

**2. Committee of the Whole – April 14, 2016**

**2. Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street, in accordance with:

1. Plans date stamped March 16, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Part 2.1.5 (b): Reduce the rear yard setback from 21.17m to 17.52m.
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

### **3.5 Development Permit with Variances Application No. 00007 for 1407 & 1409 May Street**

Committee received a report dated March 29, 2016, from the Sustainable Planning and Community Development Department providing information and recommendations regarding a proposal to construct a new deck on a duplex that is currently under construction.

- 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, consider the following motion:
- "That Council authorize the issuance of Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street, in accordance with:
1. Plans date stamped March 16, 2016.
  2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. Part 2.1.5 (b): Reduce the rear yard setback from 21,17m to 17.52m.
  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 April 14, 2016

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**To:** Committee of the Whole **Date:** March 29, 2016

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

**Subject:** Development Permit with Variances Application No. 00007 for 1407 and 1409 May Street

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### RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street, in accordance with:

1. Plans date stamped March 16, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Part 2.1.5 (b): Reduce the rear yard setback from 21.17m to 17.52m.
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, 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 Variances Application for the property located at 1407 and 1409 May Street. The proposal is to construct a new deck on the back of a duplex that is currently under construction. The variance is related to reducing the rear yard setback.



The following points were considered in assessing this Application:

- the proposal is generally consistent with the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential – Duplex of the *Official Community Plan 2012* (OCP)
- the proposal is generally consistent with the policies and design specifications of the *Neighbourliness Guidelines for Duplexes* (1996)
- the proposed variance to reduce the rear yard setback does not have a substantial impact on the privacy of the adjacent lots.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct a new deck on a duplex that is currently under construction.

### **Sustainability Features**

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

### **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 Application.

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

The site is a duplex that is currently under construction.

### **Relevant History**

At the November 28, 2013 Council Meeting, Council approved a Development Permit in conjunction with the approval of a Rezoning Application to permit construction of a duplex on the subject property. The duplex is currently under construction.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 29, 2016 the Application was referred for a 30-day comment period to the Fairfield-Gonzales Community Association CALUC. At the time of writing this report, a letter from the CALUC had not been received. The 30-day comment period will end before this Application has an opportunity to be presented at a meeting of Council for consideration of the variance, any comments received will be forwarded to Council.

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 is to construct a new deck on the back of a duplex and is generally consistent with the *Neighbourliness Guidelines for Duplexes*.

The proposal for tempered-glass railings fits with the design of the building and is not visible from the street. To mitigate potential privacy issues, a 1.8m high privacy screen is proposed on the west side of the deck.

### Regulatory Considerations

To facilitate construction of the deck one variance would be required. The variance would reduce the minimum required rear yard setback from 21.17m to 17.52m. As noted above, potential privacy issues are mitigated by privacy screening located on the west side of the deck.

## CONCLUSIONS

This proposal to construct a new deck on the back of a duplex that is under construction is generally consistent with Development Permit 15D: Intensive Residential – Duplex. The proposed variance would not have a substantial impact on the privacy of the adjacent properties. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00007 for the property located at 1407 and 1409 May Street.

Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Apr. 17, 2016

## List of Attachments

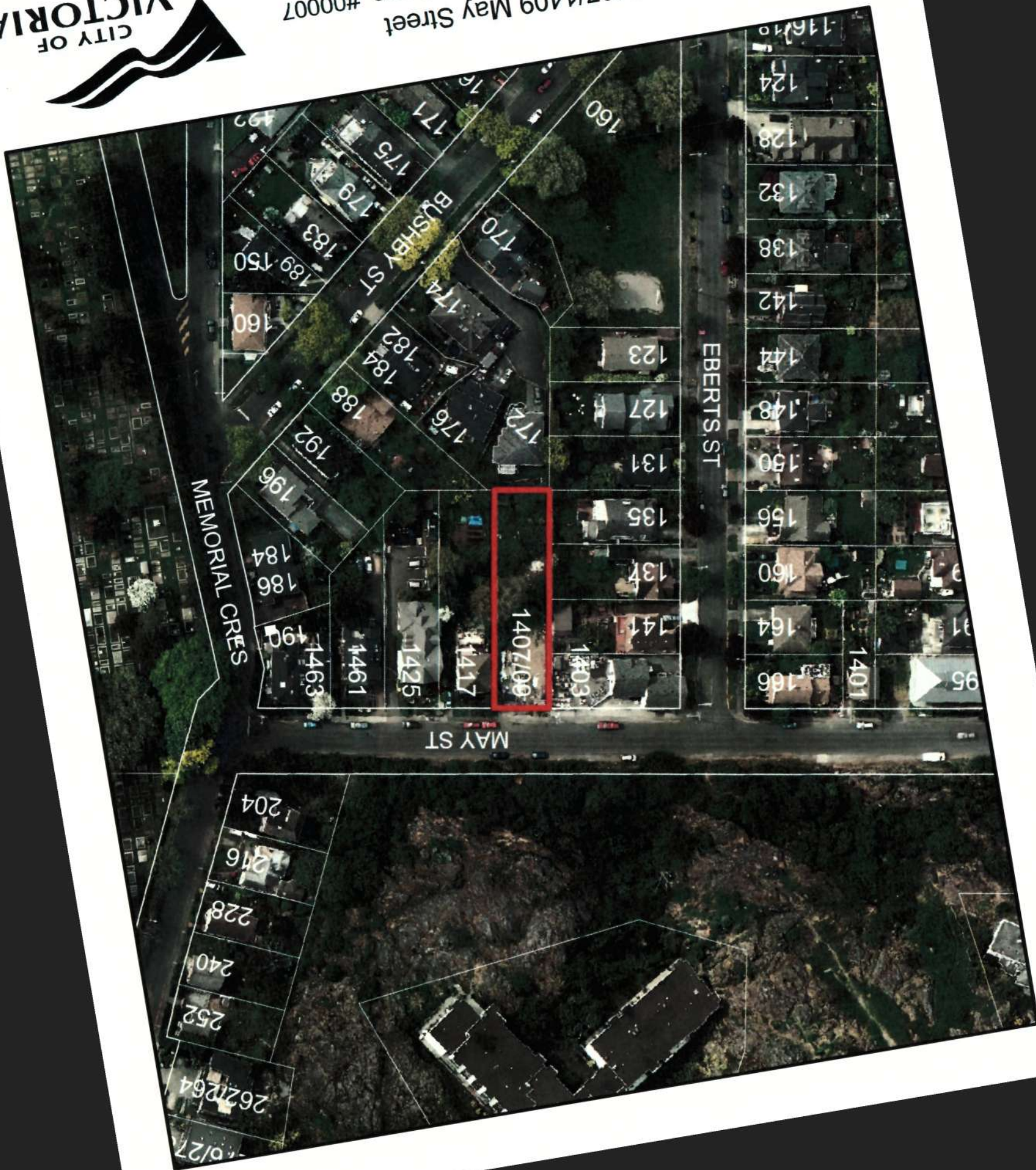
- Air photo
- Zoning map
- Applicant's letter to Council dated February 15, 2016
- Submission drawings dated March 15, 2016.

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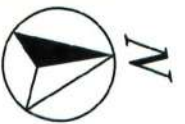




1407/1409 May Street  
Development Permit with Variance #00007





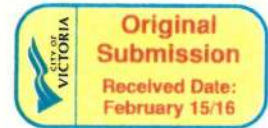


Development Permit with Variance #00007  
1407/1409 May Street



## RM2 DEVELOPMENTS LTD.

1998 FAIRFIELD ROAD  
VICTORIA, BC V8S 1H6



February 15, 2016

The City Of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

**Attention: The Mayor and Council of the City of Victoria**

**Re: Development Permit Application for New Balcony  
1407/1409 May Street, Victoria, BC**

Please find enclosed our Development Permit application to permit the construction of new balconies in the rear yard of a duplex we are currently building. Mayor and Council originally approved the rezoning for the duplex at a public hearing held on November 14, 2013.

We are asking for the addition of the balconies to improve the livability and practicality of the new homes. These homes have been designed to the "SAFERhome" standards, providing predominately single level living, and features that will allow future owners to "age in place". The main floor of the home has no steps. The only way to access the rear yard of the property is to go outside through the basement doors. A balcony would permit rear yard access from the main living space, without going down any stairs. There is no change to the rear elevation of the home in order to add the balconies.

