



Planning and Land Use Committee Report

Date: December 6, 2013 **From:** Mike Wilson, Senior Planner – Urban Design
Subject: **Rezoning Application #000403 for 542 Langford Street** - Application to rezone from the R1-S2 and R1-B Zones, to a modified R1-B Zone, Single Family Dwelling District, to permit a single family dwelling with a secondary suite.

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations for an application to rezone the property located at 542 Langford Street. The proposal is to rezone a split-zoned lot from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and R1-B Zone, Single Family Dwelling District, to a new zone that will permit a single family dwelling with a secondary suite.

The following points were considered in assessing this application:

- The proposal is generally consistent with the *Official Community Plan* Traditional Residential land use designation.
- The proposal is consistent with the *Victoria West Neighbourhood Plan*.
- The proposal includes several existing non-conformities and relaxations of the R1-B Zone. These include lot width, parking, side yard setbacks, combined side yards, front yard setback and number of storeys.

The applicant has met with the Victoria West Community Association Land Use Committee.

Staff support this application.

Recommendation

That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.

Respectfully submitted,


Mike Wilson
Senior Planner – Urban Design
Development Services Division

AM


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

MW:aw


Jocelyn Jenkyns

1.0 Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding an application to rezone the property located at 542 Langford Street. The proposal is to rezone a split-zoned lot from the R1-S2 Zone and R1-B Zone to a new zone that will permit a single family dwelling with a secondary suite.

2.0 Background

2.1 Relevant History

The subject property is located in the Victoria West Neighbourhood, on the south side of Langford Street. The property currently encompasses two zones. The south half (rear yard) is located in the R1-B Zone while the north half (existing dwelling) is located in the R1-S2 Zone. This is an unusual circumstance and is a result of a previous Rezoning Application which granted permission to construct a new single family dwelling in the rear yard of the subject lands and the adjoining property at 891 Fullerton Avenue. It is the understanding of staff that this development opportunity did not materialize due to the high cost of infrastructure upgrades required on Fullerton Avenue to service a potential new single family dwelling. If Council approves this Rezoning Application, the potential for creating a new single family dwelling in the R1-B Zone on a new lot at the rear of both properties would be extinguished.

2.2 Description of Proposal

The current proposal involves the construction of a new third storey and roof structure which will accommodate a secondary suite. The existing dwelling is located within the R1-S2 Zone, which does not allow secondary suites. As a result, the owner has submitted this Rezoning Application.

The applicant is proposing to formalize a number of existing non-conformities, as a result a site-specific zone is proposed. The existing non-conformities are as follows:

- reduction in lot width from 15 m to 13.18 m (existing non-conformity)
- reduction in parking from 1 stall to 0 stalls (existing non-conformity)
- reduction in east side yard setback from 1.5 m to 1.0 m (deck) (existing non-conformity).

The applicant is also proposing several relaxations of the R1-B Zone that are to be incorporated into the new zone. They are as follows:

- increase in number of storeys from 2 to 3 storeys
- reduction of front yard setback from 7.5 m to 5.85 m
- reduction of the west side yard setback from 3 m to 1.79 m
- reduction of combined side yards from 4.5 m to 2.79 m.

The applicant proposes a new secondary suite on the upper floor, with an area of 31.6 m². Therefore, the applicant is proposing the following relaxation from Schedule J, Secondary Suite Regulations of the *Zoning Regulation Bylaw*:

- Section 2(a): Addition of a secondary suite that is over 20 m² of new enclosed floor area.

2.3 Existing Site Development and Development Potential

As stated, the existing dwelling is located in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. A new small-lot single family dwelling with a maximum floor area of 190 m² could be constructed on the site.

Given that the rear yard is located in the R1-B Zone, Single Family Dwelling District, it could be consolidated with the rear yard of the neighbouring property to the west to create a new single family dwelling with a secondary suite.

2.4 Data Table

The following data table compares the proposal with the R1-B Zone. An asterisk (*) is used to identify where the proposal is less stringent than the comparative zone. A double asterisk (**) is used to identify where the proposal has existing non-conforming siting.

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m ²) – minimum	685	460
Lot width (m) – minimum	13.18**	15
1 st and 2 nd storey floor area (m ²) – maximum	220	280
Density (Floor Space Ratio) – maximum	0.47	n/a
Storeys – maximum	3*	2
Height (m) – maximum	7.6	7.6
Site coverage (%) – maximum	22.93	40
Parking – minimum	0**	1
Setbacks (m) – minimum		
Front	5.85*	7.5
Rear	29.03	13
Side (East)	2.2- building 1.0 – deck**	1.5
Side (West)	1.79*	3
Combined side yards – minimum	2.79*	4.50
Secondary Suite		
Added floor area (m ²) – maximum	31.6	20
Added building height (m ²) – maximum	0.54	0.6
Suite floor area (m ²) – maximum	78	90
Suite/ floor area ratio (%) – maximum	26.2	40

2.5 Land Use Context

To the east is a single family dwelling in the R1-S Zone, Single Family Dwelling (Small Lot) District. To the west is a single family dwelling that is in a split zone. The existing dwelling is in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the rear yard of this property is in R1-B Zone, Single Family Dwelling District. To the south are the playing fields of Victoria West School which are located in the R1-B Zone, Single Family Dwelling District. To the north is a single family dwelling in the R1-B Zone, Single Family Dwelling District.

