Rd, Victoria, BC V8V 1C4  
[REDACTED]

From: Jane and Beat Mertz, 89 Howe Street, Victoria, BC [REDACTED]

RE: Development Variance permit Application No. 00254, May 14, 2021, City of Victoria

Although kudos to the developer for keeping the design to fit in the neighbourhood, the site should have only had four units, as requested by the neighbours. The developer received permission from council for many variances to build the five strata properties on the site.

The developer started to build a suite in the garage until a couple of neighbours inquired about the two new dormers being built in the roof of the supposed garage. The developer/owner did not have permits to modify the garage. Work was stopped at that point by the city.

The garage has never been used for cars by the owner/developer or the residents since the units were rented. There were never seven (7) stalls for parking for the building, as stated in the current variance request, five (5) at best. The two garage spaces were apparently never available for use. There are only three (3) parking stalls now available for the tenants on the lot in front of the garage. Only two tenants ever use it, everyone else is parked on the street. Reality vs planning.

It is very doubtful that the space will be used as a yoga or exercise space for the tenants. It will be a garden suite, which does not fit the community plan for Fairfield or the City. (*"Eligible locations for a garden suite in Victoria include all properties that contain only a single-family detached dwelling and are appropriately zoned..."*).

Also, I do not understand how it can be used as a Commercial exercise space when it is zoned Residential use only. Will the developer now apply for rezoning for Commercial usage? The City cannot enforce that only tenants use the site.

Parking is becoming a problem on Howe Street for its residents and visitors. Even more so now that the new Dallas bikeway has been installed. People are parking down Howe Street instead of Dallas Road, just as predicted. Turning off Dallas Road onto Howe Street can be hazardous when larger vehicles are parked at the corner on Howe; very common event. You cannot see around the parked vehicle coming from the eastern entrance from Dallas onto Howe. We may ask for residential parking soon.

Council voted for what was/is best for the developer and not the neighbours in Fairfield. Please do not allow this variance request to go through. So-called gentle density is not so gentle on the neighbours.



Picture of the parking usage onsite and Howe Street.

[REDACTED]

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**From:** cheryl marli [REDACTED]  
**Sent:** Wednesday, May 26, 2021 8:39 AM  
**To:** Public Hearings  
**Subject:** Development Variance Permit Application #00254

To Victoria City Council

When this rezoning was originally considered by council, the proposal for five units was countered by some Howe/Dallas residents for approval of four units ONLY due to parking concerns. It was also recommended by some to have garage removed at end of project to provide even more parking in back of property for not only renters but guests. Contractor convinced council this garage would provide two more parking places so it was included in rezoning and council approved five units. To date, I have never seen more than 2-3 cars parked in back and none in garage. The overflow of cars is onto Howe/Dallas road. Clover Point parking has been greatly reduced now putting even more pressure on limited parking on side streets.

As someone who delivers groceries to next door visually impaired neighbor, it is a nightmare to enter or exit her property which adjoins 1250 Dallas Road property. There are already cars parked on both sides of Howe and Dallas making it dangerous to pull out onto either Dallas or Howe Street.

Contractor/owner has done a nice job of developing this property to fit into neighborhood with the exception of providing enough parking.

Sent from my iPhone

[REDACTED]

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**From:** Victoria Mayor and Council  
**Sent:** Wednesday, May 26, 2021 4:12 PM  
**To:** Public Hearings  
**Subject:** Fw: questions regarding re-zoning for 1250 Dallas to be considered Thursday May 27/21

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** mld [REDACTED]  
**Sent:** May 26, 2021 4:06 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** questions regarding re-zoning for 1250 Dallas to be considered Thursday May 27/21

1. Does this mean every garage in our neighborhood can be raised 3+ feet and the accessory building converted to living space?
2. Why are there no drawings or elevations for the neighborhood to see what this is going to look like?

**RE: Development Variance Permit Application No. 00254, May 14, 2021, City of Victoria**

**From:** Howard Barker and Elizabeth Sharp, 55 Howe Street, Victoria, BC  
[REDACTED]

We have seen the Variance Permit Notice as well as the Applicant's letter to Mayor and Council dated 10-Dec-2020. We have also seen submissions to this Variance Permit made by Jane and Beat Mertz and by Paul Freeman and Brandi Roth, and while we concur with their submissions, we have the following additional comments.

To begin, we commend the Owner/Applicant of 1250 Dallas Rd for making renovations and expansions to their property that respect and maintain the character of the original structure and neighbourhood as a whole. This comment cannot be made of numerous properties in close proximity on both Dallas Rd. and N-S streets running off it. We believe, however, that there is something amiss with their Variance Permit Application.

