

4.2 Development Permit Application No. 00507 for 155 Linden Avenue

Committee received a report dated May 19, 2016, from the Director of Sustainable Planning and Community Development regarding an application to authorize construction of a garden suite.

- Motion:** It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:
- "That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:
1. Plans date stamped April 15, 2016.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

2. **Committee of the Whole – June 9, 2016**

4. **Development Permit Application No. 00507 for 155 Linden Avenue**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report

For the Meeting of June 9, 2016

To: Committee of the Whole **Date:** May 19, 2016

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

Subject: Development Permit Application No. 00507 for 155 Linden Avenue

RECOMMENDATION

That Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
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 proposal is to rezone the property located at 155 Linden Avenue from the current R1-B Zone, Single Family Dwelling, to the R1-B-GS Zone, Single Family Dwelling with Garden Suite, in order to construct a garden suite. The proposed garden suite would be located in the same position as the existing garage and would occupy a similar footprint. This report addresses the development permit application that is associated with the rezoning application.

The following points were considered in assessing this application:

- The proposal is consistent with the Urban Place Designation in the *Official Community Plan* (OCP) 2012 and related objectives for sensitive infill in Development Permit Area 15E: Intensive Residential Garden Suites.
- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy* (2011).
- No variances are proposed as part of this application.

BACKGROUND

Description of Proposal

The proposal is to construct a garden suite. Specific details include:

- the garden suite incorporates architectural elements from the existing residence including a half-hipped roof
- the exterior materials include stucco siding, which is consistent with the principle dwelling
- the unit would have a covered entry that would be oriented towards the street
- windows would be minimized on the sides facing adjacent properties
- a new patio at the rear of the garden suite and new plantings would be added.

Sustainability Features

As indicated in the applicant's letter dated February 9, 2016 the proposal would include rainwater harvesting for irrigation purposes.

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.

Existing Site Development and Development Potential

The site is presently a single family dwelling.

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 CALUC at a Community Meeting held on *November 16, 2015*. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Development Permit Area and Design Guidelines

As supported in the *Garden Suite Design Guidelines*, the design of the building relates to the principal building on site and fits in with the traditional character of the neighbourhood. The garden suite has a covered front entry, a half hipped roofline, exterior light fixtures and stucco siding, consistent with the principle dwelling. The proposal does not include windows on the south elevation which ensures the privacy of the adjacent dwelling unit is maintained. Although a large patio window is proposed on the west (rear) elevation of the garden suite, the large lot and retention of existing landscaping will minimise the potential impact on existing dwellings to the rear.

The proposed garden suite would be clearly visible from the street as encouraged in the *Garden Suite Design Guidelines*. The proposed landscaping blends with the existing landscaping with the addition of a new cedar hedge and a patio located at the rear of the suite.

CONCLUSIONS

This proposal to construct a garden suite is generally consistent with Development Permit Area 15E: Intensive Residential – Garden Suites. The garden suite creates an opportunity for another form of rental housing and will have minimal infringement on the neighbouring dwellings. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Application No. 00507 for the property located at 155 Linden Avenue.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 2, 2016

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated May 17, 2016
- Plans dated April 15, 2016.

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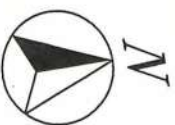
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1157	148/50	142/44
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	112	80

LINDEN AV

175	1205	1209	1213	1217	1225
155	150				
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139	140				
135	136				
129	132				
125	128				
121	124				
119	116				

