



## Council Report

### For the Meeting of February 22, 2018

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**To:** Council **Date:** February 8, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Development Permit with Variances Application No. REZ 00597 for 737 Belton Avenue and 1137 Dominion Road**

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00597, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit with Variances Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

1. Plans date stamped **January 18, 2018**.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. **Lot A: reduce the flanking street setback from 2.40m to 0.0m;**
  - ii. Lot B: reduce the front setback from 6.0m to 4.24m;
  - iii. Lot B: reduce the rear setback from 6.0m to 4.65m; and,
  - iv. Lot B: reduce the east side setback from 2.4m to 2.15m.
3. The Development Permit lapsing two years from the date of this resolution."

### EXECUTIVE SUMMARY

The purpose of this report is to provide an updated motion for Council's consideration related to the Development Permit with Variance application for the property located at 737 Belton Avenue and 1137 Dominion Road. On October 19, 2017, Council considered this matter, and although the report noted the flanking street setback as contrary to the R1-S1 Zone, it was identified as legally non-conforming rather than as a variance. This distinction is important, because although the building is not moving from its present location, the property line will be adjusted as part of the subdivision which necessitates the requirement for a variance.

In addition, the applicant has altered the location of the driveway for Lot A from the south east portion of the new lot to the north portion of the lot, so that a City-owned boulevard tree can be retained; this change has been included on revised plans. These two items are identified in bold text above.

With this updated direction from Council, the application would advance as originally planned to a Public Hearing and an opportunity for public comment on February 22, 2018. The revised plans and the Committee of the Whole Report dated October 5, 2017 is attached for Council's reference.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: Feb 15, 2018

**List of Attachments**

- Attachment A: Plans date stamped January 18, 2017
- Attachment B: Committee of the Whole Report dated October 5, 2017.

**JAN 18 2018**

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SITE LOCATION/ANALYSIS MAP



**PROPERTY INFORMATION**

Project Address: 277 Belton Ave, Victoria BC V8A 2Z7  
Legal Description: LOT 101 (1/4) 1/4 SECTION 18 TOWNSHIP 8 N R18 S 8 W 1/4 42  
Development Permit Area: DPA 18

LOT AREA	REQUIRED	PROPOSED LOT A	PROPOSED LOT B
277.00 m <sup>2</sup>	277.00 m <sup>2</sup>	277.00 m <sup>2</sup>	277.00 m <sup>2</sup>
LOT DEPTH	10.00 m	18.20 m	18.20 m
SETBACKS			
FRONT	6.00 m	6.00 m	4.24 m
SIDE (EAST)	2.40 m	7.50 m	2.15 m
SIDE (WEST)	2.40 m	7.50 m	2.15 m
REAR	2.40 m	7.50 m	2.15 m
AVG. GRADE	13.60 m	13.60 m	13.60 m
UPPER FLOOR	4.00 m	4.00 m	4.00 m
FLOOR AREA	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>
BASE FLOOR	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>
TOTAL FLOOR AREA	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>	7.50 m <sup>2</sup>
FLOOR SPACE RATIO	0.10	0.10	0.10
PERCENTAGE AREA	4.0%	4.0%	4.0%
PARKING	1 SPACE	1 SPACE	1 SPACE

PROPOSED VARIANCE (LOT A)	REQUIRED	PROPOSED	VARIANCE
FRONT YARD SETBACK	6.0 m	0.9 m	5.1 m
SIDE YARD SETBACK (WEST)	2.4 m	0.0 m	2.4 m
PROPOSED VARIANCE (LOT B)	REQUIRED	PROPOSED	VARIANCE
FRONT YARD SETBACK	6.0 m	4.2 m	1.8 m
REAR YARD SETBACK	6.0 m	2.1 m	3.9 m
SIDE YARD SETBACK (EAST)	2.4 m	0.0 m	2.4 m

**SITE PLAN SYMBOL LEGEND:**

**SITE PLAN SYMBOLS LEGEND**

- Face
- Curb Line
- Manhole
- Power Pole (Light Pole)
- 1st Floor
- Sign
- Firm Refuse
- Water Meter
- Property Corner
- Sewer Entry

**SITE PLAN NOTES**

- As Shown on the Site Plan and the Development Permit Application.
- As Shown on the Site Plan and the Development Permit Application.
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REZONING RESUBMISSION 2018.01.05

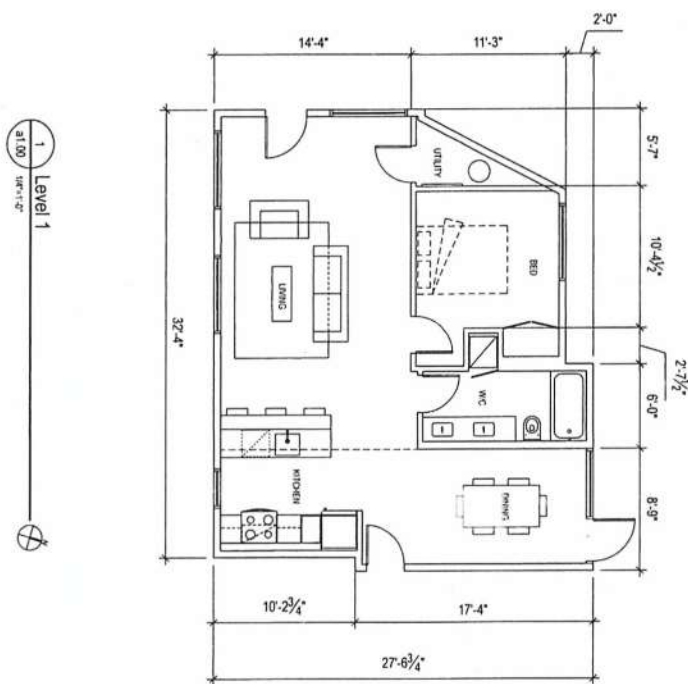
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a1.00

