



## Planning and Land Use Committee Report

For the Meeting of February 5, 2015

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**To:** Planning and Land Use Committee **Date:** January 23, 2015  
**From:** Brian Sikstrom, Senior Planner, Development Services Division  
**Subject:** Development Permit with Variances - Concurrent Application #00451 for 1049 Richmond Avenue

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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 00451, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application # 00451 for 1049 Richmond Avenue, in accordance with:

1. Plans date stamped August 27 and November 26, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Part 4 (2) (a): height increased from 7.50m to 8.55m for the existing single family dwelling;
  - ii. Part 4 (2) (b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
  - iii. Part 7 (1): site coverage increased from 30% to 33.04% for the proposed single family dwelling;
  - iv. Part 9 (1) (c): south side yard reduced from 2.40m to 1.56m for the proposed single family dwelling;
  - v. Part 9 (1) (c): north side yard reduced from 2.40m to 1.30m (cantilever portion only) and south side yard reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
  - vi. Schedule C 3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department."

### 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 1049 Richmond Avenue.

There are variances requested for both the existing and proposed single family dwellings and these relate to building height, number of storeys, proposed side yards and front yard parking.

The following points were considered in assessing this Application:

- This proposal is in keeping with the *Official Community Plan, 2012* and *Gonzales Neighbourhood Community Plan, 2002* objectives for sensitive infill development.
- The proposed design complies with the *Design Guidelines for Small Lot Houses, 2002*. The traditional design and massing of the new house fits in with the existing older houses in the area.
- The requested variances are supportable within the context of the site and neighbouring houses.

## 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 sections 920(8), where the purpose of 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, siting, form, exterior design and finish of buildings and other structures.

## BACKGROUND

### Description of Proposal

The proposal is for the construction of a new small lot single family dwelling. The proposed new house would be two storeys with a basement and would have three bedrooms and a single vehicle garage. The design is traditional with a pitched roof and raised front porch.

Materials include:

- composite cement siding
- cedar shingles
- painted wood
- concrete
- fibreglass asphalt shingle roofing.

The existing house is two storeys with a basement and has three bedrooms. A single vehicle parking space is proposed in the front yard.

The proposed site plan includes:

- retention of most of the existing front yard landscaping and fencing including a rock wall
- the provision of pervious panels in the driveways
- retention of existing landscaping and screening along the rear property lines.

The variances requested are:

- both houses would have two storeys and a basement, while the Zone permits one and half storeys with a basement
- the existing house would have parking located in the front yard instead of behind the front of the house
- the south side yard of the proposed new house and both side yards of the existing house would be less than the minimum Zone standard
- the height of the existing house is above the maximum Zone standard
- the site coverage of the proposed house would above the maximum Zone standard.

### Sustainability Features

As indicated in the applicant's list of sustainability features (attached), the following sustainability features are associated with this application:

- high efficiency gas furnace , "on-demand" water heater
- heat recovery ventilation
- energy star appliances
- additional insulation/draft protection
- low flow toilets and showers
- energy star windows
- pervious driveway paving
- rain barrels/rain water collection.

### Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling built in 1909.

Under the current R1-G Zone, Gonzales Single Family Dwelling District, the property could be developed with a new single family dwelling of up to 300m<sup>2</sup>, which may include a secondary suite. The lot size meets the criteria for consideration of a rezoning to duplex.

### Data Table

The following data table compares the proposal with the R1-G2 Zone, Gonzales Small Lot District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposed House	Existing House	R1-G2 Zone Standard
Site area (m <sup>2</sup> ) – minimum	350	389	300
Total floor area (m <sup>2</sup> )	209	232	
1 <sup>st</sup> and 2 <sup>nd</sup> floors (m <sup>2</sup> ) – maximum	159	149	160
Basement (m <sup>2</sup> )	50 <sup>1</sup>	83 <sup>1</sup>	
Density (Floor Space Ratio) – maximum	0.45:1	0.38:1	0.55:1
Lot width – minimum	10.84	11.83	10
Height (m) – maximum	7.31	8.55 <sup>2</sup>	7.5

Zoning Criteria	Proposed House	Existing House	R1-G2 Zone Standard
Storeys – maximum	2* (with basement)	2 (with basement) <sup>2</sup>	1.5 (with basement)
Site coverage (%) – maximum	33.04*	28.6	30
Open site space (%) – minimum Front Yard	60.3	63.5	50
Setbacks (m) – minimum			
Front	6	7.1 (front steps)	6
Rear	11.4	9.9	9.1
Side (north)	1.57	1.58* (bldg. face)/1.30* (cantilever)	1.5/2.40 (habitable room)
Side (south)	1.56*	1.61* (bldg. face)/ 1.20* (cantilever)	1.5/2.40 (habitable room)
Parking – minimum	1	1 (front yard)*	1 (side or rear yard)

Notes:

1. Basement floor area exempt
2. The existing house is currently non-conforming with respect to height and storeys under the existing R-1-G Zone, Gonzales Single Family Dwelling District.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fairfield-Gonzales CALUC at a Community Meeting held on April 22, 2014. A letter dated April 22, 2014, is attached to this report. This is a requirement associated with Rezoning Applications.

