



Planning and Land Use Committee Report

For the meeting of August 21, 2014

Date: July 30, 2014 **From:** Charlotte Wain, Senior Planner – Urban Design
Subject: **Development Variance Permit #000136 for 125 Moss Street** - Application to allow parking in the front yard, relocation of deck stairs to the rear yard and removal of an accessory building.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Variance Permit Application for the property located at 125 Moss Street. The application is to relocate the rear deck staircase, remove an existing accessory building and allow one parking stall to be located in the front yard.

The following factors were considered in reviewing this application:

- A variance to the parking standard in the R1-B Zone is being requested, to allow one parking stall to be located in the front yard.
- A set of stairs was constructed without the required permits and the application proposes to remove this and reconstruct the stairs towards the rear of the building.
- The impacts of the proposed variances on the surrounding neighbourhood will be minimal.

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

In accordance with the City's Land Use Procedures Bylaw, this Development Permit Application has variances, therefore it requires notification, sign posting and a hearing.

Recommendations

1. That Council schedule a Hearing to consider Development Variance Permit #000136 for 125 Moss Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Variance Permit #000136, subject to:
 - a. plans dated July 30, 2014 for Development Variance Permit #000136;
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Section 1.2.5.c - Side yard setback (north) relaxed from 3.0 m to 1.66 m,
 - ii. Section 1.2.5.d – Combined side yard setbacks relaxed from 4.5 m to 3.63 m,
 - iii. Schedule "C" Section 3 - Relaxation to permit required parking in the front yard;

- 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,

L.R. Wain

BMS

Planner
Development Services

DE Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

[Signature]

Jason Johnson

Date:

August 14, 2014

CW:af

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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 for the property located at 125 Moss Street.

2.0 Background

2.1 Description of Proposal

The application is to relocate an existing illegally constructed rear deck staircase, remove an existing accessory building and allow one parking stall to be located in the front yard.

2.1.1 Sustainability Features

The proposal includes the reuse of an existing building and provision of a parking stall constructed of permeable pavers. No other green building features are proposed.

2.2 Existing Site Development and Development Potential

The existing site has an area of 552 m² and is currently occupied by a single family dwelling. The former garage has been converted to provide accommodation for a home share resident, which has resulted in the owners using the space in front of the house for parking vehicles. The application site is located within the R1-B (Single Family Dwelling) Zone, which permits single family dwellings, and up to a maximum of four roomers or boarders.

2.3 Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	552.40	460.00
1 st and 2 nd storey floor area (m ²) – maximum	178.65	280.00
Combined floor area (m ²) – maximum	178.65	300.00
Height (m) – maximum	5.74	7.60
Site coverage (%) – maximum	26	40
Setbacks (m) – minimum		
North (side)	1.66**	3.00
South (side)	1.97	1.50
East (rear)	13.85	9.14
West (front)	7.56	7.50

Zoning Criteria	Proposal	Zone Standard
Combined side yard setbacks (m) – minimum	3.63*	4.5
Separation Space Between Buildings (m) – minimum	10	2.4
Parking – minimum	1	1
Parking location	Front yard*	Sch. C (rear yard)
Driveway parking material	Concrete strips	Asphalt, concrete or permeable surface

2.4 Land Use Context

The site is located along Moss Street, south of Moss Street Village. It is surrounded on all sides by single family residences zoned R1-B (Single Family Dwelling) District.

2.5 Legal Description

Lot 7, Block A, Fairfield Farm Estate, Victoria City, Plan 340.

2.6 Relevant History

Certain improvements have been made to the property without the necessary permits. This includes the conversion of the former garage into living accommodation, the rear deck, exterior door and alteration of the driveway. This unlawful construction has triggered the need for the City's *Clean Hands Policy*, with which the applicant has conformed.

2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Fairfield Gonzales Association on May 1, 2014 and July 24, 2014 (revisions) for a 30 day comment period. No comments were received at the time of writing this report.

A number of letters of support from neighbours have been received, which reference the front yard parking and the encroachment into the side yard setback.

This Development Variance Permit Application requires notification, sign posting and a Hearing.

3.0 Issues

The following issues are associated with this application:

- impact of front yard parking
- impact of the side yard setback variances on the adjacent neighbours.

4.0 Analysis

4.1 Front Yard Parking

Currently, two vehicles are unlawfully parked in the front of the property. This has resulted in damage to the municipal boulevard. The applicant is proposing to remove one parking stall, seek a variance for the remaining stall, and install a combination of concrete and permeable "grasscrete" pavers. The remaining stall will be aligned with the existing drive aisle away from the hedge that runs along the south property line. This will result in improved sightlines for vehicle movement, compliance with the *Highway Access Bylaw* and improved safety within the site.

