



## Planning and Land Use Committee Report

For the Meeting of November 26, 2015

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**To:** Planning and Land Use Committee                      **Date:** November 12, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** **Development Permit with Variances Application No. 00495 for 863 and 865 Villance Street**

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00495, if it is approved, Council consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00495 for 863 and 865 Villance Street, in accordance with:

1. Plans date stamped October 20, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Part 2.1.5 (a): Reduce the front yard setback from 7.5m to 1.58m;
  - ii. Part 2.1.5 (b): Reduce the rear yard setback from 10.7m to 2.89m.
3. The Development Permit lapsing two years from the date of this resolution.”

### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. 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 920(8) 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.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 863 and 865 Villance Street. The proposal is to strata title an existing legal non-conforming duplex and to alter and construct an addition to the building.

The following points were considered in assessing this Application:

- the proposal is consistent with the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential – Duplex of the *Official Community Plan 2012* (OCP)
- the proposal is generally consistent with the policies and design specifications of the *Neighbourliness Guidelines for Duplexes* (1996)
- the proposed variances are required to facilitate the retention of the existing building and are a result of the front lot line (as defined in the *Zoning Regulation Bylaw*) functioning as the side lot line because the duplex was built facing Villance Street instead of Glasgow Street. The reduced front and rear setbacks do not have a substantial impact on the adjacent property.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to strata title an existing legal non-conforming duplex and to alter and construct an addition to the building. Specific details include:

- the alteration and addition use materials that relate to the existing duplex and adjacent buildings
- the addition of a covered porch and sidelight for the entrance of each dwelling
- floor space added to the rear of each dwelling.

The proposed variances are related to:

- reducing the front yard setback (Glasgow Street) from 7.5m to 1.58m
- reducing the rear yard (west) setback from 10.7m to 2.89m.

### **Sustainability Features**

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

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit with Variances Application.

## **Existing Site Development and Development Potential**

The site is presently a legal non-conforming duplex. Under the current R1-B Zone, the property could be developed as a single family house with secondary suite.

## **Relevant History**

The existing duplex was built in 1946 preceding the adoption of the R1-B Zone. The duplex is therefore considered to be a legal non-conforming use.

On September 24, 2015 the Board of Variance granted relaxations to the R1-B Zone to permit a structural alteration to the building. If Council declines these Rezoning and Development Permit with Variances Applications, the applicant may proceed with the proposed alterations and additions based on the Board of Variance relaxations. The applicant would not, however, be permitted to strata title the duplex without a successful rezoning from the R1-B Zone to the R-2 Zone.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 13, 2015 the application was referred for a 30-day comment period to the Hillside Quadra CALUC. At the time of writing this report, a letter from the CALUC had not been received. The 30-day comment period will end before this application has an opportunity to go to Public Hearing and any comments received will be forwarded to Council.

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 Area and Design Guidelines**

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15D: Intensive Residential – Duplex. The proposal is to alter and construct an addition to an existing legal non-conforming duplex, including some changes to exterior materials and design.

As supported in the *Neighbourliness Guidelines for Duplexes*, the design improvements help emphasise a positive street appearance by adding covered porches and sidelights to the principal entrances for each dwelling. The additions are located at the rear of the dwellings and fit comfortably within the established scale of the street. The exterior materials suit the existing building and adjacent buildings.

### **Regulatory Considerations**

To facilitate the Rezoning Application from the R1-B Zone to the R-2 Zone, two variances would be required. The variances would reduce the front yard setback from 7.5m to 1.58m and the rear yard setback from 10.7m to 2.89m to accommodate the siting of the existing duplex. Although the existing building faces towards Villance Street, the *Zoning Regulation Bylaw* defines the front lot line as Glasgow Street. Therefore, the front and rear yards function as side



yards for the existing building. These variances will not have a substantial impact on the adjacent property.

