



Committee of the Whole Report For the Meeting of October 28, 2021

To: Committee of the Whole **Date:** October 14, 2021

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

Subject: Development Variance Permit No. 00235 for 431 Parry Street

RECOMMENDATION

That Council waive the requirement for an opportunity for public comment and authorize the issuance of Development Variance Permit No. 00235 for 431 Parry Street in accordance with:

1. Plans date stamped December 23, 2019
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 7.5m to 4.14m;
 - ii. reduce the rear yard setback from 8.28m to 4.42m for the rear stairs and 4.95m for the building;
 - iii. reduce the south side yard setback from 1.5m to 1.2m;
 - iv. reduce the north side yard setback from 3m to 2m; and
 - v. reduce the combined side yard setback from 4.5m to 3.2m.
3. The Development Permits lapsing two years from the date of this resolution.

That Council ratify this motion at the October 28th Council following Committee of the Whole Meeting.

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 (DVP) Application for the property located at 431 Parry Street. On January 28, 2021, Council approved DVPs for two single-family dwellings with secondary suites at 429 Parry Street and 431 Parry Street. However, it has recently been discovered that there were errors in the staff motion provided for 431 Parry Street related to the

front and side yard setbacks. This report is to request Council approve the correct setback variances. As there have been no changes to the proposal as submitted by the applicant, and this report is intended to simply correct a City error, it is recommended that the Opportunity for Public Comment be waived.

BACKGROUND

Description of Proposal

The purpose of this report is to correct an error in a Council motion. The original applications were brought forward together for two existing properties proposing two new single-family dwellings with secondary suites. The applications proposed variances to reduce the front, rear and side yard building setbacks. On January 28, 2021, Council approved the following motion:

That Council authorize the issuance of Development Variance Permit Applications No.00234 for 429 Parry Street and No.00235 for 431 Parry Street in accordance with:

1. Plans date stamped December 19, 2019 (429 Parry Street) and December 23, 2019 (431 Parry Street)

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

For Development Variance Permit No. 00234 at 429 Parry Street:

- a. reduce the front yard setback from 7.5m to 3.79m;*
- b. reduce the rear yard setback from 8.28m to 4.71m for the rear stairs and 5.61m for the building;*
- c. reduce the north side yard setback from 1.5m to 1.2m;*
- d. reduce the south side yard setback from 3m to 2m; and*
- e. reduce the combined side yard setback from 4.5m to 3.2m.*

For Development Variance Permit No. 00235 at 431 Parry Street:

- a. reduce the front yard setback from 7.5m to **4.41m**;*
- b. reduce the rear yard setback from 8.28m to 4.42m for the rear stairs and 4.95m for the building;*
- c. reduce the **north** side yard setback from 1.5m to 1.2m;*
- d. reduce the **south** side yard setback from 3m to 2m; and*
- e. reduce the combined side yard setback from 4.5m to 3.2m.*

3. Registration of legal agreements on both property titles to secure a Statutory Right-of-Way, to the satisfaction of the Director of Engineering.

4. The Development Permits lapsing two years from the date of this resolution.

At the Building Permit stage, it was discovered that there were errors in the above motion for 431 Parry Street related to the front and side yard setbacks (in **bold** above):

- the words 'north' and 'south' are reversed
- '4.41m' should be '4.14m'.

The new recommended motion provides the updated wording for Council's consideration. Staff recommend that since this is an error in the original recommended motion only, and that the plans and data table provided in the reports were accurate, that Council consider waiving an Opportunity for Public Comment. The applicant has applied for a Building Permit and the

approval of these corrected variances is required before the Building Permit can be issued. An alternate recommendation has been provided should Council wish to hold another Opportunity for Public Comment.

Note: the registration of legal agreements on both property titles to secure a Statutory Right-of-Way have been completed to the satisfaction of the Director of Engineering, therefore, this condition was removed from the recommendation.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal varies from the existing Zone.

Zoning Criteria	Proposal – 431 Parry Street	Existing R1-B Zone
Site area (m ²) – minimum	249.4	230
Density (Floor Space Ratio) – maximum	0.51:1	N/A
Total floor area (m ²) – maximum	174.4	300
Total floor area (m ²) – excluding basement maximum	127	N/A
Lot width (m) – minimum	8.25	7.50
Height (m) – maximum	7.55	7.60
Storeys – maximum	2 plus basement	2 plus basement
Site coverage (%) – maximum	35.00	40
Setbacks (m) – minimum		
Front	4.14 *	7.50
Rear	4.42 * (stairs) (4.95 to building)	8.28
Side	1.20 * (south)	1.50
Side	2 * (north)	3
Combined side yards	3.20 *	4.50
Parking – minimum	1	1

Community Consultation

The James Bay Community Association Land Use Committee were notified of the errors and did not express concern.

Staff recommend that the Opportunity for Public Comment be waived, given this initiative is simply correcting a City mistake and the proposal has not changed. If Council wishes to hold an Opportunity for Public Comment, the alternate motion contains the necessary language and in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

CONCLUSIONS

There were errors in the Council motion approved January 28, 2021 that need to be corrected in order for the applicant to construct the single family dwelling with secondary suite at 431 Parry Street. The variances were shown correctly on the plans and in the data table, and the plans as submitted by the applicant have not changed. It is recommended that Council approve the correct setback variances and waive holding another Opportunity for Public Comment.

ALTERNATE MOTION (Hold Opportunity for Public Comment)

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.00235 for 431 Parry Street in accordance with:

1. Plans date stamped December 23, 2019 (431 Parry Street)
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

For Development Variance Permit No. 00235 at 431 Parry Street:

- i. reduce the front yard setback from 7.5m to **4.14m**;
 - ii. reduce the rear yard setback from 8.28m to 4.42m for the rear stairs and 4.95m for the building;
 - iii. reduce the **south** side yard setback from 1.5m to 1.2m;
 - iv. reduce the **north** side yard setback from 3m to 2m; and
 - v. reduce the combined side yard setback from 4.5m to 3.2m.
3. The Development Permits lapsing two years from the date of this resolution.

Respectfully submitted,

Chelsea Medd
Planner
Development Services

Karen Hoesle, 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 December 23, 2019
- Attachment D: Council Minutes from January 28, 2021.