

4. **Committee of the Whole – January 12, 2017**

8. **Rezoning Application No. 00504 and Development Permit with Variances Application No. 000489 for 8 & 10 Philippa Place (Fairfield)**

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff.

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00504, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit with Variance Application No. 000489 for 8 and 10 Philippa Place in accordance with:

1. Plans date stamped November 18, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the 1st and 2nd storey combined floor area from 280m<sup>2</sup> to 310m<sup>2</sup>
  - ii. reduce the rear yard setback from 12.37m to 10.65m (to stairs)
  - iii. reduce the side yard setback (west) from 3.00m to 1.45m
  - iv. reduce the side yard setback (east) from 2.03m to 1.86m (to cantilever)
  - v. reduce the combined side yards from 4.50m to 3.31 m
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

### **3.5 Rezoning Application No. 00504 for 8 & 10 Philippa Place (Fairfield)**

Committee received a report dated December 23, 2016, from the Director of Sustainable Planning and Community Development, providing information and recommendations regarding a Rezoning Application to rezone from the Single Family Dwelling District to the Two Family Dwelling District for the property located at 8 & 10 Philippa Place.

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment bylaw be considered by Council and a Public Hearing date be set by staff.

CARRIED UNANIMOUSLY 16/COTW



## **Committee of the Whole Report**

### **For the Meeting of January 12, 2016**

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**To:** Committee of the Whole **Date:** December 23, 2016

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No.00504 for 8 & 10 Philippa Place

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No.00504 for 8 and 10 Philippa Place, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council and a Public Hearing date be set by staff.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as, the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 8 and 10 Philippa Place. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District in order to permit the existing legal non-conforming duplex to be strata titled.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential – Duplex of the *Official Community Plan (OCP) 2012*
- the proposal meets the *Neighbourliness Guidelines for Duplexes, 1996*, minimum site area and lot width criteria for interior lots
- the property has an existing duplex on it that is considered a legal non-conforming use
- the applicant has registered a Clean Hands Covenant for work that was completed without permits.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to rezone the property from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, in order to permit the existing legal non-conforming duplex to be strata titled and to allow for minor alterations to the building.

Five variances would be required to accommodate the non-conforming setbacks of the existing building and to allow for additional floor area within one of the dwelling units. The proposed variances will be discussed in relation to the concurrent Development Permit Application.

### **Affordable Housing Impacts**

The applicant is not proposing to create new residential units. The rezoning would permit the applicant to strata title the two existing residential units.

### **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 Rezoning Application.

### **Land Use Context**

The area is predominantly characterized by single-family dwellings and duplexes. Hollywood Park and the Ross Bay Urban Village are located approximately two blocks to the south. Immediately adjacent land uses within the Philippa Place cul-de-sac include several similarly non-conforming duplexes and single-family dwellings.

### **Existing Site Development and Development Potential**

The site is presently a legal non-conforming duplex. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite.

### **Data Table**

The following data table compares the proposal with the standard R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone and a variance is required. A double asterisk is used to identify existing legal non-conformities.



<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R-2</b>
Site area (m <sup>2</sup> ) - minimum	747.60	555
Density (Floor Space Ratio) - maximum	0.41:1	0.50:1
1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	309.22*	280.00
Combined floor area (m <sup>2</sup> ) - maximum	309.22	380.00
Lot width (m) - minimum	20.32	15
Height (m) - maximum	5.00	7.60
Storeys - maximum	2	2
Site coverage % - maximum	23.50	40.00
Open site space % - minimum	60.00	30.00
Setbacks (m) - minimum		
Front	7.82	7.50
Rear	13.00 (to building), 10.65 (to stairs)*	12.37
Side (west)	1.45*	3.00
Side (east)	2.43 (to building), 1.86 (to cantilever)**	2.03
Combined Side Yards	3.31*	4.50
Parking - minimum	2	2
Location of Parking	Side yard and internal	Behind front of building

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales Community Association Land Use Committee at a Community Meeting held on September 21<sup>st</sup>, 2015. The minutes of this meeting are attached to this report.

## ANALYSIS

### Official Community Plan

The OCP Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, duplexes are subject to DPA 15D: Intensive Residential – Duplex. The proposal is consistent with the objectives of DPA 15D to foster and encourage a sense of neighbourliness that is compatible with the form of housing in the neighbourhood.

### Neighbourliness Guidelines for Duplexes

The proposal is consistent with the *Neighbourliness Guidelines for Duplexes*, which states that an interior lot must have a width greater than 15m and a site area in excess of 670m<sup>2</sup>. In

addition, the differences between the existing non-conforming duplex and the standard R-2 Zone are proposed to be handled through the variance process. This would require any future development to meet the standard two-family dwelling siting requirements.

### **Other Considerations**

#### Clean Hands Policy Compliance

The Clean Hands Policy for Planning Approvals is in place to deal with situations on properties where there is a development application which requires Council's approval and where there is evidence of illegal construction. In this case, rear decks and stairs were added to each unit, the interior parking area for 10 Philippa Place was converted to living space, and an enclosed storage area and entryway were all added without permits. The applicant has registered a Clean Hands Covenant on title to address the illegal construction pending the outcome of this rezoning and concurrent development permit with variances application.

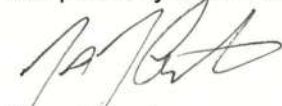
### **CONCLUSIONS**

This proposal to rezone the property to allow the legal non-conforming duplex to be strata titled is consistent with OCP policy and the *Neighbourliness Guidelines for Duplexes*. The existing duplex use would continue; however, a strata conversion would allow the tenure to change from one owner to strata ownership for each of the two dwelling units. Staff recommend that Council consider supporting this application.

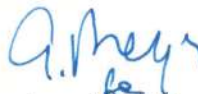
### **ALTERNATE MOTION**

That Council decline Application No.00504 for the property located at 8 and 10 Philippa Place.