## CONCLUSIONS

This proposal to alter and construct an addition to an existing legal non-conforming duplex is generally consistent with Development Permit Area 15D: Intensive Residential – Duplex. The proposed variances would not have a substantial impact on the adjacent property. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00495 for the property located at 863 and 865 Villance Street.

Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division

JH



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



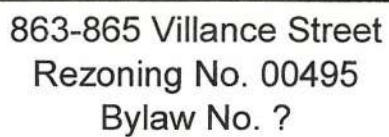
Date:

November 17, 2015

## List of Attachments

- Air photo
- Zoning map
- Applicant's letter to Council dated October 20, 2015.
- Minutes of Community Meeting – Hillside Quadra Community Association dated October 19, 2015
- Submission drawings dated October 20, 2015.







# MUNICIPALITY OF SAANICH

TOLMIE AV

3182

3179

3176

3178

3175

860

3174

3179

993

31

3175

31

VILLANCE ST

3171

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31

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863/65

GLASGOW ST

3167

3163

3159

3155

3151

3147

3143

3139

3135

3125

3121

REED ST

851

855

859

860

856

852

848

844

847

843

837/39

840/42

836

832

828

849

853

845

3141

3137

3135

3131

3134

3130

3128

YEW ST

3130/32

863-865 Villance Street  
Rezoning No. 00495  
Bylaw No. ?

Rezoned from R1-B Zone, Single Family Dwelling District  
to R-2 Zone, Two Family Dwelling District




To - Mayor and Council

OCT. 20. 2015

We are proposing to rezone the  
property to strata title the existing  
property

Thank you

Jack Chen



**Received**  
City of Victoria

OCT 20 2015

Planning & Development Department  
Development Services Division

**Rob Bateman**

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**From:** Jenny Fraser <jenfraser@islandnet.com>  
**Sent:** Tuesday, October 20, 2015 10:11 PM  
**To:** caluc@victoria.ca  
**Cc:** Dan Potvin; Hillside Quadra Neighbourhood Action Group  
**Subject:** 863-865 Villance Street Rezoning

19 October 2015

To Whom it May Concern:

Re: 863-865 Villance Street

This is to confirm that Jack Chen, the owner of the above property, met with community members on October 13<sup>th</sup> to present his proposal to rezone the property from single family to R-2. The current land use is a non-conforming duplex built in the 1970s.

Community members who attended this meeting indicated that they had no concerns about the proposed rezoning of the property.

This meeting illustrates the need for the Development Proposal Community Meeting Notice sent out by the City of Victoria to be written in plain language and to include more background. CALUC Chairs included this as a recommendation in their October 1<sup>st</sup> meeting with Mayor and Council.

Community members who came to this meeting indicated that once they understand the proposal they had no concerns, and that they would not have come to the meeting had they understood beforehand the intent of the rezoning. This is an example of the CALUC process unnecessarily taking up the time of community volunteers – including the CALUC Chair, a note-taker, and at least eight members of the community.

