

3.4 Development Permit with Variance Application No. 00495 for 863 / 865 Villance Street

Committee received a report regarding an application for 863 and 865 Villance Street. The proposal is to strata title an existing legal non-conforming duplex and to alter and construct an addition to the building.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00495, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00495 for 863 and 885 Villance Street, in accordance with:

1. Plans date stamped October 20, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 2.1.5(a): Reduce the front yard setback from 7.5m to 1.58m.
 - b. Part 2.1.5(b): Reduce the rear yard setback from 10.7m to 2.89m.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC288



Planning and Land Use Committee Report

For the Meeting of November 26, 2015

To: Planning and Land Use Committee **Date:** November 12, 2015

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

Subject: Development Permit with Variances Application No. 00495 for 863 and 865 Villance Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00495, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00495 for 863 and 865 Villance Street, in accordance with:

1. Plans date stamped October 20, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 2.1.5 (a): Reduce the front yard setback from 7.5m to 1.58m;
 - ii. Part 2.1.5 (b): Reduce the rear yard setback from 10.7m to 2.89m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official 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 920(8) 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 Variances Application for the property located at 863 and 865 Villance Street. The proposal is to strata title an existing legal non-conforming duplex and to alter and construct an addition to the building.

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 2012 (OCP)*
- the proposal is generally consistent with the policies and design specifications of the *Neighbourliness Guidelines for Duplexes (1996)*
- the proposed variances are required to facilitate the retention of the existing building and are a result of the front lot line (as defined in the *Zoning Regulation Bylaw*) functioning as the side lot line because the duplex was built facing Villance Street instead of Glasgow Street. The reduced front and rear setbacks do not have a substantial impact on the adjacent property.

BACKGROUND

Description of Proposal

The proposal is to strata title an existing legal non-conforming duplex and to alter and construct an addition to the building. Specific details include:

- the alteration and addition use materials that relate to the existing duplex and adjacent buildings
- the addition of a covered porch and sidelight for the entrance of each dwelling
- floor space added to the rear of each dwelling.

The proposed variances are related to:

- reducing the front yard setback (Glasgow Street) from 7.5m to 1.58m
- reducing the rear yard (west) setback from 10.7m to 2.89m.

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 with Variances Application.

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 house with secondary suite.

Relevant History

The existing duplex was built in 1946 preceding the adoption of the R1-B Zone. The duplex is therefore considered to be a legal non-conforming use.

On September 24, 2015 the Board of Variance granted relaxations to the R1-B Zone to permit a structural alteration to the building. If Council declines these Rezoning and Development Permit with Variances Applications, the applicant may proceed with the proposed alterations and additions based on the Board of Variance relaxations. The applicant would not, however, be permitted to strata title the duplex without a successful rezoning from the R1-B Zone to the R-2 Zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 13, 2015 the application was referred for a 30-day comment period to the Hillside Quadra 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 go to Public Hearing and 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 alter and construct an addition to an existing legal non-conforming duplex, including some changes to exterior materials and design.

As supported in the *Neighbourliness Guidelines for Duplexes*, the design improvements help emphasise a positive street appearance by adding covered porches and sidelights to the principal entrances for each dwelling. The additions are located at the rear of the dwellings and fit comfortably within the established scale of the street. The exterior materials suit the existing building and adjacent buildings.

Regulatory Considerations

To facilitate the Rezoning Application from the R1-B Zone to the R-2 Zone, two variances would be required. The variances would reduce the front yard setback from 7.5m to 1.58m and the rear yard setback from 10.7m to 2.89m to accommodate the siting of the existing duplex. Although the existing building faces towards Villance Street, the *Zoning Regulation Bylaw* defines the front lot line as Glasgow Street. Therefore, the front and rear yards function as side

yards for the existing building. These variances will not have a substantial impact on the adjacent property.

CONCLUSIONS

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

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00495 for the property located at 863 and 865 Villance Street.

Respectfully submitted,



Rob Bateman
Planner
Development Services Division

JH



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

November 17, 2015

List of Attachments

- Air photo
- Zoning map
- Applicant's letter to Council dated October 20, 2015.
- Minutes of Community Meeting – Hillside Quadra Community Association dated October 19, 2015
- Submission drawings dated October 20, 2015.



MUNICIPALITY OF SAANICH

TOLMIE AV

3182

3179

3176

3178

3175

860

3174

VILLANCE ST

3179

993

3198

3175

3184

3171

3178

3170

3167

3166

3163

316

3159

31

3155

31

3151

3

3147

3143

3139

3135

3125

3121

863/65

GLASGOW ST

851

855

859

844

848

852

856

860

REED ST

847

843

837/39

840/42

836

832

828

YEW ST

845

849

853

3141

3137

3135

3131

3134

3130

3128

3130/32

863-865 Villance Street

Rezoning No. 00495

Bylaw No. ?