Sheet Title  
Lot A - Floor Plan

Revisions	
06/08/2017	1. INITIAL APPLICATION
07/20/2017	2. REVISED FOR REZONING
12/20/2017	3. REVISED FOR REZONING
01/20/2018	4. REVISED FOR REZONING
REZONING RESUBMISSION 2018.01.05	

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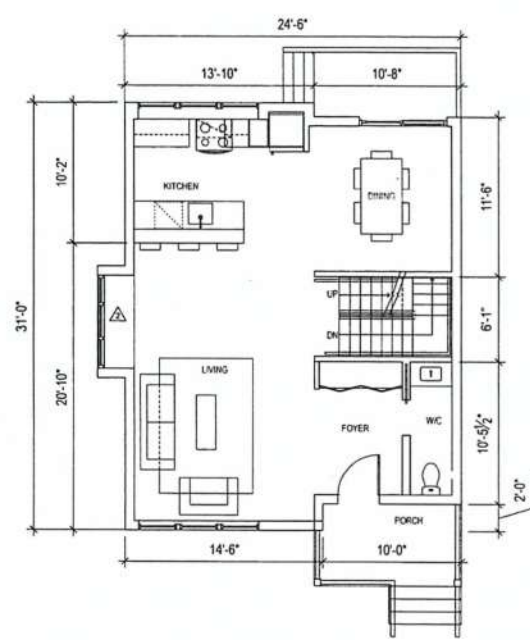
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NO.	DATE	DESCRIPTION
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2	01/18/2018	REVISIONS FOR PERMIT APPLICATION
3	01/18/2018	REVISIONS FOR PERMIT APPLICATION
4	01/18/2018	REVISIONS FOR PERMIT APPLICATION

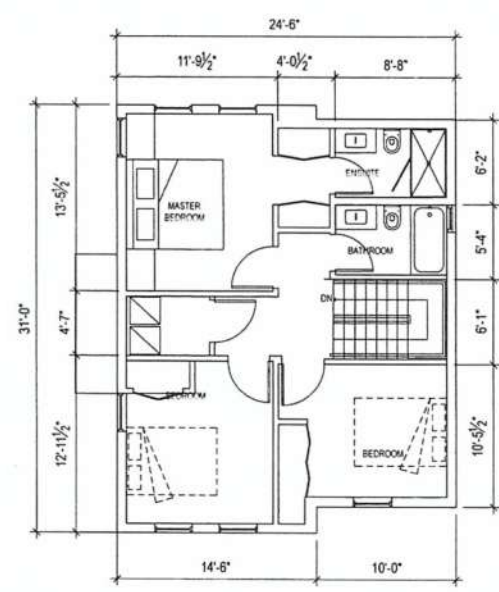
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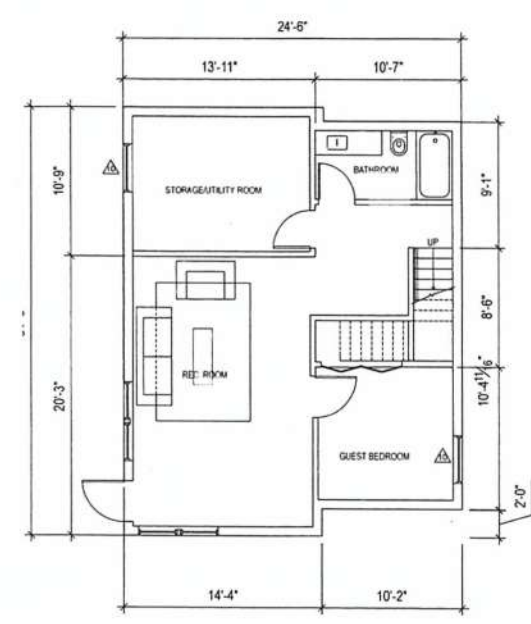
a1.01



1 Level 1  
 a1.01 1/8"=1'-0"



2 Level 2  
 a1.01 1/8"=1'-0"



3 Basement  
 a1.01 1/8"=1'-0"



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REVISIONS	DATE	BY	DESCRIPTION
1	12/15/2017	COLIN HARPER	APPROVAL
2	12/15/2017	COLIN HARPER	REVISION
3	12/15/2017	COLIN HARPER	REVISION
4	12/15/2017	COLIN HARPER	REVISION
5	12/15/2017	COLIN HARPER	REVISION
6	12/15/2017	COLIN HARPER	REVISION
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9	12/15/2017	COLIN HARPER	REVISION
10	12/15/2017	COLIN HARPER	REVISION