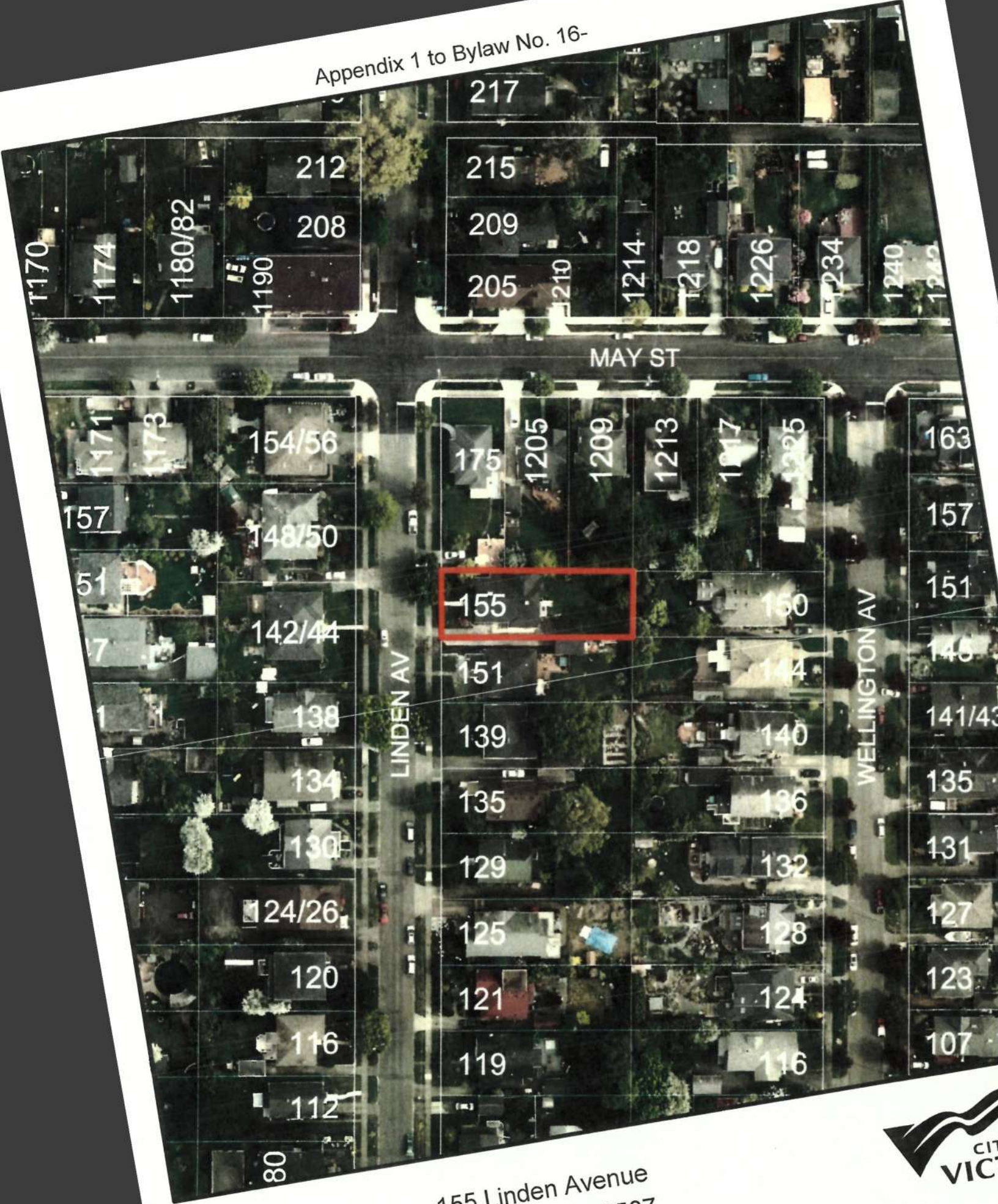
WELLINGTON AV

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155 Linden Avenue
Rezoning No.00507





155 Linden Avenue
Rezoning No.00507





16- May-16

Mayor Lisa Helps and Councillors,
Corporation of the City of Victoria,
1 Centennial Square,
Victoria, B.C. V8W 1P6

RE: Proposed garden suite for Susan King at 155 Linden Avenue,
Lot 26, Section Fairfield Farm Estate, Victoria District, Plan 958

Dear Mayor Helps and Councillors:

We are pleased to submit our revised application for the above noted property, to permit the construction of a new small garden suite, all in accordance with the City's policy and guidelines for Garden Suites. Although the site meets the size criteria for a plus site, the owner wishes to keep the footprint of the project as small as possible- the proposed suite is only slightly bigger than the garage being removed, and is modelled on the form and character of the existing house. As such, the proposal meets or exceeds all requirements for the R1B GS zone. From the owners' discussions of the concept with neighbours over several months, and the generally positive response from the Fairfield Gonzales Community Association land use committee at our mandated public meeting on November 16 of last year, we had submitted the application based on the plan that was circulated and presented to the CALUC. However, recent concerns about privacy raised by one neighbour have, after discussions, led to the provision of additional planting along the east [rear] property line to increase screening. These landscape revisions are incorporated in this submission.

The natural advantages of the site include a level building site whereby a single storey garden suite does not overlook adjacent properties, existing mature landscaping and trees which will ALL remain in place to screen the yard from neighbouring properties.

The proposed building size [as small as possible] is the primary contribution to sustainable design; it will be an energy efficient structure, and we will retain rainwater for irrigation. We believe that this proposal affords the opportunity to provide accommodation for family, guests, a potential future caregiver, or rental. Although space exists in the unfinished basement of the

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house, it is substandard in height, and would mean a tenant in the house, making the suite a preferred option. The application is in keeping with a policy that supports infill where appropriate, and preserves the single family character of the neighbourhood. This project also maintains a large percentage of open space by utilizing existing parking and drives. The proposal will also preserve neighbourhood amenity through minimal disruption of the existing streetscape.

Thank you for your consideration of this revised application.

Yours Very Truly,

A handwritten signature in dark ink, appearing to read "Nigel Banks". The signature is written in a cursive, flowing style.

Nigel Banks, on behalf of
Susan King, owner

155 Linden Avenue
Victoria BC V8V 4E2
May 14, 2016



To the Mayor and Council,

I am planning to build a garden suite in my back yard on the footprint of my garage, same size/same location. The drawings are in. In the process of getting the plans together, I consulted with all my neighbours bordering the property and received letters of approval from all of them. However, one neighbour withdrew his letter because he and his wife felt that their privacy may be jeopardized. See the attached photo of the back fence in question. It does have complete coverage by plantings, but they felt that in winter when leaves fell, someone in the suite may be able to see into their yard and house. They do have tall bamboo which are evergreen, but they wanted more evergreens to screen their property. I invited them to visit and they came over last Saturday. They made a few general suggestions. I went to Garden Works both on Oak Bay Avenue and Blinkensop and decided with their help that three emerald cedars which are columnar and can grow to 15 feet tall would do well. Nigel Banks included these plantings in his drawing. From the back door of the suite, there will be a wall of green.

Charlotte Wain has received the drawings and the information on the neighbour's, and the ideas on the planting. I shall include my letter to her.

Thank you for your attention.

