

### 3. CONSENT AGENDA

**Motion:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the following items be approved without further debate:

#### 3.1 Development Variance Permit No. 00180 for 1707 Haultain Street - North Jubilee

Committee received a report dated October 28, 2016 providing information and recommendations regarding a Development Variance Permit proposing to reduce a previously approved front yard setback variance and requesting that the matter be referred to public hearing.

**Motion:** 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. 00180 for 1707 Haultain Street in accordance with:

1. Plans date stamped October 7, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements and previously approved variances, except for the following additional variance:
  - i. reduce the front yard setback from 5.0m to 4.68m;
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

## REPORTS OF COMMITTEES

### **2. Committee of the Whole – November 10, 2016**

#### **6. Development Variance Permit No. 00180 for 1707 Haultain Street - North Jubilee**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, 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. 00180 for 1707 Haultain Street in accordance with:

1. Plans date stamped October 7, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements and previously approved variances, except for the following additional variance:
  - i. reduce the front yard setback from 5.0m to 4.68m;
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**



## **Committee of the Whole Report**

### **For the Meeting of November 10, 2016**

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**To:** Committee of the Whole **Date:** October 28, 2016

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

**Subject:** Development Variance Permit No. 00180 for 1707 Haultain Street

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### **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. 00180 for 1707 Haultain Street in accordance with:

1. Plans date stamped October 7, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements and previously approved variances, except for the following additional variance:
  - i. reduce the front yard setback from 5.0m to 4.68m;
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 1707 Haultain Street. The proposal is to reduce a previously approved front yard setback variance from 5.0m to 4.68m. The following points were considered in assessing this application:

- the requested variance is to reduce the front yard setback to 4.68m. It is supportable because the impacts are not substantial on the street frontage or the adjacent lots
- a variance was previously approved reducing the front yard setback requirement from 6.0m to 5.0m. Late during that review process, the applicant submitted plans with the 4.68m setback; however, this change was not identified to staff, therefore it was not considered at that time nor noted as an additional variance for Council's consideration.



## **BACKGROUND**

### **Description of Proposal**

The proposal is to reduce the front yard setback of a new small lot house from 5.0m to 4.68m. Although the required front yard setback in the R1-S26 Zone is 6.0m, Council had previously approved a variance permitting 5.0m; this results in a difference of 0.32m between what is proposed and what is permitted.

### **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.

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

Under the current R1-S26 Zone, Restricted Small Lot (Haultain Street) District, the property could be developed as one single-family house.

### **Relevant History**

On May 12, 2016 Council approved a Rezoning Application and Development Permit with Variances Application to permit subdivision of 1705 Haultain Street into three small lots and construct three small lot houses.

During the application review process, the applicant submitted a revised submission without alerting City staff to the fact that the building had been moved 0.32m towards the front lot line. Consequently, staff did not discover that one of the requested variances would need to be increased (front) and one should have been reduced (back). Staff found this discrepancy at Building Permit stage.

Construction of the building had begun but has now ceased on the portion of the building within the approved setback pending the outcome of Council's decision.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on October 24, 2016 the application was referred for a 30-day comment period to the North Jubilee CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

### Regulatory Considerations

The current R1-S26 Zone has a front yard setback requirement of 6.0m, however, at the time of rezoning (May 12, 2016) Council approved a Development Permit with Variances including a variance reducing the front yard setback requirement from 6.0m to 5.0m. Late during the Development Permit review process the applicant submitted a set of plans with the new reduced setback; however, this change was not identified to staff, therefore it was not considered at that time nor noted as an additional variance for Council's consideration.

## CONCLUSIONS

This proposal is to reduce a previously approved front yard setback variance from 5.0m to 4.68m. The variance is supportable because the impacts are not substantial on the street frontage or the adjacent properties. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00180 for the property located at 1707 Haultain Street.

Respectfully submitted,



Rob Bateman  
Senior Process Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



