REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee - April 30, 2015

3. <u>Development Permit with Variances Application No. 00471 for 324 Chester Avenue</u>
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00471 for 324 Chester Avenue, in accordance with:

- 1. Plans date stamped March 27, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.113.4(a): Increase the height of a garden suite from 5.5m to 5.6m;
 - b. Part 1.113.4(b): Increase the number of storeys of a garden suite from 1.5 storeys to 2 storeys.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development."

 Carried Unanimously

5.2 Development Permit with Variances Application No. 00471 for 324 Chester Avenue

Committee received a report regarding a development permit application for 324 Chester Avenue. The proposal is for a garden suite above an existing garage in the rear yard of the property. The application proposes variances to increase the height of the suite and the number of storeys.

Action:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00471 for 324 Chester Avenue, in accordance with:

- 1. Plans date stamped March 27, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.113.4(a): Increase the height of a garden suite from 5.5m to 5.6m;
 - b. Part 1.113.4(b): Increase the number of storeys of a garden suite from 1.5 storeys to 2 storeys.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development."

CARRIED UNANIMOUSLY 15/PLUC114



Planning and Land Use Committee Report For the Meeting of April 30, 2015

To:

Planning and Land Use Committee

Date:

April 16, 2015

From:

Leanne Taylor, Planner, Development Services Division

Subject:

Development Permit with Variances Application No. 00471 for 324 Chester

Avenue

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. 00471, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00471 for 324 Chester Avenue, in accordance with:

- Plans date stamped March 27, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.113.4(a): Increase the height of a garden suite from 5.5m to 5.6m;
 - ii. Part 1.113.4(b): Increase the number of storeys of a garden suite from 1.5 storeys to 2 storeys.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development."

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*, 2012. 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), 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.

In accordance with Section 922 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

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 324 Chester Avenue. The proposal is to construct a garden suite above an existing garage.

The following points were considered in assessing this Application:

- The proposal is consistent with the objectives for sensitive infill in Development Permit Area 15E: Intensive Residential - Garden Suites of the Official Community Plan 2012 (OCP).
- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy* (2011).
- The variances to increase the height of the garden suite are required to facilitate the construction of a garden suite above the existing garage and for liveability purposes.

BACKGROUND

Description of Proposal

The proposal is for a garden suite above an existing garage in the rear yard of the subject property. Specific details include:

- the two-storey garden suite incorporates contemporary architectural elements and demonstrates a unique individual identity
- · the exterior materials include cedar shingles and metal roof
- the existing single-car garage would remain and the garage door would be replaced to fit in with the overall design of the building
- the unit entry would be oriented towards the interior portion of the site
- new hard and soft landscaping would be introduced.

The proposed variances are related to increasing the height of the garden suite.

Sustainability Features

As indicated in the applicant's green building features summary dated January 13, 2015, the following sustainability features are associated with this Application:

- water conservation
- energy efficiency
- natural and reliable materials.

Active Transportation Impacts

The applicant proposes to install a bike rack to support active transportation.

Existing Site Development and Development Potential

The site is presently a single family home and accessory building.

Data Table

The following data table compares the proposal with the R1-B-GS2 Zone, Single Family Dwelling with Garden Suite for Plus Sites District. An asterisk is used to identify where the proposal is less stringent than the R1-B-GS2 Zone and variance is required.

Zoning Criteria	Proposal	Zone Standard R1-B-GS2 "Plus Site"	
Garden Suite			
Height (m) – maximum	5.6*	5.5	
Storeys - maximum	2*	1.5	

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 CALUC at a Community Meeting held on December 15, 2014. The minutes from this meeting were received on January 13, 2015, and 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 OCP identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites.

To date, the garden suites approved by Council have been solely residential units with no accessory uses, such as a garage. This proposed development to construct a garden suite above an existing garage is a slightly different design concept than the typical garden suite application that Council has considered in the past. However, the concept does fit with the overall character and architectural diversity of the neighbourhood. The subject property is a corner lot and the garden suite would be adjacent to a four-storey apartment building and have individual street frontage. The building footprint would not be increased.

