REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – February 5, 2015

2. Development Permit Application No. 00451 for 1049 Richmond Avenue

It was moved by Councillor Madoff, seconded by Councillor Coleman, following the Public Hearing for the Rezoning; that Council consider the following motion:

That Council authorize the issuance of Development Permit Application No. 00451 for 1049 Richmond Avenue, in accordance with:

- 1. Plans date stamped August 27, 2014 and November 26, 2014.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 4(2)(a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - Part 4(2)(b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7(1): site coverage increased from 30% to 33.04% for the proposed single family dwelling;
 - Part 9(1)(c): south side yard setback reduced from 2.40m to 1.56m for the proposed single family dwelling;
 - Part 9(1)(c): north side yard setback reduced from 2.40m to 1.30m (cantilever portion only) and south side yard reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - f. Schedule C3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department. Carried Unanimously

4.2 Development Permit Application No. 00451 for 1049 Richmond Avenue

Committee received a report regarding Development Permit Application No. 00451 for 1049 Richmond Avenue. The proposal is for the construction of a new small lot single family dwelling. The proposed new house would be two storeys with a basement and would have three bedrooms and a single vehicle garage. There are variances requested for both the existing and proposed single family dwellings and these relate to building height, number of storeys, proposed side yards and front yard parking.

Action: It was moved by Councillor Coleman, seconded by Councillor Loveday, that Committee recommends that following the Public Hearing for the Rezoning; that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00451 for 1049 Richmond Avenue, in accordance with:

- 1. Plans date stamped August 27, 2014 and November 26, 2014.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 4(2)(a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - b. Part 4(2)(b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7(1): site coverage increased from 30% to 33.04% for the proposed single family dwelling;
 - d. Part 9(1)(c): south side yard setback reduced from 2.40m to 1.56m for the proposed single family dwelling;
 - Part 9(1)(c): north side yard setback reduced from 2.40m to 1.30m (cantilever portion only) and south side yard setback reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - f. Schedule C 3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department."

Committee discussed the motion:

- There are other options the applicant could have chosen that would have had less of an impact on the neighbours quality of life such as a carriage house or basement suite and still have achieved an increase in density.
- Ownership is the key; you cannot own a garden suite or a carriage house.
- The effect on the immediate neighbour is a concern. When variances are requested they should affect the existing house more than the new house.

It was moved by Councillor Thornton-Joe, seconded by Councillor Action: Coleman, that the applicant be invited to respond to specific questions from Committee.

Committee discussed:

- That the owners to the south of the property are not in attendance to • respond.
- That Committee should be careful to provide procedural fairness. The . Committee's role is not to turn this meeting into a public hearing.

Mayor Helps, Councillors Isitt, Loveday and Madoff Against: Councillors Thornton-Joe, Lucas, Young, Coleman For:

DEFEATED 15/PLUC036

Main motion discussion:

For:

There is agreement that there should be an increase in density but it should not be at the cost of the southerly neighbour. By going to a public hearing Council will hear from all those concerned.

Mayor Helps, Councillors Coleman, Lucas, Loveday, Madoff, Thornton-Joe Against: Councillors Young and Isitt

CARRIED 15/PLUC037



Planning and Land Use Committee Report For the Meeting of February 5, 2015

To:	Planning and Land Use Committee	Date:	January 23, 2015
From:	Brian Sikstrom, Senior Planner, Development Services Division		
Subject:	Development Permit with Variances - Concurrent Application #00451 for 1049 Richmond 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 00451, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application # 00451 for 1049 Richmond Avenue, in accordance with:

- 1. Plans date stamped August 27 and November 26, 2014.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 4 (2) (a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - ii. Part 4 (2) (b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - iii. Part 7 (1): site coverage increased from 30% to 33.04% for the proposed single family dwelling;
 - iv. Part 9 (1) (c): south side yard reduced from 2.40m to 1.56m for the proposed single family dwelling;
 - v. Part 9 (1) (c): north side yard reduced from 2.40m to 1.30m (cantilever portion only) and south side yard reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - vi. Schedule C 3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department."

