



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015

From: Brian Sikstrom, Senior Planner

Subject: Development Variance Permit No. 00152 for 361-363 Foul Bay Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

1. Plans date stamped June 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 1.6.6.a. – relaxation to increase site coverage from 30 percent to 41.10 percent;
 - ii. Schedule F, 5.b – relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent;
 - iii. Schedule F, Section 4.c – relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 922 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 361-363 Foul Bay Road. The proposal is to construct a two-car garage in the rear yard of a three-suite conversion. The variances are related to an increase in overall site coverage as well as rear yard site coverage and reducing a flanking street setback.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 16, General Form and Character, but is exempt from the applicable guidelines as the proposal includes a house conversion.
- The proposed site coverage increases (overall and for the rear yard) and reduced flanking street setback will not affect existing landscaping and will have minimal impacts on neighbouring properties.

BACKGROUND

Description of Proposal

The proposal is for the construction of a two-car garage in the rear yard of a three-suite conversion. The garage would replace two rear yard parking stalls. The proposed variances are related to an increase in overall site coverage, as well as rear yard site coverage and reducing flanking street setback.

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 Variance Permit Application.

Existing Site Development and Development Potential

The site is presently occupied by a three-suite conversion.

Under the existing R1-G Zone, the house could be replaced with a new single-family detached dwelling with a maximum floor area of 300 m², which could include a secondary suite. The size and depth of the lot meet the criteria for consideration of a rezoning for a duplex.

Data Table

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Zone Standard R1-G
Site area (m ²) - minimum	691.90	460.00
Number of units - maximum	3	4

Zoning Criteria	Proposal	Zone Standard R1-G
Density (Floor Space Ratio) - maximum	0.5:1	0.5:1
Total floor area (m ²) - maximum	345.76**	300.00
Lot width (m) - minimum	17.78	15.00
Height (m) - maximum	5.60	7.60
Storeys - maximum	2	2
Site coverage % - maximum	41.10*	30.00
Open site space % - minimum	52.25	50.00
Accessory Building		
Floor area - maximum	36.58	37.00
Height – maximum	3.12	3.50
Setbacks		
Flanking Street – Quixote	5.9*	7.5
Rear (north)	0.6	0.6
Side (east)	0.6	0.6
Separation Space - minimum	4.75	2.4
Rear yard site coverage – maximum	25.30*	25.00

Relevant History

On January 14, 2010 the Board of Variance approved an appeal granting a variance to permit exterior changes to the street façade (Quixote Place) for a triplex conversion. These changes included closing in two garages beneath the house.

On June 9, 2011 and October 29, 2012 the Board of Variance denied appeals for an accessory building in the rear yard. The minutes of the meeting indicate the objection of one adjacent neighbour citing construction impacts, the effect on views, crowding on the property and devaluing of property values. The minutes indicate no objections from two other neighbours; however, they expressed concerns regarding lack of consultation by the owner. The Board noted that there are three parking stalls on-site and acknowledged neighbours' concerns about construction and crowding. The Application was declined in a 3 to 1 vote.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 4, 2015 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. Staff advised the applicant that they should consult with the immediate neighbours, especially given the past experience and feedback from the Board of Variance.

ANALYSIS

Proposed Variances

The requested site coverage variance is in part due to the footprint of the existing house, which was built under the R1-B Zone which permits 40 percent site coverage. The requested rear yard site coverage for the garage is only marginally above the maximum of 25 percent. These variances do not affect existing landscaping and private open space, which is sufficient. The requested variance for distance of the garage from the flanking street is due to the narrow lot width in this location. The proposed garage structure is at a lower elevation than the house to the east and screened from it by vegetation.

CONCLUSIONS

Staff have reviewed the proposal and recommend that the Application move forward, based on the proposed garage having minimal impacts on the existing landscaping and to the surrounding neighbourhood. Staff, therefore, recommend for Council's consideration that Council support the proposed rear yard garage.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00152 for the property located at 361-363 Foul Bay Road.

