



## Planning and Land Use Committee Report

For Meeting of September 18, 2014

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**To:** Planning & Land Use Committee **Date:** September 4, 2014  
**From:** Leanne Taylor, Planner, Development Services Division  
**Subject:** **Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street** – Application to vary lot width and rear yard setback in order to allow a three lot residential subdivision in the R1-B Zone.

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding the subdivision of two existing lots into three lots located at 1066 and 1070 Finlayson Street. To facilitate this subdivision under the R1-B Zone, Single Family Dwelling District, a reduction in the minimum lot width from 15 m to 14 m for Proposed Lot A and a reduction in the rear yard setback at 1070 Finlayson Street from 8.98 m to 5.67 m have been requested.

The following points were considered in assessing this application:

- the proposed three lots are larger than the minimum lot size required in the R1-B Zone
- the proposed lot width variance is minor in nature and does not adversely affect the potential to accommodate a single family dwelling on the proposed new lot.
- the proposed rear yard setback variance at 1070 Finlayson Street would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property.
- an existing carport, deck and a portion of the concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.

For the above reasons, staff recommend that the Committee consider supporting this application.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit Application requires notification, sign posting and a Hearing.

### Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street.
2. That the following motion be the subject of a Hearing:

That Council authorize the issuance of Development Variance Permit #00138 subject to:

- a. plans dated May 21, 2014, for Development Variance Permit Application #00138;
- b. the development meeting all Zoning Regulation Bylaw requirements, except for the following:
  - i. Part 1.2, Section 1.2.2. b: Lot width of Proposed Lot A be varied from the required 15 m to 14 m,
  - ii. Part 1.2, Section 1.2.5. b: Rear yard setback of 1070 Finlayson Street be varied from the required 8.98 m to 5.67 m,
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Leanne Taylor  
Planner  
Development Services



Deb Day, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
\_\_\_\_\_  
Jason Johnson

Date: Sept. 11/14

LT:aw

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## 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit Application for the properties at 1066 and 1070 Finlayson Street.

## 2.0 Background

### 2.1 Description of Proposal

The proposal is for lot width and rear yard setback variances to facilitate a subdivision application for the subject properties, which are zoned R1-B, Single Family Dwelling District.

### 2.2 Data Table

The following data table compares the proposal with the existing R1-B Zone. 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. As plans for a new house on the proposed lot are not being advanced at this time, "n/a" is used to indicate that the requirements are not applicable at this time; however, a future house on this lot would be subject to the R1-B Zone standards.

Zoning Criteria	1066 Finlayson	1070 Finlayson	Proposed New Lot on Jackson	R1-B Zone Standard
Site area (m <sup>2</sup> ) – minimum	591.7	591.8	462.9	460
Lot width (m) - minimum	16.52	16.52	14 *	15
Total floor area (m <sup>2</sup> ) – maximum	300	180	n/a	300
Height (m) – maximum	6.4	5.6	n/a	7.6
Site coverage (%) – maximum	20	30	n/a	40
Storeys – maximum	2.5**	2	n/a	2
Setbacks (m) - minimum				
Front	6.19**	12.32	n/a	7.5
Rear	10.67	5.67*	n/a	8.98 /8.98 /8.27
Side (west)	3.42	1.55**	n/a	3.0 or 10% of the lot width
Side (east)	1.72	n/a	n/a	1.65
Side on flanking street (east)	n/a	3.43**	n/a	3.5
Parking – minimum	1	1	n/a	1



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

The two subject properties have a site area of 823 m<sup>2</sup> and both are occupied by single family dwellings and accessory structures.

Under the R1-B Zone, all three properties could be developed with a single family dwelling unit and a secondary suite.

## **2.3 Land Use Context**

The properties are located in the Hillside-Quadra Neighbourhood on the north side of Finlayson Street. The immediate neighbourhood is generally characterized by single family homes.

## **2.4 Legal Descriptions**

- The westerly ½ of lot 29, Section 4, Victoria District, Plan 796
- The easterly ½ of lot 29, Section 4, Victoria District, Plan 796.

## **2.5 Consistency with other City Policy**

### **2.5.1 Official Community Plan, 2012**

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Traditional Residential. The strategic direction in the OCP for Hillside-Quadra Neighbourhood encourages the preservation of the ground-oriented Traditional Residential character in the majority of the neighbourhood. The proposed three-lot residential subdivision is consistent with the Traditional Residential Urban Place Designation in the OCP.

### **2.5.2 Hillside-Quadra Neighbourhood Community Plan (1996)**

The application is consistent with the *Hillside-Quadra Neighbourhood Community Plan (1996)*, which recommends that much of the neighbourhood should be kept as low-density housing, such as single family homes with secondary suites, single family homes on small lots and duplexes. In the Plan, the R1-B Zone is considered to be an appropriate zone for this neighbourhood.