In addition, in accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 85% support the Application. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to the Rezoning report.

### ANALYSIS

#### Development Permit Area and Design Guidelines

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. The applicable design guidelines are the *Design Guidelines for Small Lot Houses, 2002*. Staff have reviewed this small lot house proposal for compliance with the applicable Guidelines and are generally satisfied with the design of the proposed new house and its height which are in keeping with the other houses in the area.

The requested variances for the existing house are due in part to its existing height, storeys and location. The request for the reduced south side yard setback is acceptable as there would still be sufficient separation space in relation to the proposed new house which has windows to non-habitable rooms on its north side. The requested variance to allow front yard parking for the existing

house, can be accommodated as the parking stall would be adequately screened from the public realm and neighbours with landscaping and through the retention of the existing stone wall.

The requested reduction in side yard setbacks for the proposed new house relate to two windows to habitable rooms on the south side of the building, however, there is sufficient separation space to mitigate potential privacy concerns. The requested site coverage increase is due to the Right-of-Way dedication required by the City. Without the dedication, the proposed new house would comply with the site coverage requirements.

## CONCLUSIONS

Overall, the proposal is consistent with the relevant design guidelines and results in a building design which fits in with the surrounding houses. The proposed variances are in several instances a result of existing conditions. Other variances are supportable within the context of the site and neighbouring houses.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application #00451 for the property located at 1049 Richmond Avenue.

Respectfully submitted,



Brian Sikstrom  
Senior Planner  
Development Services Division



Alison Meyer, Assistant Director  
Development Services Division  
Sustainable Planning and  
Community Development Department

Report accepted and recommended by the City Manager:

  
Jason Johnson

Date:

