### **REPORTS OF COMMITTEES**

#### 3. Committee of the Whole - February 9, 2017

#### 2. Development Variance Permit No. 00183 for 2625 Shakespeare Street (Oaklands)

#### Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant adhering to the Clean Hands Policy, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00183 for

- 2625 Shakespeare Street, in accordance with: 1. Plans date stamped January 24, 2017.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: reduce the rear yard setback from 8.38 metres to 7.6 metres; i.
  - reduce the side yard setback (east) from 1.52 metres to 1.5 metres; ii.
  - increase the allowable extension of enclosed floor area for secondary suites from 20 square iii. metres to 67.8 square metres.
- 3. The Development Permit lapsing two years from the date of this resolution."

## **Carried Unanimously**

# 3.2 Development Variance Permit No. 00183 for 2625 Shakespeare Street (Oaklands)

Committee received a report dated January 27, 2017, from the Director of Sustainable Planning and Community Development regarding an application to relocate the existing staircase and authorize previous additions completed without permits.

**Motion:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant adhering to the Clean Hands Policy, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00183 for 2625 Shakespeare Street, in accordance with:

- 1. Plans date stamped January 24, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 8.38 metres to 7.6 metres;
  - ii. reduce the side yard setback (east) from 1.52 metres to 1.5 metres;
  - iii. increase the allowable extension of enclosed floor area for secondary suites from 20 square metres to 67.8 square metres.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 17/COTW



## Committee of the Whole Report For the Meeting of February 09, 2017

То:	Committee of the Whole	Date:	January 27, 2017			
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development					
Subject:	Development Variance Permit No. 00183 for 2625 Shakespeare Street					

#### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant adhering to the Clean Hands Policy, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00183 for 2625 Shakespeare Street, in accordance with:

- 1. Plans date stamped January 24, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 8.38 metres to 7.6 metres;
  - ii. reduce the side yard setback (east) from 1.52 metres to 1.5 metres;
  - iii. increase the allowable extension of enclosed floor area for secondary suites from 20 square metres to 67.8 square metres.
- 3. The Development Permit lapsing two years from the date of this resolution.

#### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 2625 Shakespeare Street. The proposal is to relocate the existing unpermitted stairs at the rear of the property and legalize an existing secondary suite by approving non-permitted basement additions. The variances are related to reducing rear and side yard setbacks and increasing the allowable extension of enclosed floor area for secondary suites.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential designation and Development Permit Area 16: General Form and Character in the *Official Community Plan* (OCP) 2012
- the proposal is generally consistent with the policies and design specifications of the Secondary Suite Design Guidelines
- the proposal is consistent with the Low Density Family designation in the Oaklands Neighbourhood Plan, 1993
- the proposed variances relate to the illegal basement additions to create a secondary suite. The existing unpermitted stairs at the rear of the property will be relocated.

### BACKGROUND

### **Description of Proposal**

The proposal is to relocate an existing unpermitted exterior staircase and to allow previous additions that were completed without permits. Specific details include:

- the original crawlspace was converted to basement space and a further basement addition was constructed. The illegal basement additions will be legalized with this development permit and subsequent building permit
- the existing unpermitted staircase at the rear of the property will be removed and relocated to the south
- a portion of the existing parking pad will be converted into private amenity space for the secondary suite.

The proposed variances are related to:

- reducing the rear yard setback from 8.38 metres to 7.6 metres
- reducing the side yard setback (east) from 1.52 metres to 1.5 metres
- increasing the extension of enclosed floor area for secondary suites from 20 square metres to 67.8 square metres.

#### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

#### Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

#### Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

#### Existing Site Development and Development Potential

The site is presently a single-family dwelling.

#### **Community Consultation**

At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw* it requires notice, sign posting and a meeting of Council to consider the variances.

#### ANALYSIS

#### **Development Permit Area and Design Guidelines**

The Official Community Plan (OCP) identifies this property within DPA 16, General Form and Character. The proposal is consistent with the Secondary Suite Design Guidelines.

#### Oaklands Neighbourhood Plan

The Oaklands Neighbourhood Plan designates this property as Low Density Family. The application is consistent with the neighbourhood plan, in which secondary suites are permitted in the Low Density Family area.

#### **Regulatory Considerations**

To facilitate the creation of a secondary site, three variances are required. The variances are a result of the siting and size of the existing unapproved additions and reflect current conditions.