Respectfully submitted,



Brian Sikstrom,
Senior Planner
Development Services Division

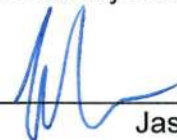


Alison Meyer,
Assistant Director
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

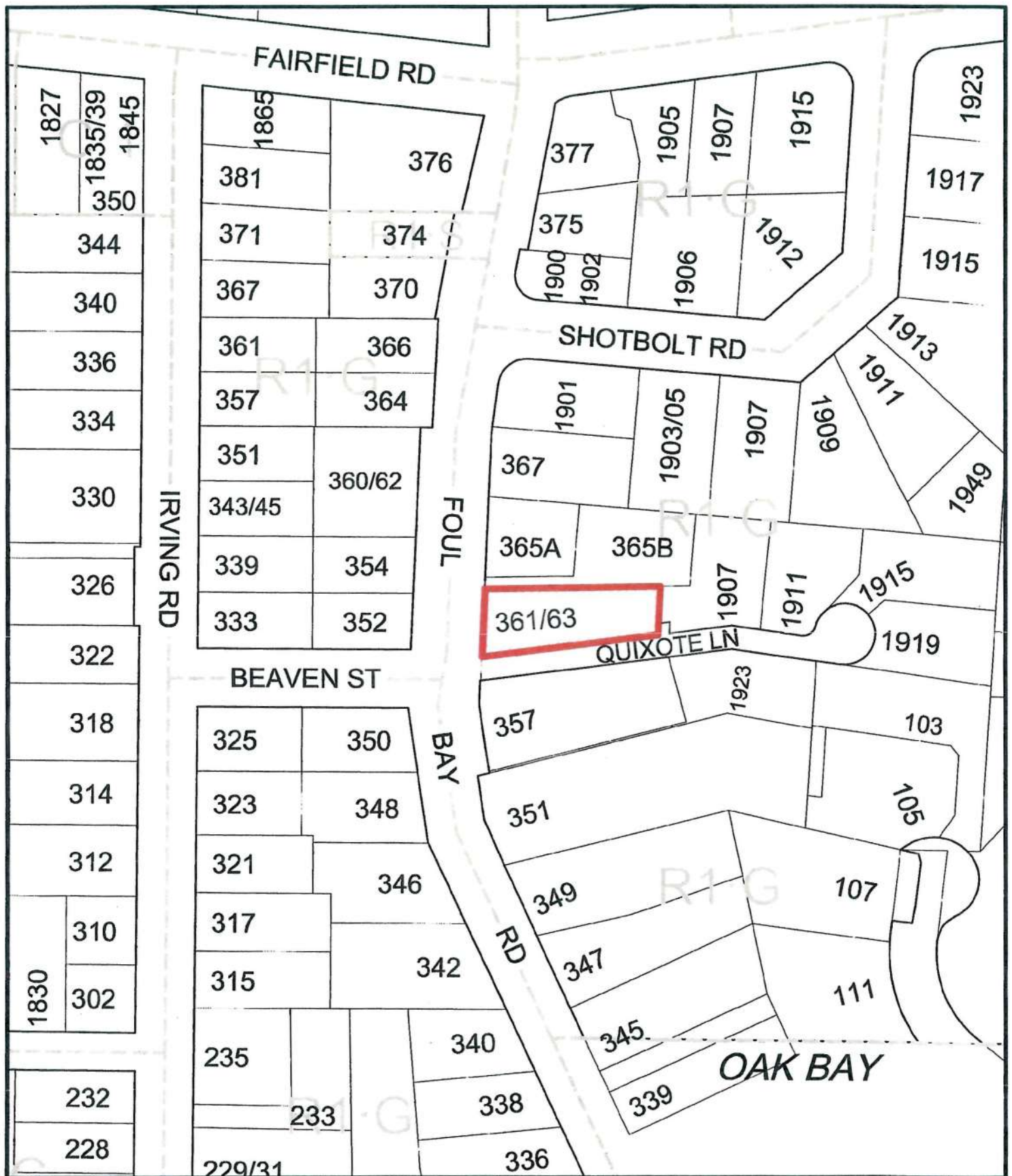
July 13, 2015

BMS:lw

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List of Attachments

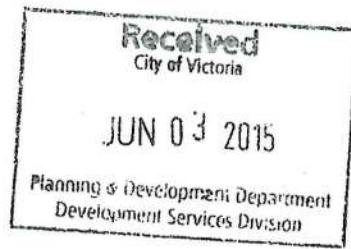
- Zoning map
- Aerial map
- Letter from applicant dated May 25, 2015
- Plans dated June 3, 2015.



361/363 Foul Bay Road
Development Variance Permit #00152







225 Skinner Street,
Victoria BC V9A 3B2
May 25, 2015

City of Victoria
Mayor and Council
1 Centennial Square,
Victoria, BC V8W 1P6

Dear Mayor Helps and Council,

Re: Application for Garage at 361, 363, 363A Foul Bay Road, Victoria BC

I hereby apply to the City of Victoria for a Development Permit to construct a garage at the above-mentioned address according to the plans submitted.