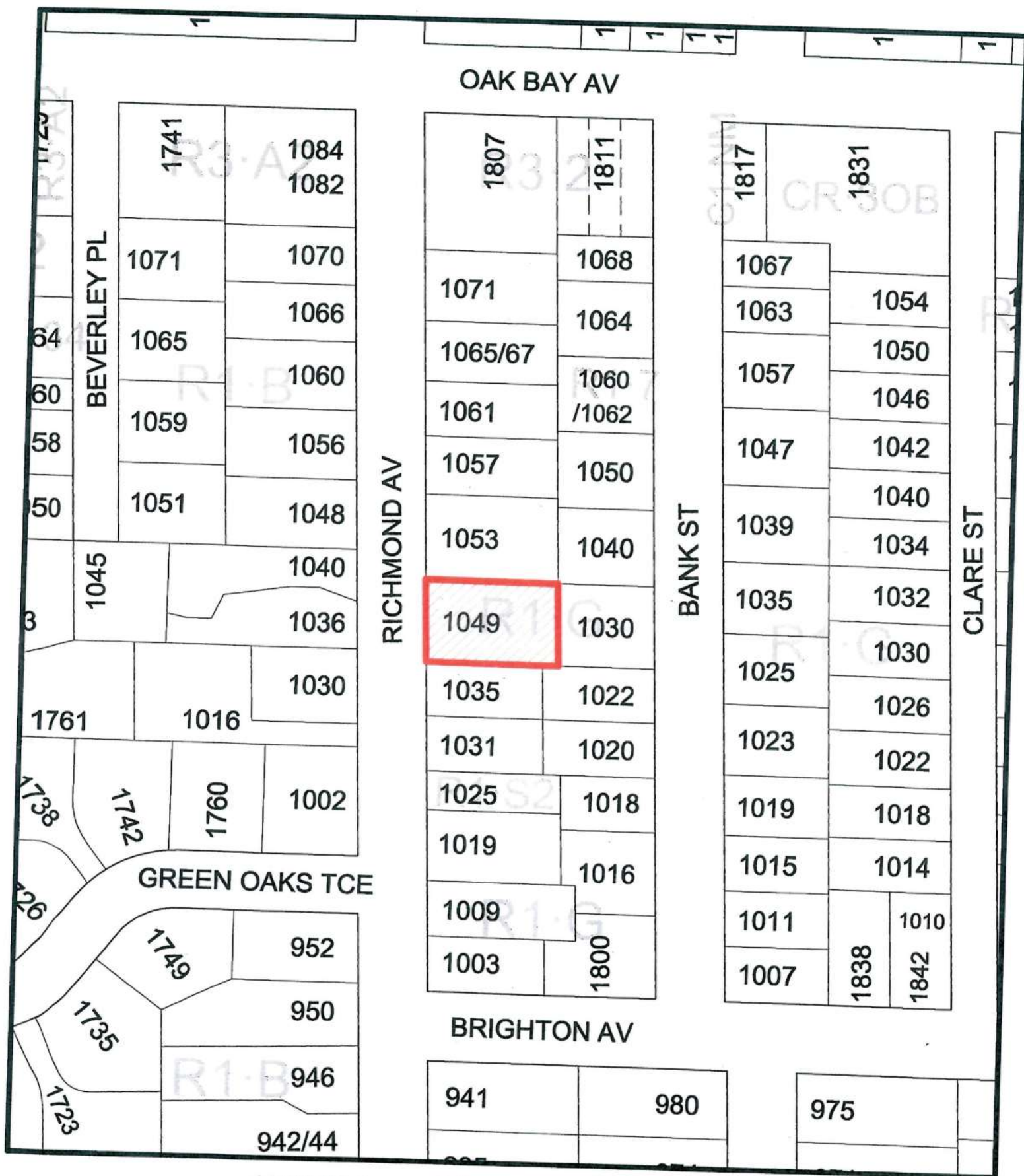
  
January 28, 2015

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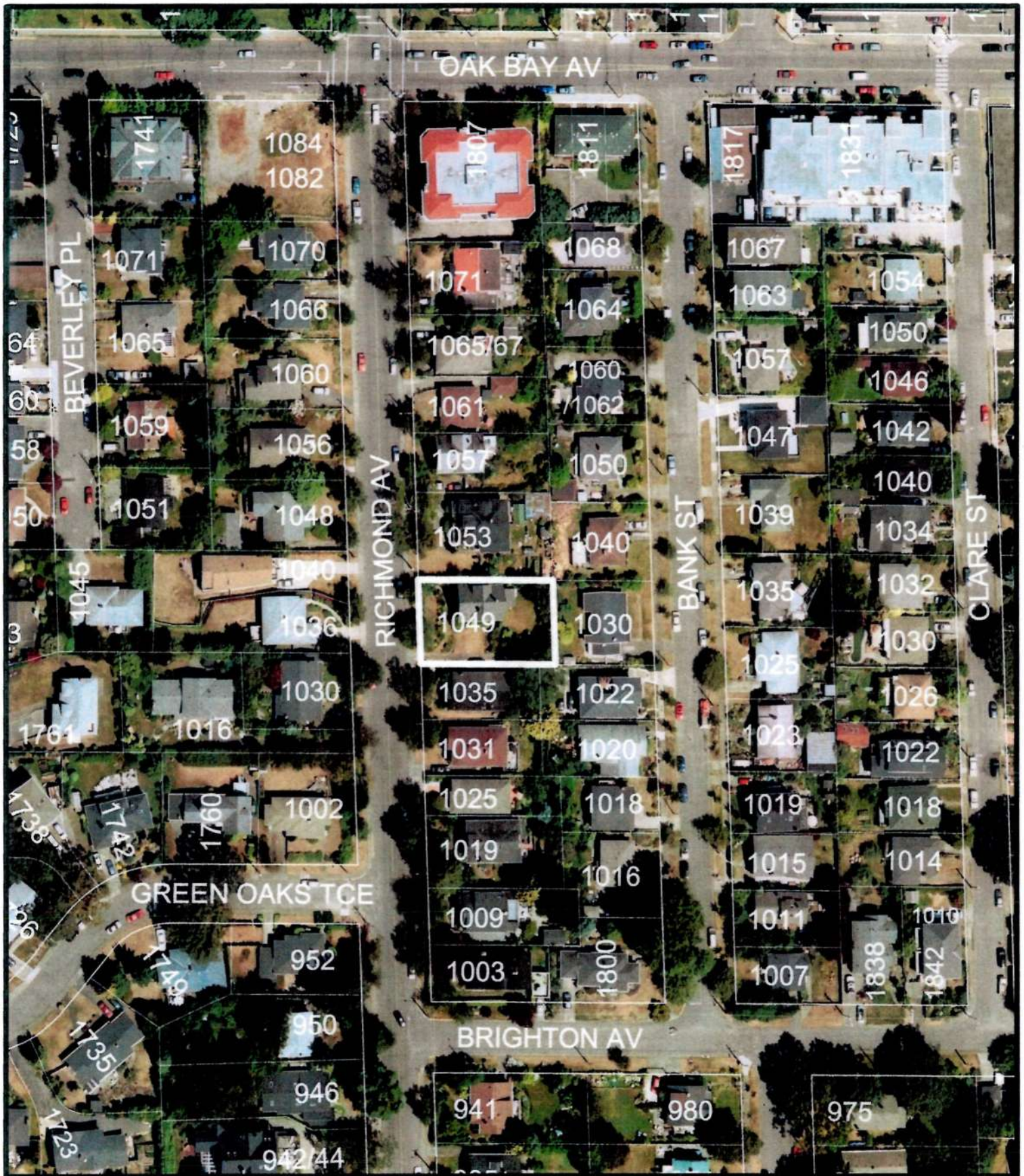
## List of Attachments

