



Planning and Land Use Committee Report

For Meeting on August 21, 2014

Date: July 29, 2014 **From:** Lucina Baryluk, Senior Process Planner
Subject: **Development Variance Permit Application #00134 for 2640 Forbes Street**
Application to vary the R1-B Zone, Single Family Dwelling and the Secondary Suite Regulations to allow a secondary suite with an existing single family dwelling

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding the Development Variance Permit Application for the property located at 2640 Forbes Street. The application is to vary the side yard setbacks and the size of an addition to allow a secondary suite in the R1-B Zone, Single Family Dwelling District.

The following issues were considered in assessing this application:

- The application is consistent with the *Official Community Plan 2012* and the *Oaklands Neighbourhood Plan*, which support gradual infill in the form of secondary suites.
- The application is consistent with the Secondary Suite Design Guidelines, which are intended to ensure secondary suites are introduced in a manner that is compatible with and does not significantly alter the character of Victoria's neighbourhoods. As the addition to accommodate the suite will be within the rear yard, the streetscape remains unchanged.
- The setback variances are supportable as the expansion will follow the established footprint of the building and will have minimal impact on the adjacent neighbours. The additional floor area is supportable as it is a logical expansion of the main floor, which will enhance the liveability of the suite.

For the above reasons, staff recommend that the Committee support 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

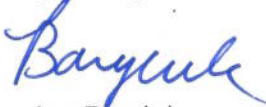
1. That Council schedule a Hearing to consider Development Variance Permit Application #00134 for 2640 Forbes Street.
2. Following the Hearing, that Council consider passing the following resolution:

That Council authorize the issuance of Development Variance Permit #00134 subject to:

- a) plans dated June 4, 2014, for Development Variance Permit Application #00134;
- b) the development meeting all *Zoning Regulation Bylaw* requirements, except for the following:

- (i) Part 1.2, Section 1.2.5.c – Side yard setback (south) reduced from 1.52 m to 0.65 m,
 - (ii) Part 1.2, Section 1.2.5.d – Combined side yard setbacks relaxed from 4.50 m to 3.55 m,
 - (iii) Schedule J - to allow changes to the exterior of the building within a five-year period prior to the installation of a secondary suite,
 - (iv) Section 2.a – Additional floor area relaxed from 20 m² maximum to 33 m².
- c) Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner
Development Services Division



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

August 12, 2014

LB:lw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding the Development Variance Permit Application for the property located at 2640 Forbes Street. The application is to vary the side yard setbacks and the size of an addition to allow a secondary suite in the R1-B Zone, Single Family Dwelling District.

2.0 Background

The existing house was built in 1912 as a single family dwelling. The *Zoning Regulation Bylaw* was introduced after this date, and some of the setbacks and the height of the existing dwelling do not conform to the current regulations, making these variances from the *Zoning Regulation Bylaw* legal non-conforming. In January 2014, an application was made to the Board of Variance, which approved some variances. However, since that date, the applicant's plans have changed and further approvals are required, but are in keeping with the original intent of the Board of Variance approvals. These are detailed in the Data Table below.

2.1 Description of Proposal

The proposal is to create a secondary suite on the main floor (at grade). The creation of this secondary suite involves an addition of 33 m² of floor area (extending further into the rear yard). As the addition will be an extension of the existing footprint, side yard setback relaxations are required.

Previous Board of Variance approvals have been obtained for this property. In order to achieve the required ceiling to floor height clearance of 2.4 m, the building has to be raised and the Board of Variance approved this building height relaxation.

2.2 Existing Site Development and Development Potential

The subject site currently contains a single family dwelling. The property is within the R1-B Zone, which permits a single family dwelling with a suite. With the proposed additional floor area for the suite, the dwelling will remain within the maximum permitted total floor area of 300 m².

2.3 Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify the variances requested. Please refer to the side notes for an explanation.

