



Committee of the Whole Report For the Meeting of February 3, 2022

To: Committee of the Whole **Date:** January 13, 2022

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

Subject: **Development Permit Application No. 000571 and Development Variance Permit Application No. 00237 for 1344 Thurlow Road**

RECOMMENDATION

- 1) That subject to clarification on proposed tree retention and planting, to the satisfaction of the Director of Parks, Recreation and Facilities, 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. 00237 for 1344 Thurlow Road in accordance with:

1. Plans date stamped September 29, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum lot width from 15m to 14.28m for the regular lot fronting onto Thurlow Road.
 - ii. reduce the minimum front setback from 7.5m to 3.0m
3. The Development Variance Permit lapsing two years from the date of this resolution.”

- 2) At the same meeting that Development Variance Permit Application No. 00237 is considered, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000571 for 1344 Thurlow Road, in accordance with:

1. Plans date stamped September 29, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Registration of a legal agreement securing parking access for the regular lot via the panhandle driveway, to the satisfaction of the Director of Sustainable Planning and Community Development.

4. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

This report discusses a Development Permit (DP) Application and concurrent Development Variance Permit (DVP) Application. Relevant DP considerations include the consistency with the design guidelines for the form, character, exterior finishing, and landscaping associated with the panhandle lot development, while the relevant DVP considerations related to the impact of the variances associated with the subdivision and development of the regular lot.

Development Permit Application (panhandle subdivision and development)

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan, 2012* (OPC). A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

Development Variance Permit Application (regular lot)

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 the concurrent Development Permit and Development Variance Permit applications for the property located at 1344 Thurlow Road. The first proposal, a Development Permit application, is to allow the subdivision of a lot into two separate lots: one regular lot and one panhandle lot, and for the development of a single-family dwelling on the panhandle lot. The concurrent proposal, a Development Variance Permit Application, is for the construction of a new single-family dwelling with secondary suite on the regular lot. The proposed variances are to reduce the lot width and reduce the front setback.

The following points were considered in assessing these Applications:

- the subdivision and panhandle lot proposal are generally consistent with the *Official Community Plan, 2012* (OCP) in terms of providing compatible infill development in Traditional Residential areas
- the proposed panhandle lot and single-family dwelling is generally consistent with the design principles of the *Small Lot House Design Guidelines* in responding to the character of the site and neighbourhood
- the development supports the housing objectives expressed in the *Fairfield Neighbourhood Plan*

- the proposed lot width variance and front setback variance are considered supportable as the siting of the building is generally consistent with the existing streetscape and would not negatively impact adjacent properties.

BACKGROUND

Description of Proposal

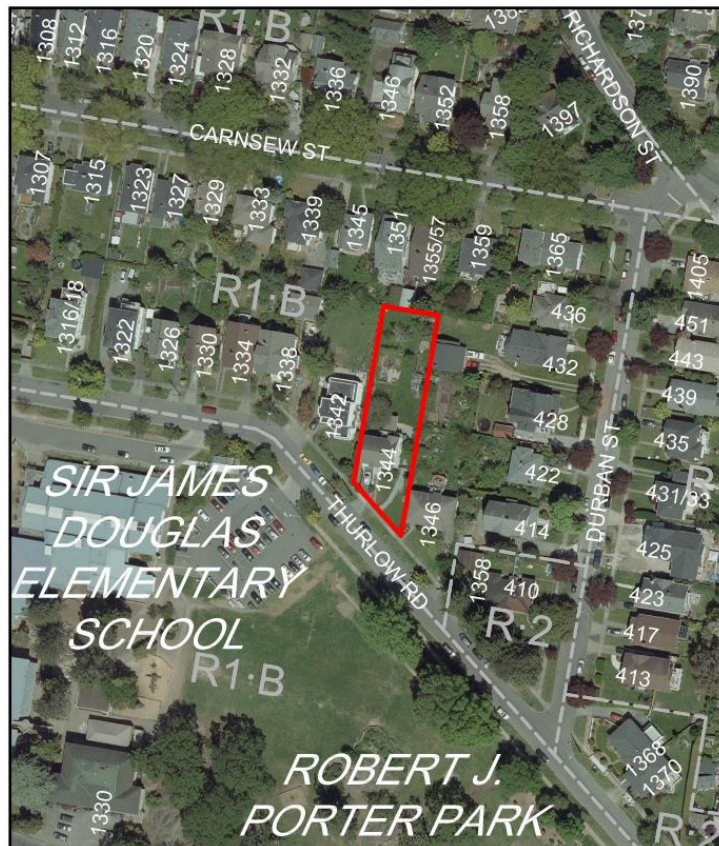
The proposal is to subdivide the property to create two lots under the current R1-B Zone, Single Family Dwelling District, creating one regular lot (460m²) and one panhandle lot (647.5m² excluding the panhandle driveway). A new one-storey single-family dwelling would be constructed on the panhandle lot and a new two-storey single-family dwelling with a secondary suite would be constructed on the regular lot. The panhandle access would provide vehicle access for both lots, which would be secured with an easement agreement.