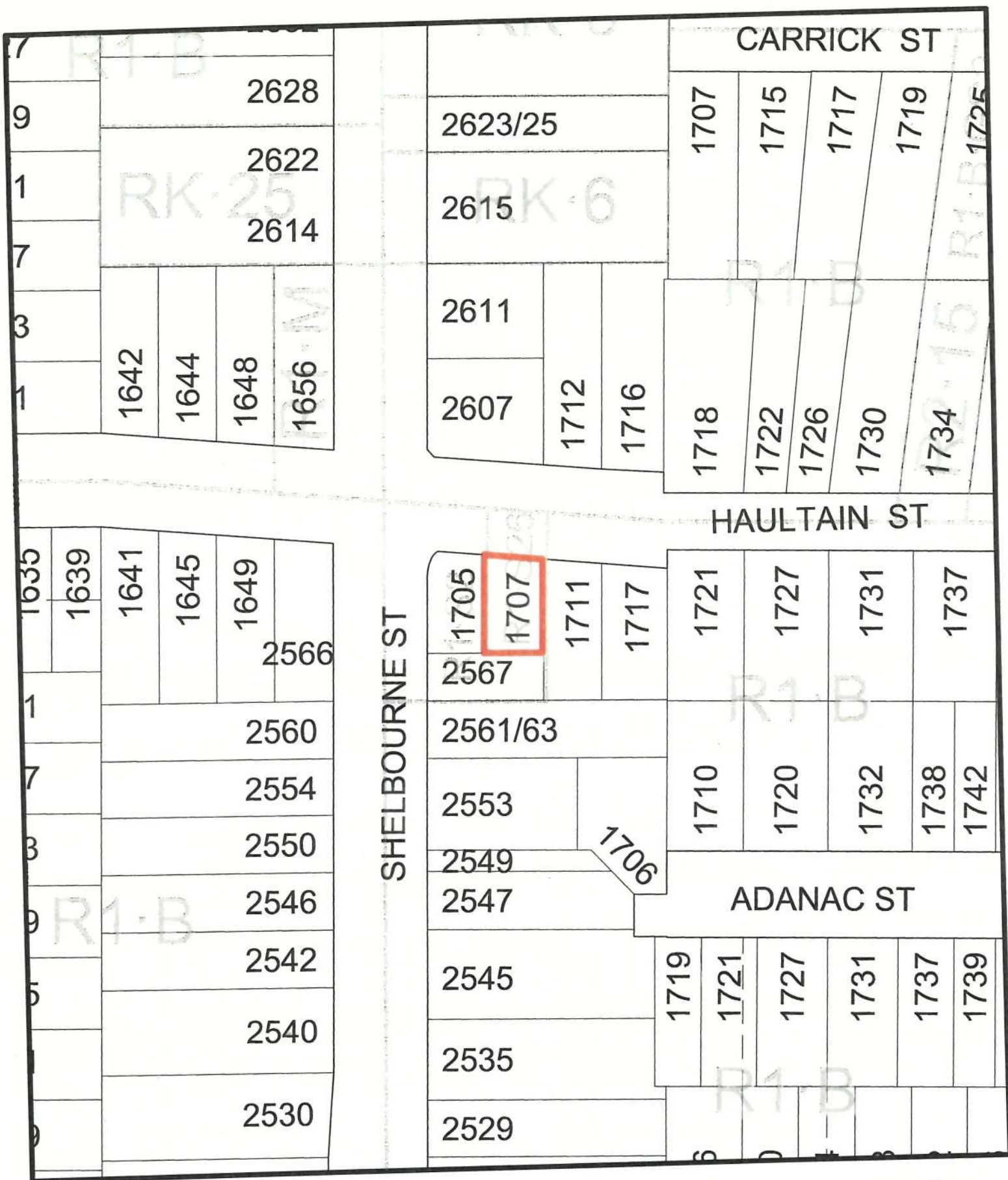
Date:

November 2, 2016

## List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated October 6, 2016
- Plans dated received October 7, 2016

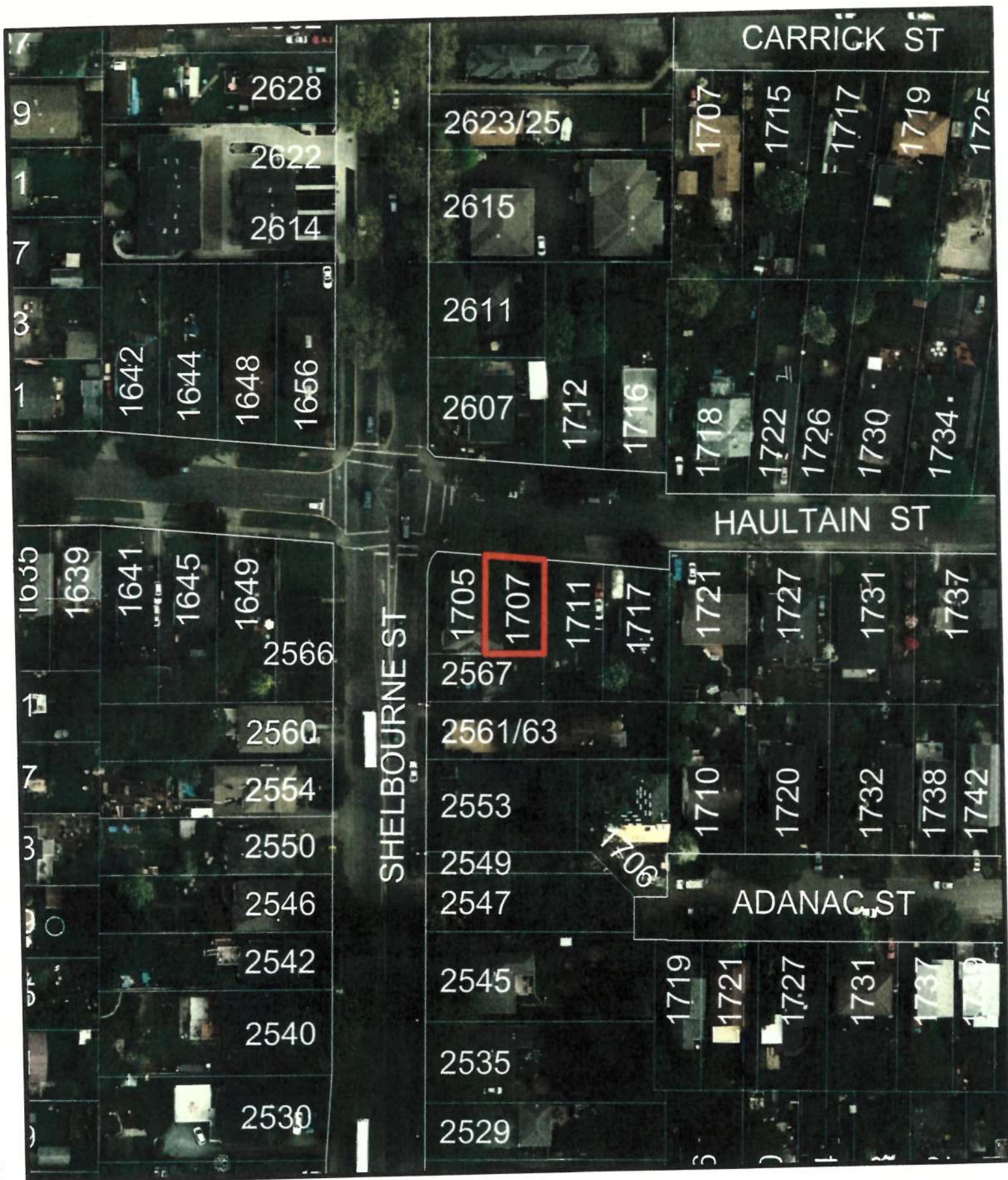




1707 Haultain Street  
Development Variance Permit No.00180







1707 Haultain Street  
Development Variance Permit No.00180







## Development Permit Amendment Application 1707 Haultain (Lot B)

October 06, 2016

Her Worship Mayor Lisa Helps and Councillors  
Corporation of the City of Victoria  
1 Centennial Square  
Victoria, B.C. V8W 1P6



### Requested Variance

To modify the front yard setback for 1707 Haultain (Lot B) from 5.0m to 4.68m in order to comply with approved Development Permit and Building Permit Plans.

### Rationale

1707 Haultain (Lot B) is one of 3 small lots approved by Council earlier this year under the Rezoning Application: #00498. The plans presented to Council at that time, showed the front yard setback for this house at 5.0m. The bylaw was constructed outlining this setback.

Unfortunately, these were not the 'correct' plans. Subsequent to Council approval, the 'correct' plans were submitted at the Development Permit / Building Permit stages and made it through the latter processes without detection.

These 'correct' plans show a 4.68m front yard setback for Lot B, rather than 5.0m. Our working drawings and issued Building Permit are based on this 4.68m setback and is now where the house has been sited and constructed.

I regret the oversight(s) that occurred throughout the process and apologize for Large and Co's part in this mix-up. I am hopeful that Council understands and agrees that a .32m (1ft) difference in the setback is an acceptable mistake, and considers approving this updated variance.