Zoning Criteria	Proposal <i>New variances noted by asterisk</i>	Zone Standard R1-B	Explanatory notes on Board of Variance approvals
Site area (m ²) – minimum	571	460	
Combined floor area (m ²) – maximum (Total area includes additional area for suite)	286	300	
Additional floor area allowable for a secondary suite (m ²) - maximum	33*	20	

Zoning Criteria	Proposal New variances noted by asterisk	Zone Standard R1-B	Explanatory notes on Board of Variance approvals
Height (m) – maximum	8.60	7.60	Height relaxation previously approved by Board of Variance
Storeys - maximum	2.5 Existing non-conforming	2	
Site coverage (%) – maximum	27.20	40.00	
Setbacks (m) – minimum			
Front	7.20	7.50	Setback relaxation approved by Board of Variance
Rear	14.52	9.37	
Side (south)	0.65*	1.52	Further setback relaxation required due to change from previous plans
Side (north)	2.90	3.00	Setback relaxation approved by Board of Variance
Combined side yards	3.55*	4.50	Further relaxation required due to change from previous plans
Parking – minimum	1	1	

2.4 Land Use Context

The immediate neighbourhood is characterized by single family homes and many have suites. The property is in close proximity to Oaklands Elementary School and faces David Spencer Park.

2.5 Consistency with City Policy

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The property is designated as Traditional Residential in the OCP where secondary suites are identified as appropriate forms of infill.

The *Oaklands Neighbourhood Plan* (1993) makes provision for a range of housing types and sizes in the Oaklands Neighbourhood through limited infill, redevelopment and new housing. Secondary suites are considered supportable in the plan.

2.6 Secondary Suites

The *Zoning Regulation Bylaw*, Schedule J, contains Secondary Suite Regulations. The regulations stipulate that within a five-year period before the date of installation of a secondary suite, no more than 20 m² of additional floor area can be created. The request is for 33 m² of additional floor area.

The *Secondary Suite Design Guidelines* are also applicable to this application. The proposal is generally consistent with these Guidelines for the following reasons:

- Exterior changes to front facade are minimal.
- The entrance is located on the side of the existing dwelling and demarcated by a path and a roof overhang.
- Most of the existing landscaping will remain intact.
- A private outdoor space is provided for the suite.

2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Oaklands Community Association on April 8, 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*, a Development Variance Permit Application requires notification, sign posting and a Hearing.

3.0 Issues

There are no major issues associated with this application.

4.0 Resource Impacts

There are no resource impacts anticipated with this application.

5.0 Conclusions

As the expansion of the ground floor for the secondary suite is an extension of the existing building footprint into the rear yard of the property, the impact on the streetscape and adjacent neighbours is minimal. The increase to the size of the unit will improve its liveability, and the suite is generally compliant with the Secondary Suite Design Guidelines. For these reasons, staff recommend that Council advance this application to a Hearing.

6.0 Recommendations

6.1 Staff Recommendation

1. That Council schedule a Hearing to consider Development Variance Permit Application #00134 for 2640 Forbes Street.
2. Following the Hearing, that Council consider passing the following resolution:

That Council authorize the issuance of Development Variance Permit #00134 subject to:

- a) plans dated June 4, 2014, for Development Variance Permit Application #00134;
- b) the development meeting all Zoning Regulation Bylaw requirements, except for the following:
 - (i) Part 1.2, Section 1.2.5.c – Side yard setback (south) reduced from 1.52 m to 0.65 m,

- (ii) Part 1.2, Section 1.2.5.d – Combined side yard setbacks relaxed from 4.50 m to 3.55 m,
 - (iii) Schedule J - to allow changes to the exterior of the building within a five year period prior to the installation of a secondary suite,
 - (iv) Section 2.a – Additional floor area relaxed from 20 m² maximum to 33 m².
- (c) Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

6.2 Alternate Recommendation

That Council decline Development Variance Permit Application #00134 for 2640 Forbes Street.

7.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 10, 2014
- Plans dated June 4, 2014.

2715-19	2716		2717	2718/20		2721	2714		2719
2711	2712		2711	2712		2715	2710		2717
2709	2708		2705	2706		2707	2706		2715
2701	2704		2701	2702		2701	2702		2713
KINGS RD									
2665	2690		2665	2662		2665	2662		2667
2661	2666		2663	2658		2657	2658		2665
2655	2658		2655	2650		2651	2654		2663
2649	2650		2651	2646		2647	2650		2661
2643	2644		2643	2642		2643	2646		2659
2635	2640		2639	2640		2641	2642		2657
2629	2634		2635	2636		2631	2636		2655
2625	2628		2621	2632		2621	2630		2653
2621	2624		2617	2624		2617	2624		2651
2615	2620		2613	2620		2613	2620		2649
2611	2614		2609	2614		2607	2612		2647
2605	2608		2605			2605	2606/08		2645
2603	1438 to 46, 2606, 2604		1500	1510	1514	1518	1520	1522	2643
HAULTAIN ST									
1439	1441 to 447		1501	1503	1505	515	2574		2572



