

F.1.a.a

2316 Howard Street - Development Permit with Variances

Councillor Isitt recused himself at 3:20 p.m., due to a non-pecuniary conflict of interest, as a former coworker lives nearby.

Moved By Councillor Andrew
Seconded By Councillor Alto

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. 00262 for 2316 Howard Street, in accordance with:

1. Plans date stamped April 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce motor vehicle parking from one stall to nil.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1 2316 Howard Street - Development Permit with Variances

Council received a report dated June 3, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application for the property located at 2316 Howard Street, to reduce the required motor vehicle parking from one stall to nil, and recommending that it move to an opportunity for public comment.

Councillor Isitt recused himself at 9:06 a.m. due to a non-pecuniary conflict of interest, as an individual who he previously worked with owns property in close proximity to this parcel.

Moved By Councillor Alto

Seconded By Councillor Andrew

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. 00262 for 2316 Howard Street, in accordance with:

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CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of June 17, 2021

To: Committee of the Whole **Date:** June 3, 2021

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

Subject: Development Variance Permit Application No. 00262 for 2316 Howard 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. 00262 for 2316 Howard Street, in accordance with:

1. Plans date stamped April 21, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce motor vehicle parking from one stall to nil.
3. 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 2316 Howard Street. The proposal is to reduce the required motor vehicle parking from one stall to nil.

The following points were considered in assessing this application:

- the proposed parking variance is minor in nature and would not significantly impact immediate neighbours or the wider neighbourhood
- an existing driveway crossing would be removed and replaced with a grass boulevard both improving the streetscape and allowing opportunities for on-street parking.

BACKGROUND

Description of Proposal

The proposal is to legalize a motor vehicle parking variance for a single-family dwelling. The variance is to reduce the required parking from one stall to nil.

Sustainability

The applicant has indicated that they will be replacing the redundant concrete driveway on private property with permeable materials.

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

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the site could accommodate a single-family dwelling with a garden suite or secondary suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone. A double asterisk indicates an existing legal non-conformity.

Zoning Criteria	Proposal	Existing Zone
Site area (m ²) – minimum	489.2	460
Lot width (m) – minimum	15.24	15
Height (m) – maximum	7.55	7.6
Storeys – maximum	2	2

Zoning Criteria	Proposal	Existing Zone
Setbacks (m) – minimum		
Front	4.02 **	7.5
Rear	11.16	7.98
Side	2.71	1.52
Side	3.03	3
Parking – minimum	0 *	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 18, 2021 the application was referred for a 30-day comment period to the Fernwood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes a variance, 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

Parking Variance

It would appear that the subject property was originally constructed with a private garage located below grade. At some point the garage was converted to living space and the driveway access was raised and levelled. As a result of this previous work, it is not possible to reinstate the garage and there is insufficient space in the front yard to provide a motor vehicle parking stall. The property owner is seeking a one stall parking variance to legalize the existing condition.

As part of their proposal, the applicant has indicated that they would replace the redundant concrete driveway located on private property with permeable materials. They will also be removing the existing driveway crossing and installing a grass boulevard. This would result in a modest improvement to the streetscape and the loss of an off-street parking stall would be off-set by increased on-street parking opportunities.

The proposed variance is considered minor in nature and is not considered to adversely impact immediate neighbours or the wider neighbourhood.

Tree Preservation Bylaw and Urban Forest Master Plan

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

CONCLUSIONS

The proposed one stall parking variance is considered minor in nature and is not anticipated to adversely impact immediate neighbours or the wider neighbourhood. Staff recommend that Council consider supporting the proposed variance.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00262 for the property located at 2316 Howard Street.

Respectfully submitted,

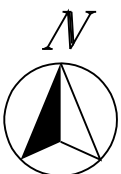
Jim Handy
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

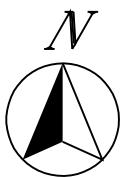
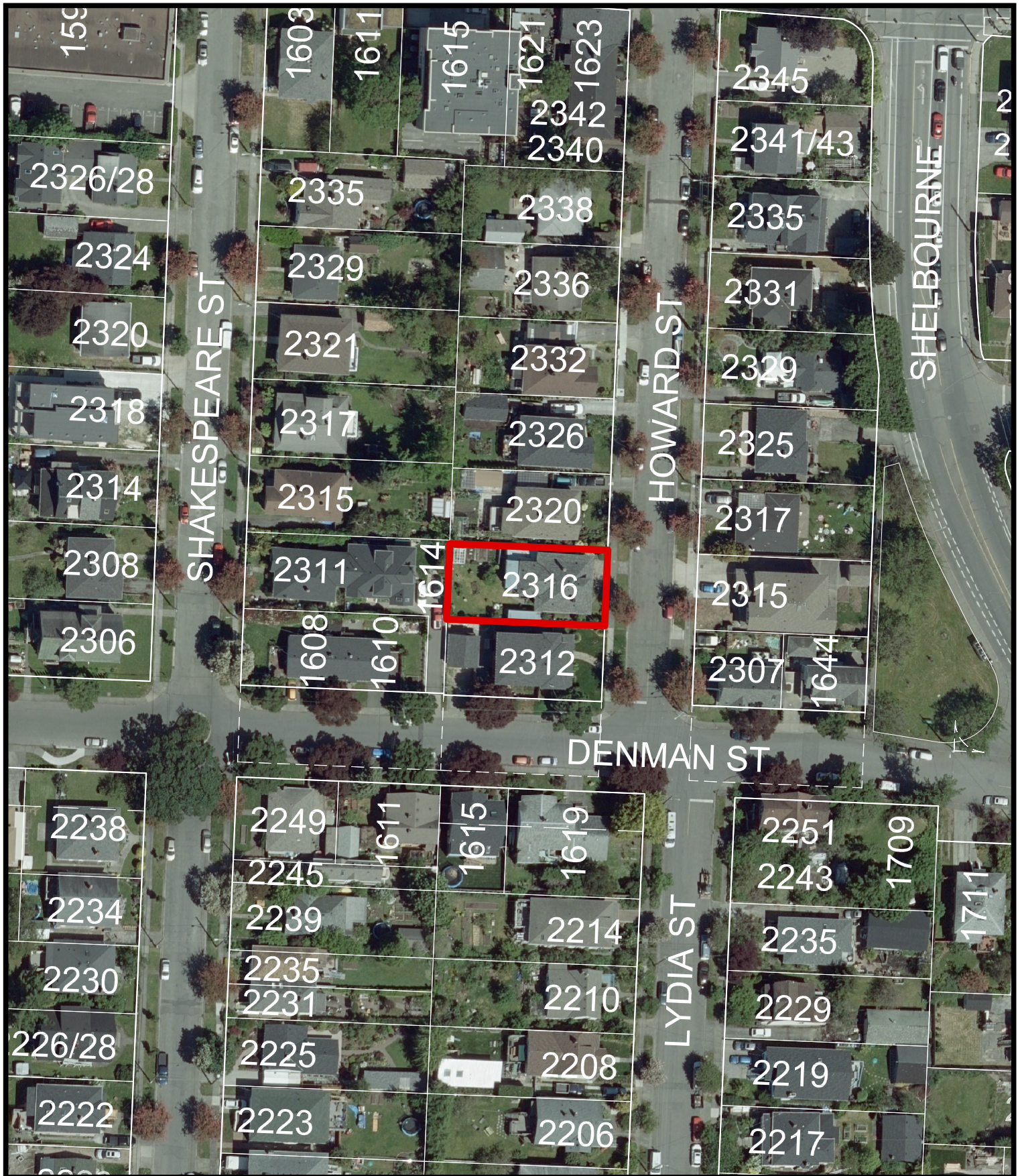
List of Attachments

