

# Planning and Land Use Standing Committee Report For June 19, 2014

Date:

June 5, 2014

From:

Mike Wilson, Senior Planner - Urban Design

Subject:

Rezoning Application #00434 and Development Permit with Variances

Application for 703 Pine Street

Application to rezone to permit retention of a single family dwelling on a

subdivided lot and construction of a new small lot house with variances for front

and rear yard setbacks

#### **Executive Summary**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances Application for the property located at 703 Pine Street. The proposal is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-S2 Zone (Restricted Small Lot Two Storey) in order to permit the retention of a single family dwelling on a subdivided lot and construction of a new small lot house with variances related to the front and rear yard setback requirements.

The following points were considered in assessing this application:

- The subject site is designated as Traditional Residential in the Official Community Plan, 2012 (OCP). The rezoning proposal is generally consistent with the uses identified for this Urban Place Designation.
- The proposal to rezone is in keeping with the OCP objectives for sensitive infill and complies with applicable guidelines in Development Permit Area 15A, Intensive Residential Small Lot Development.

Given the proposal's consistency with OCP policy and the applicable design guidelines, staff recommend that Council forward the application to a Public Hearing.

#### Recommendation

- a. That the City Solicitor be instructed to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application #00434 for 703 Pine Street;
  - b. That Council consider giving 1<sup>st</sup> and 2<sup>nd</sup> reading to the bylaw amendments:
  - c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendments have received 1<sup>st</sup> and 2<sup>nd</sup> reading.
- a. That Council schedule a hearing to consider a Development Permit with Variances application for 703 Pine Street concurrently with Rezoning Application #00434;

- b. Following the hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendments for 703 Pine Street, that Council authorize the issuance of the Development Permit with variances for 703 Pine Street in accordance with:
  - i. plans for Rezoning Application #00434, stamped May 14, 2014, development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
    - Part 1.23, R1-S2 Zone, Restricted Small Lot (Two Storey)
       District minimum front yard setback is relaxed from 6.0 m to 4.0 m;
  - ii. final plans to be in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully	submitted,
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Mike Wilson

Senior Planner – Urban Design Development Services Division Deb Day

Director

Sustainable Planning/and Community

Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

Date:

MW/lw

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#### 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances for the property at 703 Pine Street.

#### 2.0 Background

#### 2.1 Relevant History

In 2012, the current owners of the property demolished a duplex dwelling on the site that had fallen into disrepair. A new single family dwelling with a secondary suite was built on the site in 2013. This building was granted Board of Variance approval for a reduction of the rear yard setback from 7.5 m to 4.93 m.

#### 2.2 Description of Proposal

The subject site is a double-fronting lot with frontage on both Pine Street and Belton Avenue. The applicant proposes to rezone the property from the R1-B Zone (Single Family Dwelling District) to permit subdivision into two parcels, retention of the existing house on Lot 1 and construction of a small lot house on Lot 2. The latter will comply with the R1-S2 Zone (Restricted Small Lot Two Storey District) criteria except for the front yard setback which will be relaxed from 6 m to 4 m.

The proposed site plan, house design and landscaping include:

- exterior materials include horizontal cement board siding, painted wood trim and a fiberglass shingle roof
- landscape finishes include an exposed aggregate driveway and path, two new trees and a 1.8 m tall privacy fence in the rear yard.

#### 2.3 Land Use Context

As noted earlier, the subject property is located on Pine Street with frontage also onto Belton Avenue. This is one of two double fronting lots on the block. On both streets, the place character is low-density residential in the form of duplexes, single family dwellings, and small lot single family dwellings.

The immediate land use context includes:

- to the north on Belton Avenue, are single family homes in the R1-B Zone, Single Family Dwelling District and RS-1 Zone, Single Family Infill Dwelling District
- to the east, south and west are parcels in the R1-B Zone, Single Family Dwelling District.

#### 2.4 Community Consultation

In accordance with the City's Land Use Procedures Bylaw, a Community Meeting was held with the Victoria West Community Association Land Use Committee (CALUC). No comments were received from the CALUC prior to writing this staff report.

With respect to the *Small Lot House Rezoning Petition*, the required poll of neighbours was initially completed in early 2013. It is to be noted that the design of the proposed dwelling has changed significantly since this poll. The changes were in response to staff comments and comments from the community. The application received 82% support from those surveyed. The petition forms and comments are attached to this report for information.