Susan King

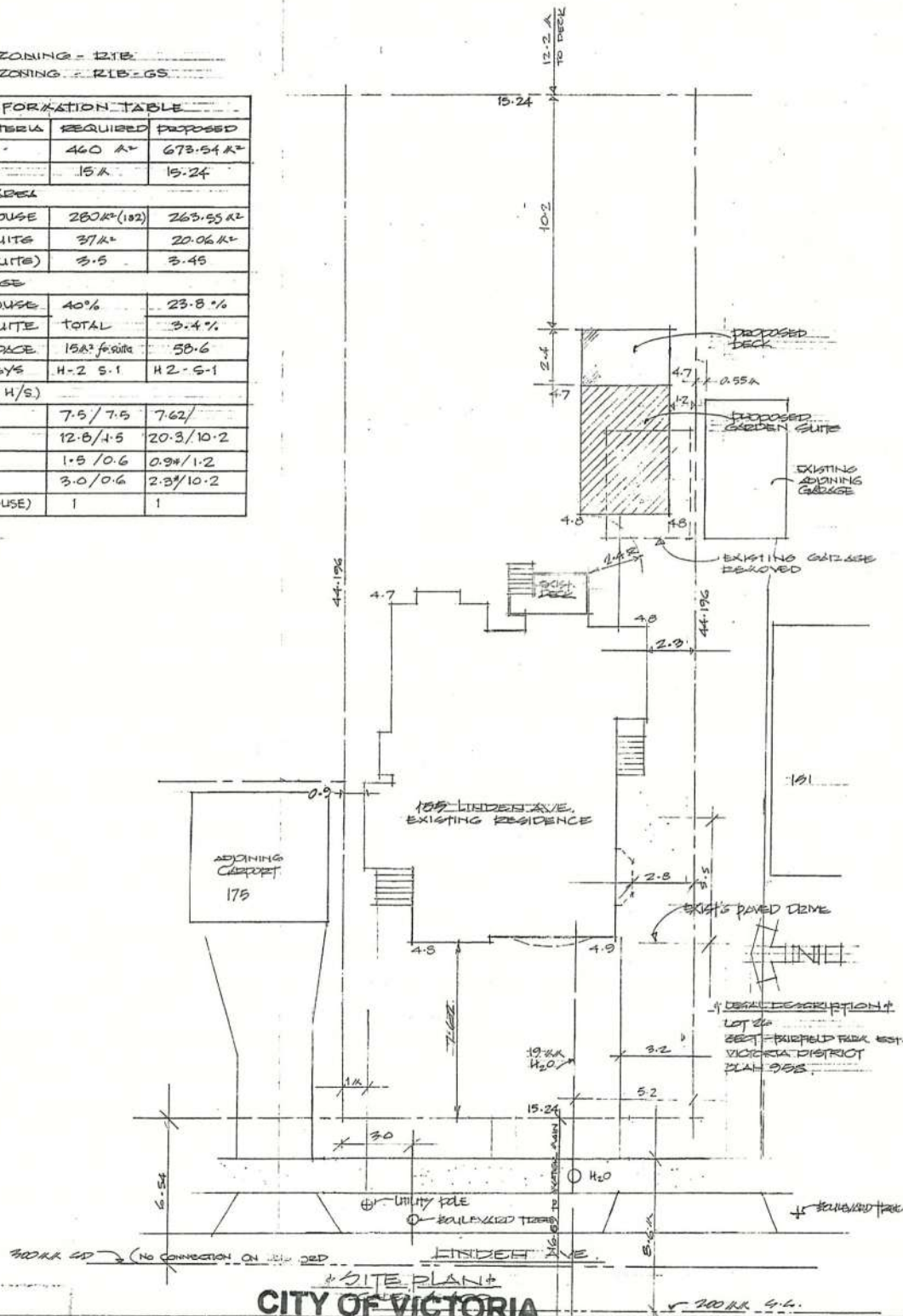
Susan King

house in question



EXISTING ZONING - DTB
PROPOSED ZONING - R1B-GS

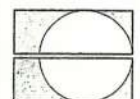
PROJECT INFORMATION TABLE		
ZONING CATEORY	REQUIRED	PROPOSED
SITE AREA	460 A ²	673.54 A ²
SITE WIDTH	15 A	15.24
TAL FLOOR AREA		
HOUSE	280 K ² (182)	263.55 A ²
SUITE	37 K ²	20.06 K ²
HEIGHT (SUITE)	3.5	3.45
SITE COVERAGE		
HOUSE	40%	23.8 %
SUITE	TOTAL	3.4 %
OPEN SITE SPACE	15A ² F.SITE	58.6
N° OF STOREYS	H-2 S-1	H-2-S-1
SETBACKS (H/S)		
FRONT	7.5 / 7.5	7.62 /
REAR	12.0 / 1.5	20.3 / 10.2
SIDE	1.5 / 0.6	0.94 / 1.2
SIDE	3.0 / 0.6	2.3 / 10.2
PARKING (HOUSE)	1	1



