



Committee of the Whole Report For the Meeting of April 23, 2020

To: Committee of the Whole **Date:** April 9, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Development Permit with Variances Application No. 00097 for 1023 Tolmie Avenue**

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. 00097, if it is approved, consider the following motion:

That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback on the south lot from 6.0m to 4.2m to the building and 3.0m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.0m to 3.5m;
 - iii. reduce the south side yard setback on the south lot from 2.4m to 1.5m for any portion of a dwelling used for habitable space and which has a habitable window; and
 - iv. reduce the south side yard setback on the north lot from 2.4m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1023 Tolmie Avenue. The proposal is to subdivide the property and construct a new small lot house on the southern portion of the property.

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)* and the applicant would retain the existing single family dwelling
- the proposal is consistent with the *Hillside-Quadra Neighbourhood Plan* as it maintains the established character of the neighbourhood
- reducing the front yard setback on the south lot (new building) is supportable as it is a similar setback to the existing house and allows for adequate amenity space in the rear yard
- reducing the rear yard setback on the south lot (new building) is supportable as the setback is measured to exterior stairs and amenity space is preserved since the building itself is an appropriate distance from the rear lot line
- reducing the south side yard setback on the north lot (existing building) is supportable as the impacts will be internal to the site and the low building heights ensure that privacy is maintained
- reducing the south side yard setback on the south lot (new building) is supportable as the only proposed windows are at ground level, which ensures that privacy is maintained.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property and construct a new small lot house on the southern portion of the property. Specific details include:

- one-storey building with a side yard parking pad
- traditional style of architecture with exterior materials that include hardie shingles, horizontal hardie siding and cultured rock
- front porch that increases amenity space while improving the interaction with the public realm.

A variance to reduce the south side yard setback from 2.4m to 1.73m is required for the existing house. For the proposed house, variances are required to reduce the front yard setback from 6.0m to 3.0m to the porch and 4.2m to the building face, reduce the rear yard setback from 6.0m to 3.5m, and reduce the south side yard setback from 2.4m to 1.5m.

Affordable Housing

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

Tenant Assistance Policy

The proposal would retain the existing single family dwelling and therefore a Tenant Assistance Plan is not required.

Sustainability Features

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

Active Transportation

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

Public Realm Improvements

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

Accessibility

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

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling. Under the current R1-B Zone, the property could be developed with a single family dwelling and either a secondary suite or a garden suite.

Data Table

The following data table compares the proposal with the standard R1-S1 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

| Zoning Criteria | Proposed North Lot (existing building) | Proposed South Lot (new building) | Zone Standard R1-S1 |
|--|--|-----------------------------------|---------------------|
| Site area (m ²) – minimum | 267.80 | 268.30 | 260 |
| Density (Floor Space Ratio) – maximum | 0.24 | 0.23 | 0.6 |
| Total floor area (m ²) – maximum | 64.40 | 62.90 | 160 |
| Lot width (m) – minimum | 16.41 | 16.20 | 10 |
| Site coverage (%) - maximum | 26.32 | 31.20 | 40 |
| Height (m) – maximum | 4.53 | 4.35 | 5 |
| Storeys – maximum | 1 | 1 | 1 |

| Zoning Criteria | Proposed North Lot (existing building) | Proposed South Lot (new building) | Zone Standard R1-S1 |
|---|--|------------------------------------|--|
| Setbacks (m) – minimum | | | |
| Front (Fifth Street) | 4.74** | 4.20* (to house) 3.0* (to deck) | 6.0 |
| Rear | 1.60** | 3.50* | 6.0 |
| Side (north) | n/a | 3.0 | 1.50 (non-habitable window) 2.40 (habitable window) |
| Side (south) | 1.73* (habitable window) | 1.50* (habitable window) | 1.50 (non-habitable window) 2.40 (habitable window) |
| Side on flanking street (Tolmie Avenue) | 7.48 | 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 Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at a Community Meeting held on June 28, 2018. A letter dated July 25, 2018 is attached to this report. The delay between the Community Meeting and Committee of the Whole Meeting was caused by revisions that were required before the application could proceed. Updated plans have been sent to the CALUC and at the time of writing this report a new letter from the CALUC has not been received by staff.

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, 2012)* identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is generally consistent with the design guidelines specified in the *Small Lot Design Guidelines*. The immediate area primarily

consists of low heights and traditional architectural styles. The proposed dwelling is designed to fit into the existing context through its low height, pitched roof used in the area and front porch.

The house on the northern lot is existing and there are no changes proposed, so the building has not been assessed against the *Small Lot Design Guidelines*.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* envisions future housing infill to be compatible with the established scale and character of adjacent and nearby housing. Staff believe the proposal is consistent with the Plan as the proposed house maintains the traditional architectural style and low heights that are found in the neighbourhood.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This application was received prior to October 24, 2019, and therefore falls under Tree Preservation Bylaw No. 05-106 consolidated June 1, 2015. The applicant is proposing to retain all trees on the subject lot and on adjacent lots. No bylaw-protected trees are impacted by the proposal and all municipal trees will be protected and retained. One tree is proposed to be planted on the subject property.

Regulatory Considerations

One variance for the north lot (existing dwelling) would reduce the south side yard setback from 2.4m to 1.73m. This variance is considered supportable as it is an internal condition and the proposed house has no windows on the north façade, which means privacy is maintained between the two dwellings.

There are three variances required for the south lot (proposed dwelling):

- reduce the front yard setback on the south lot (new building) from 6.0m to 3.0m. This setback is measured from the front lot line to the porch, which creates a positive relationship to the street. The front lot line to the building itself has a 4.2m setback, which is a similar setback to the existing house
- reduce the rear yard setback on the south lot from 6.0m to 3.5m, which is measured to the external staircase. The distance between the rear lot line and the building face is 5.5m, which is an appropriate distance that maintains both adequate amenity space and privacy with the neighbouring property
- reduce the south side yard setback when the building face has a habitable window of the south lot from 2.4m to 1.5m. The only habitable window on the proposed building is located just above the ground plane and therefore the privacy with the adjacent neighbour would be maintained.

CONCLUSIONS

The proposal to construct a new small lot house along with four variances 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. In this instance, the proposed variances are recommended as being supportable, as the front yard

setback of the proposed dwelling allows for a front porch and the building face setback is consistent with the existing dwelling, the rear yard setback of the proposed dwelling is minimal when measured to the building face, and both south side yard setback variances maintain privacy by eliminating sightlines into the adjacent dwellings. Therefore, staff recommend Council consider supporting this application.

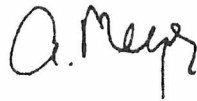
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00097 for the property located at 1023 Tolmie Avenue.

Respectfully submitted,



Michael Angrove
Senior Planner
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: April 17, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 6, 2020
- Attachment D: Letter from applicant to Mayor and Council dated October 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated July 25, 2018
- Attachment F: Small Lot Petition.