



## Planning and Land Use Committee Report

For the Meeting of December 11, 2014

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**To:** Planning and Land Use Committee **Date:** November 27, 2014  
**From:** Leanne Taylor, Planner, Development Services Division  
**Subject:** Development Variance Permit #00144 for 605-607 Marifield Avenue

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council convene a Hearing for the proposed variance associated with Development Variance Permit Application #00144 for 605-607 Marifield Avenue and, following the Hearing, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit #00144 for 605-607 Marifield Avenue, in accordance with:

1. Plans date stamped November 12, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Schedule "C" Section 3 – Relaxation to permit one parking space to be located in the front yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development."

### 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 605-607 Marifield Ave. The variance is related to the location of a parking space for the dwelling unit located at 605 Marifield Avenue.

The following points were considered in assessing this Application:

- The *Neighbourliness Guidelines for Duplexes* encourage driveways to have a minimum impact on a pedestrian's enjoyment of the street and be as attractive as possible by incorporating landscaping and design elements.
- Schedule C of the *Zoning Regulation Bylaw* requires one parking space per dwelling unit located in a garage or in the side or rear yard of a lot.
- The existing garage attached to the dwelling unit located at 605 Marifield Avenue was converted into living space. The variance is to allow a parking space in the front yard.

- The front yard parking would provide the required off-street parking space for the dwelling unit.
- Creating a parking space on the west side of the building behind the front wall is not a practical solution due to the width of the side yard.

## BACKGROUND

### Description of Proposal

The proposal is for a parking variance to allow a parking space in the front yard of dwelling unit located at 605-607 Marifield Avenue as a result of a garage being converted to living space. Specific details include:

- The front yard parking would provide the required off-street parking space for the dwelling unit.
- Creating a parking space on the west side of the building behind the front wall is not a practical solution due to the width of the side yard.
- Hard and soft landscaping is being proposed along the western property line, adjacent to the driveway and parking space.

### Sustainability Features

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

### Existing Site Development and Development Potential

The site is presently occupied by a duplex.

### Data Table

The following data table compares the proposal with the existing R1-B Zone, Single-Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing Zone. Two asterisks are used to indicate existing non-conformities.

Zoning Criteria	Proposal	R1-B Zone Standard
Parking – minimum	605 Marifield – 1* 607 Marifield – 1**	2
Parking Location	605 Marifield – Front Yard* 607 Marifield – Front Yard**	Rear yard or side yard

### Relevant History

The attached garage located at 605 Marifield Avenue was converted to living space (a bedroom) without a parking variance or Building Permit from the City. In compliance with the City's *Clean Hands Policy*, the applicant has also registered a Section 219 Covenant and obtained a Building Permit.



## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Variances Applications* on October 1, 2014, the Application was referred for a 30-day comment period to the James Bay Neighbourhood 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 Hearing.

## **ANALYSIS**

The following sections provide a summary of the Application's consistency with the relevant City policies.

### **Development Permit Area and Design Guidelines**

The *Official Community Plan (OCP)* identifies this property within DPA 15D, Intensive Residential - Duplex.

The *Neighbourliness Guidelines for Duplexes* encourage driveways to have a minimum impact on a pedestrian's enjoyment of the street and be as attractive as possible by incorporating landscaping and design elements. The applicant is proposing a cedar fence and hedge along the western property line to provide screening for the neighbouring property. The applicant indicated to staff that the screening was discussed and supported by the neighbour. For comparison, many of the homes on Marifield Avenue have a driveway at grade providing access to off-street surface parking.

The parking stall for 607 Marifield Avenue is partially located in the front yard, however, this parking configuration is considered legally non-conforming as the duplex was constructed prior to the adoption of the City's off-street parking regulations.

## **CONCLUSIONS**

The parking space proposed in front of the dwelling unit located at 605 Marifield Avenue provides a suitable alternative location for off-street parking for the occupants and enables the owners to retain the additional living space in this dwelling unit. As there are limited practical options for off-street parking on the subject parcel, this Application to maintain the existing front yard parking space represents a supportable solution.

## ALTERNATE MOTION

That Council decline Development Variance Permit Application #00144 for the property located at 605-607 Marifield Avenue.