#### 2.5 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B Zone (Single Family Dwelling District) and R1-S2 Zone (Restricted Small Lot Two Storey District). The proposal is less stringent than the applicable zoning criteria where identified with an asterisk (\*) as below. Dimensions marked with a double asterisk (\*\*) are existing legally non-conforming conditions.

Zoning Criteria	Proposed - Lot A	Zone Standard (R1-B)	Proposal - Lot B	Zone Standard (R1-S2)
Site area (m²) minimum	460.00	460.00	286.60	260.00
Lot width (m) minimum	16.75	15.00	16.73	10.00
Total Floor Area (m²) maximum	189.62	300.00	189.90	190.00
Floor space ratio (ratio) maximum	0.41:1	n/a	0.54:1	0.6 to 1
Height (m) maximum	7.40	7.60	6.92	7.50
Storeys maximum	2	2	2	2
Setbacks (m) minimum			***************************************	
Front	4.93** (Pine St.)	7.50	4.05* (Belton Ave.)	6.00
Rear	8.44 (N)	7.50	6.00 (S)	6.00
Side (E)	1.70	1.50	1.50	1.50
Side (W)	3.10	3.00	2.73	2.40
Combined side setbacks	4.70	4.50		n/a
Site coverage (%) maximum	30.80	40.00	29.90	40.00
Open site space (%)	64.70	n/a	39.40	n/a
Parking minimum	1	1	1	1

#### 2.6 Legal Description

Lot 3, Section 10, Esquimalt, Plan 286

#### 2.7 Consistency with City Policy

#### 2.7.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

#### 2.7.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the Official Community Plan 2012 (OCP). The property is designated as Traditional Residential in the OCP, where ground-oriented housing, such as small lot single family dwellings, are envisioned. In accordance with the OCP, the new small lot dwellings are subject to DPA 15A, Intensive Residential Small Lot.

#### 2.8 Consistency with Design Guidelines

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. The applicable design guidelines are the *Design Guidelines for Small Lot Houses, 2002*. Staff have reviewed this small lot house proposal for compliance with applicable guidelines and are generally satisfied with the design of the proposed new house

#### 3.0 Issues

The issues associated with this application are the:

- proposed reduction in the front yard setback
- · relationship of proposed new house with houses on adjoining lots.

#### 4.0 Analysis

#### 4.1 Proposed Reduction in Front Yard Setback

The applicant proposes a reduction in the front yard setback from 6 m to 4 m. The siting of the proposed dwelling projects very slightly beyond the building line of the neighbouring dwellings; however, the proposed siting remains reasonably consistent and helps to establish a consistent street rhythm, in terms of building placement, along Belton Street. The applicant has complied with the guidelines with respect to providing an easily identifiable front entry with a dedicated pedestrian pathway connection to the sidewalk.

Staff recommend that the Committee support the proposed reduction in front yard setback.

#### 4.2 Relationship of Proposed New House with Houses on Adjoining Lots

The new house is somewhat larger than the houses on either side of it, however, it is compliant with the R1-S2 Zone standards. It is further noted that these neighbouring houses have potential for redevelopment or extensive renovation to add new floor area and height. There are also a number of larger homes located in other locations on this block.

The applicant has taken care to ensure that potential overlook issues to the neighbouring properties have been considered. As a result, the east elevation does not contain any window openings, while the west elevation contains one piano window.

#### 5.0 Conclusions

This proposal to rezone to the R1-S2 Zone in order to allow the retention of an existing single family dwelling with a secondary suite and the construction of one new small lot house is well-suited to the surrounding land use context. It is also consistent with design guidelines for infill in low-density residential areas with established place character. Staff therefore recommend that the Committee support the application and advance it to a Public Hearing.