Sincerely,

  
Kim Colpman

Large & Co. Developers



# Proposed Subdivision & Rezoning - 1705 Haultain Street



HAULTAIN STREETSCAPE  
SCALE - 1/8" = 1'-0"



SHELBORNE STREETSCAPE  
SCALE - 1/8" = 1'-0"

# Proposed Subdivision & Rezoning - 1705 Haultain Street



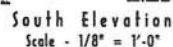
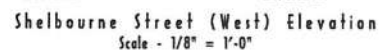
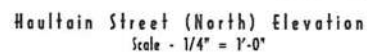
807 Vancouver Street  
Victoria, BC V8V 3T8  
Phone - 250-480-2894  
Fax - 250-480-2895

Revised - January 8, 2016

Streetscapes  
Date - October 26, 2015  
Sheet 2 of 6

**Gerry Troesch**  
Residential Design  
3715 Ridge Road Drive, Victoria BC V8C 4S8  
Phone - 250-480-4002 Email - gtroesch@shaw.ca





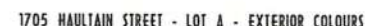
Floor Area - 49.03 sq.metres (527.75 sq.ft.)

Scale - 1/8" = 1'-0"



Floor Area - 76.83 sq.metres (827.0 sq.ft.)

Scale - 1/8" = 1'-0"



**LARGE COMMUNITIES**  
DEVELOPMENT

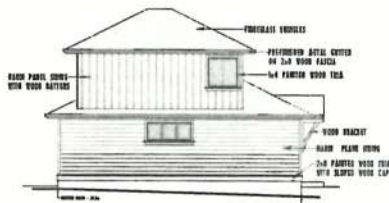
Revised - January 8, 2016  
Lot #1 - Plans & Elevation  
Date - October 26, 2015  
Sheet 3 of 6

**Gerry Troesch**  
Residential Design  
2719 Ridge Pond Drive, Victoria BC V8C 4M8  
Phone - 250-365-6432 Email - gtroesch@telus.net Website - www.gerrytroesch.com

## Proposed Subdivision & Rezoning - 1705 Haultain Street



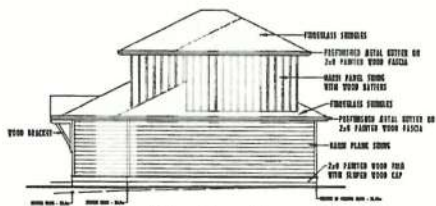
Haultain Street (North) Elevation  
Scale - 1/4" = 1'-0"



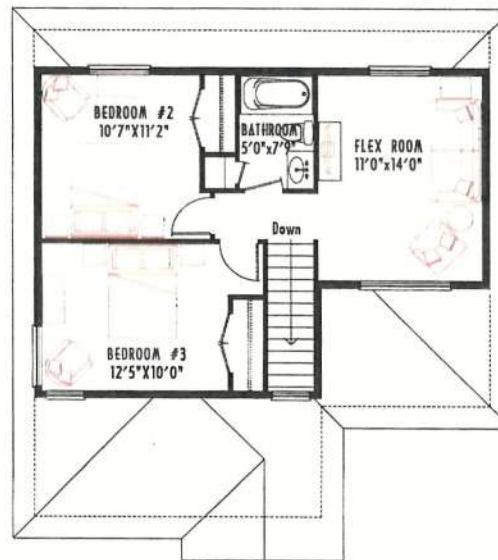
East Side Elevation  
Scale - 1/8" = 1'-0"



South Elevation  
Scale - 1/8" = 1'-0"



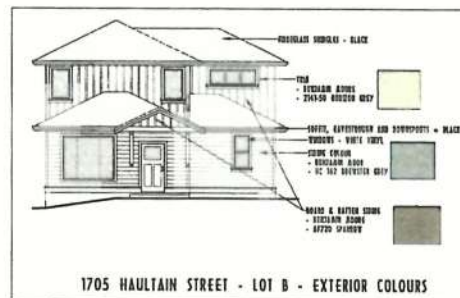
West Side Elevation  
Scale - 1/8" = 1'-0"



SECOND STOREY FLOOR PLAN  
Floor Area - 51.03 sq.metres (549.25 sq.ft.)  
Scale - 1/8" = 1'-0"



FIRST STOREY FLOOR PLAN  
Floor Area - 79.8 sq.metres (859.0 sq.ft.)  
Scale - 1/8" = 1'-0"



1705 HAULTAIN STREET - LOT B - EXTERIOR COLOURS

LOT B HOUSE



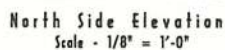
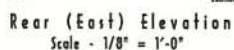
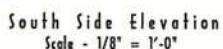
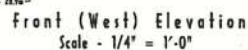
807 Vancouver Street  
Victoria, BC V8V 3T9  
Phone - 250-480-2894  
Fax - 250-480-2895

Revised - March 10, 2016  
Lot #2 - Plans & Elevations  
Date - October 26, 2015  
Sheet 4 of 6

**Gerry Troesch**  
Residential Design  
3713 Midway Point Drive, Victoria BC V8M 4K5  
Phone - 250-681-0123 Email - gtroesch@shaw.ca

Proposed Subdivision & Rezoning - 1705 Haultain Street





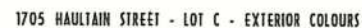
Floor Area - 54.81 sq.metres (590.0 sq.ft.)