Respectfully submitted,



Alec Johnston  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

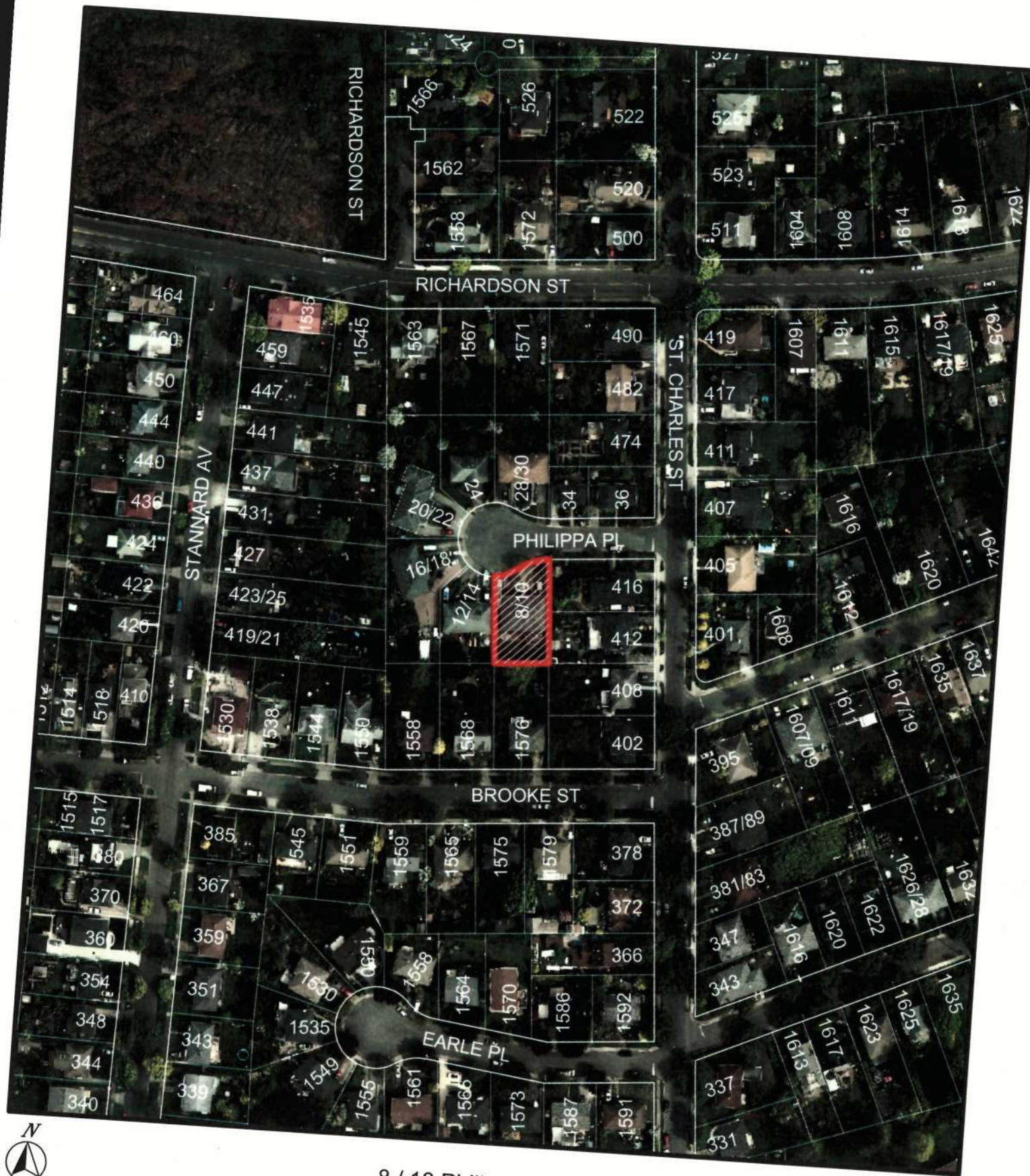


Date: December 30, 2016

#### **List of Attachments:**

- Aerial Map
- Zoning Map
- Applicant's Letters to Mayor and Council dated October 17, 2016 and November 30, 2015
- Minutes of Community Meeting for the Fairfield-Gonzales Community Association dated September 21, 2015
- Plans date stamped November 18, 2016





8 / 10 Philippa Place  
Rezoning No.00504



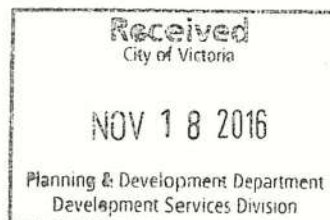






**RICK KINNERSLEY**  
**dba DOLICARI HOME IMPROVEMENTS**

16 Philippa Place  
Victoria, BC  
V8S 1S6  
250-217-6651



October 17, 2016

To the Mayor and Council  
1 Centennial Square  
Victoria, BC

Dear Sirs/Mesdames:

RE: 8 & 10 Philippa Place, Victoria, BC  
PID: 004-520-319, Lot 13, Section 68, Victoria District, Plan 10073

I am acting as agent for John Haveron, owner of the above noted purpose built duplex. I completed a strata conversion of my own purpose built duplex at 16-18 Philippa Place approximately five years ago and did not require the necessity of going through the rezoning process. I understand from the Zoning Administrator that after my own strata conversion the City solicitors instructed them that any future applications would require a rezoning as the use is non-conforming.

Accordingly, I write to request that the above noted duplex be rezoned from an R1B single family dwelling to an R2 two family dwelling so that it can be strata titled.

Philippa Place is a small cul-de-sac off of St. Charles Street between Richardson Street and Fairfield Road. There are currently four single family dwellings and five duplexes in the cul-de-sac. The duplex at 20-22 Philippa was strata titled in the 1990s and as previously mentioned mine at 16-18 Philippa was strata titled in 2011. The single family dwelling at 36 Philippa was re-zoned in 2008 from a R1B Zone into a R1-S2 Zone, Restricted Small Lot (Two Storey) District and a new house was built at 34 Philippa on the lot that was created.

By way of background regarding the duplex in question, John Haveron lives in 8 Philippa and had rented out 10 Philippa when initially planning the strata titling. The tenants were offered an opportunity to purchase the unit if they were so inclined. They however moved away and the unit has remained unoccupied. In anticipation of what I had previously done for my strata conversion, work began on the duplex in approximately November 2013 with a new roof installed, upgrade of main floor party wall and attic to meet the building code (STC and fire) as per architect's specifications, arrangements for sound test, and site surveyor. There are no proposed changes to the existing building.

Prior to John Haveron purchasing 8 & 10 Philippa Place, a door with a roof was put over the side stairwell of 10 Philippa Place which provides cover in the rain for entry into the basement. It does not obstruct any neighbours' views. There was also a conversion of the indoor garage into a storage/TV room with new electrical work at 10 Philippa Place prior to Mr. Haveron's purchase for which an electrician has now applied for a permit and certified to be up to required standards. After purchasing the duplex he had two decks built in the back yard on each side of the duplex - at 8 Philippa Place there are three steps leading up to the deck and at 10 Philippa Place the deck is on ground level. They do not intrude on any neighbours' privacy however they are closer to the back fence than the setbacks allow. The front of the duplex has not been altered and conforms with the other duplexes on the cul-de-sac. A Section 215 Clean Hands Covenant has been registered in the Victoria Land Title Office against the title to 8 and 10 Philippa Place with respect to these alterations.

The proposal does conform to the *Official Community Plan*. The building does not have heritage status.

The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit. The location is very walkable so most errands can be accomplished on foot.

The rezoning would have no effect on the immediate neighbours as it will be sold and the noise and activity levels should remain the same as when tenants lived in it previously.

There are adequate public infrastructure and no trees were removed.

There is ample parking space both on and off the property for both sides of this duplex. The only issue of parking that has come up is as set out in the Minutes of the Community Meeting held September 21, 2015. The tenant residing in the duplex at 12 Philippa complains about parking because he does not have enough room to park his vehicle in his own driveway as he has a defunct vehicle (which has now been removed) and boat parked in it. There is ample room for friends and family to park on the cul-de-sac entrance near St. Charles Street.

