

## **REPORTS OF COMMITTEES**

### **1. Committee of the Whole – March 16, 2017**

#### **3. Rezoning Application and Development Permit with Variances Application No. 00499 for 968 Walker Street and 722 Pine Street (Vic West)**

##### **Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday:

##### **Rezoning Application No. 00499**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00499 for 968 Walker Street and 722 Pine Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

##### **Development Permit with Variances Application No. 00499**

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. 00499, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00499 for 968 Walker Street and 722 Pine Street, in accordance with:

1. Plans date stamped February 27, 2017.
2. Development meeting all Zoning Regulation Bylaw Requirements, except for the following variances:

##### **Lot 1 (Existing Dwelling Unit)**

- i. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 5.59m;

##### **Lot 2 (Existing Dwelling Unit)**

- ii. Part 1.23(8)(b): reduce the rear yard setback from 6.00m to 5.38m for building only and 4.18m to allow a deck;
- iii. Part 1.23(8)(c): reduce the side yard setback from 2.40m (for habitable windows) to 1.52m;

##### **Lot 3**

- iv. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 3.44m to allow a roof overhang above the front entryway only and 3.60m to building;

3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

### **3.4 Development Permit with Variances Application No. 00499 for 968 Walker Street and 722 Pine Street (Vic West)**

Committee received a report dated March 2, 2017 from the Director of Sustainable Planning and Community Development providing information regarding the Development Permit with Variances Application for the property located at 968 Walker Street and 722 Pine Street to allow for the construction of a new small lot house.

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, 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. 00499, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00499 for 968 Walker Street and 722 Pine Street, in accordance with:

1. Plans date stamped February 27, 2017.
2. Development meeting all Zoning Regulation Bylaw Requirements, except for the following variances:

Lot 1 (Existing Dwelling Unit)

- i. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 5.59m;

Lot 2 (Existing Dwelling Unit)

- ii. Part 1.23(8)(b): reduce the rear yard setback from 6.00m to 5.38m for building only and 4.18m to allow a deck;
- iii. Part 1.23(8)(c): reduce the side yard setback from 2.40m (for habitable windows) to 1.52m;

Lot 3

- iv. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 3.44m to allow a roof overhang above the front entryway only and 3.60m to building;

3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 17/COTW



## Committee of the Whole Report

For the Meeting of March 16, 2017

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**To:** Committee of the Whole **Date:** March 2, 2017

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

**Subject:** Development Permit with Variances Application No. 00499 for 968 Walker Street and 722 Pine Street

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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. 00499, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00499 for 968 Walker Street and 722 Pine Street, in accordance with:

1. Plans date stamped February 27, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Lot 1 (Existing Dwelling Unit)

- i. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 5.59m;

Lot 2 (Existing Dwelling Unit)

- ii. Part 1.23(8)(b): reduce the rear yard setback from 6.00m to 5.38m for building only and 4.18m to allow a deck;
- iii. Part 1.23(8)(c): reduce the side yard setback from 2.40m (for habitable windows) to 1.52m;

Lot 3

- iv. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 3.44m to allow a roof overhang above the front entryway only and 3.60m to building;

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.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 968 Walker Street and 722 Pine Street. The proposal is to construct a small lot house.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives and guidelines for sensitive infill development contained in Development Permit Area 15A: Intensive Residential - Small Lot, of the *Official Community Plan 2012* (OCP)
- the requested variance associated with the existing dwelling unit at 968 Walker Street is to reduce the front yard setback. This variance is a result of the road dedication requirement; otherwise, a front yard setback variance would not be required and therefore it is supportable
- the requested variances associated with the existing dwelling unit at 722 Pine Street are to reduce the rear and side yard (east) setbacks. The rear yard setback is required to facilitate a three-lot subdivision. The existing side yard setback is triggered as a variance due to the larger setback requirement in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. These variances are supportable given that the building is existing and the proposed setbacks would not further disrupt the established pattern of existing structures, privacy, access to sunlight and views of the neighbouring properties
- the requested variance associated with the proposed small lot house is to reduce the front yard setback. This variance is supportable given that the established streetscape pattern would not be disrupted and the small lot house would have a similar front yard setback as adjacent houses.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a small lot house. Specific details include:

- two-storey building with a single-car garage
- design elements such as a flat roofline and contemporary-style windows and entryway
- the exterior materials include wood cedar siding and stucco
- permeable surface treatment on driveway
- new hard and soft landscaping would be introduced.