The proposed variances are related to:

- reducing the lot width of the regular lot from 15m to 14.28m
- reducing the front setback for the single-family dwelling on the regular lot from 7.5m to 3.0m.

Land Use Context

The area is characterized by single-family dwellings. Sir James Douglas School and Robert J. Porter Park are located on the opposite side of Thurlow Road.



Existing Site Development and Development Potential

The site is presently developed as a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with either a secondary suite or garden suite.

Data Tables

Development Permit Application (panhandle subdivision and development)

The following data table compares the proposed panhandle lot with Schedule H - Panhandle Lot Regulations of the *Zoning Regulation Bylaw*.

| Zoning Criteria | Proposal | Panhandle Regulations |
|--|---|---|
| Site area (m ²) – minimum | 647.55 (excluding the panhandle driveway) | 600.00 (excluding the panhandle driveway) |
| Lot width (m) – minimum | 18.28 | 18.00 |
| Total floor area (m ²) – maximum | 151.00 | 280.00 |
| Height (m) – maximum | 4.39 | 5.00 |
| Storeys – maximum | 1 | 1 |
| Site coverage (%) – maximum | 25 | 25 |
| Setbacks (m) – minimum | | |
| Front | 8.10 | 7.50 |
| Rear | 5.06 | 4.00 |
| Side (east) | 4.07 | 4.00 |
| Side (west) | 4.00 | 4.00 |
| Parking – minimum | 1 | 1 |

Development Variance Permit Application (regular lot)

The following data table compares the proposed regular lot with the R1-B Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

| Zoning Criteria | Proposal | Panhandle Regulations |
|--|-----------------|------------------------------|
| Site area (m ²) – minimum | 460.00 | 460.00 |
| Lot width (m) – minimum | 14.28* | 15.00 |
| Total floor area (m ²) – maximum | 202.10 | 300.00 |
| Height (m) – maximum | 6.67 | 7.60 |
| Storeys – maximum | 2 | 2 |
| Site coverage (%) – maximum | 29.60 | 25 |
| Setbacks (m) – minimum | | |
| Front | 3.00* | 7.50 |
| Rear | 7.50 | 7.50 |
| Side (east) | 1.50 | 1.50 |
| Side (west) | 3.03 | 3.00 |
| Combined side yards | 4.53 | 4.50 |
| Parking – minimum | 1 | 1 |

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 Permit Application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 16, 2019 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Application (panhandle subdivision and development)

Official Community Plan: Design Guidelines

In the *Official Community Plan, 2012* (OCP), panhandle lot developments are included in Development Permit Area 15B: Intensive Residential – Panhandle Lot. The applicable design guidelines are the *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)*, as well as the *Small Lot House Design Guidelines (2002)*.

The proposed house is consistent with the design guidelines and meets the more stringent height, setback and site coverage standards for a panhandle lot. The one-storey height and setbacks from the neighbouring properties, as well as the location of habitable rooms, minimizes the impacts on the privacy and overshadowing of yards.

Development Variance Permit Application (regular lot):

The proposed new residential, single-family dwelling on the front lot (Lot A) is not subject to any Development Permit Area guidelines; however, the impact of the variances are assessed below.

Variances

Lot width

The proposed subdivision to create a panhandle lot reduces the lot width of the regular lot to 14.28m. The variance is considered supportable because the proposed house on the regular lot meets the side setback requirements of the R1-B Zone. In addition, the panhandle access, which provides driveway access to both lots, would add to the apparent width of the regular lot as viewed from Thurlow Road.

