

G. BYLAWS

G.1 Bylaw for 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

CARRIED UNANIMOUSLY



Council Report

For the Meeting of April 22, 2021

To: Council **Date:** April 14, 2021
From: C. Kingsley, City Clerk
Subject: 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-047.

The issue came before Council on February 4, 2021 where the following resolution was approved:

430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No. 00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;

- iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,

Curk Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-047

NO. 21-047

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-S30 Zone, Powell Street Small Lot District, and to rezone land known as 430 Powell Street from the R-2 Zone, Two Family Dwelling District, to the R1-S30 Zone, Powell Street Small Lot District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1254)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 1 – Detached Dwelling Zones by adding the following words:

“1.153 R1-S30 Zone, Powell Street Small Lot District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.152 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 430 Powell Street, legally described as PID: 029-107-962, Lot A of Lots 1775 and 1776, Victoria City, Plan EPP28098 shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R1-S30 Zone, Powell Street Small Lot District.

READ A FIRST TIME the	day of	2021
-----------------------	--------	------

READ A SECOND TIME the	day of	2021
------------------------	--------	------

Public hearing held on the	day of	2021
----------------------------	--------	------

READ A THIRD TIME the	day of	2021
-----------------------	--------	------

ADOPTED on the	day of	2021
----------------	--------	------

CITY CLERK

MAYOR

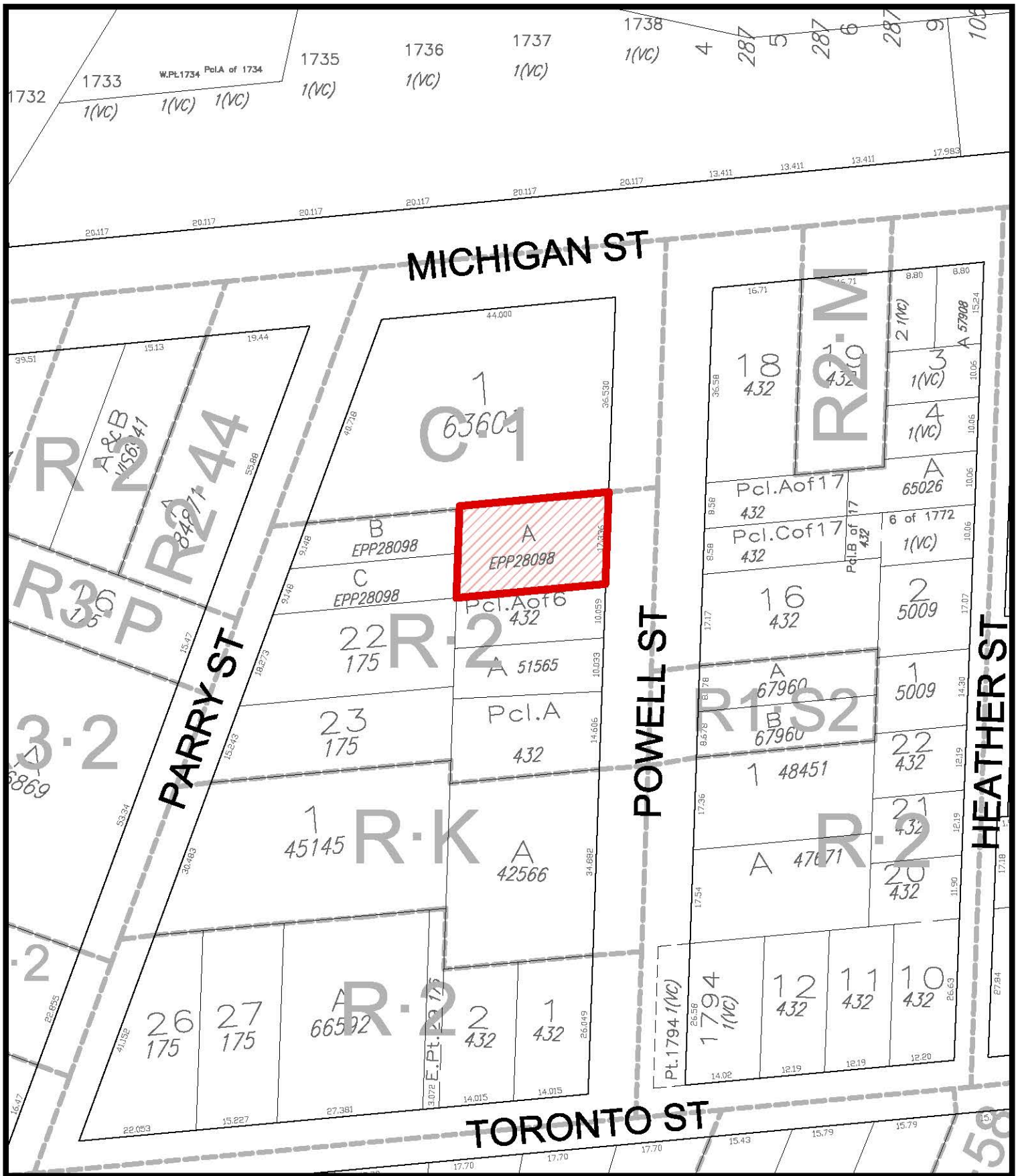
Schedule 1

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Uses	1	The following uses are the only uses permitted in this zone: (a) <u>single family dwelling</u> ; (b) <u>accessory uses</u> to a <u>single family dwelling</u> ; (c) <u>home occupation</u> ; (a) <u>buildings</u> accessory to a permitted use; (b) a maximum of two <u>garage sales</u> in any calendar year.
Lot area	2	The minimum <u>site area</u> must be 240 m ² .
	3	The minimum frontage of a <u>lot</u> on a <u>street</u> must be 8.6 m.