- Zoning map
- Aerial photo
- Letter from Applicant dated January 12, 2015 (with notes on sustainable building features attached)
- Plans for Rezoning Application #00451.



1049 Richmond Avenue  
Rezoning #00451  
Bylaw #





1049 Richmond Avenue  
 Rezoning #00451  
 Bylaw #





January 12, 2015

Dear Mayor Helps and Councillors,

**RE: Rezoning Application for a Small Lot Subdivision at 1049 Richmond Avenue**

We are pleased to submit our revised rezoning application to the City of Victoria that seeks your approval to subdivide our existing large lot at 1049 Richmond Avenue and build a new home for ourselves that is more suitable for us as retirees.

We have lived at 1049 Richmond Avenue since 1992 and have raised our two sons in this home while working in town. We have enjoyed the convenient location, the large yard, and traditional living space - the informal basement being a necessity for raising boys and entertaining their friends! With the boys increasingly independent and with us now planning for retirement, we have been thinking about our future housing needs. A house with fewer, larger rooms, a more modern layout and less yard to keep up will work better for us down the road.

We recognize our current personal situation and motivations for pursuing this rezoning may not be central to Council's decision, but we were pleased to discover that our proposal aligns well with the City of Victoria's land use policy. The Gonzales Community Neighbourhood Plan and City of Victoria Official Community Plan both support a small lot subdivision for properties like ours and a number of these have occurred in our neighbourhood. Our neighbourhood contains predominantly single family homes or duplexes, both owner-occupied and rental, but also includes in the immediate vicinity another small lot home (3 doors away), a panhandle lot (across the road) and two-small apartment buildings - one rental (next door on the North side) and the other stratified (immediately to the south-east on Bank Street).

Richmond Avenue is a larger, busier street than others nearby and potentially a good location for infill development. Most importantly, perhaps, the size of our lot and position of our early 1900s house allow us to retain the existing house while creating a small lot for a new two-storey house. If approved, the new house would help maintain the balance of single family homes in our block and in the evolving neighbourhood.

We have considered the City's Small Lot Rezoning Policy and Design Guidelines. We started our process with informal consultations with our neighbours, shared our early design ideas with them and then subsequently attended a community meeting with the Fairfield Gonzales Community Association. We also completed the required rezoning petition process and have support from 85% of our immediate neighbours.

The neighbourhood consultation provided us with valuable input and influenced our decision to pursue a traditional styled home. While our original application involved a proposal for an R1-S2 small lot, which allows for a larger home and greater lot coverage, advice from City staff and feedback from our neighbour on the south side of the proposed new lot have led us to change our application. Our revised proposal would rezone our current R1-G lot into two good sized lots with R1-G2 zoning.

The proposed new home features the following:

- “Traditional” styling with roof pitch, window proportions, trims, and finishes that complement the neighbourhood.
- A raised front porch and strongly visible entry, which are character defining elements of the neighbourhood. The front setback is greater than required and matches that of neighbour to the south.
- Retained rock wall in the front of the home and most of the significant mature front and back yard landscaping which we have cared for over many years.
- Adding a front yard parking stall to the lot of the existing house consistent with the front yard parking requirements in the R1-G Gonzales Single Family Dwelling District.
- Side window placements that consider privacy issues related to our existing home and our neighbours to the south.

While the project is consistent in all important respects with the scale and intent of the proposed zoning, it does require some minor variances. A number are needed for our current house due to its placement on the proposed smaller lot, its height and number of floors and the new parking stall (permitted by bylaw in R1-G Gonzales zones). With respect to the proposed new home on Lot B, the proposed side yard setbacks of 1.5 metres are permitted in the R1-G2 Zone if there are no windows that face neighbours’ habitable rooms. We believe, however, that fully blank walls on either side of the new home are inappropriate given that our proposed design allows for a front door entry in the middle of the building that fits well with others in the neighbourhood, rather than an entrance on the side. This design approach also allows for three upstairs bedrooms that will allow a broader range of possible occupants, such as families with children, when we no longer own the home. As documented by our proposal we have minimized the potential privacy and overlook issues with the careful choice of size, placement and type of glass in all of the windows facing neighbours.