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Sheet Title  
Store - North Elevation

Sheet No.

a4.01



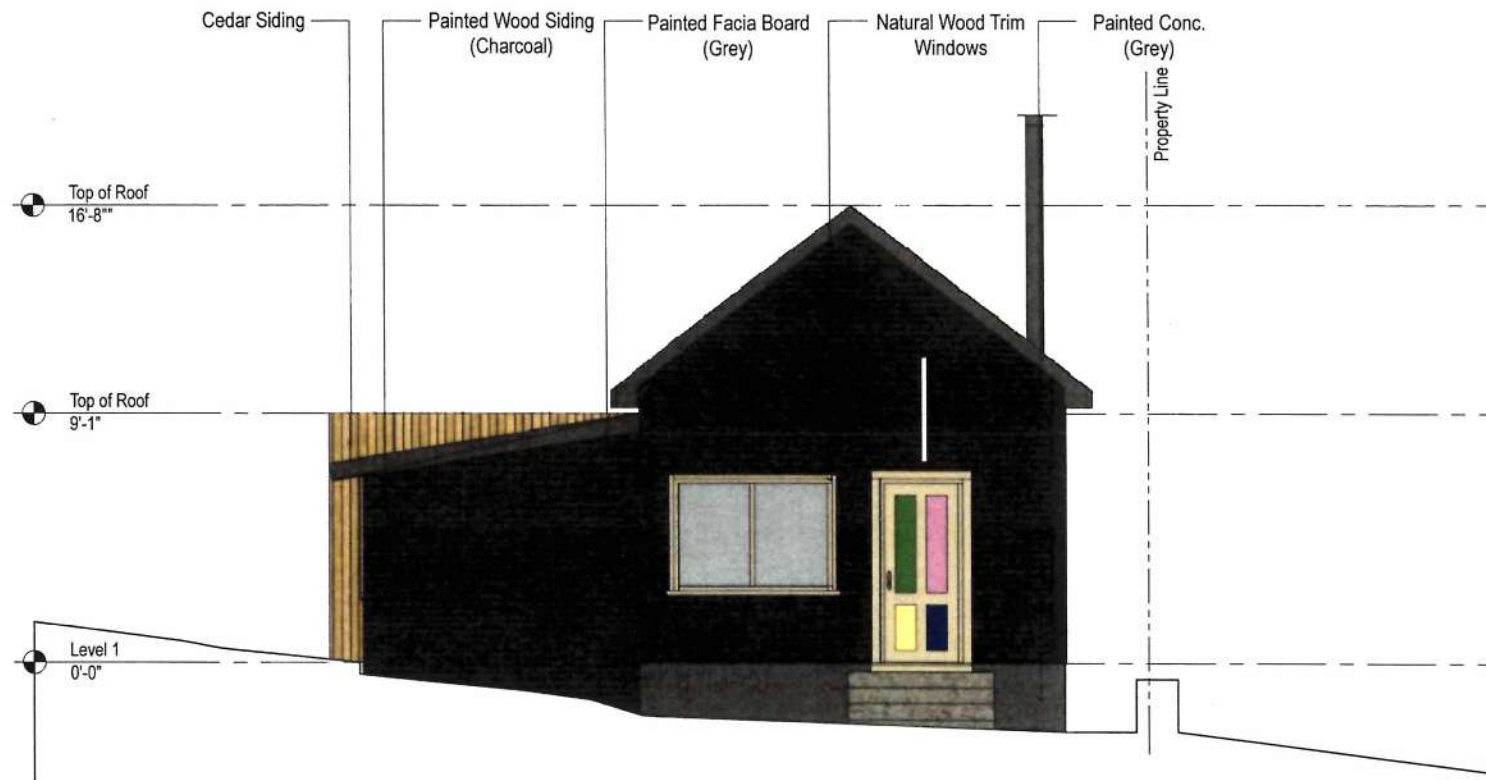
1 Store - North Elevation  
a4.01 12'-1'-0"



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1 Store - West Elevation  
a4.02 1/2" = 1'-0"

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Revisions	By	Date	Description
1	W. J. J. J.	11/12/2017	1. INITIAL DESIGN
2	W. J. J. J.	11/12/2017	2. REVISIONS
3	W. J. J. J.	11/12/2017	3. REVISIONS
4	W. J. J. J.	11/12/2017	4. REVISIONS
5	W. J. J. J.	11/12/2017	5. REVISIONS
6	W. J. J. J.	11/12/2017	6. REVISIONS
7	W. J. J. J.	11/12/2017	7. REVISIONS
8	W. J. J. J.	11/12/2017	8. REVISIONS
9	W. J. J. J.	11/12/2017	9. REVISIONS
10	W. J. J. J.	11/12/2017	10. REVISIONS

