

Planning and Land Use Committee Report

Date: April 17, 2014 **From:** Helen Cain, Senior Planner
Subject: **Rezoning Application #00418 and Development Permit for 147 Olive Street**
Application to rezone from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS Zone (Single Family Dwelling with Garden Suite District)

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 147 Olive Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS Zone (Single Family with Garden Suite District) to permit conversion of an existing accessory building to a garden suite.

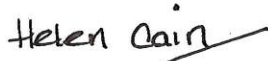
The following conclusions were reached in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan (OCP) 2012*, and related objectives for sensitive infill in Development Permit Area 15E Intensive Residential Garden Suite
- The proposal to convert the existing garage to a garden suite is compatible with the *Garden Suite Policy, 2011*, and the applicable DPA 15E design guidelines.

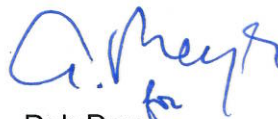
Recommendation

1. That Rezoning Application #00418 for 147 Olive Street proceed to a Public Hearing, and that the Director of Sustainable Planning and Community Development be directed to prepare the necessary *Zoning Regulation Bylaw* amendment.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendment, that Council authorize the issuance of a Development Permit, in accordance with:
 - a. plans for Rezoning Application #00418, stamped December 6, 2013;
 - b. development meeting all *Zoning Regulation Bylaw* requirements;
 - c. final plans to be in accordance with plans identified above.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division



Deb Day
Director
Sustainable Planning and Community
Development Department

HC:lw

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

April 24, 2014

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a Development Permit for the property located at 147 Olive Street.

2.0 Background

2.1 Relevant History

In August 2013, the City of Victoria approved Building Permits for a single-family dwelling and an accessory building on the subject property. The latter (the “garage”) has been constructed, and the applicant is now seeking to convert the existing building to a garden suite.

2.2 Description of Proposal

The applicant proposes to rezone the property at 147 Olive Street from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS Zone (Single Family Dwelling with Garden Suite District) that would permit the conversion of an accessory building to a new, one-storey garden suite. Exterior changes would be made to the accessory building to improve its appearance and new landscaping would be added to identify the garden suite as a separate and private, self-contained dwelling unit. The proposal complies with all of the criteria in the R1-B-GS Zone.

2.3 Land Use Context

The subject property is located within a block where the place character of the street is houses. In the immediate area to the north, south, east and west, all land parcels are in the R1-B Zone (Single Family Dwelling District). New infill in the form of low-density, ground-oriented housing is well-suited to the block that includes 147 Olive Street and the surrounding land use context of the south-eastern part of the Fairfield neighbourhood.

2.4 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association on September 16, 2013. Meeting Minutes and associated correspondence from the Community Association Land Use Committee (CALUC) are attached to this report.

2.5 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B-GS Zone (Single Family Dwelling with a Garden Suite). The proposed development is consistent with all standard criteria.

Zoning Criteria	Proposal	Zone Standard R1-B-GS
Site area (m ²) – minimum	550.00	230
Total floor area (m ²) – maximum	218.00	280
Site coverage (%) – maximum	32.10	40

Height – maximum	7.57	7.60
Storeys – maximum	2	2
Setbacks (m) – minimum		
front (west)	7.50	7.50
rear (east)	13.05	9.11
side (north)	1.52	1.51
side (south)	3.22	3.00
Parking – minimum	1	1
Garden Suite		
Height (m) – maximum	3.48	3.50
Floor area (m ²) – maximum	32.87	37
Setbacks (m) – minimum		
rear (east)	0.76	0.60
side (north)	4.39	0.60
side (south)	0.61	0.60
Separation space from main building	8.63	2.40
Rear yard coverage (%) – maximum	18.75	25.00

2.6 Legal Description

Lot 14, Block B, Fairfield Farm Estate, Victoria City, Plan 340

2.7 Consistency with Policy

2.7.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

2.7.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The property at 147 Olive Street is designated as Traditional Residential in the OCP where single family dwellings are enabled as appropriate forms of infill.