Front Yard Setback

The application requests a variance for the regular lot to reduce the front yard setback from 7.5m to 3m. For irregular shaped lots such as the subject site, the *Zoning Regulation Bylaw* measures the front setback from a theoretical boundary which is based on the largest rectangle that fits within the lot. The proposed setback of 3m is measured to this theoretical boundary, while the building would be setback approximately 7m from the street boundary at its closest point. The proposed siting also maintains the established streetscape along this portion of Thurlow Road. Therefore, the requested variance is considered supportable.

Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* encourages consideration of a diversity of housing forms to add choice while fitting with the existing neighbourhood. The Plan provides specific form and character guidelines for Traditional Residential infill to ensure new development is contextually appropriate. The guidelines support siting and building orientation that provides street fronting dwellings, front and rear landscaping, access to sunlight and avoids privacy impacts on neighbouring properties. The guidelines also encourage the use of high-quality, durable exterior materials that are contextually appropriate. The proposal is considered consistent with these guidelines.

Housing

The application, if approved, would create three new residential units, which would increase the overall supply of housing in the area by two units.

Accessibility

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

Sustainability

As indicated in the applicant's letter dated January 25, 2022 the following sustainability features are associated with this application:

- deconstruction of the existing single-family dwelling
- permeable paving of the driveway surface
- insulated concrete form construction for the lower level of the single-family dwelling on the regular lot.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after October 24, 2019, and before July 1, 2021, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019.

Ten trees have been inventoried by the project arborist in the attached Arborist Report. This includes five bylaw-protected trees (two on-site and three off-site), one municipal tree, and four undersized trees (two on-site and two off-site).

Two on-site fruit trees are proposed for removal: one bylaw protected pear tree and one unprotected apple tree. An apple tree and a plum tree are proposed to be planted on the panhandle lot as bylaw-protected replacement trees. The Arborist Report states that one additional unprotected mulberry tree (#n.t.5) will be transplanted to an alternate location on site but this is not shown on the plans (the table below lists this tree as removed). In addition, two un-inventoried trees (linden and ash) are listed as "transplanted" in the Arborist Report and on the landscape plan. It is unclear if these are intended to be new trees or transplanted from elsewhere on site. The appropriate language has been added to the recommendation to have clarification on the transplanted trees prior to scheduling an Opportunity for Public Comment.

Tree Impact Summary Table

| Tree Status | Total # of Trees | Trees to be REMOVED | NEW Trees | NET CHANGE (new trees minus total to be removed) |
|-------------------------------------|------------------|---------------------|-----------|---|
| Subject property trees, protected | 2 | 1 | 2 | +1 |
| Subject property trees, unprotected | 2 | 2 | 0 | -2 |

| Tree Status | Total # of Trees | Trees to be REMOVED | NEW Trees | NET CHANGE (new trees minus total to be removed) |
|---------------------------------|------------------|---------------------|-----------|---|
| City trees | 1 | 0 | 1 | +1 |
| Neighbouring trees, protected | 3 | 0 | 0 | 0 |
| Neighbouring trees, unprotected | 2 | 0 | 0 | 0 |
| Total | 10 | 3 | 3 | 0 |

Subject Property - Bylaw Protected Trees Proposed for Removal:

| ID# | Species | DBH | Health | Structural Condition | Reason for Removal/ Comments |
|------|---------|--------------------|--------|----------------------|---------------------------------|
| #759 | Pear | 60 cm (multi-stem) | fair | fair | Excavation conflict |

CONCLUSIONS

The proposed development is consistent with the design guidelines for DPA 15B: Intensive Residential – Panhandle Lot, the panhandle lot regulations in the *Zoning Regulation Bylaw*, and minimizes privacy and overshadowing impacts on neighbouring properties. The requested variances would have minimal impact on the neighbouring properties and are considered supportable. It is recommended that Council consider supporting the applications.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 000571 and Development Variance Permit Application No. 00237 for the property located at 1344 Thurlow Road.

Respectfully submitted,

Alec Johnston
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 29, 2021

- Attachment D: Letter from applicant to Mayor and Council dated January 25, 2022
- Attachment E: Arborist report dated December 17, 2019 and amended September 24, 2021.