



## Committee of the Whole Report For the Meeting of October 12, 2023

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**To:** Committee of the Whole **Date:** September 28, 2023

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

**Subject:** **Development Permit with Variances Application No. 00238 for 3109 Highview Street**

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### RECOMMENDATION

1. That Council waive the standard practice of holding an Opportunity for Public Comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Development Permit with Variances.
2. And that Council authorize the issuance of Development Permit with Variances Application No. 00238 for 3109 Highview Street in accordance with plans submitted to the Planning department and date stamped August 16, 2023, subject to:
  - a. Proposed development meeting all City zoning regulation bylaw requirements, except the following variances:
    - i. reduce the front lot line setback from 6.0m to 2.0m
    - ii. reduce the rear yard setback from 6.0m to 4.63m to the building and to 3.43m to the steps.
3. The Development Permit with Variances, if issued, lapses two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application's consistency with design guidelines and the impact of the proposed variances.

### Enabling Legislation

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 3109 Highview Street.

This proposal is to facilitate the construction of a new single-family dwelling on a small lot recently created by subdivision at 3109 Highview Street in the Hillside Quadra Neighbourhood area.

The variances are related to reducing the required front and rear yard setback in order to create a larger building envelope.

The following points were considered in assessing this application:

- The application aligns with the *Official Community Plan, 2012 (OCP)* and the *Hillside-Quadra Neighbourhood Plan, 2022*, as the proposed development maintains the existing traditional character of the area.
- The proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002* for form and character relating to the construction of new single detached homes.
- Reducing the front and rear yard setbacks is supportable as there is still adequate separation between the proposed new dwelling unit and the neighbouring properties.
- A previous Development Permit with Variances Application (No. 000546) for 1302 Finlayson Street approved the subdivision of the parent lot into two new lots, as well as the construction of a new single-family dwelling on the subject lot (3109 Highview Street). This DPV lapsed in July of 2022 before substantial construction had begun on the project, which consequently required the applicant to go through the approval process again.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to facilitate the construction of a new single-family dwelling on a small lot recently created by subdivision at 3109 Highview Street in the Hillside Quadra Neighbourhood area. Specific details for the proposed building include:

- two-storey building with a side yard parking pad
- traditional style architecture with exterior materials such as Hardie shingle and Hardie plank siding, and asphalt shingles that are reflective of other buildings in the area
- wrap-around balcony that provides eyes on the street and on the park to the north.

## Land Use Context

The area is characterized primarily by single-family dwellings.

Highview Playlot is located immediately to the north, and Summit Park is located south of the subject property.

## Existing Site Development and Development Potential

The site is presently undeveloped with an existing non-conforming accessory structure on it which is proposed to be demolished. Under the R1-S2 Zone, Restricted Small Lot (Two Storey) District, the subject site can be developed as a single-family dwelling.



Figure 1. Location of subject property and surrounding land uses.

## Data Table

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

Zoning Criteria	Proposal	Zone Standard R1-S2, Restricted Small Lot (Two Storey) District
Site area (m <sup>2</sup> ) – minimum	260.50	260.0
Density (Floor Space Ratio) – maximum	0.60	0.60
Total floor area (m <sup>2</sup> ) – maximum	157.13	190.0

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R1-S2, Restricted Small Lot (Two Storey) District</b>
Lot width (m) – minimum	16.99	10.0
Height (m) – maximum	7.50	7.50
Storeys – maximum	2	2
Site coverage (%) – maximum	38.41	40
<b>Setbacks (m) – minimum</b>		
Front (west - Highview Street)	<b>2.0 *</b>	<b>6.0</b>
Rear (east)	<b>3.43 * (steps) 4.63 * (building)</b>	<b>6.0</b>
Side (north)	2.40	1.50 (non-habitable) 2.40 (habitable)
Side (south)	3.0	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Finlayson Street)	N/A	2.40
Parking (residential) – minimum	1	1

### **Sustainability**

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

### **Mobility**

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

### **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*.

### **Relevant History**

A previous Development Permit with Variances Application No. 000546 for 1302 Finlayson Street approved the subdivision of the parent lot into two new lots, as well as the construction of a new single-family dwelling on a small lot (3109 Highview Street).

This DPV lapsed in July of 2022 before substantial construction had begun on the project, which consequently required the applicant to go through the approval process again.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on June 21, 2023, the application was referred for a 30-day comment period to the Hillside-Quadra CALUC. No response was received at the time of writing this report.

Pursuant to section 31 of the City's *Land Use Procedures Bylaw*, Council may provide an opportunity for public comment before considering a development permit with variance application. If Council decides not to have an opportunity for public comment, notice of the application must still be sent to all owners and occupiers of the subject property and adjacent properties. The notice would invite recipients to provide written comments prior to Council's consideration of the application.

Should Council wish to hold an opportunity for public comment, an alternate motion has been provided at the end of this report.

## ANALYSIS

### Official Community Plan, 2012

The *Official Community Plan, 2012* (OCP) 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 traditional architectural styles. The proposed dwelling maintains the overall massing and gabled roofline that is found on many other houses in the area. The wrap-around deck would provide for eyes on both the street and Highview Playlot.

The proposed setbacks are similar to the existing dwelling on the parent lot (1302 Finlayson Street) and provide a step back towards the park.

### Hillside Quadra Neighbourhood Plan, 2022

The *Hillside-Quadra Neighbourhood Plan, 2022* identifies the property within the Small Urban Village urban place designation which supports residential development with heights ranging from two to four storeys depending on the existing and envisioned context of the area.

The proposed two storey single-family residential development aligns with the Small Urban Village designation.