The Garden Suite Design Guidelines encourage garden suites to relate to the principal building in terms of materials, roof form and general architectural expression. The proposed garden suite would have a flat, sloping roof and finished with natural materials. The principal dwelling

unit has a pitched roofline, stucco exterior and a porch-like entryway. The garden suite and main dwelling units are not architecturally similar, however, the building incorporates some design elements with respect to roofline, exterior materials and windows that complement neighbouring buildings.

Since the applicant would like to retain the existing garage, the garden suite entry would be located on the interior side of the building for privacy, convenience and aesthetic reasons. The design guidelines encourage unit entries to be oriented to the street. However, when this is not practical, a secondary preference is to locate the entry to the interior portion of the site. A roof element above the door defines the entryway and the front entrance would be visible from Mackenzie Street. The windows are maximized along the façade oriented to the interior of the site, however, the windows are located on the second storey. This may cause some overlook onto the adjacent property to the north. There is an existing maple tree planted along the north property line that would eventually grow taller and partially screen the garden suite.

Regulatory Considerations

Height Variances

The applicant is requesting the following variances:

- increase the maximum height of a garden suite from 5.5m to 5.6m
- increase the number of storeys from one and a half storeys to two storeys.

The variances to increase the height and number of storeys are in part due to accommodating a second storey garden suite above an existing garage. From a design perspective, the highest point of the sloped roof is located at the interior of the site and the roof slopes down towards the nearest lot line. The height of the principal dwelling unit is 7.27m and two and a half storeys. For comparison, the abutting property to the west is a four-storey apartment building and the property to the north is a single family dwelling unit of similar size and scale as the principal dwelling unit on the subject property. Increasing the height of the garden suite by 0.1m should have minimal impact on the existing streetscape and it would not appear out of scale in the immediate neighbourhood.

CONCLUSIONS

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

ALTERNATE MOTION

That Council decline Application No. 00471 for the property located at 324 Chester Avenue.

Respectfully submitted,

Leanne Taylor

Planner

Development Services Division

Alison Meyer, Assistant Director Development Services Division Sustainable Planning and Community Development

Report accepted and recommended by the City Manage	Repo	rt accepte	d and	recommended	by the	City	Manage
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Jason Johnson

