

REPORTS OF COMMITTEES

3. Committee of the Whole – November 9, 2017

Councillor Young withdrew from the meeting at 11:36 p.m. due to a non-pecuniary conflict of interest with the following item, as a family member lives within 200 meters of the subject property.

6. Development Variance Permit Application No. 00197 for 501-503 Government Street (James Bay)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, 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 Application No. 00197 for 501-503 Government Street, in accordance with:

1. Plans date stamped August 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum commercial floor area from 45m² to 95m².
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

Councillor Young returned to the meeting at 11:37 p.m.

5. LAND USE MATTERS

Councillor Young withdrew from the meeting at 9:34 a.m. due to a non-pecuniary conflict of interest with the following item, as a family member lives within 200 meters of the subject property.

5.1 Development Variance Permit Application No. 00197 for 501-503 Government Street (James Bay)

Committee received a report dated October 26, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the development variance permit application to allow for the renovation of the interior of the existing building to create a commercial kitchen space.

Motion: It was moved by Councillor Lucas, seconded by Councillor Coleman, 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 Application No. 00197 for 501-503 Government Street, in accordance with:

1. Plans date stamped August 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum commercial floor area from 45m² to 95m².
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 17/COTW

Councillor Young returned to the meeting at 9:35 a.m.



Committee of the Whole Report For the Meeting of November 9, 2017

To: Committee of the Whole **Date:** October 26, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00197 for 501-503 Government Street

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 Application No. 00197 for 501-503 Government Street, in accordance with:

1. Plans date stamped August 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum commercial floor area from 45m² to 95m².
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

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 Variance Permit Application for the property located at 501-503 Government Street. The proposal is to renovate the interior of an existing building to create a commercial kitchen space. The variance is related to increasing the maximum permitted commercial floor space from 45m² to 95m².

The following points were considered in assessing this Application:

- the proposal is generally consistent with Multi-Unit Residential, Commercial and Industrial Design Guidelines
- the variance to increase the permitted commercial floor space is recommended for Council's consideration as supportable based on meeting the intent of the home occupation bylaw.

BACKGROUND

Description of Proposal

The proposal is to increase the permitted commercial floor area, from 45m² to 95m² within an existing building in order to construct a commercial kitchen.

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

The site is presently occupied by both a triplex and a corner store in two separate buildings.

Community Consultation

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

There are no exterior changes associated with this Application and, as such, the applicable design guidelines have little relevance to the analysis. Instead, the unique aspects of the site have resulted in this Application, particularly with regard to the existing corner store on site. The Bird Cage Confectionary occupies the site alongside an existing triplex. The zoning was crafted so that both uses could persist, but also permitted home occupation uses. With a home occupation use, the existing triplex could convert a portion of a dwelling unit for the purposes of a commercial kitchen as is proposed. However, the zone restricts the amount of commercial space permitted to what is currently occupied by the corner store. If the corner store did not use up the permitted commercial floor area, the proposal would be permitted within the current regulations. Under this unique situation, staff suggest that the Application is meeting the intent of the home occupation bylaw.

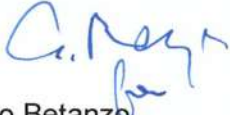
CONCLUSIONS

The proposal to increase the maximum permitted commercial floor space in order to renovate the interior of an existing building to create kitchen space meets the intent of the home occupation bylaw. Staff recommend for Council's consideration that the Application be supported.

ALTERNATE MOTION

That Council decline DVP Application No. 00197 for the property located at 501-503 Government Street.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

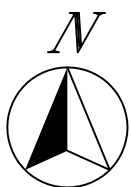
Report accepted and recommended by the City Manager:



Date: Nov 1, 2017

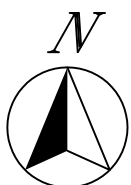
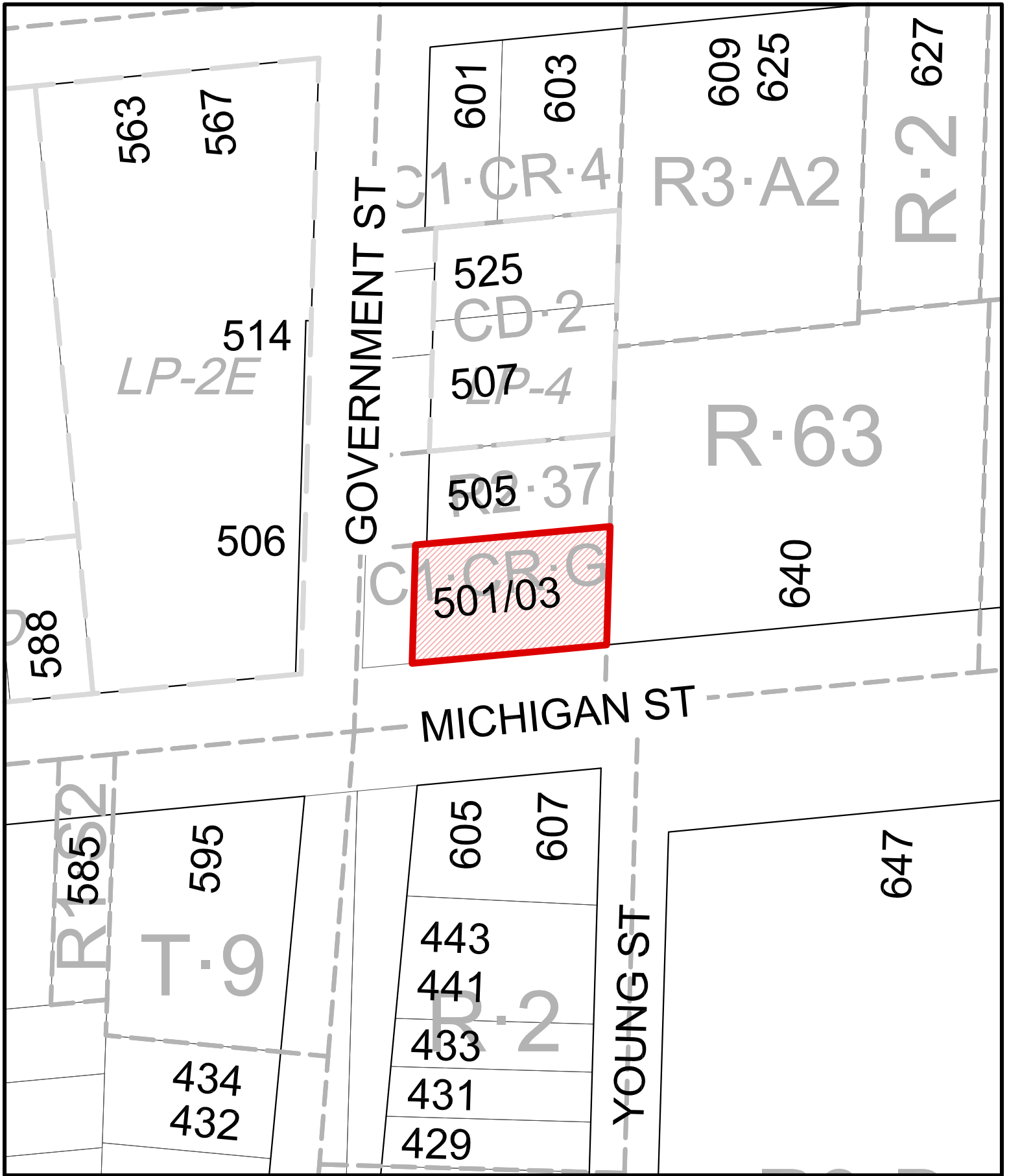
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 25, 2017
- Attachment D: Letter from applicant to Mayor and Council dated July 27, 2017.