## **3.0 Community Consultation**

In compliance with the Community Association Land Use Committee (CALUC) Procedures for Processing Variances, the application was referred to the Hillside-Quadra Neighbourhood CALUC on August 19, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Variance Permit Application requires notification, sign posting and a Hearing.

## **4.0 Issues**

The primary issues associated with this application are:

- lot width variance
- rear yard setback variance.

## **5.0 Analysis**

### **5.1 Lot Width Variance**

The minimum requirement for lot width permitted in the R1-B Zone is 15 m. The proposed new lot has a lot width of 14 m and, therefore, a relaxation of one metre is required. The lot width of the two existing parcels is 16.52 m. The main items for analysis are to what extent this affects the potential to accommodate a single family dwelling on the new lot, the impact to the established pattern of development and neighbourhood character.

While taking into account the setback and parking requirements in the R1-B Zone, a 14 m lot width will support a building envelope width of 9.5 m to 10 m. A building envelope width of 9.5 m is adequate to achieve a building design where the massing and proportion of the house can resemble the existing character of the neighbourhood. For comparison, some examples of lots in the neighbourhood and in close proximity to the subject properties with lot widths less than 15 m include: 1124, 1126, 1130, 1132, 1204, 1208 and 1212 Finlayson Street. These properties are occupied by single family dwelling units.

The majority of the existing housing stock on Jackson Street was built in the 1950s and 1960s. The established neighbourhood pattern of development is ground-oriented single family dwellings. A single family dwelling with surface parking could be accommodated on the new proposed lot and fit in with the existing neighbourhood character.

### **5.0 Rear Yard Setback Variance**

The minimum rear yard setback permitted in the R1-B Zone, Single Family Dwelling District, is 8.98 m. In order to subdivide 1070 Finlayson Street to create the proposed new lot with 1066 Finlayson Street, the request is to reduce the rear yard setback at 1070 Finlayson Street from 8.98 m to 5.67 m. A relaxation of 3.31 m is required. The proposed rear yard setback variance would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property. An existing carport, deck and a portion of concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.

## **6.0 Resource Impacts**

There are no resource impacts anticipated.

## **7.0 Conclusions**

This application is for a Development Variance Permit to allow a three-lot subdivision. There is sufficient lot area to create three R1-B lots. The reduced lot width will not compromise the potential to create an attractive and functional house design and is consistent with the established character of the neighbourhood.

The proposed rear yard setback variance at 1070 Finlayson Street would reduce the area of the rear yard space associated with the existing property; however, there is extensive landscaping and private amenity space in the front yard of this property. An existing carport, deck and a portion of concrete driveway located in the rear yard would be removed and replaced with new landscaping, which will provide additional useable private amenity space on the lot.



## **8.0 Recommendations**

### **8.1 Staff Recommendations**

1. That Council schedule a Hearing to consider Development Variance Permit Application #00138 for 1066 and 1070 Finlayson Street.
2. That the following motion be the subject of a Hearing:

That Council authorize the issuance of Development Variance Permit #00138 subject to:

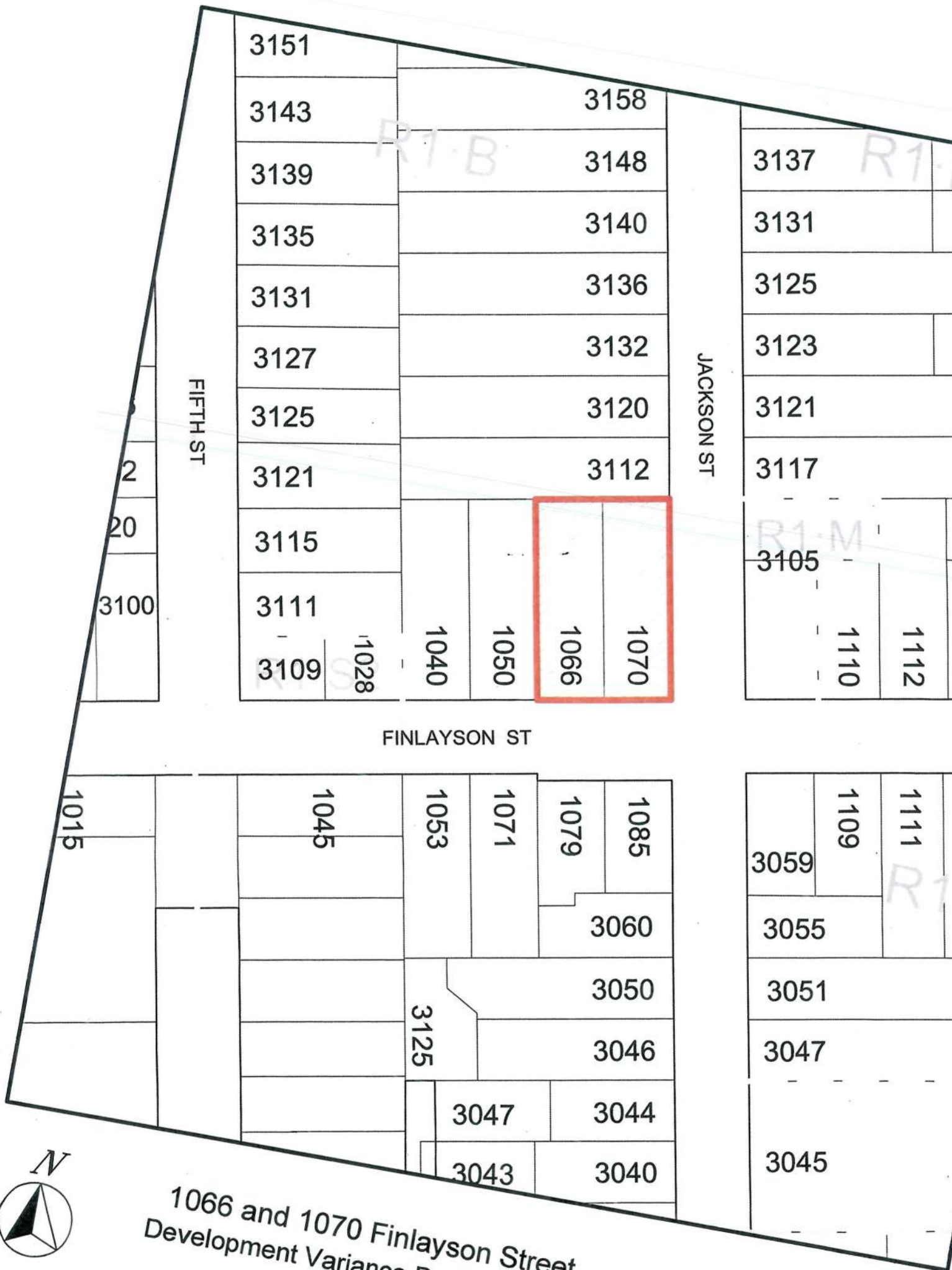
- a. plans dated May 21, 2014, for Development Variance Permit Application #00138;
- b. the development meeting all Zoning Regulation Bylaw requirements, except for the following:
  - i. Part 1.2, Section 1.2.2. b: Lot width of Proposed Lot A be varied from the required 15 m to 14 m,
  - ii. Part 1.2, Section 1.2.5. b: Rear yard setback of 1070 Finlayson Street be varied from the required 8.98 m to 5.67 m;
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

### **8.2 Alternate Recommendations**

That Development Variance Permit Application #00338 for 1066 and 1070 Finlayson Street be declined.

## **9.0 List of Attachments**

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



1066 and 1070 Finlayson Street  
Development Variance Permit





1066 and 1070 Finlayson Street  
Development Variance Permit #00138





Lissa Laing Punnett  
Christopher David Punnett  
1066 Finlayson Street  
Victoria, BC  
V8T 2T7  
250-701-7089

C.J. Van Elslande  
Gordon Van Elslande  
1070 Finlayson Street  
Victoria, BC  
V8T 2T7  
250-384-4862

May 20, 2014

City of Victoria  
1 Centennial Square  
Victoria, BC  
V8W 1P6



Dear Mayor and Council:

**Re: 1066 and 1070 Finlayson Street, Victoria, BC  
Development Variance Permit Application**

Enclosed herein please find our completed Development Variance Permit Application, together with all required documentation, for your consideration. We are the owners of the above-noted properties and the applicants herein.

It is our intention, upon receipt of the approved permit, to follow through with a subdivision and create three full sized R1B lots out of our existing two R1B lots. We are not requesting a rezoning of the lots. The proposed subdivision is consistent with the City's Official Community Plan (OCP) which envisions the Hillside-Quadra community as maintaining its primarily "traditional residential nature". The OCP also indicates that within the traditional residential area, new development, infill and redevelopment will be considered providing it complies with the plan for the area.

We provide the following information for your reference:

1. 1066 and 1070 are located at the northwest corner of Finlayson Street at Jackson Street. Both 1066 and 1070 are significantly larger lots than the minimum required under the current R1B zoning. From these two properties we propose to create three lots, with all three exceeding the minimum lot size required under the current zoning.
2. Similar subdivision has occurred in the immediate neighbourhood with no apparent negative impact; namely, at northeast corner, (directly across Jackson Street from 1070), where the side yard of 3105 Jackson Street was combined with the backyard of 1110 Finlayson Street to create a new lot facing Jackson Street. At the southwest corner, directly across from 1066 and 1070 Finlayson Street, the backyards of 1079 and 1085 Finlayson Street were also combined to create a new lot, facing Jackson Street.