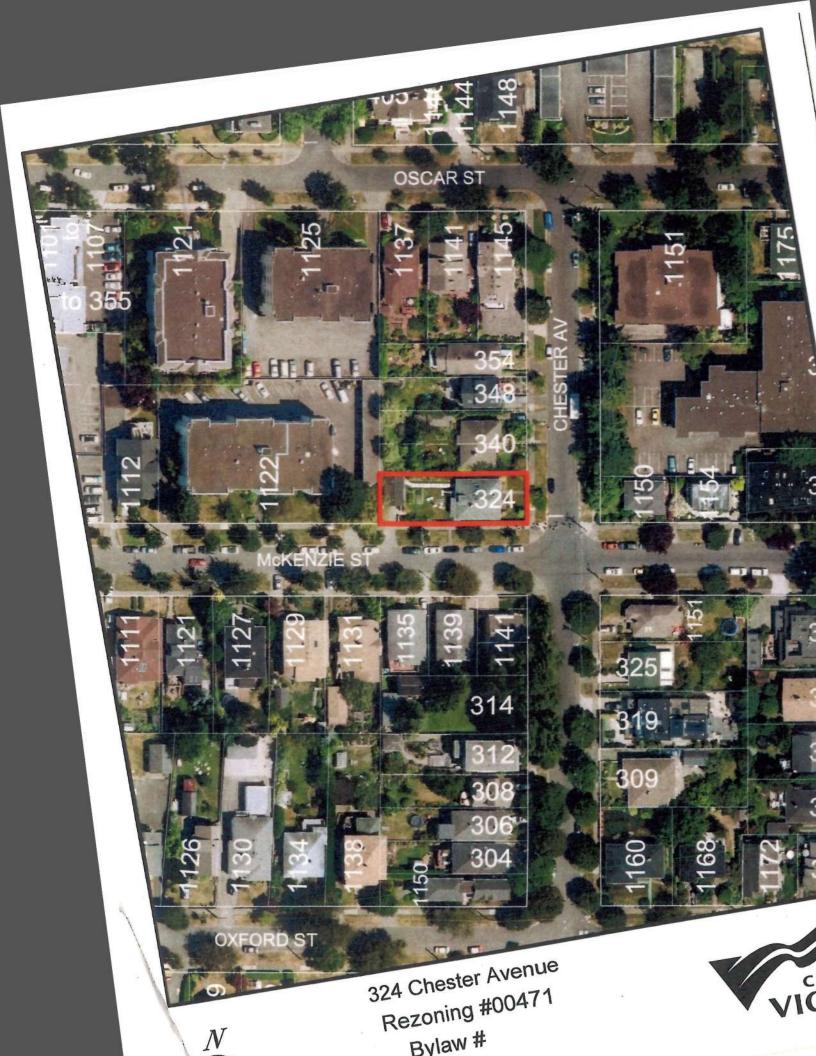
Date: Apr. | 21, 2015

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List of Attachments

- Air photo
- Zoning map
- Applicant's letter to Council dated January 12, 2015
- Minutes of Community Meeting Fairfield-Gonzales Community Association dated December 15, 2014
- Signed petition
- Green Building Features
- Submission drawings dated March 27, 2015.



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Dear Mayor and Council,



RE: REZONING APPLICATION - 324 CHESTER AVE., FAIRFIELD

My wife and I wish to build a 400-sq. ft. "garden suite" above the existing garage on this property.

We reside in the existing 1927 bungalow which is quite modest in size. The basement is low height (5.5 feet) which precludes the addition of a secondary suite within the house without substantial structural change, cost and disruption. Also, we use the basement for much-needed storage and a laundry area.

We have reviewed the City's existing policies for garden suite use and the sample zoning for "small lot" single-level and "plus lot" two-level approved garden suites. Our property qualifies as a "plus lot".

What makes our proposed structure unique is that instead of two floors of living space, we wish instead to create a single floor of living space over an existing garage.

The previous owner built the garage with permit in 1978 as far to the west of the property as possible, facing McKenzie Street. As you can see on the enclosed plan, the siting of the garage matches exactly the minimum side yards for the west and north boundaries for accessory buildings including garden suites.

If we are permitted to build over the existing garage:

- 1. Our proposal retains the single family lot character of this property.
- 2. Our large open southwest garden is preserved.
- 3. We are able to keep our required parking and enclosed garage.

We feel that "going up" minimizes not only the impact on our property, but also on the immediate adjoining properties:

1. To the west is a large scale 4-storey apartment building, approx 45 feet away from our existing garage, with the buffer of a very high pine and large widely spreading willow tree between it and the garage.

 To the north, approx 60 feet away, fronting on Chester Ave., is a single family residence on a double lot. By not constructing a separate aditional structure in our back yard, this neighbour retains the benefit of the existing,generous south-facing sun corridor across our back yard.

Prior to this rezoning application, the City Planning Department sent out approximately 108 notices to residents within 100 meters of our property. Because at least two neighbouring properties are large-scale rental apartments, we chose to speak personally just with our immediate neighbours before the Fairfield Gonzales Community Association meeting held on December 15, 2014. We enclose signed acknowledgments we received from 7 of these 9 property owners/residents confirming that they had no objection to the proposed use/zoning.

