

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – May 28, 2015

9. Heritage Alteration Permit Application with No. 00203 with Variances for 135 Medana Street

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

"That Council consider authorizing the issuance of Heritage Alteration Permit No. 00203 for 135 Medana Street subject to:

1. Plans date stamped April 21, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Rear yard setback relaxed from 10.7m to 4.03m.
 - b. Relaxation of accessory building requirements to permit existing accessory building to be located in the side yard (due to rear deck addition projecting beyond the front of the accessory building).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff."

Carried Unanimously

7.2 Heritage Alteration Permit Application No. 00203 with Variances for 135 Medana Street

Committee received a report regarding an application for 135 Medana Street. The proposal is to approve the construction of a deck that had been built without permit and to apply for a heritage alteration permit to cover the recent renovations to the existing deck.

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

"That Council consider authorizing the issuance of Heritage Alteration Permit No. 00203 for 135 Medana Street subject to:

1. Plans date stamped April 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Rear yard setback relaxed from 10.7m to 4.03m
 - b. Relaxation of accessory building requirements to permit existing accessory building to be located in the side yard (due to rear deck addition projecting beyond the front of the accessory building).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff."

CARRIED UNANIMOUSLY 15/PLUC149



Planning and Land Use Committee Report

For the meeting of May 28, 2015

To: Planning and Land Use Committee **Date:** May 14, 2015

From: Adrian J. Brett, Heritage Planner, Community Planning Division

Subject: **Heritage Alteration Permit Application No. 00203 with Variances for 135 Medana Street**

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

"That Council consider authorizing the issuance of Heritage Alteration Permit No. 00203 for 135 Medana Street subject to:

1. Plans date stamped April 21, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Rear yard setback relaxed from 10.7m to 4.03m;
 - b. Relaxation of accessory building requirements to permit existing accessory building to be located in the side yard (due to rear deck addition projecting beyond the front of the accessory building).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff."

LEGISLATIVE AUTHORITY

In accordance with Sections 972 and 973 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction; (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping, siting, form, exterior design and finish of buildings and structures; and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and a recommendation on the addition of a rear deck to a Heritage-Designated property located at 135 Medana Street. Prior to the property receiving Heritage Designation in 2000, a deck was

added to the rear of the building without the approval of a Building Permit. The current property owners have renovated this existing deck and now require a Heritage Alteration Permit. The existing deck still stands as work without permit. This Application requires two variances, a relaxation of the rear yard setback and the allowance of an accessory building within the property's side yard. Staff have evaluated the effect of the proposed variances on the surrounding properties and the impact of the deck on the heritage structure. Staff support the variances and alteration to the rear deck of the heritage structure as proposed.

The following points were considered in assessing this Application:

- consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada*
- consistency with the Official Community Plan (OCP)

BACKGROUND

The property at 135 Medana Street received its Heritage Designation in July of 2000. Prior to its designation, a backyard deck was added to the rear of the building. This deck addition never received a Building Permit authorizing its construction by the City of Victoria. The current owners of the property renovated the deck without the knowledge that it was constructed without a Permit. The purpose of this Application is to rectify the work without permit undertaken in the past and to apply for a Heritage Alteration Permit to cover the recent renovations undertaken to the existing deck.

Description of Proposal

The rear deck addition is constructed of wood and is 4.05m in width and 6.2m in length. It is bordered with decorative columns, designed to hold hanging flower baskets, which stand 2.44m above the deck floor.

ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies and guidelines.

Official Community Plan

The placemaking section of the *Official Community Plan* stipulates that new additions to Heritage-Designated properties should be consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines).

The proposal is generally consistent with the Standards and Guidelines, as the new addition is designed in a manner that draws a clear distinction between what is historic and what is new. The deck addition has no impact on the Heritage Values of the property as outlined in the attached Statement of Heritage Value. Although identifiable as a contemporary addition, the deck's materials and massing do not undermine nor stand in sharp contrast to the Edwardian builder's style of the home. The deck is also not visible from the street and thus does not diminish the heritage characteristics of the home's façade, which include the round front porch and decorative columns.

The proposal is generally consistent with the OCP because it demonstrates a high-quality architectural intervention that continues to conserve the heritage property consistent with the Standards and Guidelines. The deck addition is a compatible architectural intervention in terms of its materials and massing and respects the Heritage-Valued characteristics of the existing property and its setting.