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 1049 Richmond Avenue.

There are variances requested for both the existing and proposed single family dwellings and these relate to building height, number of storeys, proposed side yards and front yard parking.

The following points were considered in assessing this Application:

- This proposal is in keeping with the Official Community Plan, 2012 and Gonzales Neighbourhood Community Plan, 2002 objectives for sensitive infill development.
- The proposed design complies with the *Design Guidelines for Small Lot Houses, 2002.* The traditional design and massing of the new house fits in with the existing older houses in the area.
- The requested variances are supportable within the context of the site and neighbouring houses.

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 sections 920(8), where the purpose of 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.

BACKGROUND

Description of Proposal

The proposal is for the construction of a new small lot single family dwelling. The proposed new house would be two storeys with a basement and would have three bedrooms and a single vehicle garage. The design is traditional with a pitched roof and raised front porch.

Materials include:

- composite cement siding
- cedar shingles
- painted wood
- concrete
- fibreglass asphalt shingle roofing.

The existing house is two storeys with a basement and has three bedrooms. A single vehicle parking space is proposed in the front yard.

The proposed site plan includes:

- retention of most of the existing front yard landscaping and fencing including a rock wall
- the provision of pervious panels in the driveways
- retention of existing landscaping and screening along the rear property lines.

The variances requested are:

- both houses would have two storeys and a basement, while the Zone permits one and half storeys with a basement
- the existing house would have parking located in the front yard instead of behind the front of the house
- the south side yard of the proposed new house and both side yards of the existing house would be less than the minimum Zone standard
- the height of the existing house is above the maximum Zone standard
- the site coverage of the proposed house would above the maximum Zone standard.

Sustainability Features

As indicated in the applicant's list of sustainability features (attached), the following sustainability features are associated with this application:

- high efficiency gas furnace, "on-demand" water heater
- heat recovery ventilation
- energy star appliances
- additional insulation/draft protection
- low flow toilets and showers
- energy star windows
- pervious driveway paving
- rain barrels/rain water collection.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling built in 1909.

Under the current R1-G Zone, Gonzales Single Family Dwelling District, the property could be developed with a new single family dwelling of up to 300m², which may include a secondary suite. The lot size meets the criteria for consideration of a rezoning to duplex.

Data Table

The following data table compares the proposal with the R1-G2 Zone, Gonzales Small Lot District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposed House	Existing House	R1-G2 Zone Standard	
Site area (m²) – minimum	350	389	300	
Total floor area (m²)	209	232		
1 st and 2 nd floors (m ²) – maximum	159	149	160	
Basement (m²)	50 ¹	83 ¹		
Density (Floor Space Ratio) – maximum	0.45:1	0.38:1	0.55:1	
Lot width – minimum	10.84	11.83	10	
Height (m) – maximum	7.31	8.55 ²	7.5	

Zoning Criteria	Proposed House	Existing House	R1-G2 Zone Standard	
Storeys – maximum	2* (with basement)	2 (with basement) ²	1.5 (with basement)	
Site coverage (%) – maximum	33.04*	28.6	30	
Open site space (%) – minimum Front Yard	60.3	63.5	50	
Setbacks (m) – minimum				
Front	6	7.1 (front steps)	6	
Rear	11.4	9.9	9.1	
Side (north)	1.57	1.58* (bldg. face)/1.30* (cantilever)	1.5/2.40 (habitable room)	
Side (south)	1.56*	1.61*(bldg. face)/ 1.20* (cantilever)	1.5/2.40 (habitable room)	
Parking – minimum	1	1 (front yard)*	1 (side or rear yard)	

Notes:

- 1. Basement floor area exempt
- 2. The existing house is currently non-conforming with respect to height and storeys under the existing R-1-G Zone, Gonzales Single Family Dwelling District.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fairfield-Gonzales CALUC at a Community Meeting held on April 22, 2014. A letter dated April 22, 2014, is attached to this report. This is a requirement associated with Rezoning Applications.