Throughout the neighbourhood consultation process we have received positive support for our proposal. The only real concern has been raised by our neighbours to the south at 1035 Richmond Avenue, who are worried about a potential loss of ambient light that could result from having a new home in what is now open yard. The current occupants of the house (it has been a rental property for 30 years or more) are used to indirect light in their North-facing windows where previously that side had been shaded by the leaves and branches of a very large English Oak. The tree unfortunately had to be taken down recently for safety reasons on the recommendation of the City arbourist when severe rot was discovered in its trunk. Even with the proposed placement of the new house, there will still be about 4 metres of space between it and the neighbours at 1035 since their driveway lies between their house and the existing property line.

In response to their concerns we have focused on a traditional styled home with a sloped roof to increase light from the East and West, lowered the height of the building by approximately one foot from our original design to help with northern light, ensured the setback at the front matches their house and are specifying a light colour for the siding, to better reflect light on to their house. To address any worries regarding privacy, we are proposing to have only two windows on the south side of the new house (one required for egress from a bedroom) and their size and glazing will minimize any oversight of the neighbour’s kitchen and dining room.

City Planning staff have indicated that the R1-G2 reference zone for small lot infill developments in our neighbourhood has a lot coverage ratio of 30% (compared to 40% in other City neighbourhoods). We have revised our submitted plans to this standard by downsizing the proposed house in both lot coverage and floor area. The City Engineering Department has indicated, however, that should this proposal be approved by Council, we will be required to transfer 0.86 meters of land across the front of both lots to the City to provide for right of way in case Richmond Avenue needs to be widened in future. In the case of the proposed new lot, this dedication will reduce its size to the point that, even with the proposed new house designed below the maximum in the R1-G2 zone, the lot coverage ratio *after* the requested dedication would be marginally over the maximum. City staff have indicated that this will necessitate a technical variance.

We believe our proposal is a sensitive small lot subdivision proposal that ensures the retention of our existing home for the foreseeable future and adds a complementary new home into the neighbourhood. We have canvassed all of the neighbours in our block of Richmond and adjoining properties on Banks Street to show them our final proposed design and have received good support for the new house. We look forward to the opportunity to present this application to Mayor and Council.

Yours sincerely,



Julian Paine and Ann Marr

• 1049 RICHMOND AVENUE •

SUSTAINABLE BUILDING FEATURES

HIGH EFFICIENCY GAS FURNACE, 'ON-DEMAND'  
WATER HEATER

HEAT RECOVERY VENTILATION

ENERGY STAR APPLIANCES

ADDITIONAL INSULATION/DRAFT PROTECTION.

LOW FLUSH TOILETS.

LOW FLOW SHOWERS,

ENERGY STAR WINDOWS

PERVIOUS PAVING AS SHOWN

RAIN BARRELS/RAIN WATER COLLECTION.

Received  
City of Victoria

JAN 22 2015

Planning & Development Department  
Development Services Division

# BC LAND SURVEYORS SITE PLAN OF:

Civic: 1049 Richmond Avenue  
Legal - Lot 12, Section 74, Victoria District,  
Plan 2445, Except Part In Plan 16607

Parcel Identifier: 008-573-037

Scale - 1:100  
0 5 10

All distances are shown in metres.  
The intended plot size 15' by 24' (with C)

Legend  
Distances are generally referred to Victoria  
Horizontal Survey Measurement 10-1234 (Note = 28 700m)

1/4" = denotes - existing structure  
The dimensions are in centimetres.