Only 5 people came to see/speak to our proposal at the FGCA meeting, two couples and an individual homeowner. One couple did not speak at the meeting but came to me afterwards and told me they had no objection. Three people who spoke own properties to the north of ours on Chester Ave., and their concern seemed to be related more to the visibility of the proposed structure than the land use.

We hope that you agree, given the "isolated" location of the existing garage and the unusually large distances between neighbouring dwellings in all directions, that our proposal is supportable. Thank you.

Yours truly,

Paul Osborne

JAN 13 7575

Minutes of Community Meeting Planning and Zoning Committee Fairfield-Gonzales Community Association (FGCA) December 15, 2014

Facilitator: Paul Brown

Subject Property:

324 Chester Ave. (411 notices sent)

Proponents Ineke and Paul Osborne wishes to add a second storey to an existing garage that would be developed as a secondary suite.

5 interested parties attended

Attendee Questions & Comments:

- Neighbours to the north concerned about height, increased density, loss of sun and privacy
- One neighbor concerned they will be looking into windows
- One commented that the proposal had merit however privacy is at issue

George Zador

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

REZONING APPLICATION

JAN 13 2015

Planning & Develop 1 and Department of Selection and Selection 1.

To Whom It May Concern:

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REZONING APPLICATION

To Whom It May Concern:

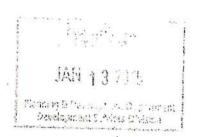


I have had an opportunity to view the plans for the proposed secondary housing unit to be built over the existing garage on this property. I have no objection to the City rezoning this property to accommodate this use. I object to the City rezoning this property to accommodate this use. Additional comments (optional)

Nov. 28 2014
Date

REZONING APPLICATION

To Whom It May Concern:



I have had an opportunity to view the plans for the proposed secondary housing unit to be built over the existing garage on this property. \boxtimes I have no objection to the City rezoning this property to accommodate this use. I object to the City rezoning this property to accommodate this use. Additional comments (optional) 1135 mokensie Street ALISTAIR STEWART Address Name Signature Address Signature Name

Dec 12, 2014

Date



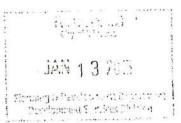


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REZONING APPLICATION

To Whom It May Concern:



I have had an opportunity to view the plans for the proposed secondary housing unit to be built over the existing garage on this property. I have no objection to the City rezoning this property to accommodate this use. I object to the City rezoning this property to accommodate this use. Additional comments (optional)

REZONING APPLICATION

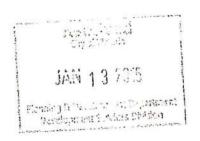
To Whom It May Concern:



I have had an opportunity to view the plans for the proposed secondary housing unit to be built over the existing garage on this property. I have no objection to the City rezoning this property to accommodate this use. I object to the City rezoning this property to accommodate this use. Additional comments (optional) Address

REZONING APPLICATION





I have had an opportunity to view the plans for the proposed secondary housing unit to be built over the existing garage on this property. X I have no objection to the City rezoning this property to accommodate this use. I object to the City rezoning this property to accommodate this use. Additional comments (optional) Address Victoria BC Name Signature Address Signature Name

Vec 13, 2014

324 CHESTER AVENUE - REZONING APPLICATION

GREEN BUILDING FEATURES

Our proposal to build a 400-sq. ft. "garden suite" above the existing garage on this property:

- Retains the single family lot character of this property with its large garden space and existing greenery, permeable ground and green space;
- Preserves the existing streetscape while offering an opportunity to renters who want to live in detached housing.
- Its location close Cook Street Village, the City and its amenities including frequent transit reduces the need for car-based transportation.
- Its design, with opening south-facing door and windows and lack of windows to the north, enables passive solar heating/cooling.
- Its small size means considerable savings in terms of initial construction and continuing maintenance.
- The use of high quality, natural and reliable materials will reduce overall energy consumption.