The 10-Dec-2020 letter states that the structure in question is a "garage". Yet, it also says that it has not housed a vehicle as yet. Now they want to expand it to have vehicle storage space plus a "small workout area in the upstairs portion". Coincidentally, the proposed floor space of 600 ft<sup>2</sup> is very close to that of some of the existing units. Given that the "garage" is both electrified and plumbed, it would appear as though it is being "prepped" to become a *sixth* living space as opposed to a gym plus garage (but it has not been used as a garage... why not?... to avoid future living space smelling like a garage?). While six units on a single property would certainly be densification of living space, which City Council is clearly not averse to, it is definitely not the type of densification Council likes to promote. This is not "affordable housing", for a unit such as this, in its location, would easily rent for more than \$3K/month or sell for over \$500K.

Moreover, if this Variance is granted it would be riding the existing "thin edge of the wedge" in terms of what is happening along the Clover Point portion of Dallas Rd. Some of the structures that have been constructed recently are sadly out of step with the near-universally attractive, and consistent, character of south Fairfield. The condition of several properties along this stretch suggests assuredly that they are facing imminent demolition and questionable replacement! Should the ground be made fertile for 1250 Dallas Rd. to expand significantly into a sixth unit on a single property, it will only bolster the drive toward excessive, out-of-character alteration of the area.

Finally, a question directed to the Mayor, Council, and City Development Department... If you receive multiple submissions that argue *against* the granting of a Variance Application, how many do you have to receive before the "rights" of those arguing against it, and in favour of maintaining a neighbourhood's character and safety, outweigh the "right" of a single applicant to make alterations for individual capital gains?



May 27, 2021

City of Victoria Legislative Services  
#1 Centennial Square  
Victoria, BC V8W 1P6

Submission by: E-mail ([publichearings@victoria.ca](mailto:publichearings@victoria.ca))

**RE: Proposed Changes to 1250 Dallas Road (Development Variance Permit Application #00254).**

As the owners/residents of 21 Howe Street, we are familiar with both the previous and current changes to 1250 Dallas Road. We are also aware that the owner at 11 Howe Street has grave concerns regarding how the latest developments at 1250 Dallas Road will impact both her property and the immediate neighbourhood (she will be providing a separate submission outlining those issues). This situation has created a disturbance within this quiet, amicable neighbourhood and our sincere hope is that this Review Panel can determine a suitable resolution.

The issues, while seemingly simple, have left us with questions. As such, we list them here and ask whether it is possible for someone to please address them with us so that we are better informed. The items for discussion are as follows:

1. The height of the accessory building changing from 3.5 – 4.73 m;
2. The floor area of [the] accessory building changing from 37 – 55.2 m<sup>2</sup>; and
3. The vehicle parking on the site changing from 7 stalls to 4 stalls.

**a. Items #1 & #2 (Request to increase the height and floor area of the “accessory” building):**

**a.1 Adverse impact on the view/property value.**

The enclosed photo is taken from our south-facing master bedroom (at 21 Howe Street). As can be seen within the photo, the roof of the “accessory” building is visible and to a minor degree, impedes our ocean view. We wonder whether this current review pertains to leaving the height at its current status or whether it will be further increased (possibly eliminating more of our view). Obviously, we have concerns regarding the latter as we cherish our ocean views and hope that they remain; however, we are often reminded by family and friends that development is inevitable and should, for example, our “southern” neighbours (including the owners at 11 Howe Street) decide to re-build, most likely that view would be altered/eliminated and we most likely will have little-to-no recourse to affect that change. So we live each day enjoying our view (while we still have it!) and hope that others will respect their desires and we attempt to respect theirs.

We appreciate how the owner at 11 Howe Street could have concerns about the current renovation, especially if this structure impedes her view or detracts from her site’s privacy. As such, we urge this Review Panel to determine a suitable outcome that provides an adequate solution/compromise to both the owners of both 1250 Dallas Road and 11 Howe Street.

## **a.2 Ability to convert this structure to additional living/commercial space**

In the Notice, there is no mention of what activity/activities are intended for what is simply referenced as the, "accessory building." In conversation with the owners at 1250 Dallas Road, they indicated that this space will be used as "personal" space (for a gym/workshop). Because they reside on the property with their tenants, we can understand why this onsite, personal "get-away" space would be desirable. We must admit that we are confused by the fact that there has already been construction while there is still a permit review and ask for clarification—"Is the intention of this review to determine whether the building height/dimensions should be further increased or is it addressing the construction to date?" If it is addressing the work-to-date, there is little impact on our residence (i.e. minor view obstruction); however, we can appreciate why the resident at 11 Howe Street might have concerns.

It is also our understanding that there is no intention to develop this "accessory" building into additional rental/accommodation or commercial space (as evidenced by the fact that it currently is not plumbed to accommodate this). Increasing the usage of this space as an additional residence or as a commercial space may impact other residences within the neighbourhood due to the increase in traffic/parking, etc. Obviously, 11 Howe Street would be the most inconvenienced by this change.