Proposed Variances

The property at 135 Medana Street is in the R2-30 Zone which requires a rear yard setback of 10.7m. The impact of the proposed relaxation of the rear yard setback requirement from 10.7m to 4.03m is considered to be relatively minor. The adjacent rear yard directly behind 135 Medana Street is walled by a garage on the neighbouring property which prevents any view into the adjacent back yard. Secondly, the rear deck at 135 Medana Street is designed with hanging baskets all along its periphery to further shield the privacy of its occupants and neighbours.

The new deck, in effect, triggers a change in what the *Zoning Regulation Bylaw* defines as the boundaries of the rear yard and side yards. Due to these changes in the rear and side yard boundaries, an existing accessory building (garage) is now partially within the boundaries of the north side yard. The garage protrudes approximately 2m into the north side yard. The applicant requires a variance for the allowance of the garage in the side yard, as all accessory buildings are to be located wholly within the boundaries of a property's rear yard, as stipulated by the R2-30 Zone.

Staff recommend to Committee that the Application be approved, subject to consideration of the variances at a Hearing of Council.

Review by Heritage Advisory Panel

As the renovations to the rear deck have already been completed by the proponent and are consistent with the Standards and Guidelines, staff have elected to present this Application directly to the Planning and Land Use Committee (PLUC) with the option of having it referred to the HAPL if the Committee deems necessary.

CONCLUSIONS

The rear deck addition is compatible with the valued characteristics of the Heritage-Designated property at 135 Medana Street. The Application is consistent with the Standards and Guidelines. It demonstrates an architectural intervention that respects the property's exterior form, with no impact on its associated Heritage-Valued characteristics and draws a clear distinction between itself, as a new addition, and its connected heritage context. With regards to the proposed variances, the relaxation of the rear yard setback requirement and side yard requirement are considered relatively minor as they do not compromise the safeguard of the neighboring property's privacy.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00203 with variances for 135 Medana Street.

Respectfully submitted,



Adrian Brett
Heritage Planner
Community Planning



Andrea Hudson
Acting Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

May 21, 2015

AB:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HAP\HAP00203\PLUC REPORT 135 MEDANA FINAL DRAFT.DOC

List of Attachments

- Photos of the rear deck addition dated 1999, 2012 and 2015.
- Aerial photograph of property
- Plans and land survey date stamped April 21, 2015
- Statement of Heritage Value.



Photo 2: Rear deck of 135 Medana in 1999



Photo 3: Rear deck of 135 Medana in 2012. The red arrow denotes lack of guardrails and stairs