Thank you for your consideration.



Rick Kinnersley, Applicant



John James Haveron, Registered Owner



**RICK KINNERSLEY**  
**dba DOLICARI HOME IMPROVEMENTS**

16 Philippa Place  
Victoria, BC  
V8S 1S6  
250-217-6651

November 30, 2015

To the Mayor and Council  
1 Centennial Square  
Victoria, BC

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RE: 8 & 10 Philippa Place, Victoria, BC  
PID: 004-520-319, Lot 13, Section 68, Victoria District, Plan 10073

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Accordingly, I write to request that the above noted duplex be rezoned from an R1B single family dwelling to an R2 two family dwelling so that it can be strata titled.

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By way of background regarding the duplex in question, John Haveron lives in 8 Philippa and had rented out 10 Philippa when initially planning the strata titling. The tenants were offered an opportunity to purchase the unit if they were so inclined. They however moved away and the unit has remained unoccupied. In anticipation of what I had previously done for my strata conversion, work began on the duplex in approximately November 2013 with a new roof installed, upgrade of main floor party wall and attic to meet the building code (STC and fire) as per architect's specifications, arrangements for sound test, and site surveyor. There are no proposed changes to the existing building.

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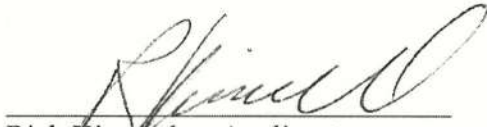
The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit. The location is very walkable so most errands can be accomplished on foot.

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Thank you for your consideration.

  
Rick Kinnersley, Applicant  
John James Haveron, Registered Owner



**Minutes of Community Meeting  
Planning and Zoning Committee  
Fairfield-Gonzales Community Association (FGCA)  
Sept. 21, 2015**

Facilitators for the FGCA: George Zador, (Chair)  
Susan Snell  
Ken Roueche

**Subject property:** 8 – 10 Philippa Place , application for strata conversion  
Proponent/owner: Rick Kinnersley                      89 notices sent

No construction, except a new driveway entrance to be cut in.  
Existing non-conforming duplex, to be strata titled.

Attendance: 2 people.

**Attendee Questions and Comments:**

- Question if similar conversions exist in Philippa Place....answer: yes, two others
- Question if the basements of the two units could be rented separately...no intention.
- Tennant residing in 12. Philippa Pl commented extensively about the existing shortage of curbside parking in this semi-circular cul-de-sac and to loss of parking due to the new driveway.

Proponent had no drawings or other visual presentation to offer, assuming that since no construction is undertaken, such would not be required. Upon questioning, plans were made available. It should be mandated by the City that plans are presented for all applications in order to provide clarity to community members.

**George Zador**  
Planning and Zoning Chair  
Fairfield Gonzales Community Association  
1330 Fairfield Rd. Victoria, BC V8S 5J1  
planandzone@fairfieldcommunity.ca  
www.fairfieldcommunity.ca  
*Facebook*

# SKETCH PLAN TO ACCOMPANY APPLICATION FOR STRATA CONVERSION

LOT 13, SECTION 68, VICTORIA DISTRICT, PLAN 10073

Parcel Identifier: 004-520-319

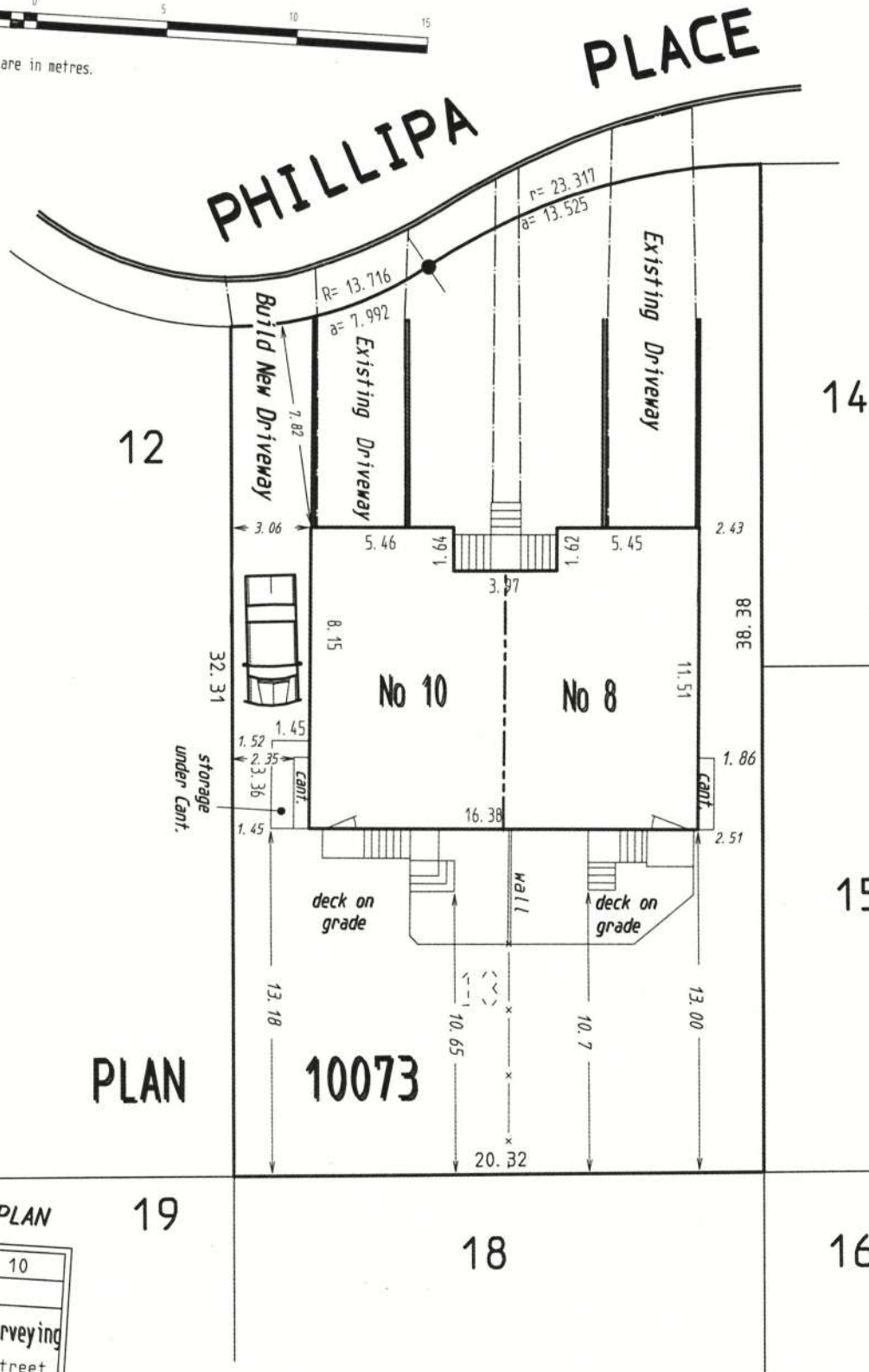
In the City of Victoria

SCALE = 1 : 250



All distances are in metres.