Height, Roof Deck	4	(a) The maximum <u>height</u> of a <u>single family dwelling</u> must not exceed 7.5 m nor two <u>storeys</u> , for which purpose any <u>basement floor area</u> that is more than 1.2 m above <u>grade</u> is deemed to be the first <u>storey</u> . (b) <u>Roof Deck</u> – not permitted.
Floor Area	5	The maximum <u>total floor area</u> for the dwelling must be 190m ² .
Floor space ratio	6	The maximum <u>floor space ratio</u> must be 0.6 to 1.
Site coverage	7	The maximum <u>site coverage</u> must be 40%.
Setback(s)	8	Except as required by s. 14, the minimum <u>setbacks</u> of the main structure must be in compliance with the following: (a) <u>front yard</u> of 4.0 m (i) an entrance porch and <u>steps</u> may project from the main <u>building</u> face by a maximum of 0.5 m with a maximum <u>height</u> of 1.7 m, including any vertical enclosures to the porch and <u>steps</u> , and (b) <u>rear yard</u> of 6.0 m; (c) <u>side yard</u> interior of 1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window; (d) <u>side yard</u> on a flanking street of 2.4 m.
Accessory Buildings	9	All <u>accessory buildings</u> must be located in a <u>rear yard</u> .
	10	The maximum <u>rear yard site coverage</u> by an <u>accessory building</u> must be 30%.

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Height	11	A minimum separation distance of 2.4 m must be provided between a <u>single family dwelling</u> and an <u>accessory building</u> .
	12	The maximum <u>height</u> of any <u>accessory building</u> must not exceed 4.0 m.
	13	The minimum <u>setbacks</u> of detached <u>accessory buildings</u> must be in compliance with the following: <ul style="list-style-type: none"> (a) <u>front yard</u> of 18 m; (b) <u>rear yard</u> of 1.5 m when facing a lane; (c) <u>side yard</u> on a corner <u>lot</u>, no <u>accessory building</u> may be located closer to the flanking <u>street</u> than the minimum <u>setback</u> required for the principal <u>building</u> on the adjoining <u>lot</u> of such flanking <u>street</u>.
Parking	14	Parking must comply with Schedule C.
Outdoor Features	15	(a) The setbacks set out in sections 8 and 14 apply to outdoor features attached to the main building as though they are buildings
		(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower



430 Powell Street
Rezoning No.00736