#### 6.0 Recommendation

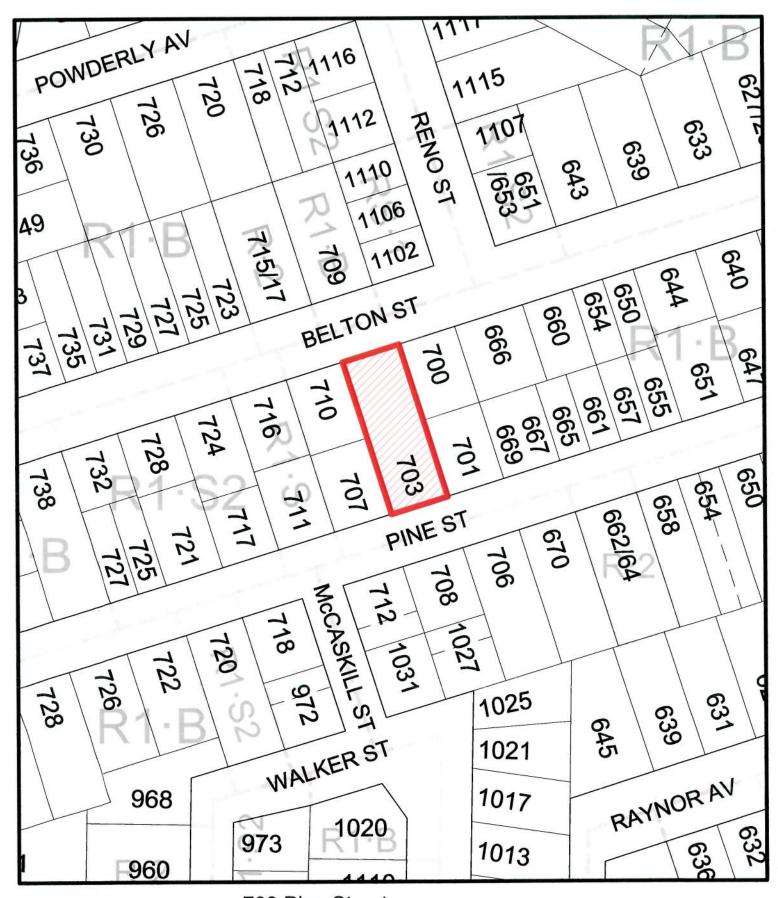
- 1. a. That the City Solicitor be instructed to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application #00434 for 703 Pine Street;
  - b. That Council consider giving 1<sup>st</sup> and 2<sup>nd</sup> reading to the bylaw amendments:
  - c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendments have received 1<sup>st</sup> and 2<sup>nd</sup> reading.
- a. That Council schedule a hearing to consider a Development Permit with Variances application for 703 Pine Street concurrently with Rezoning Application #00434;
  - b. Following the hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendments for 703 Pine Street, that Council consider passing the following resolution to authorise the issuance of the Development Permit with variances for 703 Pine Street:
    - i. plans for Rezoning Application #00434, stamped May 14, 2014, development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
      - Part 1.23, R1-S2 Zone, Restricted Small Lot (Two Storey)
         District minimum front yard setback is relaxed from 6.0 m to 4.0 m:
    - ii. final plans to be in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

#### 7.0 Alternative Recommendation

That Council decline Rezoning Application #00434 for 703 Pine Street.

#### 8.0 List of Attachments

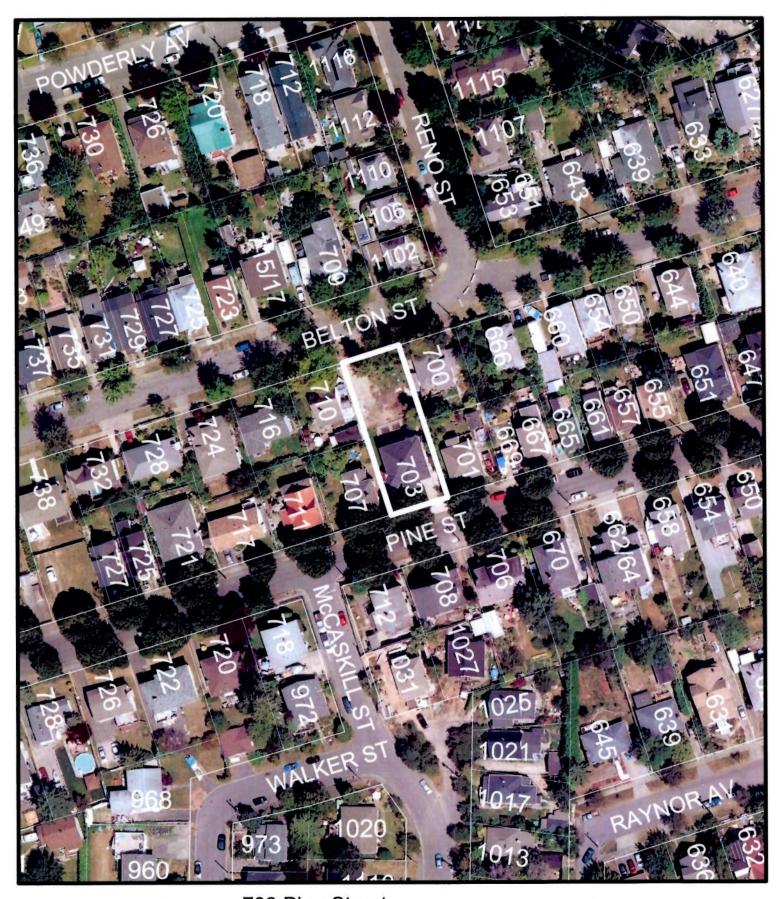
- Zoning map
- Aerial photo
- Letter from Applicant dated May 14, 2014
- Small Lot House Rezoning Petition
- Plans for Rezoning Application #00434, stamped May 14, 2014.