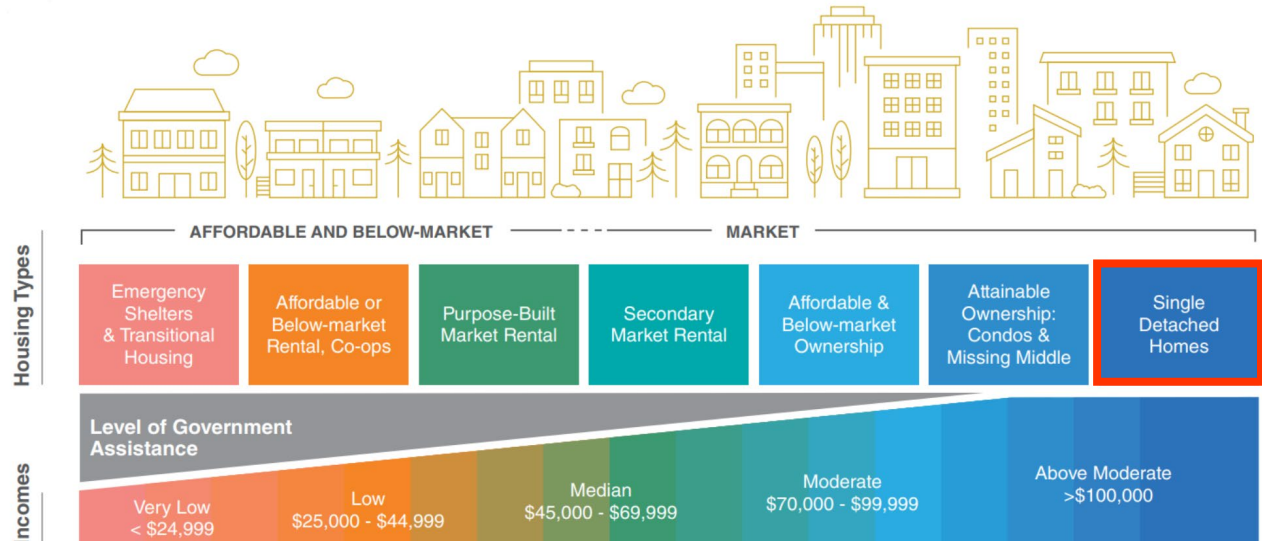
### Small Lot House Rezoning Policy

The application is consistent with the *Small Lot House Rezoning Policy*. The existing building on the parent lot (1302 Finlayson Street) will be retained and the new house is generally sensitive in character to the nearby dwellings.

The applicant conducted consultation of the immediate neighbours and achieved 100% support from respondents on the neighbour petition.

## Housing

Since this application is for a DPV, housing tenure and affordability considerations cannot be required. The application would add one net new residential single family dwelling unit for market value purchase which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.



**Figure 1. Housing Continuum**

### *Housing Mix*

As submitted, this application proposes to construct one new single-family dwelling on a small lot. At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing.

### *Existing Tenants*

There are no tenant impacts associated with this application.

### Variances

There are two variances related to this application.

The first variance is to reduce the front yard setback from 6m to 2m and the second variance is to reduce the rear yard setback from 6m to 4.63m to the building and 3.43m to the rear steps. Impacts to neighbouring properties are not anticipated as a result of the variance requests.

The front and rear setback reduction variances are supported as requested by the applicant.

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

There are four existing European ash trees growing along the Highview Street side of the proposed new lot. These trees are proposed for removal to construct a new public sidewalk which will be separated from the street by a grass boulevard.

The trees measure 19cm, 22cm and 22cm in DBH (diameter at breast height) with the multi-stemmed tree having a calculated DBH of 25cm. One of these ash trees has a wound at the base with internal decay and the multi-stemmed ash has poor structure.

Two new street trees are proposed for the newly created boulevard space which replaces a gravel road shoulder used for parking. The tree species will be determined at building permit stage. No new trees are presently proposed on private property.

Two City owned Garry oak trees are growing adjacent to the proposed new lot. A mature 71cm diameter at breast height (DBH) protected Garry oak tree located in Highview Playlot, nine metres from the subject property boundary, is not expected to be negatively impacted by the proposed application. On the opposite side of Highview Street there is a multi-stemmed Garry oak with trunks measuring 73, 80 and 88cm DBH.

The proposed location of the water service connection to the water main will be located to reduce any impacts to this tree. The work to remove the additional trees identified for removal in the Arborist Report has already taken place as per the recently approved Subdivision.

## **CONCLUSIONS**

The proposal to construct a new single-family dwelling on a small lot recently created through subdivision along with two 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.

The proposed variances are recommended as being supportable as the front yard setback of the proposed dwelling is an increase over the existing building to the south and the rear yard setback of the proposed dwelling is consistent with the existing building.

Therefore, it is recommended that Council consider supporting this application.

## **ALTERNATE MOTION(S)**

### **Option 1 – Hold an Opportunity for Public Comment**

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

- “1. That Council authorize the issuance of Development Permit with Variances Application No. 00238 for 3109 Highview Street in accordance with plans submitted to the Planning department and date stamped August 16<sup>th</sup>, 2023, subject to:
  - a. Proposed development meeting all City zoning regulation bylaw requirements, except the following variances:
    - i. reduce the front lot line setback from 6.0m to 2.0m
    - ii. reduce the rear yard setback from 6.0m to 4.63m to the building and to 3.43m to the steps.
  - b. The Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

## **Option 2 – Decline**

That Council decline issuance of Development Permit with Variance Application No. 00238 for 3109 Highview Street.

Respectfully submitted,

Kasha Janota-Bzowska  
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: Plans date stamped August 16, 2023
- Attachment C: Letter from applicant to Mayor and Council dated May 31, 2023
- Attachment D: Arborist Report dated October 21, 2019