



Committee of the Whole Report For the Meeting of May 2, 2019

To: Committee of the Whole **Date:** April 18, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00204 for 331 and 337 St. Charles 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 Variance Permit Application No. 00204 for 331 and 337 St. Charles Street, in accordance with:

1. Plans date stamped April 4, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback of Lot A from 7.5m to 2.89m
 - ii. reduce the rear yard setback of Lot A from 9.1m to 4.56m
 - iii. reduce the lot width of Lot B from 15.0m to 11.64m
 - iv. reduce the front yard setback of Lot C from 7.5m to 4.78m
 - v. reduce the north side yard setback of Lot C from 2.78m to 1.54m
 - vi. reduce the combined side yard setback of Lot C from 5.4m to 4.58m.
3. Revised site plan, to the satisfaction of the Director of Sustainable Planning and Community Development, correcting the Lot A parking stall dimensions to match the landscape plan.
4. 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 331 and 337 St. Charles Street. The proposal is to permit the subdivision of two single-family dwelling lots to allow for the construction of an additional single-family dwelling on a newly created third lot. The variances are related to lot width as well as front, rear, and side yard setbacks.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Gonzales Neighbourhood Community Plan* objective to retain the detached housing character of Gonzales
- the front yard setback variances for proposed Lots A and C are considered supportable as the variances are due to a City-required road dedication that would occur at the subdivision stage
- the side yard setback variances for Lot C are also considered to be supportable as the variances are internal to the site and the existing distance between buildings is maintained
- the rear yard setback variance for Lot A is inconsistent with the *Gonzales Neighbourhood Community Plan*; however, useable green space is still maintained due to the angled nature of the lot line
- although the lot width variance for Lot B is narrower than the majority of the lots in the area, it represents a similar lot width to that of the property located immediately to the east.

BACKGROUND

Description of Proposal

The proposal is to permit the subdivision of two single-family dwelling lots to allow for the construction of an additional single-family dwelling on a newly created third lot. The proposed variances are to:

- reduce the front yard setback of Lot A from 7.5m to 2.89m (existing conditions, but triggered by the reconfiguration of the lot lines from the new road dedication)
- reduce the rear yard setback of Lot A from 9.1m to 4.56m
- reduce the lot width of Lot B from 15.0m to 11.64m
- reduce the front yard setback of Lot C from 7.5m to 4.78m (existing conditions, but triggered by the reconfiguration of the lot lines from the new road dedication)
- reduce the north side yard setback of Lot C from 2.78m to 1.54m (existing condition, but triggered by the reconfiguration of the side lot line)
- reduce the combined side yard setback of Lot C from 5.4m to 4.58m (existing condition, but triggered by the reconfiguration of the side lot line).

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 currently two single-family dwellings on two separate lots. Under the current R1-G Zone, Gonzales Single Family Dwelling District, each property could be developed as a single-family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the R1-G Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal – Lot A	Proposal – Lot B	Proposal – Lot C	Zone Standard R1-G
Site area (m ²) – minimum	461.56	484.39	460.36	460
First and second storey floor area (m ²) – maximum	228.73	156.34	174.7	240
Combined floor area (m ²) – maximum	228.73	246.25	174.7	300
Density (Floor Space Ratio) – maximum	0.50	0.32	0.38	0.50
Lot width (m) – minimum	19.61	11.64 *	15.92	15.0
Height (m) – maximum	5.07	7.43	5.3	7.6
Storeys – maximum	2	1.5	2	2 (1.5 with basement)
Site coverage % – maximum	25.78	22.93	25.42	30
Open site space % – minimum	72.37	72.15	67.96	50
Open site space front yard % – minimum	90.83	81.36	78.55	50
Setbacks (m) – minimum				
Front	2.89 * (Earle Street)	7.50 (Earle Street)	4.78 * (St. Charles Street)	7.5
Rear	4.56 *	17.86	9.11	Lot A – 9.1 Lot B – 12.44 Lot C – 9.1
Side	3.81 (east)	3.05 (east)	1.54 * (north)	Lot A – 3.46 Lot B – 1.86 Lot C – 2.78

Zoning Criteria	Proposal – Lot A	Proposal – Lot B	Proposal – Lot C	Zone Standard R1-G
Side	-	2.36 (west)	3.04 (south)	Lot A – 3.46 Lot B – 1.86 Lot C – 2.78
Side on flanking street	4.47	-	-	3.5
Combined side yards	8.28	5.41	4.58 *	5.4
Parking – minimum	1	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC on January 5, 2018. On June 7, 2018, the applicant attended a Fairfield Gonzales CALUC meeting. A letter from the CALUC is attached to this report.

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, 2012)* identifies this property within DPA 16 – General Form and Character. Within this DPA, single-family dwellings do not require a Development Permit for the design of the proposal.

Local Area Plans

The *Gonzales Neighbourhood Community Plan (2002)* recommends land use policies that ensure the neighbourhood retains its detached dwelling character. New houses should fit with the size and character of existing houses in the neighbourhood. The requested variances retain the existing houses and the character of the neighbourhood is relatively unchanged.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts or impacts to public trees with this Application.

Regulatory Considerations

There are six variances that affect this Application. The front yard setbacks for Lot A and C would require variances as a result of the road dedication that would take place at the subdivision stage. These variances are a result of City requirements, as no changes are proposed to the existing buildings or related front yards.

A variance is also required for reducing the side yard setback of Lot C from 2.78m to 1.54m. This variance subsequently triggers another variance to the combined side yard setback of Lot C from 5.40m to 4.58m. In this instance, the variance is triggered by the adjustment of the property line between the two existing buildings, so the impact is internalized to the subject sites. In addition, the adjacent building on Lot A is set back 4.56m from the side property line, which creates an adequate distance between the two buildings.

Lot B is 12.42m wide at the front of the property and thins at the rear of the property to 8.60m, creating an average width across the property of 11.64m, which requires a variance from the zone standard of 15.0m. The 12.42m frontage is slightly larger than the 12.0m width found on the lot immediately adjacent to the east. However, the majority of the neighbourhood either meets or exceeds the 15.0m lot width found in the R1-G Zone, with the average lot width of the eight nearest single-family dwelling properties being approximately 18.75m.

Finally, although the house on Lot A fronts onto St. Charles Street, the rear yard is technically the southern yard and therefore requires a variance from 9.1m to 4.56m. However, the east yard acts as the *de facto* rear yard and due to the angled lot line the *de facto* rear yard does extend to 8.76m at the south, which provides for useable green space.

CONCLUSIONS

The *Gonzales Neighbourhood Community Plan* encourages retaining the existing detached housing character of the neighbourhood while ensuring that new housing fits with the existing context. The proposed variances help ensure that the detached character of the neighbourhood is preserved through the retention of the existing dwellings and the addition of a new dwelling with minimal variances. Therefore, staff recommend that Council consider supporting this Application.

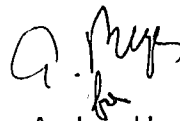
ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00204 for the property located at 331 and 337 St. Charles Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services

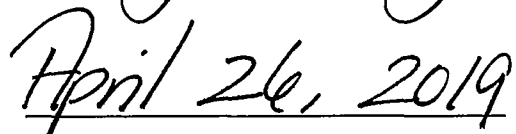


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

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 April 4, 2018
- Attachment D: Letters from the applicant to Mayor and Council dated September 26, 2017 and March 18, 2019
- Attachment E: Letter from the Fairfield Gonzales CALUC dated June 7, 2018
- Attachment F: Correspondence.