2.6 Legal Description

Lot 2, Block 4, Section 31, Esquimalt District, Plan 833.

2.7 Consistency with City Policy

2.7.1 Official Community Plan (2012)

The subject lands are located within the Traditional Residential land use designation. This designation supports the development of single family dwellings with secondary suites. This designation further envisions ground-oriented buildings up to two storeys. Staff are satisfied that the application is generally consistent with the *Official Community Plan* and have provided further analysis with respect to the proposed increase in building height in the Analysis section of the report.

2.7.2 Victoria West Neighbourhood Plan

The Neighbourhood Plan designates the subject lands for single family dwellings, duplex dwellings, house conversions and townhouses. The Plan encourages the retention of existing dwellings. The application is consistent with the *Victoria West Neighbourhood Plan*.

2.8 Secondary Suite Design Guidelines

The purpose of these Guidelines is to ensure that secondary suites are seen as a discreet yet valued addition to Victoria's neighbourhoods. As the property is not designated within a Development Permit Area, the Guidelines are advisory only and meant to be used in conjunction with the *Zoning Regulation Bylaw* and for consideration of variances.

This proposal is consistent with the following Guidelines:

- If the entrance to the secondary suite can only be on the front of the house, design it in such a way that it is similar to the existing front façade by using similar or complementary materials.
- When adding windows and/or doors, match or complement the design and style of the existing windows and doors.

This proposal is inconsistent with the following Guideline:

- Minimize exterior changes to the front façade.

2.9 Community Consultation

In compliance with the *Community Association Land Use Committee Procedures for Processing Rezoning Applications*, the applicant met with the Victoria West Neighbourhood Association. Comments from the CALUC were not received at the time of writing this report. Comments from the Victoria West Neighbourhood Association will be forwarded to Council for consideration prior to the Public Hearing, if received. This application requires notification, sign posting and a hearing.

3.0 Issues

The following issues were identified in evaluating this proposal:

- consistency with Secondary Suite Design Guidelines
- relaxations from the R1-B Zone
- addition of over 20 m² of development to accommodate a secondary suite

4.0 Analysis

4.1 Consistency with Secondary Suite Design Guidelines

The Guidelines state that exterior changes to the front façade should be minimized. However, the proposal includes significant changes to the exterior of the building, primarily the addition of a new upper storey to accommodate the secondary suite. The proposed addition is in keeping with the character of the neighbourhood and a significant improvement to the design of the existing house. The building's new upper storey includes new windows that are oriented toward the front and rear yards to minimize privacy impacts on neighbouring dwellings. Staff are supportive of the proposed changes to the exterior of the building.

4.2 Relaxations from the R1-B Zone

The *Zoning Regulation Bylaw* defines height by number of storeys and height measured in metres from average grade. The proposed dwelling is considered a three-storey structure due to the amount that the basement protrudes above grade. As a result, the basement is counted as a storey, triggering the change to total number of storeys. The proposed height of the building is 7.6 m which is consistent with the R1-B Zone. Given that the height of the basement is an existing non-conformity and that the overall height of the building, as measured in metres, is consistent with the R1-B Zone, staff support this variance.

The applicant proposes reductions in the front yard setback, side yard setback (west) and combined side yards. The dwelling is remaining *in situ*, however, given the proposed addition of a new upper-storey, the existing setbacks lose their non-conforming status and are considered less stringent than the comparative R1-B Zone. Again, the fact that these are existing setbacks and that the height of the building, as measured in metres, is consistent with the R1-B Zone, staff are supportive of the proposal as the dwelling provides a good relationship with the street and also provides for an adequate front yard setback. Moreover, the new upper storey provides windows that are positioned in a north-south orientation which eliminates possible privacy impacts on the adjoining neighbours to the east and west.