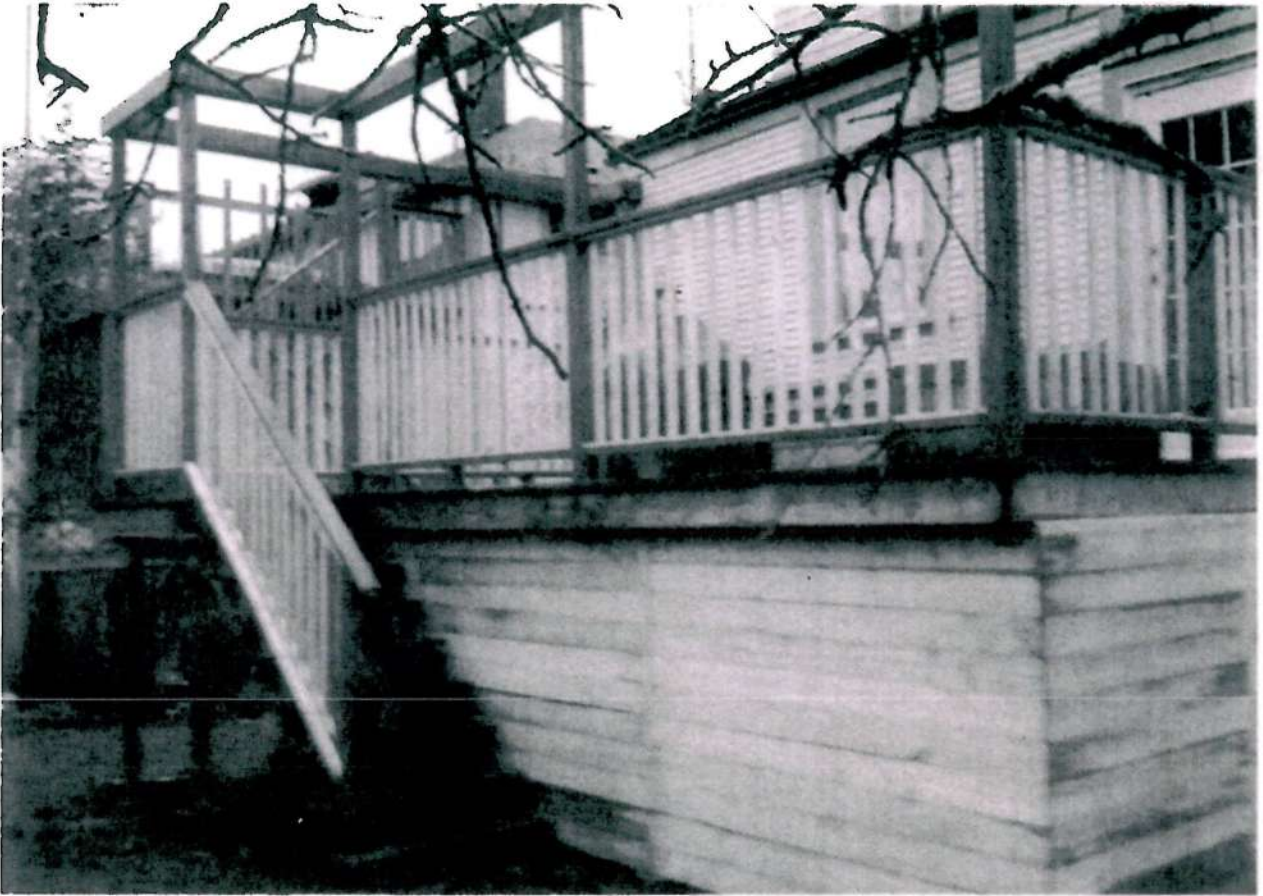


Photo 4: Rear deck of 135 Medana in 2015



135 Medana Street

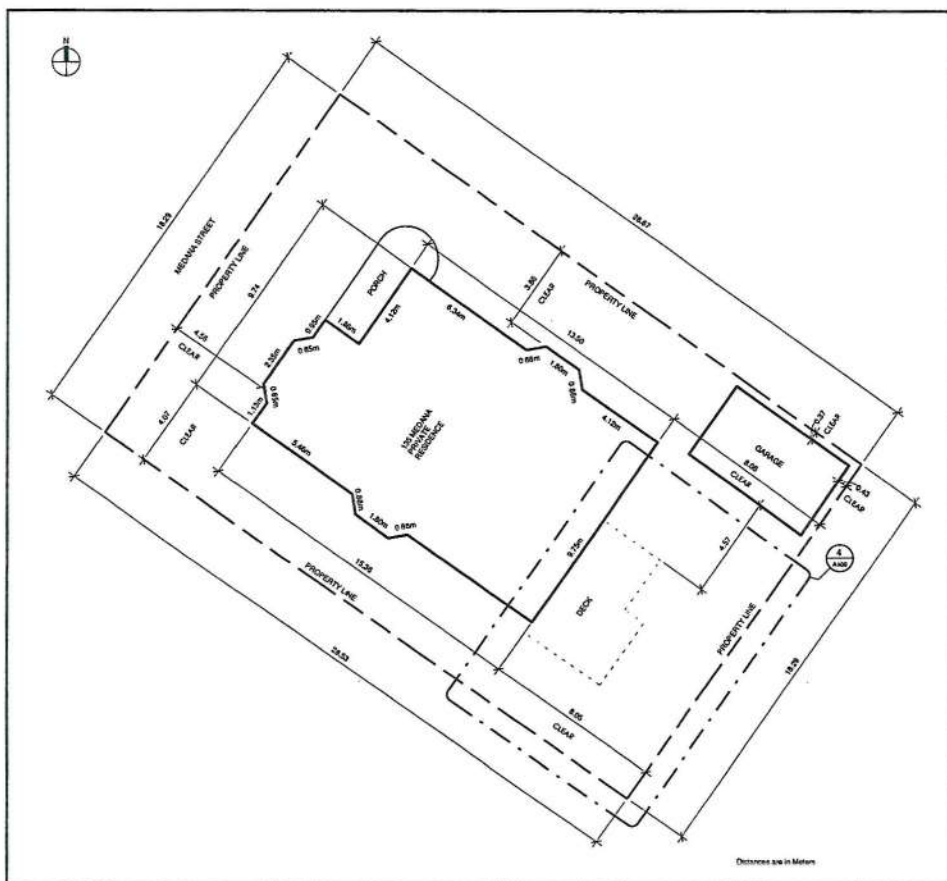
Heritage Alteration Permit #00203



Site Data - 135 Medana St

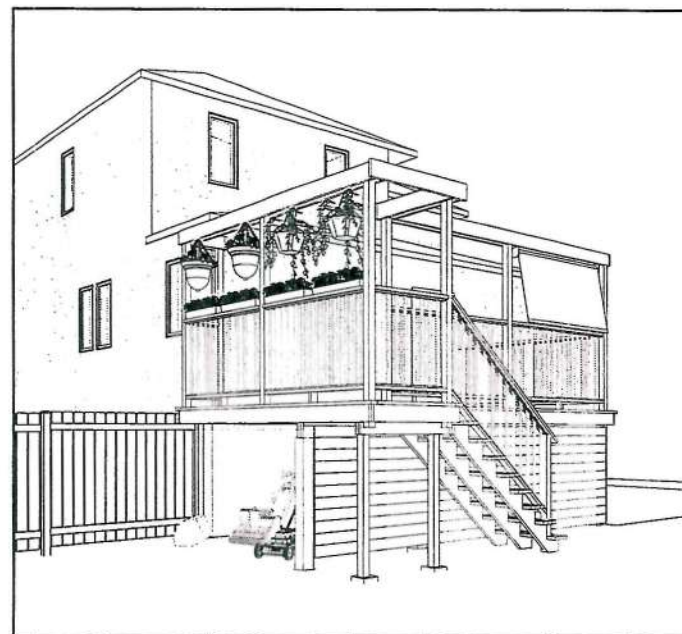
Address	135 Medana Street	Floor Area	Lower Floor	143.62 sq.m.	Deck Floor Area	22.50 sq.m.
Legal Description	Lot 15, Plan 713 Section 8 & 9 Vicinity	Main Floor	141.25 sq.m.			
Building Zoning	ES-70 Sub & Restricted District	Upper Floor	128.18 sq.m.			
Number of Stories	56	Total Floor Area	413.05 sq.m.			
Site Area	522.76 sq.m.	Floor Area Ratio	0.79:1.0			
Lot Width	18.27 m	Height	9.2 m			
Setbacks		Rear Yard Landscaping	62%			
Front Yard	0.51 m	Parking	1 stall			
Rear Yard	0.01 m	Permitted Use	3 stalls			