Scale - 1/8" = 1'-0"



Floor Area - 80.2 sq.metres (863.25 sq.ft.)

Scale - 1/8" = 1'-0"



LOT C HOUSE



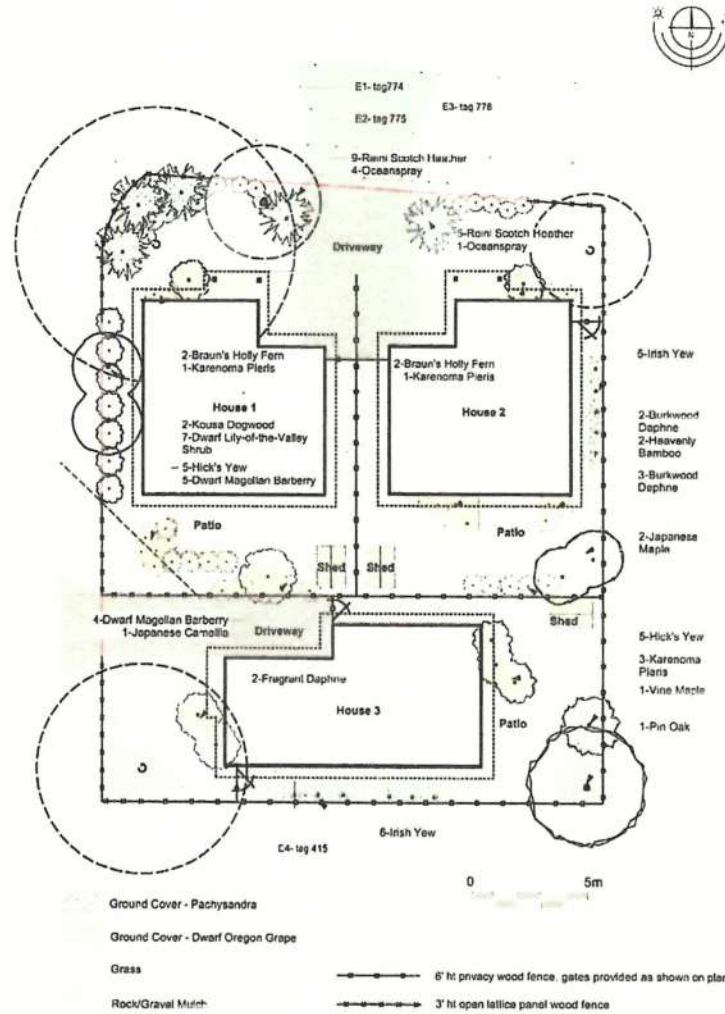
607 Vancouver Street  
Victoria, BC V8V 3T9  
Phone - 250-480-2894  
Fax - 250-480-2895

Revised - January 8, 2016

Lot #3 - Plans & Elevations  
Date - October 26, 2015  
Sheet 5 of 6

**Gerry Troesch**  
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3750 Riffs Pond Drive, Victoria BC V8C 4M5  
Phone - 250-495-6429 Cell - 604-886-0100 Website - [www.gerrytroesch.com](http://www.gerrytroesch.com)

## Proposed Subdivision & Rezoning - 1705 Haultain Street



1705 Haultain Street | Planting Design



LADN  
22-400-1000000  
Phone: 250-480-2894  
Fax: 250-480-2895

Drawing Rev. 3 - Dec. 31, 2015  
Drawing Rev. 2 - Dec. 30, 2015  
Drawing Rev. 1 - Nov. 24, 2015

Proposed Subdivision & Rezoning - 1705 Haultain Street



807 Vancouver Street  
Victoria, BC V8V 3T9  
Phone - 250-480-2894  
Fax - 250-480-2895

Revised - January 8, 2016  
Landscape Plan (Not to Scale)  
Date - October 26, 2015  
Sheet 6 of 6

**Gerry Troesch**  
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8719 Ridge Road Drive, Victoria BC V8C 4G8  
Phone - 250-695-4405 Email - gtroesch@shaw.ca