When I purchased this property, it was in need of improvements to both the interior and exterior to bring it up to the aesthetic and livability levels of the neighbouring properties.

I contacted Mr. Will Peereboom, of Victoria Design, who advised and provided me with an overall plan for the property. Part of his plan suggested converting the two existing garages, with the intent of constructing a new double garage in a safer location on the lot with better visibility to the street. Those existing garages were oriented in such a way that there was a major blind spot for exiting vehicles, creating a hazard for both the property residents' and other vehicles entering and exiting Quixote, as well as children and other pedestrians on the roadway.

I submitted a plan to the Board of Variance for the renovations specifically to enclose the garages, and was instructed to verify that there was proper access by way of the right-of-way (easement) to the upper part of this lot for replacement of the two garages.

My surveyor researched the easement over Quixote and verified there was proper access. This verification was forwarded to both the Board of Variance and the City of Victoria Building Department. When I received permission from the Board of Variance to proceed, there was no mention that I would not be able to replace the two garages with a proper two-car garage.

The currently submitted plans for the garage will not obstruct any views, including the upper properties, and will not require removal of any of the trees. The garage will be set back from Quixote to provide proper site lines and visibility for exiting vehicles.

This triplex has three two-bedroom units and a garage is a vital need for the residents of the property. Quixote is a very narrow cul-de-sac, and in order to accommodate emergency and other large vehicles, does not allow any on-street parking.

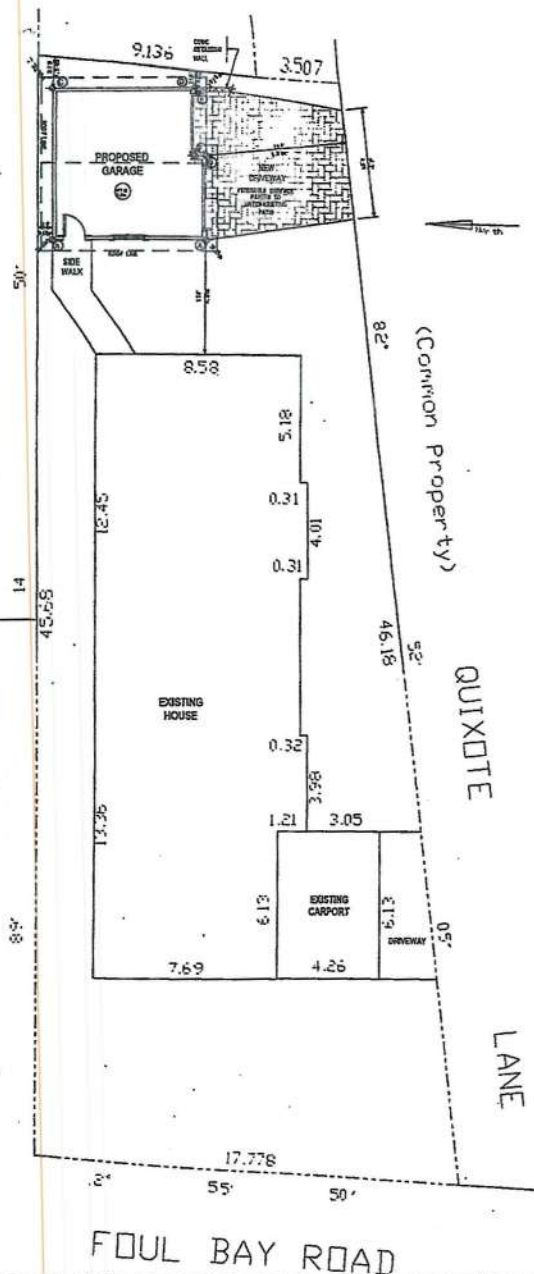
I thank you for your time in considering a Development Permit for this garage.

Sincerely



Ron MacDonald





B.C. Land Surveyor's Site Plan of

Lot A, Plan VIP87527, Section 68, Victoria District

All distances are in metres.
Lot dimensions derived from registered plans.

CIVIC ADDRESS:
361 Foul Bay Road, Victoria, BC

PID: 028-121-678

Legend:

Denotes spot elevation + 0.00

Elevations are geodetic
derived from monument 10-98

MICHAEL CLAXTON
LAND SURVEYING INC.