Sincerely,

Jenny Fraser

CALUC Co-Chair, Hillside Quadra

cc. Dan Potvin for Jack Chen

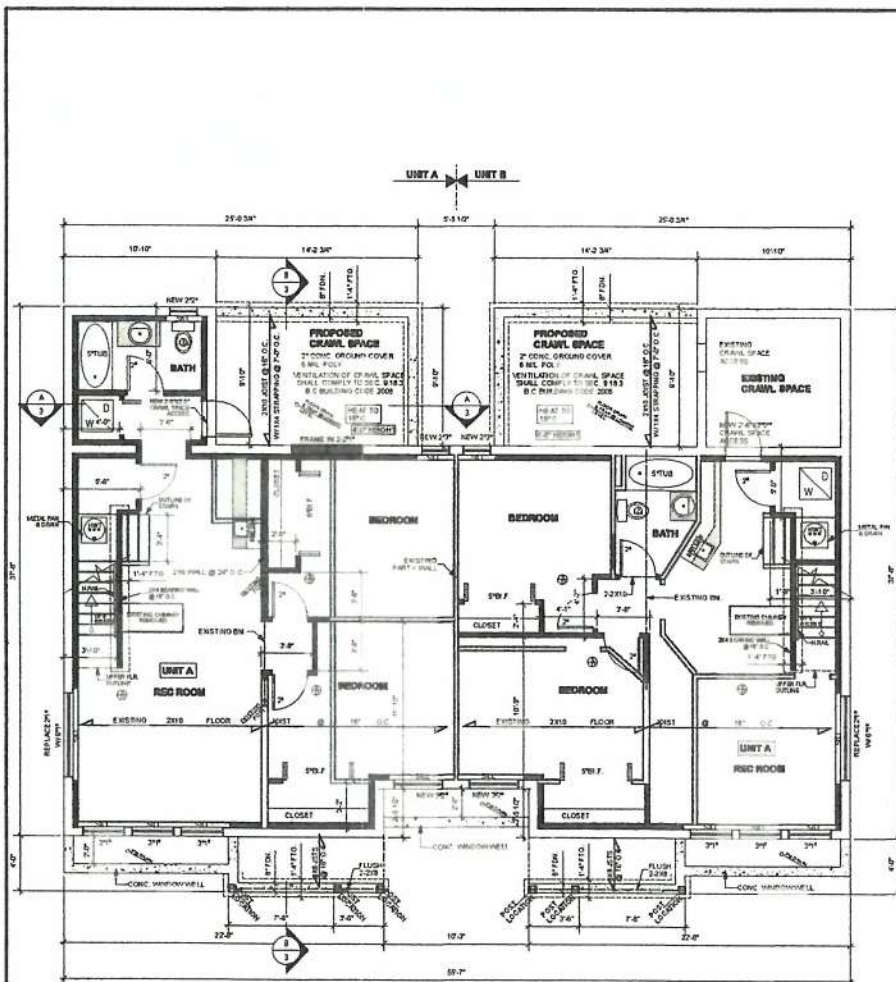




BRACING FOR RESISTANCE TO LATERAL LOADS  
SHALL BE DESIGN BY A P.E.



OH  
1



UNIT A 757.75 SQ.FT.

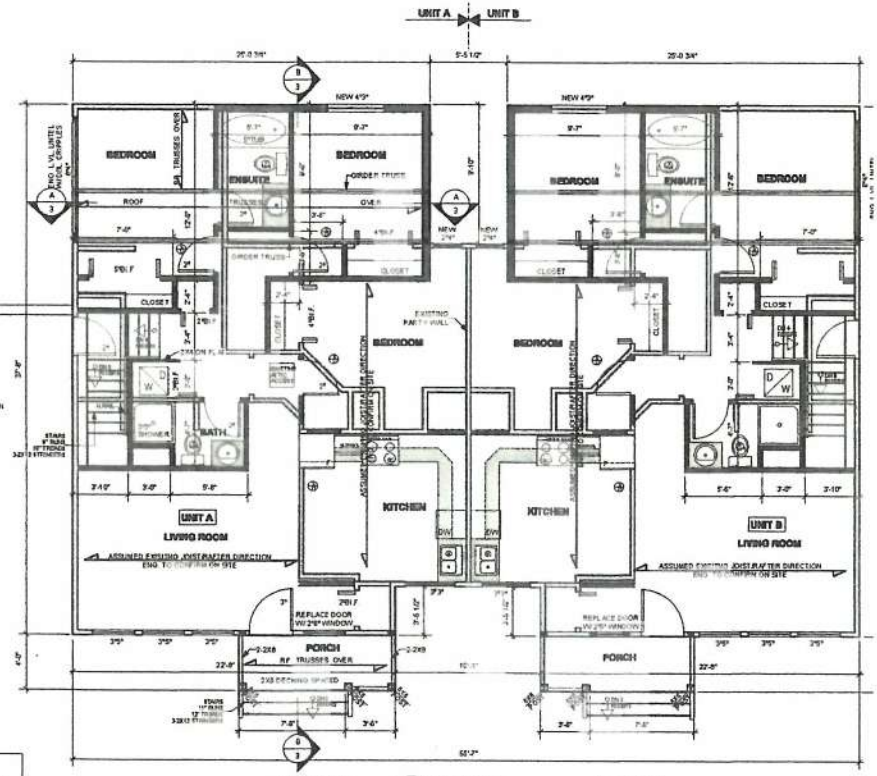
LOWER FLOOR  
Scale: 1/4" = 1'-0"