703 Pine Street Rezoning #00434 Bylaw #







703 Pine Street Rezoning #00434 Bylaw #



REVISED MAY 14, 2014

Louise Braybrook & Rob Vandoremalen 703 Pine Street Victoria, BC V9A 2Z8

May 14, 2014

City of Victoria Douglas St. Victoria, BC

Delivered by hand

Re: REZONING APPLICATION - 703 Pine Street, Victoria, BC

Received City of Victoria

MAY 1 4 2014

Planning & Development Department Development Services Division

We are providing this letter in support of our application to rezone 703 Pine Street. A larger lot facing Pine Street will remain R1 B with the legal secondary suite. The smaller lot facing Belton will be changed to R1-S2 Small Lot and in support of a subdivision into the 2 lots.

Government Policies: The plans for the proposed dwelling on the new small lot and the existing house on the remaining portion conform to the recommendations of the Official Community Plan, Neighbourhood plan and Design Guidelines for small lots. Our meeting with the Community Association was well attended and greatly encouraging. Extensive changes have been made to the proposed lot sizes and dwelling to comply with the neighbour's and City officials recommendations.

- a) The house was moved closer to Belton to be in line with the other houses on the street
- b) The height is lower and the house has been designed smaller to avoid the back variance.
- c) With the allowance of cement steps to the back door there is now no variance required for the back yard.
- d) The basement is now not accessible from the outside and is below the level of the services eliminating the possibility of an illegal suite in that level.
- e) The front has been designed to conform to the neighbouring houses, particularly those that are relatively new on Reno Street.
- f) The front door is now prominent and is accessible directly from the street by sidewalk.
- g) Moving the house forward will now eliminate the blocking of the sun in the Easterly neighbour's back yard.
- h) The driveway will allow easy access to both the proposed house on Belton and the Westerly neighbour as the power/telephone pole will be removed as it was only used for the old house that was removed on Pine. The existing Pine Street house is serviced from Pine.
- i) Landscaping including plantings and fence in the back yard will address any privacy issues.

Project Benefits: The project benefits the neighbours in the following ways:

 The destruction and cleanup of the existing condemned house was welcomed by the neighbours. An Arborist was hired to assess every tree on the property which was part of a 100+ yr old orchard, with a view to save as many as possible. Unfortunately most were rotten with hollow centers, had black mold which was being spread or were completely dead.

- 2. The landscaping will include keeping as much of the privacy screen plants at the Belton front as possible, plant ground cover in front and grass in the rear of the new house. This will curb the unfettered grown of invasive plants such as morning glory.
- 3. A new house with surface drainage into the storm drain system off Pine will help drain seasonal pooled water in both neighbouring property.
- 4. Removal of the power pole will provide safe ingress and egress from existing driveways.
- 5. By designing a house in character with the neighbouring houses and by setting the house in-line with existing houses on both streets will keep the pleasant 'look' of the neighbourhood.

**Need and Demand:** The house previously on this property offered 3 suites until one was condemned. We are retaining 3 living accommodations in the proposed rezoning and subdivision, thereby offering sensible densification and not increasing the traffic. The design for the new house is small and will be affordable as far as new houses go in this area. Infill lots in the City of Victoria provide needed, affordable accommodation within walking distance to work or entertainment in the downtown area.