Respectfully submitted,



Leanne Taylor  
Planner



  
Deb Day, Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

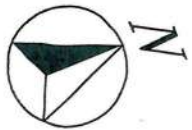
December 3, 2014

LT:aw

S:\TEMPEST\_ATTACHMENTS\PROSPERO\PL\DVP\DVP00144\PLUC REPORT 605 607 MARIFIELD.DOC

### List of Attachments

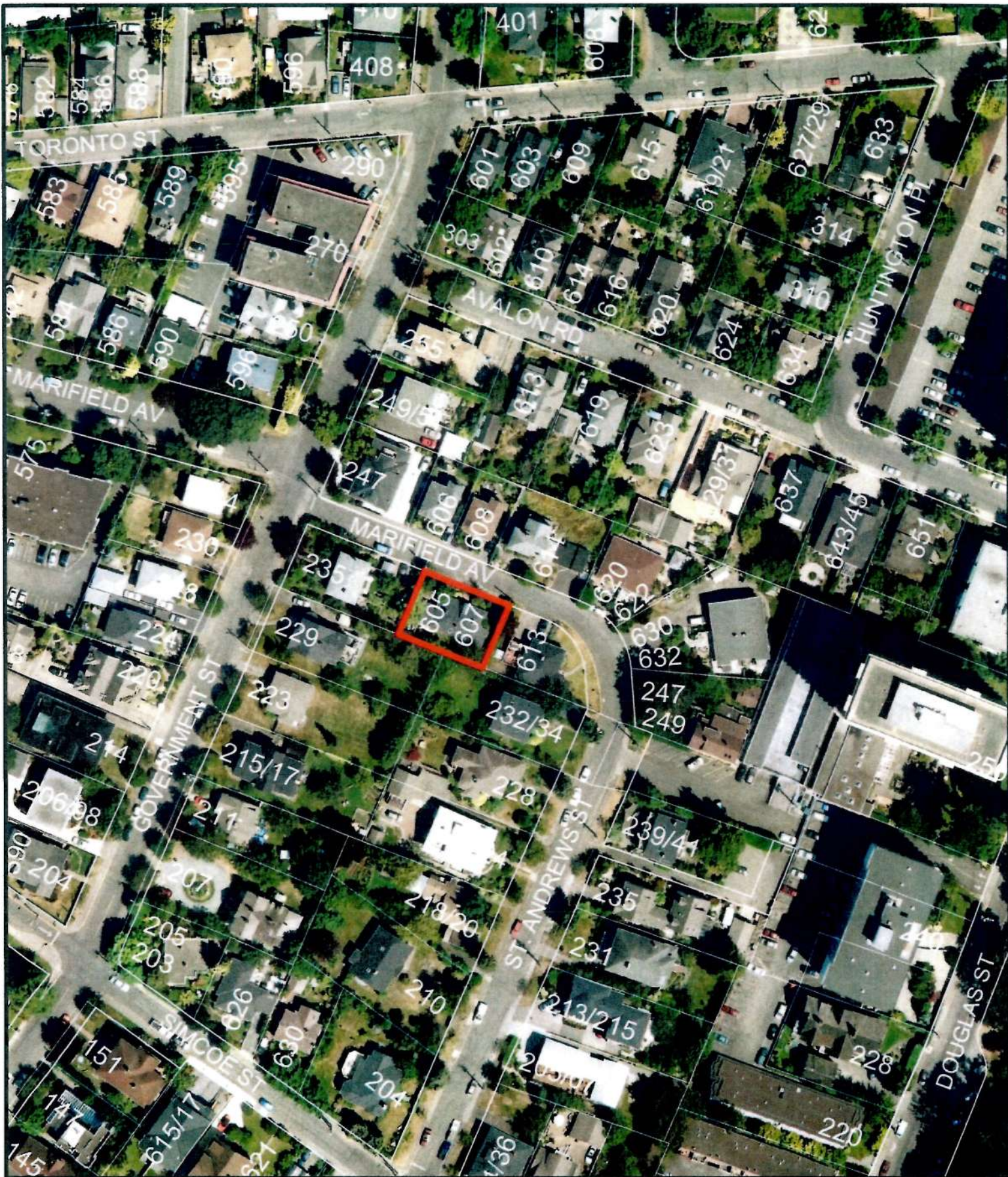
- Zoning map
- Aerial map
- Letter from applicant dated May 21, 2014
- Plans dated November 12, 2014.