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Store - West Elevation

Sheet 1 of 1

a4.02

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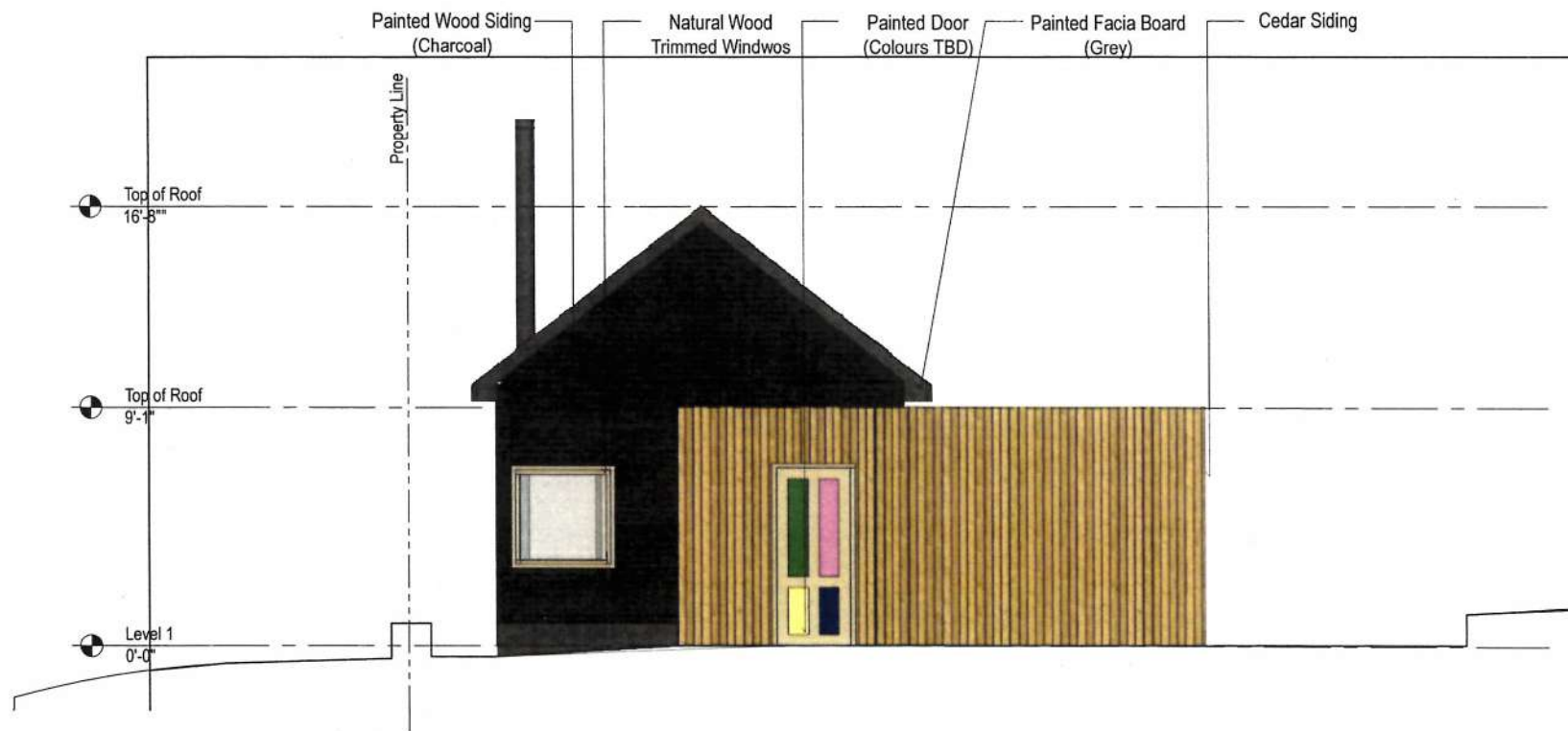
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1	THOMAS J. J. J. J.	10/01/2017	INITIAL DESIGN
2	THOMAS J. J. J. J.	10/02/2017	REVISIONS
3	THOMAS J. J. J. J.	10/03/2017	REVISIONS
4	THOMAS J. J. J. J.	10/04/2017	REVISIONS
5	THOMAS J. J. J. J.	10/05/2017	REVISIONS
6	THOMAS J. J. J. J.	10/06/2017	REVISIONS
7	THOMAS J. J. J. J.	10/07/2017	REVISIONS
8	THOMAS J. J. J. J.	10/08/2017	REVISIONS
9	THOMAS J. J. J. J.	10/09/2017	REVISIONS
10	THOMAS J. J. J. J.	10/10/2017	REVISIONS

