

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 280m² to 310m²
 - 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

3.6 Development Permit with Variances Application No. 000489 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 Development Variance Application to complete work previously done without permit for the property located at 8 and 10 Philippa Place.

Motion: It was moved by Councillor Alto, seconded by Councillor Coleman, 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 280m² to 310m²
 - 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 16/COTW



Committee of the Whole Report For the Meeting of January 12, 2016

To: Committee of the Whole **Date:** December 23, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variance Application No. 000489 for 8 & 10 Philippa Place

RECOMMENDATION

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 280m² to 310m²
 - 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 3.31m
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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 8 and 10 Philippa Place. The proposal is to retain the existing building and to allow for previous alterations that were completed without permits.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential – Duplex of the *Official Community Plan (OCP) 2012*
- the proposal is consistent with policies and design specifications of the *Neighbourliness Guidelines for Duplexes 1996*
- the applicant has registered a Clean Hands Covenant on title to address a number of alterations that have been made to the building without the required permits
- the proposed variances relate to the illegal construction and are required to facilitate the retention of the existing building and to reflect the current conditions. No new construction is proposed with this application.

BACKGROUND

Description of Proposal

The proposal is to retain the existing building and to allow for previous alterations that were completed without permits. The building will remain unchanged and previous alterations done without permit will be legalized as part of this development permit. Specific details include:

- the exterior stucco and wood trim windows are proposed to remain unchanged
- the interior parking stall at 10 Philippa Place was converted to living space and the additional floor area will be legalized with this development permit and subsequent building permit
- a new driveway on the west side of the property will provide the required parking for 10 Philippa Place
- the existing driveway will be partially removed and replaced with a boulder retaining wall and permeable grasscrete surface
- wood decks and exterior stairs have been added to both units and will be legalized with this development permit and subsequent building permit
- a partially enclosed storage area and entryway that matches the existing exterior has been added to the west side of the building and will be legalized with this development permit and subsequent building permit.

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 legal non-conforming duplex.

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 21st, 2015. The minutes of this meeting are attached to this report.

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 Development Permit Area 15D: Intensive Residential – Duplex. The proposal to alter an existing non-conforming duplex, is consistent with the *Neighbourliness Guidelines for Duplexes*. The proposed improvements are in keeping with the existing building in terms of exterior materials and colour and would contribute to a positive streetscape appearance. Both units are oriented towards the street with covered entrances and windows facing it.

The applicant is proposing a mix of hard and soft landscaping, including brushed concrete and permeable grasscrete surface treatments and a new boulder retaining wall.

Regulatory Considerations

To facilitate the Rezoning Application from the R1-B Zone to the R-2 Zone, five variances are required. The variances are a result of the siting and size of the existing legal non-conforming duplex and reflect the current conditions. The following table summarizes the proposed variances.

Zoning Criteria	Proposed Variance	Zone Standard R-2
1 st and 2 nd storey floor area (m ²) - maximum	309.22	280.00
Setbacks (m) - minimum		
Rear	10.65 (to stairs)	12.37
Side (west)	1.45	3.00
Side (east)	1.86 (to cantilever)	2.03
Combined Side Yards	3.31	4.50

CONCLUSIONS

This proposal to alter an existing legal non-conforming duplex is consistent with Development Permit 15D: Intensive Residential – Duplex. The proposed variances would not have a substantial impact on the adjacent properties. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000489 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:

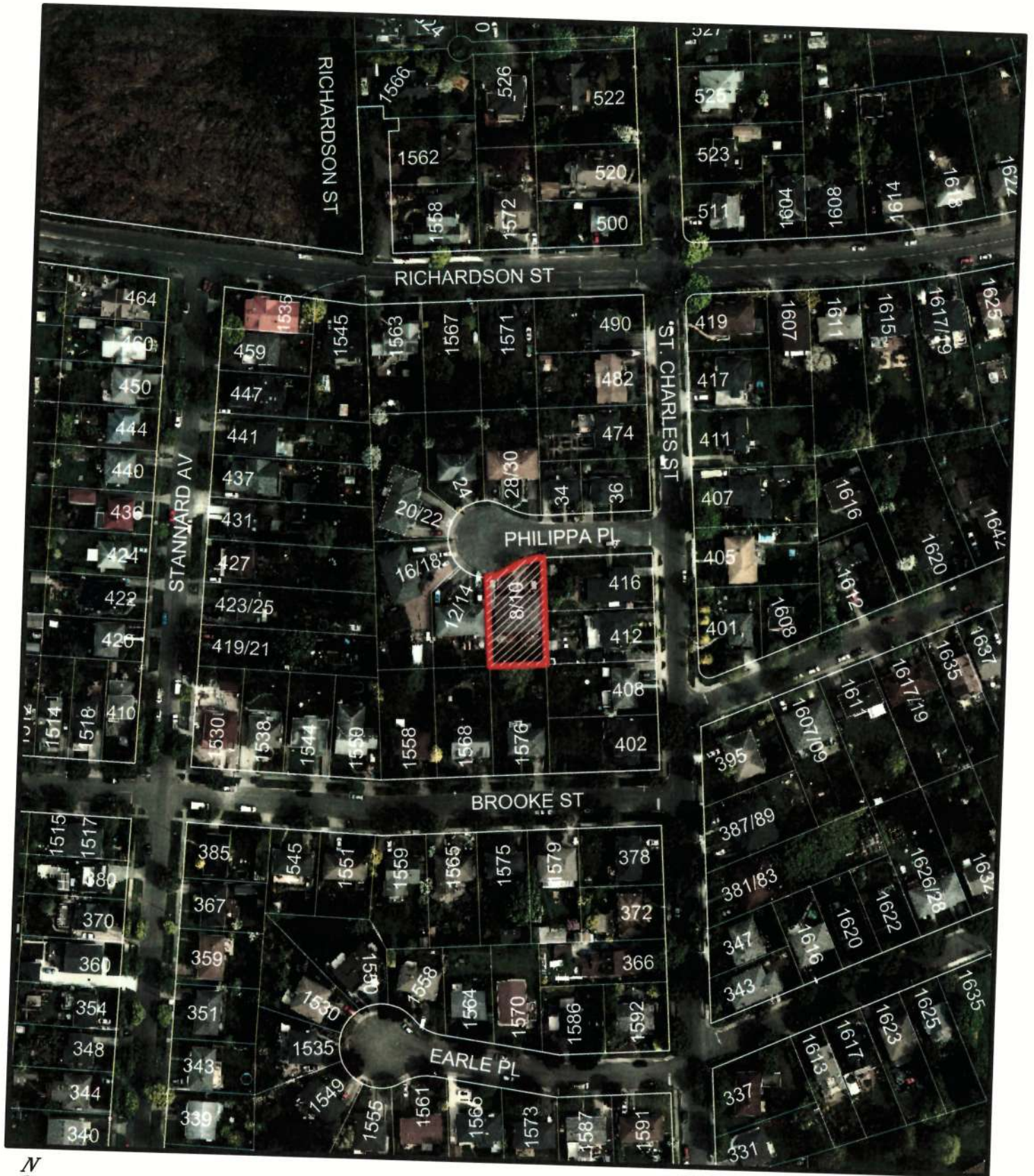


Date:

December 30, 2016

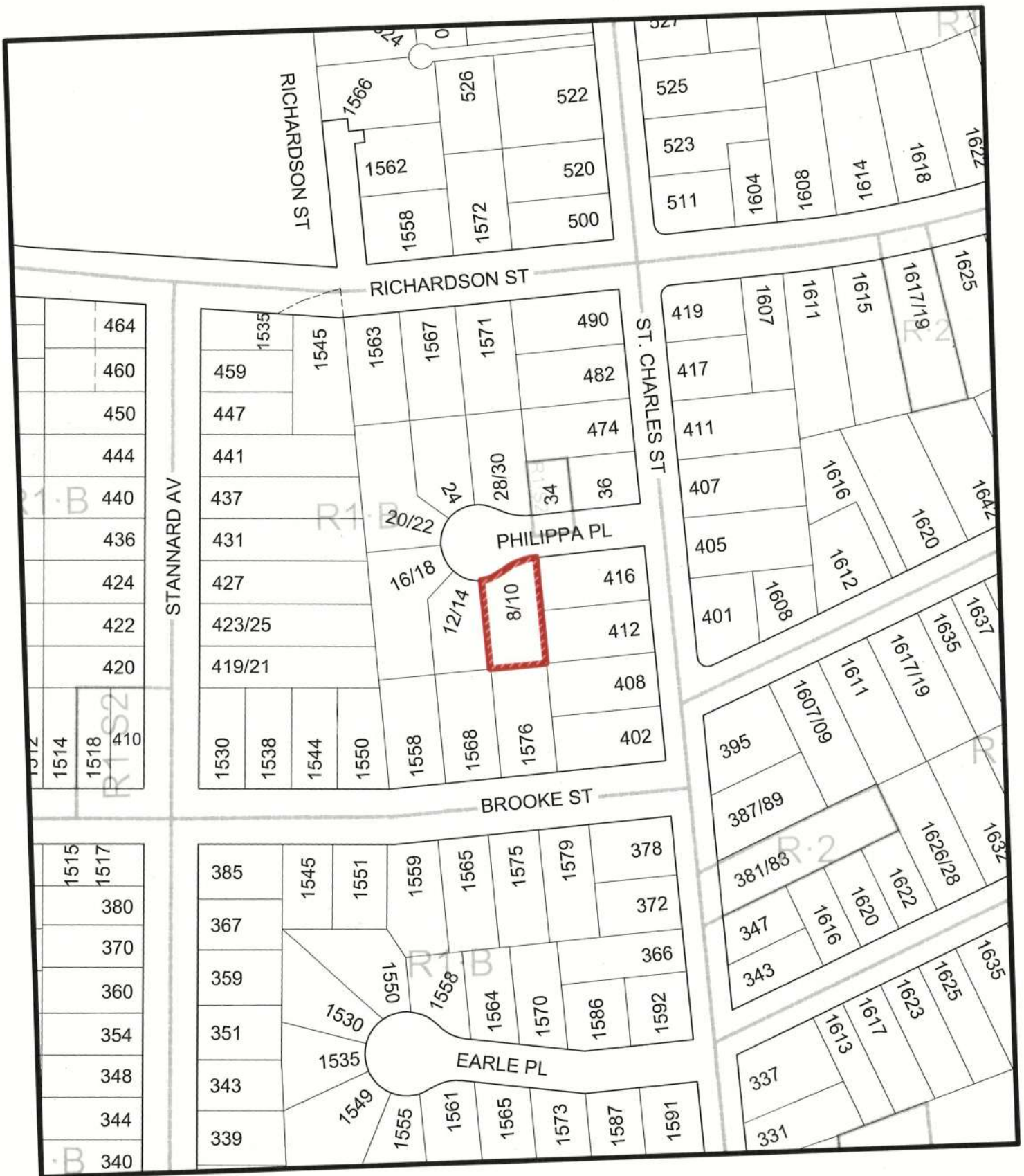
List of Attachments

- 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





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 conversation 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.