605-607 Marrifield Avenue  
Development Variance Permit #00144







605-607 Marifield Avenue  
Development Variance Permit #00144







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Client understands that all  
dimensions are based on the  
current issue and amendments of C.S.A., C.G.S.B and N.B.C.  
All structural framing members are sized for standard grade  
No. 2 better Spruce-Pine-Fir (in accordance with N.L.G.A.  
standard grading rules for Canadian Lumber) except where  
specifically noted otherwise.

Framing contractor is to provide backing for all plumbing accessories,  
shelving, curtain rods, cabinets etc.  
Contractor shall be responsible for the proper setting out of all work  
and ensure no eccentric loads occur.

MECHANICAL  
Existing electrical baseboard heating remaining.  
Flash to be added over all exposed openings, doors, windows not  
directly protected by eaves, (that are being changed or added)  
Head flashing to meet BCBC 2012 Code  
Plumbing installation shall comply with current edition of a C.N.B.C  
Canadian Plumbing code and Electrical Code.

#### GENERAL NOTES

Dimensions given shall take preference over scales.  
Contractor to confirm all dimensions of Designer and  
Consultants prior to work commencement.  
Any discrepancies are to be reported.  
All materials to be of best quality, complying with the  
applicable sections of the latest C.S.A., C.G.S.B and N.B.C.  
standards. All materials shall be used strictly according to  
manufacturers printed directions.  
Hot Water to be converted to Gas  
All exterior finishes to match existing finishes, vapor barrier, flashing,  
weather barrier etc.

#### DEMOLITION

For all renovations, contractor must maintain strength and  
stability of existing structure; provide and install all  
shoring and props to uphold existing construction during the  
duration of work.

#### ROUGH CARPENTRY

Stud wall construction to be 2x4 framing 16" O.C.  
All construction and materials to comply with the 'approved'  
current issue and amendments of C.S.A., C.G.S.B and N.B.C.  
All structural framing members are sized for standard grade  
No. 2 better Spruce-Pine-Fir (in accordance with N.L.G.A.  
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#### LEGAL DESCRIPTION