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



2316 Howard Street
Development Variance Permit No.00262





2316 Howard Street
Development Variance Permit No.00262



Explorer

Land Surveying Inc

B. C. Land Surveyor's Certificate of Location for:

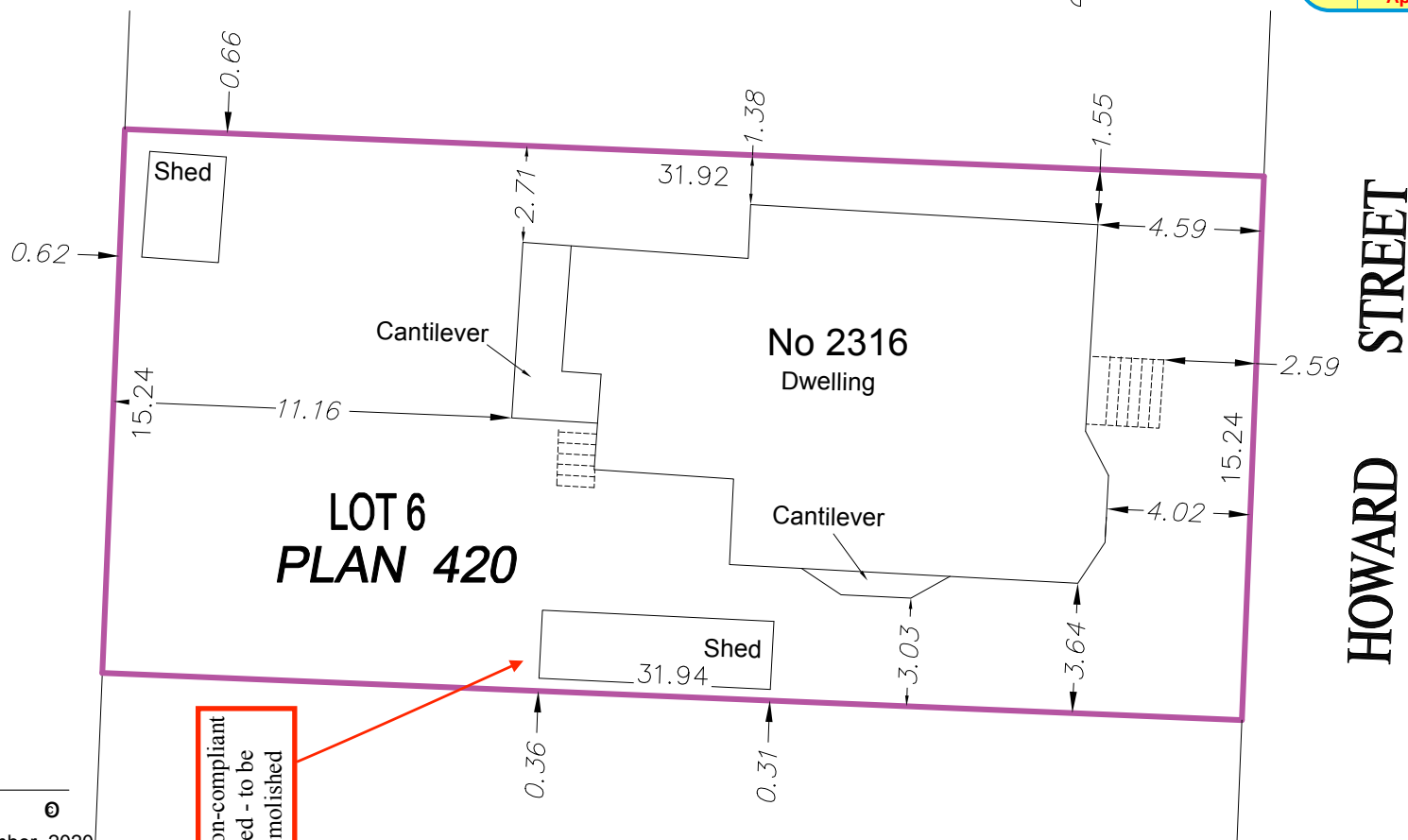
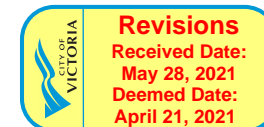
**LOT 6, BLOCK 3, SECTION 75, VICTORIA
DISTRICT, PLAN 420**

SCALE :

0 1:200 10

All distances are in METERS and decimals thereof.

133-1335 Bear Mountain Pkwy
Victoria, B. C. V9B 6T9
Tel: (250) 381-2257
Email: kenneth@explorersurvey.com
File: 11758



Kenneth Ng, BCLS

Field Survey - 8 December, 2020.

Dated this 14th of December, 2020.