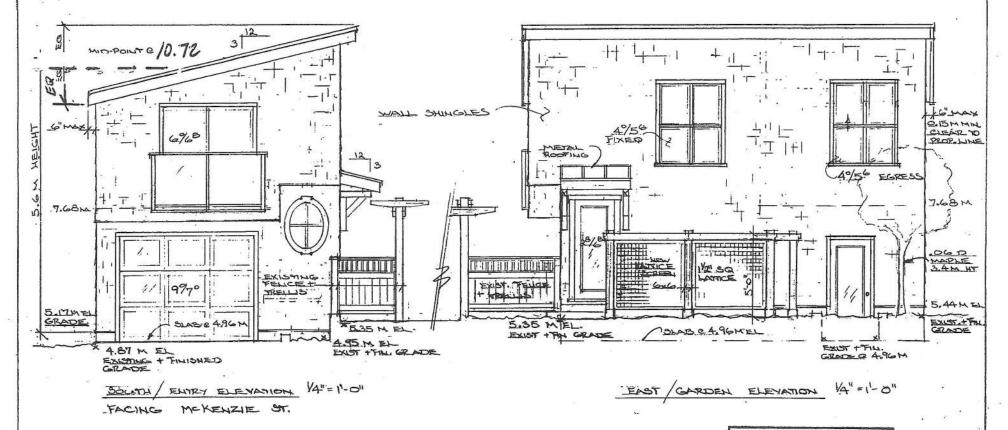
GARDEN SUITE PROPOSAL FOR 324 CHESTER AVENUE