UNIT B 878.215 SQ.FT.

#### WALL LEGEND

PROPOSED WALLS  
EXISTING WALLS  
REMOVED WALLS

STRUCTURAL ENG. TO PROVIDE DETAILS  
FOR PROPOSED ADDITIONS & AMENDMENTS



UNIT A 928.51 SQ.FT.

MAIN FLOOR  
Scale: 1/4" = 1'-0"

UNIT B 933.06 SQ.FT.

SEE UNIT A FOR IDENTICAL  
CONSTRUCTION MAKE-UP  
FOR UNIT B

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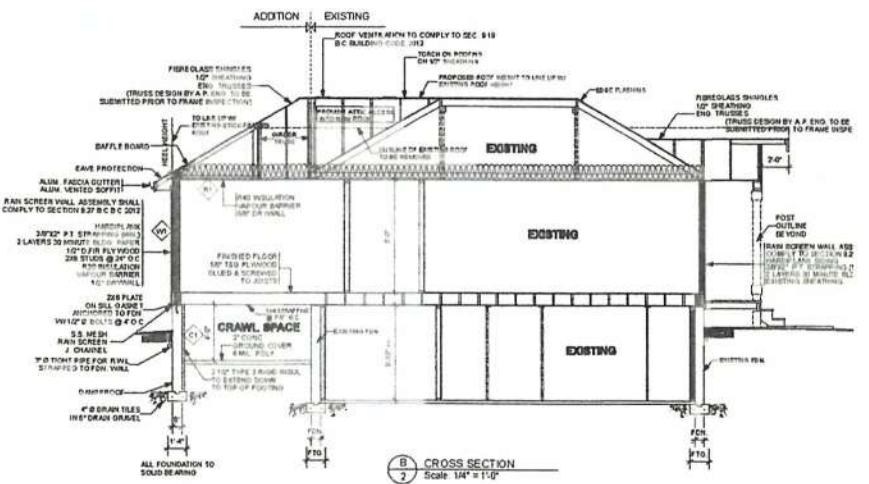
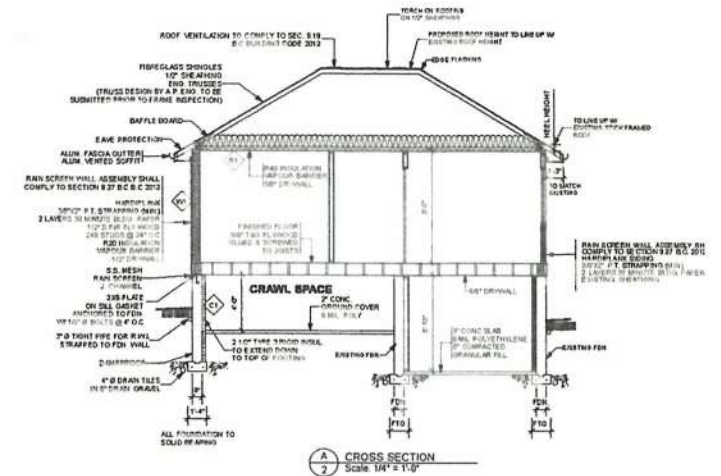
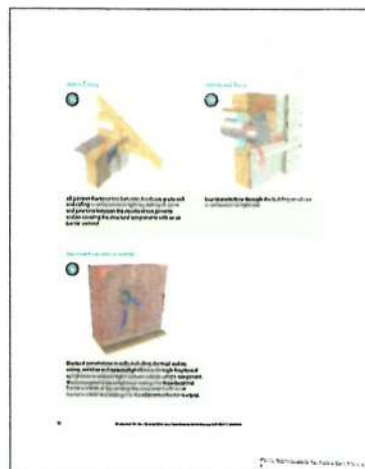
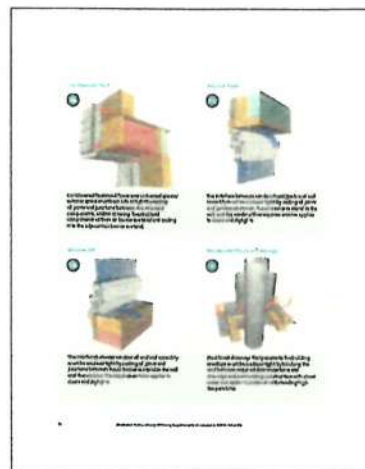