DRAWN BY: JIA
 DESIGN: ZHANG JIANHONG
 SCALE: 1:100
 DATE: JAN 31, 2016
 SHEET NO. 15/22
 15/22

PROPOSED GARAGE SITE
for
EXISTING KINGS +
SITE PLAN & PROJECT DATA
DEN. AVE +

banks
design



125V 22 APRIL 2016

Received

APR 25 2016

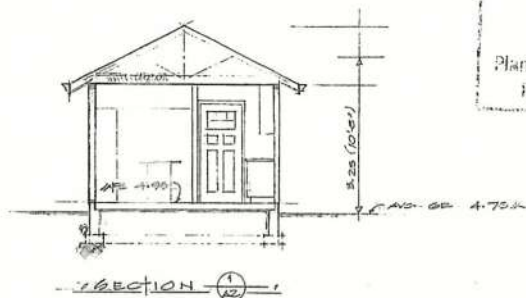
Planning & Development Department
Development Services Division

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APR 25 2016

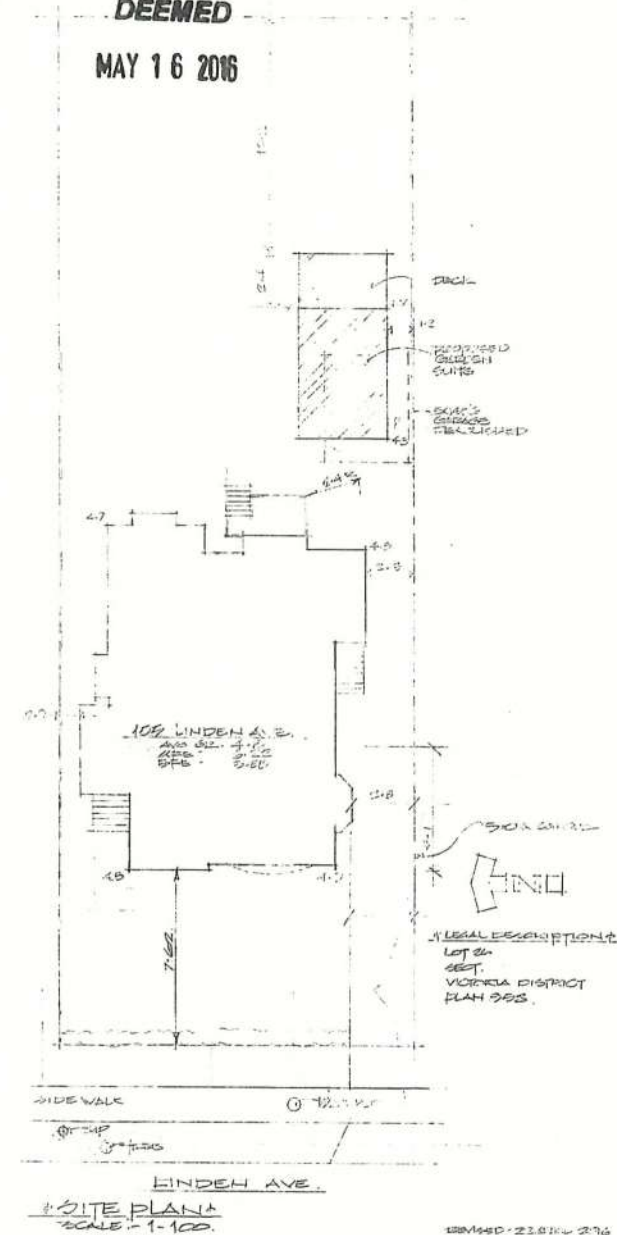
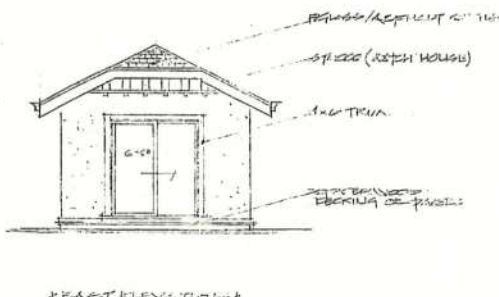
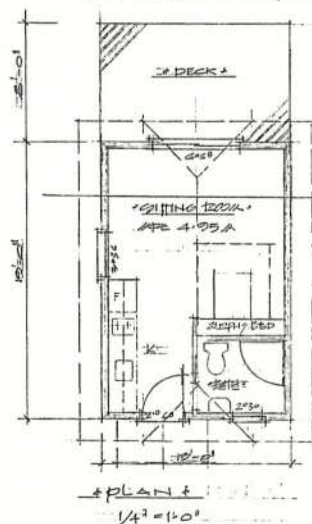
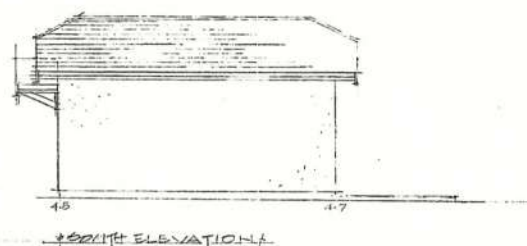
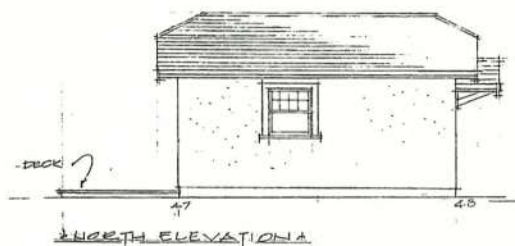
DEEMED