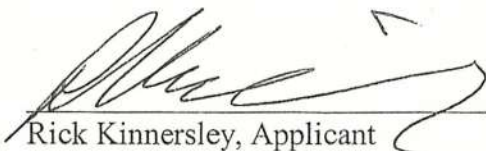
The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit.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

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 four 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.

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

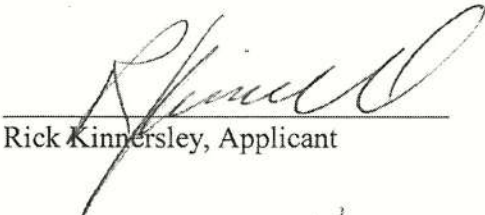
The economic benefits to the City will be that they will receive further property tax revenues. It also provides for affordable housing in the Fairfield neighbourhood, a sought after area in the City as it is close to the ocean and downtown making a commute to work by bicycle an environmental benefit.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

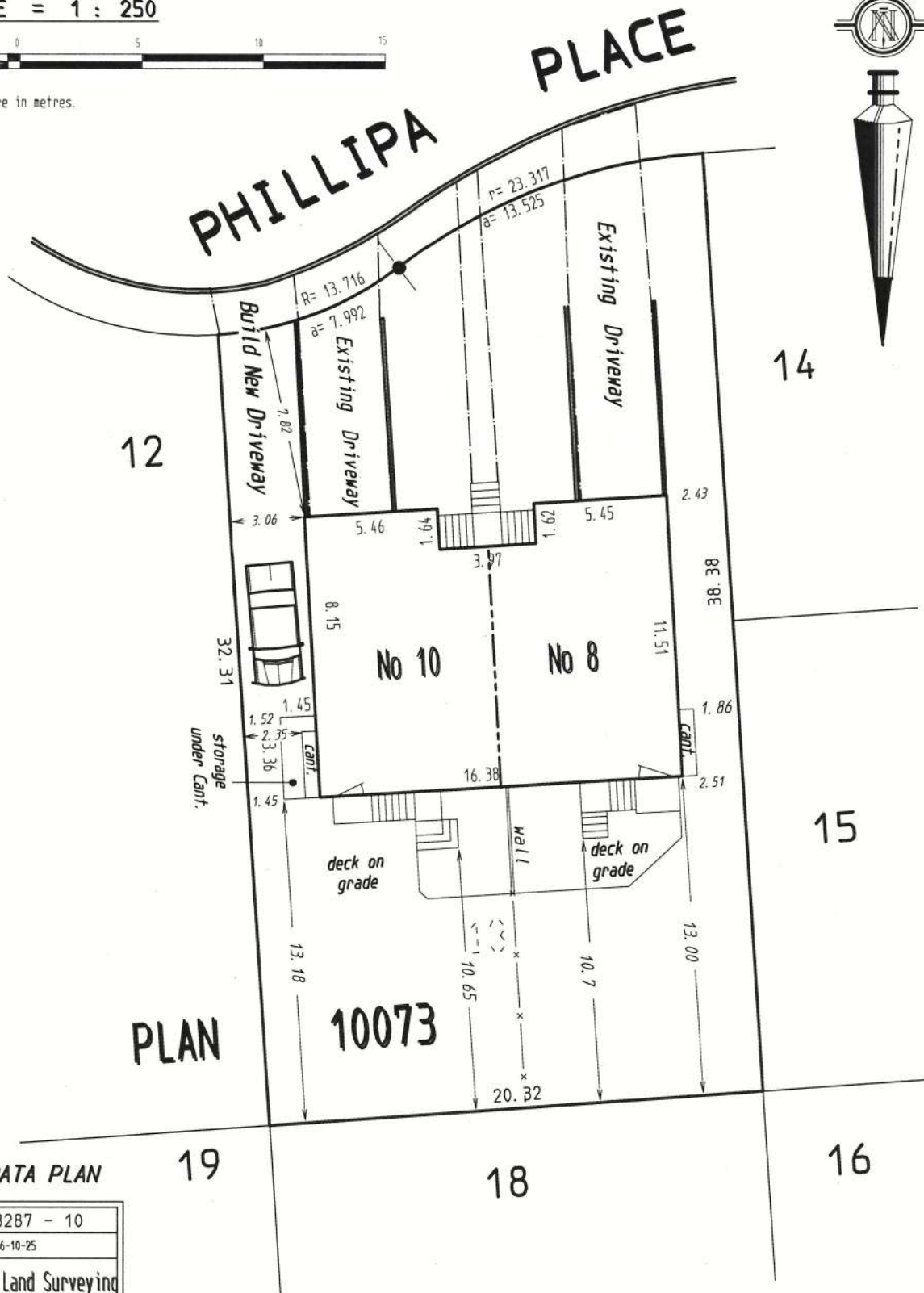


All distances are in metres.



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

SITE PLAN

LOWER LEVEL

LEVEL ONE OF TWO LEVELS

SCALE = 1 : 250



All distances are in metres.