SCALE 1/4" = 1'-0"  
DATE: OCT 2015  
DRAWN BY: TBA  
CHK BY: KBA  
PLAN # 101

PROPOSED ADDITION FOR  
YI TZU CHEN & YUAN HAO CHEN  
863/865 VILLANCE ST.

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City of Victoria  
OCT 20 2015  
Planning & Development Department  
Development Services Division

<b>HARTMANN'S</b> DRAWING & DESIGN 1000 BAYVIEW AVE. SUITE 100 VICTORIA, BC V8V 2K6	SCALE: 1/4" = 1'-0" DATE: OCT 2015 DRAWN BY: TMAN CHK BY: KMAN PLAN # 101	<b>PROPOSED ADDITION FOR</b> <b>YI TZU CHEN &amp; YUAN HAO CHEN</b> <b>863/865 VILLANCE ST.</b>	SH <b>3</b>
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# ROOF TRUSS CEILING

DESCRIPTION	QUANTITY
SPRUE (0.000)	0.000
2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

DESCRIPTION	QUANTITY
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2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

# WALLS

DESCRIPTION	QUANTITY
SPRUE (0.000)	0.000
2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

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2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

# STRAPPED FOUNDATION WALLS

DESCRIPTION	QUANTITY
SPRUE (0.000)	0.000
2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

# FOUNDATION WALL (CONCRETE)

DESCRIPTION	QUANTITY
SPRUE (0.000)	0.000
2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

