



Committee of the Whole Report

For the Meeting of May 14, 2020

To: Committee of the Whole **Date:** April 30, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit Application No. 00233 for 2003 Shakespeare Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00233 for 2003 Shakespeare Street, in accordance with:

1. Plans date stamped April 9, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the north side yard setback of the Lot 1 (south lot) from 2.45m to 1.60m;
 - ii. reduce the lot width of the Lot 2 (north lot) from 15m to 14.33.
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

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 Variance Permit Application for the property located at 2003 Shakespeare Street. The proposal is to subdivide the property to construct a new single family dwelling to the north of the existing single family dwelling.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential urban place designation within the *Official Community Plan*, which envisions single-family dwellings
- the proposal is consistent with the Maintain Current Zoning designation in the Jubilee Neighbourhood Plan

- a variance is required to reduce the north side yard setback of the Lot 1 (south lot) from 2.45m to 1.60m. Staff consider this variance to be supportable as it is internal to the development
- a variance is required to reduce the lot width of Lot 2 (north lot) from 15m to 14.33m. Staff consider this variance to be supportable as it is relatively minor
- the property has enough site area to subdivide without variances, but this would require demolition of the existing single family dwelling and would require irregular lot shapes.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property to construct a new single family dwelling to the north of the existing single family dwelling. The proposed variances are to:

- reduce the north side yard setback of Lot 1 (south lot) from 2.45m to 1.60m;
- reduce the lot width of Lot 2 (north lot) from 15m to 14.33.

Affordable Housing

The applicant proposes the creation of at least one new residential unit which would increase the overall supply of housing in the area. An additional housing unit could be created if the applicant chooses to include a secondary suite, which would be confirmed at the Building Permit stage.

Tenant Assistance Policy

The proposal is to subdivide the property and retain the existing single family dwelling and no tenants are being displaced. Therefore, a Tenant Assistance Plan is not required.

Sustainability

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

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

Accessibility

This application relates to lot width and setback requirements only, and while the British Columbia Building Code regulates accessibility as it pertains to buildings, no buildings are under consideration with this application.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Zone, Single Family

Dwelling District, the property could be developed as a single-family dwelling with no more than one of the following:

- secondary suite
- garden suite
- roomers and/or boarders up to a maximum of four.

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 does not meet the requirements of the existing Zone. This application is to permit subdivision of a lot into two lots. The specifications of the single family house would be confirmed at Building Permit stage and would be required to meet the R1-B Zone regulations.

Zoning Criteria	Lot 1 (existing lot)	Lot 2 (proposed lot)	Existing R1-B Zone
Site area (m ²) – minimum	700.9	524.63	460
Total floor area (m ²) – maximum	273.14	TBD	280
Lot width (m) – minimum	24.46	14.33 *	15
Setbacks (m) – minimum			
Front	7.76	TBD	7.5
Rear	7.80	TBD	7.5 (Lot 1) 9.15 (Lot 2)
Side (north)	1.60 *	TBD	2.45 (Lot 1) 1.5 (Lot 2)
Side on flanking street (Gladstone Avenue)	4.92	N/A	3.5
Side (south)	N/A	TBD	3.0
Parking stalls – minimum	2	TBD	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on October 28, 2019 and February 27, 2020 the application was referred for a 30-day comment period to the Fernwood 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, 2012) identifies this property within Development Permit Area (DPA) 16: General Form and Character. Within this DPA, single family dwellings do not need a Development Permit. As such, the submitted plans do not show the proposed house since there are no design restrictions as long as the proposal receives an approved Building Permit. This application is solely to permit the subdivision of the property into two lots, both of which could be occupied by single family dwellings.

Local Area Plans

Although the proposal is located within the Fernwood neighbourhood, the plan policies that apply to this area are located in the *Jubilee Neighbourhood Plan*, which envisions maintaining the dominant low density zoning of the area. This proposal is consistent with the Plan as it allows for subdivision to construct a new single family dwelling.

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 permit application was received prior to October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated June 1, 2015. The tree inventory for the proposal, outlined in the arborist report dated January 30, 2020, includes 17 trees that could be impacted by development activities: 3 bylaw-protected, 10 unprotected, and 4 street trees. A summary of the impacts to trees is as follows:

- One bylaw-protected Sawara cypress tree is proposed for removal, which is in conflict with proposed foundation excavation. This tree is likely shared with the neighbour, who has submitted a letter consenting to removal if necessary. Two replacement trees will be required.
- Six undersized trees proposed for removal: one non-native dogwood and five Sawara cypress, which are in conflict with proposed foundation excavation.
- Eleven trees in proximity to construction areas are to be retained, with mitigation measures such as tree protection fencing, arborist supervision and low impact excavation near trees.

Regulatory Considerations

There are two variances associated with this application. The first is to reduce the north side yard setback of Lot 1 (existing lot) from 2.45m to 1.6m. Staff consider this variance to be supportable as it is internal to the development. The second variance is to reduce the lot width of Lot 2 (proposed lot) from 15m to 14.33m. Staff consider this variance to be supportable as it is minimal in nature. In addition, the property has a large enough site area to subdivide without variances; however, this would require demolition or relocation of the existing house.

CONCLUSIONS


The proposed variance to the north side yard setback of the existing lot is internal to the site and the reduced lot width of the proposed lot is minimal in nature. Both variances would allow for retention of the existing house. Staff therefore recommend that Council consider supporting the Application.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00233 for the property located at 2003 Shakespeare Street.

Respectfully submitted,


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Development Services Division




Karen Hoese, Director
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Report accepted and recommended by the City Manager:



Date: May 5, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 8, 2020
- Attachment D: Letter from applicant to Mayor and Council received February 21, 2020
- Attachment E: Tree Preservation Plan.