Lot 2  
Section 1 BF  
Plan 3193  
City of Victoria

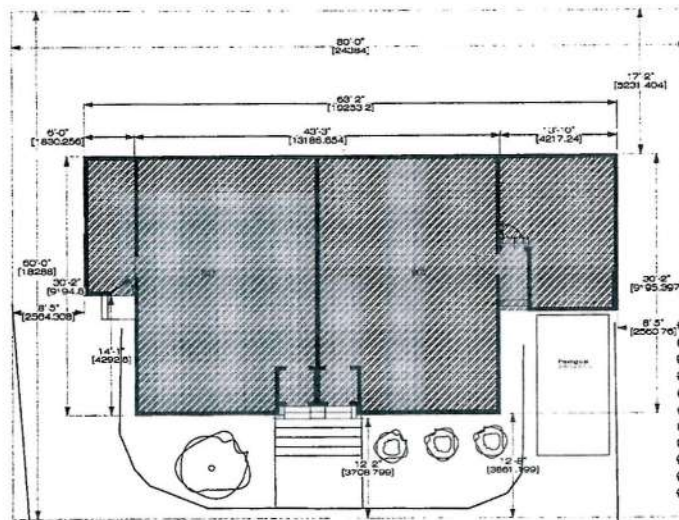
ADDRESS  
605/607 Marfield Avenue

Lot size - 445.935sq m  
House foot print - 153sq m  
1 Storey Duplex

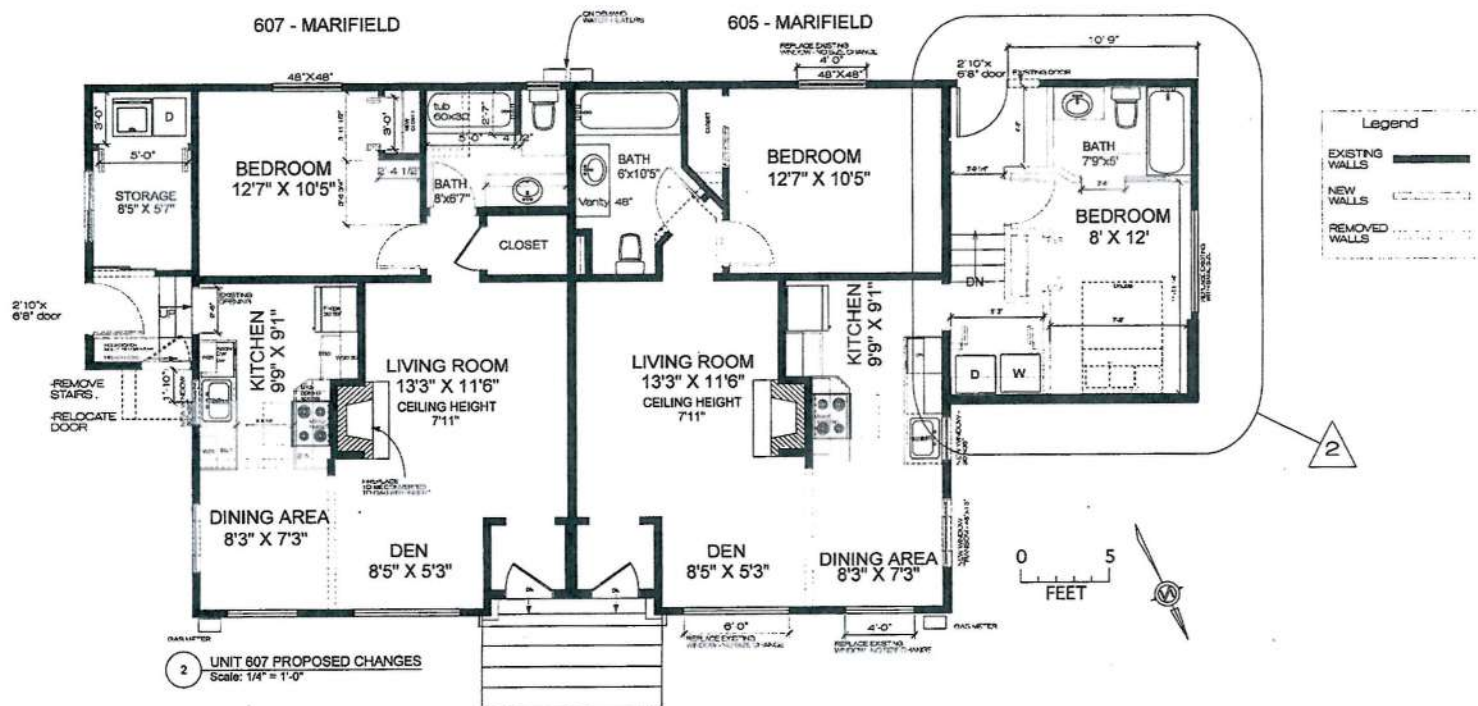
#### PROPOSED NEW BEDROOM AND BATHROOM - 21.895SQM

6" x 6" b.h Cedar cladding -  
From Back SW corner to  
edge of building bedroom.

Cedar hedge along property  
line.



1 SITE PLAN - 605/607 MARFIELD AVENUE  
Scale: 1:100



2 UNIT 607 PROPOSED CHANGES  
Scale: 1/4" = 1'-0"

REV NO	DESCRIPTION	DATE
1	30% DEVELOPMENT PERMIT	14.11.18
2	DEVELOPMENT PERMIT	14.09.12
3	REVISIONS	14.07.10
4	REVISIONS	14.04.03

project name  
607/605 MARIFIELD AVE

Victoria, BC

sheet title

PLANS

project no 646

drawing file

date NOVEMBER 7, 2014

scale

drawn by EM

checked by KW

revision no

sheet no

ID-01



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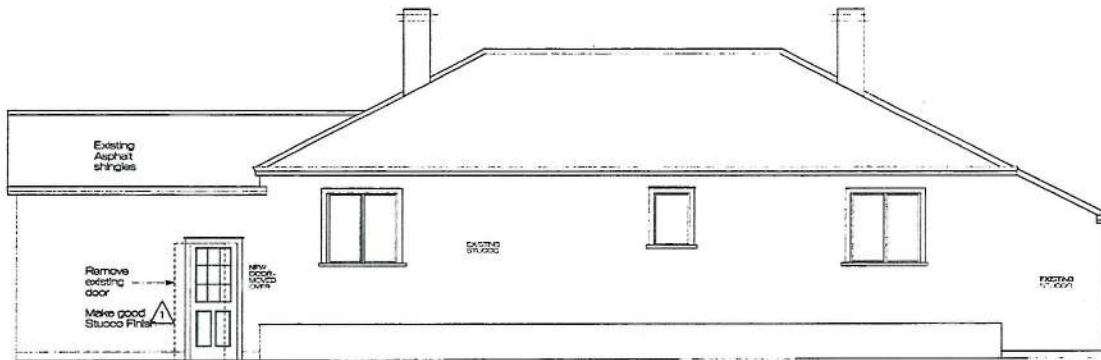
All work shall be done in accordance with the B.C. Building Code. The owner is responsible for obtaining all necessary permits and approvals.