4.3 Addition of Over 20 m² to Accommodate a Secondary Suite

The secondary suite will be 78 m² in size which is below the 90 m² maximum suite floor area. However, a relaxation request is triggered as Schedule J requires that exterior changes cannot create more than 20 m² of new enclosed floor area. Staff have no objections to this variance as the additional floor area will be located within a well-designed upper-storey of the building with no anticipated privacy impacts on adjacent neighbours.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

1. That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.
2. That Council decline the application.

7.0 Conclusions

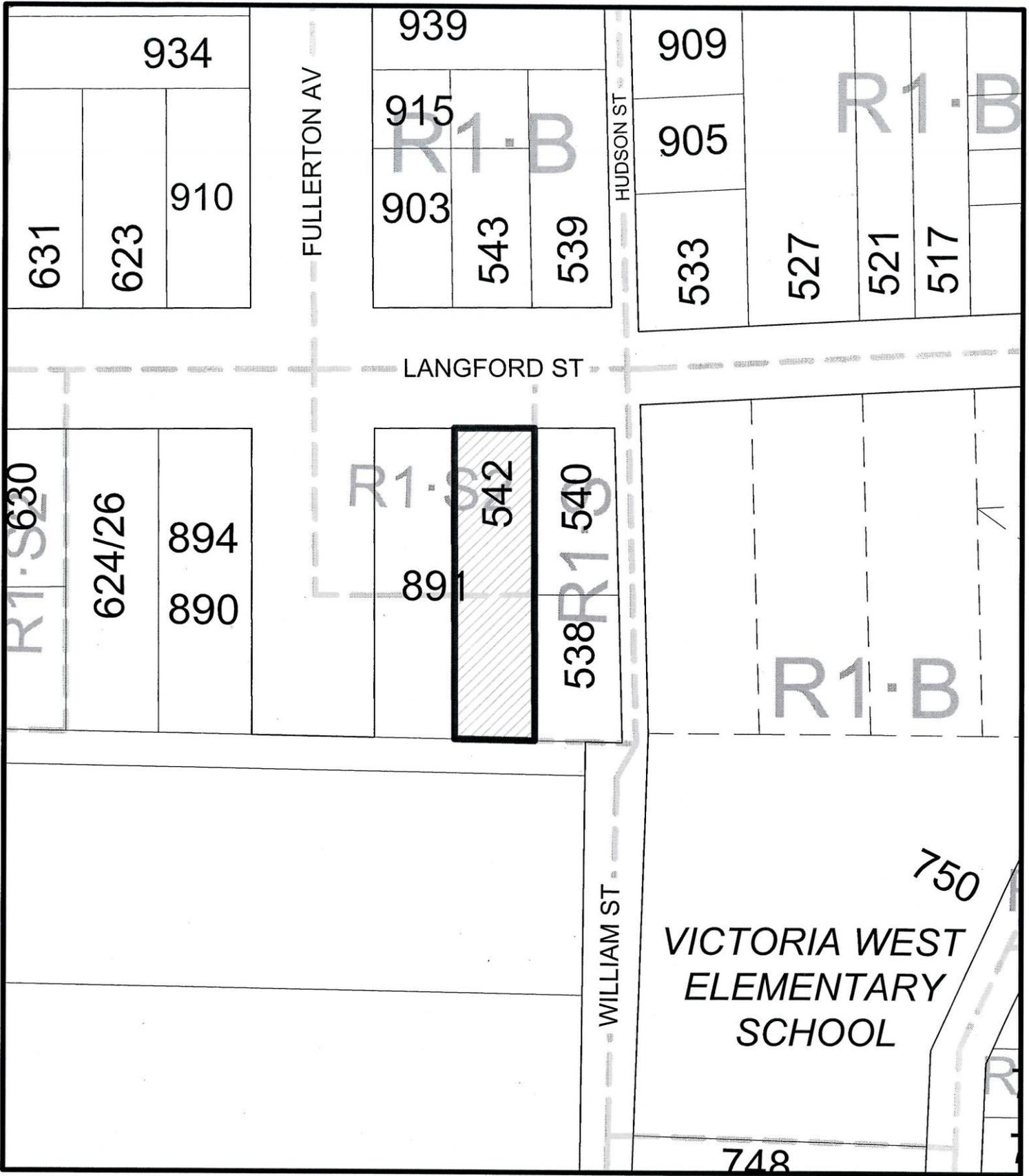
The proposal is generally consistent with the *Official Community Plan Traditional Residential* land-use designation and with the *Victoria West Neighbourhood Plan*. The additional upper storey is well designed and will add an additional rental suite in the City. Staff support this application.

8.0 Recommendation

That Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application #00403 and advance the application for consideration at a Public Hearing.