South Sideyard	2.44 m	Legal Use	Welfare Institution - Capacity: 8			
North Sideyard	2.44 m	Current Usage	Private Resident			
Site Coverage						
Alone Structure & Deck	31.2%					
162.7 sq.m.						
Garage Structure	4.4%					
23.2 sq.m.						
Total Site Coverage	35.7%					

1 Site Data

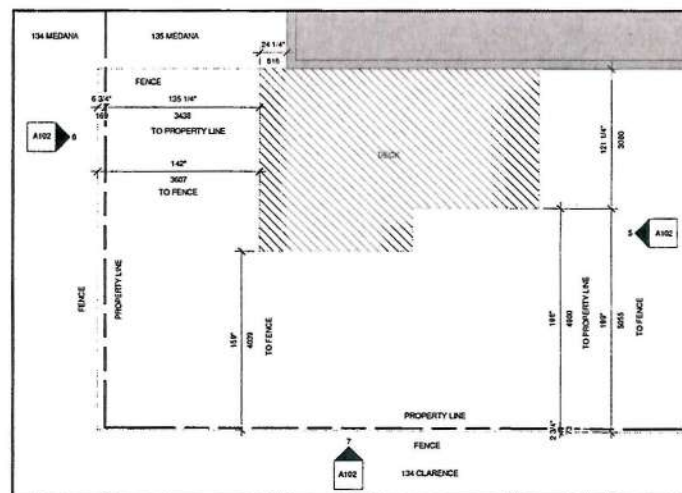


3 Site - 135 Medana 1:100

0m 2m 4m 6m 8m 10m
VISUAL SCALE 1:100 @ Arch D



2



4 Site Plan - Deck 1:50

0m 1m 2m 3m 4m 5m
VISUAL SCALE 1:50 @ Arch D

COMMON C					
NO	DATE	REVISION	BY	DATE	BY
1	15/10/15	DECK BUILDING PERMIT	S.S.		
2	16/10/15	BRASS FOR	BY		

Current Information
Kevin Youck and Emily Schudel
135 Medana Street - James Bay
Victoria, BC
Home: (250) 582-0652
Mobile: (250) 576-4294
kyouck@pacific.net
emilyschudel@gmail.com