In accordance with the OCP, the garden suite proposal is subject to DPA 15E Intensive Residential – Garden Suites. The objectives of DPA 15E are:

4. (a) *To accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services.*

- (b) *To provide Victoria renters with small, ground-oriented rental housing as a rental housing option.*
- (c) *To integrate more intensive residential development in the form of garden suites, accessory to single-family dwellings, within existing Traditional Residential areas in a manner that is compatible with and respects the established character of neighbourhoods.*
- (d) *To achieve a high quality of architecture, landscape and urban design of properties with garden suites to enhance neighbourhoods and minimize conflicts with immediate neighbours.*

The proposal for 147 Olive Street is consistent with DPA 15E objectives to achieve new infill that has a high-quality design and that respects the established character in residential areas.

2.7.3 Garden Suite Policy, 2011

This proposal to convert an existing accessory building to a separate, self-contained dwelling is generally consistent with the *Garden Suite Policy, 2011*, and complies with all criteria in the R1-B-GS Zone (Single Family Dwelling with Garden Suite District). Should Council approve this application, it should also be noted that the building interior would be upgraded, as necessary, to meet the code requirements for a residential use.

2.8 Consistency with Design Guidelines

2.8.1 Siting and Shading

The existing accessory building, which is near the east property line, is likely to already have shadowing impacts on the yard of the adjacent house at 144 Joseph Street. However, the neighbouring yards to the north and south are probably not impacted because these properties have accessory buildings near their shared property lines. Also, there is a wide side setback between the north elevation of the proposed garden suite and the adjacent lot to the immediate north of the subject property.

2.8.2 Windows and Entries

Conversion of the accessory building would include changes to windows and entries. The west elevation, facing the interior of the lot, would have a central main entryway to the dwelling and two large windows. There are no proposed windows in the east, north and south elevations, which would ensure that occupants could not overlook the three neighbouring yards.

2.8.3 Character

Proposed finishes for the building conversion are Hardie-panel siding with wood battens on all elevations and a front door and window frames in wood. The palette is neutral in shades of grey. Overall, the exterior changes would result in a design compatible with the main dwelling on the subject property and with the surrounding streetscape, where the houses are small-scale and varied in architectural styles.

2.8.4 Outdoor Space and Landscape

Landscape features include a new path that would lead from the street to the front entrance of the garden suite with shrubs along this path. Other new plantings are proposed in the front, south side and rear yards of the house, and between the house and the garden suite, which would provide visual relief from hard surfaces in these locations, and help to ensure privacy. The west side of the garden suite would also have a relatively large patio in concrete pavers.

3.0 Issues

The outstanding issue related to this application is visibility of the front door from Olive Street.

4.0 Analysis

4.1 Visibility of Front Entryway

In order to have an efficient and functional interior plan, the main entrance to the garden suite would be centred in the front elevation, where it would be obscured from public views as seen from Olive Street. While a prominent front entry is preferable, the design guidelines state that “where possible, the garden suite should be located at least partially visible from the street” and this desirable outcome would be achieved in this conversion.

5.0 Resource Impacts

There are no anticipated resource impacts.

6.0 Conclusions

This proposal to convert an existing accessory building to a new dwelling is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. While the proposed garden suite would not have a front door visible from Olive Street, the location of this architectural element is acceptable in relation to the *Garden Suite Policy* and relevant guidelines for conversions.

7.0 Recommendations

7.1 Staff Recommendations

1. That Rezoning Application #00418 for 147 Olive Street proceed to a Public Hearing and that the Director of Sustainable Planning and Community Development be directed to prepare the necessary *Zoning Regulation Bylaw* amendment.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendment, that Council authorize the issuance of a Development Permit, in accordance with:
 - a. plans for Rezoning Application #00418, stamped December 6, 2013;
 - b. development meeting all *Zoning Regulation Bylaw* requirements;
 - c. final plans to be in accordance with plans identified above.