Rezone from R1-B Zone, Single Family Dwelling District
to R-2 Zone, Two Family Dwelling District



To - Mayor and Council

OCT. 20. 2015

We are proposing to rezone the
property to strata title the existing
property

Thank you

Jack chen



Rob Bateman

From: Jenny Fraser <jenfraser@islandnet.com>
Sent: Tuesday, October 20, 2015 10:11 PM
To: caluc@victoria.ca
Cc: Dan Potvin; Hillside Quadra Neighbourhood Action Group
Subject: 863-865 Villance Street Rezoning

19 October 2015

To Whom it May Concern:

Re: 863-865 Villance Street

This is to confirm that Jack Chen, the owner of the above property, met with community members on October 13th to present his proposal to rezone the property from single family to R-2. The current land use is a non-conforming duplex built in the 1970s.

Community members who attended this meeting indicated that they had no concerns about the proposed rezoning of the property.

This meeting illustrates the need for the Development Proposal Community Meeting Notice sent out by the City of Victoria to be written in plain language and to include more background. CALUC Chairs included this as a recommendation in their October 1st meeting with Mayor and Council.

Community members who came to this meeting indicated that once they understand the proposal they had no concerns, and that they would not have come to the meeting had they understood beforehand the intent of the rezoning. This is an example of the CALUC process unnecessarily taking up the time of community volunteers – including the CALUC Chair, a note-taker, and at least eight members of the community.