THEKE HOLDINGS LTD

SHEET 40F 5

DEANN BY LAUREL HODGINS

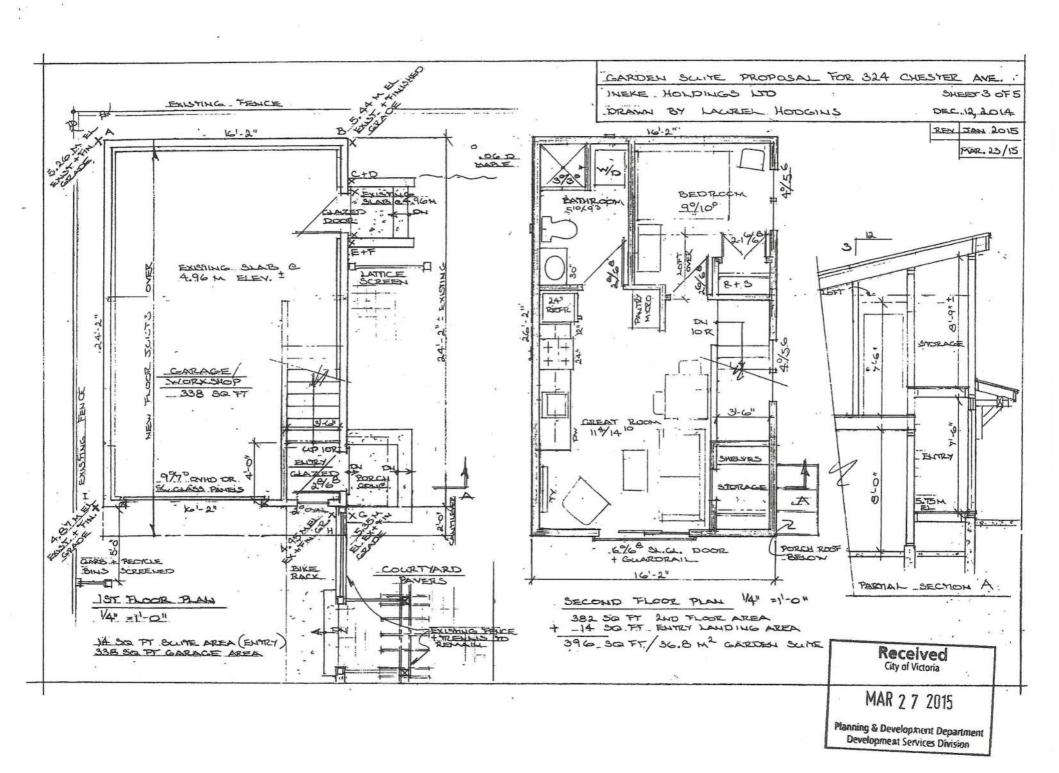
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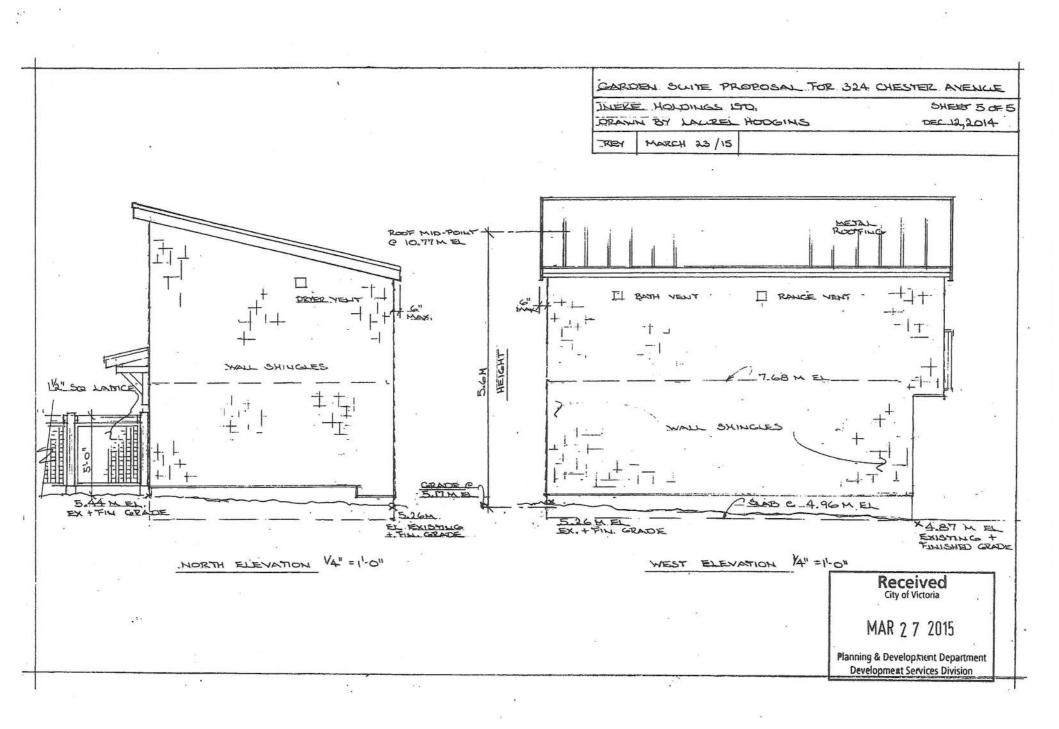