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Parcel Identifier: 009-069-143

In the City of Victoria

Prepared exclusively for: Judith Elsa Berman

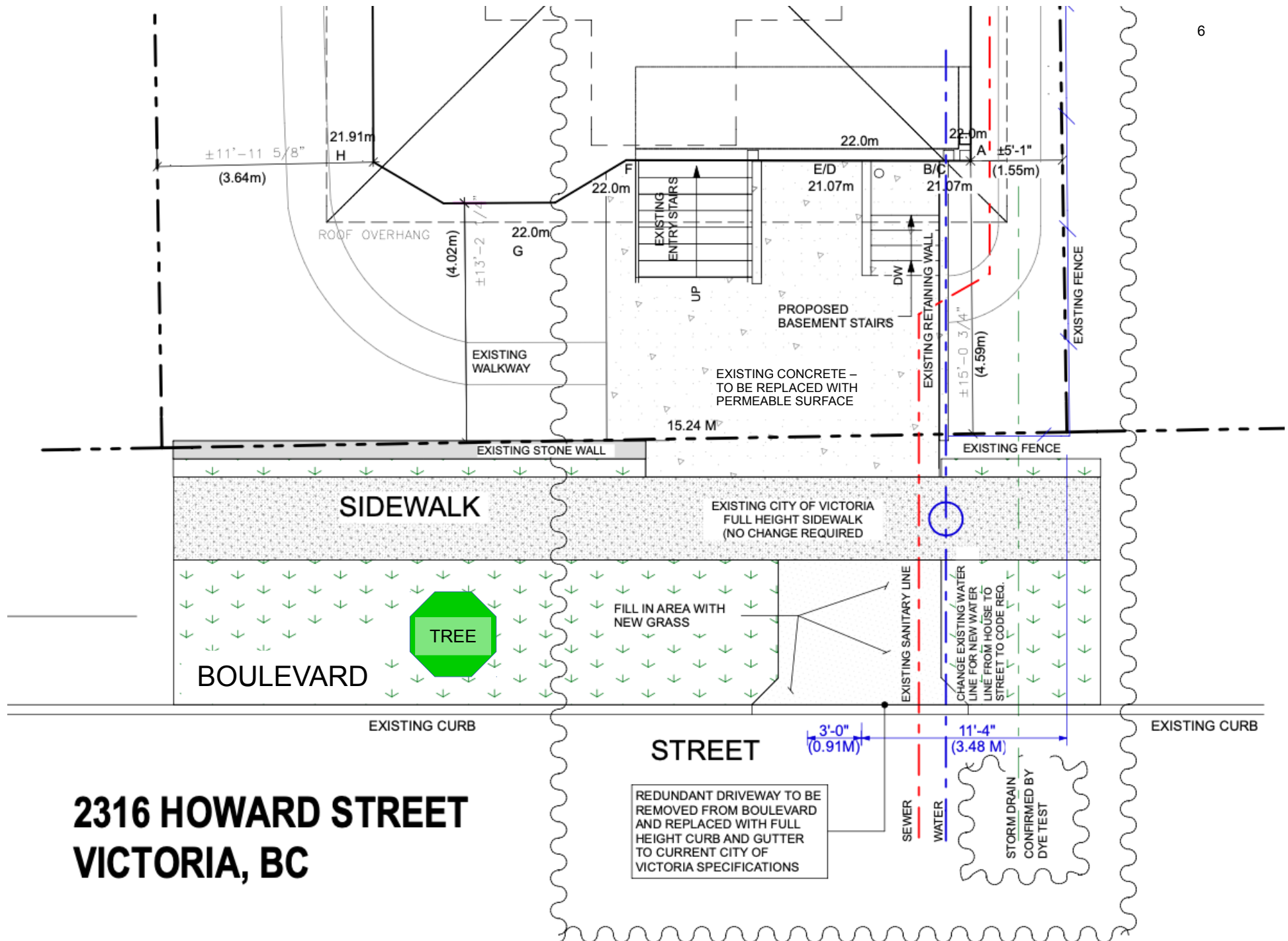
ZONING : R1-B

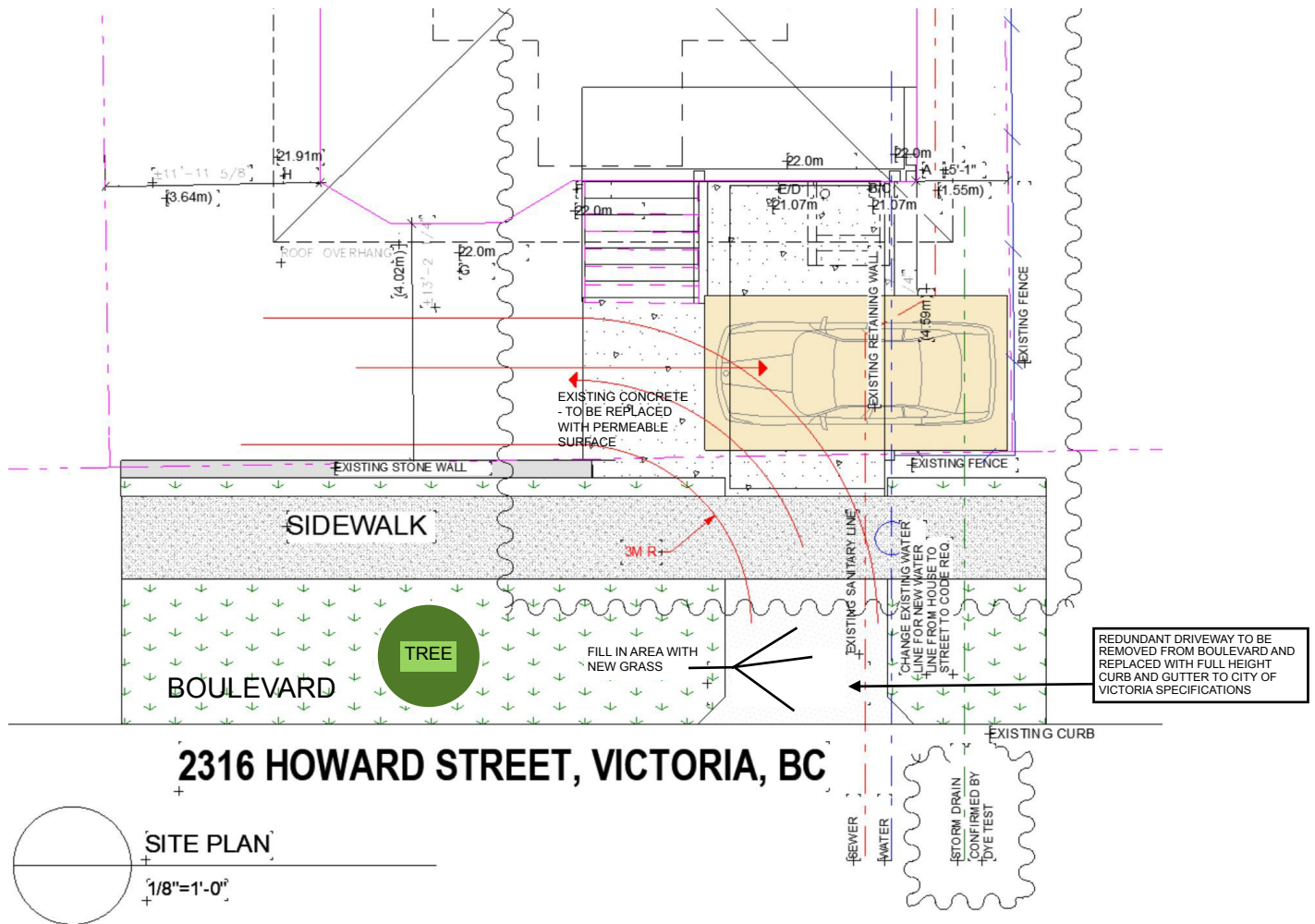
I have inspected the residential premises shown at 2316 Howard Street and hereby certify that the said structures are situate with respect to nearby boundaries as shown on this sketch. This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition, and should not be used in a manner which would assume so.