In addition, in accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 85% support the Application. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to the Rezoning report.

ANALYSIS

Development Permit Area and Design Guidelines

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. The applicable design guidelines are the *Design Guidelines for Small Lot Houses, 2002.* Staff have reviewed this small lot house proposal for compliance with the applicable Guidelines and are generally satisfied with the design of the proposed new house and its height which are in keeping with the other houses in the area.

The requested variances for the existing house are due in part to its existing height, storeys and location. The request for the reduced south side yard setback is acceptable as there would still be sufficient separation space in relation to the proposed new house which has windows to non-habitable rooms on its north side. The requested variance to allow front yard parking for the existing

house, can be accommodated as the parking stall would be adequately screened from the public realm and neighbours with landscaping and through the retention of the existing stone wall.

The requested reduction in side yard setbacks for the proposed new house relate to two windows to habitable rooms on the south side of the building, however, there is sufficient separation space to mitigate potential privacy concerns. The requested site coverage increase is due to the Right-of-Way dedication required by the City. Without the dedication, the proposed new house would comply with the site coverage requirements.

CONCLUSIONS

Overall, the proposal is consistent with the relevant design guidelines and results in a building design which fits in with the surrounding houses. The proposed variances are in several instances a result of existing conditions. Other variances are supportable within the context of the site and neighbouring houses.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application #00451 for the property located at 1049 Richmond Avenue.

Respectfully submitted,

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Brian Sikstrom Senior Planner Development Services Division

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

Report accepted and recommended by the City Manager:

Jason Johnson

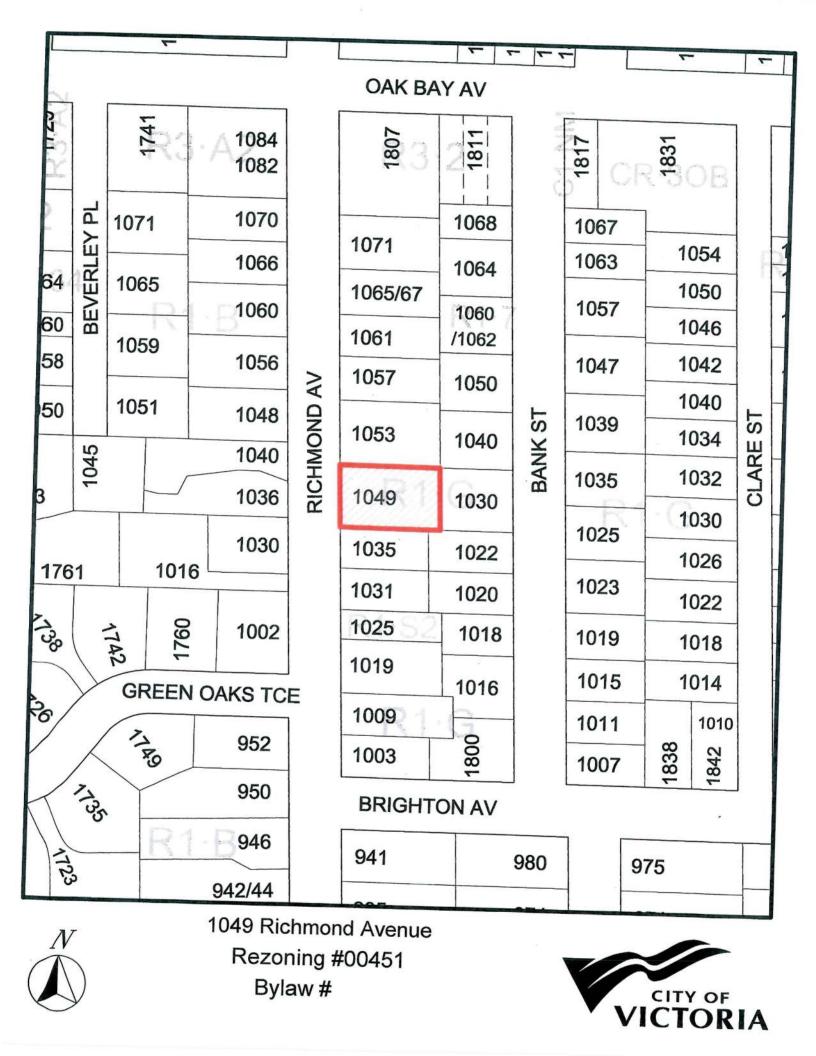
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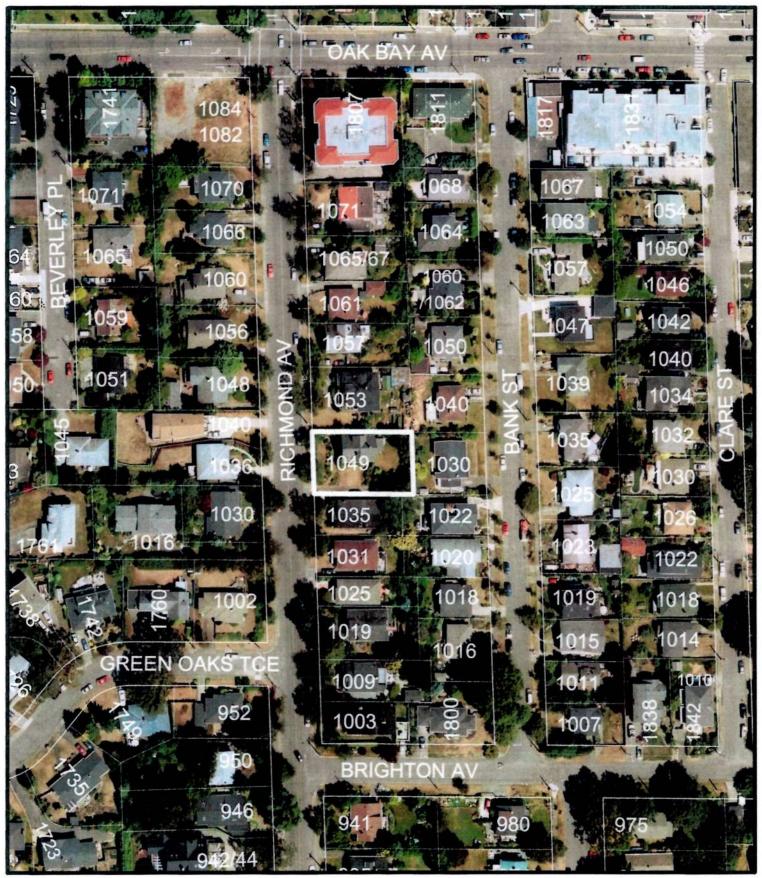
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Date:

List of Attachments

- Zoning map
- Aerial photo
- Letter from Applicant dated January 12, 2015 (with notes on sustainable building features attached)
- Plans for Rezoning Application #00451.







1049 Richmond Avenue Rezoning #00451 Bylaw #





January 12, 2015

Dear Mayor Helps and Councillors,

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RE: Rezoning Application for a Small Lot Subdivision at 1049 Richmond Avenue

We are pleased to submit our revised rezoning application to the City of Victoria that seeks your approval to subdivide our existing large lot at 1049 Richmond Avenue and build a new home for ourselves that is more suitable for us as retirees.

We have lived at 1049 Richmond Avenue since 1992 and have raised our two sons in this home while working in town. We have enjoyed the convenient location, the large yard, and traditional living space - the informal basement being a necessity for raising boys and entertaining their friends! With the boys increasingly independent and with us now planning for retirement, we have been thinking about our future housing needs. A house with fewer, larger rooms, a more modern layout and less yard to keep up will work better for us down the road.