The impact of allowing one front yard parking stall on the streetscape is considered to be relatively minor, especially since the applicant is proposing to remove the additional stall that is surplus to the requirements of Schedule C in the *Zoning Regulation Bylaw*. Although there will be increased demand for on-street parking as a result of the proposal, this is considered minor and staff recommend that the Committee support this aspect of the proposal.

4.2 Side Yard Setback

A variance to the side yard setback (north) is being proposed from the permitted 3.0 m to 1.66 m for the original stairs to the house. This triggers a proposed reduction in the required combined side yard setbacks from the permitted 4.5 m to 3.63 m. The rear portion of the unauthorized deck will be removed as part of the proposal. There will be no impacts to adjacent properties as a result of the proposed front setback variance.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The proposed variance to allow one parking stall in the front yard will have a minimal impact on the streetscape and will create a safer alternative than the existing situation. The side yard setback variance to allow for the original stairs and porch will have no negative impacts on the adjacent neighbor at 127 Moss Street, and the removal of the non-conforming portion of deck will improve the interface between these two properties. For these reasons, staff recommend that the Committee support this application.

7.0 Recommendations

7.1 Staff Recommendations

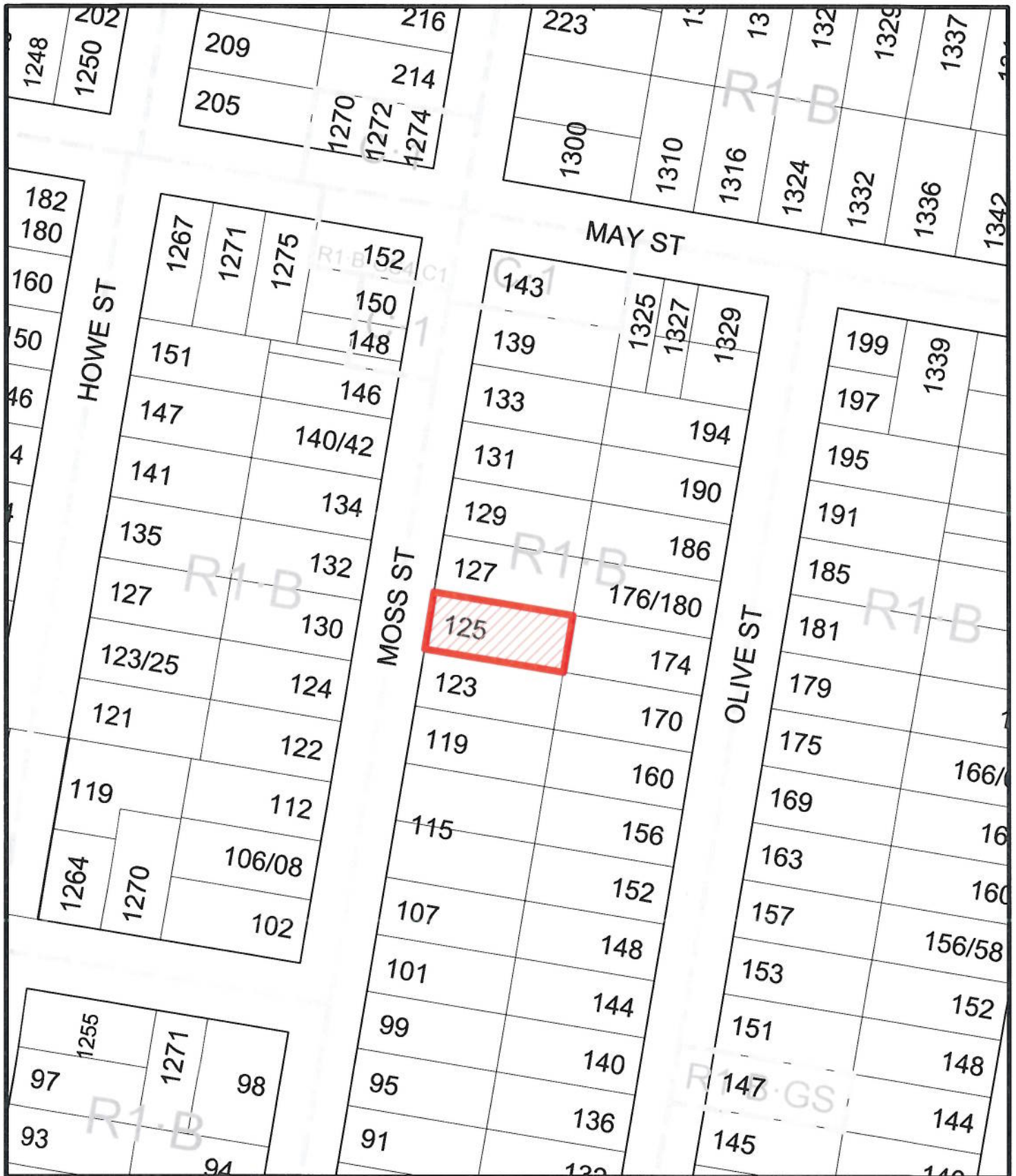
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 - c. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternate Recommendation