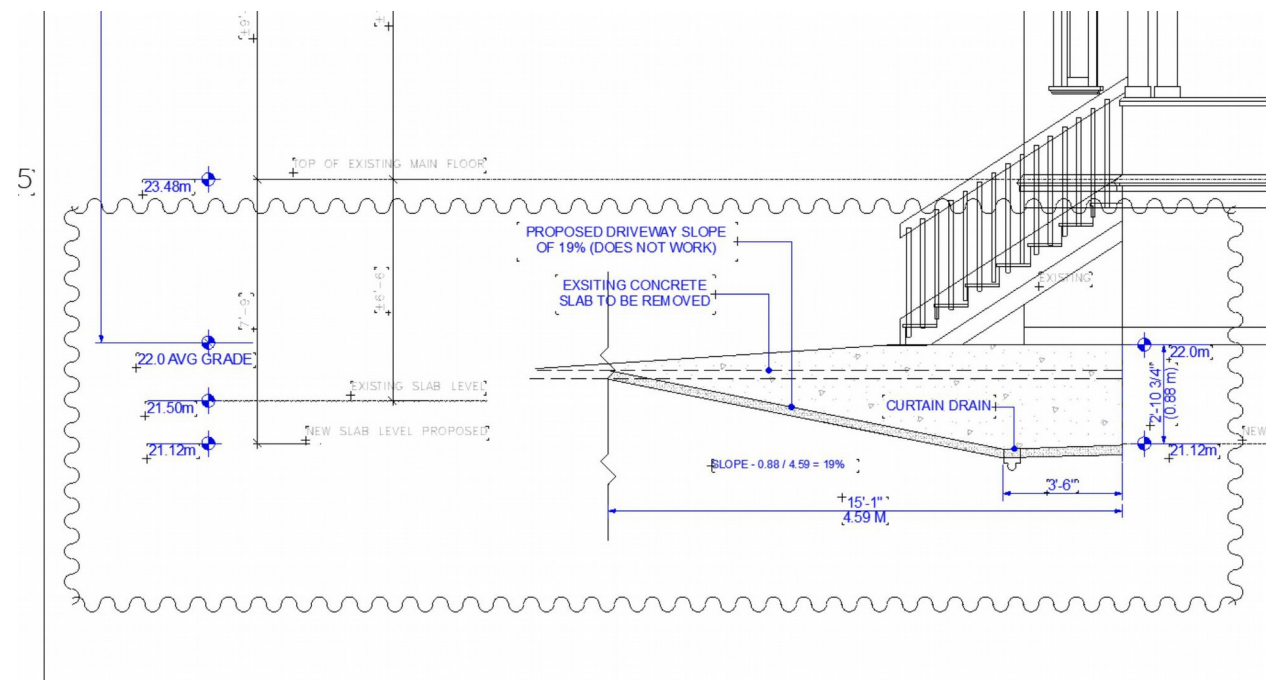
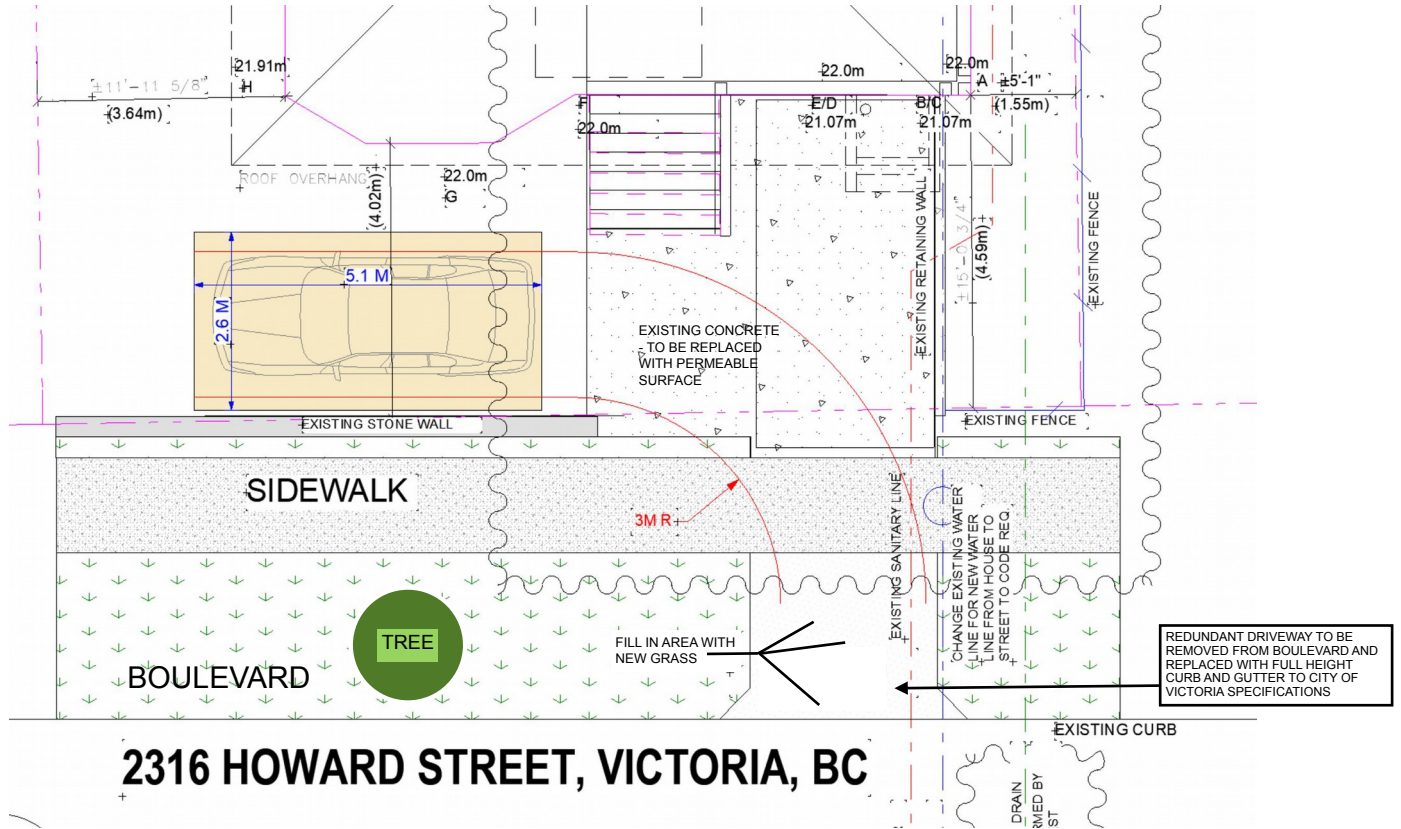
The property is subject to charges, legal notations, and interests shown on the title as of the survey date.