1 NORTH ELEVATION  
Scale: 1/4" = 1'-0"



2 EAST ELEVATION-607 SIDE  
Scale: 1/4" = 1'-0"



3 SOUTH ELEVATION/BACK  
Scale: 1/4" = 1'-0"



4 WEST ELEVATION-605 SIDE  
Scale: 1/4" = 1'-0"

rev no	description	date
3	DEVELOPMENT VARIANCE	14.11.13
2	FINAL VARIANCE	14.09.12
1	VARIANCE SUBMISSION	14.07.10
0	ISSUED FOR PERMIT	14.06.10

project name  
607/605 MARIFIELD AVE  
Victoria, BC

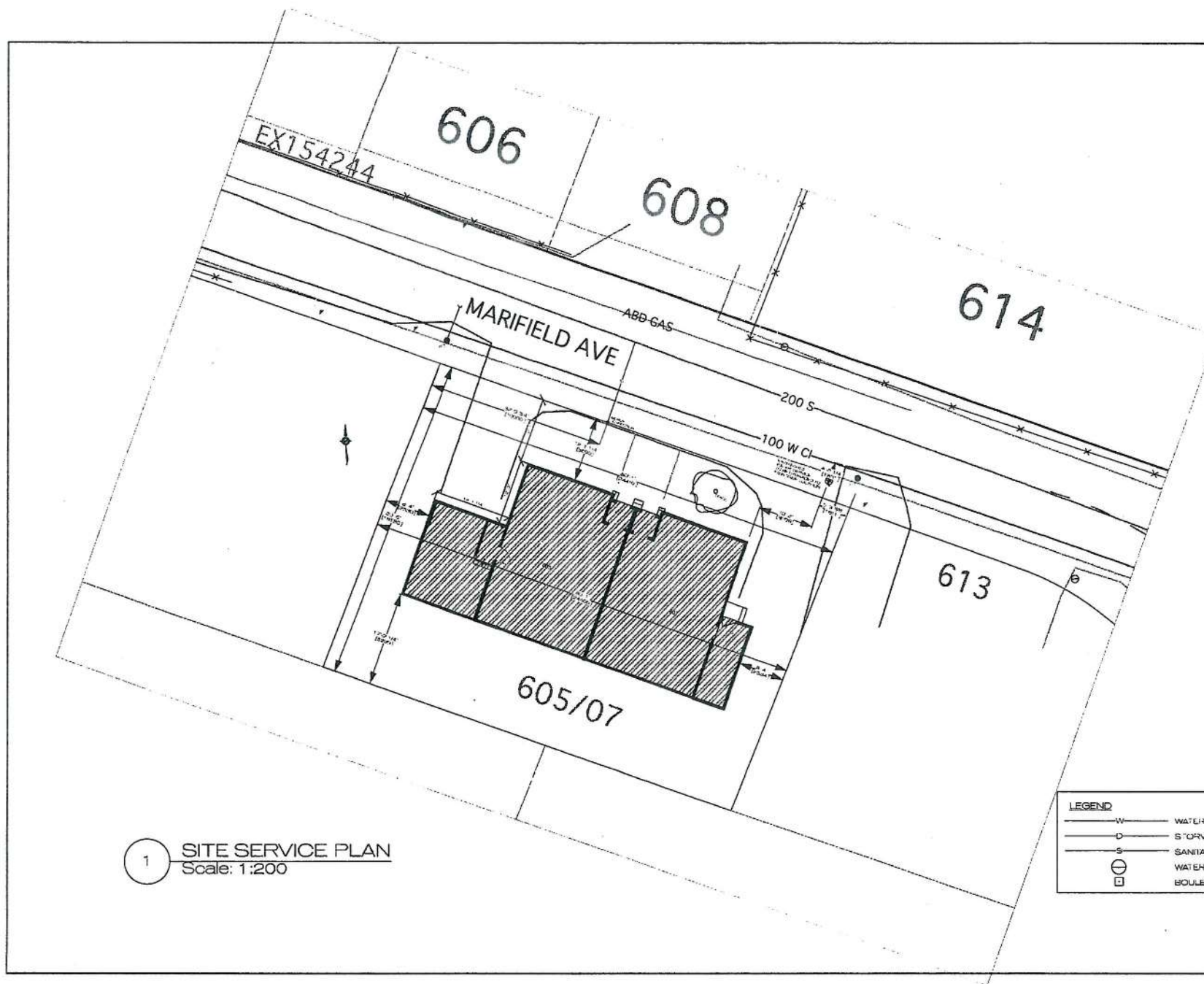
sheet title  
ELEVATIONS

project no  
drawing file  
date  
Nov 7, 2014

scale  
drawn by  
checked by  
revision no

sheet no  
ID-02





1 SITE SERVICE PLAN  
Scale: 1:200

LEGEND	
— W —	WATER MAIN
— D —	STORM DRAIN
— S —	SANITARY SEWER
⊙	WATER METER
□	BOULEVARD WATER SERVICE



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All work must be done in accordance with the British Columbia Building Code, the rules and customs of best trade practice, and these specifications.

PROJECT NO.

CLIENT NAME & ADDRESS  
605/607 MARIFIELD AVENUE

CLIENT APPROVAL

DATE ISSUED/REVISIONS

140620	FOR PERMIT
140912	DEVELOPMENT VARIANCE
141118	DEVELOPMENT VARIANCE

DRAWING TITLE

605/607 SITE SERVICE PLAN

SCALE NTS

DRAWN BY EM

REVIEWED BY KW

PAGE No.

ID03 of

**Mayor & Council**  
**City of Victoria**  
**Re: Development Variance application**

As of May 30, 2014, my wife Corrine Storey, my son Adam Storey, and myself Randy Storey purchased the property at 605 & 607 Marifield avenue in James Bay. In an effort to help my son get started in the real estate market, he purchased unit 607 Marifield while Corrine and myself purchased unit 605.

The property was listed as a "legal non-conforming duplex" with unit 607 having 1 bedroom and unit 605 having 2 bedrooms. In good faith we purchased the building engaged the services of a designer to restore the building as it has been a rental for a good portion of its 70+ years of life. The designer was hired as we did not want to materially change the building but update it while remaining sensitive to the neighbours house styles and colour schemes. It was when we brought in the first set of building plans for submission that we found out the building was really two 1 bedroom units and that the 2<sup>nd</sup> bedroom was actually a garage based on the original 1941 building plans. Evidently, we were the victim of a previous owner doing an un-permitted garage conversion, to which we were now responsible.