7.2 Alternate Recommendation

8.0 List of Attachments

- Zoning map
- Aerial photo
- Letter from the applicant, Chris Marshall, stamped October 18, 2013
- Plans for Rezoning Application #00418, stamped December 6, 2013
- Fairfield Gonzales Community Association Community Meeting Minutes, from September 16, 2013, and associated correspondence.



147 Olive Street
Rezoning #00418
Bylaw #





147 Olive Street
Rezoning #00418
Bylaw #



Mayor Dean Fortin
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6



October 18, 2013

Chris & Jenny Marshall
147 Olive Street,
Victoria, BC

As our population ages, there will be an increased need for families within our community to look for solutions that allow their elders to live within the family home. Garden suites offer another option for families.

Our mother/mother-in-law has been on disability for over 20 years. We have always provided a place for our mother/mother-in-law within our homes to ensure that there is limited impact on social programs and infrastructure.

DESCRIPTION OF PROPOSAL

We are requesting rezoning from an R1B to an R1BGS1 which will allow us to add a garden suite to our single-family home lot for the use of an elderly parent. This garden suite is purpose-built for our mother/mother-in-law and is 380 sq. ft.

We are not increasing the density of our home as we are already zoned for a legal suite within our home but have chosen to replace the legal suite with a garden suite.

We made this decision for two reasons:

- The garden suite will allow our mother/mother-in-law to 'age in place' as it offers a level entry without impediments.
- A legal suite within our home would have meant that the suite would need to be incorporated in our basement requiring an expensive sump pump system and would have only been accessible through stairs.

GOVERNMENT POLICIES

The Official Community Plan for Victoria/Fairfield allows for the zoning for Garden Suites.

NEIGHBOURHOOD

When designing our home and the accessory building that will hopefully become a garden suite, we were always considering the impact within our neighbourhood. The design of our home is traditional and is in keeping with other homes in the neighbourhood. The placement of the accessory building is at the rear of the property and is not easily visible from the street.

IMPACTS

We have made a presentation to the Fairfield Community Association and have a great deal of support for the garden suite rezoning. We will provide our letters of support at the council meeting. Since our presentation to the Fairfield Community Association, we have offered and have had one neighbour accept landscaping solutions to minimize the impact of the accessory building. The landscaping solutions involved the purchase and planting of trees on our neighbour's property.

DESIGN AND PERMIT GUIDELINES

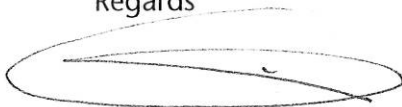
This rezoning application conforms with all design and permit guidelines outlined within the Official Community Plan for Victoria/Fairfield.

TRANSPORTATION

We have provided off-street parking for the garden suite within the lot plan for our home to ensure that there is no impact to Olive Street for additional parking.

Thank you for your consideration of this rezoning application. We will welcome any questions and feedback as we move forward in this rezoning process.

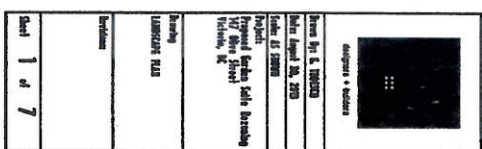
Regards

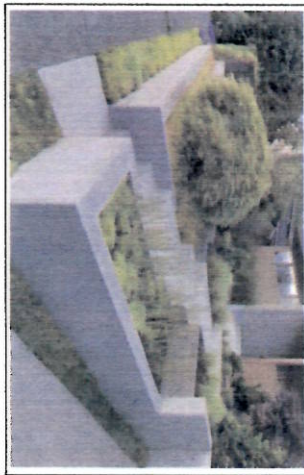
A handwritten signature in black ink, appearing to read 'Chris Marshall', enclosed within a large, hand-drawn oval.