In order to accommodate the balconies, we require a relaxation of the rear yard setback. The property is very deep at 60.49 meters (almost 200 feet), and currently has a 21.18 meter rear yard (almost 70 feet). We are asking for a reduction to 17.52 meters (almost 60 feet), which is 29% of the lot depth. This still allows for a very deep, and functional rear yard. The minimum lot depth for a rear yard in the R2 zone is 10.7 meters. The rear yard is still considerably larger than neighboring properties.

We believe that the balconies are a very important component to these homes. In hindsight, we should have included these in our original rezoning application, but the need for them was not readily apparent until construction was well underway. We hope that you are able to support our application. If you require any further information, or have any questions, please call me at 250-216-3126, or by email at [rob@prodigydevelopments.com](mailto:rob@prodigydevelopments.com).


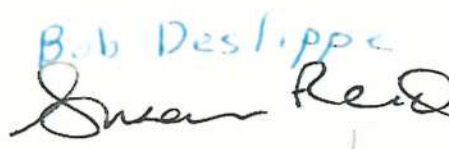


Yours truly,

**Rob Mickelberry**



With regards to the application to add rear decks to the property at 1407-1409 May Street, I have reviewed the plans and:

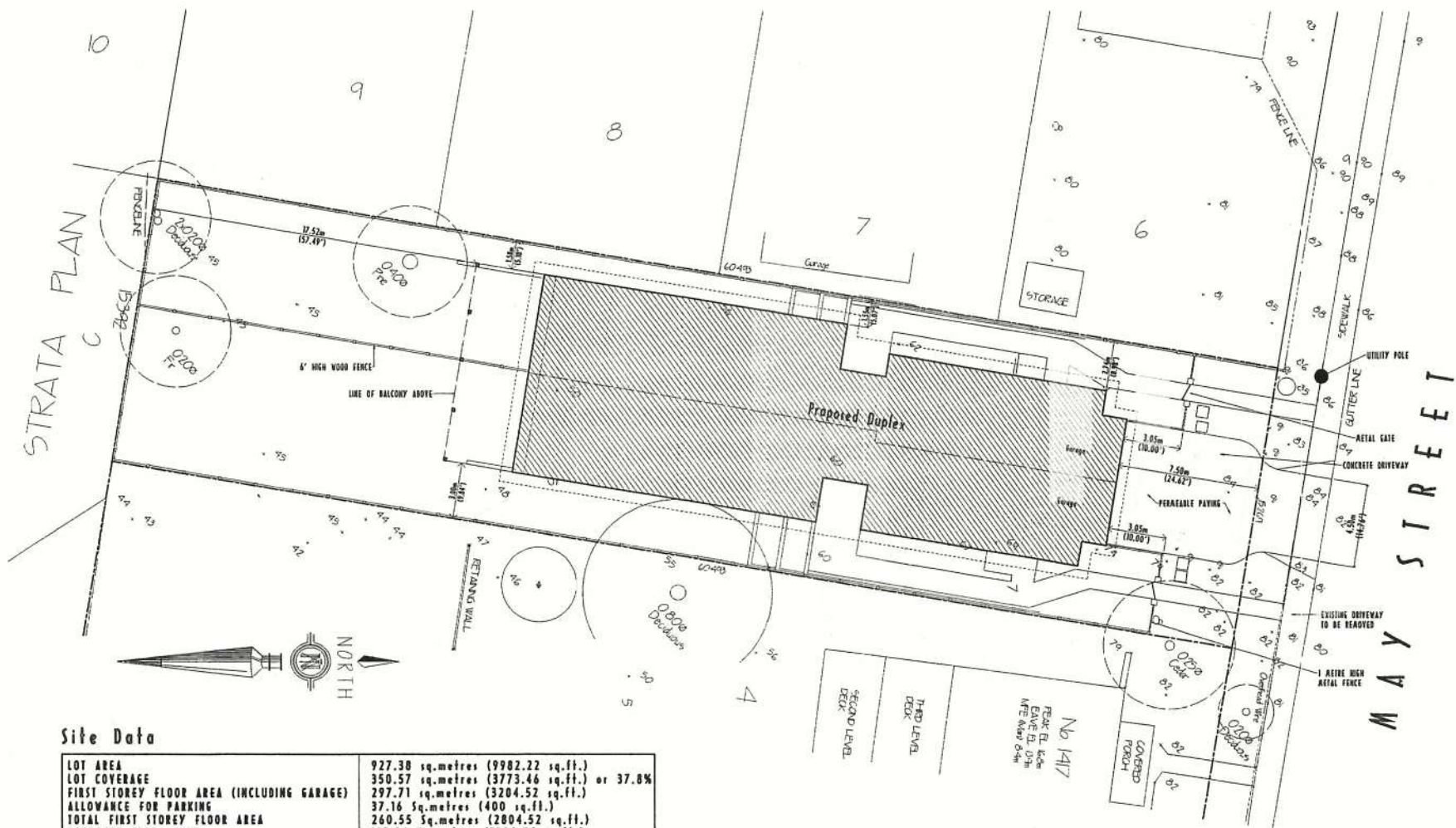
Have no Objection:

Name	Address	Signature
Steenen Wilson	1412 May	
Bob Deslippe	172 Bunkley	
Susan Reid	141 Kbertle	
R. F. Pouchalet	1405 MAY ST. (INTERCITY MOTOR MENTAL WORKS LTD.)	

Have an Objection:

Name	Address	Signature
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# Site Data

LOT AREA	927.38 sq.metres (9982.22 sq.ft.)
LOT COVERAGE	350.57 sq.metres (3773.46 sq.ft.) or 37.8%
FIRST STOREY FLOOR AREA (INCLUDING GARAGE)	297.71 sq.metres (3204.52 sq.ft.)
ALLOWANCE FOR PARKING	37.16 sq.metres (400 sq.ft.)
TOTAL FIRST STOREY FLOOR AREA	260.55 sq.metres (2804.52 sq.ft.)
BASEMENT FLOOR AREA	119.36 sq.metres (1284.74 sq.ft.)
TOTAL FLOOR AREA	379.91 sq.metres (4089.26 sq.ft.)
FLOOR SPACE RATIO	41%
SETBACKS	
FRONT YARD	7.5m (24.6')
EAST SIDE	3.0m (9.84')
WEST SIDE	1.55m (5.07')
REAR	**17.52m (57.49') 28.96% of lot depth**
NO OF PARKING STALLS	2
BUILDING HEIGHT	5.46m (17.92')
DISTANCE FROM GRADE TO U/S OF FLOOR JOISTS	1.12m (3.67')
REAR YARD OPEN SITE SPACE	100%
FULL LOT OPEN SITE SPACE	39.4%

\*\*VARIANCE REQUIRED\*\*

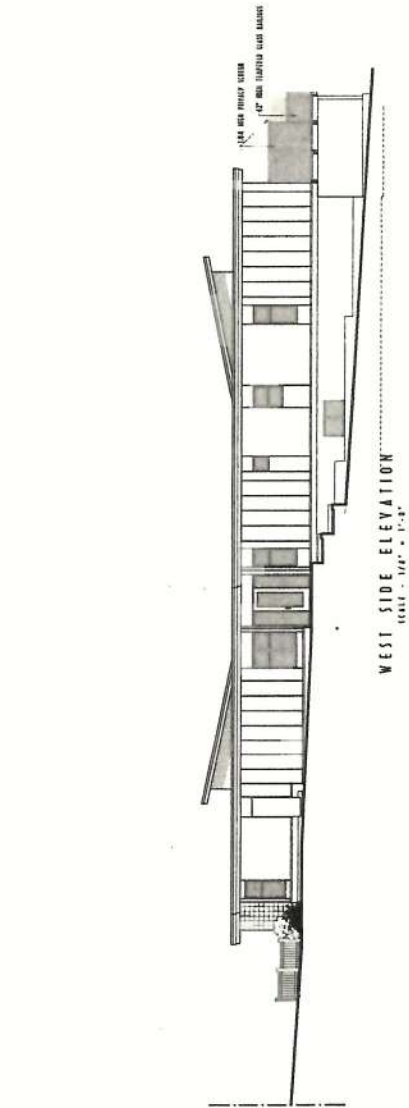
Received  
City of Victoria  
MAR 16 2016  
Planning & Development Department  
Development Services Division