$$1/8'' = 1' - 0''$$

**2316 HOWARD STREET
VICTORIA, BC**









April 20, 2021

Mayor Lisa Helps and Council
1 Centennial Square
Victoria, BC V8! 1P6

Dear Mayor Helps and Council:

I am writing to request a variance for the off-street parking requirement for my residence at 2316 Howard St. in Fernwood. I purchased the house in September 2019 and through much of 2020 was engaged in the process of trying to get a building permit approved. This process has hit a snag due to the parking requirement.

My house is over a hundred years old, and it was built closer to the street than is allowed today. It also has an original stone wall, still in good repair, that extends across much of the front of the lot. Previous owners, perhaps in the 1920s or 1930s, put a garage in the basement, which the city has a record of. Some time later the garage entry was closed up except for a doorway. The access ramp down to the garage was filled in and cemented over between the city sidewalk and the basement wall, except for a stairway leading down to the basement door. The city has no record that this was approved, but the garage must have been closed up at least fifty years ago because my neighbor, who grew up in the house next door, says he does not remember ever seeing the original garage entry.

The proposed renovations on the building permit I am applying for are mostly to the interior of the house and involve structural upgrades and other alterations. I have been working with Mavericks Solutions, a Fernwood engineering firm, and we looked at a series of possible solutions for fitting an off-street parking spot onto the site. I am attaching a series of sketches that Mavericks worked up during this process.

The existing concrete area in front of the house is too small in every possible orientation for a parking space that is to code. In some orientations the difference is a matter of only a foot or so, but the proximity of the building and stone wall would mean that even should the permits department approve a substandard space, getting a car in and out would always be a tight fit.

We also looked at turning the original parking space in the basement back into a garage. The height difference between the sidewalk grade, combined with the distance between the sidewalk and the front of the house, makes for a ramp into the basement that is too steep according to today's code requirements. In addition, to make the garage possible, the basement floor would have to be lowered a foot. I am planning to do in that front area anyway, but this would make a ramp even steeper.

The remaining options are either to destroy a good portion of the stone wall, which would allow a new driveway and parking space on the side of the house opposite the original driveway, or to take down the front stairs and rebuild them in a different size and direction. Of these choices, rebuilding the front stairs would be preferable to destroying the original stone wall. But, although the stairs are not the original ones, they are still in the original configuration, and pursuing either option would significantly alter the historic facade of the house.

I have been talking with my neighbors and so far have not encountered any objection to my receiving a variance to the off-street parking requirement. Our street is mostly single-family residences, many of which do have their own off-street parking, and there are always a number of parking spots available on the street.

In addition to the accompanying sketches related to the attempt to find a parking spot to code, I am also attaching to this letter a survey of the current plan of the house and lot, and screenshots of the proposed site plan together with a detail at a larger scale. I am also including the variance application form, the certificate of title, and the full set of proposed building plans from Mavericks.

One note on the survey: it shows an existing non-compliant shed. I am not requesting any variances for the shed and we will be demolishing it in the course of the building renovations.

Thank you very much for your attention to this request.

Sincerely yours,

Judith Berman
2316 Howard St.
Victoria, BC V8R 4K7
jberman@uvic.ca
778-440-5571



Explorer

Land Surveying Inc

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**LOT 6, BLOCK 3, SECTION 75, VICTORIA
DISTRICT, PLAN 420**