B.C. & Canada Lands Surveyor
Unit 80A 4223 Commerce Circle
Victoria, B.C. V8Z-6N6
Phone: 250-479-2258 Fax: 250-479-3831
Email: surveys@hllibre.ca

File: 18915(elle) AL FB423

Foul Bay Road

Lot A Plan VIP87527

dwelling not located

Quixote Lane
Common Property
Strata Plan 1880

This plan is prepared from
unchecked field data.
Check measurements prior to construction.

This document is for approval/discussion purposes only and not
to be used for the re-establishment of property boundaries.

This plan was prepared for design purposes and is for the
exclusive use of our client.

The signatory accepts no responsibility for any damages that
may be suffered by a third party as a result of reproduction, transmission,
or alteration to this document without consent of the signatory.

Field Survey: September 19, 2012

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AVERAGE GRADE CALCULATIONS						
ALL CALCULATIONS ARE IN METRIC						
GRADE POINT SEQUENCE	GRADE POINTS	AVERAGE OF POINTS (①+②) ÷ 2	=	DISTANCE BETWEEN POINTS	=	TOTAL(S)
① 20.25	② 20.25	20.25	20.25	6.00		120.00
② 20.50	③ 20.50	20.50	20.50	6.00		120.00
③ 20.80	④ 20.80	20.80	20.80	5.14		120.00
④ 20.75	⑤ 20.75	20.75	20.75	5.00		50.00
⑤ 20.25	⑥ 20.25	20.25	20.25	2.00		50.00
⑥ 20.25	⑦ 20.25	20.25	20.25	4.00		50.00
⑦ 20.25	⑧ 20.25	20.25	20.25	3.51		71.00
BASIC PERIMETER				25.00		
SIZE OF TOTAL						125.00
GRADE CALCULATIONS TOTALS: GRADED PERIMETER						
125.00 ÷ 25.00 = AVERAGE GRADE 20.25m						

SITE PLAN

CIVIC ADDRESS @ 361063 FOUL BAY ROAD

SCALE @ 1:100

THIS SITE PLAN IS BASED ON A COPY OF A
DIGITAL SITE COUNTRY AS SUPPLIED BY:
MDE CLAXTON-SOLE

SITE DATA

ALL MEASUREMENTS ARE IN METRIC

○ LEGAL DESCRIPTION: LOTA ; SECTION 68
VICTORIA DISTRICT ; PLAN VIP87527
PID: 028-121-678
ZONED: R1-0 ; MUNICIPALITY OF VICTORIA

○ LOT SIZE @: 51.9 m²

○ LOT COVERAGE @: 41.0% = 21.41 m²

(ALLOWABLE @ 30.0%)

(BOARD OF VARIANCE APPROVAL WILL BE REQUIRED)

PRINCIPAL BUILDING: TOTAL @ 24.54 m²

NEW ACCESSORY BUILDING: @ 19.67 m²

OPEN SPACE CALCULATIONS:

○ HOUSE @ 24.54 m²
PROPOSED GARAGE @ 35.57 m²
TOTAL @ 28.11 m²

LOT AREA @ 51.9 m²
BUILDINGS @ 28.11 m² DRIVEWAY(S) @ 48.40 = 330.40
OPEN SITE SPACE @ 330.40

LOT AREA @ 51.9 m²

PERCENTAGE OF LOT COVERAGE @ 47.2%

MAX ALLOWABLE @ 50.0%

○ REAR LOT COVERAGE @ 25.3%

ALLOWABLE @ 25.0%

(BOARD OF VARIANCE APPROVAL WILL BE REQUIRED)

REAR LOT SIZE @ 19.67 m²

REAR LOT COVERAGE @ 37.9%



3712 Highway 100, Suite 205, Victoria, BC V8N 6A2
Phone: 250-552-1111
Fax: 250-552-1111
Email: info@ajbdesign.com

NO.	DATE	DESCRIPTION
1	Feb 2013	Working & Permit Drawings
2	Apr 2013	Working & Permit Drawings Revised Site Boundary Final 2/1/13
3	Apr 2013	Working & Permit Drawings Revised Site Boundary Final 2/1/13

PROJECT TYPE
NEW GARAGE

SITE: 361063
FOUL BAY ROAD

FOR: RON
MacDONALD

DRAWN BY: Alan Blason
DRAWING NO.

1 of 1

NOTE TO PRINTERS
AND HOME DESIGN QUOTE
IT IS REQUESTED THAT THE REVISIONS
OF THESE PLANS TO BE MADE
BEFORE ANY WORK IS DONE
PLEASE PRINT THESE PLANS
PRINT IN GREEN/BLACK

Received
City of Victoria

JUN 03 2015

Planning & Development Department
Development Services Division