**Services**: There are sidewalks in front, access to water, sewer and power on Belton and Pine. Storm drainage for the lot off Belton will be provided by easement through the Pine St. Lot.

**Neighbourhood:** The lots for the houses along both streets are of the small lot size, this rezoning and subdivision would make the new lot size and house conform to the other lots in the neighbourhood.

Impacts: We have discussed the impact with all of the neighbours and have received a very favourable response to the 'clean up' and increased value in the area. The improvements to date on the lot have spurred neighbours to renovate their own homes making the effect overall to be a tremendous change. We have lived on Pine for 11 years and have seen many wonderful changes in that time.

**Design:** The new house on Belton will be built with similar 'green' finishing as the new house on Pine. That is, low flow toilets and shower heads, electric heat pump system, upgraded insulation and hardiplank siding. We will provide power smart appliances and install efficient low E windows as well. The house is designed with a small footprint on 2 levels (plus basement) to share and retain heat. The façade blends well with the neighbouring houses, that is, small with quaint character. The property will be fully landscaped as mentioned.

Rob Vandoremalen

In preparation for my rezoning application to the City of Victoria, I, Rob Vandove mate.
Louise Braybrook am conducting the petition requirements for the
property located at 703 Pine Street
to the following Small Lot Zone:
The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.
Please review the plans and indicate the following:
NAME: (please print) Sally Gardner (see note above)
ADDRESS: TOF Pine St.
Are you the registered owner? Yes \( \square\) No \( \square\)
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
Oct 30/13 /2005
Date

In preparation for my rezoning application to the City of Victoria, I, Rob Vandove ma
Louise Braybrook am conducting the petition requirements for the
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Please review the plans and indicate the following:
NAME: (please print) <u>Fred Tamin</u> (see note above)  ADDRESS: <u>JOD Pine</u>
Are you the registered owner? Yes \( \square\) No \( \square\)
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
$\frac{Oct. 10/13}{\text{Date}}$

In preparation for my rezoning application to the City of Victoria, I, Rob Vandome ma
Louise Bray brook am conducting the petition requirements for the
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Please review the plans and indicate the following:
NAME: (please print) David Jones + Arays Baker (see note above)  ADDRESS: 712 Pine St.
Are you the registered owner? Yes No No
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
Oct 19 2013  Date 1 Signature

In preparation for my rezoning application to the City of Victoria, I, Rob Vandore ma
Louise Bray brook am conducting the petition requirements for the
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to the following Small Lot Zone: R1 - S2
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Please review the plans and indicate the following:
NAME: (please print) GRAM Sulth (see note above)
ADDRESS: 708 PINE 57-
Are you the registered owner? Yes No No
I have reviewed the plans of the applicant and have the following comments:
support the application.
☐ I am opposed to the application.
Comments:
05/10/13
Signature

In preparation for my rezoning application to the City of Victoria, I, Rob Vandove mate
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Please review the plans and indicate the following:
NAME: (please print) Le 4 Lime (see note above)
ADDRESS: 706 Fine St.
Are you the registered owner? Yes No No
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
Oct. 19/2013 Yould Asignature

In preparation for my rezoning application to the City of Victoria, I, Rob Vandove ma
Louise Braybrook am conducting the petition requirements for the
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to the following Small Lot Zone: R1 - 52
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Please review the plans and indicate the following:
NAME: (please print) Charles Charles (see note above)
ADDRESS: 709 Belton
Are you the registered owner? Yes No No
I have reviewed the plans of the applicant and have the following comments:
☑ I support the application.
I am opposed to the application.
Comments:
Oct 19/2013 Casero Callsand, Signature

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Please review the plans and indicate the following:
NAME: (please print) Sett Birkey (see note above)
ADDRESS: 710 BELTON AUE.
Are you the registered owner? Yes No No
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
oct 5/20/3  Date Signature Signature

In preparation for my rezoning application to the City of Victoria, I, Rob Vandmema
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Please review the plans and indicate the following:
NAME: (please print) Slaven Meximo (see note above)
ADDRESS:
Are you the registered owner? Yes V No
I have reviewed the plans of the applicant and have the following comments:
I support the application.
☐ I am opposed to the application.
Comments:
0 x 6, 2613  Signature  Signature

In preparation for my rezoning application to the City of Victoria, I, Rob Vandone mater and
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Please review the plans and indicate the following:  NAME: (please print)    Wayne VanTasse   Mark Disserted above)  ADDRESS:      102
Are you the registered owner? Yes 🔀 No 🗌
I have reviewed the plans of the applicant and have the following comments:
☐ I support the application.
I am opposed to the application.
SEE ATTACH IMENT
NOVEMBER 6, 2013 Messages

Small Lot Rezoning Petition for 703 Pine Street

We oppose the petition.

