

Road. The proposal is to construct a new small lot house after the existing house was demolished without approvals in place. The variances are related to reducing the front yard setback and the flanking street setback.

The following points were considered in assessing this application:

- the proposal is consistent with a previously approved design that converted a convenience store into a residential dwelling
- earlier in 2018, the *Small Lot House Rezoning Policy, 2002*, was used to assess the Rezoning Application that facilitated the subdivision and creation of this zoning entitlement. This policy encourages the retention of existing housing stock, and the plan to maintain the original building, in part, led to staff's recommendation of support for the original proposal
- the proposal also has inconsistencies with the *Small Lot Design Guidelines*, as the shed-style addition breaks the dominant roofline in the area and the setbacks from the streets are inconsistent with the residential character of the neighbourhood
- the requested setback variances have been increased from the previous application in order to remove an encroachment.

BACKGROUND

Description of Proposal

The proposal is for a new single family dwelling on a small lot. The design of the house is essentially the same as a previous application approved by Council, with a small increase in floor area and an increased setback from Dominion Road. The proposed variances are related to:

- reducing the front yard setback from 6.0m to 0.9m
- reducing the flanking street setback from 2.40m to 0.42m.

Affordable Housing Impacts

The application to rebuild a house does not create any new residential units.

Tenant Assistance Policy

The proposal is to rebuild a house, which does not result in a loss of existing residential rental units.

Sustainability Features

The applicant has not identified sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variances Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a vacant lot, due to the recent demolition of the building. Under the current R1-SC Zone, Restricted Small Lot (Commercial) District, the property could be developed as a small lot house or as a retail commercial store, at a density of 0.6:1 Floor Space Ratio (FSR).

Data Table

The following data table compares the proposal with the existing R1-SC Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing R1-SC Zone
Site area (m ²) – minimum	276.69	260.0
Density (Floor Space Ratio) – maximum	0.29	0.60
Total floor area (m ²) – maximum	80.42	190.0
Lot width (m) – minimum	18.34	10.0
Height (m) – maximum	4.40	5.0
Storeys – maximum	1	1
Setbacks (m) – minimum		
Front (Belton Avenue)	0.90 *	6.0
Rear	8.77	6.0
Side (east)	6.05	2.40
Side on flanking street (Dominion Road)	0.42 *	2.40
Parking – minimum	1	1

Relevant History

On February 22, 2018, Council approved Rezoning Application No. 00597 and Development Permit with Variances Application No. 00597 to permit the subdivision of the property to demolish the house on the eastern portion of the property and retain and convert the building on the western portion of the property (subject site) to a residential use. The site-specific zone for the western lot was created to maintain the commercial use, given the then existing building's

historic use and design as a corner store, to enable the potential to reinstate the small-scale retail in the future.

On September 20, 2018, staff were made aware that the building on the western portion of the lot had been demolished without permits. This is inconsistent with the wording of both the approved plans and the Development Permit, which stated the building was to be retained. As per the attached letter to Mayor and Council, the applicants note that the retention of the structure was not possible due to a lack of a foundation.

As the Development Permit and approved plans were written to retain the building, a new Development Permit is required. The former encroachment agreement is no longer applicable, because no building exists in the road dedication.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on October 26, 2018 the application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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 15A – Small Lot, within which the *Small Lot House Design Guidelines* are applicable.

The main portion of the building is consistent with the design guidelines. The gabled roof and horizontal siding are common traits found on buildings in the immediate vicinity. The addition of fenestration on the southern façade is consistent with providing views and security to the street.

The shed addition to the building is inconsistent with the neighbourhood character and detracts from the dominant roofline in the area. The very small setbacks from the streets, while appropriate for a commercial use, are inconsistent with the majority of the residential front yard setbacks in the area and were previously recommended as supportable in light of reflecting an existing condition.

Although the *Small Lot House Rezoning Policy* is not directly applicable as this is a Development Permit with Variances Application, it should be noted that the demolition of the building is inconsistent with the policy that seeks to conserve existing housing. In this instance, the demolition of the existing house on the eastern portion of the property was supported by staff due to structural instabilities and because the building on the western portion of the property was being preserved.

Despite the challenges that the demolition of the building have caused and some inconsistencies with the design guidelines, this application replicates a previously approved design that involved the retention of the former building. The character of the neighbourhood is

maintained overall. However, an alternate motion to request design changes has been provided for Council's consideration.

Local Area Plans

The *Victoria West Neighbourhood Plan* envisions single-family dwellings, house conversions, duplexes and townhouses on this property. The plan further notes that the architectural character of new development should complement nearby heritage sites, of which 1149 Dominion Road is one. The proposed dwelling retains the design of the former building on the site, and thus no change of character for the neighbourhood would occur.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts or impacts to public trees with this proposal.

Regulatory Considerations

There are two proposed setback variances associated with the application. The first is to reduce the front yard setback from 6.0m to 0.90m. This setback is consistent with the location of the previous building. The second variance is to reduce the flanking street side yard setback on Dominion Road from 2.40m to 0.42m. This is an increase over the setback of the previous building, which required an encroachment agreement due to its location within a road dedication. Despite being contrary to the standard R1-S1 Zone, both of these setback variances are considered supportable by staff, as the variances reinstate the former conditions of the property. In addition, the location of the building close to the property lines is beneficial to its street relationship, should the building be converted back to a commercial use in the future.

CONCLUSIONS

The proposed small lot house utilizes the same design as previous approvals, with a small increase in floor area and increased setbacks from the two streets. The former building and use had a unique character that contributed positively to the neighbourhood, which this proposal attempts to replicate. The variances are similar to previous on-site conditions. The demolition of the building without approvals is a very rare occurrence, and staff do not believe this will start a trend to obtain rezoning approvals and subsequently demolish the existing housing on-site for other small lot applications. Therefore, staff recommend Council consider supporting this application.

ALTERNATE MOTIONS

Option 1 – Revise proposal

That Council refer the application back to staff to work with the applicant to revise the design of the proposal to be more consistent with the applicable design guidelines and R1-SC Zone, Restricted Small Lot (Commercial District).

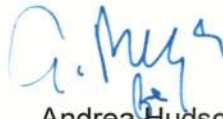
Option 2 – Decline proposal

That Council decline Development Permit with Variances Application No. 00094 for the property located at 1137 Dominion Road.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date:

Nov 29, 2018.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 10, 2018
- Attachment D: Letter from applicant to Mayor and Council dated October 5, 2018
- Attachment E: Committee of the Whole reports dated October 5, 2017
- Attachment F: Minutes from the February 22, 2018 Council Meeting.