Site Area = 757 m2

revised April 16, 2014

January 29, 2014

File: 11759-15

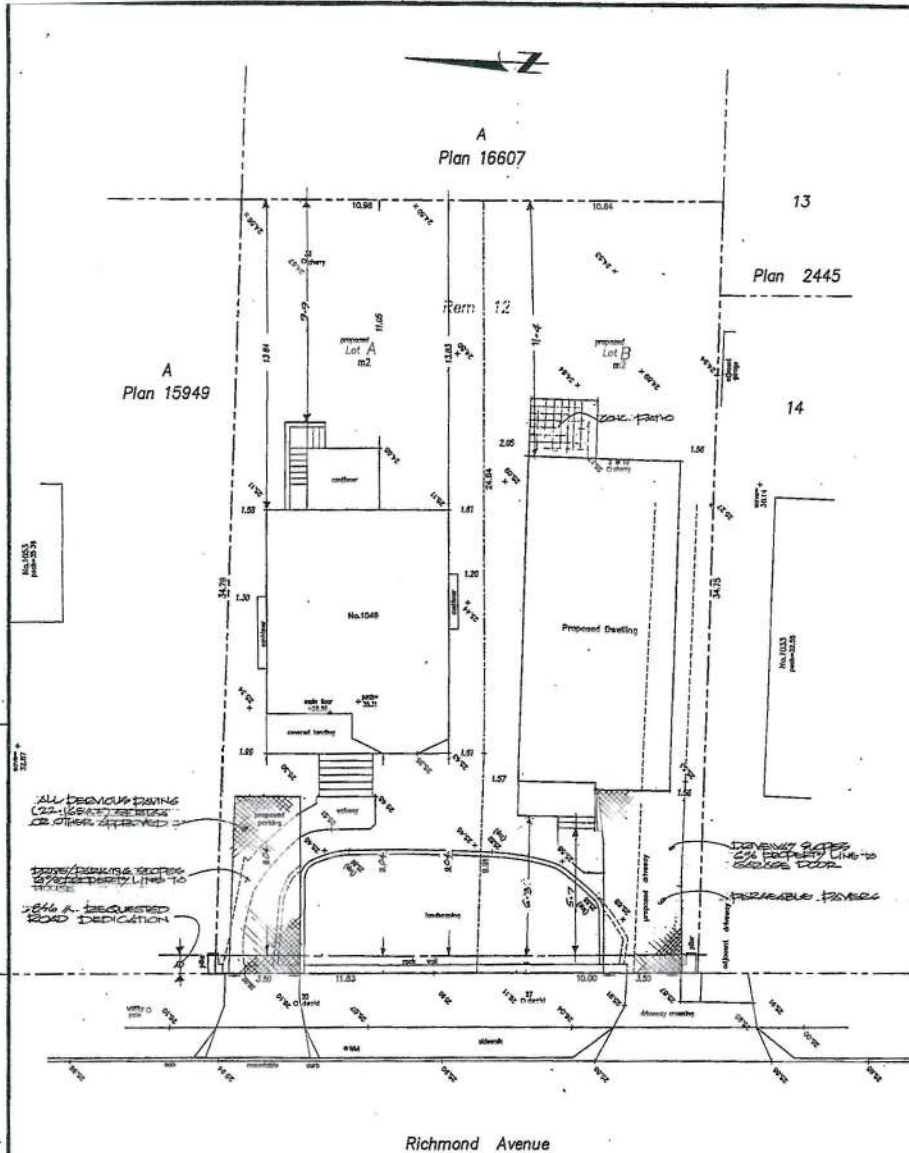
POWELL & ASSOCIATES

8 E. Land Surveyors

200-280 Douglas Street

Victoria, BC V8V 1K6

phone (250) 363-8885



## PROJECT DATA (ZONE R102)

EXISTING ITEM	EXISTING/REQ'D	PROPOSED TOTAL	PROPOSED LOT B
LOT AREA	300 A	269.574 A	350.44 A
DEPTH	10.0 A	11.03 A	10.04 A
LOT COVERAGE	30%	22.6% (202 SF)	30.5% (101-464)
15/20% LOT COVERAGE	160 A	146.76 A (1402 SF)	167.28 A (1745 SF)
TOTAL FLOOR AREA	N/A	N/A	N/A
FLOOR SPACE RATIO	0.55 to 1	0.38 to 1	0.44 to 1
HEIGHT	2 OR 1 1/2 STOREYS	2+STOREYS	2
FRONT SETBACK	5.0 A	9.0 A (7.15 STOREYS)	6.3 A (5.7 STOREYS)
REAR SETBACK	5.0 A	9.9 A	11.4 A
SIDE SETBACK (N)	1.5 A	1.6 A (1.5 TO 2.0 STOREYS)	1.5 A
SIDE SETBACK (S)	1.5 A	1.6 A (1.5 TO 2.0 STOREYS)	1.5 A
DESIGNED DRIVE	N/A	N/A	N/A
* INDICATES EXISTING CONDITION EXISTING VARIANCE			
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LANDSCAPE 1/6 MIN.	60%	68.0% (2476 A)	60.2% (211-484)
LANDSCAPE FRONTYDRAIN	60%	67% (770 A)	64.9% (241-149)
LAND/PARKING GRADE	6%	6%	6%
DRIVE/PARKING LOT	PERMEABLE	PERMEABLE	PERMEABLE