Chris Marshall

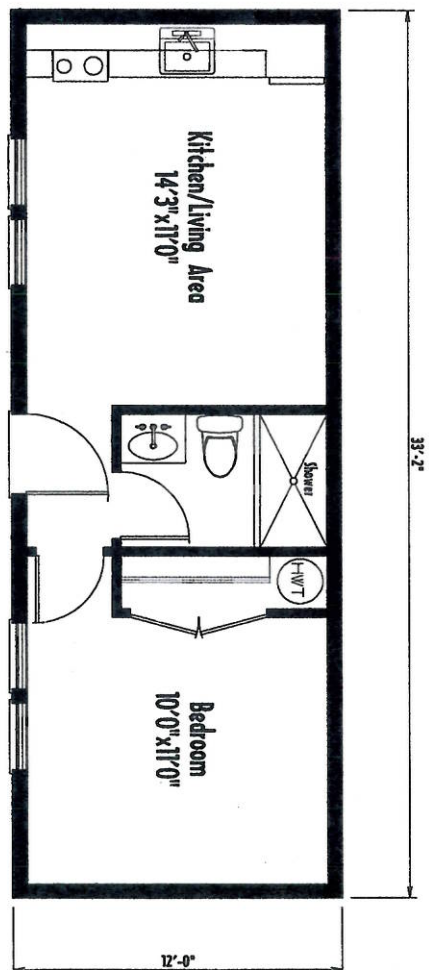
A handwritten signature in black ink, appearing to read 'Jenny Marshall', with a large, stylized loop at the end.

Jenny Marshall





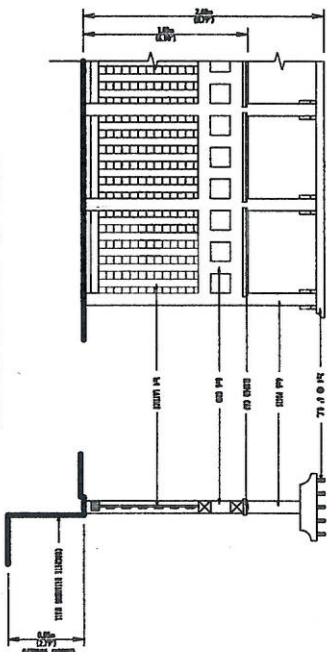
TYPICAL RETAINING WALL



FLOOR PLAN

FLOOR AREA - 398 sq.ft.

Scale - 1/4" = 1'-0"