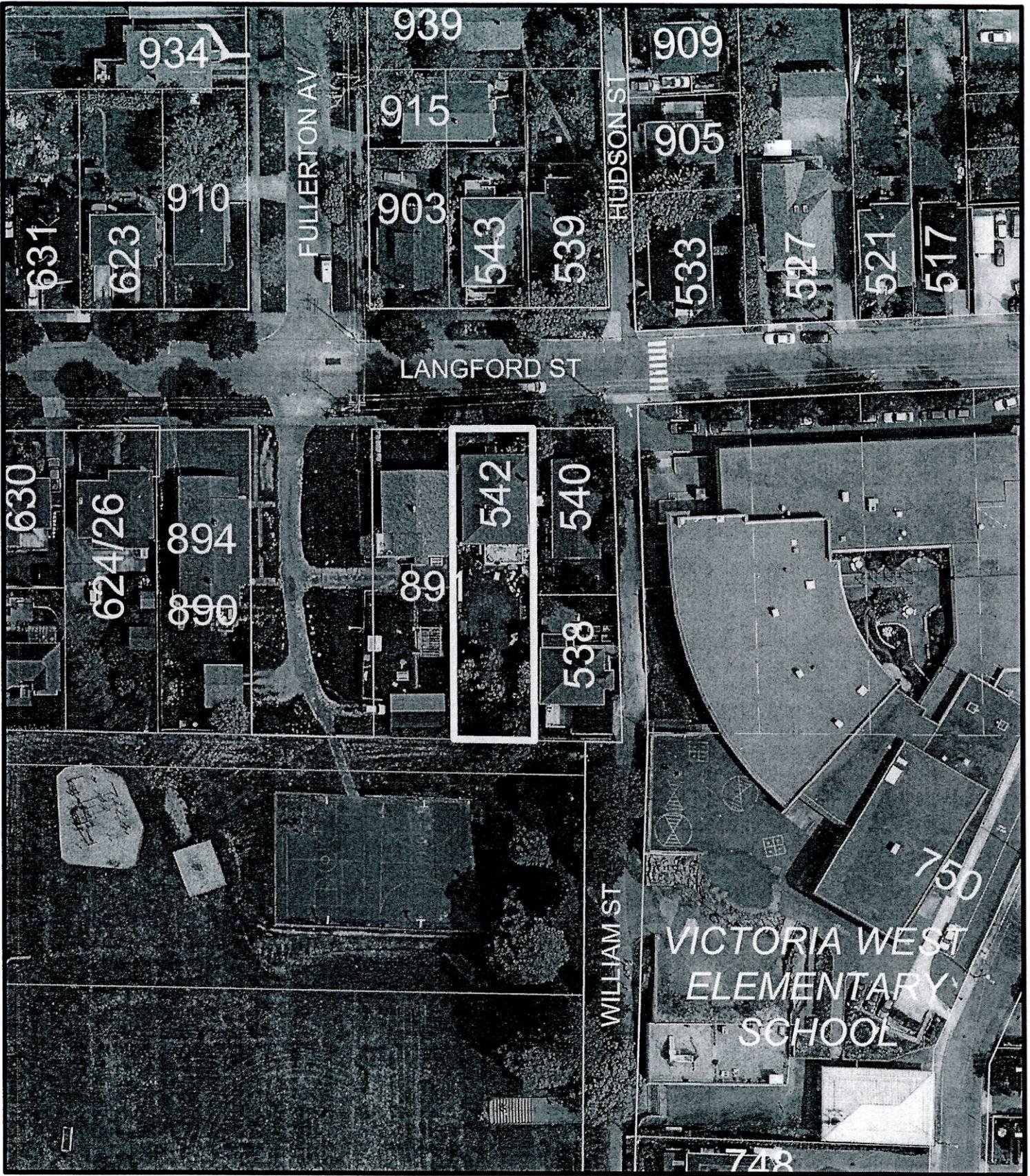
9.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated November 5, 2013
- Plans dated June 26, 2013.



542 Langford Street
 Rezoning #00403
 Bylaw #





542 Langford Street
Rezoning #00403
Bylaw #



11/05/13

To: Mayor and Council
From: Maureen Williams and Ralph Garrison
RE: Application for Rezone



Dear Mayor and Council,

This letter accompanies our application for rezoning of our property at 542 Langford Street.

We have requested a zoning change because our lot, which was originally zoned R1-B, was divided into two zones by a previous owner: the house now sits on the half of the lot that was rezoned R1-S2; the other half of the lot was zoned R1-B, presumably for development purpose. We are interested in improving the existing house, including adding a secondary suite, rather than developing the back of the lot, so we are requesting that the entire lot be returned to a single zone that would permit all of the uses in the R1-B zone and accommodate the ways in which our house does not and will not comply with R1-B zone requirements, as outlined below.

Although our lot was historically zoned R1-B, there are several ways that our house, built circa 1908, has never complied with the zone requirements. In addition, the work we hope to do to create the suite will create one new issue of non-conformity. Each of the non-conforming aspects of the current and hoped-for house plans is addressed below.

Legal existing non-conformities to be permitted in the new zone

The following items are existing legal non-conformities to the bylaw:

1. *Lot width*: The R1-B zone requires a minimum lot width of 15 metres; our lot width is 13.18 metres.
2. *Parking*: The R1-B zone requires one parking spot, however, there is no room on either side of the house to create an off-street parking spot, and the back of the lot is not accessible by road.