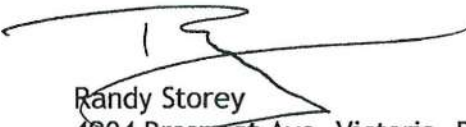
My son and ourselves outlaid a large sum of money for this house, it became evident that the only way we would be able to begin some of the extensive renovations was to submit a building plan showing the 2<sup>nd</sup> bedroom being converted back to a garage, as per recommended by city staff. We submitted the aforementioned permit request and were issued building permit BP05134. Subsequently, due to its non conforming status, we were required to submit for an additional permit, subject to board of variance approval, changing several window sizes, door locations and the entrance roof peak (entirely to increase the appeal in the style of the neighbourhood). The variance was approved as was building permit BP051368. Neighbour feedback on the plans and work to date has been very positive.

We are now at the stage where we need to ask for your permission to legitimize this long standing garage conversion. In discussions with city staff, it was suggested the issue pertains around the amount of off street parking available. While the building has sufficient off street parking, 1 space for the 1 bedroom unit, and 2 spaces for the 2 bedroom unit, the issue is the setback from the front edge of the building envelope. Unit 607, the 1 bedroom side, has a depth of 14 feet from the front lot line. Unit 605, the 2 bedroom side, has a depth of 12 feet from the front lot line. Due to side yard setbacks, there is no more room available.

Even if we converted the bedroom back to a garage, it is only an 8' wide 1 car garage, which will still leave several cars parked out front.

We hereby request your approval to relax the off street parking regulations for this lot.

Thank you for your time and consideration.



Randy Storey  
4904 Prospect Ave, Victoria, BC, V9E 1J5, 250.881.0339