Revision  
Received D  
November 1



DRAFT STRATA PLAN

FILE: 8287 - 10

DWG/DATE: 8287str3 / 2016-10-25

Brad Cunnin Land Surveying

101-2610 Douglas Street  
Victoria, BC V8W 1S2

ph. (250) 381-BCLS (2257) fx. 381-2289

SITE PLAN



# LOWER LEVEL

## LEVEL ONE OF TWO LEVELS

SCALE = 1 : 250

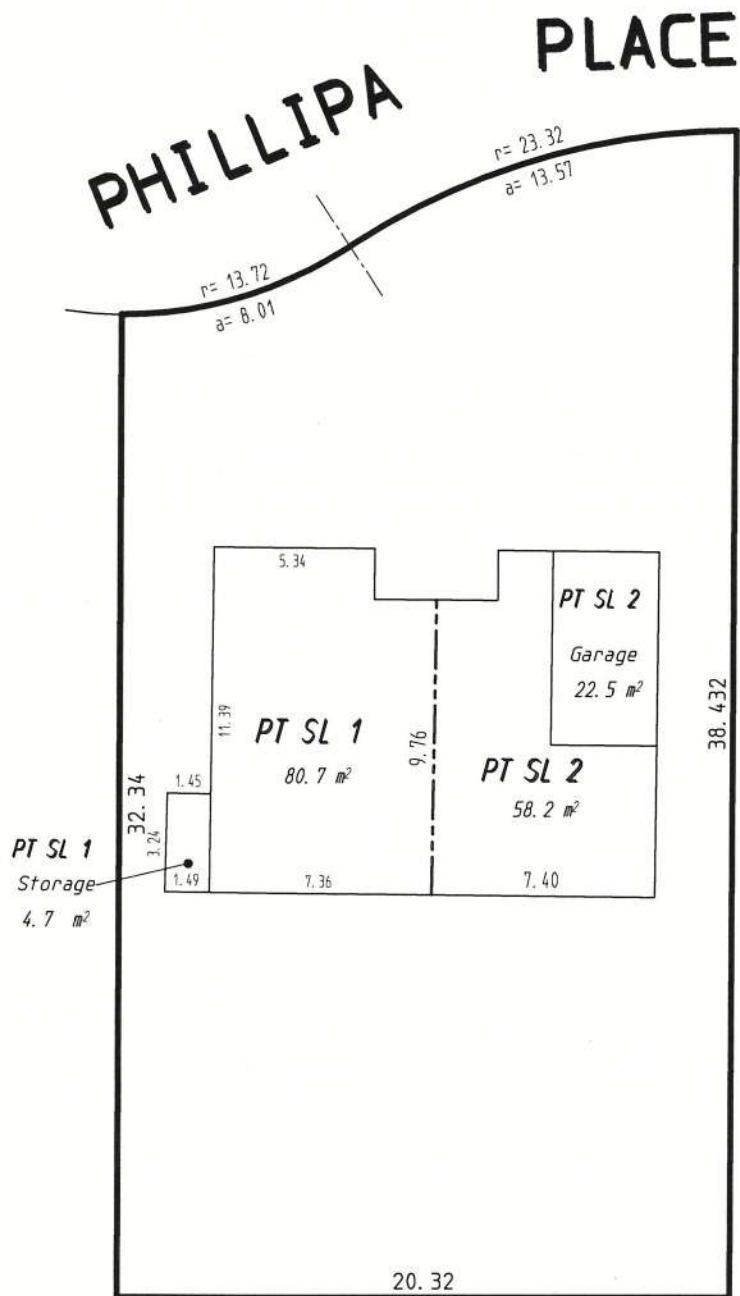


All distances are in metres.

### LEGEND

- SL - denotes - Strata Lot
- PT - denotes - Part
- m<sup>2</sup> - denotes - square metres


Revisions  
Received Date:  
November 18/16



### DRAFT STRATA PLAN

FILE: 8287 - 10

DWG/DATE: 8287STR3/ 2016-10-25

 Brad Cunnin Land Surveying  
101-2610 Douglas Street  
Victoria, BC V8W 1S2  
ph. 381-BCLS (2257) fx. 381-2289  
brad@bcsurveyor.ca

# UPPER LEVEL

## LEVEL TWO OF TWO LEVELS

SCALE = 1 : 250



All distances are in metres.

### LEGEND

SL - denotes - Strata Lot

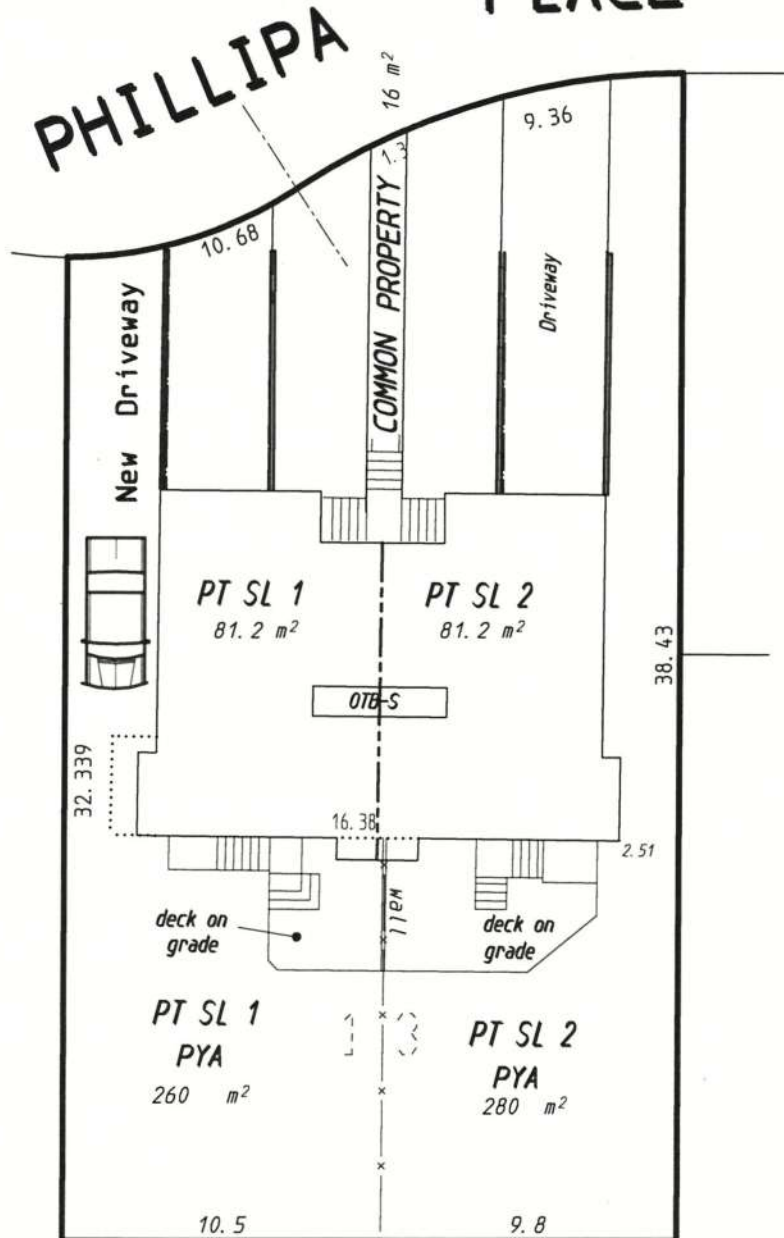
PT - denotes - Part

m<sup>2</sup> - denotes - square metres

OTB(s) - denotes - Open To Below (Stairs)