Variations from the R1-B Zone to be permitted in the new zone

1. *Setbacks*: There are several existing setback issues with the house, even though it was originally placed in the R1-B zone. Since we are not changing the footprint of the house, we are asking for variances for these setbacks.

We understand that the proposed increase in house height (56 cm, which is still within the allowable height in the zone and is addressed below under "*Number of stories*") affects consideration of setbacks. Our neighbors on both sides (east and west) have houses that are oriented, like ours, to take advantage of the south sun's warmth and light, as well as the views of the park and distant mountains, so the change in height we are proposing will have minimal impact on them. Our neighbors across the street (north) can see little of our house because a fruit tree in the boulevard in front of our house blocks their view. It

is worth noting, in addition, that all of our neighbors are well aware of our proposed changes and have all expressed their support.

The setbacks we are requesting variances for are as follows:

- a. *Front yard setback*: Our house is situated close to the road in the front of the lot; therefore, it is well within compliance in the back, but not in the front.
 - b. *Side Yard Setback*: The lot is narrow, and the existing east and west side yard setbacks are closer than the zone permits.
 - c. *Combined Side Yards*: The existing combined side yard setbacks are not in compliance with the zone.
2. *Number of stories*: In keeping with the fashion at the time it was built, our house has grand ten-foot ceilings on the main floor, but ceilings too low for comfortable living space in the basement and attic. There is a lot of room in these low-ceilinged places, and the people who owned the house before us used them to full capacity. According to neighbors and previous tenants, at times there were as many as 14 people living here on all three stories. Our plan was more modest, as we hoped to create a nice, legal, one-bedroom suite in one of the two spaces, while the three of us would live on the main floor.

We considered creating the suite in the basement at first, but quickly realized that lifting the house or digging out the foundation to create the extra headspace needed for a legal suite was a more extensive job than we could undertake. Our plans shifted to the attic, which, although small, is a brighter and more attractive space. A building inspector indicated that the roof is not properly ventilated or insulated, so our plans include addressing this issue while at the same time changing the roofline from a hip to a gable roof. This adds attractiveness, is in keeping with other houses in the neighborhood, and creates more space for the secondary suite. The change in roofline will add 56 centimetres to the height of the building, but continues to comply with R1-B zoning rules.

Creating a suite in the attic presents the issue of having three stories in a zone that permits only two. The basement is considered a story because of the height of its ceiling above the grade of the surrounding land, not its height above its floor, which in legal and practical terms makes it too low for reasonable living (6' 1"). With permission for variance, we intend to use the basement as storage and workshop space, and would consider the main floor and the redesigned attic as two stories for living.

3. *Adding a secondary suite that includes more than 20 square meters of enclosed floor area*. Although we are not changing the footprint of the house or adding appreciably to the actual floor area, turning the attic into livable space for the purpose of creating a secondary suite will increase the countable enclosed floor area of the house by more than 20 square meters.

Compliance with Secondary Suite Regulations

1. *Floor area of house:* At 324.85 m², the floor area of our house is more the minimum required 150 m².
2. *Exterior changes:* There have been no changes to the exterior of the house in the previous five years.
3. *Floor area of suite:* At 81.25 m², the proposed suite will be under the maximum allowed 90 m², and represents 25% of the house floor area of the entire house, which is well within the maximum allowed 40%.

Consideration of Design Guidelines

1. *Overall design of the house:* The porch, main floor front windows, and bay window on the main floor will remain where they are. The existing metal siding will either be painted, removed to expose the original siding, or replaced with cedar shingles, which are in keeping with the historic architecture of the house. Because of the change in roofline, the second floor window will change from a small dormer window to a window in the main wall that is consistent with the windows on the main floor. Because of the desire to maximize passive solar gain on the south (back) side of the house, and the narrow passages on both sides of the house, the entry door to the suite is planned for the porch. These doors to the main floor and the secondary suite will be side by side and matching. As mentioned, we have opted to use the upper rather than lower space to convert into a secondary suite because of costs, and because this particular house has a south-facing aspect and we are interested in optimizing the use of solar warming and light. The south side overlooks a public park and has views of the straits. The upstairs suite will take advantage of all of these features and creates a bright, warm living space.
2. *Landscaping and parking:* As previously mentioned, the lot does not accommodate a parking space, but Langford Street has ample on-street parking and the sum total of parking space we will use for ourselves plus a tenant will be an overall reduction from the amount of on-street parking used by the former owners and tenants of our house.
3. *Private outdoor space:* The secondary suite communicates directly with the front yard, which will be for the use of the tenant.
4. *Design of Secondary Suite Entrance:* As mentioned above, the entry door will be on the front porch and will match the entry door to the main level. The porch provides a covered entry, will have adequate lighting, and is approached by a walkway that is already lit by streetlights.
5. *Livability:* The tenant will have access to a portion of the basement for storage. Unfortunately, the suite will not be handicapped-accessible.