Sincerely,

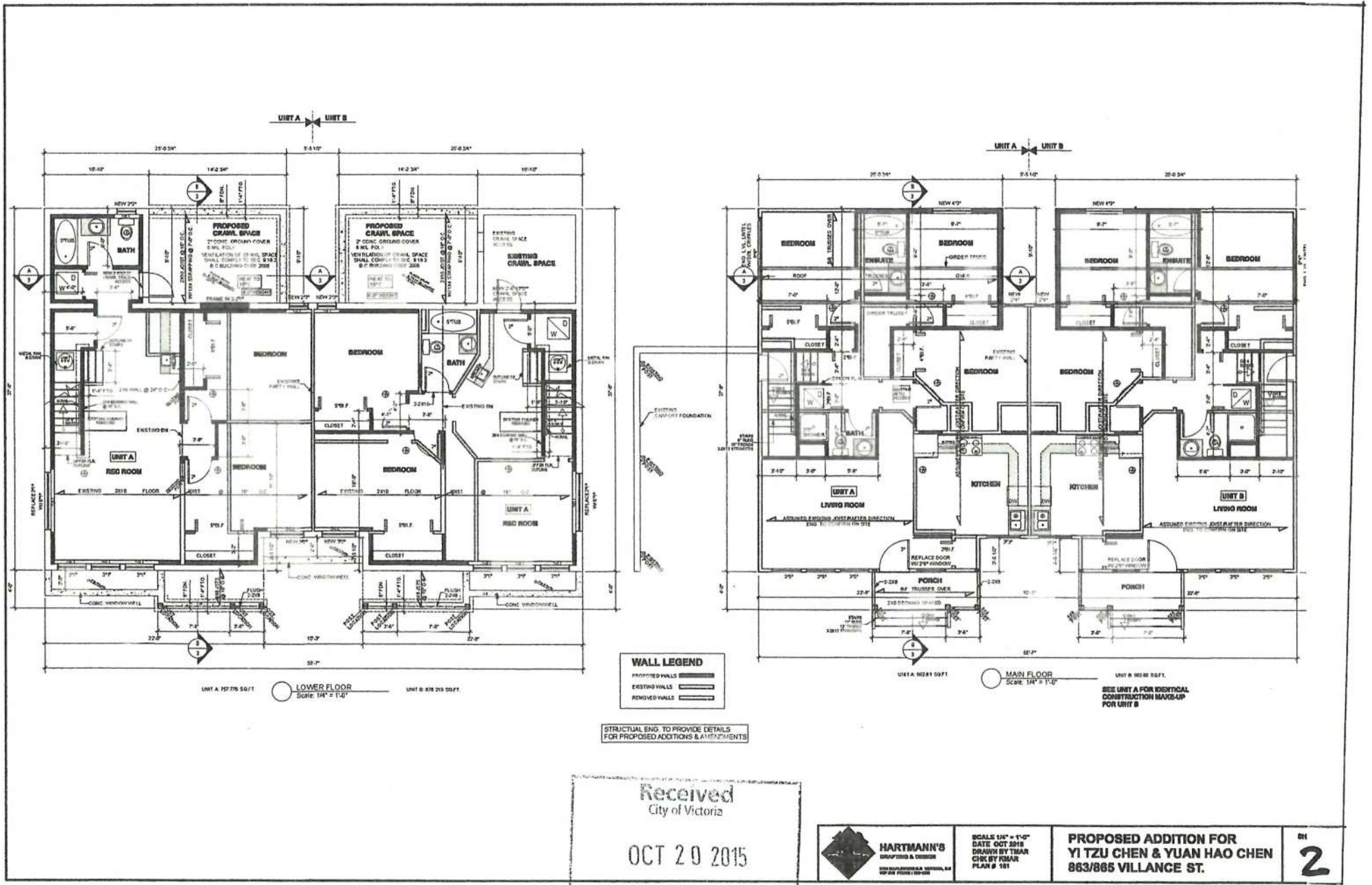
Jenny Fraser

CALUC Co-Chair, Hillside Quadra

cc. Dan Potvin for Jack Chen

BRACING FOR RESISTANCE TO LATERAL LOADS
SHALL BE DESIGN BY A P.E.

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RSD FRAMING CALCULATION	
SPRUCE (10000)	
2X4 BOTTOM CHORD (10000)	0.0005 X 25 = 0.0125
@ 34' O.C. (117)	11 X 0.0125 = 0.1375

0.01875 X 246 (lb/ft)	1.608
@ 24" O.C. (lb/ft)	89 + 1.608 = 90.61

$$100 \div 87.9 = 1.47$$

0.01875 x 11.14" (487.6mm)	5.3578
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CALCULATE EFFECTIVE R-VALUE: TYPICAL TRUSS ROOF CEILING	
DESCRIPTION	EFFECTIVE
2X4 BOTTOM CHORD @ 3' O.C. VR GLOSS FIBRE LAMINATE FIBR INSUL	1.47
11 1/4" THICK GLASS FIBRE LOOSE FILL INSUL (R40)	5.2078
INTERIOR AIR FILM	0.11
5/8" GYP BOARD	0.09
MAPLE FLOOR BARRIER	0.00
EXTERIOR AIR FILM	0.03
TOTAL EFFECTIVE	5.89
ZONE 4 MINIMUM REQ. EFFECTIVE	4.91

RSI FRAMING CALCULATION	
SPRICE (0.0008)	
2x6 STUDS (140mm)	0.0008 x 140 = 1.19
2x6 C. (140mm)	20 x 1.19 = 23.800

RSI Cavity Calculation	
R-20 COMPRESSION	3.34
@ 24" O.C. (ROW)	$82 \div 3.34 = 23.95$

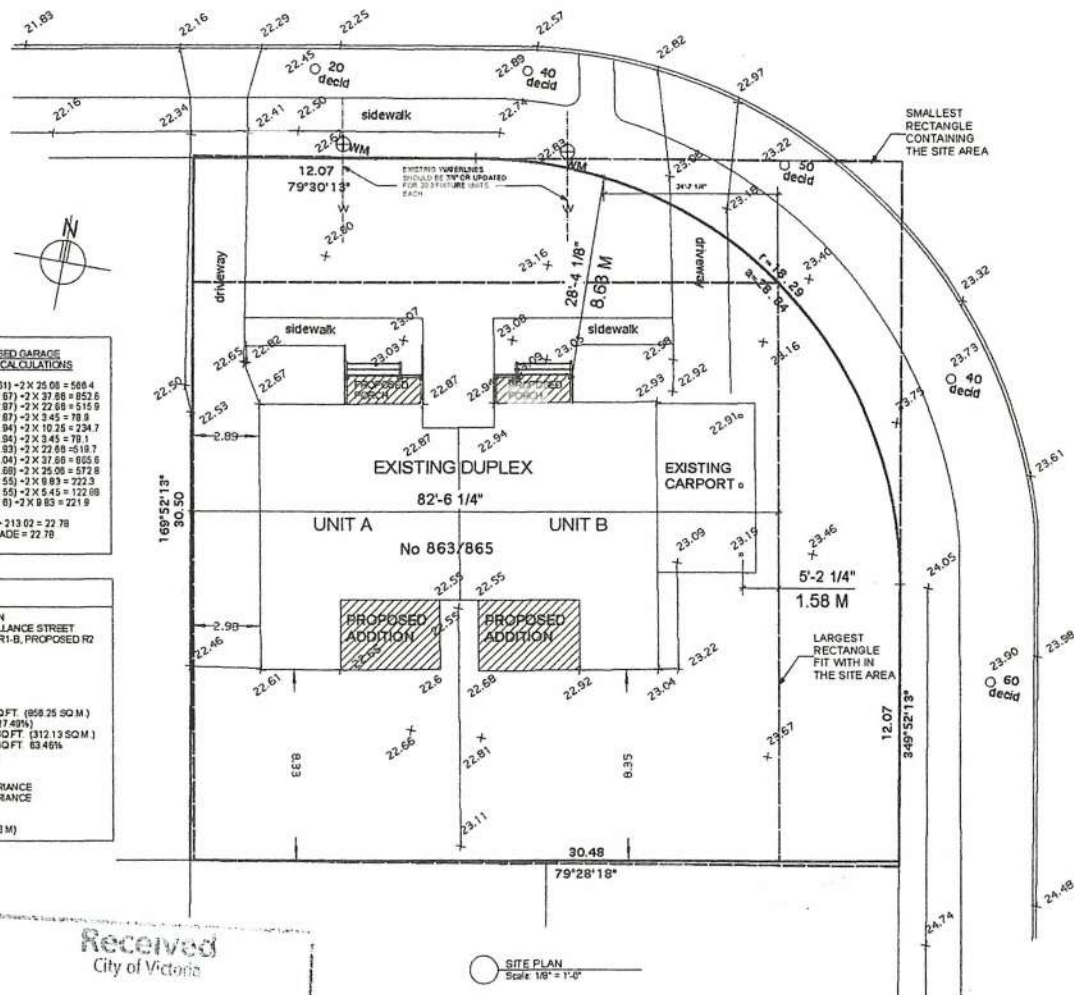
$$\text{RF PARALLEL} = \frac{100}{15.50\% \text{ AREA OF FRAME} + 23.66\% \text{ AREA OF CAVITY}}$$