..... denotes - perimeter of floor below

PHILLIPA PLACE



### DRAFT STRATA PLAN

FILE : 8287 - 10

DWG/DATE: 8287STR3/ 2016-10-25



Brad Cunin Land Surveying

101-2610 Douglas Street  
Victoria, BC V8T 4M1

ph. 381-BCLS (2257) fx. 381-2289

brad@bcsurveyor.ca

Total Area SL 1 Total Area SL 2

430 m<sup>2</sup>

440 m<sup>2</sup>



**SITE DATA**

Zone = R1-B

Lot Area = 747.6 Sq. M. (8,047 Sq. Ft.)

Site Coverage (existing) = 23.5%

Setbacks/Variances

Front = 7.62 M

Side Yard (East) = 1.97 M

Side Yard (West) = 1.45 M

Rear Yard (East) = 10.7 M

Rear Yard (West) = 10.65 M

Parking (East)

Covered = 1

Uncovered = 1

Parking (West)

Uncovered = 2

Floor area – Unit #8

Lower Floor = 55.36 Sq. M. (595.9 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

Garage Area = 22 Sq. M. (238 Sq. Ft.)

Floor area – Unit #10

Lower Floor = 75 Sq. M. (806.85 Sq. Ft.)

Main Floor = 80.6 Sq. M. (867.75 Sq. Ft.)

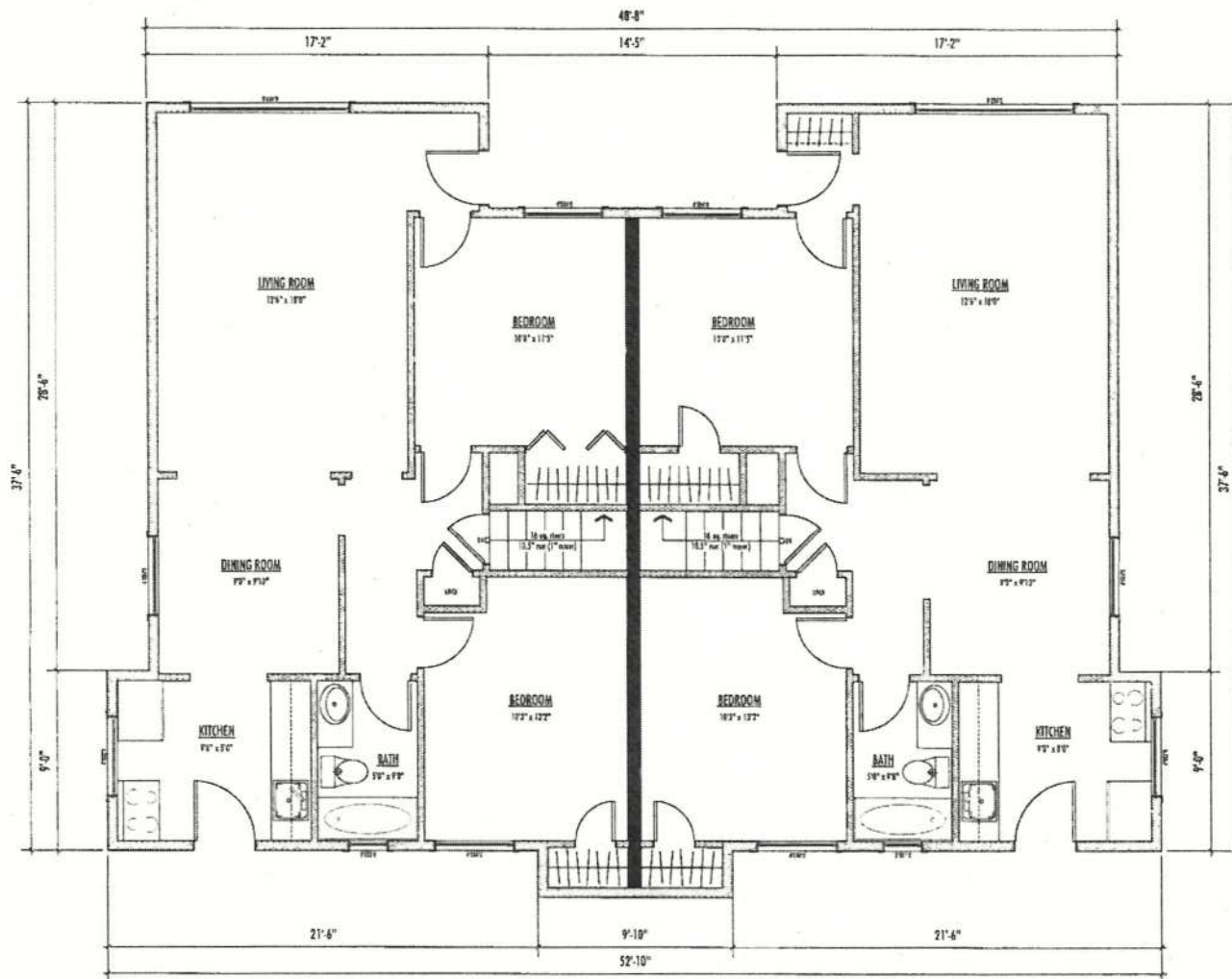
Garage Area = 7.37 Sq. M. (79.3 Sq. Ft.)

Total Building Floor Area

(With Garages) = 320 sq. M. (3,443.6 Sq. Ft.)

Total Building Floor Area

(Without Garages) = 290.4 sq. M. (3,126.25 Sq. Ft.)



#10 PHILIPPA PLACE  
845.18 sq.ft. (78.52 sq.m.)

#8 PHILIPPA PLACE  
845.18 sq.ft. (78.52 sq.m.)