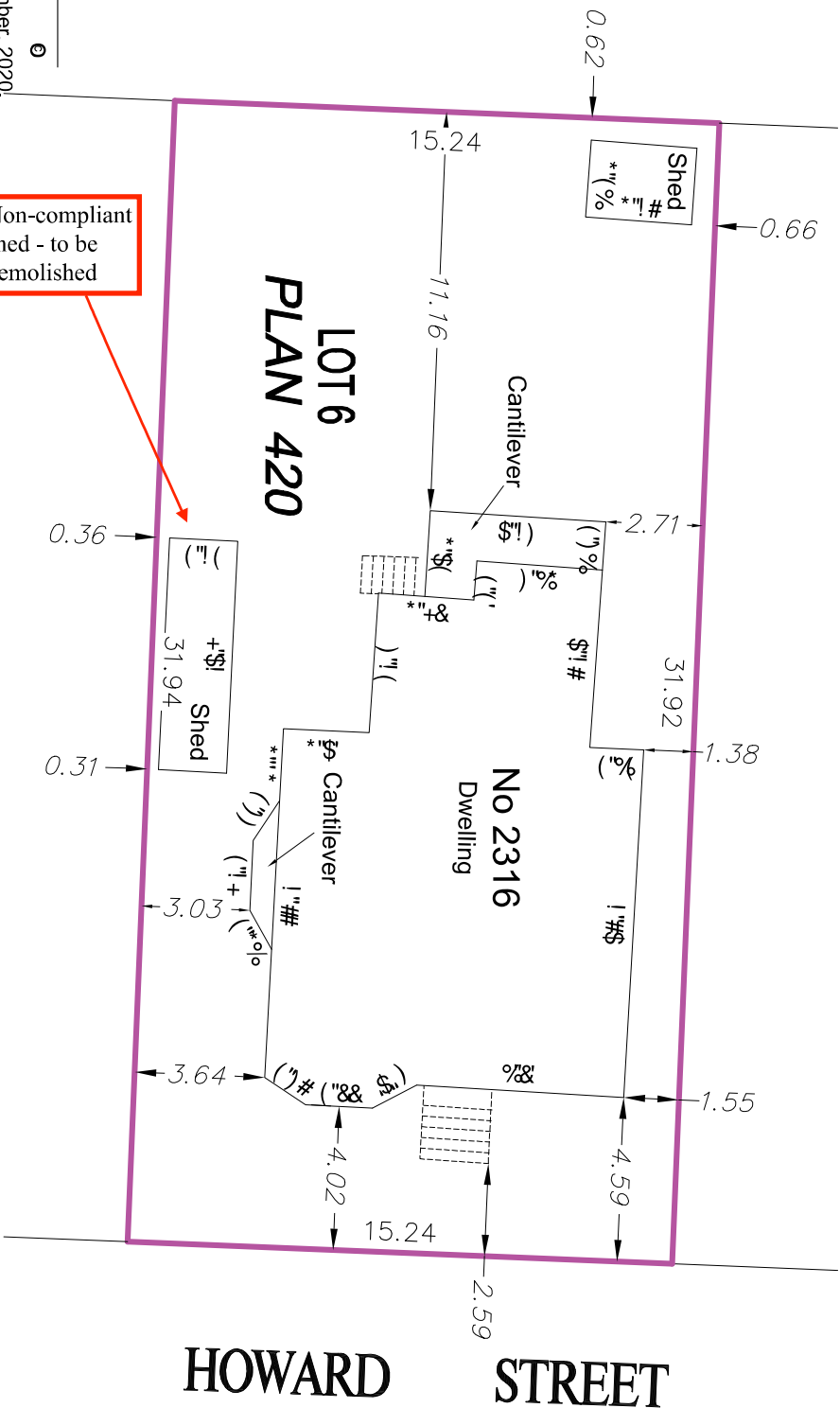
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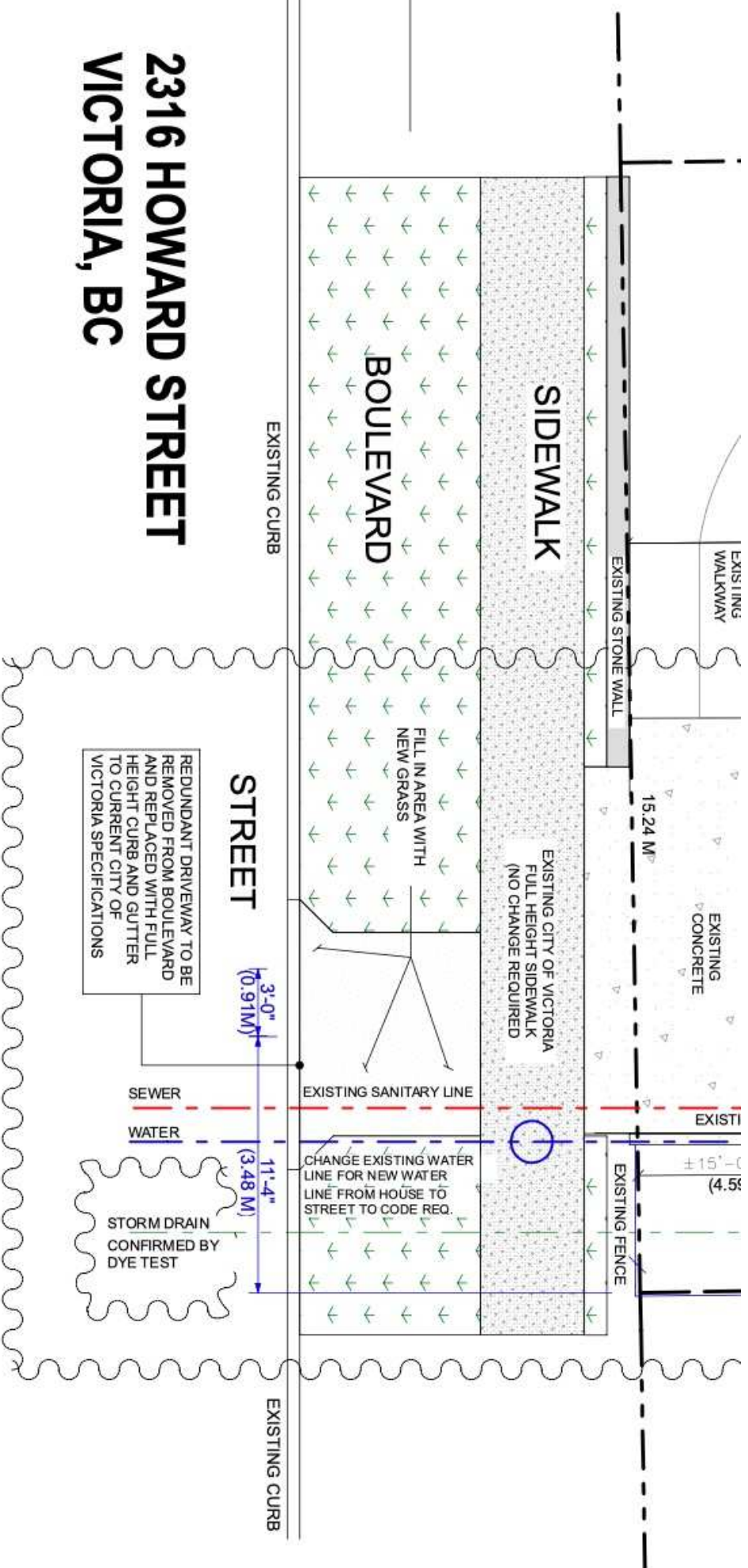
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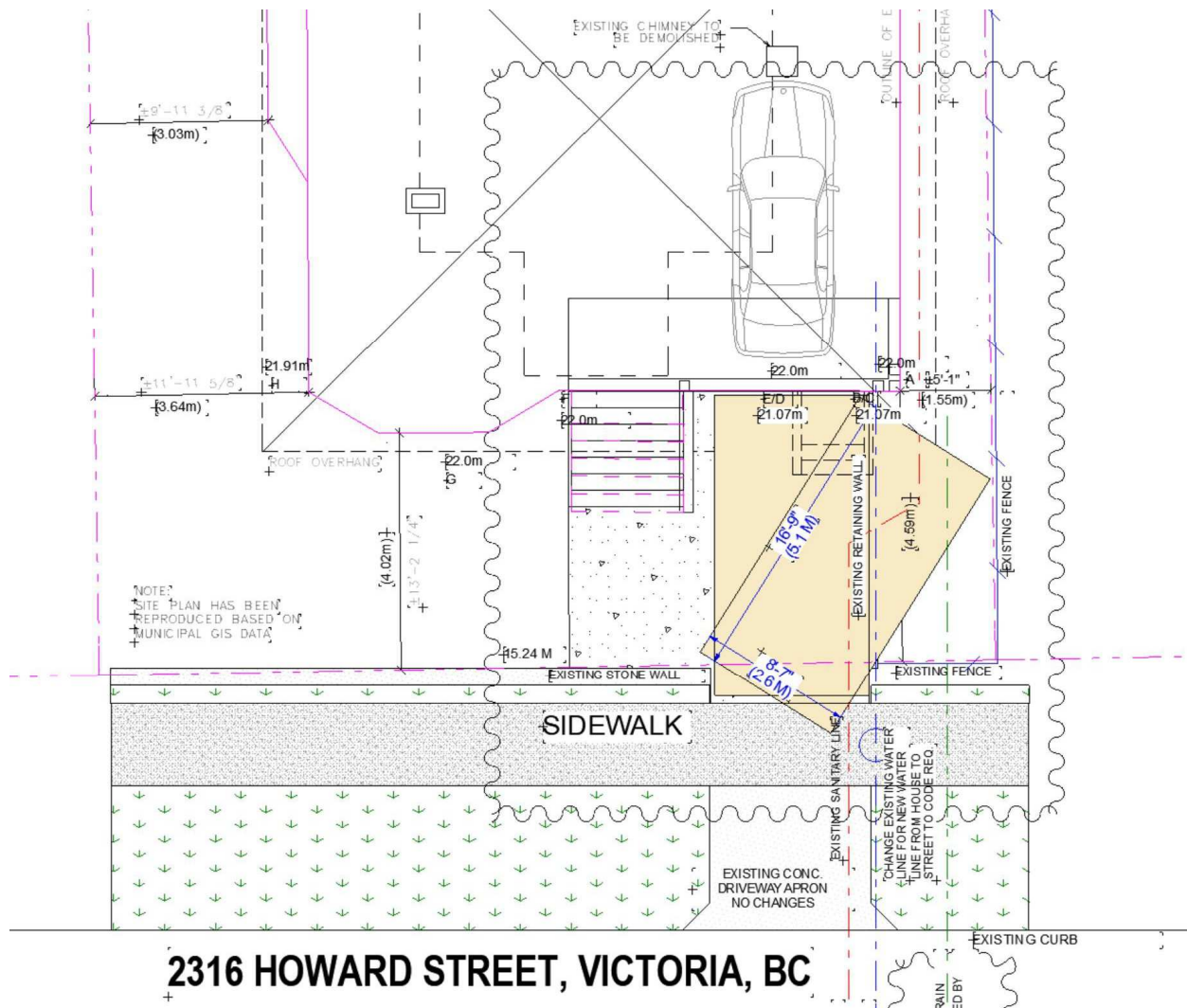
ZONING : R1-B