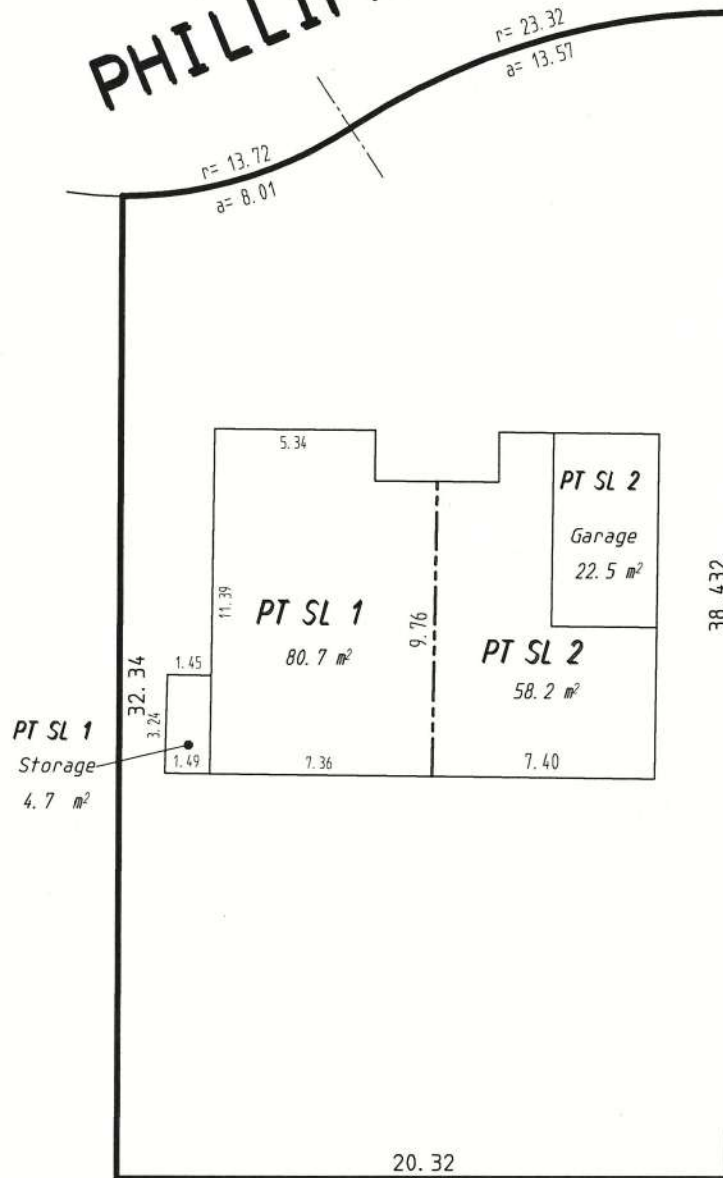
LEGEND

- SL - denotes - Strata Lot
- PT - denotes - Part
- m² - denotes - square metres

Revisions
Received Date:
November 18/16




PHILLIPA PLACE



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

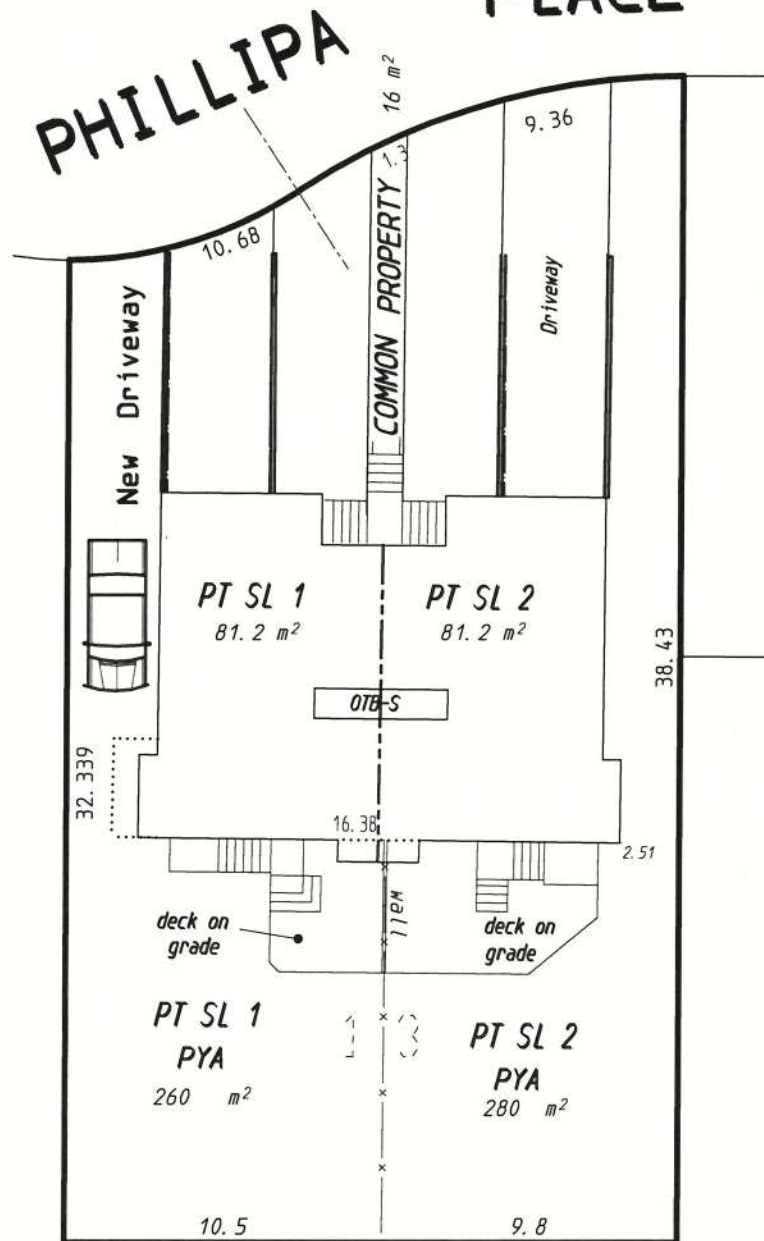


All distances are in metres.

LEGEND

- SL - denotes - Strata Lot
- PT - denotes - Part
- m² - 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 Cunnin 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 m² 440 m²

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.)