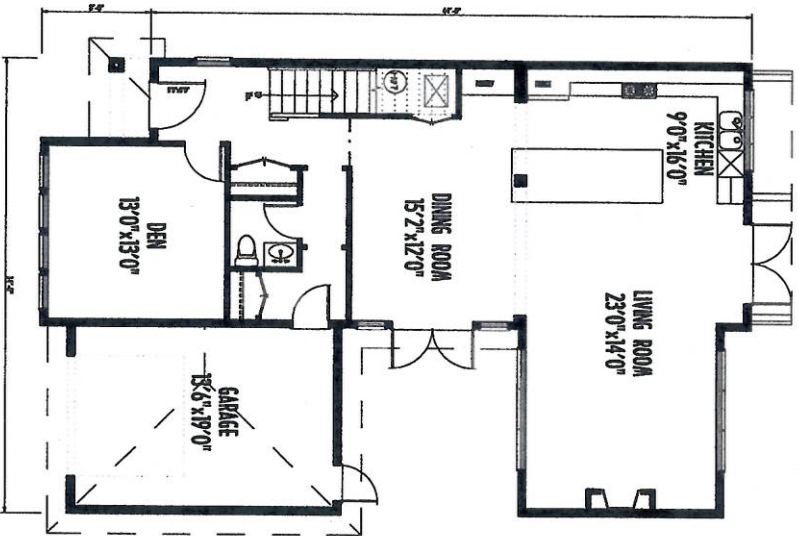


PRIVACY SCREEN DETAIL

21-7A-EX

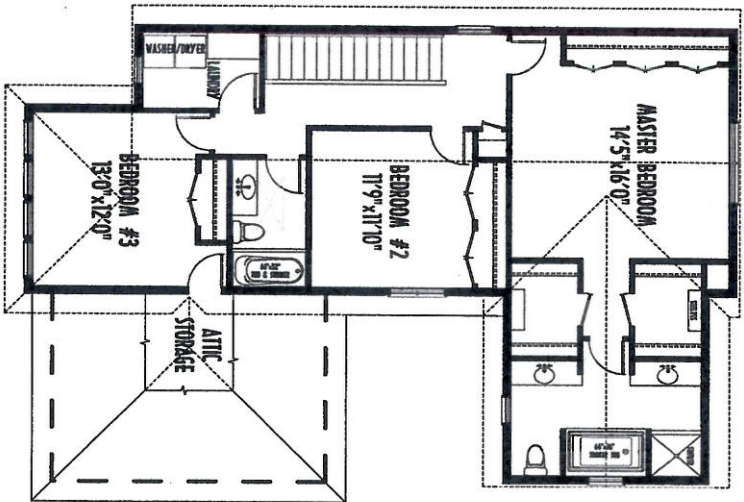
PROPOSED GARDEN SUITE

[illegible]



FIRST STOREY FLOOR PLAN

FLOOR AREA - 1383 sq.ft.
 LESS ALLOWANCE FOR PARKING - 200 sq.ft.
TOTAL - 1183 sq.ft.
 Scale - 1/8" = 1'-0"



SECOND STOREY FLOOR PLAN

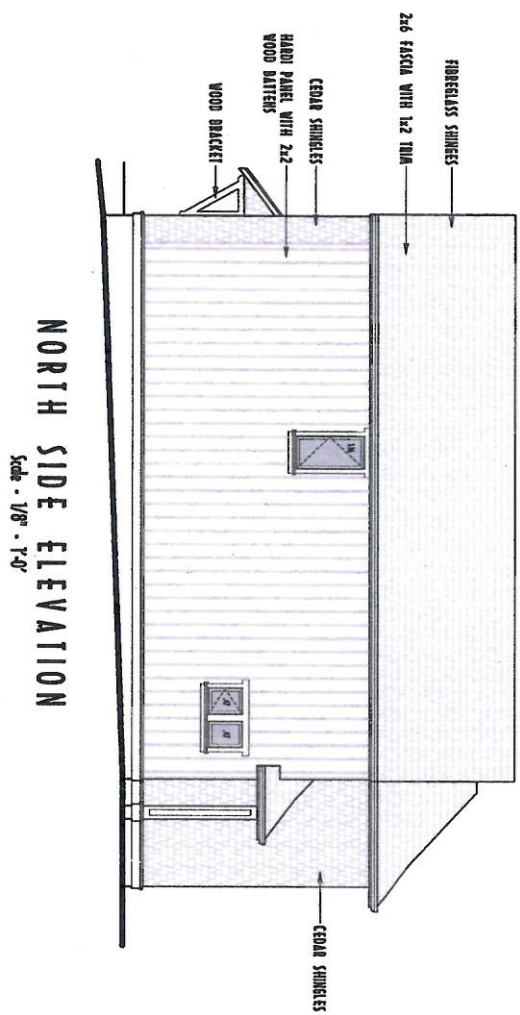
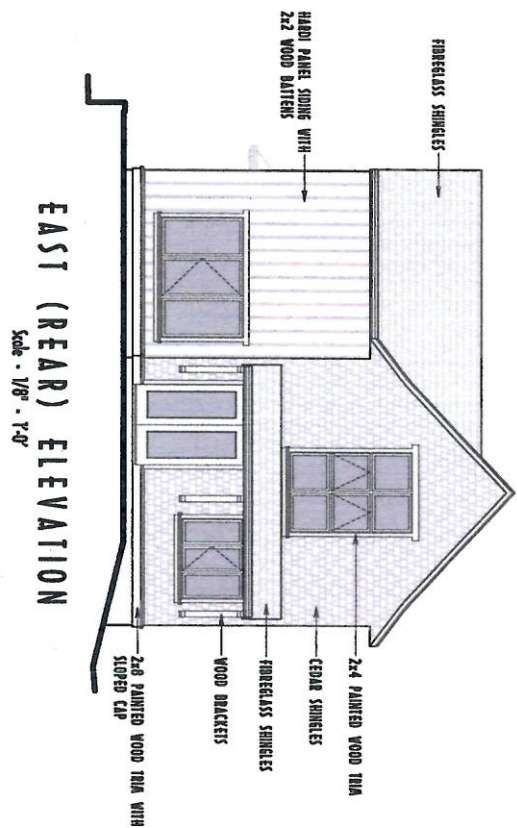
FLOOR AREA - 1166.8 sq.ft.
 (including storage area over 15m in height)
 Scale - 1/8" = 1'-0"

