



## **Committee of the Whole Report**

**For the Meeting of October 19, 2017**

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**To:** Committee of the Whole **Date:** October 5, 2017

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

**Subject:** Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 737 Belton Avenue and 1137 Dominion Road. The proposal is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Small Lot (Two Storey) District to permit the construction of a small lot house; as well, rezone the western portion of the property from the R1-B Zone, Single Family Dwelling District to a site-specific zone in order to retain the existing building on site as a small lot house and preserve the commercial use existing on site.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan*, 2012 (OCP)
- the proposal is consistent with the Traditional Community designation within the *Victoria West Plan*

- the proposal is consistent with the design guidelines referenced in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain one of the existing buildings on-site
- the proposal formalizes the existing legal non-conforming scenario of two primary buildings on a lot in the R1-B Zone, Single Family Dwelling District.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and rezone the western portion of the property to a site-specific zone based on the R1-S1 Zone, Restricted Small Lot (One Storey) District with the additional use of retail. The proposal is to create two lots, maintain and repurpose the existing commercial building on the western lot for residential use, and construct a new small lot house on the eastern lot. A site-specific zone will be created to preserve the small-scale commercial use, should the owners wish to reinstate the convenience store in the future.

Three variances would be required, which are reviewed in relation to the concurrent Development Permit with Variances Application report.

### **Affordable Housing Impacts**

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

### **Sustainability Features**

As indicated in the applicant's letter dated June 6, 2017, the driveways will have permeable surfaces and landscaping will incorporate drought tolerant plantings.

### **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 Rezoning Application.

### **Accessibility Impact Statement**

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

### **Land Use Context**

The area is characterized by one to two storey single-family dwellings and three to four storey apartment buildings. In the broader area to the west is Esquimalt High School and the Esquimalt Industrial Park.



## Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate a single-family dwelling with either a garden suite or a secondary suite.

### Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone, a double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal-Lot A (existing building)	Proposal-Lot A (new building)	Zone Standard R1-S2, Small Lot (Two Storey)
Site area (m <sup>2</sup> ) - minimum	275.96	260.43	260.00
Density (Floor Space Ratio) - maximum	0.28	0.53	0.6 to 1
Total floor area (m <sup>2</sup> ) - maximum	77.88	136.69	190.00
Lot width (m) - minimum	20.96	14.20	10.00
Height (m) - maximum	4.09	7.37	7.50
Storeys - maximum	1.00	2.00	2.00
Site coverage % - maximum	28.00	31.00	40.00
<b>Setbacks (m) – minimum:</b>			
Front (Belton)	0.90**	4.24* - building 2.99 - porch	6.00
Rear	8.91	4.65* - building 3.43 - deck	6.00
Side (east)	7.52	2.15 (habitable)*	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	3.99	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Dominion)	0.00**	n/a	2.40
Parking - minimum	1	1	1

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions and Summary provided by the applicant are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan* (OCP) designates the property within the Traditional Residential urban place designation, which envisions single-family dwellings and local retail stores in pre-existing locations. The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.

However, the existing house is being removed due to a compromised crawlspace (Attachment F). The *Small Lot House Rezoning Policy* notes that small lot rezoning is not intended to facilitate the demolition of an existing house to enable additional houses to be built in the same place. The removal of the house in this case is not resulting in additional houses; in fact, this rezoning application would formalize an existing legal non-conforming scenario in which two primary buildings occupy one property, so in this instance the potential of disrupting established lot patterns or the rhythm of the street is minimal.

Additionally, the design of the new dwelling is more in-line with the character of the area, and the proposal has been presented and justified to both the neighbourhood association and immediate neighbours.

### **Local Area Plans**

The Victoria West Plan identifies the property as Traditional Community. Within this designation, the existing character of the mainly detached housing should be conserved. In addition, the plan envisions site-specific zoning for compatible uses such as convenience stores within residential areas.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

Impacts to trees will be outlined in the concurrent Development Permit with Variance Application Report.

## **CONCLUSIONS**

The proposal to subdivide and rezone the subject property, retain and repurpose the existing commercial building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan*, *Victoria West Plan* and the *Small Lot House Rezoning Policy*. Staff recommend Council consider supporting this application.