The following table summarizes the proposed variances:

Zoning Criteria	Proposed Variance	Zone Standard R1-B		
Setbacks (m) - minimum				
Rear	7.60	8.38		
Side (north)	1.50	1.52		
Added floor area (m <sup>2</sup> ) - maximum	67.80	20.00		

The applicant is in the process of adhering to the Clean Hands Policy, which staff recommend for Council's consideration, to be complied with prior to setting an opportunity for public comment at a meeting of Council.

#### CONCLUSIONS

This proposal to create a secondary suite is consistent with both the *Official Community Plan* and the *Oaklands Neighbourhood Plan* in creating affordable housing while maintaining the traditional low density character of the neighbourhood. The proposed variances to legalize unlawful construction would not have a substantial impact on the adjacent properties. Staff recommend that Council consider supporting this application.

#### ALTERNATE MOTION

That Council decline DVP Application No. 00183 for the property located at 2625 Shakespeare Street.

Respectfully submitted,

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Michael Angrove Planner Development Services

Jonathan Tinney Director

Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

3,2017 Date:

#### List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated December 19, 2016
- Plans dated January 24, 2017

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2625 Shakespeare Street Development Variance Permit #DVP00183







2625 Shakespeare Street Development Variance Permit #DVP00183



576 Island Road Victoria, BC V8S 2T6

December 19th, 2016

#### Re: Development Variance Permit for 2625 Shakespeare Street

Dear Mayor and Council,

I am writing to you to seek your approval for a Development Variance Permit to allow us to legalize our property as a Single Family Dwelling with a Secondary Suite.

We purchased the property in 1999 as a way to support our adult son, his partner and their daughter (our grandchild). When we purchased the property we were aware it had been converted to a three unit home without appropriate authorization from the City of Victoria. However, illegal construction was a feature of most homes offered for sale. This home provided the right mix of an excellent, safe living space for their family and an income stream to make this all possible.

In 2014, there was a fire in the rear basement unit. What we thought would be a simple process to remove the illegal unit and legalize the property has been anything but. The restoration company hired by our insurance company was unable to obtain a building permit because it was discovered that the rear basement unit was not only converted to a living space without permit, but was located in a living space and under a deck (a smaller deck was made larger) that had both been constructed without permit. This was new information to us.

In contrast, the secondary suite we are seeking permission to legalise was constructed with permit in 1992 as an expansion to the existing dwelling as suite-ready floor pace (e.g. with appropriate fire separation, plumbing, electrical, etc.). A stove was later added without permit.

Our Development Variance Permit is required for three reasons:

- The east wall of the rear basement space (which will include a bathroom and rec room connected by stairs to the upper single family dwelling) was built 80 cm closer to the property line than is permitted. We are seeking a rear yard setback variance from 8.4 m to 7.6 m
- The north wall of the rear basement space was built 2.4 cm closer to the property line than is permitted. We are seeking a side yard setback from 1.524 m to 1.5 m.
- The legalization of the rear basement living space is considered "new construction" by the City
  and thus subject to the Secondary Suite Regulations that limit the amount of new floor area that
  can be constructed in association with a "new" secondary suite. We are seeking a variance from
  20 m<sup>2</sup> to 65 m<sup>2</sup>.

As of the date of writing this letter, we see that Council is considering a recommendation from staff to eliminate the Secondary Suite Regulations. This would make our second variance unnecessary. Should Council decide not to approve the staff recommendation we believe our request is supportable nonetheless. The new space is to the rear of the property, partially below grade and partially within pre-

existing crawl spaces that were converted to living space. As such, this 65 m<sup>2</sup> represents a very modest expansion in the size of the existing home with no discernable impact on neighbours.

With respect to the rear yard setback variance, there are options that do exist to bring the home into compliance. However, the property still has a generous sized rear yard (7.6m), and by moving the rear stairs we have increased its usable size and reduced the variance requirements. The portion of the house that encroaches into the rear yard is only 1.3 m above grade, meaning it has little impact on our neighbours. The side yard variance is extremely small. Of significance is that the existing house is already 1.2 m closer to the property line than this addition.