We have never wavered from our hope to contribute to the betterment of our house and our neighborhood. The house renovation design includes intensive attention to energy efficiency as well as aesthetic beauty, and we have converted our large south-facing back yard from a household landfill into a very productive fruit and vegetable garden. This is our home, and our values are reflected in the work we have done and the changes we are planning.

Please know that we believe our intentions are consistent with the stated intentions of the city's zoning policies. It seems important for us to tell you that, in spite of what seem to be our common goals, the process of gathering legal permission from the city to work on our house has

been arduous, time-consuming, frustrating, and expensive. Ralph is a highly experienced builder and is doing most of the work himself. This is his first time building in the city of Victoria, and the obstacles presented by the city's many layers of bureaucracy have been surprising in nature, scope, and size. While we understand the need for regulation and control of development, we hope you will think about how highly cumbersome policies may drive people with good intentions to work under the legal radar when you reshape your plans and policies in the future.

Thank you so much for taking the time to fully consider our applications for zoning change.

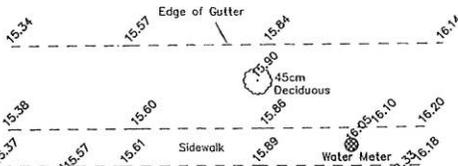
Yours sincerely,
Maureen Williams and Ralph Garrison

Maureen Williams
Ralph Garrison

LANGFORD STREET



14.80

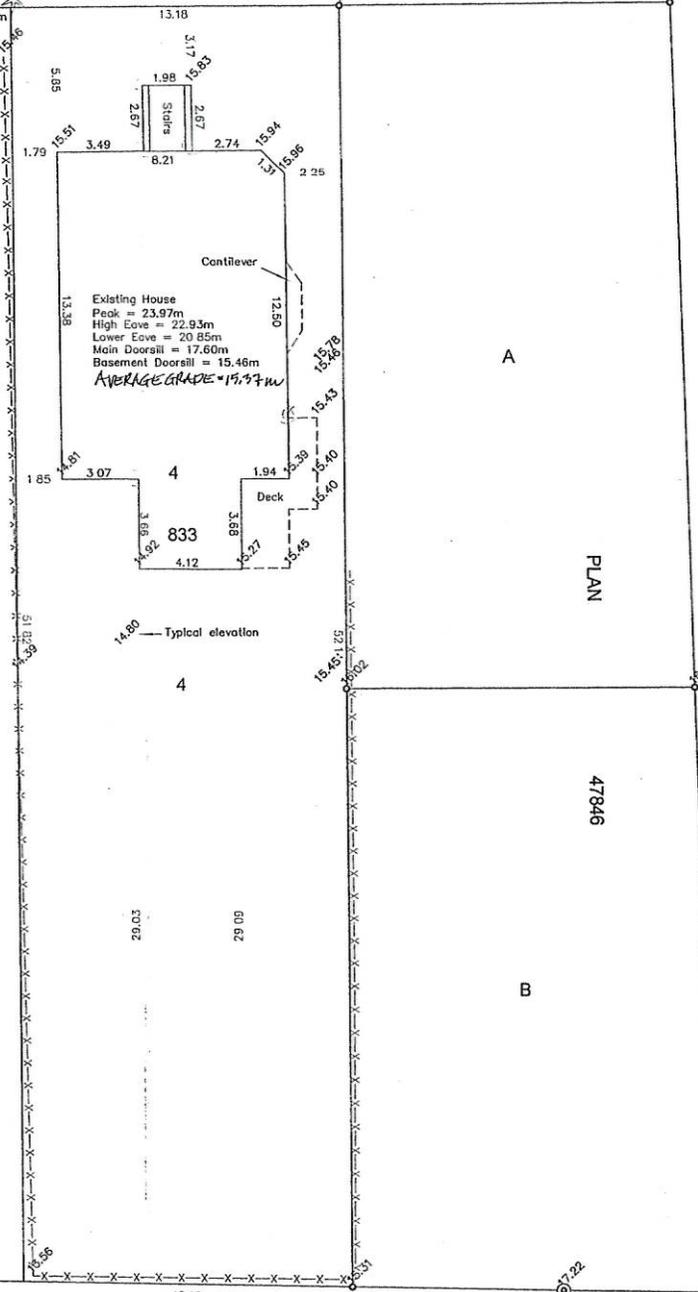


16.97

FULLERTON AVENUE

BLOCK
PLAN

3



WILLIAM STREET

PLAN

47946

A

B

14.80 Typical elevation

5
DD 7141

Williams/Garrison
542 Langford St.
REZONE

SITE PLAN

RALPH GARRISON

LOT 2, BLOCK 4,
SECTION 31, ESQUIMALT
DISTRICT, PLAN 833

ADDRESS : 542 Langford St.