501/3 Government Street
Development Variance Permit #00197





501/3 Government Street
 Development Variance Permit #00197





EXISTING BUILDINGS



EXISTING SITE LOCATION

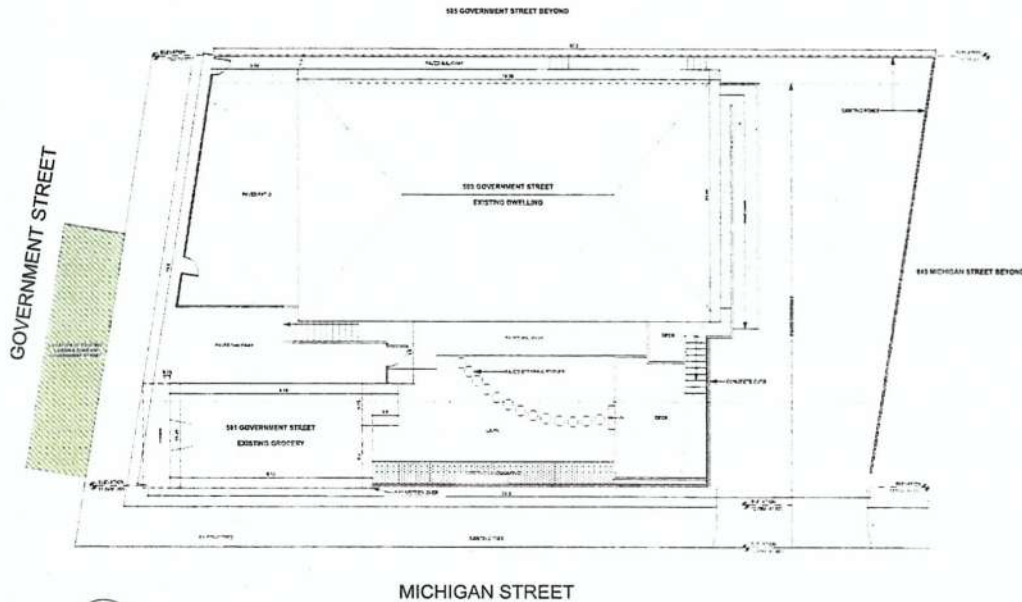


PROJECT NAME:
BASEMENT RENOVATION FOR HOME-BASED BUSINESS

PROJECT ADDRESS:
**503 GOVERNMENT ST.
 VICTORIA, BC**

OWNER/APPLICANT:
DAVID & VLASTA BOOTH

STELL R



1
 A1
 EXISTING SITE PLAN
 SCALE 1:100

DRAWING LEGEND	
---	EXISTING PROPERTY LINE
---	EXISTING RESIDENTIAL SETBACKS
---	EXISTING COMMERCIAL SETBACKS

PROJECT INFORMATION TABLE		
	ZONE STANDARD	PROPOSAL - IF DIFFERENT FROM ZONE STANDARD
ZONING	C1-CR-G ZONE	C1-CR-G ZONE
SITE AREA (m2)	MINIMUM OF 620 SQUARE METRES	EXISTING 627.9 SQUARE METRES
TOTAL FLOOR AREA (m2)	NOT MORE THAN 45 SQM OF FLOOR AREA FOR COMMERCIAL PURPOSES	ADD 55 SQM TO ALLOWABLE FLOOR AREA FOR COMMERCIAL PURPOSES
FLOOR SPACE RATIO	0.87 TO 1	1.26 TO 1
SITE COVERAGE %	SHALL NOT EXCEED 47%	45.5%
OPEN SITE SPACE %	NOT MENTIONED IN ZONE STANDARD	34.5%
HEIGHT (m)	SHALL NOT EXCEED 6.75 METRES	EXISTING HEIGHT IS 9.14 METRES
NUMBER OF STOREYS	NOT MENTIONED IN ZONE STANDARD	EXISTING 3 STOREYS
PARKING STALL (NUMBER) ON SITE	1 NON-RESIDENTIAL, 1 PER DWELLING UNIT, 1 LOADING SPACE	EXISTING LOADING ZONE PROVIDED ON GOV. STREET, RATHER THAN ON SITE
BICYCLE PARKING NUMBER (STORAGE AND RACK)	NOT MENTIONED IN ZONE STANDARD	NONE
BUILDING SETBACK (m)		
FRONT YARD	RESIDENTIAL: 3.85 m COMMERCIAL: 0.25 m	RESIDENTIAL: 3.85 m COMMERCIAL: 0.25 m
REAR YARD	RESIDENTIAL: 8.4 m COMMERCIAL: 22.5 m	RESIDENTIAL: 8.4 m COMMERCIAL: 22.5 m
SIDE YARD (SOUTH LOT LINE)	RESIDENTIAL: 3.8 m COMMERCIAL: nil	RESIDENTIAL: 3.8 m COMMERCIAL: nil
SIDE YARD (NORTH LOT LINE)	RESIDENTIAL: 1.25 m COMMERCIAL: 14.8 m	RESIDENTIAL: 1.25 m COMMERCIAL: 14.8 m

ISSUED FOR: DATE:
 BLDG PERMIT MAY 8, 2017
 DVP JULY 28, 2017
 REVISIONS AUG 24, 2017

SAC PROJECT NO:
 GOV-13-17

DRAWN BY:
 SL

DATE:
 AUGUST 24, 2017

SCALE:
 1:100

DRAWING TITLE

SITE PLAN

DRAWING NUMBER:

A1

Received
 City of Victoria
 AUG 25 2017
 Planning & Development Department
 Development Services Division

LEGEND	
EXISTING PROPERTY LINE	
EXISTING WALLS - TO REMAIN	



PROJECT NAME:
BASEMENT RENOVATION FOR HOME-BASED BUSINESS

PROJECT ADDRESS:
503 GOVERNMENT ST. VICTORIA, BC

OWNER/APPLICANT:
DAVID & VLASTA BOOTH

STELL R

ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017

SAC PROJECT NO.:
 GOV-13-17

DRAWN BY:
 SL

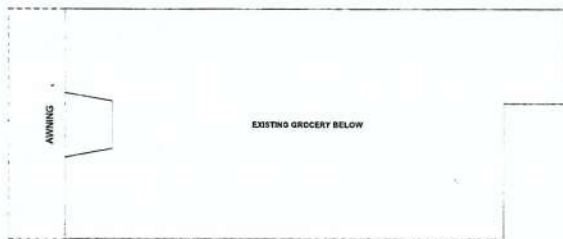
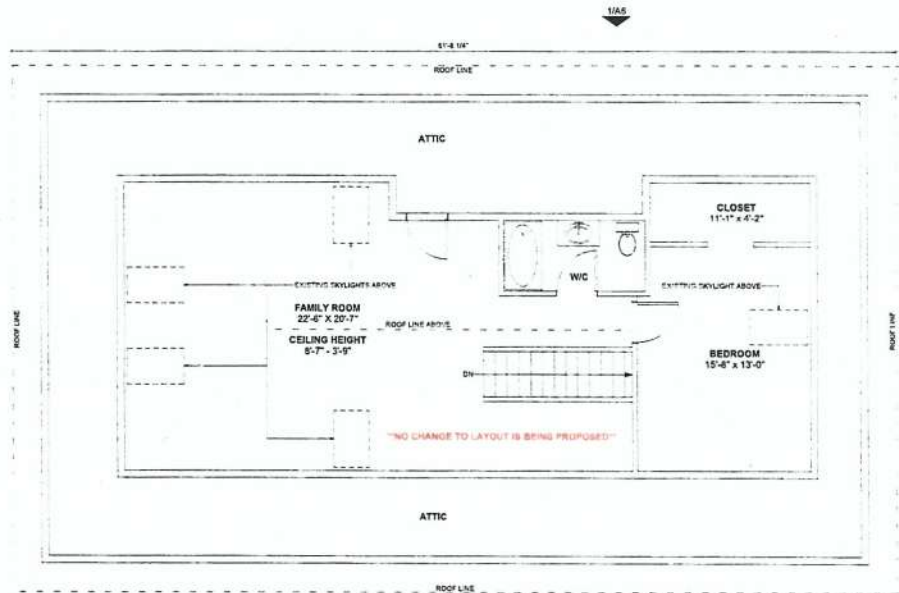
DATE:
 AUGUST 24, 2017

SCALE:
 1/4" = 1'-0"