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Store - East Elevation

a4.03



1 Store - East Elevation  
a4.03 1/2"=1'-0"

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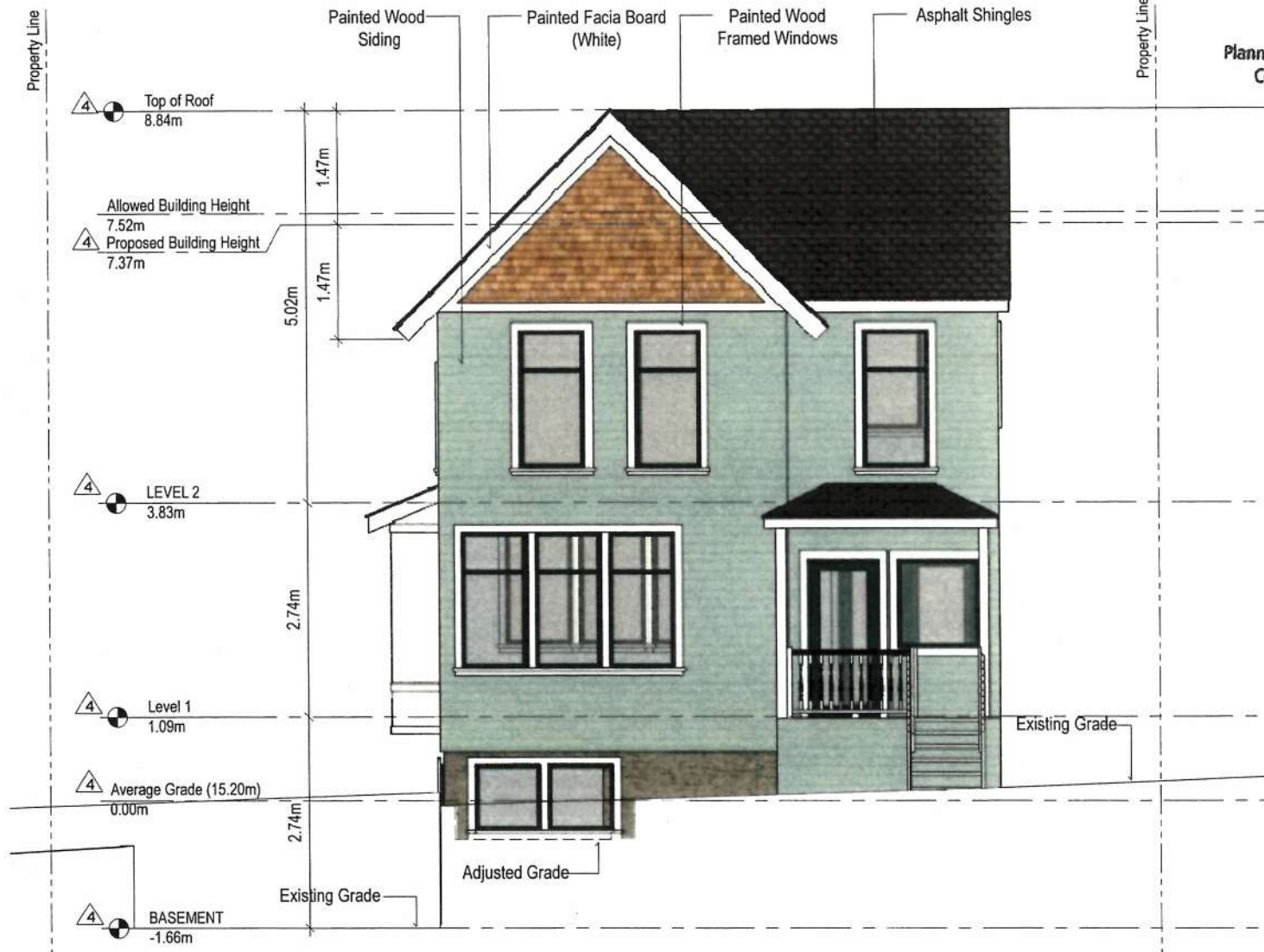
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8	2018.01.18	CH	REVISIONS
9	2018.01.18	CH	REVISIONS
10	2018.01.18	CH	REVISIONS

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Sheet Title  
House - South Elevation

Sheet Number

a4.04



1 House - South Elevation  
a4.04 1/2"=1'-0"

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18.01.2017	1.1 REZONING APPLICATION
18.02.2017	2.1 SUBMITTED FOR REZONING
18.03.2017	3.1 SUBMITTED FOR REZONING
18.04.2017	4.1 SUBMITTED FOR REZONING