PROJECT SURVEYOR : RPH

DRAWN BY : RPH

DATE : March 1/13

OUR FILE : 27916

REVISION : 1st



J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

4212 GLANFORD AVE, VICTORIA, B.C. V8Z 4B7
TEL: 250-727-2214 FAX: 250-727-3395
E-MAIL : info@janderson.com
VICTORIA - NANAIMO - PARKSVILLE

Elevations are geodetic based on control monument 23-45

Dimensions are in metres and are derived from field survey.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

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Offsets shown are to concrete foundation

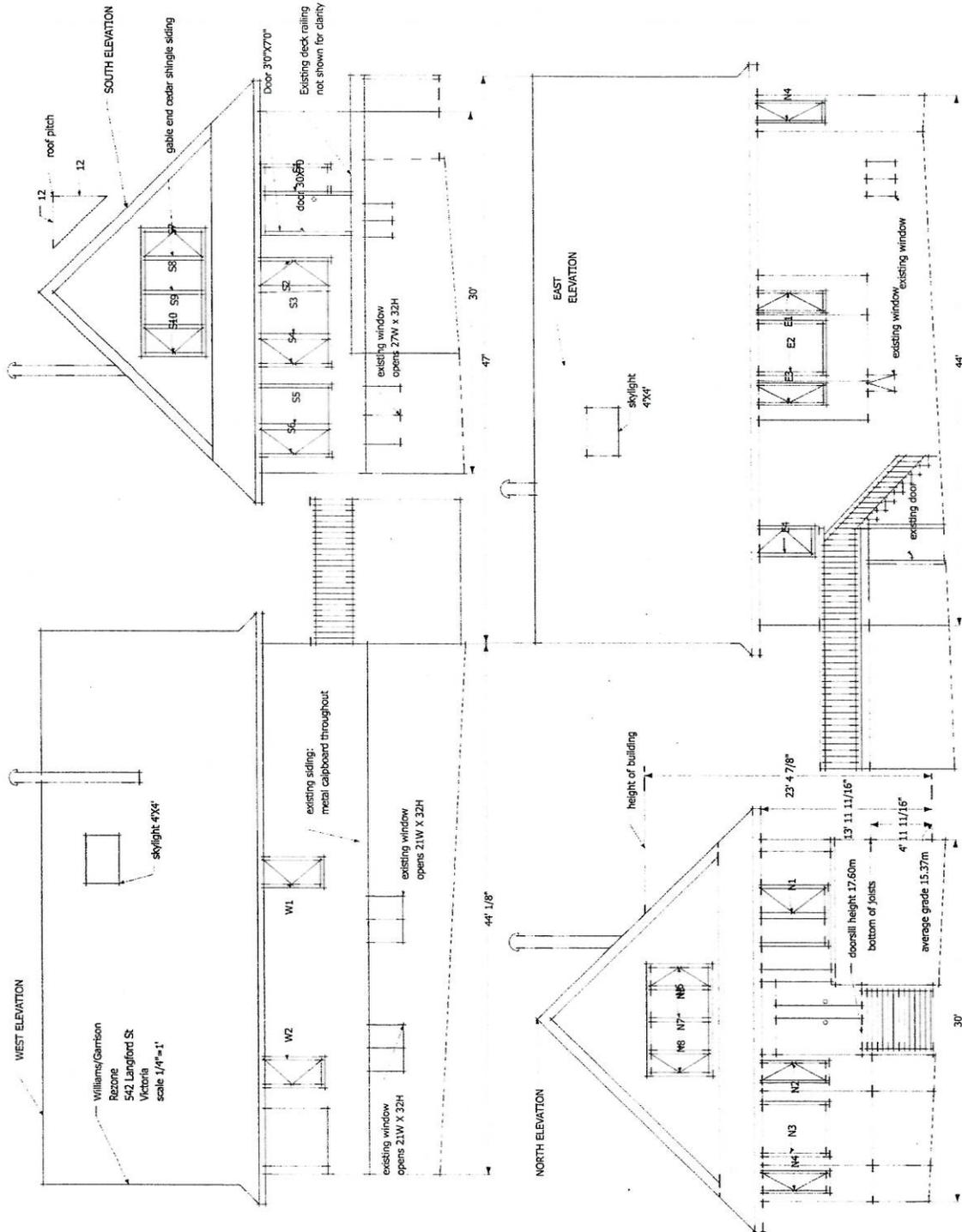


The intended plot size of this plan is 432mm in width by 560mm in height.