NEW HOUSE UNDER CONSTRUCTION

<div> <div> </div> <div> Designers & Builders 107 Glen Street Victoria, BC </div> </div>	
Drawn by: S. BOWEN	Sheet 5 of 7
Index: Sheet No. 2013	
Scale: 1/8" = 1'-0"	
Project:	
Proposed: Single Storey Detached	
107 Glen Street	
Victoria, BC	
Showing:	
PROPOSED EXTERIOR	
10000 PLAN	
Buildings:	

REVISED - NOVEMBER 5, 2010

REVISED - DECEMBER 5, 2013



Planning and Zoning Committee
Fairfield Gonzales Community Association
September 16, 2013



Members of FGCA Planning and Zoning Committee: Paul Brown and George Zador

Present: 13 attendees signed in

Subject Property: 147 Olive Street proposed garden suite.

Attendee Questions & Comments from Attendees:

- Concern expressed that building is well along in construction. Proponent acknowledged such and indicated zoning allows for an ancillary building. Application is to use it as a garden suite.
- Concern expressed that allowing such will establish a precedent for more garden suites in neighbourhood – “are we going to see a lot more of this?”
- Concern expressed that proposed garden suite building is too visible with peaked roof and when combined with with size of the house on the lot also under construction it is too much for the lot
- Proponent indicated that cedar hedging could be provided to lessen visibility of garden suite
- Concern expressed that garden suite will impact quality of life for neighbouring properties
- Concern expressed regarding location of parking on property
- Neighbour directly behind subject property very supportive of proponent’s application
- Concern expressed regarding short notice given for this meeting

Subject Property: 367 Robertson Street proposed small lot subdivision

Attendee Questions & Comments:

- Proponent stated intention is convert/revert existing triplex building to single family and construct a second single family home on a proposed small lot. No trees will be removed, only scrubby bush to be removed. Existing home will be renovated. Roof pitch of new home will be the same as that of existing dwelling
- Bus stop will remain where it is and will not be compromised by new driveway for proposed small lot
- Variances requested: building size, height and set back
- One neighbour expressed strong concern that the new home will create shadow/shade from sun for their property and would prefer the property remain the way it is. The proponent and his designer assured the neighbour that based on their projections, the neighbour’s property would not be shaded. Both parties agreed to disagree
- Proponent stated there will be change on the lot one way or the other and what is being proposed is the best for the situation
- Proponent gave assurance that neither dwelling will have ability to put in suites
- Two neighbours expressed support for what is being proposed

Subject Property: 1315 Richardson Street proposed garden suite on a panhandle lot

Attendee Questions & Comments

-
- Discussion regarding regulations for garden suite on a panhandle lot: set-backs and height. Suggestion from attendee that what is being proposed does not meet these regulations. Proponent believed they did.
 - 8 adjacent lots will be impacted.
 - Concern expressed regarding placement of windows
 - Parking will be provided on the property
 - Existing coverage 12% will increase to 16% with garden suite
 - Proponent will be digging up driveway in order to upgrade water service(for existing home and garden suite) and will bury hydro lines
 - Proponent has no plan to renovate/upgrade existing dwelling (originally a farmhouse)

From: Gerry Schallié [REDACTED]
Sent: Monday, September 16, 2013 7:09 AM
To: [REDACTED]
Subject: Fwd: Dev. Proposal 147 Olive Street - URGENT!
Attachments: 147 Olive Street.docx; ATT00007.htm

Importance: High



Paul,

We spoke by phone last week and I plan to attend this evening's Community Meeting. In advance of this meeting, I've been asked to FW two letters from the couple living at 130 Joseph Street, who unfortunately are travelling as of today and cannot attend.