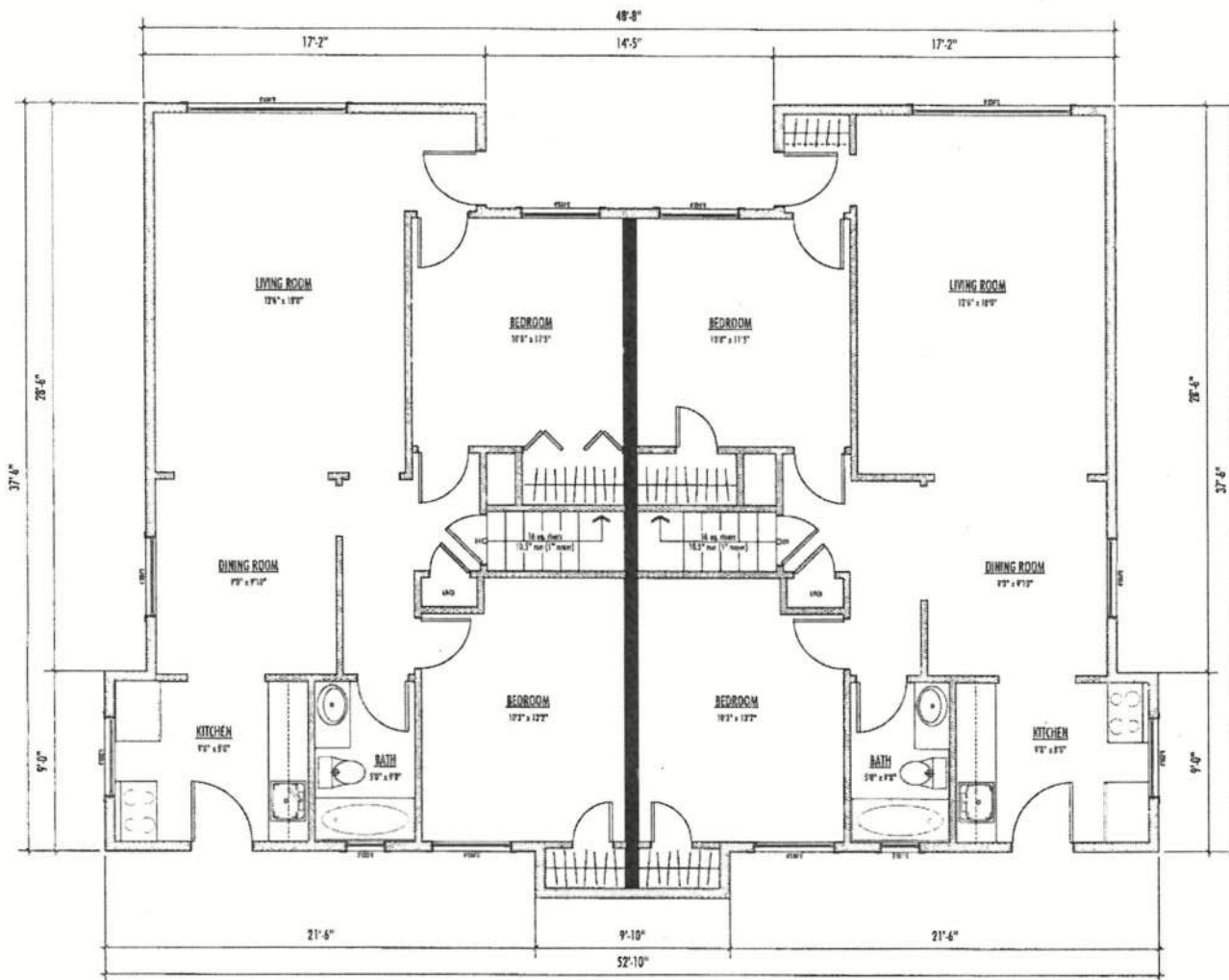
Garage Area = 7.37 Sq. M. (79.3 Sq. Ft.)

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.)