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1 House - North Elevation

a4.05

Sheet Title  
House - North Elevation



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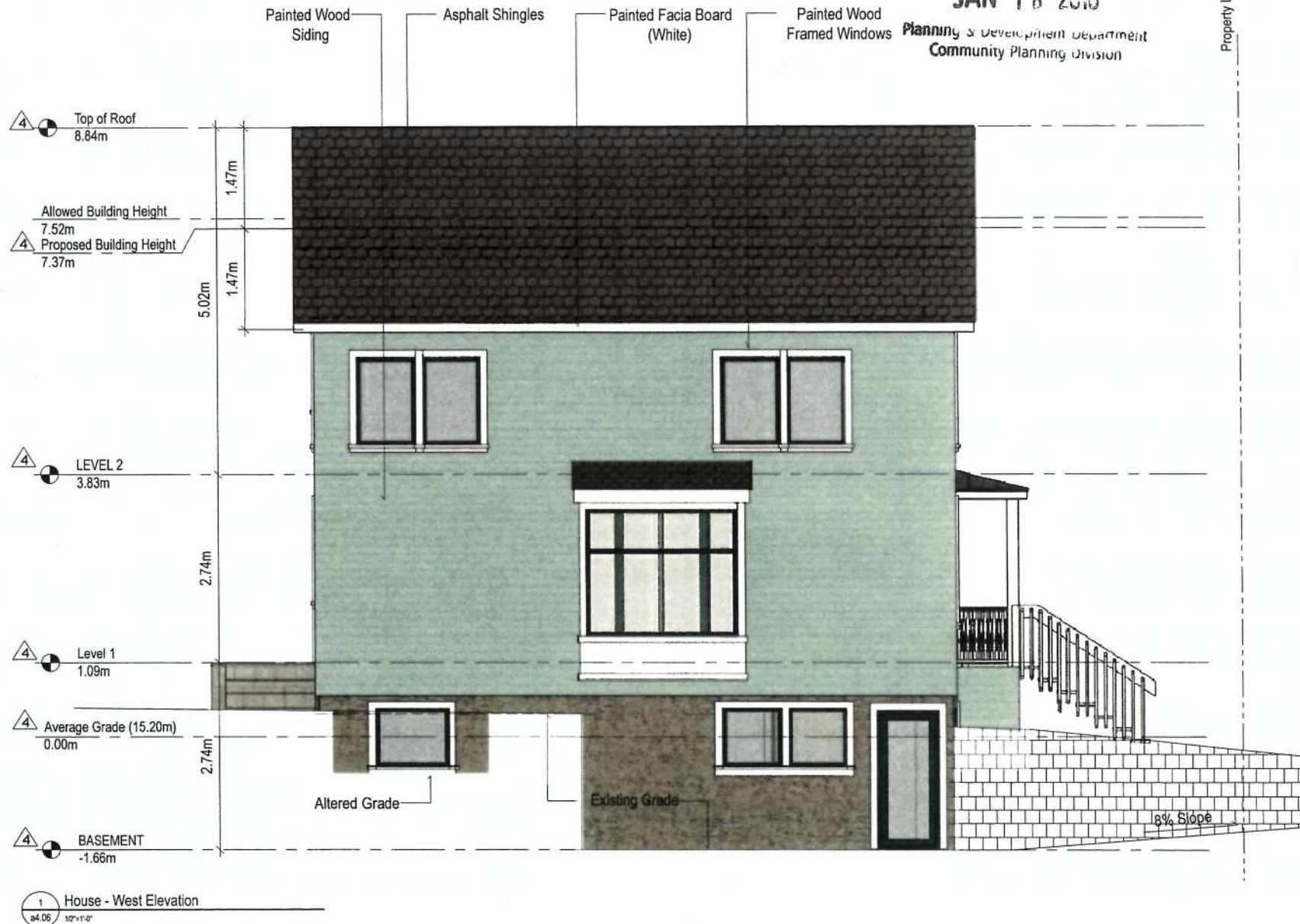
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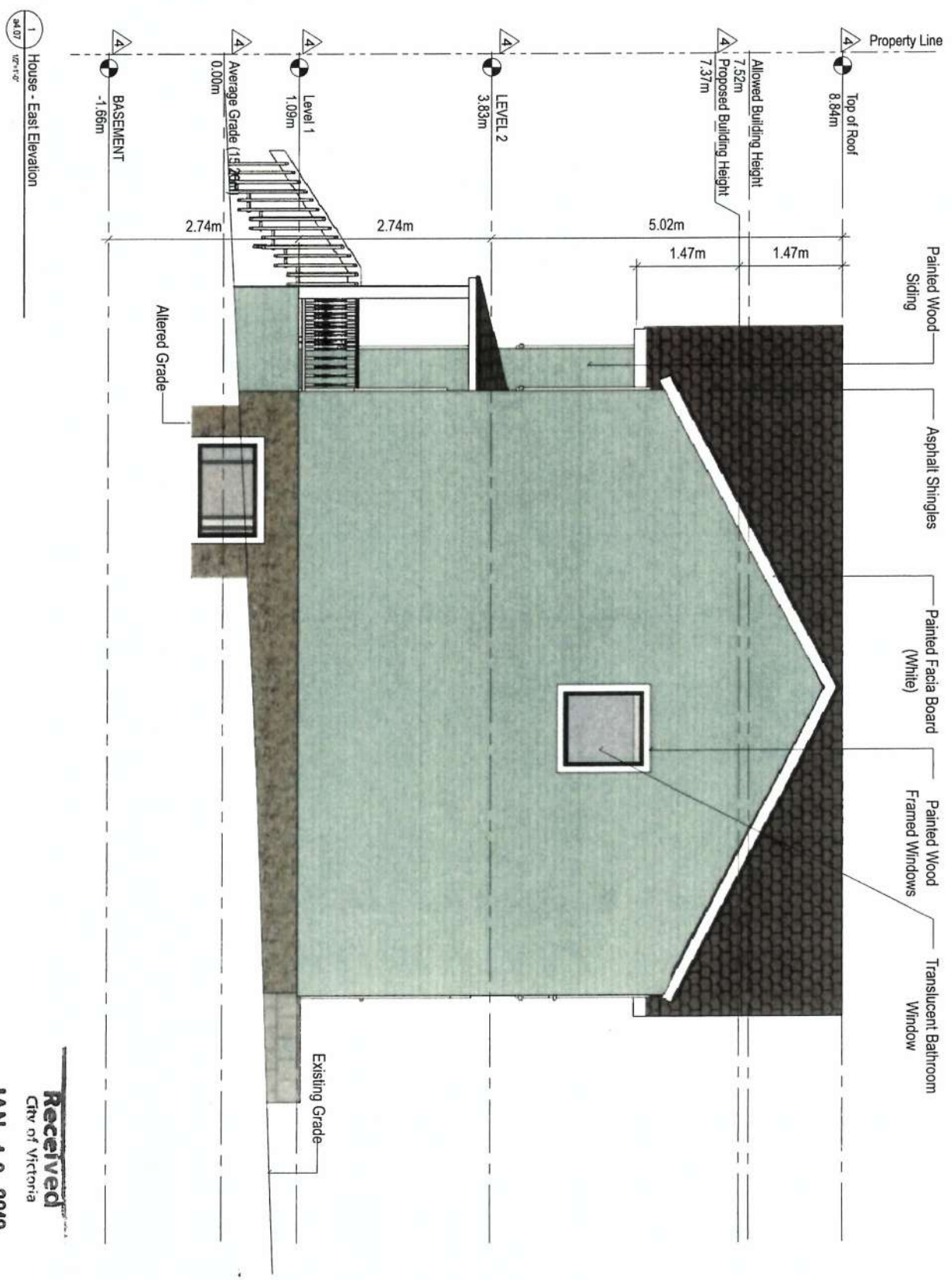
REZONING RESUBMISSION 2018.01.05