MAY 16 2016



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Planning & Development Department
Development Services Division

CITY OF VICTORIA
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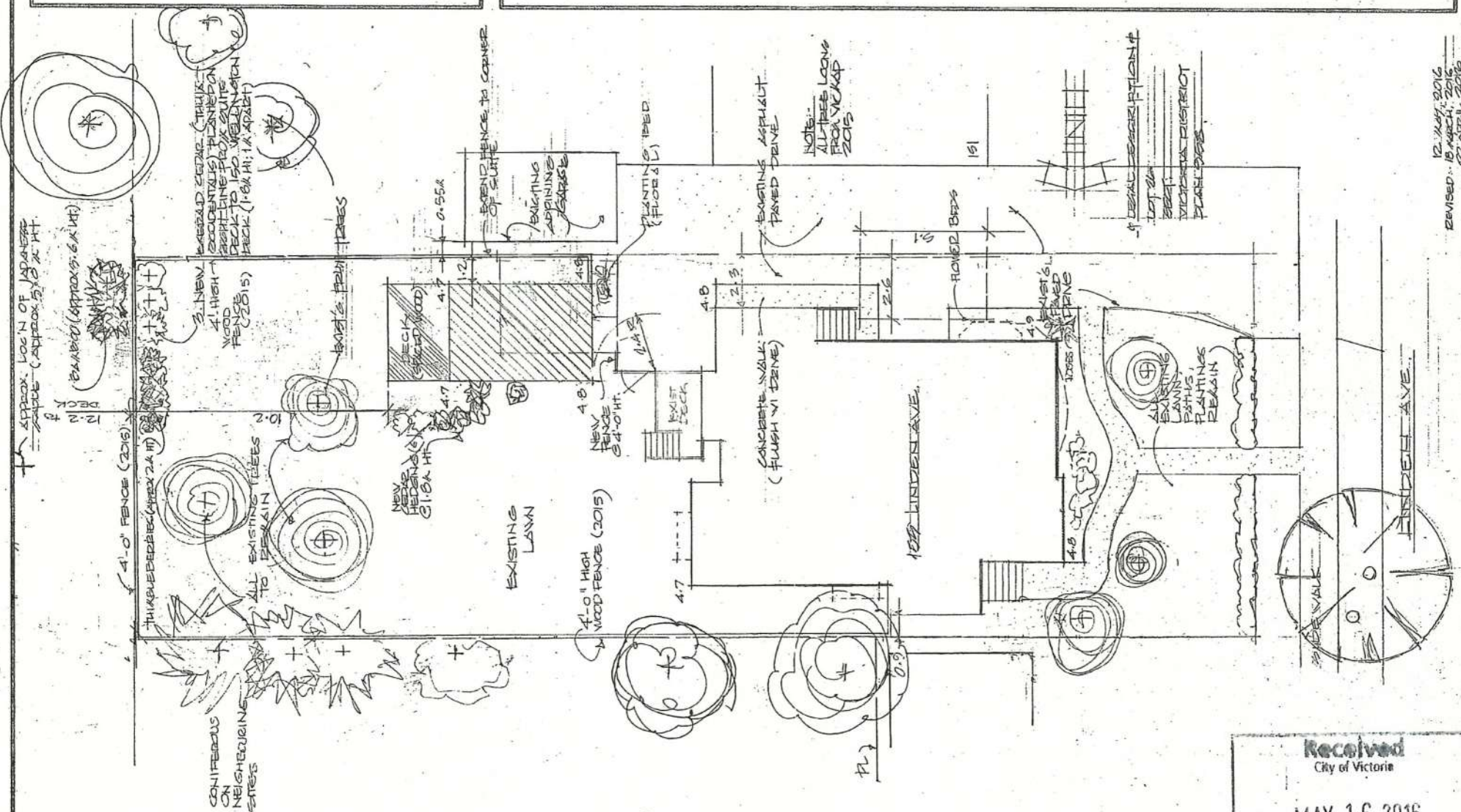
banks
design
FOR
SUSAN KING
PLAN ELEVATION & SITE PLAN
VICTORIA DISTRICT
PLAN 225
DATE: MAY 16 2016