The proposed variances are related to:

- reducing the front yard setback of proposed lot 1 (existing)
- reducing the rear and side yard setbacks of proposed lot 2 (existing)
- reducing the front yard setback of proposed lot 3 (new).

## **Sustainability Features**

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.

## **Existing Site Development and Development Potential**

The subject properties are presently single family dwellings.

## **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 September 17, 2015. Letters dated September 17, 2015 and December 23, 2015 are attached to this report. The delay in advancing this application is a result of the applicant undertaking minor plan revisions, which were resubmitted on February 27, 2017 and sent to Victoria West CALUC for review and comment.

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 these properties within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed design of the new small lot house is generally consistent with the *Design Guidelines for Small Lot House (2002)*.

The proposal is for a two-storey dwelling unit with a single-car garage. The design of the small lot house incorporates architectural elements, such as a flat roofline, contemporary-style entryway and windows. The proposed contemporary-design of the proposed small lot house is different from the traditional architecture and character of the neighbourhood; however, the applicant has accentuated the entryway to complement the entryways of adjacent dwelling units and incorporated some materials that are consistent with the materiality of buildings in the neighbourhood. The height of the proposed small lot house is higher than the existing single-family dwelling at 968 Walker Street, partially due to a grade change along Walker Street; however, it is a similar height to a small lot house to be constructed on the adjacent lot to the east and the dwelling unit at 972 Walker Street. Windows are maximized on the front and rear elevations, and there are no windows on the side elevations facing the neighbours.

The applicant is proposing a mix of hard and soft landscaping in the front and rear yards of the proposed small lot. New fencing would be constructed around the perimeter of the site. The driveway would be finished with permeable pavers. The applicant has identified an existing bylaw protected Arbutus tree in the proposed building envelope to be removed. It is in poor

condition, and staff have no objection to its removal. The applicant will plant a replacement tree on the site.

### Regulatory Considerations

The applicant is requesting setback variances in order to facilitate a three-lot subdivision. The proposed variances are detailed in the following data table below.

Proposed Lots	Zoning Required (R1-S2 Zone)	Proposed (Variances Required)
<b>Lot 1 (Existing House at 968 Walker Street)</b>		
Front Yard	6.00m	5.59m
<b>Lot 2 (Existing House at 722 Pine Street)</b>		
Rear Yard	6.00m	4.18m(deck); 5.38m (building)
Side Yard (east)	2.40m (for habitable windows)	1.52m
<b>Lot 3 (Proposed small lot house)</b>		
Front Yard	6.00m	3.44m(roof)/3.60m(building)

A reduction in the front yard setback of Lot 1 is a result of the 1.41m road dedication requirement. If there was not a requirement for road dedication then the front yard setback of the existing dwelling unit would comply with the R1-S2 Zone.

The proposed rear yard setback of the existing house on Lot 2 would be reduced from 6.00m to 4.18m to accommodate an existing deck and 5.38m to the building. With these reductions, there would still be adequate open space in the rear yard. The building is existing and these setbacks would not further disrupt the established pattern of existing structures, privacy, access to sunlight and views of the neighbouring properties.

The applicant is proposing to reduce the front yard setback of the proposed small lot from 6.00m to 3.44m to allow for a roof overhang above the entryway and 3.60m to the building. The proposed front yard setbacks would not disrupt the established streetscape pattern along Walker Street and it would be consistent with the front yard setback of a small lot house to be constructed on the adjoining small lot to the east of the subject property.

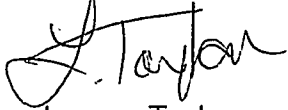
### CONCLUSIONS

The proposal to construct a new small lot house and associated 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. Staff recommend that Council consider supporting this Application.


## ALTERNATE MOTION

That Council decline DPV Application No. 00499 for the property located at 968 Walker Street and 722 Pine Street.

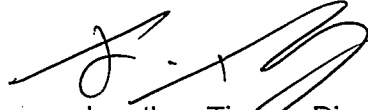
Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department



Report accepted and recommended by the City Manager:



Date: March 9, 2017

### List of Attachments:

- Subject Map
- Aerial Map
- Letters from applicant to Mayor and Council and Staff dated November 24, 2015 and February 28, 2017
- Letters from the Victoria West Neighbourhood Association dated September 17, 2015 and December 23, 2015
- Correspondence (Letters received from residents)
- Small Lot House Rezoning Petition
- Images of existing single family dwellings at 968 Walker Street and 722 Pine Street
- Plans dated February 27, 2017.