



## Committee of the Whole Report For the Meeting of May 13, 2021

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**To:** Committee of the Whole **Date:** April 29, 2021  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Development Variance Permit Application No. 00264 for 1210 Topaz Avenue

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### 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. 00264 for 1210 Topaz Avenue, in accordance with:

1. Plans date stamped April 23, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 18.3m to 8.58m;
  - ii. reduce the east side yard setback from 4.97m to 2.19m; and
  - iii. reduce the number of vehicle parking from 36 stalls to 35 stalls.
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 1210 Topaz Avenue. The proposal is to construct new additions to the Temple’s existing kitchen and entrance. The variances are related to reducing the rear setback, reducing the east side yard setback, and reducing the vehicle parking.

The following points were considered in assessing this application:

- reducing the rear yard setback from 18.3m to 8.58m is considered supportable as the setback would still be located further back from the existing legal non-conforming setback associated with another portion of the building
- reducing the east side yard setback from 4.97m to 2.19m is considered supportable as it is a small addition and represents a similar setback to the existing condition
- reducing the vehicle parking from 36 stalls to 35 stalls is considered supportable as it is minimal in nature and the applicant proposes new short-term bicycle parking.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct new additions to the Temple's existing kitchen and entrance. The proposed variances are related to:

- reducing the rear yard setback from 18.3m to 8.58m;
- reducing the east side yard setback from 4.97m to 2.19m; and
- reducing the number of vehicle parking from 36 stalls to 35 stalls.

### **Sustainability**

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

### **Active Transportation**

The application proposes twelve short term bicycle stalls which support active transportation.

### **Public Realm**

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. An existing lift allows those with limited mobility to avoid the stairs leading to the entrance.

### **Existing Site Development**

The site is presently a two storey Sikh Temple operated by the Khalsa Diwan Society of Victoria.

### **Data Table**

The following data table compares the proposal with the existing 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. Two asterisks are used to identify a legal non-conforming condition.

Zoning Criteria	Proposal	Existing R1-B Zone (Public Buildings)
Site area (m <sup>2</sup> ) – minimum	3030	460
Total floor area (m <sup>2</sup> ) – maximum	N/A	N/A
Lot width (m) – minimum	49.74	15
Storeys – maximum	2	2.5
Site coverage (%) – maximum	34	40
<b>Setbacks</b> (m) – minimum		
Front (Arthur Road)	26.3	7.5
Rear (Topaz Avenue)	<b>6.7 (existing) **</b> <b>8.58 (proposed) *</b>	18.3
Side (east)	<b>2.5 (existing) **</b> <b>2.19 (proposed) *</b>	4.97
Side (Blackwood Street)	11.3	4.97
Combined side yards	7.46	4.5
Parking – minimum	<b>35 *</b>	36
<b>Bicycle parking stalls</b> – minimum		
Long Term	0	0
Short Term	12	1

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 25, 2021 the application was referred for a 30-day comment period to the Hillside-Quadra 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

### Hillside-Quadra Neighbourhood Plan

The *Hillside-Quadra Neighbourhood Plan* identifies the subject site as “Place of Worship”. However, there are no specific policies in the Plan that relate to the subject site.

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

There are no *Tree Preservation Bylaw* and no impacts to public trees with this application.

### **Regulatory Considerations**

There are three variances associated with the proposal. An addition to the main entrance requires a variance to the rear yard setback (Topaz Avenue), reducing it from 18.3m to 8.58m. This variance is considered supportable as the frontage along Topaz Avenue acts as the side yard of the property, whereas the *Zoning Regulation Bylaw* identifies the Topaz Avenue frontage as the rear yard. In addition, the addition is still set further back from the property line than an existing portion of the building that has a legal non-conforming setback of 6.7m.

The second variance relates to the expansion of the existing kitchen. A variance is required to reduce the east side yard setback from 4.97m to 2.19m, which is considered supportable as it is a small addition and represents a similar setback to the existing condition of 2.5m.

Finally, the additional floor area increases the parking requirement, and a variance is therefore required to reduce the vehicle parking from 36 stalls to 35 stalls. This variance is considered supportable as it is minimal in nature and the applicant proposes new short-term bicycle parking. In addition, the applicant has reconfigured the parking which has removed a previous encroachment of the parking stalls onto Arthur Avenue.

### **CONCLUSIONS**

The proposal to reduce the rear and east side yard setbacks and to reduce the vehicle parking is considered supportable, as the variances represent minimal changes from existing conditions and allow for small expansions to the institutional building. It is therefore recommended that Council consider supporting the application.

### **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00264 for the property located at 1210 Topaz Avenue.

Respectfully submitted,

Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 26, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 17, 2021
- Attachment E: Tree Preservation Plan dated October 28, 2020.