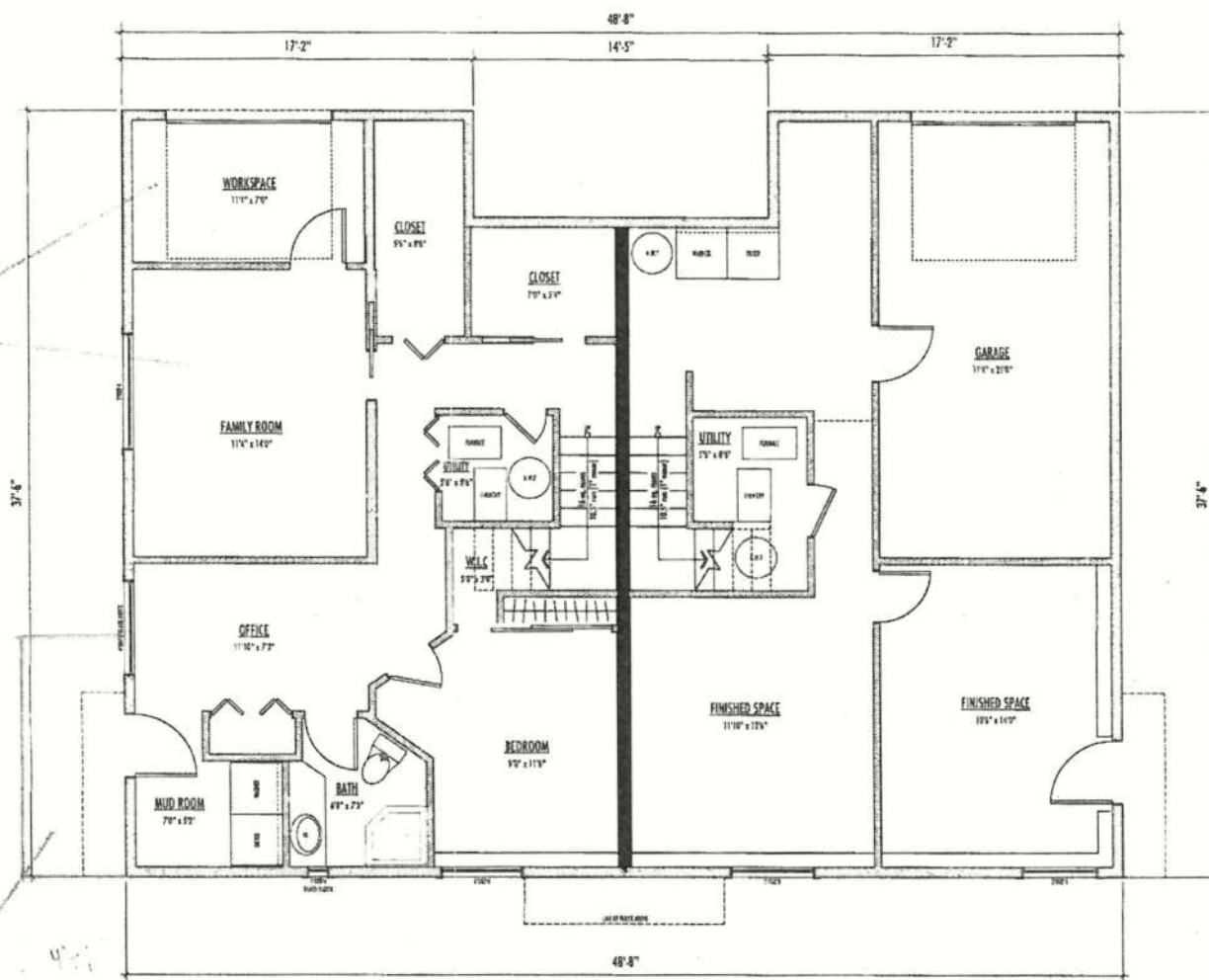
#8 PHILIPPA PLACE
845.18 sq.ft. (78.52 sq.m.)



MAIN FLOOR PLAN

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

New
construction



New Construction

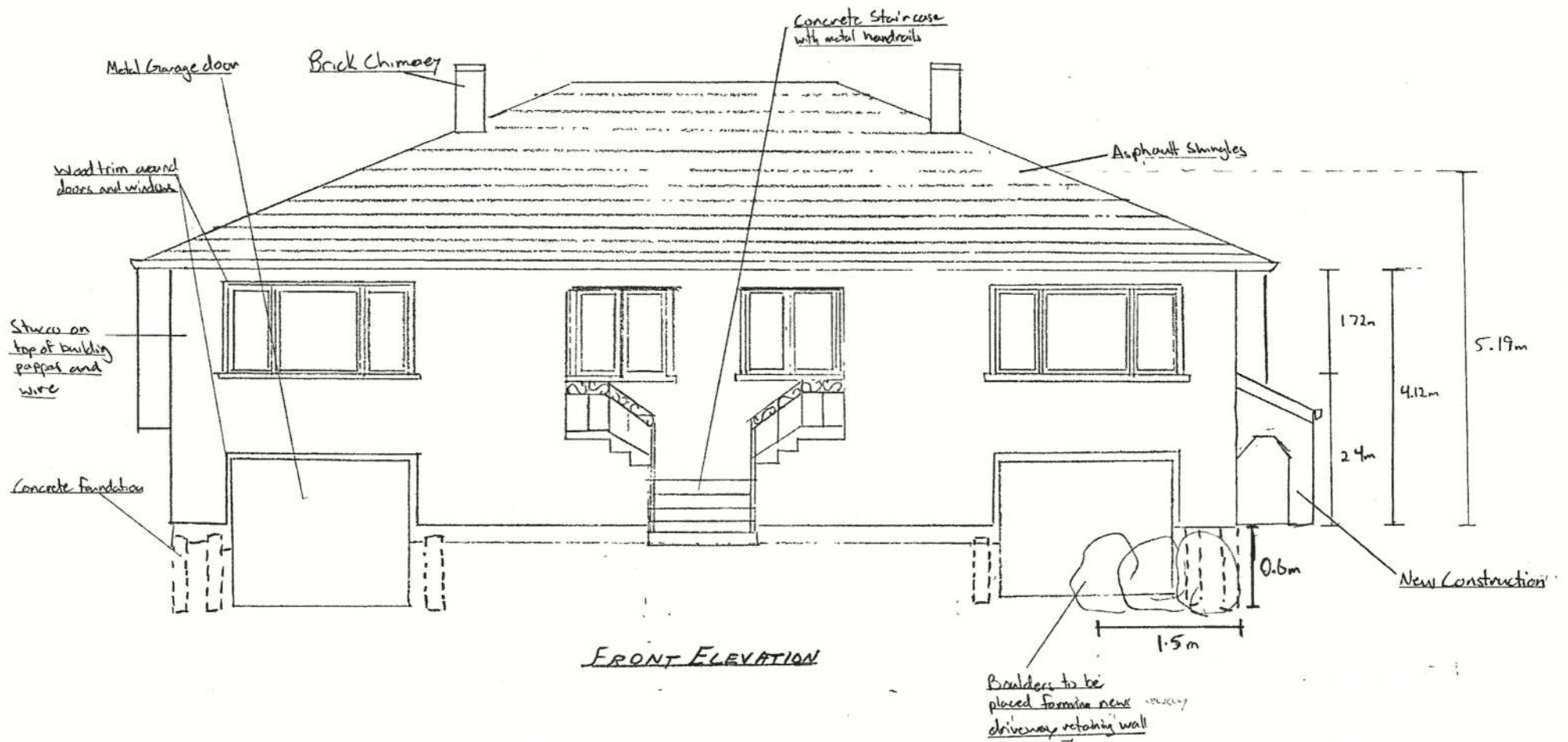
#10 PHILIPPA PLACE
819.05 sq.ft. (76.09 sq.m.)

