



Committee of the Whole Report

For the Meeting of September 2, 2021

To: Committee of the Whole **Date:** August 20, 2021

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

Subject: Development Permit with Variances Application No. 00162 for 737 Belton Avenue

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 Permit with Variance Application No. 00162 for 737 Belton Avenue, in accordance with:

1. Plans date stamped June 8, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 4.0m to the building face and from 6.0m to 0.58m to the stairs
 - ii. permit vertical supports on a porch roof that projects into the front yard setback
 - iii. reduce the rear yard setback from 6.0m to 3.34m
 - iv. increase the site coverage from 40% to 40.16%.
3. Revised Arborist Report, Tree Management Plan and landscape plan to the satisfaction of the Director of Parks, Recreation and Facilities.
4. 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 with Variances Application for the property located at 737 Belton Avenue. The proposal is to construct a new single family dwelling on a small lot. The variances are related to reducing the front and rear yard setbacks and increasing the site coverage.

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 existing house was previously approved for removal and is being replaced with a house that is designed more in-line with the existing character of the area
- the proposal is consistent with the *Victoria West Neighbourhood Plan* which supports small lot houses
- the requested front yard setback variances are similar in scale to previous approvals and the addition of the porch creates a positive relationship with the street
- the requested rear yard setback variance is similar in scale to previous approvals and results in a greater setback than currently exists
- the requested site coverage variance is minimal in nature.

BACKGROUND

Description of Proposal

The proposal is to construct a new single family dwelling on a small lot. Specific details include:

- two-storey building
- prominent front entrance with small porch
- pitched rooflines consistent with the character of the area
- exterior materials such as cement board panel, standing seam metal roof and concrete.

The proposed variances are related to:

- reducing the front yard setback from 6.0m to 4.0m to the building face and 0.58m to the stairs
- permitting vertical supports on a porch that projects into the front yard setback
- reducing the rear yard setback from 6.0m to 3.34m
- increasing the site coverage from 40% to 40.16%.

Affordable Housing

The applicant proposes the replacement of a single family dwelling which does not result in a net increase of housing in the area.

Tenant Assistance Policy

The proposal is to redevelop an existing building, which would result in a loss of one existing residential rental unit. The applicant has provided a Mutual Agreement to End a Tenancy form, which indicates the tenancy will cease on October 1, 2021. Private arrangements have been made for the owner to provide the tenant with two months free rent and \$500 in moving costs, which exceeds the requirements of the BC Residential Tenancy Act. As this application is a

Development Permit with Variances Application with no rezoning, the Tenant Assistance Policy is best practice only.

Sustainability

As indicated in the applicant's letter dated May 27, 2021, the following sustainability features are associated with this application:

- high efficiency natural gas furnace
- energy efficient domestic hot water heating
- permeable paving on the driveway
- solar-ready construction.

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 application.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling, which has been approved by Council for replacement through a previous application. Under the current R1-S2 Zone, Restricted Small Lot (Two Storey) District, the property can only be developed a single family dwelling.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing R1-S2 Zone
Site area (m ²) – minimum	260	260
Density (Floor Space Ratio) – maximum	0.6	0.6
Total floor area (m ²) – maximum	155.4	190
Lot width (m) – minimum	14.2	10

Zoning Criteria	Proposal	Existing R1-S2 Zone
Height (m) – maximum	7.39	7.5
Storeys – maximum	2	2
Site coverage (%) – maximum	40.16 *	40
Setbacks (m) – minimum		
Front (Belton Ave)	4 (to building face) * 0.58 (to stairs) *	6
Front projections – porch roof (m) - maximum	1.24* (vertical supports)	1.60 (no vertical supports permitted)
Rear	3.34 *	6
Side (east)	1.55	1.5
Side (west)	1.69	1.5
Parking – minimum	1	1

Relevant History

On January 31, 2019, Council approved a Rezoning and Development Permit with Variances Application that subdivided the former lot into two small lots in order to retain the existing building on the western lot and permit for the redevelopment of the building on the eastern lot. The new owners of the eastern lot have made changes to the design and therefore a new Development Permit with Variances is required.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 19, 2021 and on June 18, 2021 the application was referred for a 30-day comment period to the Victoria West CALUC. A letter was received from the CALUC to the applicant and has been attached to this report.

The applicant has indicated that the surrounding neighbours were mailed a copy of the proposal in December 2020. No response was received as of May 25, 2021. Prior to an opportunity for public comment, the City will mail a notice of the proposal and meeting date to the surrounding neighbours.

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) 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*. The redevelopment provides 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 adjacent buildings to the east. Additionally, the entryway and front porch are prominent features found on nearby buildings and also provide for a positive relationship with the street.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* supports small lot homes that are compatible with historical patterns and existing small lot zoning, to add compatible infill housing and provide more diverse homeownership opportunities.

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 Development Permit with Variance application was received after October 24, 2019 and before July 1, 2021, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory includes three trees: one non-bylaw-protected tree on the neighbouring lot to the north and two municipal street trees. The following is a summary of tree-related considerations:

- there are no existing trees on the subject lot
- an off-site undersized spruce tree to the north and two municipal red maple street trees on Belton Avenue are to be retained
- two new trees are proposed on the subject site
- measures such as tree protection fencing, arborist supervision and minimizing disturbance will be required to mitigate construction impacts to retained trees
- utility service locations will be coordinated with Parks and Engineering to ensure the least disturbance to the street trees.

Tree Impact Summary Table

Tree Type	Total	To be REMOVED	To be PLANTED	Net Change
Onsite trees, not bylaw-protected	0	0	2	+2
Municipal trees	2	0	0	0
Neighbouring trees, not bylaw-protected	1	0	0	0
Total	3	0	2	+2

Regulatory Considerations

There are a total of four variances associated with the proposal. The first is to reduce the front yard setback from 6.0m to 4.0m to the building face and 0.58m to the stairs, and 1.26m to the vertical supports of the porch. This variance is considered supportable as it is similar to the previous approval. A second variance is required to permit vertical supports on a porch roof that projects into the front yard setback. This variance is considered supportable as it helps the building to have a positive relationship with the street and is a similar design to the adjacent properties. The third variance is to reduce the rear yard setback from 6.0m to 3.34m. This variance is considered supportable as the existing building is only 1.05m from the rear lot line. Finally, there is a variance to increase the site coverage from 40% to 40.16%. This variance is considered supportable as it is minor in nature and adequate amenity space is maintained.

CONCLUSIONS

The proposal to 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 either minor in nature or similar to current on-site conditions. Therefore, staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00162 for the property located at 737 Belton 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 June 8, 2021
- Attachment D: Letter from applicant to Mayor and Council dated May 27, 2021
- Attachment E: Arborist Report dated April 21, 2021
- Attachment F: Neighbourhood Consultation Summary
- Attachment G: Vic West CALUC Letter dated January 21, 2021.