



Council Report

For the Meeting of January 16, 2025

To: Council **Date:** January 10, 2025
From: Curt Kingsley, City Clerk
Subject: 522 St. Charles St: Rezoning Application No. 00816 and Development Variance Permit Application No. 00279

RECOMMENDATION

That the following bylaw be given first, second, and third readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No.1350), No. 24-084

And that the following bylaws be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw(No.1350), No. 24-084
2. Heritage Designation (522 St. Charles Street) Bylaw, No. 24-040

Development Variance Permit Application

1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
 - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
 - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
 - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
 - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
 - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
2. That the Development Variance Permit, if issued, expires two years from the date of this resolution.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 24-084.

The issue came before Council on May 9, 2024 where the following resolution was approved:

522 St. Charles Street: Rezoning Application No. 00816, Development Variance Permit Application No. 00279 and Heritage Designation Application No. 00202 (Rockland)

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary zoning regulation bylaw amendment that would authorize the proposed development outlined in the staff report dated April 3, 2024, for 522 St. Charles Street.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
 - a. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;
 - b. plan revision to consider new sanitary sewer and storm drain services and to provide dimensions of the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.
3. That adoption of the zoning regulation bylaw amendment will not take place until:
 - a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as Attachment E, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Variance Permit Application

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
 - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
 - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
 - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
 - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
 - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
2. That the Development Variance Permit, if issued, expires two years from the date of this resolution.”

Heritage Designation Application

That Council:

- 1. Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.*
- 2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.*

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 24-084
- Bylaw No. 24-040