## MAIN FLOOR PLAN

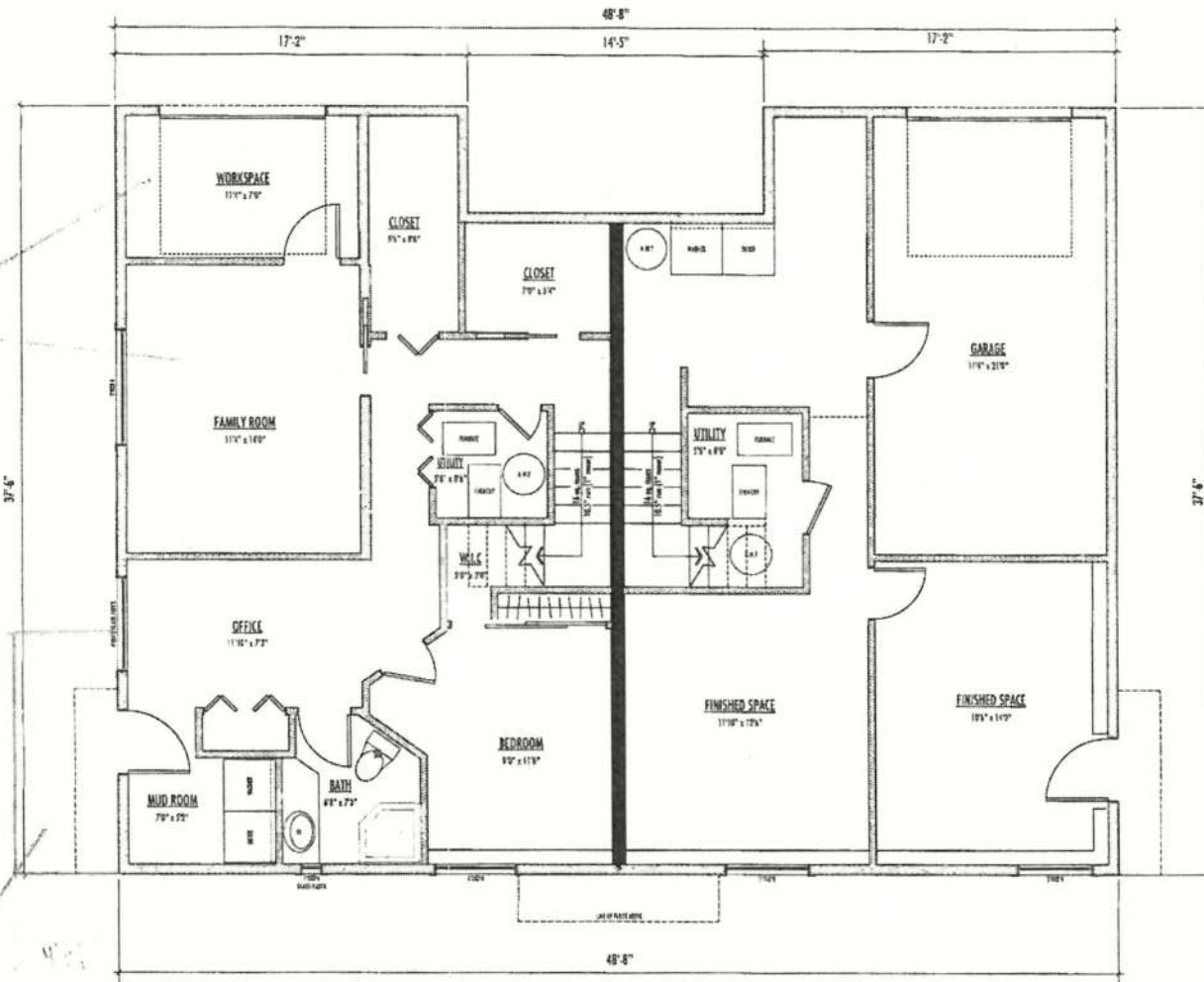
1690.36 sq.ft. (157.04 sq.m.)



**Revisions**  
Received Date:  
November 18/16



New Construction



New Construction

#10 PHILIPPA PLACE  
819.05 sq.ft. (76.09 sq.m.)

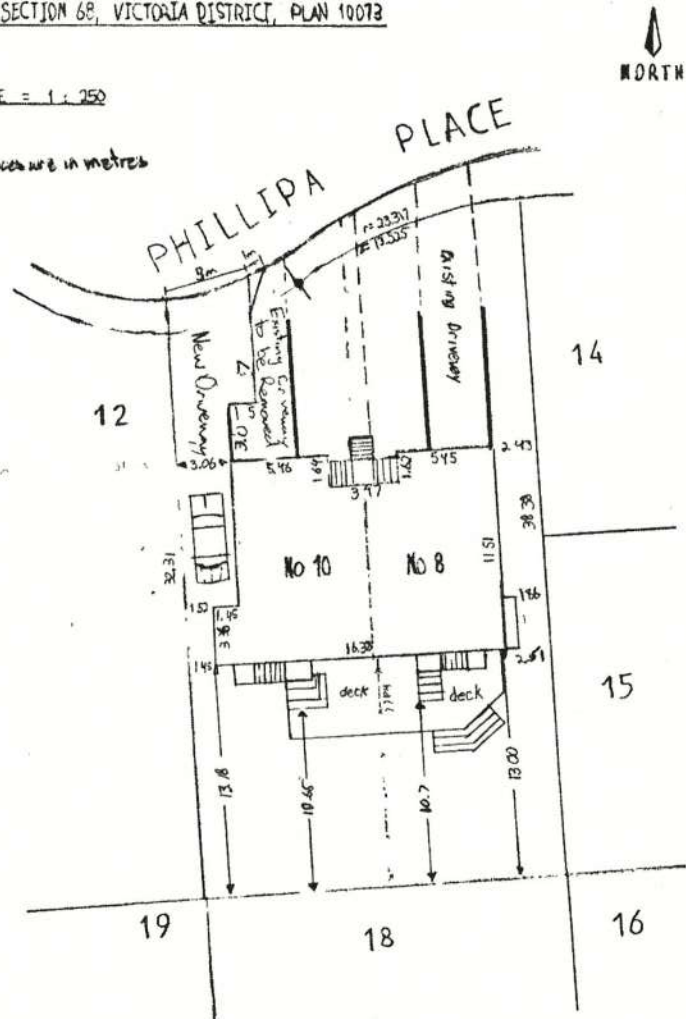
# 8 PHILIPPA PLACE  
819.05 sq.ft. (76.09 sq.m.)