We have attached to our application indications of support from seven of our immediate neighbours, including our adjacent neighbours on either side and to the rear of our property. The information we provided in the letter with respect to the variances was slightly incorrect. With an updated property survey we discovered the combined yard setback variance was not required, but a very small side yard setback. For the rear yard, we have reduced the size of the variance we communicated to our neighbours by moving the rear stairs. Further discussions with our neighbours have not suggested any concerns.

Given that this housing situation has been in place for approximately 20 years without any complaint, the minor nature of our variance requests and the support from our neighbours, we trust Council will look favourably on our application. Your approval of this application will mean the addition of yet another inspected, permitted and safe rental suite in the City.

Cordially,

All Hunter, Binon Lettonal, My Mustunten

Leslie and Morley Hunter, and Bianca Leblond

# DEVELOPMENT VARIANCE PERMIT: 2625 SHAKESPEARE ST

PROJECT INFORMATION:

2625 SHAKESPEARE ST

LOT 19. PLAN VIP835, SECTION 48 VICTORIU

LESUE HUNTER

PARTUAL FIRE RESTORATION CODE COMPLIANCE FOR NON PERMITTED EXISTING SECONDARY SUITE NEXISTING FINISHED BASEMENT CONVERSION OF EXISTING CRAWLSPACE INFO FINISHED BASEMENT SACACE THEO FINISHED BASEMENT SACACE ADDITION TO BASEMENT AREA AND ACCUTION OF NON PERMITTED DECK OVER LIVING SPACEDEFINITION OF LEGAL SECONDARY SUITE

RYAN HOYT DESIGNS INC

ON SIDE RESTORATION 250 479 7075

NON-PERMITED EXISTING

NON-PERMITED EXISTING

161.9m2 (161 9/509 8= 31.7%)

250 999 9893 INFORRYANHOYTDESIGNS COM

PROJECT DIRECTORY:

SITE ADDRESS:

SCOPE OF WORK:

OWNER:

DESIGNER

GENERAL CONTRACTOR

STRUCTURAL N/A

## VICTORIA, BC



#### ZONING ANALYSIS:

ZONE: R1-8 509.8m2 LOT AREA:

GROSS FLOOR AREA:	ALLOWABLE					
MAIN FLOOR						
BASEMENT						
TOTAL	300.0m2					

#### LOT COVERAGE: ALLOWABLE HOUSE TOTAL 40% HEIGHT: ALLOWABLE HOUSE 7 6m SETBACKS: ALLOWABLE PERMITTED EXISTING FRONT (W) 7.5m REAR (E) 8.4m (25%) SIDE (S) 3.0m SIDE (N) 1.5m COMBINED SIDE YARD 4.5m REAR PORTION NON PERMITTED (TO BE LEGALISED) REAR (E) 8 4m (25%)

3.0m

1.5m

4.5m

SIDE (S)

SIDE (N)

COMBINED SIDE YARD

## GRADES. AVERAGE GRADE -1.1m

#### 107 tm2 77 Qm2 185.0m2 PERMITED EXISTING 128.0m2 128 0m2 (128 0/509 8+ 25 1%) PERMITED EXISTING 4.6m PERMITED EXISTING

9.4m

10.6m 3.1m

0.3m

3.40

10.6m

3.1m

3.1m

3.3m

PERMITED EXISTING

NON-PERMITED EXISTING NIA 5.9m 3.1m N/A NIA

NIA

3.1m

1.5m

1.5m

N/A

145 7m2

252 8m2

33 9m2

4.6m

#### NON-PERMITED EXISTING PROPOSED 4 Em (NO CHANGE) PROPOSED

7 5m (VARIANCE OF 0.8m REQUIRED) 3 Im (NO CHANGE) 0.3m (NO CHANGE) 3 4m (NO CHANGE)

SHEET INDEX:

ADD COVER SHEET

A3.1 SECTIONS

A4 1 ELEVATIONS A4 2 ELEVATIONS

PROPOSED

PROPOSED

145 7m2

252 Am2

163.8m2

107 1m2 (NO CHANGE)

A1.0 EXISTING SURVEY A21 FOUNDATION & BASEMENT A22 MAIN FLOOR PLAN

> 7.6m (VARIANCE OF 0.8m REQUIRED) 3 1m (NO CHANGE) 1.5m 4.6m





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FRAMING NOTES

City of Victoria

JAN 2 4 20157

Planning & Development Department **Development Services Division** 

freet

A3.1



































08/02/2017