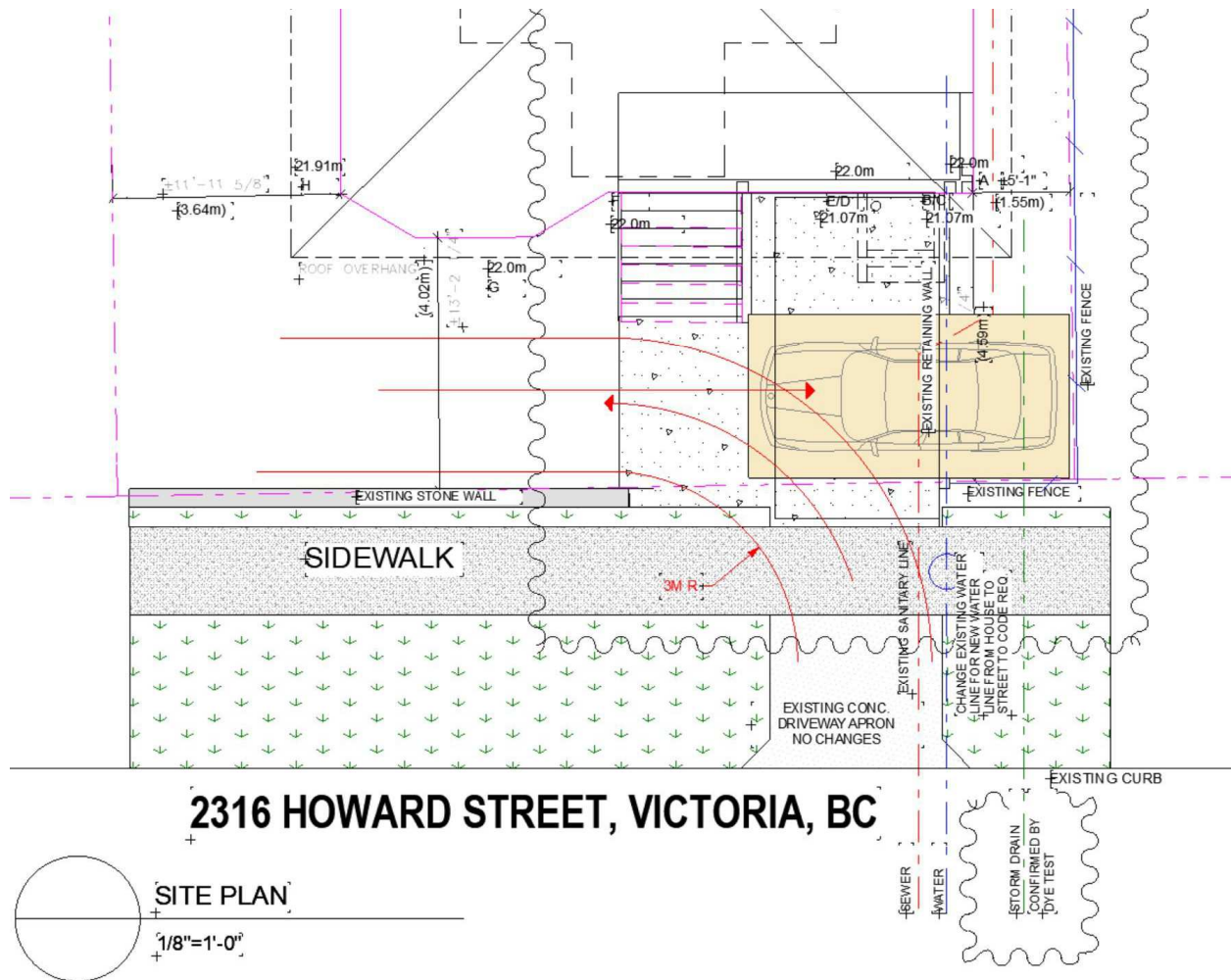
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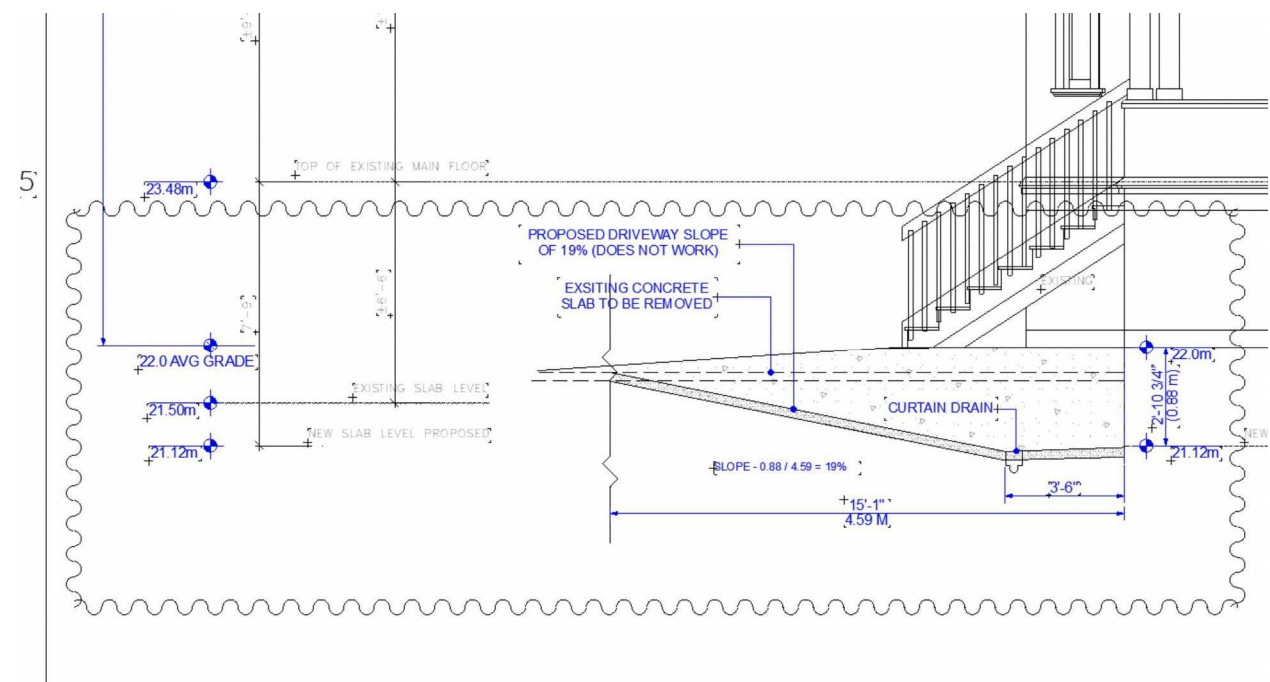
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2316 HOWARD STREET VICTORIA, BC