~~I PROPOSED MARKET RATE~~
~~FOR~~
~~EVERETT KING~~
~~LANDSCAPE PLAN.~~

DATE: JAN 31, 2012

~~SECRET~~

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12 MAY 2016
REVISED: 18 APRIL 2016
22 APRIL 2016

Received
City of Victoria

MAY 16 2016

Planning & Development Department
Development Services Division

Charlotte Wain

From: Michael Richardson [REDACTED]
Sent: Tuesday, May 10, 2016 10:50 PM
To: Charlotte Wain
Subject: 155 Linden/Garden Suite Proposal

Follow Up Flag: Follow up
Flag Status: Completed

Hi Charlotte,

Thanks for your reply.

I understand the various allowances and limitations of the bylaw allowing garden suites and your explanation does clear up some aspects. The larger concern was always that the current, or any subsequent owner, could move toward expanding the current proposal, limited only by the development approval process. While we are on record as preferring a covenant, we may have to live with the development permit process.

Regarding the '12 month screening', while we made our wishes clear, Ms. King seemed unsure as to what to do in that regard. We suggested contacting a landscaper or somewhere like Gardenworks which does this kind of work, as a possible resource. I didn't get the understanding that this was about to be translated into a revision of the Landscape Plan by Nigel Banks.

I trust these concerns will be forwarded through the approval process.

Again, thanks for your assistance in this matter.

Michael Richardson
150 Wellington Ave.
[REDACTED]

Sent from my iPad

Charlotte Wain

From: Michael Richardson [REDACTED]
Sent: Sunday, May 8, 2016 10:51 PM
To: Charlotte Wain
Subject: 155 Linden/Garden Suite proposal

Follow Up Flag: Follow up
Flag Status: Completed

Hi Charlotte,

We spent some time this weekend discussing the above proposal, including a discussion with Susan King and a site visit. Although the proposed garden suite is described as a modest structure (approximately 250 square feet), there exists within the bylaw allowance the potential for further development. It is my understanding that with the parameters of the bylaw and the lot size under consideration, there could be a structure of up to 400 square feet. Also, we feel that rental activity connected to the garden suite could at times intrude on our privacy considering the distances involved between the building and the adjoining deck and our property.