### **b. Item #3 (Reduced parking on the site):**

A couple of years ago, when the initial renovation of the main residence was conducted, it was our understanding that the owners applied for a variance to allow for five (5) suites as opposed to the previous four (4) units. We are of the understanding that as part of that variance to increase the number of dwellings, the owners provided assurances that there would be ample on-site parking to off-set the increase in site occupants. However, in this latest application, the owners are now requesting that the previously agreed upon on-site parking be down-sized, thereby necessitating the need for a great percentage of the residents at this site to park on the street. We understand that street parking is public parking and is therefore available on a "first-come, first-served" basis; however, but appreciate how this might be disconcerting for the owner at 11 Howe Street as her residence is in direct proximity to the proposed changes and as such, she would theoretically be most impacted.

### **Summary Statement:**

In closing, we truly appreciate that our residence has an ocean view and convenient street parking. More importantly, however, we enjoy/cherish the fact that the residents within our neighbourhood are civil and respectful. This issue has proven to be emotionally charged and has created distress for not only the parties at 11 Howe Street and 1250 Dallas Road, but also, for those around them. We wish only the very best for both groups, and as such, we urge this Review Panel to implement a decision (or decisions) that will allow for a suitable resolution (and possible compromise) as we want the neighbourhood to return once again to a state of harmonious co-existence.

As mentioned above, we would greatly appreciate clarification to our questions above (we only became aware of this review proceeding earlier this week and as such, feel relatively ill-informed). In addition, if you require our further participation/involvement, we would be happy to assist where possible.

Sincerely:

*Buck*  
Patricia & Darren Buckler  
21 Howe Street  
Victoria, BC V8R 1J8

**Attachment:**

**Photograph 1:** View from 21 Howe Street's Master Bedroom Window

Note: the plywood/plastic identifies the location of the current construction.



### **Comments Re: Development Variance Permit Application No. 00254**

The proposal laid out by the applicant to expand the garage outbuilding at 1250 Dallas Road for a gym and storage appears to be thoughtful and quite convincing. It addresses the negative impacts on parking and privacy and portrays the expansion as advantageous to the health and well-being of its residents. However, from our perspective, as residents of 11 Howe Street directly adjacent to the proposed development, we have a number of serious concerns.

#### **Parking**

- The direct loss of 3 parking stalls as a result of this proposal will have a significant impact on street parking.
- Parking congestion is already a serious problem on the top end of Howe Street. The stalls onsite at 1250 Dallas Road are generally occupied, as well as is adjacent on-street parking. This is despite the fact that the garage does not appear to be used currently for parking. It should be noted that there is already an allocated street parking spot for a Modo car which contributes to the congestion. This congestion creates a risk as it is at the intersection of Dallas and Howe Streets and near an existing fire hydrant.
- Despite what the applicant says, the greatest demand for parking on the first block of Howe Street comes from the occupants of their property. It should be noted that the demand for street parking can be expected to increase as pandemic-related concerns ease, and socialization increases.
- Street parking availability in front of our home is extremely important for us as one of us is legally blind and use of our driveway is affected by a concrete wall that separates the two properties (insufficient room for both driver and passengers to enter/exit the vehicle). There are times when we and others have had to park a distance from our home. This creates a significant inconvenience and risk should an emergency arise.
- The applicant states that they drive a small electric vehicle but have neglected to mention that they also have an SUV for construction activities.

#### **Garage Conversion and Expansion**

- The applicant made significant alterations to the garage last year without having the necessary building permit which they now seek. This included framing in a large dormer that faces directly on to 11 Howe St.
- The developer has a history of construction without seeking permits and completely disclosing their intentions. If this variance proceeds, the applicant will be one step away from adding another suite(s) to the property.
- When approval was sought and granted in 2017 for changing the zoning to permit 5 units in the main house, it was our understanding that garage was designated for parking.
- The applicant has stated that they have only 600 square feet of living space in their apartment. This should be confirmed and whether it would be possible to include a gym/storage facility somewhere in the main house.

- For safety reasons, it may not be advisable to have a gym in a garage due to carbon monoxide risk. This risk is greater if there is reduced ventilation from no outside windows as the applicant is proposing.
- The dormer has an impact, although relatively minor, on the site lines from the rear of our house.

#### **Our Position/Conclusion**

- For these reasons, we do not support this Development Variance.
- We recommend that the garage be returned to its original aesthetic and be maintained in its intended and zoned use for parking. This will help ease the current parking congestion on the upper end of Howe Street.
- We believe that this proposal negatively impacts the enjoyment of our property and could adversely affect its value.
- We have included a number of photos for illustration.
- We thank Council for consideration of our objections in this matter.

Paul Freeman and Brandi Roth

Owner Occupants

11 Howe Street



May 24, 2021



