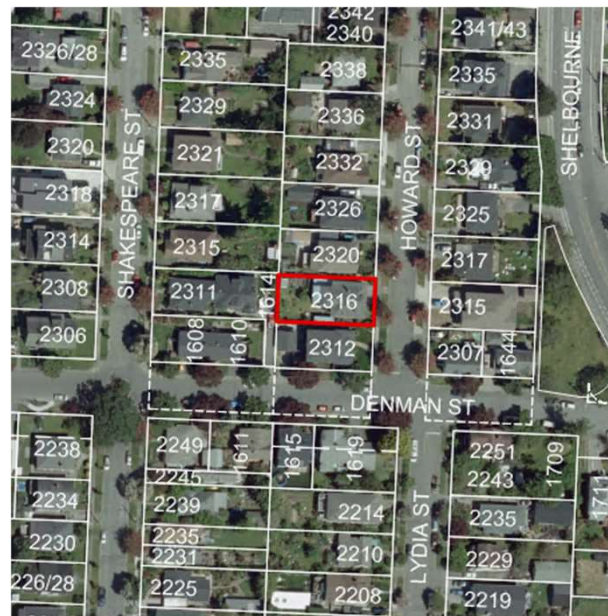


Development Variance Permit Application for 2316 Howard Street



1

Aerial photo



2

Photo of subject site



3

Photo of subject site



4