



## **Committee of the Whole Report For the Meeting of March 11, 2021**

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**To:** Committee of the Whole **Date:** February 26, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Development Variance Permit Application No. 00252 for 123/125 Government 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 Variance Permit Application No. 00252 for 123/125 Government Street in accordance with:

1. Plans date stamped October 2, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Reduce the required parking from two stalls to one stall;
  - ii. Reduce the setback requirement for a lower storey window on the side elevation (south) from 3.0 m to 2.4 m.
3. The Development Variance 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 provide Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 123/125 Government Street. The proposal is to reduce the parking requirement from two stalls to one and to reduce the required setback from a window on the lower level. This window already exists and the variance is needed to legitimize its placement in this location.

The following points were considered in assessing this application:

- The original dwelling on the subject parcel was constructed in 1906. There has been a number of changes to the original structure resulting in a complex history of approvals, which permitted the two-family dwelling in 1967 and further renovations in 2019.
- The applicant's desire to strata subdivide the building requires that zoning irregularities, are addressed, triggering the requirement for two variances as noted above.
- The reduction in required parking from two stalls to one is considered supportable as it is a small variance and the active transportation measures help mitigate the shortfall.
- The variance for an existing window on the lower level is supportable as it is minor in nature and does not create any privacy issues.
- No additional physical changes are proposed as part of this application as the changes to the original structure were undertaken under previous approvals.

## **BACKGROUND**

### **Description of Proposal**

The application is to reduce the required parking from two stalls to one and to formalize the placement of a bay window in the side yard that is already in situ. The bay window was inadvertently missed as requiring a variance during a previous approval process. This application is being triggered by the applicant's desire to strata subdivide the existing two-family dwelling and the process requires full compliance with the *Zoning Regulation Bylaw*. No new construction is proposed as part of this application.

### **Affordable Housing**

The retention of an existing two-family dwelling maintains the variety of housing units in the area and the renovation enhances the quality of the supply. This two-family dwelling is occupied by members of the same family and no change in occupancy is anticipated at this time.

### **Sustainability**

The retention and renovation of an existing building creates less construction waste. Permeable paving is in place for the driveway and parking stall.

### **Accessibility**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The pathways and driveway are designed to be accessible.

### **Active Transportation**

Although two-family dwellings are exempt from requiring bike parking, in this instance secure bicycle parking for use by the residents is proposed to be accommodated in the existing accessory building.

### **Public Realm**

No public realm improvements beyond the City's standard requirements are proposed in association with this application.

### Relevant History

The existing dwelling was constructed in 1906 as a single-family dwelling and converted to a two-family dwelling in 1967. In 2019, the existing structure was raised to create more useable living space for each unit and the building was extensively renovated on all floors. At that time, a Board of Variance approval was obtained to allow for the additional building height. The additional setback variance required for the new bay window on the lower level would have been an appropriate variance for Board of Variance deliberation, however, it was not part of the application and therefore is now being considered as part of this Development Variance Permit application.

### Data Table

The following data table compares the existing two-family dwelling with the R-2 Zone, Two Family Dwelling District. For clarity, it is noted that no further construction is considered on the subject property and the intent of the requested variances is to facilitate the strata subdivision of the existing two family dwelling.

An asterisk is used to identify where the proposal does not meet the requirements of the existing zone; two asterisks identify where this is an existing condition, and an explanatory note of approval history is provided.

Zoning Criteria	Proposal (Existing two-family dwelling)	R-2 Zone	Notes
Site area (m <sup>2</sup> ) – minimum	653	555	
Floor space ratio – maximum	0.49:1	0.5:1	
Height (m) – maximum	8.61**	7.6	Board of Variance granted approval in 2019 to allow additional height
Storeys – maximum	3**	1.5	Legal non-conforming - original structure
Site coverage (%) - maximum	29.8	40	
<b>Setbacks (m) – minimum</b>			
Front (Government Street)	6.38**	7.5	Legal non-conforming-original footprint
Rear	18.74	15.01	
Side (north)	1.88	1.52	
Side (south)	<b>2.4*</b>	3.0	Variance requested to accommodate existing bay window.

Zoning Criteria	Proposal (Existing two-family dwelling)	R-2 Zone	Notes
Combined side yards	4.74	4.5	
Vehicle Parking – minimum	1*	2	Variance requested

## **Community Consultation**

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, the application was referred to the James Bay Neighbourhood Association. No comments have been received to date.

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.

The applicant has also canvassed the neighbours with respect to the parking variance and has provided petitions to support their application.

## **ANALYSIS**

### **Official Community Plan and James Bay Neighbourhood Plan**

The proposal is consistent with the *Official Community Plan, 2012 (OCP)* and *James Bay Neighbourhood Plan*, which both support maintaining a variety of housing types and tenures. The strategic directions for the James Bay area include to “enable adaption and renewal of existing building stock” (Policy 21.16.4). By considering and supporting minor variances to the existing two-family dwelling, these policy objectives are realized.

### **Zoning Regulation Bylaw**

The proponent's plan to strata subdivide the existing two units, triggers the need to ensure full compliance with the *Zoning Regulation Bylaw* and formalize any irregularities. If the second dwelling unit is used as rental only, it does not trigger the need for an additional parking stall; however, an additional stall is required to facilitate the change in tenure. If the building qualified as a house conversion under Schedule G – House Conversion Regulations, it would not be required to provide any parking regardless of how many units were proposed; however, since there were modifications to the building in 2019 that added floor area and raised the building more than 0.6m (two feet), it does not qualify as a conversion until five years has passed. The following sections address the two proposed variances.

#### Parking Variance

Schedule C requires one parking stall per unit for two-family dwellings. Only one parking stall is provided on site. However, there is sufficient paved area in the front of house and a driveway to accommodate deliveries or short-term parking when required.

This section of Government Street is designated for resident parking only and creates opportunity for the occupants to use street parking when available. Further, the two units are existing, and therefore no change in the parking demand is anticipated as a result of strata titling the units.

The parking variance request may be partially mitigated by the active transportation measure, of including secure bicycle parking in the accessory building.

The site is also in close proximity to services and amenities within James Bay neighbourhood, which supports less reliance on vehicles.

## Setback Variance

The side yard setback requirement is 3.0m and the bay window which was installed on the lower level as part of the 2019 renovations has a 2.4m setback. As such, a further variance is required. There are no overlook or privacy issues associated with the placement of this window as it provides light into a non-habitable area and there is adequate buffering from the adjacent neighbour. This variance is considered minor in nature and was inadvertently omitted from the Board of Variance application that considered the additional floor area and changes that were approved in 2019, hence the request to formalize its placement with this Development Variance Permit Application.

## **CONCLUSIONS**

The application is consistent with policies within the *Official Community Plan*, which supports a diversity of housing types in each neighbourhood and further encourages the renewal of existing housing stock. The parking stall shortfall of one stall is supportable as mitigation measures are in place. The setback variance for a bay window is supportable as it does not create any privacy issues. The variances are minor in nature and are requested to create conformity with the applicable regulations to facilitate the strata subdivision of an existing building.

## **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00252 for the property located at 123/125 Government Street.

Respectfully submitted,

Lucina Baryluk  
Senior Planner  
Development Services

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 20, 2020
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2020
- Attachment E: Correspondence – petitions submitted by agent on behalf of owner.