Kevin Youck and
Emily Schudel

135 MEDANA

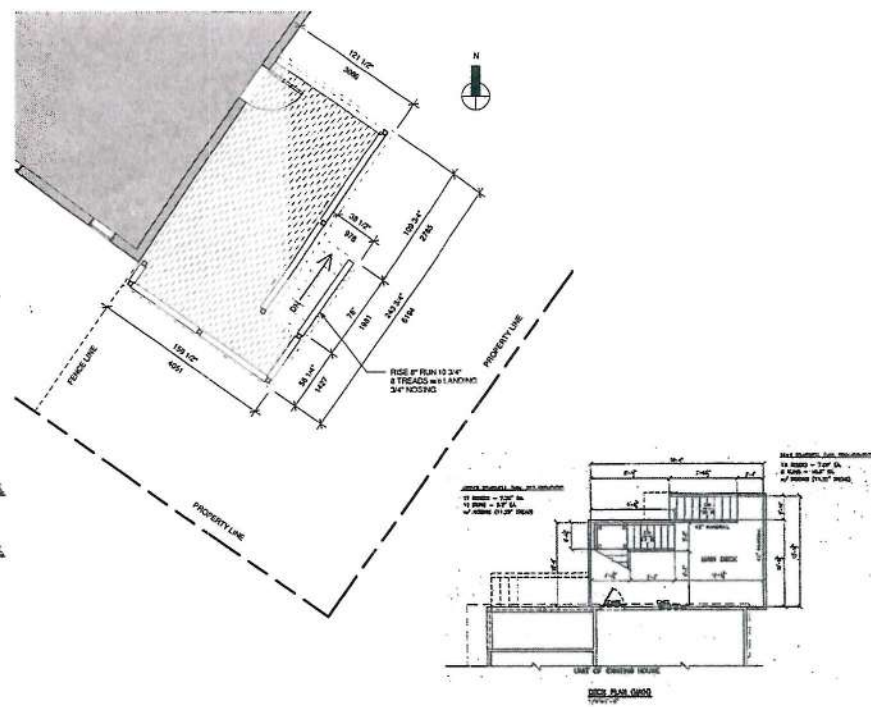
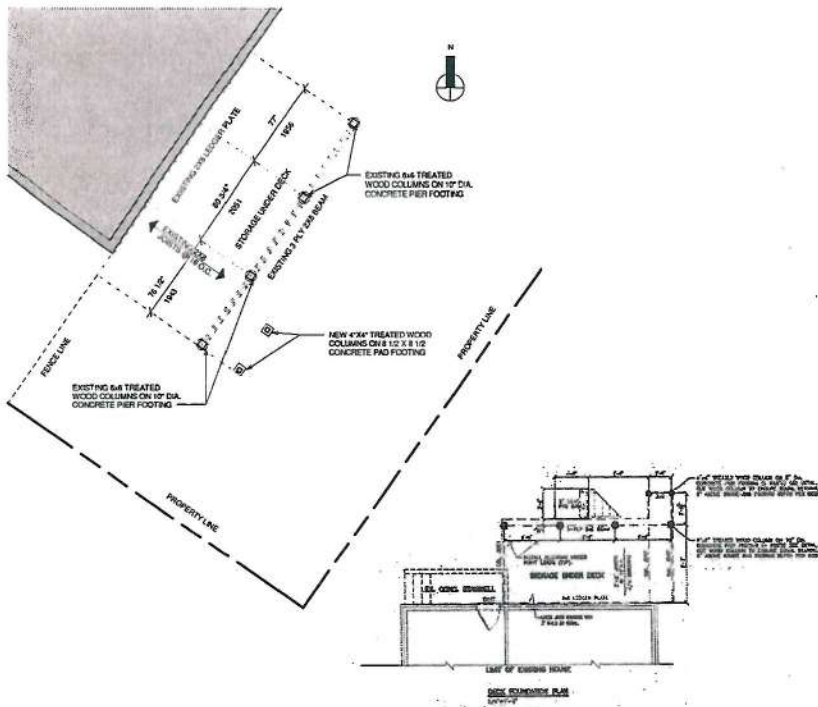
135 MEDANA, VICTORIA, BC