Therefore, we would support the proposed garden suite if a covenant were registered against the land title that prevented any further garden suite development beyond the proposed structure. Further, we would request that a type of '12 month screening' be strategically placed along the fence line. Currently, while some vegetation does supply some screening, this is only on a seasonal basis, i.e. late spring into early fall.

Thus we support Ms. King's proposal and wish her well in her endeavour.

Thanks again for your prompt response in forwarding the relevant documents.

Sincerely,
Michael Richardson
150 Wellington Avenue.

Sent from my iPad

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 2015



City of Victoria,

Susan King is planning to build a garden suite in the place occupied by her garage with the same style and same dimensions of this garage.

Susan has said that the suite will be used for guests and later a care-giver. I am her next door neighbour and I approve of this plan.

Diane Carson, 148 Linden Avenue, Victoria

A handwritten signature in cursive script, appearing to read "Diane Carson", followed by a long horizontal flourish.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

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Dr. Richard and Sheila Moulton, 138 Linden Avenue, Victoria

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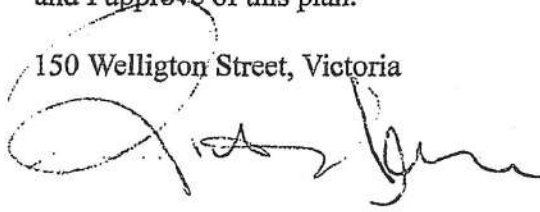
155 Linden Avenue
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V8V 4E2
October 5, 2015

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150 Wellington Street, Victoria


Michael Richardson

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 16, 2015

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Cam and Barb Thorkelson, 151 Linden Avenue, Victoria

A handwritten signature in dark ink, appearing to read 'Cam Thorkelson', with a long horizontal line extending to the right and a shorter line below it.

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

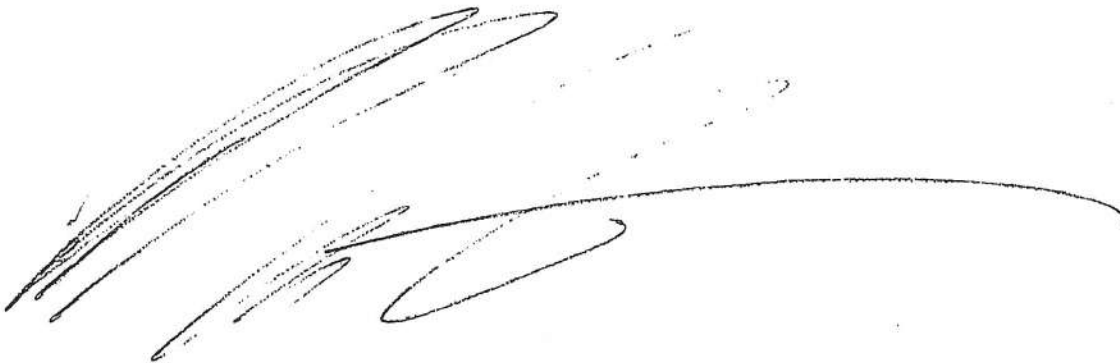
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144 Linden Avenue, Victoria

Paul Plasting

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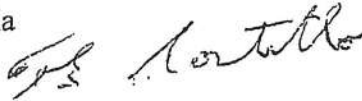
155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

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Frank Costello, 175 Linden Avenue, Victoria

A handwritten signature in cursive script, appearing to read "Frank Costello".

155 Linden Avenue
Victoria, British Columbia
V8V 4E2

City of Victoria,

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Ray and Stacey Donison, 1205 May Street, Victoria

Ray & Stacey Donison

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

✈

City of Victoria,

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Nicola ^d~~Fernandes~~, 150 Linden Avenue, Victoria

Nicola Fernandes

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

City of Victoria,

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Brian and Mary Patten, 1209 ^{MAY} Wellington Street, Victoria

Mary J. Patten

155 Linden Avenue
Victoria, British Columbia
V8V 4E2
October 15, 2015

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Nicola ^dFernandes, 150 Linden Avenue, Victoria

Nicola Fernandes