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Direct to print

a4.06





1 House - East Elevation  
a4.07 1/8"=1'-0"

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Revisions	
1	1. INITIAL APPLICATION
2	2. REVISED FOR REZONING
3	3. REVISED FOR REZONING
4	4. REVISED FOR REZONING

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Sheet Title  
House - East Elevation

a4.07

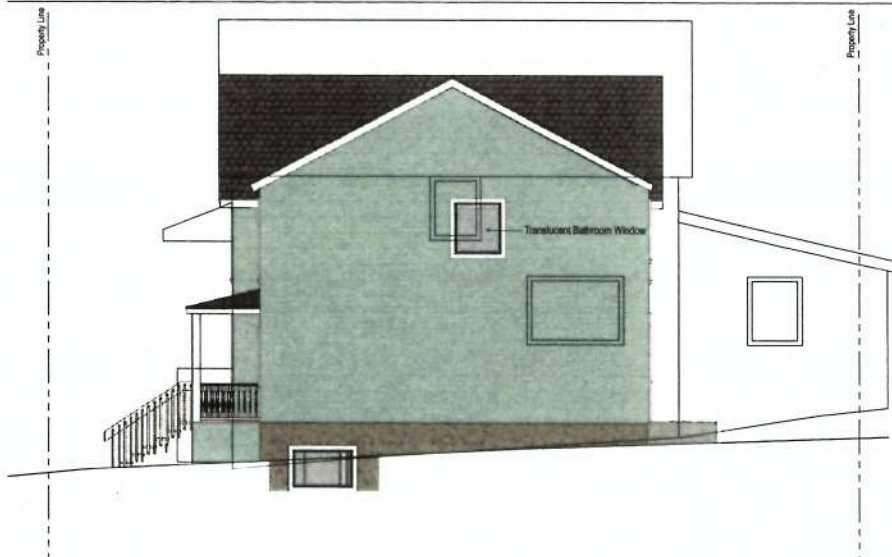
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1 Window overlay with adjacent neighbour on 1143 Dominion Rd  
a4.08 1/2"=1'-0"



2 Window overlay with adjacent neighbour on 735 Belton Ave  
a4.08 1/2"=1'-0"

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10	10.10.2017	ATKIN	REVISION

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Over the  
Window Overlays

a4.08



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### Belton Ave Streetscape - Proposed



### A. Belton Ave Streetscape - Existing

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REZONING RESUBMISSION 2016.01.09

Sheet Title  
Belton Ave Streetscape

a4.09



**Received**  
City of Victoria

**JAN 18 2018**

Planning & Development Department  
Community Planning Division

ColinHarperDesign  
113-1050 Richardson Street, Victoria BC  
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737 Belton Ave /  
1137 Dominion Rd  
737 Belton Ave  
Victoria BC, V8A 2Z7  
ColinHarperDesign job number 1701

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REVISIONS	DATE	DESCRIPTION
1	11/15/2017	1. PRELIMINARY APPLICATION
2	12/20/2017	2. PRELIMINARY APPLICATION
3	12/20/2017	3. PRELIMINARY APPLICATION
4	12/20/2017	4. PRELIMINARY APPLICATION
5	12/20/2017	5. PRELIMINARY APPLICATION
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100	12/20/2017	100. PRELIMINARY APPLICATION

REZONING RESUBMISSION 2018.01.05



CIVIC ADDRESS 1143

PROPOSED LOT A

1  
a4.10  
1/8"=1'-0"  
Dominion Road Streetscape - Proposed

Sheet Title  
Dominion Road Streetscape

a4.10



## Committee of the Whole Report For the Meeting of October 19, 2017

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**To:** Committee of the Whole **Date:** October 5, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application for 737 Belton Avenue and 1137 Dominion Road

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00597, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

1. Plans date stamped July 24, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Lot B: reduce the front setback from 6.0m to 4.24m;
  - ii. Lot B: reduce the rear setback from 6.0m to 4.65m; and,
  - iii. Lot B: reduce the east side setback from 2.4m to 2.15m.
3. 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.