DRAWING TITLE:
EXISTING ATTIC PLAN

DRAWING NUMBER:
A2

GOVERNMENT STREET



1
 A2 EXISTING ATTIC PLAN
 SCALE: 1/4" = 1'-0"

MICHIGAN STREET

Received
 City of Victoria

AUG 25 2017

Planning & Development Department
 Development Services Division

LEGEND	
	EXISTING PROPERTY LINE
	EXISTING WALLS - TO REMAINS



PROJECT NAME:
BASEMENT RENOVATION FOR HOME-BASED BUSINESS

PROJECT ADDRESS:
 503 GOVERNMENT ST.
 VICTORIA, BC

OWNER/APPLICANT:
DAVID & VLASTA BOOTH

STELL R-3

ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017

SAC PROJECT NO.:
 GOV-13-17

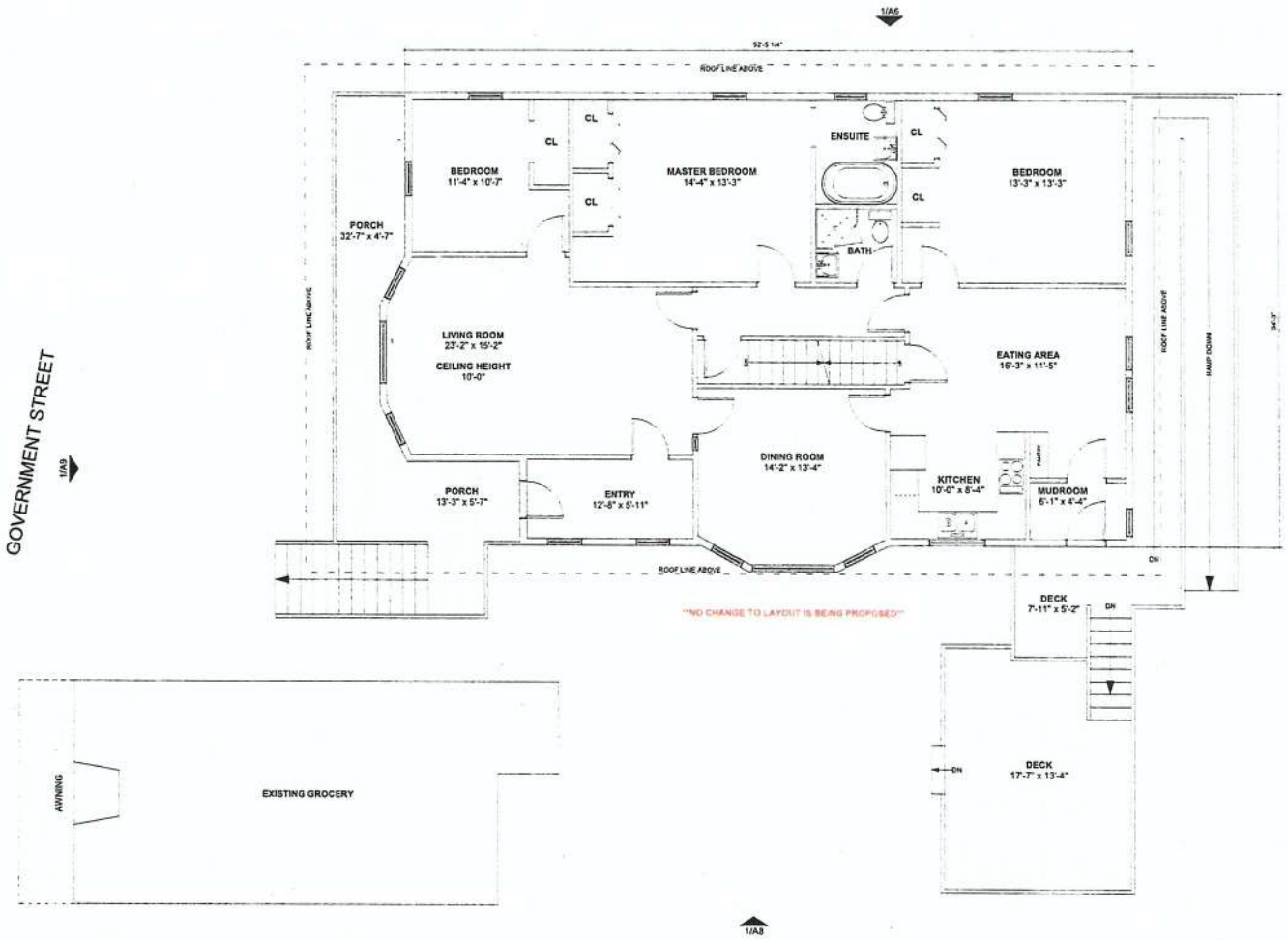
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DATE:
 AUGUST 24, 2017

SCALE:
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EXISTING MAIN FLOOR PLAN

DRAWING NUMBER:
A3



1
 A3 EXISTING MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"

MICHIGAN STREET

Received
 City of Victoria

AUG 25 17

Planning & Development Department
 Development Services Division

DRAWING LEGEND	
PROPERTY LINE	
EXISTING WALLS - TO REMAINS	
EXISTING BASEMENT SUITES	
EXISTING SHARED LAUNDRY AND STORAGE	



PROJECT NAME:

**BASEMENT
RENOVATION FOR
HOME-BASED
BUSINESS**

PROJECT ADDRESS:

**503 GOVERNMENT ST.
VICTORIA, BC**

OWNER/APPLICANT:

DAVID & VLASTA BOOTH

STELL R

410 7407 Columbia Street
1400-1425 187-102

ISSUED FOR: DATE:

BLDG PERMIT MAY 8, 2017

DVP JULY 28, 2017

REVISIONS AUG 24, 2017

SAC PROJECT NO.:

GOV-13-17

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SL

DATE:

AUGUST 24, 2017

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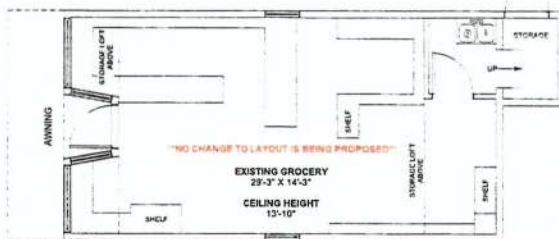
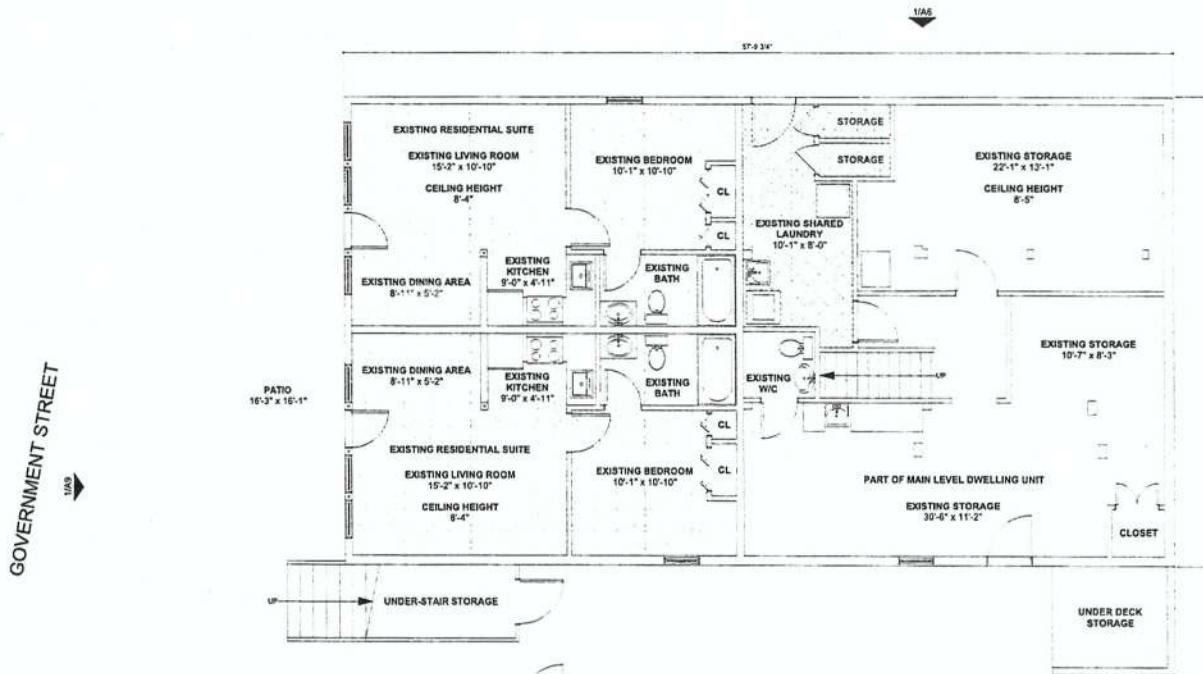
1/4" = 1'-0"

DRAWING TITLE

**EXISTING BASEMENT
PLAN**

DRAWING NUMBER:

A4



EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"

MICHIGAN STREET



LEGEND	
PROPERTY LINE	
EXISTING BASEMENT SUITES	
EXISTING SHARED LAUNDRY AND STORAGE	
PROPOSED COMMERCIAL/HOME-BASED BUSINESS KITCHEN	

WALL LEGEND	
EXISTING WALL - TO REMAIN	
EXISTING WALL - TO BE REMOVED	
NEW WALL 1 HOUR FIRE RATED WALLS	



PROJECT NAME: BASEMENT RENOVATION FOR HOME-BASED BUSINESS
PROJECT ADDRESS: 503 GOVERNMENT ST. VICTORIA, BC
OWNER/APPLICANT: DAVID & VLASTA BOOTH



ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017

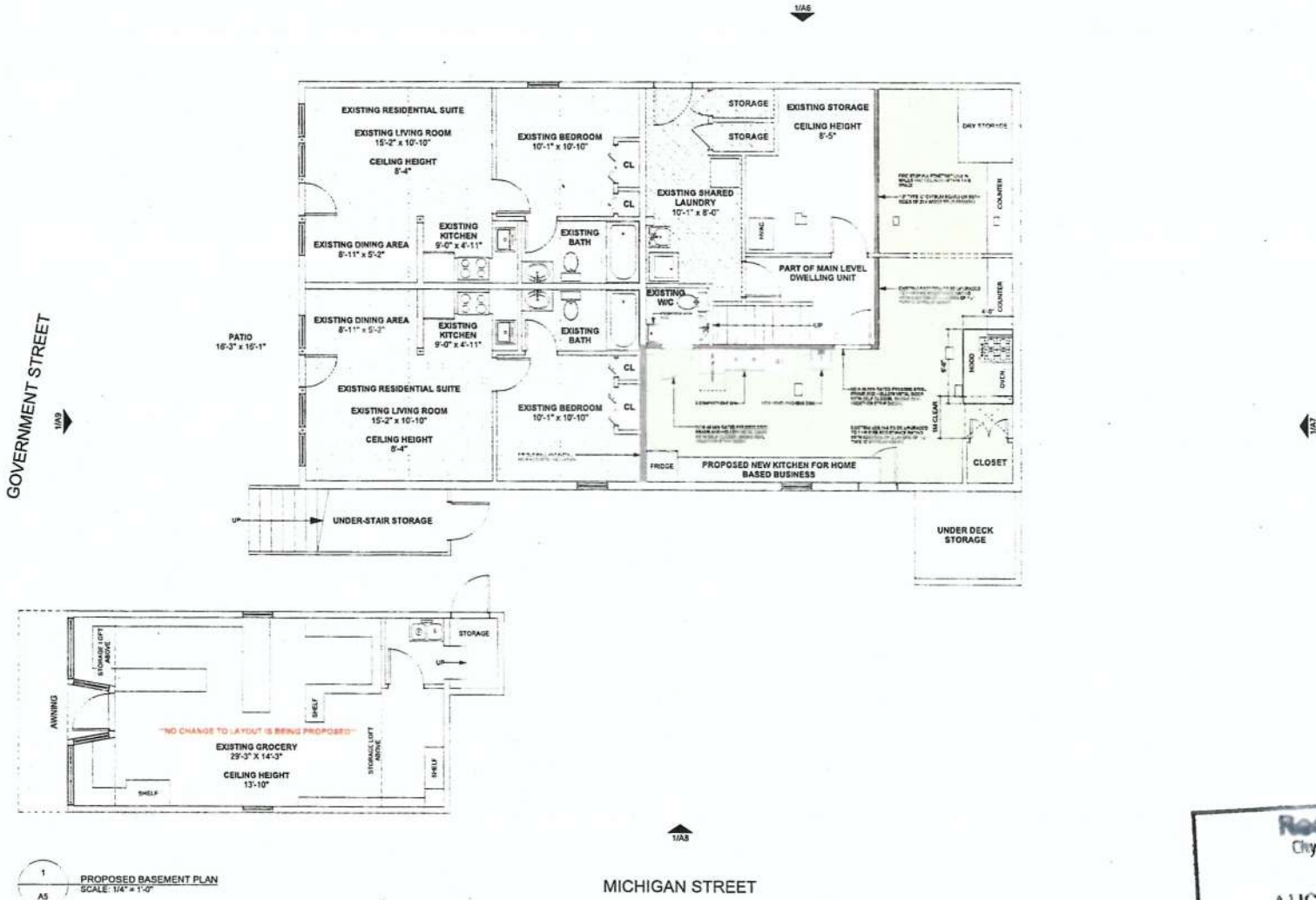
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DRAWN BY:	SL

DATE:	AUGUST 24, 2017
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SCALE:	1/4" = 1'-0"
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DRAWING TITLE:	PROPOSED BASEMENT PLAN
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A5
PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"

Received
City of Victoria
AUG 25 2017
Planning & Development Department
Development Services Division



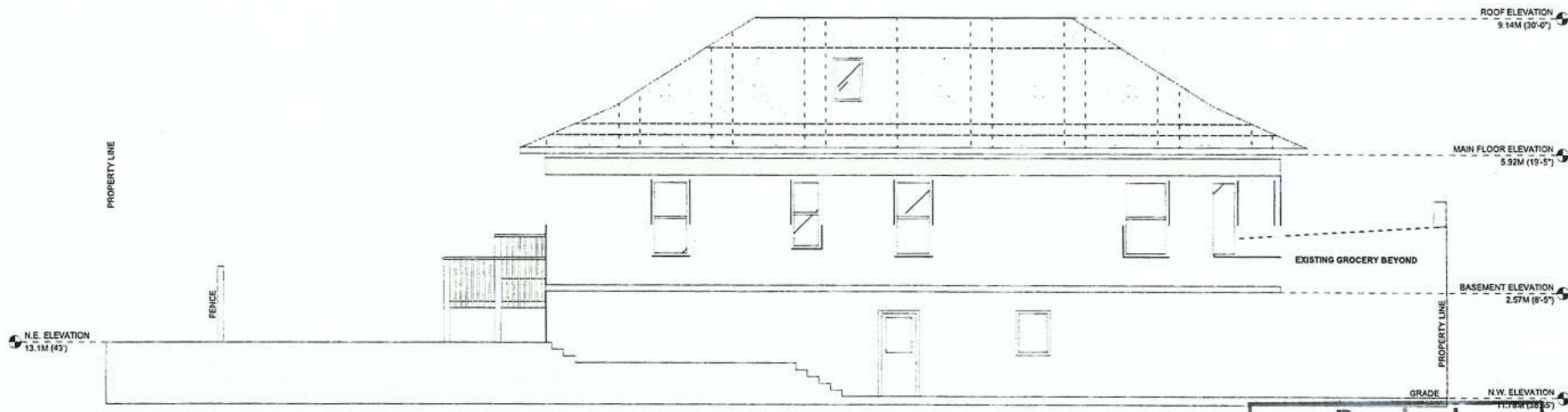
VIEW FROM THE EAST SIDE OF THE PROPERTY
LOOKING WEST



VIEW FROM WEST SIDE OF THE PROPERTY
LOOKING EAST



VIEW FROM GOVERNMENT STREET



1
AG
NORTH ELEVATION
SCALE 1/4" = 1'-0"

Received
City of Victoria
AUG 25 2017
Planning & Development Department
Development Services Division

PROJECT NAME:

BASEMENT
RENOVATION FOR
HOME-BASED
BUSINESS

PROJECT ADDRESS:
503 GOVERNMENT ST.
VICTORIA, BC

OWNER/APPLICANT:
DAVID & VLASTA BOOTH

STELL R
210 1st St
Victoria, BC V8T 1A7

ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017

SAC PROJECT NO:
GOV-13-17

DRAWN BY:
SL

DATE:
AUGUST 24, 2017

SCALE:
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NORTH ELEVATION

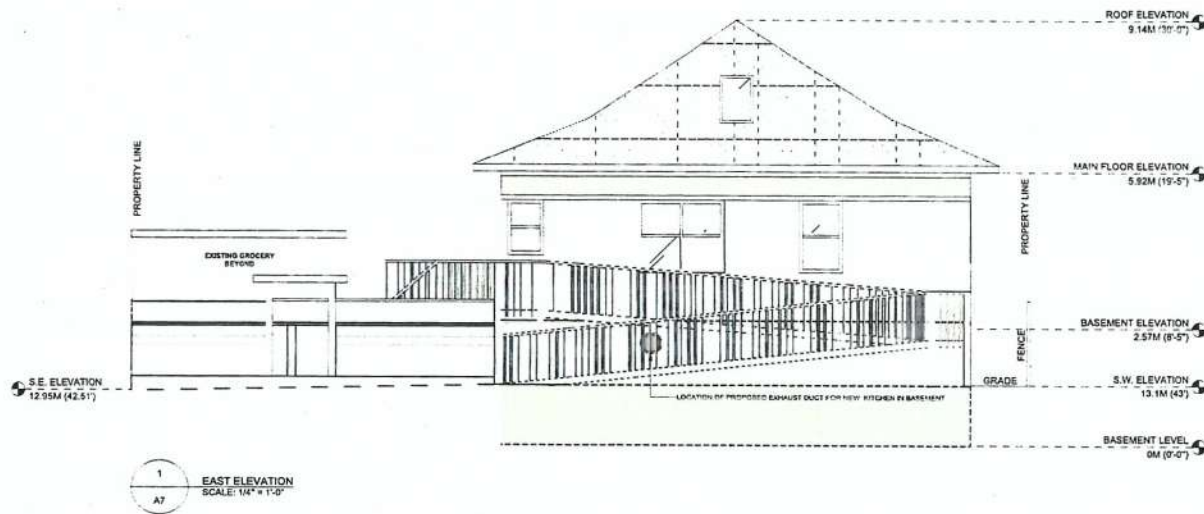
DRAWING NUMBER:
A6



VIEW FROM THE SOUTH-EAST SIDE OF THE PROPERTY



VIEW LOOKING TOWARDS THE WEST SIDE/GOVERNMENT STREET



PROJECT NAME: BASEMENT RENOVATION FOR HOME-BASED BUSINESS	
PROJECT ADDRESS: 503 GOVERNMENT ST. VICTORIA, BC	
OWNER/APPLICANT: DAVID & VLASTA BOOTH	
STELL R <small>4181 West Columbia Drive Victoria, BC V8L 4K1</small>	
ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017
SAC PROJECT NO.: GOV-13-17	
DRAWN BY: SL	
DATE: AUGUST 24, 2017	
SCALE: 1/4" = 1'-0"	
DRAWING TITLE: EAST ELEVATION	
DRAWING NUMBER: A7	

AUG 25 2017

 Planning & Development Department

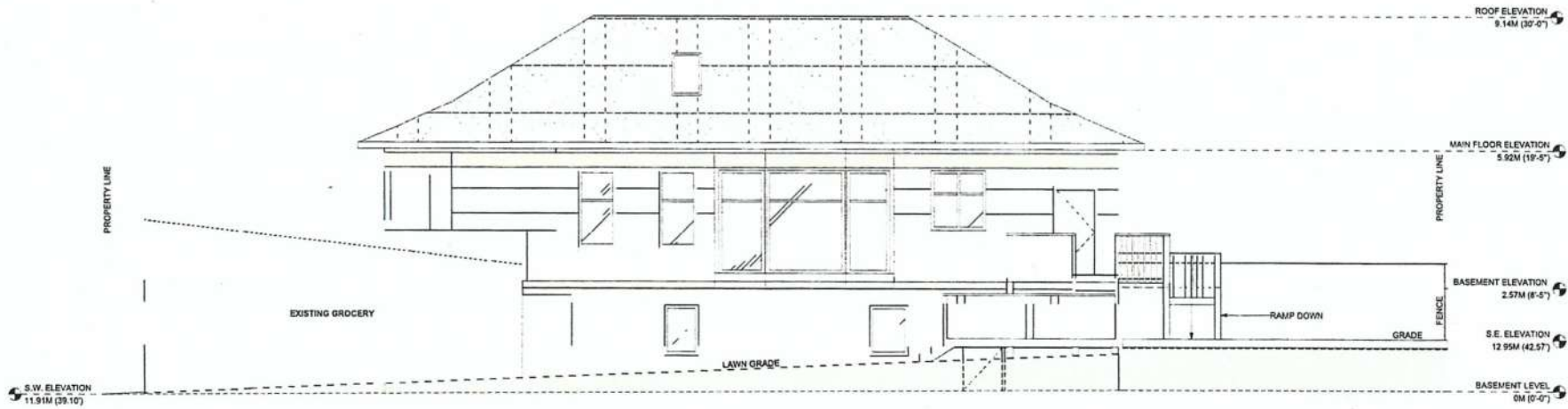
 Development Services Division



VIEW FROM THE SOUTH-EAST SIDE OF THE PROPERTY



VIEW LOOKING TOWARDS THE EAST SIDE OF THE PROPERTY



1
A8
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT NAME: BASEMENT RENOVATION FOR HOME-BASED BUSINESS	
PROJECT ADDRESS: 503 GOVERNMENT ST. VICTORIA, BC	
OWNER/APPLICANT: DAVID & VLASTA BOOTH	
STELL R-3	
ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017
SAC PROJECT NO.: GOV-13-17	
DRAWN BY:	SL
DATE:	AUGUST 24, 2017
SCALE:	1/4" = 1'-0"
DRAWING TITLE SOUTH ELEVATION	
DRAWING NUMBER: A8	