1 BASEMENT FLOOR PALN  
2 1638.10 sq.ft. (152.18 sq.m.)

SKETCH PLAN TO ACCOMPANY  
APPLICATION FOR STRATA CONVERSION  
LOT 13, SECTION 68, VICTORIA DISTRICT, PLAN 10073

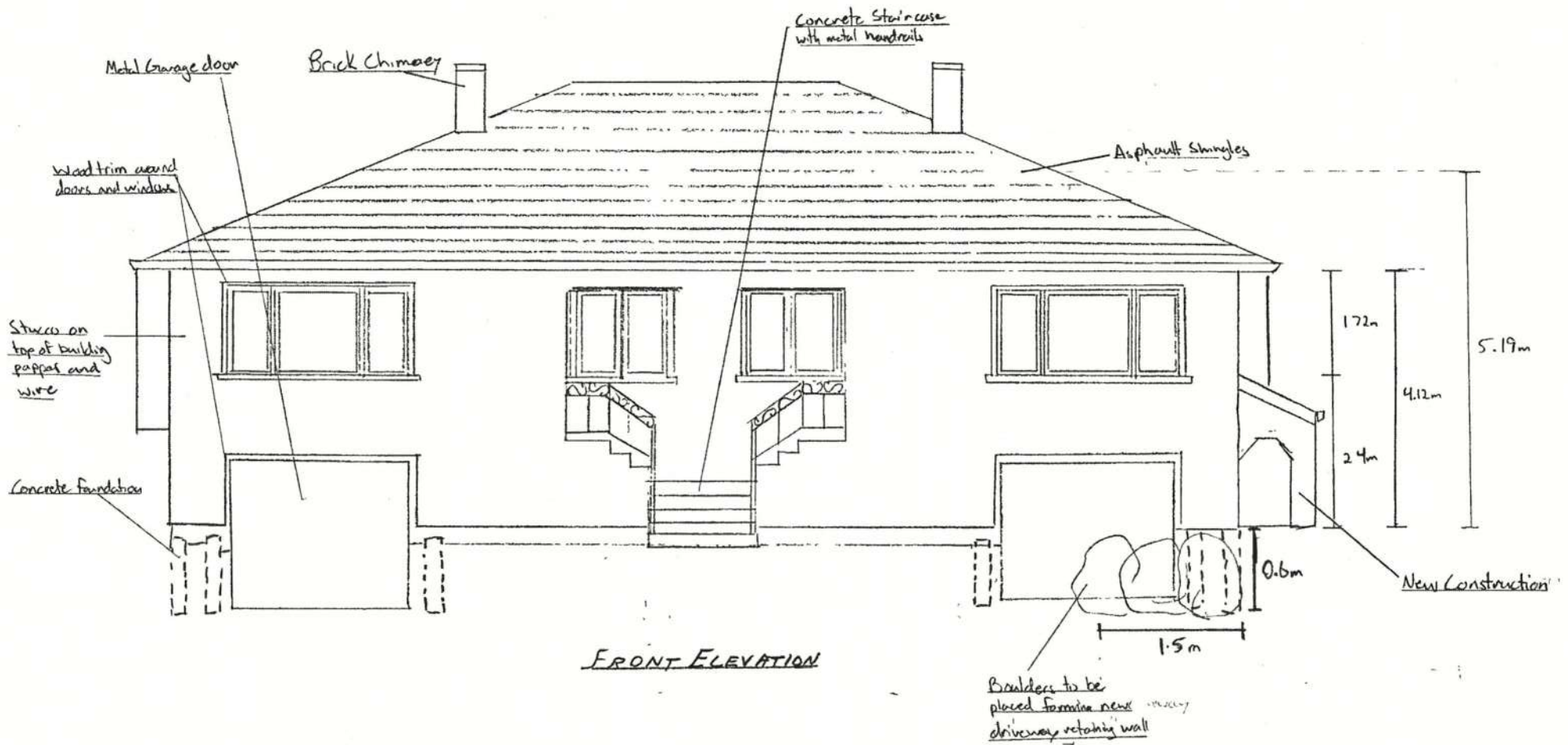
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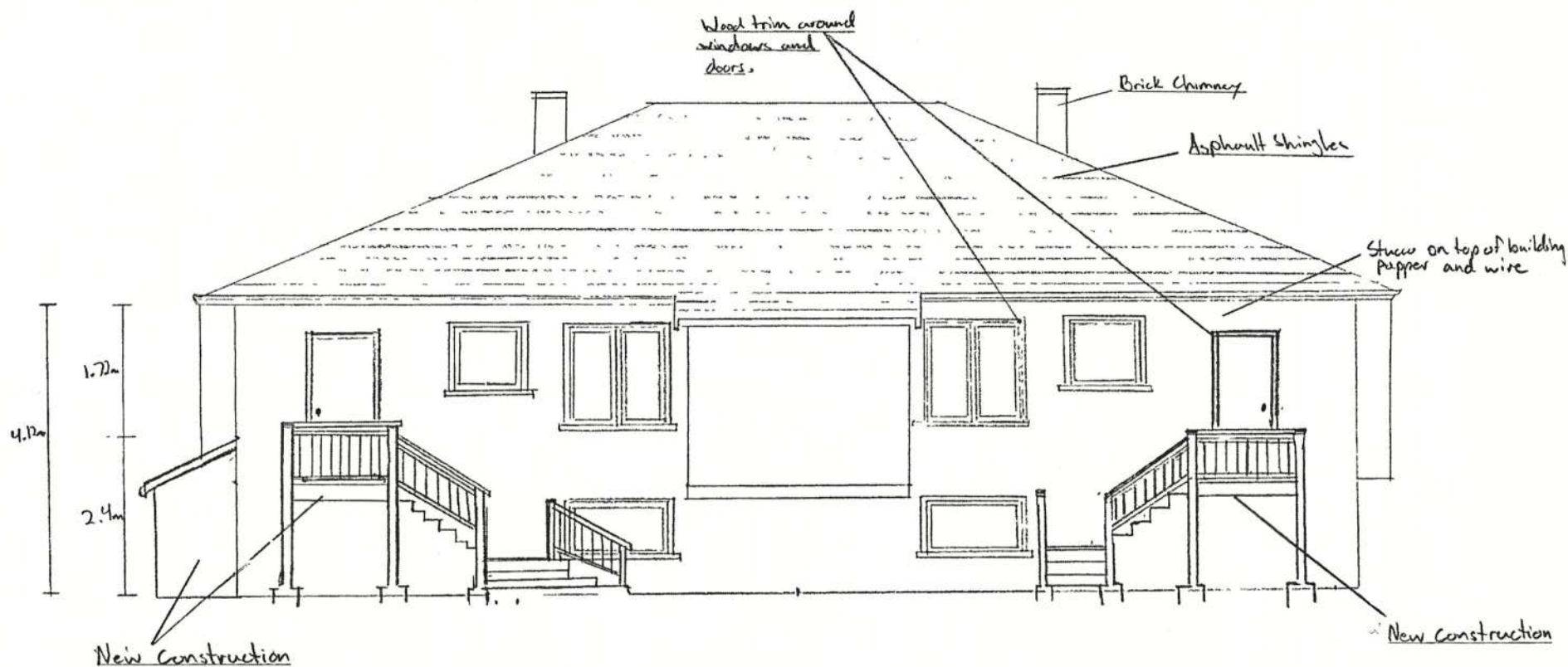
All distances are in metres