That Council decline Development Variance Permit Application #00136 for 125 Moss Street.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated April 15, 2014
- Plans dated July 30, 2014
- Streetscape photograph.



125 Moss Street
Development Variance Permit #00136





125 Moss Street
Development Variance Permit #00136



15-Apr-14

His Worship Mayor Dean Fortin and Councillors,
Corporation of the City of Victoria,
1 Centennial Square,
Victoria, B.C.

RE: Development Variance Permit, residence of Susan and Joe Schiphorst,
125 Moss Street, Lot 7, Block A, Fairfield Farm, Victoria City, Plan 340

We hereby request Council's consideration of a Development Variance Permit to permit parking for the residence to be located in the front yard, and to allow the retention of a small section of deck and walkway which extends an existing encroachment into the north side yard. The present condition, which has existed for over seven years was the result of unauthorised construction, and the owners have wrestled with several other options for the property. The former garage space has been used to provide part of accommodation for a home share resident; so its reversion to garage would result in disruption to that living arrangement. In addition, the original "garage" was one of those open basements containing largely unfinished space, used for a car, a furnace, and laundry tubs; my clients have obtained a "clean hands" permit to allow this application. The neighbours have been advised of this application, and are supportive, as the Schiphorsts take some trouble to park off the street, which is very congested. Many of the houses [this one included] are of an age such that, while garages are provided, they really do not accommodate modern vehicles, resulting in on street parking for most. The use is long established, well screened and drained, and does not create a particular precedent, as other neighbourhoods/ zones do permit such a use.

With respect to the deck element, the original back door, and the stairs which served it, actually encroached slightly more into the side yard, and when they were replaced, the landing was actually reduced a few inches in width, but it was extended on the same line to connect with a deck at the rear, which was also reconstructed; it appears that the original deck was constructed without a permit. In discussion with Staff, it seemed logical to include this element in the DVP, as it does not worsen rear yard access since the house is more or less centrally located on the lot.

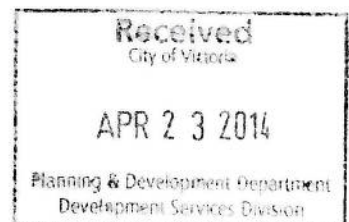
This application will allow the owners to continue to provide accommodation for sharing their space, and support to their neighbourhood by keeping their vehicles off the street. We further believe the proposal is generally in keeping with neighbourhood policies, and that this is a reasonable proposal for this particular property, given the context of surroundings and the sense of neighbourhood support.

Thank you for your consideration of this application.