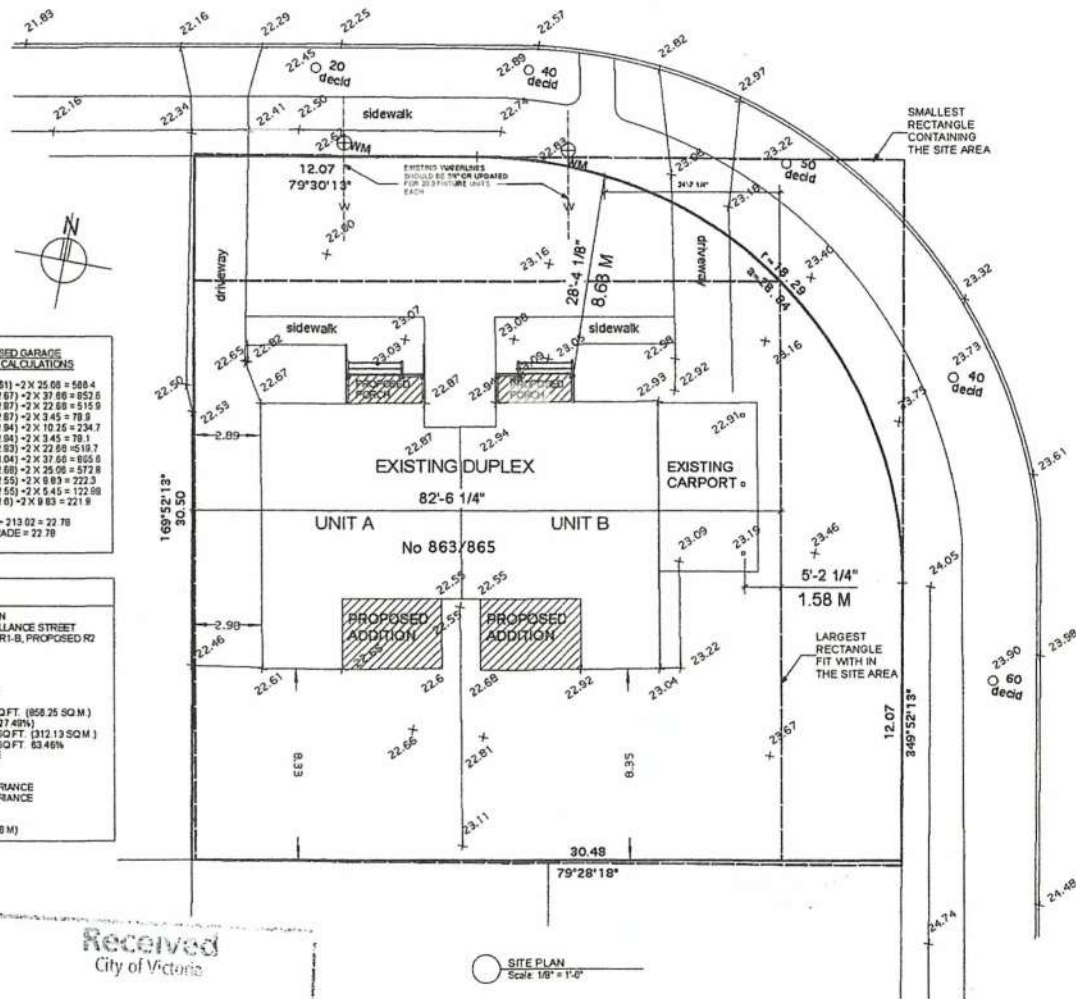
# PROPOSED GARAGE GRADE CALCULATIONS

DESCRIPTION	QUANTITY
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2x4 STUDS (AREA) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (LINE) (0.000 X 8.0 X 8.0)	0.000
2x4 STUDS (TOTAL) (0.000 X 8.0 X 8.0)	0.000

# SITE DATA

OWNER	JACK CHEN
ADDRESS	863/865 VILLANCE STREET
ZONE	EXISTING R1-B, PROPOSED R2
LEGAL DESCRIPTION	
LOT	65
PLAN	7282
SECTION	4
DISTRICT	VICTORIA
RANGE	
SITE AREA	9216.62 SQ FT (852.25 SQ M)
SITE COVERAGE	2534.023 (27.40%)
TOTAL FLOOR AREA	3359.762 SQ FT (312.13 SQ M)
TOTAL OPEN SITE SPACE	5856.858 SQ FT (542.44%)
REAR YARD OPEN SITE SPACE	
SETBACKS	
FRONT	1.58 M VARIANCE
REAR	2.88 M VARIANCE
SIDE	8.33 M
EXT. SIDE	8.83 M
BUILDING HEIGHT	18'-0" (5.49 M)

# Villance Street



Received  
City of Victoria

OCT 20 2015

Planning & Development Department  
Development Services Division



SCALE 1/8" = 1'-0"  
DATE OCT 2015  
DRAWN BY TSHAR  
CHK BY HSHAR  
PLAN 8-101

PROPOSED ADDITION FOR  
YI TZU CHEN & YUAN HAO CHEN  
863/865 VILLANCE ST.

01  
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