Certified correct this 1st day of March, 2013

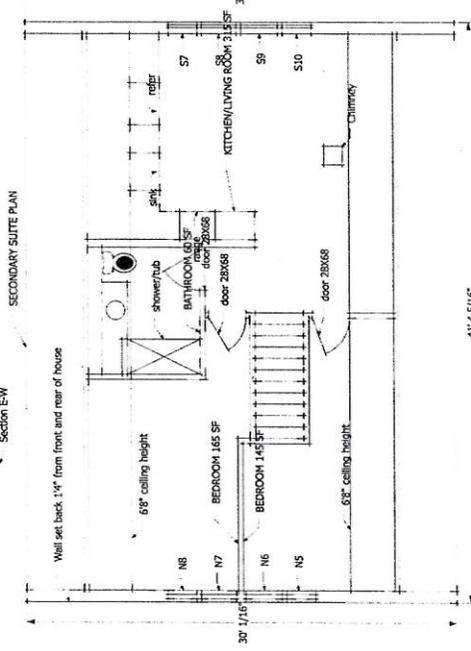
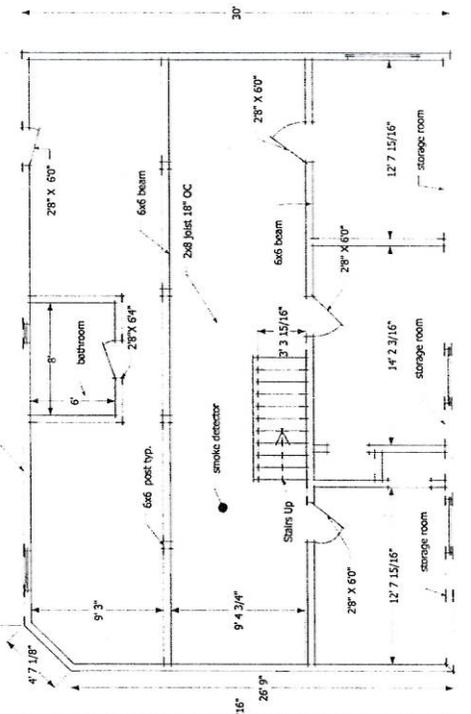
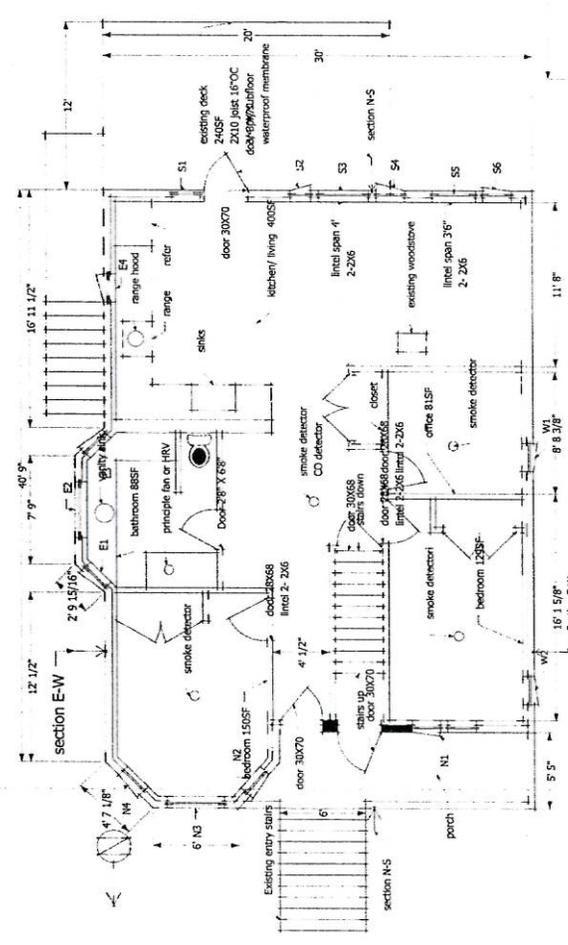
Ryan P. Hourston

Ryan P. Hourston, BCLS



Now
 The roof pitch has been changed since the
 City of Victoria's 1998 45 degree. It is now
 45 degrees.

- Window Schedule:
- N1 18" X 36" fixed and opening
 - N2 18" X 36" fixed and opening
 - N3 40" X 50" fixed
 - N4 20" X 30" opening
 - N5 20" X 48" opening
 - N6 20" X 48" fixed
 - N7 20" X 48" opening
 - N8 20" X 50" fixed
 - N9 20" X 50" opening
 - S1 20" X 50" opening
 - S2 18" X 60" opening
 - S3 30" X 60" fixed
 - S4 30" X 60" opening
 - S5 30" X 60" fixed
 - S6 20" X 60" opening
 - S7 20" X 48" opening
 - S8 20" X 48" fixed
 - S9 20" X 48" opening
 - S10 20" X 48" opening
 - E1 20" X 50" opening
 - E2 40" X 50" fixed
 - E3 20" X 50" opening
 - E4 20" X 48" opening
 - E5 20" X 50" opening
 - W1 20" X 30" opening
 - W2 20" X 30" opening



Williams/Carrion
 342 Langford St.
 Roxbury, MA 02119
 Scale: 1/8"=1'-0"

Wall set back 1/4" from front and rear of house

6'8" ceiling height

6'8" ceiling height