Thank you,
 Gerry Schallié
 [REDACTED]

----- Original Message -----

From: Sue Ward
To: Helen Cain
Cc: Karen Brown ; Laura Wilson ; Darrell Saby
Sent: Sunday, September 15, 2013 7:45 AM
Subject: Dev. Proposal 147 Olive Street - URGENT!

To the City of Victoria Planning and Development Department,

I am writing to express my concerns about the property development at 147 Olive Street. We received a letter inviting us to a community meeting to discuss our concerns because of our close proximity to the development but we will be out of town so unable to attend.

One of our concerns is that the development is going up so fast and the structures are essentially framed in before due process occurs at that meeting. Viewing the property from Olive Street, there seems to be no access to the garden suite from the street which doesn't matter for that purpose but makes it impossible to use as a garage. It could be a shed I suppose if it is decided they cannot use it as a garden suite but the lay out suggests to us that the developer assumes that they will be granted permission. So that community meeting seems to be going through the motions and we wonder what if any impact community input will have on the development.

Our concern about a garden suite is that it sets a precedent for the neighbourhood. I have no difficulty in principle having separate living quarters on the same property for an elderly family member (if that is the case) but what happens when that person no longer resides there, the unit gets rented out or gets used for another purpose. I also don't understand the need for it when the house is so large. Why can't the applicant's mother live in the house. When one buys a house without the possibility of a suite, that is one thing but when building, it would be easy to incorporate a suite within the house, particularly with a large square footage. I think this application should have had a hearing before the structures were built.

The residents of Joseph Street and Olive Street have had a lot to put up with in the past few years with new home construction. We personally have been disrupted by new home construction and major renovations on three sides of our home, plus three more developments within three properties of ours. The neighbourhood is increasingly dense as small cottages are replaced by monster homes. The new properties have few trees and the trees that did stand have been removed to accommodate the large structures. With houses so close to one another already, any privacy between neighbours becomes impossible and yards are overshadowed by structures instead of greenery. The roads are filled with cars that require street parking because they overflow available parking. Add to this construction noise six days per week beginning around 7am and large trucks bringing materials, demolition vehicles and trucks belonging to construction crews. We have been

repeatedly asked by our neighbours to support their applications for various reasons to add additional space for their growing families, only to have those properties rented out or sold to new owners directly following those renovations. We find ourselves feeling less accommodating and more resentful with every request.

We are opposed to this development at 147 Olive Street because of the size of the home, the potential misuse of the garden suite and the apparent lack of due process for neighbours before the building proceeded.

Thank you for requesting and respecting our input.

Sue Ward
130 Joseph Street.
Victoria BC
V8S 3H5

Concerns about Development Proposal for 147 Olive Street.txt
From: Stephen Brown [REDACTED]
Sent: Sunday, September 15, 2013 3:41 PM
To: [REDACTED]
Subject: Concerns about Development Proposal for 147 Olive Street

Dear Mr. Paul Brown
Chair, Land Use Committee

Re: Development Proposal for 147 Olive Street, Victoria

I am writing to express concern about the proposal to change the zoning and land use of this property.

The proponents, Jenny & Chris Marshall write, we are requesting a garden suite on our property. The garden suite is designed and intended for Darlene Marshall (Applicants Mother). This is a lovely idea, and I support this.

My concerns are around what happens if Mother never arrives, or when Mother leaves. I am especially sensitive to this scenario because the property to our immediate north (#178 and #180 Olive Street) was developed with exactly the same stated intent, and Mother never appeared. Instead, the developer flipped the property, the new owner lived in it for a period of time, then he moved out, sold the back unit, and rented the front unit.

I would support the Marshalls proposal provided that (a) Mothers occupancy of the garden suite is documented; (b) the garden suite is never occupied by anyone other than Mother or another member of Jenny & Chris Marshalls immediate family; and (c) when title for the property transfers from Jenny & Chris Marshall the occupancy permit for the garden suite expires and the suite must be removed or reconfigured as a shed in which nobody will live.