CALCULATING EFFECTIVE R-VALUE WALLS ABOVE GRADE			
DESCRIPTION	MINIMUM	EFFECTIVE	
R-20 COMPRESSION INS. 2X8 WOOD FRAMING @ 2" O.C.	2.34	2.45	
EXTERIOR AIR FILM	0.12		
1" STYROFOAM BOARD	0.077		
1/2" GYP BOARD	0.05		
1" STYROFOAM BOARD	0.139		
1/2" GYP BOARD	0.05		
1/2" AIR SPACE	0.15		
5/8" EXTERIOR AIR FILM	0.06		
EXTERIOR AIR FILM	0.03		
TOTAL R-VALUE		3.88	
20% R-VALUE CORRECTION		2.78	

CALCULATING EFFECTIVE R-VALUE WALLS ABOVE CEILING			
DESCRIPTION	NOMINAL	EFFECTIVE	
R12 INSUL IN 2X4 WOOD FRAMING @ 24" O.C.	2.11	1.71	
INTERIOR AIR FILM	0.12		
1/2" GYPSUM BOARD	0.08		
WINDUP NUMBER	0.00	0.2	
BUILDING PAPER	0.00		
FINISH CONCRETE SURF.		R0.2 X 0.000 = 0.002	
TOTAL EFFECTIVE		1.89	
2X4 @ 24" O.C. WINDUP R-VALUE		1.00	

CALCULATING EFFECTIVE R-VALUE	
FOUNDATION WALLS BELOW GROUND CONTACT W/ GRADE	
FOUNDATION (R-0.004)	503.2 x 0.004 = 0.002
2" POLYSTYRENE (TYPE 3 EPS POLYSTYRENE)	59.5 x 0.03 = 1.905
INTERIOR AIR FILM	0.12
TOTAL R-VALUE	8.86
U-VALUE	0.113
U-VALUE	0.113

OWNER	JACK CHEN
ADDRESS	8830165 VILLAGE STREET
ZONE	EXISTING R1-B, PROPOSED R2
LEGAL DESCRIPTION	
LOT	65
PLAN	7282
SECTION	4
DISTRICT	VICTORIA
RANGE	
SITE AREA	9216.62 SQ FT (856.25 SQ M.)
SITE COVERAGE	2534.023 (27.49%)
TOTAL FLOOR AREA	3393.762 SQ FT (312.13 SQ M.)
OPEN SPACE	588.566 SQ FT 63.40%
REAR YARD OPEN SITE SPACE	VARIANCE
SETBACKS	
FRONT	1.50 M VARIANCE
REAR	2.80 M VARIANCE
SIDE	0.30 M
EXIT DOOR	0.65 M
BUILDING HEIGHT	10'-0" (3.00 M)



Received
City of Victoria

OCT 29 2015

Planning & Development Department
Development Services Division



HARTMANN'S
DRAFTING & DESIGN
2000 MAPLEVIEW BLVD. SUITE 100
VIRGINIA BEACH, VA 23462
703-681-1111

SCALE 1/4" = 1'-0"
DATE OCT 2018
DRAWN BY THAR
CHK BY KOMAR
PLAN # 101

**PROPOSED ADDITION FOR
YI TZU CHEN & YUAN HAO CHEN
863/865 VILLANCE ST.**

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