2640 Forbes Street
Development Variance Permit #00134





2640 Forbes Street
Development Variance Permit #00134



The Mayor and City Council,
City of Victoria
c/o 1 Centennial Square
Victoria, BC V8W 1P6



2640 Forbes St
Victoria, BC V8R 4C1
May 10, 2014

Dear Mayor Fortin and Councillors,

Our property at 2640 Forbes Street has a 2½ storey Craftsman house circa 1912. The Southwest corner of the foundation has settled and we propose to replace the foundation.

While replacing the foundation we would like to take the opportunity to increase the ceiling height of the first floor from 6' 6" to 8'. Also, expanding the house allows for more ergonomic and comfortable living, a better layout, improved storage, an efficient laundry area, a downstairs recreation room and a secondary suite. At the same time, we wish to maintain the streetscape and character of the house.

Developing a variety of additions and layouts led to a house of 285m² and a secondary suite of 70m² as functional, comfortable, and attractive. To achieve this, 33m² is added to the first floor. The streetscape is unchanged except for the increase in height of the house, the addition of architectural trim on the belt line and a walkway to the secondary suite.

On January 31, 2014, the Board of Variance allowed our appeal #499, with the following relaxations that enable an 8' ceiling on floor one and enable the house to be sited at the existing location on the lot:

1. Height relaxed from 7.6m to 8.6m
2. Front yard setback relaxed from 7.5m to 7.2 m
3. Side yard setback (south) relaxed from 1.52m to 0.65m and side yard set back (north) from 3.0m to 2.9m
4. Combined side yard setbacks relaxed from 4.5m to 3.55m

Today, to achieve the advantages of the developed design, we are applying for a variance on Schedule J.2. a.:

- Relaxation of expansion when adding a secondary suite from 20m² to 33m².

While the Board of Variance allowed for the setbacks below, we now request your approval for those variances in order to maximize the floor space under the back deck by extending the Floor 1, west wall 0.72m beyond the extension submitted to the Board of Variance.

The two extra requests for relaxations are as follows:

- Side yard set back (south) relaxed from 1.52m to 0.65m for extension
- Combined side yard setbacks relaxed from 4.5m to 3.55m for extension

Yours sincerely,

A handwritten signature in blue ink, consisting of two distinct, stylized parts. The first part is a large, looped 'M' shape, and the second part is a long, horizontal, wavy line.

Menno and Leslie Van Mil



View looking SW



View Looking NW

PROPOSED IMPROVEMENTS

2640 Forbes St

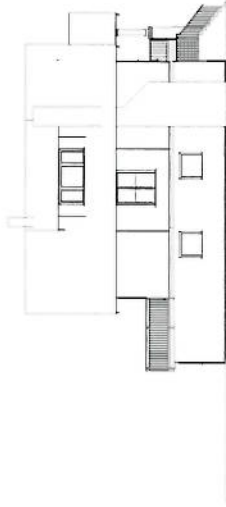
Adjacent Properties Photos

Owners: Menno and Leslie Van Mil
250 595 8354

Contact: Phil Jackson 250 595 3811
p.jackson@computer.org

Scale - N/A

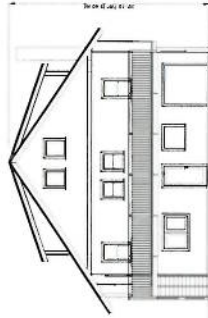
Feb 24, 2014



SOUTH FACING ELEVATION



NORTH FACING ELEVATION



WEST FACING ELEVATIONS

Peak 27.02 Proposed
Peak 26.48 Existing
Dormer 25.50 Proposed
Dormer 24.98 Existing
Eave 22.83 Proposed
Eave 22.29 Existing



EAST FACING ELEVATION

22.36 Eave over Kitchen Porch Proposed
21.82 Eave over Kitchen Porch Existing
20.33 Top of Sill Proposed
19.79 Top of Sill Existing

17.55 Av Grd El



EXISTING

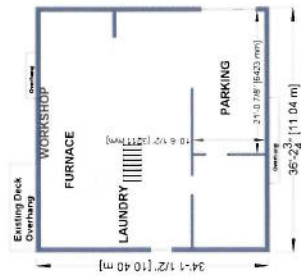


PROPOSED

(13m² extra first floor space. Requesting relaxation of expansion from 20m² to 33m² when adding a secondary suite.)