APPROVAL DATA - DEC 15/2014

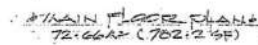
REVISED - REDUCED TO 2152 STOREYS

60% ROAD DEDICATION - NOV 24, 2014



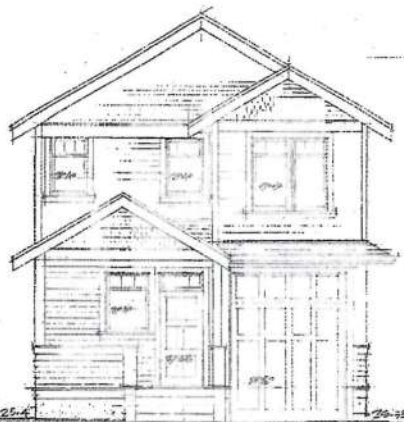
PROPOSED RESIDENTIAL DEVELOPMENT  
ANN ARBOR & JULIAN PAINE  
SURVEYOR'S SITE PLAN & PROJECT DATA  
VICTORIA, B.C.  
VICTORIA 888-3331, 1049 RICHMOND AVE.

DESIGNED BY  
PROJECT DESIGN  
SCALE 1:100  
DATE: JULY 7, 2014

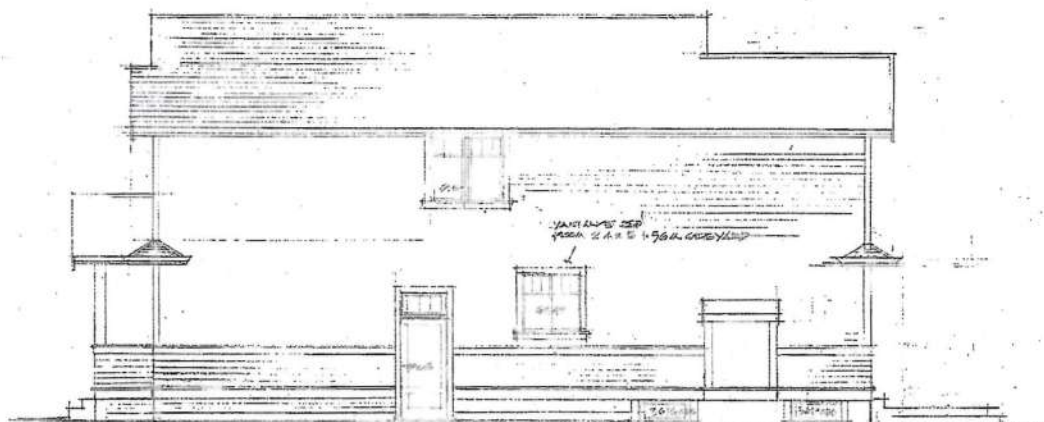


REVISED: NOV 24 2014 - SUPPLEMENT TO 2162

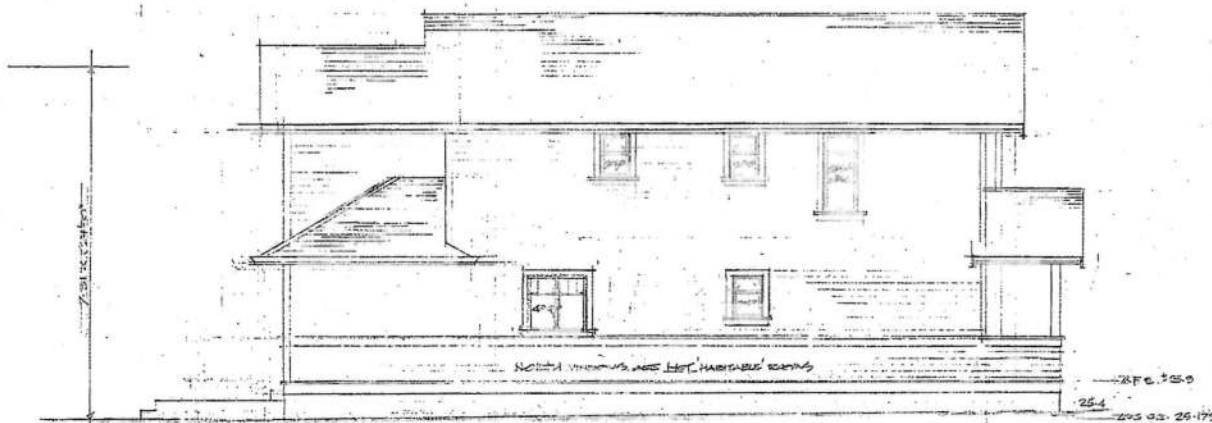
DATE: NOV. 24, 2014



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

CONCEPT ONLY  
B. B. C. E.