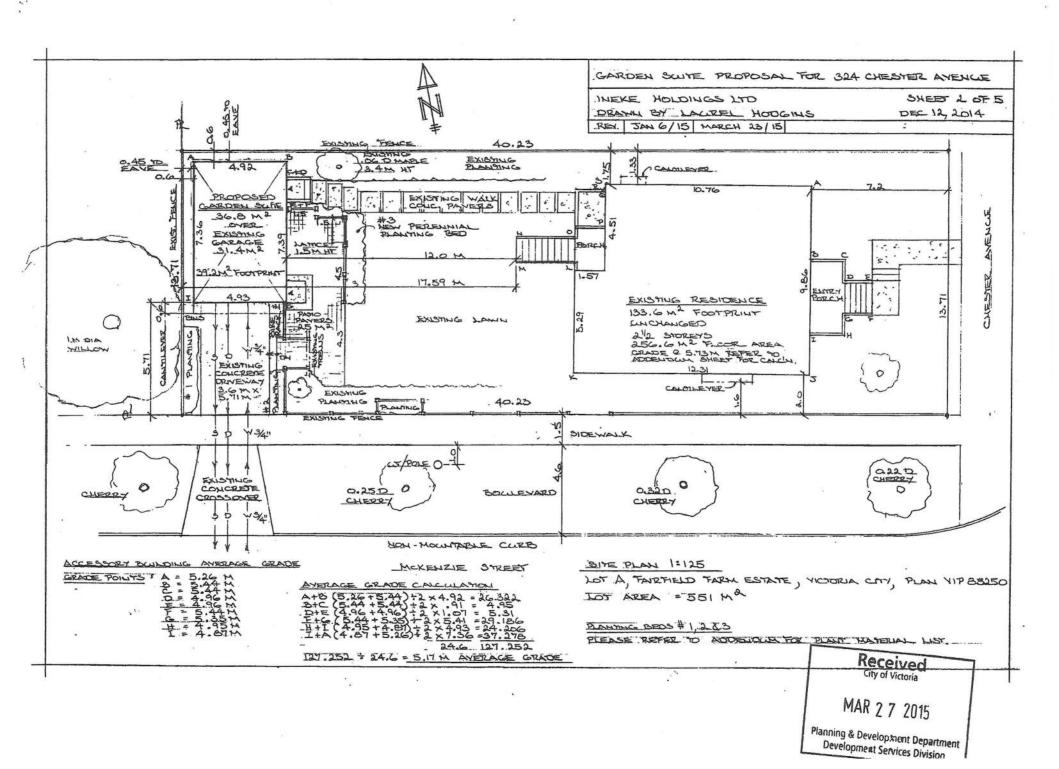
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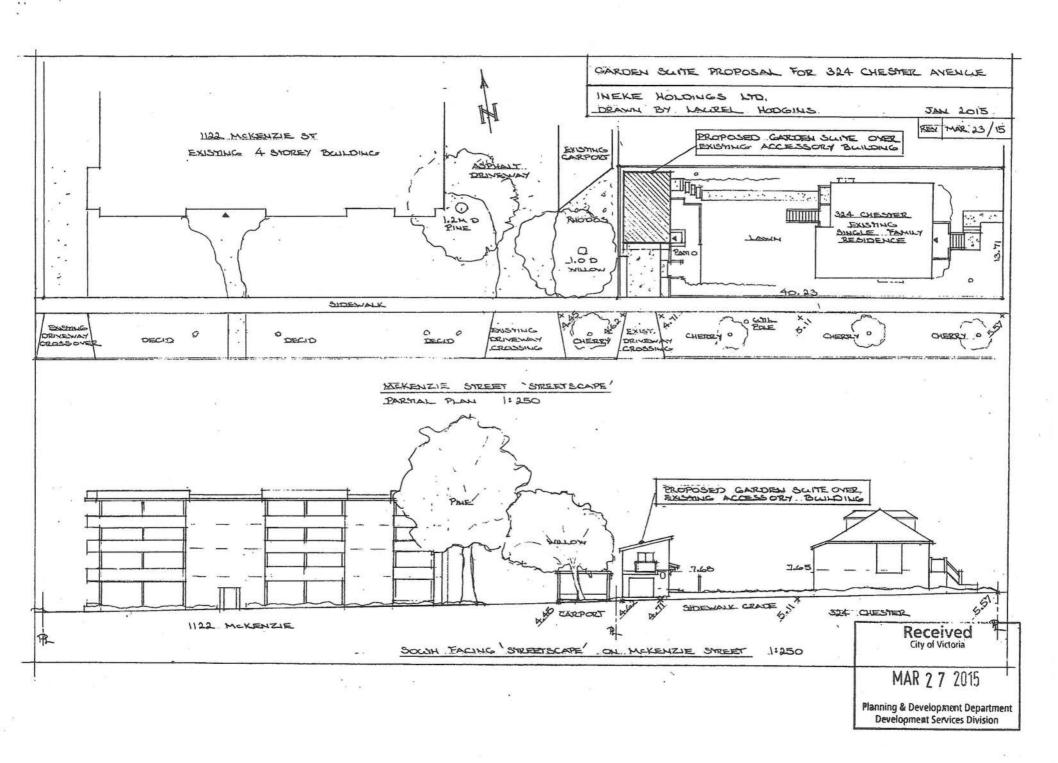
MAR 2 7 2015