Yours sincerely,

Stephen Brown
174 Olive Street, Victoria
[REDACTED]



Re. Development Proposal for 147 Olive Street

From : Dr. Timothy Elkin and Louisa Elkin, 140 Joseph Street, [REDACTED]

We will be unable to attend the meeting due to a previous engagement and due to the very short notice that we were given of this meeting.

We are, in principle, very supportive of densification this close to the city. We are equally supportive of maintaining the green space which makes this neighbourhood so livable.

We are also supportive of the process so things are done well and respectfully.

We are not supportive of this rezoning for the following reasons:

- 1) the process has not been followed respectfully as the building has already been half built and the walls are up, the foundation laid. This has happened prior to the meeting and prior to receiving notification of the proposal. This flies in the face of the term "proposal" as it is not proposed when it has already started without permission.
- 2) Too much of the green space is being built on for the size of the lot. Laneway houses nearby on Chapman work because the lots are significantly larger and there is sufficient parking for this additional accommodation and sufficient garden area for two homes. This is not true for this lot.
- 3) The main house is being purpose built so densification by providing additional accommodation within the footprint of this new structure could easily be built in the form of an in-law suite without building on more than the amount of land needed for the purpose. If accommodation is needed for an aging parent this could easily have been incorporated into the plans.
- 4) Once the mother of the resident is no longer there in the years to come then this would become rental accommodation without off-street parking and without the original purpose for it being built. One must look beyond the present and think about later usage too



Laura Wilson

From: Aaron Severs <[REDACTED]>
Sent: Sunday, Sep 15, 2013 4:56 PM
To: Helen Cain; Karen Brown; Laura Wilson; Darrell Saby
Subject: Development Proposal - 147 Olive Street, Victoria
Attachments: 147 Olive Street.docx

Dear Sirs and Mesdames,

Please see attached letter regarding this proposal. I am not able to attend the community meeting scheduled for September 16.

Thanks,
Aaron

Aaron Severs
130 Joseph Street
Victoria BC V8S 3H5
[REDACTED]

September 15, 2013

To the City of Victoria Planning Department,

**Re: Development Proposal – Notice of Community Meeting Regarding
147 Olive Street, Victoria, BC**

I received information about a community meeting regarding the above but must send regrets. My feedback is contained below for your review and follow up as needed. On September 16, I will be out of town with family on annual vacation.

The proposed new development at 147 is of concern to me for two reasons –

- a) Size of physical plant
- b) Due process

Size of physical plant –

I have lived in this quiet neighbourhood for seven years. There are lots of older style homes, some of which date back about 100 years! (including our own home). In the past few years, I've witnessed a disturbing trend – that of little older homes being razed to the ground and large almost "monster size" homes emerging in their place. My wife and I have seen several of these new super sized homes being built. My concerns are that the new homes obliterate the skyline, and do not fit in well with the other smaller set homes already in place. Sunshine gets blocked out, and all one sees are these giant new developments or private residences that have been built. There is no apparent concern displayed with fitting in to what homes are currently surrounding the newcomer to the block.

Due process –

I understood from the documentation sent me regarding the community meeting that there is a clearly laid out process for an applicant to submit a rezoning application to the City. This community meeting is said to be the first step in the process....then the rezoning application may be revised by the applicant and presented to Council....public hearing may follow....after which Council makes a decision to support or decline the application.

On paper this all seems clear to me. Yet, I am confused by the reality. The structure in question has already been erected on the property of 147 Olive Street. The past 7-10 days has seen almost daily construction crews, starting before 0800 hours to rapidly put up the frame of the main home, and also a garden suite, too, on the property. I thought a building permit is required first, and that a community meeting would proceed this. I understood the community meeting as detailed above is an essential first step to issuance of said permit and for construction to commence. Is this community meeting simply a "rubber stamp" to appease/quiet local neighbours?

To conclude, I am against this new development proposed for 147 Olive Street.
Sincerely yours,

Aaron Severs