Received  
City of Victoria  
NOV 26 2014  
Planning & Development Department  
Development Services Division

REVISED - DOWNSTAIRS TO B1Q2, STAGNED - NOV 26 14

banks  
design



PROPOSED RESIDENTIAL DEVELOPMENT

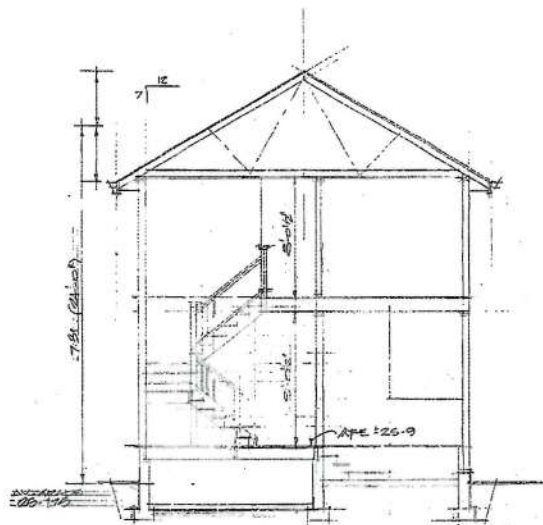
FOR SUN MAREE & LILIAN LANE

254 VICTORIA ST

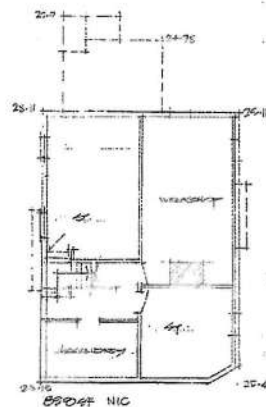
254 VICTORIA ST

254 VICTORIA ST

DESIGNED BY  
BANKS DESIGN  
254 VICTORIA ST  
VICTORIA, BC  
V8T 1A1  
TEL: 250-386-3331  
WWW.BANKSDSIGN.COM



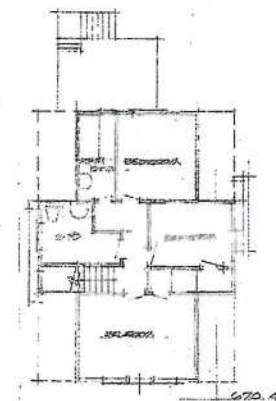
SECTION



EXISTING FLOOR PLAN

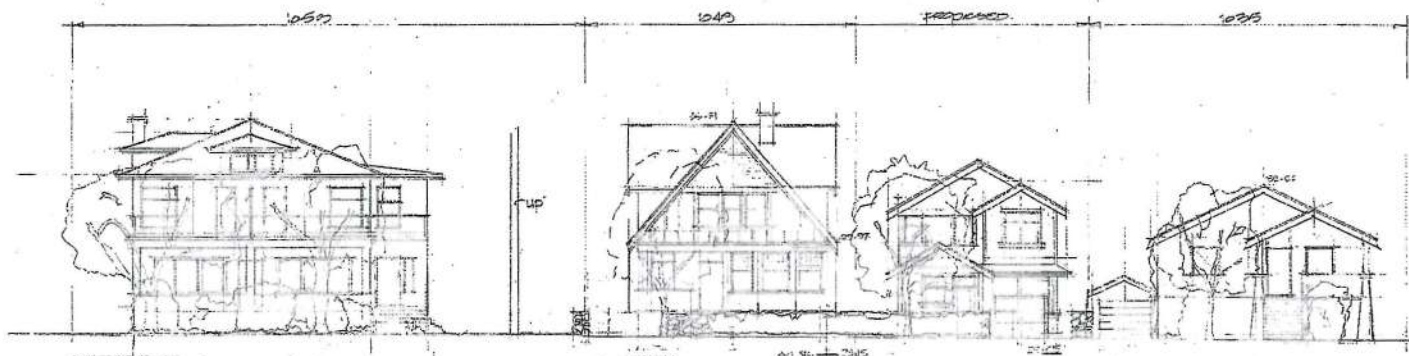


EXISTING FLOOR PLAN



EXISTING FLOOR PLAN

EXISTING FLOOR PLAN  
EXISTING FLOOR PLAN  
EXISTING FLOOR PLAN



STREET ELEVATION

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NOV 26 2014

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Development Services Division

DESIGNED BY  
BANKS DESIGN  
100-1000 RICHMOND AVE. #100  
VICTORIA, BC V8M 1A1  
TEL: 250-388-3333

PROPOSED RESIDENTIAL REDEVELOPMENT  
100-1000 RICHMOND AVE. #100  
VICTORIA, BC V8M 1A1  
TEL: 250-388-3333