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 Permit with Variances Application for the property located at 737 Belton Avenue and 1137 Dominion Road. The proposal is to subdivide the property and create two small lots with a new building on the eastern lot, and retention of the existing building on the western lot. Variances have been requested for the setbacks on the easterly lot.

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 applicant would retain and repurpose one of the existing buildings on site, while the other house is being replaced with a house more in-line with the existing character of the area
- the proposal is consistent with the *Victoria West Plan* as the new development compliments the character of nearby heritage sites
- the requested setback variances are minimal in nature and are similar in scale to current setback conditions.

## BACKGROUND

### Description of Proposal

The proposal is to create two lots, maintain the existing building on the western lot (Lot A) and repurpose it from a commercial building to a single-family dwelling, and construct a new small lot house on the eastern lot (Lot B). Exterior renovations will be completed and a new addition will be constructed to the northeast corner of the existing building on Lot A.

The details for the proposed small lot dwelling on Lot B include:

- two-storey building
- prominent front entrance with small porch
- pitched rooflines consistent with the character of the area
- exterior materials such as wood siding, asphalt shingles, and fascia board.

The proposed variances on Lot B are related to:

- reduce the front setback from 6.0m to 4.24m
- reduce the rear setback from 6.0m to 4.65m
- reduce the east side setback from 2.4m to 2.15m.

### Sustainability Features

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

### Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

### Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

### Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate a single-family dwelling with either a garden suite or a secondary suite.

### 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 is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal-Lot A (existing building)	Proposal-Lot A (new building)	Zone Standard R1-S2, Small Lot (Two Storey)
Site area (m <sup>2</sup> ) - minimum	275.96	260.43	260.00
Density (Floor Space Ratio) - maximum	0.28	0.53	0.6 to 1
Total floor area (m <sup>2</sup> ) - maximum	77.88	136.69	190.00
Lot width (m) - minimum	20.96	14.20	10.00
Height (m) - maximum	4.09	7.37	7.50
Storeys - maximum	1.00	2.00	2.00
Site coverage % - maximum	28.00	31.00	40.00
<b>Setbacks (m) – minimum:</b>			
Front (Belton)	<b>0.90**</b>	<b>4.24* - building</b> 2.99 - porch	6.00
Rear	8.91	<b>4.65* - building</b> 3.43 - deck	6.00
Side (east)	7.52	<b>2.15 (habitable)*</b>	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	3.99	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Dominion)	<b>0.00**</b>	n/a	2.40
Parking - minimum	1	1	1



## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions and Summary provided by the applicant are attached to this report.

## **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*. Retaining the existing building on Lot A is supported by the policy, and the proposed renovations are consistent with the context of the area.

While retention of the single-family dwelling on Lot B is recommended by the policy, there is justification to remove the building due to a compromised crawlspace. In addition, this provided 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 immediately adjacent buildings to the east. Additionally, the entryway and front porch are prominent and provide for a positive relationship with the street. The materials include wood siding, fascia board, and asphalt shingles.

### **Local Area Plans**

The Victoria West Neighbourhood Plan envisions single-family, house conversions, duplex and townhouses on this property. The plan further notes architectural character of new development should complement nearby heritage sites, of which there is one at 1149 Dominion Road. The proposed dwelling on Lot B echoes a number of the characteristics seen at 1149 Dominion Road, including pitched roofs, a prominent main entrance with front porch, and similar materials.

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

A city owned boulevard tree (mature Maple) will be impacted by the driveway construction to Lot A. Parks Staff are recommending its removal as the proposed driveway and the existing condition of the adjacent driveway will be detrimental to this tree and its long term survival. A tree replacement fee to plant a new boulevard tree and the tree's appraised value will be required fees from the applicant at building permit stage.

### **Regulatory Considerations**

There are a total of three variances relating to setbacks on Lot B. There are two reduced setbacks on Lot A that are considered legally non-conforming: the front setback is 0.9m down from 6.0m and the side setback is 0.0m down from 2.4m.

Lot B has three setback variances that reduce the front setback from 6.0m to 4.24m, the rear setback from 6.0m to 4.65m, and the east side setback from 2.4m to 2.15m. The east side setback requirement is 2.4m due to there being a habitable window in the basement of the east façade; however, as this window is mostly below grade there would be very minimal views onto the neighbouring property. Additionally, the front, rear and side setbacks of the proposed dwelling are similar to those of the current building on the property.

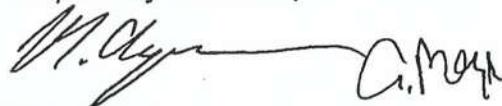
## CONCLUSIONS

The proposal to subdivide the property into two small lots and 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 minor in nature and similar to current on-site conditions. Therefore, Staff recommend Council consider supporting this application.

## ALTERNATE MOTION

That Council decline the Development Permit with Variances Application for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

October 13, 2017

## List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped July 24, 2017
- Attachment D – Letter from applicant to Mayor and Council dated October 4, 2017
- Attachment E – Small Lot House Rezoning Petition stamped June 8, 2017
- Attachment F – Letter from Method Engineering & Building Services dated May 24, 2017