We recognize our current personal situation and motivations for pursuing this rezoning may not be central to Council's decision, but we were pleased to discover that our proposal aligns well with the City of Victoria's land use policy. The Gonzales Community Neighbourhood Plan and City of Victoria Official Community Plan both support a small lot subdivision for properties like ours and a number of these have occurred in our neighbourhood. Our neighbourhood contains predominantly single family homes or duplexes, both owner-occupied and rental, but also includes in the immediate vicinity another small lot home (3 doors away), a panhandle lot (across the road) and two-small apartment buildings - one rental (next door on the North side) and the other stratified (immediately to the south-east on Bank Street).

Richmond Avenue is a larger, busier street than others nearby and potentially a good location for infill development. Most importantly, perhaps, the size of our lot and position of our early 1900s house allow us to retain the existing house while creating a small lot for a new two-storey house. If approved, the new house would help maintain the balance of single family homes in our block and in the evolving neighbourhood.

We have considered the City's Small Lot Rezoning Policy and Design Guidelines. We started our process with informal consultations with our neighbours, shared our early design ideas with them and then subsequently attended a community meeting with the Fairfield Gonzales Community Association. We also completed the required rezoning petition process and have support from 85% of our immediate neighbours.

The neighbourhood consultation provided us with valuable input and influenced our decision to pursue a traditional styled home. While our original application involved a proposal for an R1-S2 small lot, which allows for a larger home and greater lot coverage, advice from City staff and feedback from our neighbour on the south side of the proposed new lot have led us to change our application. Our revised proposal would rezone our current R1-G lot into two good sized lots with R1-G2 zoning.

The proposed new home features the following:

- "Traditional" styling with roof pitch, window proportions, trims, and finishes that complement the neighbourhood.
- A raised front porch and strongly visible entry, which are character defining elements of the neighbourhood. The front setback is greater than required and matches that of neighbour to the south.
- Retained rock wall in the front of the home and most of the significant mature front and back yard landscaping which we have cared for over many years.
- Adding a front yard parking stall to the lot of the existing house consistent with the front yard parking requirements in the R1-G Gonzales Single Family Dwelling District.
- Side window placements that consider privacy issues related to our existing home and our neighbours to the south.

While the project is consistent in all important respects with the scale and intent of the proposed zoning, it does require some minor variances. A number are needed for our current house due to its placement on the proposed smaller lot, its height and number of floors and the new parking stall (permitted by bylaw in R1-G Gonzales zones). With respect to the proposed new home on Lot B, the proposed side yard setbacks of 1.5 metres are permitted in the R1-G2 Zone if there are no windows that face neighbours' habitable rooms. We believe, however, that fully blank walls on either side of the new home are inappropriate given that our proposed design allows for a front door entry in the middle of the building that fits well with others in the neighbour-hood, rather than an entrance on the side. This design approach also allows for three upstairs bedrooms that will allow a broader range of possible occupants, such as families with children, when we no longer own the home. As documented by our proposal we have minimized the potential privacy and overlook issues with the careful choice of size, placement and type of glass in all of the windows facing neighbours.

Throughout the neighbourhood consultation process we have received positive support for our proposal. The only real concern has been raised by our neighbours to the south at 1035 Richmond Avenue, who are worried about a potential loss of ambient light that could result from having a new home in what is now open yard. The current occupants of the house (it has been a rental property for 30 years or more) are used to indirect light in their North-facing windows where previously that side had been shaded by the leaves and branches of a very large English Oak. The tree unfortunately had to be taken down recently for safety reasons on the recommendation of the City arbourist when severe rot was discovered in its trunk. Even with the proposed placement of the new house, there will still be about 4 metres of space between it and the neighbours at 1035 since their driveway lies between their house and the existing property line.