Yours Very Truly,

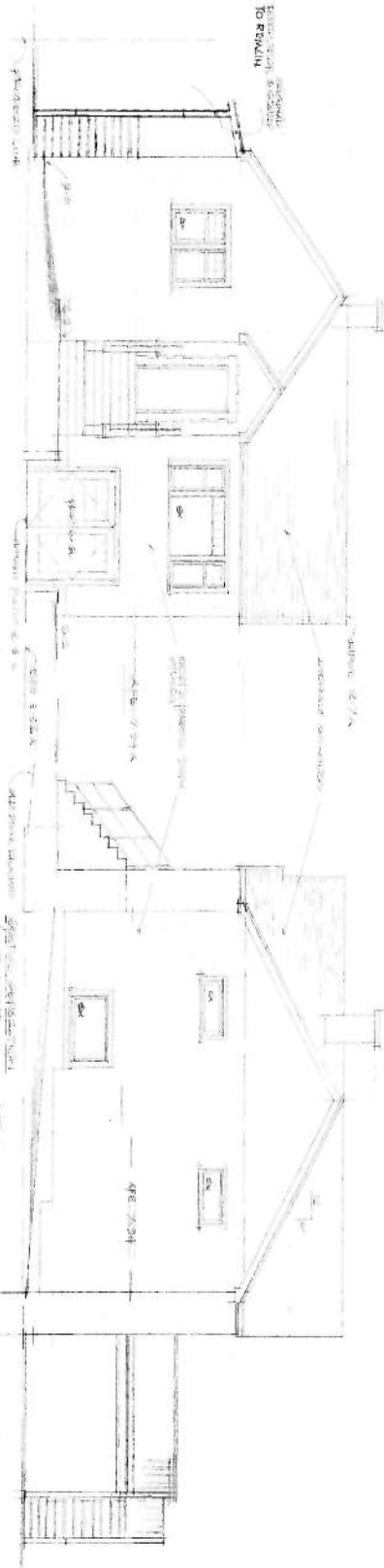


Nigel Banks,
on behalf of Susan and Joe Schiphorst

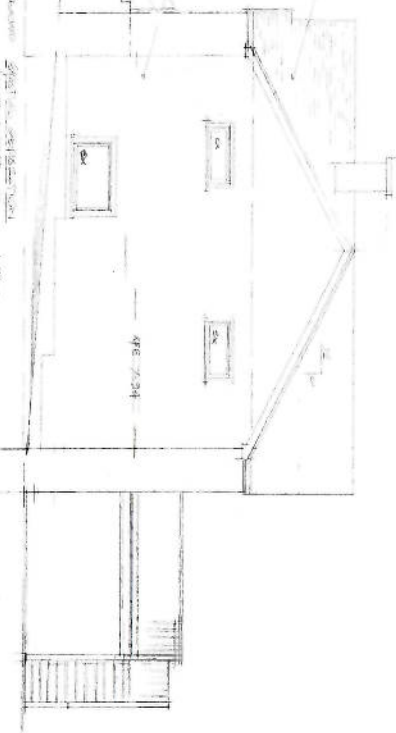


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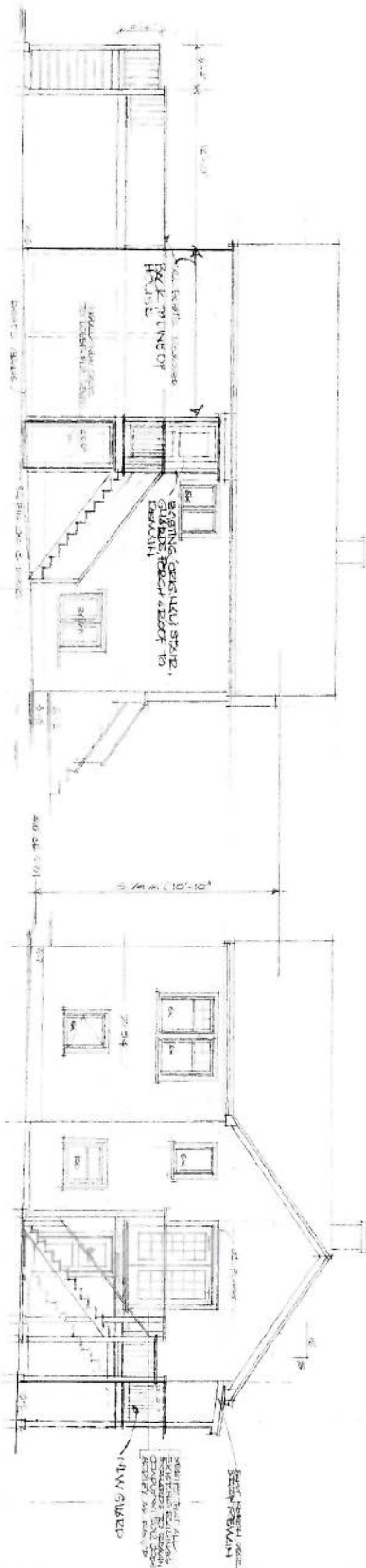
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



PROPOSED ALTERATIONS (CLEAN HOUSE)
 1. NEW PORCH
 2. NEW STAIRS
 3. NEW DOOR
 4. NEW WINDOW
 5. NEW ROOF
 6. NEW SIDING
 7. NEW GUTTER
 8. NEW DOWNSPOUT
 9. NEW FENCE
 10. NEW DRIVEWAY
 11. NEW WALKWAY
 12. NEW PATIO
 13. NEW DECK

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 12. NEW PATIO
 13. NEW DECK

DESIGNED BY: JAMES H. HARRIS
 DRAWN BY: JAMES H. HARRIS
 CHECKED BY: JAMES H. HARRIS
 DATE: 10/10/10



banks
 design

victoria 384-3331

PROPOSED ALTERATIONS (CLEAN HOUSE)

SUSAN & JOE SCHIPHORST

ELEVATION 24

10/10/10

DESIGN - 10/10/10

DESIGN - 10/10/10

DESIGN - 10/10/10

DATE - APRIL 14, 2014



A21

Development Variance Permit #000136 for 125 Moss Street

Existing Streetscape Photograph