## ALTERNATE MOTION

That Council decline Rezoning Application No. 00597 for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,

Michael Angrove  
Planner  
Development Services

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Oct 11, 2017

### List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped July 24, 2017
- Attachment D – Letter from applicant to Mayor and Council dated October 4, 2017
- Attachment E – Small Lot House Rezoning Petition stamped June 8, 2017
- Attachment F – Letter from Method Engineering & Building Services dated May 24, 2017



## Committee of the Whole Report For the Meeting of October 19, 2017

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**To:** Committee of the Whole **Date:** October 5, 2017

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

**Subject:** Development Permit with Variances Application for 737 Belton Avenue and 1137 Dominion Road

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00597, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

1. Plans date stamped July 24, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Lot B: reduce the front setback from 6.0m to 4.24m;
  - ii. Lot B: reduce the rear setback from 6.0m to 4.65m; and,
  - iii. Lot B: reduce the east side setback from 2.4m to 2.15m.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 491 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.

In accordance with Section 498 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 737 Belton Avenue and 1137 Dominion Road. The proposal is to subdivide the property and create two small lots with a new building on the eastern lot, and retention of the existing building on the western lot. Variances have been requested for the setbacks on the easterly lot.

The following points were considered in assessing this application:

- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002*. The applicant would retain and repurpose one of the existing buildings on site, while the other house is being replaced with a house more in-line with the existing character of the area
- the proposal is consistent with the *Victoria West Plan* as the new development compliments the character of nearby heritage sites
- the requested setback variances are minimal in nature and are similar in scale to current setback conditions.

## BACKGROUND

### Description of Proposal

The proposal is to create two lots, maintain the existing building on the western lot (Lot A) and repurpose it from a commercial building to a single-family dwelling, and construct a new small lot house on the eastern lot (Lot B). Exterior renovations will be completed and a new addition will be constructed to the northeast corner of the existing building on Lot A.

The details for the proposed small lot dwelling on Lot B include:

- two-storey building
- prominent front entrance with small porch
- pitched rooflines consistent with the character of the area
- exterior materials such as wood siding, asphalt shingles, and fascia board.

The proposed variances on Lot B are related to:

- reduce the front setback from 6.0m to 4.24m
- reduce the rear setback from 6.0m to 4.65m
- reduce the east side setback from 2.4m to 2.15m.

### 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 Application.

## Accessibility Impact Statement

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

### Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate a single-family dwelling with either a garden suite or a secondary suite.

### Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

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Parking - minimum	1	1	1



## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions and Summary provided by the applicant are attached to this report.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is consistent with the design guidelines specified in the *Small Lot Design Guidelines*. Retaining the existing building on Lot A is supported by the policy, and the proposed renovations are consistent with the context of the area.

While retention of the single-family dwelling on Lot B is recommended by the policy, there is justification to remove the building due to a compromised crawlspace. In addition, this provided the opportunity to design a new single-family dwelling more in-line with the existing context of the neighbourhood. The height, roof line, and massing of the proposed dwelling has been designed to fit within the immediately adjacent buildings to the east. Additionally, the entryway and front porch are prominent and provide for a positive relationship with the street. The materials include wood siding, fascia board, and asphalt shingles.

### **Local Area Plans**

The Victoria West Neighbourhood Plan envisions single-family, house conversions, duplex and townhouses on this property. The plan further notes architectural character of new development should complement nearby heritage sites, of which there is one at 1149 Dominion Road. The proposed dwelling on Lot B echoes a number of the characteristics seen at 1149 Dominion Road, including pitched roofs, a prominent main entrance with front porch, and similar materials.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

A city owned boulevard tree (mature Maple) will be impacted by the driveway construction to Lot A. Parks Staff are recommending its removal as the proposed driveway and the existing condition of the adjacent driveway will be detrimental to this tree and its long term survival. A tree replacement fee to plant a new boulevard tree and the tree's appraised value will be required fees from the applicant at building permit stage.

### **Regulatory Considerations**

There are a total of three variances relating to setbacks on Lot B. There are two reduced setbacks on Lot A that are considered legally non-conforming: the front setback is 0.9m down from 6.0m and the side setback is 0.0m down from 2.4m.

Lot B has three setback variances that reduce the front setback from 6.0m to 4.24m, the rear setback from 6.0m to 4.65m, and the east side setback from 2.4m to 2.15m. The east side setback requirement is 2.4m due to there being a habitable window in the basement of the east façade; however, as this window is mostly below grade there would be very minimal views onto the neighbouring property. Additionally, the front, rear and side setbacks of the proposed dwelling are similar to those of the current building on the property.

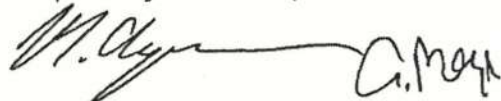
## CONCLUSIONS

The proposal to subdivide the property into two small lots and construct a new small lot house is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. The variances are minor in nature and similar to current on-site conditions. Therefore, Staff recommend Council consider supporting this application.

## ALTERNATE MOTION

That Council decline the Development Permit with Variances Application for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

October 13, 2017

## List of Attachments

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