

## **H. REPORTS OF COMMITTEES**

### **H.1 Committee of the Whole**

#### **H.1.a Report from the September 6, 2018 COTW Meeting**

##### **H.1.a.I 457 and 459 Kipling Street – Rezoning Application No. 00644 and Development Permit with Variance Application No. 00644 (Fairfield)**

**Moved By** Councillor Coleman

**Seconded By** Councillor Alto

##### **Rezoning Application No. 00644**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling 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 Variance Application No. 00644**

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. 00644, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00644 for 457 and 459 Kipling Street in accordance with:

1. Plans date stamped July 3, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except to increase the combined floor area maximum from 380m<sup>2</sup> to 389.78m<sup>2</sup>.
3. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**F.5     457 and 459 Kipling Street - Rezoning Application No. 00644 and Development Permit with Variance Application No. 00644 (Fairfield)**

*Councillor Young excused himself at 3:37 p.m. for a non-pecuniary conflict of interest due to family members living at this location.*

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to rezone from the R1-B Zone, Single Family Dwelling District to R-2 Zone, Two Family Dwelling District, to permit an existing non-conforming duplex to be strata titled and to alter the building.

**Moved By** Councillor Madoff

**Seconded By** Councillor Coleman

**Rezoning Application No. 00644**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling 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 Variance Application No. 00644**

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. 00644, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00644 for 457 and 459 Kipling Street in accordance with:

1. Plans date stamped July 3, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except to increase the combined floor area maximum from 380m<sup>2</sup> to 389.78m<sup>2</sup>.
3. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**





## Committee of the Whole Report

For the Meeting of September 6, 2018

---

**To:** Committee of the Whole **Date:** August 23, 2018

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

**Subject:** Development Permit with Variance Application No. 00644 for 457 and 459 Kipling Street

---

### 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. 00644, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00644 for 457 and 459 Kipling Street in accordance with:

1. Plans date stamped July 3, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except to increase the combined floor area maximum from 380m<sup>2</sup> to 389.78m<sup>2</sup>.
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 *Official 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 457 and 459 Kipling Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to R-2 Zone, Two Family Dwelling District, to permit an existing non-conforming duplex to be strata titled, to alter the building and the location of required parking.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives for sensitive infill in Development Permit Area 15D: Intensive Residential – Duplex of the *Official Community Plan (OCP)*, 2012
- the proposal is generally consistent with the policies and design guidelines in the *Neighbourliness Guidelines for Duplexes*, 1996
- the proposed variance to increase the floor area relates to enclosing the garage to become a storage area and is considered supportable as it does not result in new impacts on the neighbouring properties.

## BACKGROUND

### Description of Proposal

The proposal is to strata title an existing non-conforming duplex and to alter the building. Specific details include:

- materials are primarily stucco and stone veneer
- separate covered entrances for each dwelling unit
- covered patio areas at the rear of the property with additional privacy screens between
- the garage doors were enclosed at some point in the past, and the proposal is to re-instate the openings using thermally insulated garage style access doors, and have the parking relocated in front of the building
- the proposed variance is to increase the combined floor area from 380m<sup>2</sup> to 389.78m<sup>2</sup>, caused by enclosing the original garage
- the driveway is also proposed to be reconfigured to be in compliance with the Highway Access Bylaw maximum driveway crossing width of 4.5m.

### Data Table

The following data table compares the proposal with the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is non-conforming.

Zoning Criteria	Proposal	Zone Standard R-2
Site area (m <sup>2</sup> ) - minimum	697.00	555.00
Site area per unit (m <sup>2</sup> ) - minimum	348.50	277.50
Density (Floor Space Ratio) - maximum	0.38:1	0.50:1
Lot width (m) - minimum	18.37	15.00
1 <sup>st</sup> & 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	262.89	280.00
Combined floor area (m <sup>2</sup> ) - maximum	<b>389.78*</b>	380.00
Height (m) - maximum	7.64**	7.60
Storeys - maximum	3**	2 (with no basement)



Zoning Criteria	Proposal	Zone Standard R-2
Site coverage % - maximum	28.00	40.00
Open site space % (lot)-minimum	34.74	30.00
Open site space % (rear)-minimum	44.88	33.00
Setbacks (m) - minimum		
Front	9.10	7.50
Stairs/porch projection	3.44	3.50
Rear	17.01	13.30
Side (north)	2.00**	3.00
Side (south)	1.80**	1.84
Combined Side	3.80**	4.50
Parking - minimum	2	2
Roof Deck	Existing**	Not permitted

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15D: Intensive Residential - Duplex. The proposal is to alter an existing non-conforming duplex, including changes to exterior materials, and changing the original garages to storage areas. The design is generally consistent with the *Neighbourliness Guidelines for Duplexes*.

The proposal is to have the required parking in front of the existing dwellings. The *Neighbourliness Guidelines* promote driveways and parking with minimal impact to the pedestrian enjoyment of the street, and vehicles having minor visual impact to the streetscape. There are low-lying shrubs and mature landscaping, which help to soften the visual impact of the vehicle parking.

The garage doors would be replaced with thermally insulated garage-style doors, however, it would not be used for parking vehicles, but rather a storage area. For several years, the garages have been enclosed with a rock veneer. The proposal is to have an opening at the front to the storage area.

### Regulatory Considerations

The facilitate the Rezoning Application from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two-Family Dwelling District, one variance is required, which is to increase the maximum combined floor area from 380m<sup>2</sup> to 389.78m<sup>2</sup>. The variance is relatively minor, and is the result of enclosing the existing garage and using it for storage. The variance does not change the massing of the existing duplex, and other than the change of appearance of the front façade, there is no new impacts on the neighbouring properties.

The driveway will also be reconfigured along the frontage to meet the Highway Access Bylaw, requiring a maximum driveway crossing of 4.5m.

## CONCLUSIONS

This proposal to alter an existing non-conforming duplex is consistent with Development Permit 15D: Intensive Residential – Duplex. The proposed variance would not have a substantial impact on the look of the existing non-conforming duplex or adjacent properties. Staff recommend that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00644 for the property located at 457 and 459 Kipling Street.

Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

For  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager.

Date:

### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 3, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 4, 2018
- Attachment E: Community Association Land Use Committee Comments from meeting on November 23, 2017