Planning & Development Department Development Services Division









324 Chester Avenue Garage/garden suite Landscape Plantings

Planting Area #1
Ornamental grasses
(Karl Foerster)

Planting Area #2
Ornamental grasses
(Karl Foerster)

NOTE: above plant choice the same as established plantings on street side of exterior fencing.

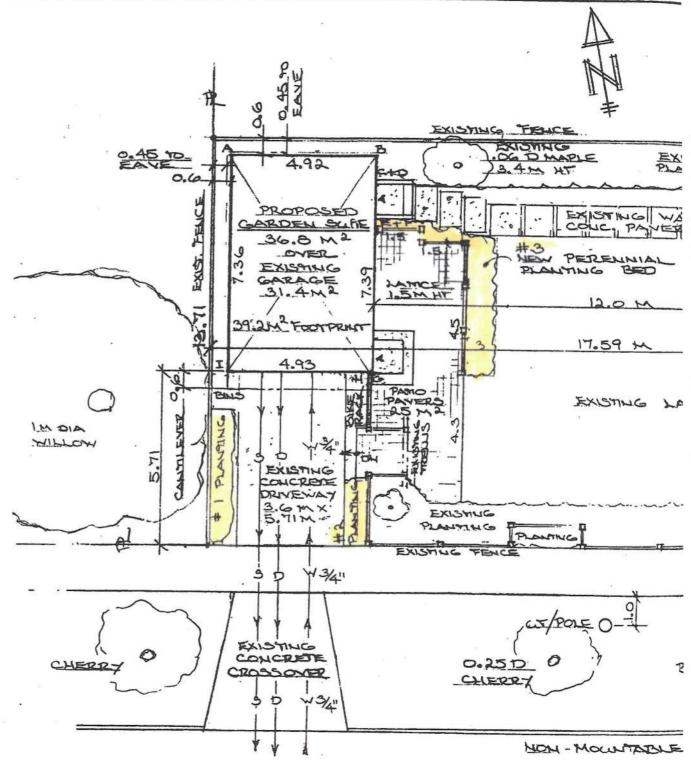
Planting Area #3
Hedge of blueberry bushes in wider east bed.
Japanese spurge in narrow

north bed.

Received
City of Victoria

MAR 2 7 2015

Planning & Develop Scent Department
(Development Services Division)



			GARDEN SLITE PROPOSAL TOR	2 324 CHESTER ANEHUE
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Received City of Victoria

Planning & Developxnent Department Develonment Services Division GARDEN SUITE PROPOSAL 324 CHESTER AVE MEKE HOLDINGS LTD. ADDENDUM TO SHEET 2 OF 5 MARCH 2015

GRADE POINTS FROM SITE PLAN

EXISTING RESIDENCE AVERAGE GRADE CALCULATION:

SHEE	7 2 07 5	
A =	6.1 M	
18 =	6.04M	
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D =	6.0 M	
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C+D $(6.0+6.0) \div 2 \times 1.07 = 6.42$
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M+N $(5.5+5.5) \div 2 \times 3.09 = 17.03$
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R+S $(5.77+6.1) \div 2 \times 10.76 = 63.86$
 $56.45 = 323.67$

00 GRADE = 323.67 : 56.45 = 5.73 M EL

Received City of Victoria

MAR 2 7 2015

Planning & Development Department Development Services Division