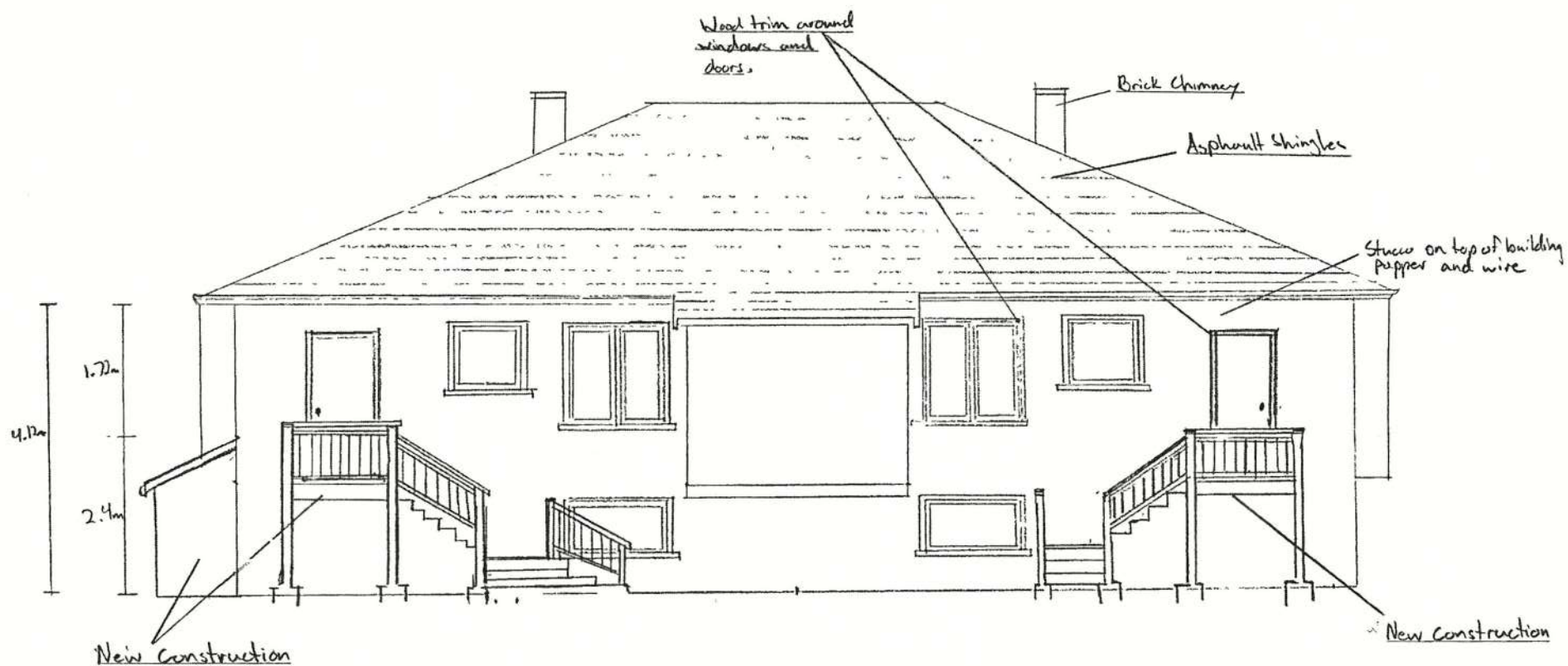
#8 PHILIPPA PLACE
819.05 sq.ft. (76.09 sq.m.)