#### Comments:

We are concerned the proposed house on Belton Street does not integrate well into the neighbourhood. Not only does the style not appear to adapt to the styles of the neighbourhood, it also appears to overwhelm the neighbouring houses. The proposed home may not be any closer to the street as the homes beside it, but unlike them, the proposed home presents a large, blunt multi-story vertical face to the street, which we worry is going to be much more intrusive.

We are also concerned that the existing trees will not be saved in the construction process. We understand that construction of the other house on Pine Street resulted in the removal of or damage to many trees. The loss of the trees has decreased privacy. And while none of the trees were heritage trees, in an older residential neighbourhood like this it is important to maintain mature boulevard trees to the extent possible. We are concerned that it will not be possible to build a large (for the lot size) two-story home with basement with so little setback without destroying the existing street trees.

We are also concerned about the suite potential of the home. There is already limited parking on the block. We accept the current owners do not intend to create rental suites, but the proposed house seems large enough, and laid out in such a way, that it could easily be converted into suites. I understand the current owners do not intend to live in the house, and there is no telling what the new buyers would want to do with the property.

For all of these reasons we object to the rezoning petition as currently submitted.

In preparation for my rezoning application to the City of Victoria, I, Rob Vandore mate
Louise Bray brook am conducting the petition requirements for the
property located at 703 Pine Street
to the following Small Lot Zone: RI - S2
The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.
Please review the plans and indicate the following:
NAME: (please print) Eva Cassetti - Mark Johnson (see note above)  ADDRESS:
Are you the registered owner? Yes No 🗌
I have reviewed the plans of the applicant and have the following comments:
☑ I support the application.
☐ I am opposed to the application.
comments:  * We feel the house is too tall and will exceed the limit of height as set out for Zone RI-SZ.  * We Also Jon't want it to block all of our sun  * We want to ensure it does not become a suited house
Oct. 25, 2013
Date )

In preparation for my rezoning application to the City of Victoria, I, Rob Vandove ma
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Please review the plans and indicate the following:
NAME: (please print) Wayne VenTasse & Mark Duckernote above) ADDRESS: //OZ Reno
ACCOUNTS TO THE CONTRACT OF TH
Are you the registered owner? Yes Mo No
I have reviewed the plans of the applicant and have the following comments:
☐ I support the application.
I am opposed to the application.
SEE ATLACH MENT
Way VIL
NOVEMBER 6, 2013  Date  Signature

Small Lot Rezoning Petition for 703 Pine Street

We oppose the petition.

#### Comments:

We are concerned the proposed house on Belton Street does not integrate well into the neighbourhood. Not only does the style not appear to adapt to the styles of the neighbourhood, it also appears to overwhelm the neighbouring houses. The proposed home may not be any closer to the street as the homes beside it, but unlike them, the proposed home presents a large, blunt multi-story vertical face to the street, which we worry is going to be much more intrusive.

We are also concerned that the existing trees will not be saved in the construction process. We understand that construction of the other house on Pine Street resulted in the removal of or damage to many trees. The loss of the trees has decreased privacy. And while none of the trees were heritage trees, in an older residential neighbourhood like this it is important to maintain mature boulevard trees to the extent possible. We are concerned that it will not be possible to build a large (for the lot size) two-story home with basement with so little setback without destroying the existing street trees.

We are also concerned about the suite potential of the home. There is already limited parking on the block. We accept the current owners do not intend to create rental suites, but the proposed house seems large enough, and laid out in such a way, that it could easily be converted into suites. I understand the current owners do not intend to live in the house, and there is no telling what the new buyers would want to do with the property.

For all of these reasons we object to the rezoning petition as currently submitted.





SUBJECT PROPERTY FROM BELTON AVENUE



710 BELTON AVENUE

700 BELTON AVENUE



701 PINE STREET



SUBJECT PROPERTY FROM PINE STREET

SUBJECT PROPERTY FROM PINE STREET

707 PINE STREET



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REVISED AAY 8, 2014

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