Received
City of Victoria
AUG 25 2017
Planning & Development Department
Development Services Division



VIEW OF THE PROPERTY FROM GOVERNMENT STREET



VIEW FROM THE WEST SIDE/ GOVERNMENT STREET LOOKING EAST



WEST ELEVATION
SCALE: 1/4" = 1'-0"
A9

PROJECT NAME: BASEMENT RENOVATION FOR HOME-BASED BUSINESS	
PROJECT ADDRESS: 503 GOVERNMENT ST. VICTORIA, BC	
OWNER/APPLICANT: DAVID & VLASTA BOOTH	
STELL R	
ISSUED FOR:	DATE:
BLDG PERMIT	MAY 8, 2017
DVP	JULY 28, 2017
REVISIONS	AUG 24, 2017
SAC PROJECT NO.: GOV-13-17	
DRAWN BY:	SL
DATE:	AUGUST 24, 2017
SCALE:	1/4" = 1'-0"
DRAWING TITLE WEST ELEVATION	
DRAWING NUMBER: A9	

Received
City of Victoria
AUG 25 2017
Planning & Development Department
Development Services Division

David & Vlasta Booth
503 Government Street
Victoria, BC
V9V 2L6

Victoria Mayor and Council
City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6



Thursday, July 27, 2017

Dear Mayor and Council:

We are currently operating a licensed home-based chocolate business (Licence no: 32830) in our residence at 503 Government Street. We are applying to renovate a portion of our basement area to meet the VIHA requirements for a food safe kitchen. VIHA has approved our application and plans. Even though a home occupation is permitted within our current City of Victoria zoning under schedule D, we have been instructed by the planning department that they would consider this new kitchen to be commercial area, and that we must apply for a Development Variance Permit in order to increase the commercial floor space allowed within this zoning.

The property is currently zoned as C1-CR-G. We are currently requesting the following variance:

- a) To increase the commercial floor space from $45m^2$ to allow an additional $50m^2$.

Additionally, we would like to point out a couple of existing non-conforming aspects of the property which do not have any bearing on this application:

- a) The existing commercial loading space is located in front of the property on Government Street rather than on the lot.
- b) The existing building height is 9.14m., while the zoning allows for a maximum height of 6.75m.

Please find attached to this letter, our development variance application and our site plans completed by Eddie Williams of Steller Architectural Consulting.

Please advise us if you require any additional information. Thank you for taking the time to review this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Booth". The signature is written in a cursive, somewhat stylized script.

David and Vlasta Booth
-owners

Development Variance Permit
Application
for
501-503 Government Street



Existing Site Government St.



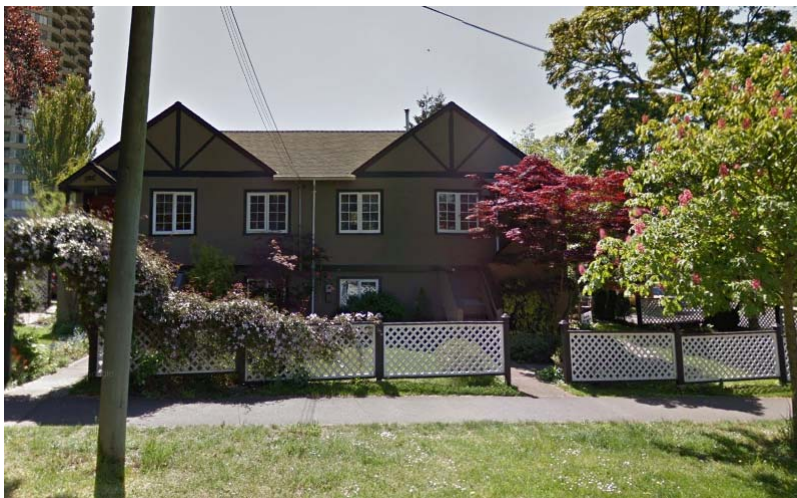
Existing Site Michigan St.



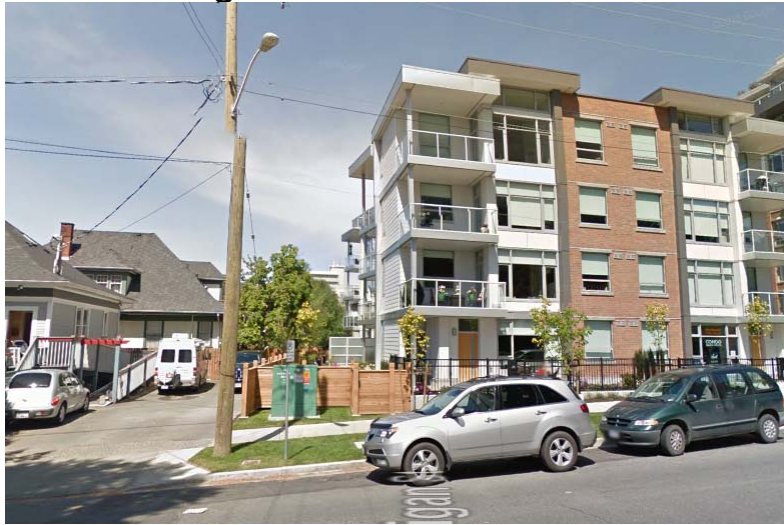
North Neighbour



South Neighbour



East Neighbour



West Neighbour