In response to their concerns we have focused on a traditional styled home with a sloped roof to increase light from the East and West, lowered the height of the building by approximately one foot from our original design to help with northern light, ensured the setback at the front matches their house and are specifying a light colour for the siding, to better reflect light on to their house. To address any worries regarding privacy, we are proposing to have only two windows on the south side of the new house (one required for egress from a bedroom) and their size and glazing will minimize any oversight of the neighbour's kitchen and dining room. City Planning staff have indicated that the R1-G2 reference zone for small lot infill developments in our neighbourhood has a lot coverage ratio of 30% (compared to 40% in other City neighbourhoods). We have revised our submitted plans to this standard by downsizing the proposed house in both lot coverage and floor area. The City Engineering Department has indicated, however, that should this proposal be approved by Council, we will be required to transfer 0.86 meters of land across the front of both lots to the City to provide for right of way in case Richmond Avenue needs to be widened in future. In the case of the proposed new lot, this dedication will reduce its size to the point that, even with the proposed new house designed below the maximum in the R1-G2 zone, the lot coverage ratio *after* the requested dedication would be marginally over the maximum. City staff have indicated that this will necessitate a technical variance.

We believe our proposal is a sensitive small lot subdivision proposal that ensures the retention of our existing home for the foreseeable future and adds a complementary new home into the neighbourhood. We have canvassed all of the neighbours in our block of Richmond and adjoining properties on Banks Street to show them our final proposed design and have received good support for the new house. We look forward to the opportunity to present this application to Mayor and Council.