3. The home at 1066 faces Finlayson Street, whereas the home at 1070 faces Jackson Street. The proposed new lot will front on Jackson Street. A variance will be requested to relax the new lot's width from 15m to 14m. We feel that this variance request is reasonable given that, in the adjacent block of Finlayson Street, there are several properties with approx. 14m. frontages; namely at 1124, 1126, 1130, and 1132 Finlayson Street. There is another at 3125 Fifth Street.
4. The home at 1070 faces the 3100 block of Jackson Street. Both its front and rear yards appear to be side yards. A variance will be requested to relax its rear yard setback from 8.98 m to approximately 5.2m, which will allow for a single driveway and a strip of landscaping between it and the proposed new lot.

We feel that these variance requests are reasonable given that most of the homes along this block of Jackson Street are separate from each other by a similar distance, that being a single driveway and a narrow strip of landscaping. A home on the proposed new lot would not therefore look out of place. We have enclosed a "proposed" workup photo of how a home may look on the lot, as well as actual photos of how the property looks today.

The proposal has been discussed with all immediate neighbours - those who abut the proposed lot and those who are directly across from 1066 and 1070. None of those contacted oppose the proposed subdivision, although the neighbour abutting the north lot line indicated that he is not opposed providing the privacy in his backyard is preserved. Currently there is an almost 20' established hedge between his backyard and the proposed lot and there are no plans to remove that hedge which will provide for privacy for both lots.

There are no significant trees on the property.

The City's utilities are nearby.

The proposed subdivision is within easy walking distance of both Quadra Village centre and Tolmie Village at Quadra.

Jackson Street is the City's designated bike route.

Finlayson at Jackson is serviced by Transit bus #8 on Finlayson and #6 on Quadra.

Over the years there have been several re-zonings and development in the immediate neighbourhood.

At the northeast end of the 3100 block of Jackson Street, 3149 Jackson Street was rezoned and it now supports a large front to back duplex. The duplex at 3159 Jackson Street was converted to 4 strata titled units. Neither of these developments appear to have had a negative impact on our community. We as applicants also live on the properties and participate in this community with our families.



Currently, there is a townhouse development being proposed for Tolmie Avenue, between Fifth and Jackson.

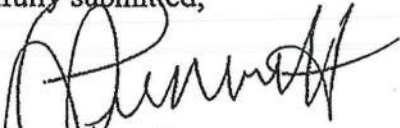
If the subdivision is approved, the double carport and deck at 1070 Finlayson Street will be removed after a demolition permit is obtained from the City.

We presented preliminary plans to the Neighbourhood Action Group at the Blanshard Community Association on November 4, 2013.

Thank you for your consideration of our permit application. Please do not hesitate to contact us should you require any further information or clarification of materials provided.

Respectfully submitted,

Per:



**Lissa Laing Punnett**

**On behalf of all registered owners – see Letter of Authority on File**

# B. C. LAND SURVEYOR'S SITE PLAN TO ACCOMPANY SUBDIVISION PROPOSAL FOR:

THE EAST AND WEST HALVES of LOT 29,  
SECTION 4, VICTORIA DISTRICT, PLAN 796

FILE: 10945 - 32  
DATE: 10/15/12 / 2013-12-15  
Brad Cunin Land Surveying  
4100 - 407 Swift Street  
Victoria, BC V8W 1S2  
ph. 381-8257 / 381-2289

SCALE = 1 : 200



All distances are in metres AND decimals thereof.

## LEGEND

Elevations are geodetic based on The City of Victoria  
Integrated Survey Monument 32-26 (Elev. = 38.169m)

Grade shot are taken at the point marked x,  
grade shots at a curb line are in gutter.

Tree bases and canopies approximately to scale.  
Where tree location is critical, tree species  
and canopy should be confirmed by qualified arborist.

- UPL ○ - denotes Utility Pole with Light
- CB ■ - denotes Catch Basin
- M/S ○ - denotes Manhole (Sanitary)
- M/D ○ - denotes Manhole (Storm)
- MV ⊕ - denotes Meter Valve
- TS ○ - denotes Traffic Sign
- ICV ■ - denotes Irrigation Control Valve
- x - denotes fence-line

## SITE AREA

1646.4m<sup>2</sup>  
17721 s. f.

## MUNICIPALITY

Victoria

## ZONING

R1-B

## PID No.

E'y 1/2 Lot 29 - 001-885-464  
W'y 1/2 Lot 29 - 003-224-198

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It is based on Land Title Office records, and does not  
represent a boundary survey. Critical lot dimensions  
and areas must be confirmed by a proper cadastral survey.

BCLS, INC., accepts no responsibility  
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PLAN

CERTIFIED CORRECT

Bradley W. Cunin, BCLS  
Field Survey - 8 November, 2013.  
Dated this 15th day of December, 2013.  
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