DRAWN BY Sean Stewart REVIEWED BY S.S.
SCALE As indicated DATE 02/08/15

Site

100 PROJECTION
0001

A100

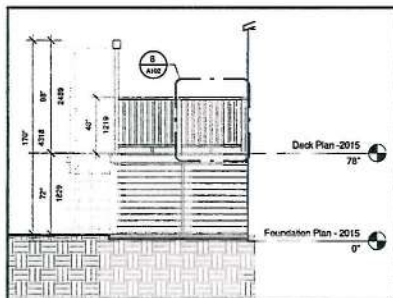


1 Foundation Plan - 2015
1:50

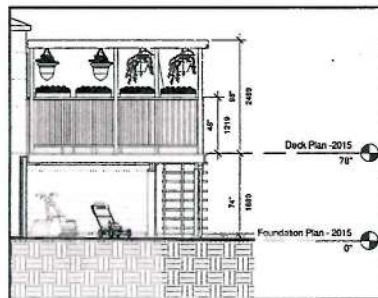
2 Foundation Plan - 2010
6" = 1'-0"

3 Deck Plan - 2015
1:50

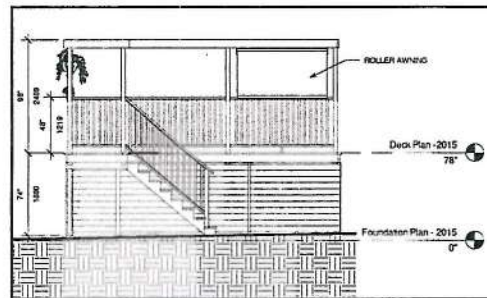
4 Deck Plan - 2010
6" = 1'-0"



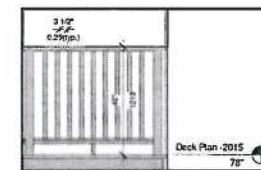
5 North Elevation
1:50



6 South Elevation
1:50



7 East Elevation
1:50



8 Detail - Railing (typ.)
1:25

0m 1m 2m 3m 4m 5m
VISUAL SCALE 1:50 @ Arch D

NO DIMENSIONS AT SCALE

NO	DATE	REVISION	BY
1	01/15	DECK WITH DAVIS PERMIT	S.S.
2	01/15	REVISION	BY
3	01/15	REVISION	BY
4	01/15	REVISION	BY
5	01/15	REVISION	BY
6	01/15	REVISION	BY
7	01/15	REVISION	BY
8	01/15	REVISION	BY
9	01/15	REVISION	BY
10	01/15	REVISION	BY
11	01/15	REVISION	BY
12	01/15	REVISION	BY
13	01/15	REVISION	BY
14	01/15	REVISION	BY
15	01/15	REVISION	BY
16	01/15	REVISION	BY
17	01/15	REVISION	BY
18	01/15	REVISION	BY
19	01/15	REVISION	BY
20	01/15	REVISION	BY

Contract Information
Kevin Youck and Emily Schudel
135 Medana Street - James Bay
Victoria BC
Phone: (250) 382-0882
Mobile: (250) 316-0784
kyouck@uplink.com
emily.schudel@gmail.com

Kevin Youck and
Emily Schudel

135 MEDANA

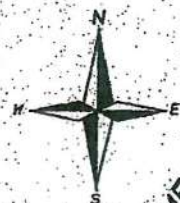
135 MEDANA, VICTORIA, BC

DESIGNED: Sean Streett
SCALE: As indicated
REVIEWED: S.S.
DATE: 02/04/15

Elevations

PROJECT NO
0001

A102



MEDANA STREET

**B.C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION OF:**

Lot 15,
Beckley Farm,
Victoria City,
Plan 753

Distances are in FEET and decimals thereof
Scale 1 inch = 20 feet

CIVIC ADDRESS: 135 Medana Street
Victoria, B.C.

I hereby certify that the FOUNDATION OF THE BUILDING
shown on the above property is wholly within the
boundaries thereof and does not encroach onto
adjoining property.

Certified correct this 14th September 1999

Glen Mitchell
Glen Mitchell, B.C.L.S.

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File 99-05-60531.crt (c)
FB 152

This document is prepared for mortgage or municipal purposes
only and is not to be used for re-establishing boundaries.
This document is not valid unless originally signed
and sealed.

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, B.C.
V8T 1C6
Telephone: 385-1712

approximate area
5627 square feet



STATEMENT OF HERITAGE VALUE

(February, 2000)

The house at 135 Medana was constructed in 1907. The original owners were a Mr. Lewis and Mrs. Martha Marks. The house is a modest 2 storey example of the Edwardian Builder's style, featuring a round end on the open front porch, round classical style porch columns, narrow dropwood siding on the first storey, and carved decorative brackets in the roof eaves. The ground floor also features a bay window with handsome stained glass transom windows.