PROPOSED IMPROVEMENTS
2840 Forbes St
Elevations
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
pjackson@compuser.com
Scale: 1/8" = 1'-0"
Dec 21, 2013, rev5, 2014-05-20

FIRST FLOOR



EXISTING: 107 sq m

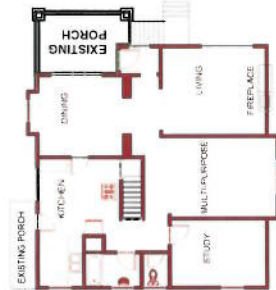


1ST FLOOR
ADDITIONS

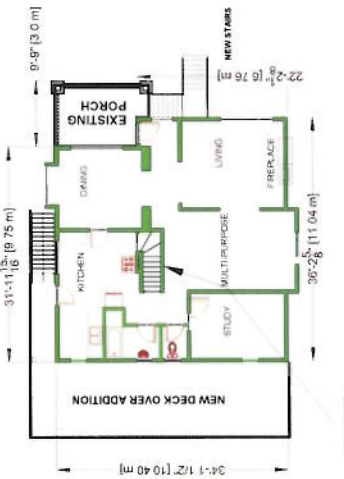
PROPOSED: 140 sq m

Requesting relaxation for additional floor space
when adding secondary suite from 20 sq m to 33 sq m

SECOND FLOOR



EXISTING: 106 sq m



NEW STAIRS

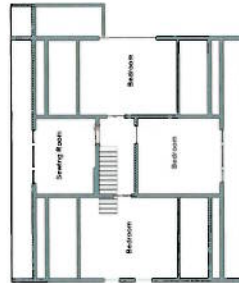
PROPOSED: 106 sq m

No change in floor space

THIRD FLOOR



EXISTING: 60 sq m

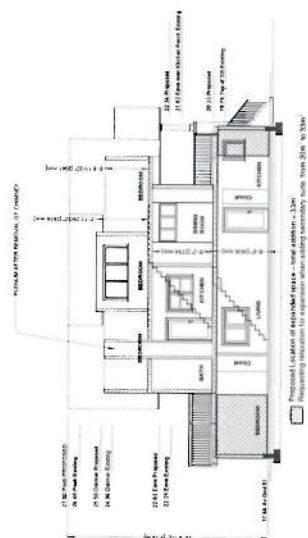
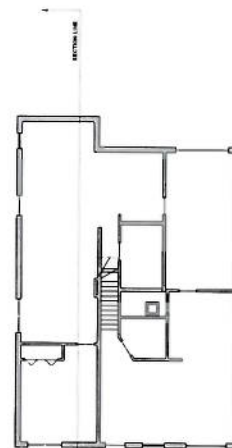
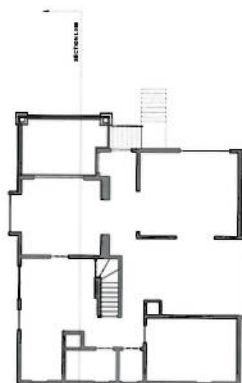
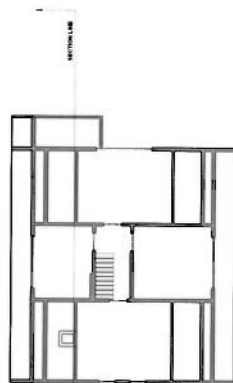


PROPOSED: 60 sq m

No change in floor space



PROPOSED IMPROVEMENTS
2640 Forbes St
Floor Plans: Existing and Proposed
Owners: Menno and Leslie Van Mil
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale - 1:100
Date: 2014-02-18, revd: 2014-05-10



PROPOSED SECONDARY SUITE
2640 Forbes St
Sections
Owners: Menno and Leslie Van Mill
250 595 8354
Contact: Phil Jackson 250 595 3811
p.jackson@computer.org
Scale: 1/100
Date: Feb 13, 2014, rev4 June 24, 2014