site plan

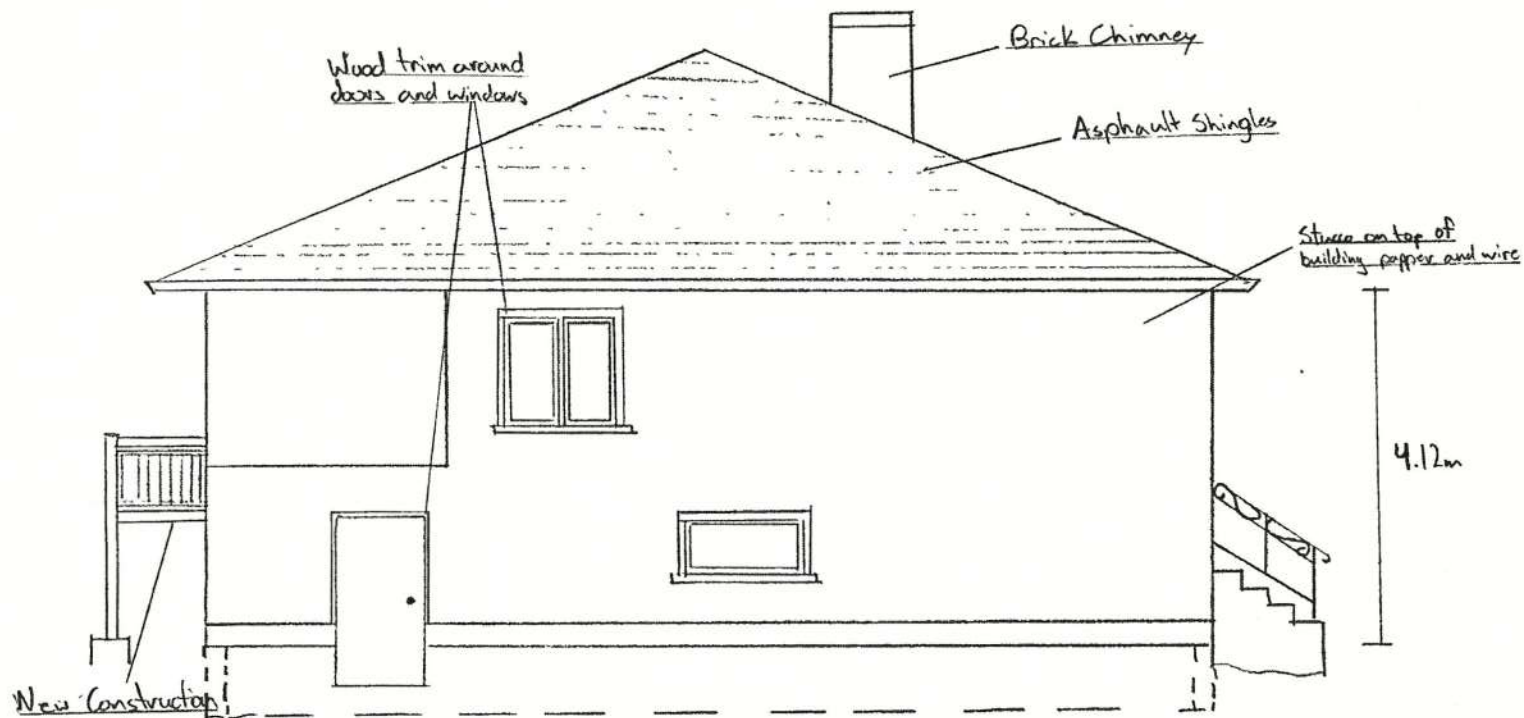




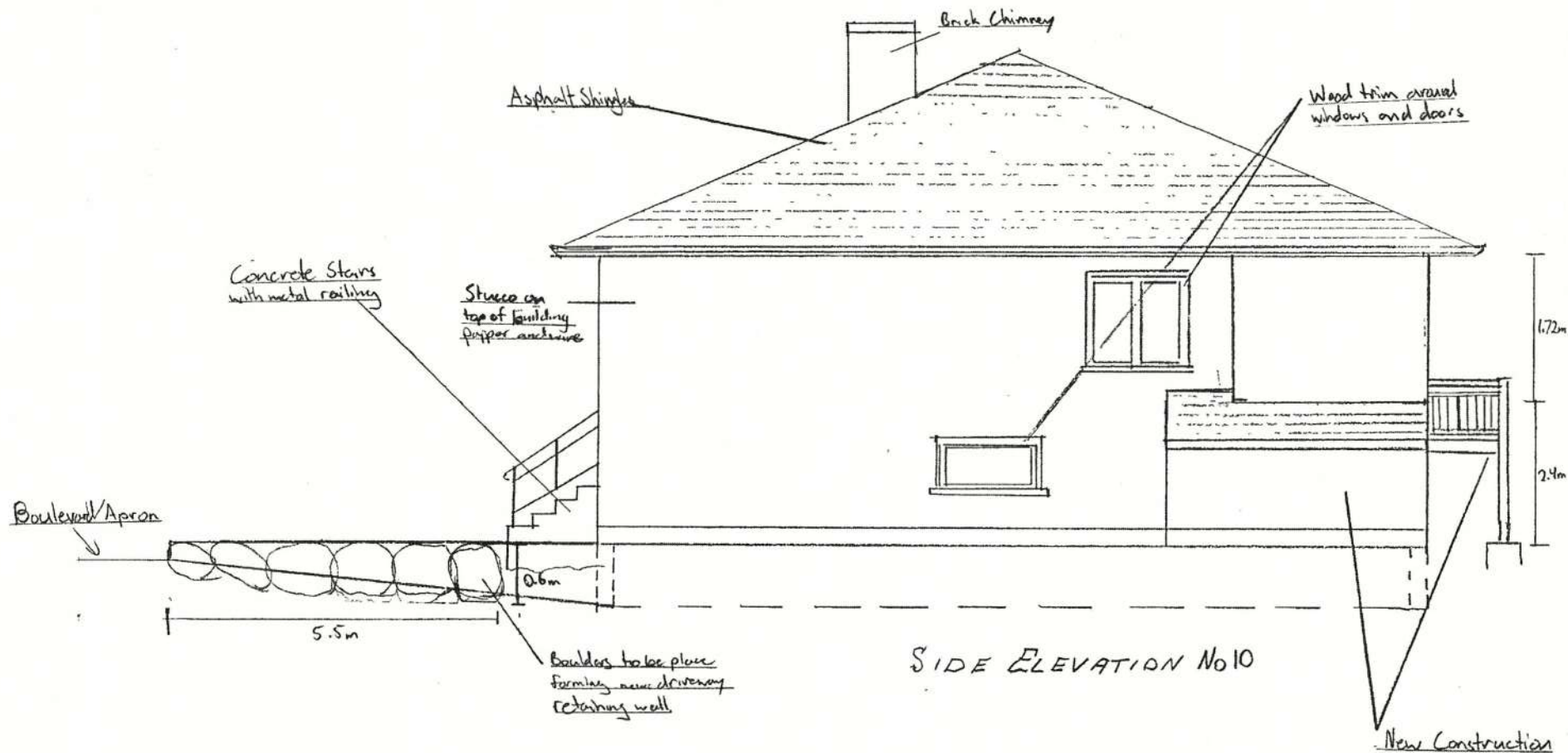


REAR ELEVATION





SIDE ELEVATION No 8





# PHILLIPA PLACE

SCALE = 1:100

All distances are in meters