REVISED - MARCH 15, 2016

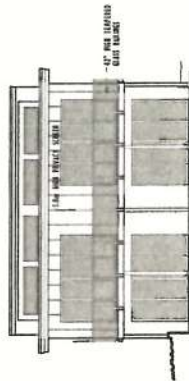
PRODIGY

<b>Gerry Troesch</b> Residential Design 2700 West Road, Suite 100, Victoria, BC V8L 4K1 403-255-1111 gerry@troeschdesign.com	Project: Proposed Duplex 1400 Bay Street Victoria, BC	Revisions:  
	Drawn By: G. TROESCH Date: January 17, 2016 Scale: AS SHOWN	
Drawing: 		Sheet 1 of 2

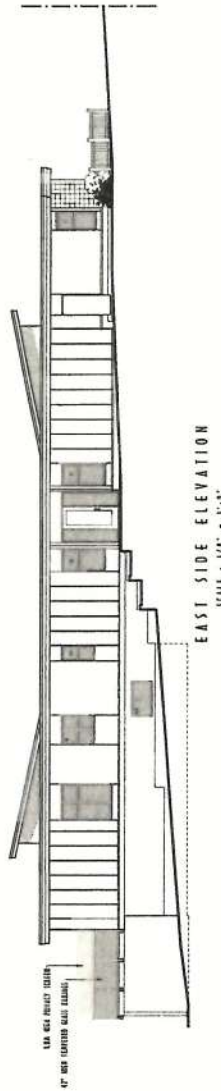




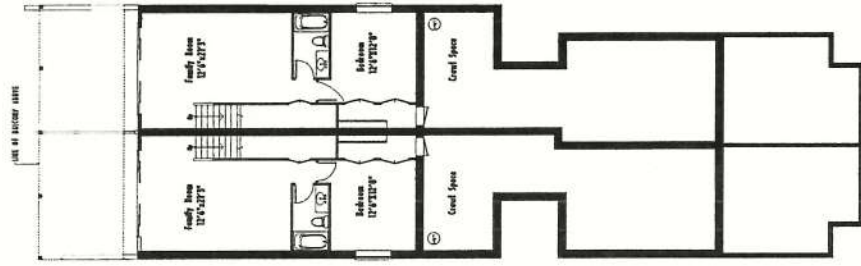
WEST SIDE ELEVATION  
SCALE - 1/8" = 1'-0"



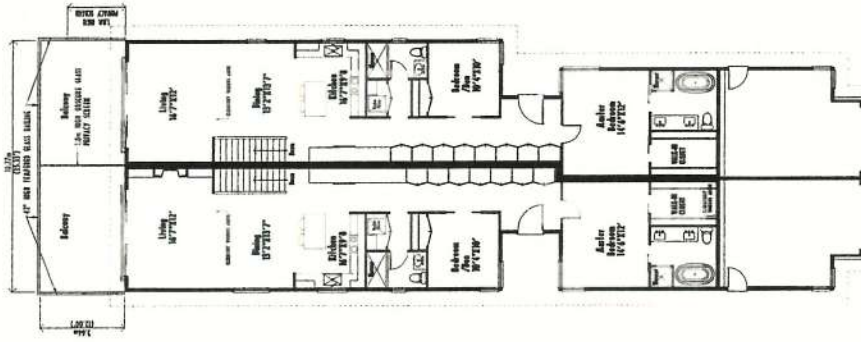
REAR (SOUTH) ELEVATION  
SCALE - 1/8" = 1'-0"



EAST SIDE ELEVATION  
SCALE - 1/8" = 1'-0"



BASEMENT FLOOR PLAN  
Floor Area - 1084.42 sq.ft. (108.24 sq.m)



FIRST STOREY FLOOR PLAN  
Total Floor Area - 2184.52 sq.ft. (202.71 sq.m)  
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Received  
City of Victoria  
MAR 16 2016  
Planning & Development Services Division

REVISED - MARCH 15, 2016  
PRODIGY  
PRODIGY CONSULTING

Gerry Troesch Residential Design 1000 West 10th Avenue Victoria, BC Phone: 250-383-1111 Fax: 250-383-1112 Email: gerry@troeschdesign.com	Project: 1000 West 10th Avenue Residential Design	Sheet: 2 of 2