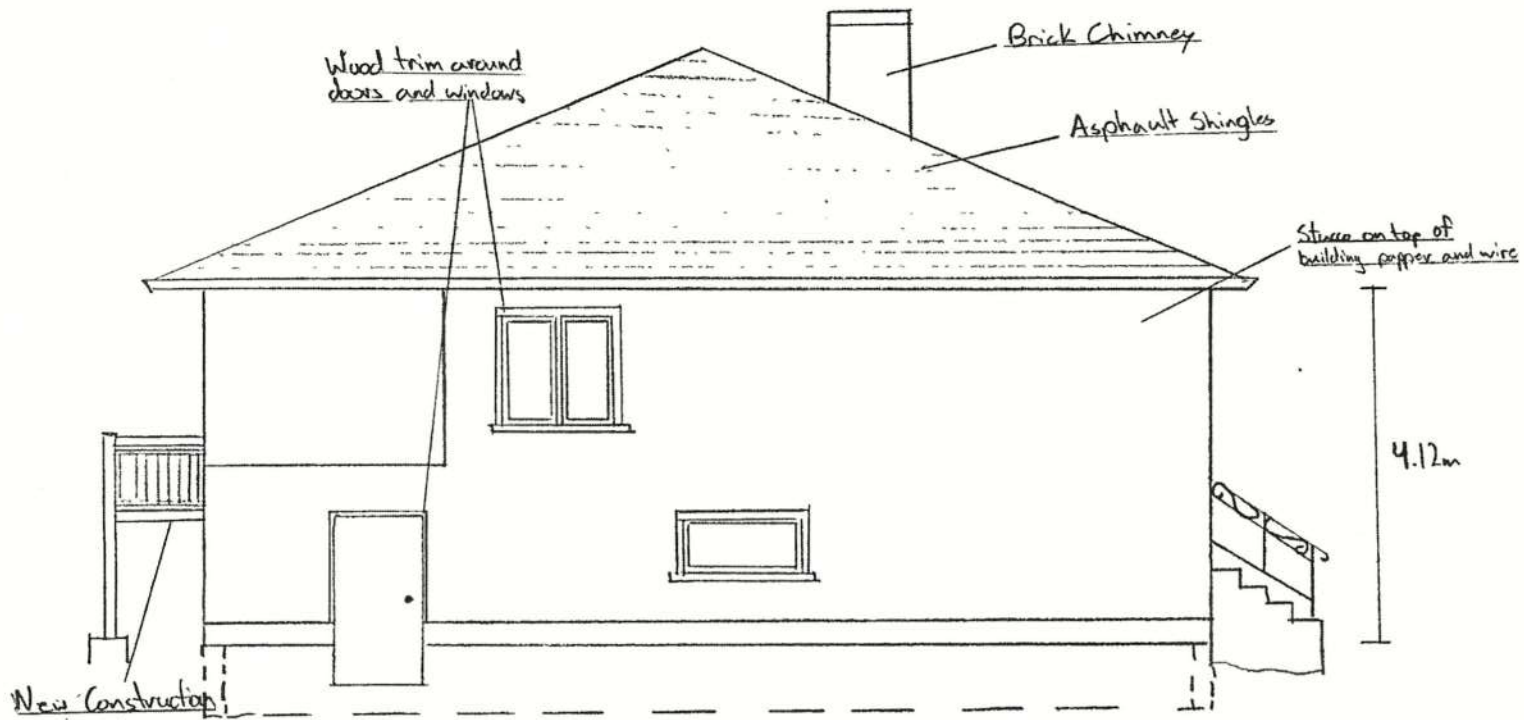
BASEMENT FLOOR PLAN

1638.10 sq.ft. (152.18 sq.m.)

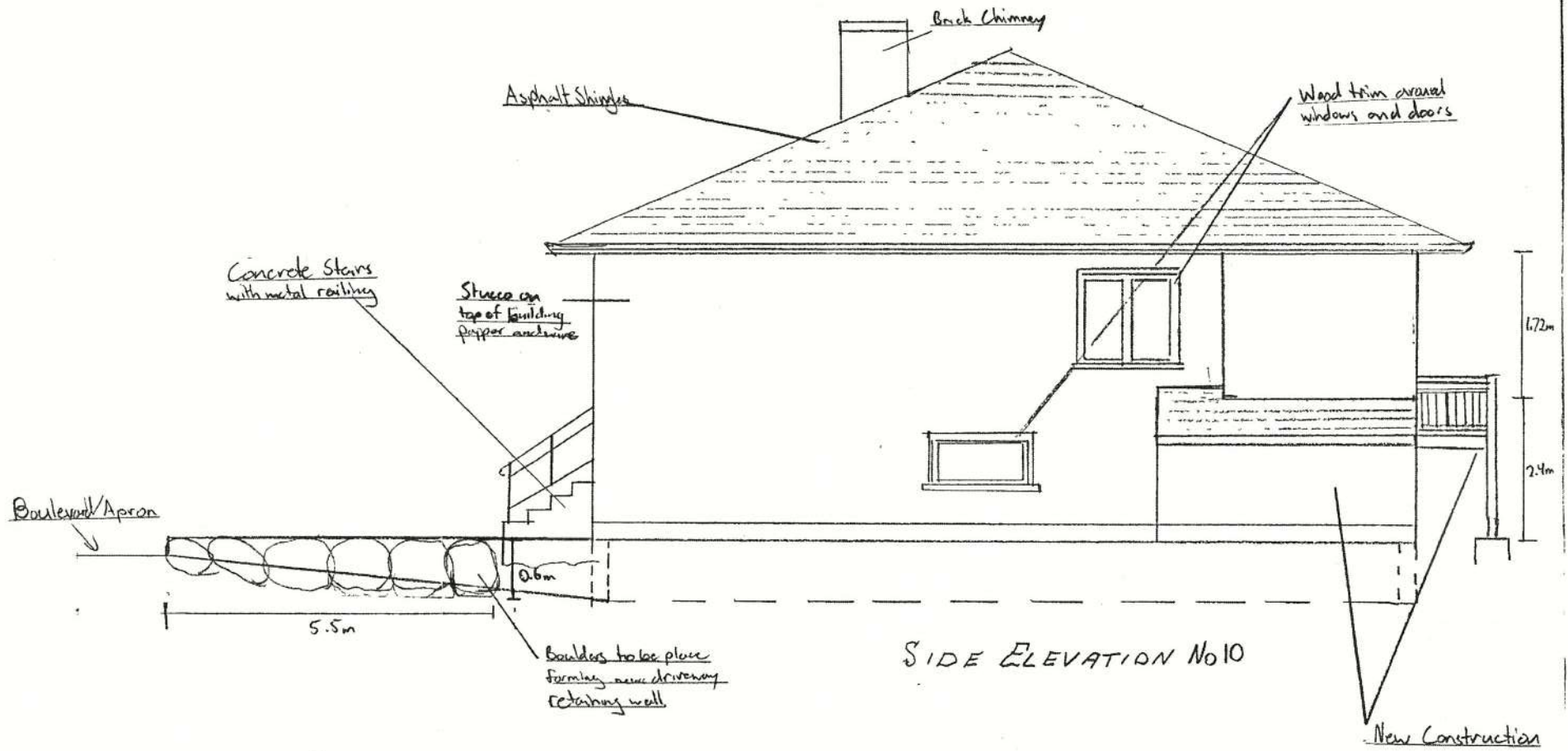




REAR ELEVATION



SIDE ELEVATION No 8



PHILLIPA PLACE

SCALE = 1:100

All distances are in meters