Yours sincerely,

Parene

Andreas

Julian Paine and Ann Marr

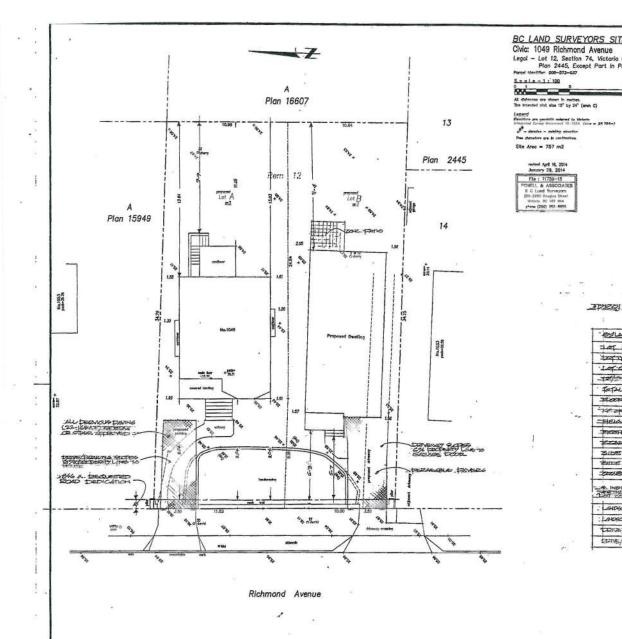
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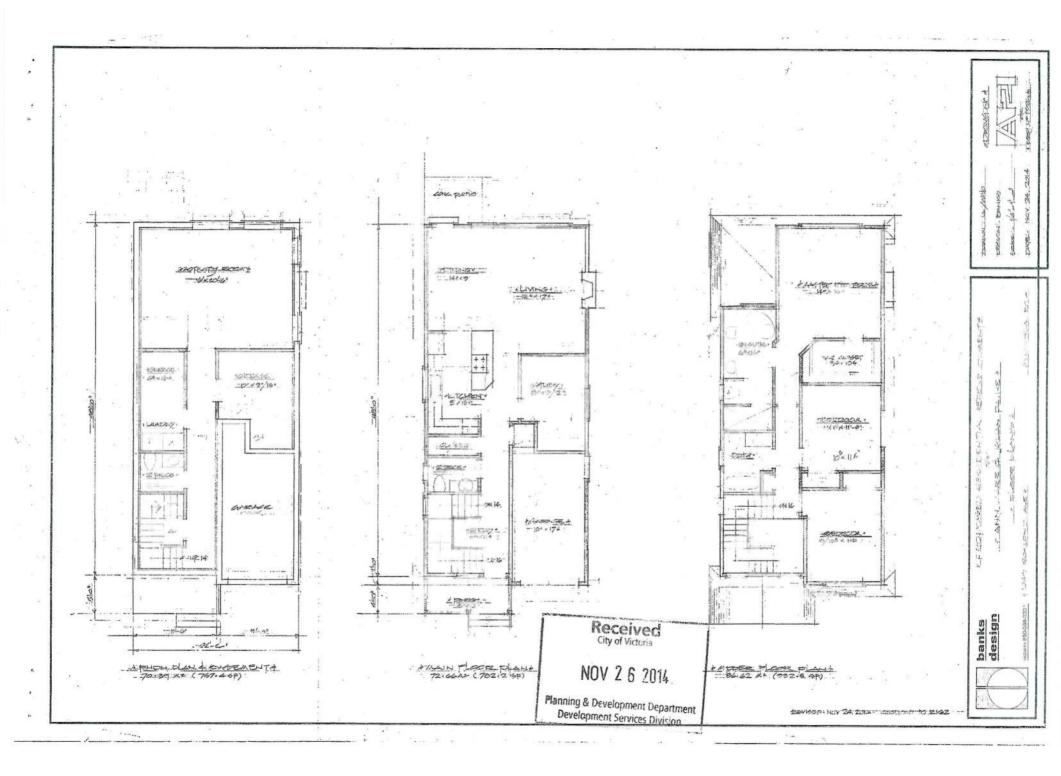
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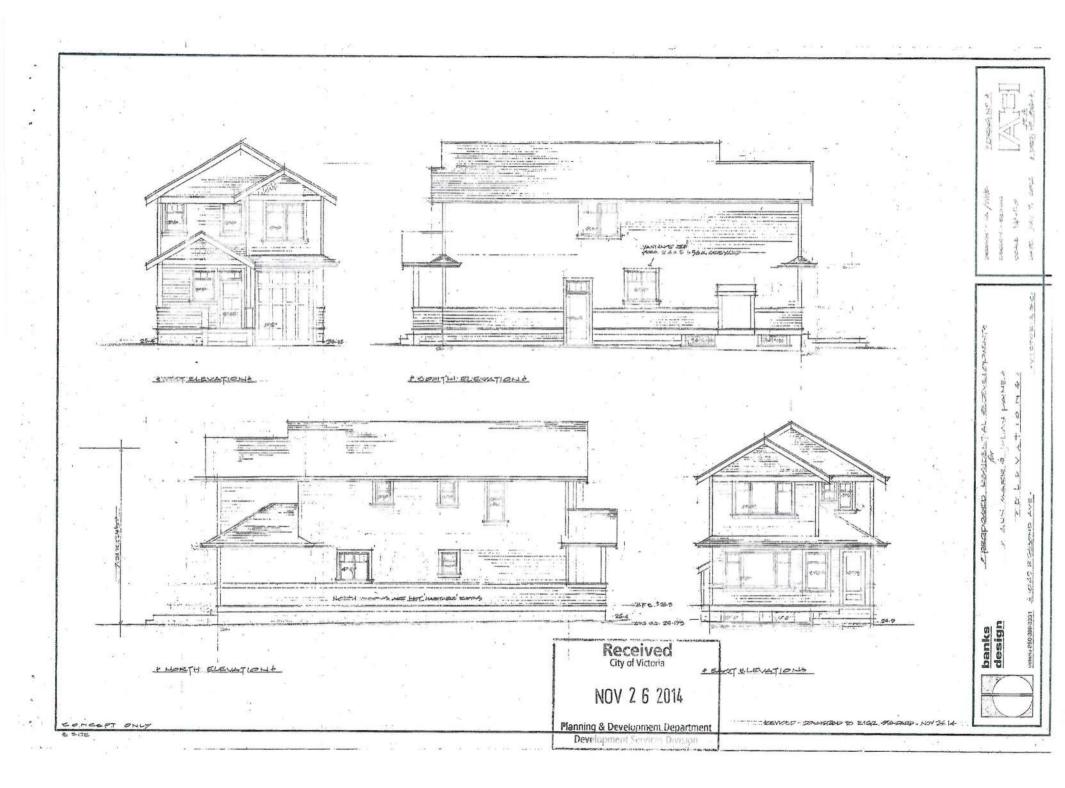


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