



## Committee of the Whole Report For the Meeting of May 19, 2022

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**To:** Committee of the Whole **Date:** May 5, 2022

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

**Subject:** Development Variance Permit Application No. 00263 for 1535/1537 Despard Avenue

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### RECOMMENDATION

That Council decline Development Variance Permit Application No. 00263 for the property located at 1535/1537 Despard Avenue.

### 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 1535/1537 Despard Avenue. The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. Variances are required to reduce the lot width for each lot and to reduce the interior side yard setbacks between the two dwellings.

The following points were considered in assessing this application:

- The Official Community Plan contains a strategic direction for the Rockland Neighbourhood to preserve large lot character and although to the passer-by, the site would remain virtually unchanged, the proposal is not consistent with the goal of retaining larger lots.
- The proposal is inconsistent with the *Rockland Neighbourhood Plan* which encourages development of semi-attached or attached dwellings as a preferred alternative to subdivision of larger lots.
- Removal of the pergola connection between the dwellings would change the use from semi-attached dwellings to single-family dwellings. Under the existing R1-A Zone, Rockland Single Family Dwelling District, each lot could be developed with a single-family dwelling with either a secondary suite or garden suite.

- The proposed lot width and interior side yard setback variances would not impact neighbouring properties or the public realm; however, the subdivision would preclude future redevelopment of the site as semi-attached dwellings in accordance with the current R1-A Zoning.

Although the application is inconsistent with Council's approved policy, it is noted that there would be little visible difference from the street should the application be approved. In the event Council would like to consider approving this application, an alternate motion has been provided.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to remove the pergola connection between the two dwellings and subdivide the property to create two lots. The variances are related to reducing the width of each lot and the interior side yard setbacks between the two existing buildings. Specific details include:

- The semi-attached dwelling was constructed in 2010 in accordance with the R1-A Zone, Rockland Single Family Dwelling District regulations, which at the time allowed for a pergola, arbour or breezeway connection between dwelling units in a semi-attached or attached dwelling development.
- The R1-A Zone was amended in 2011 to remove reference to pergola, arbour and breezeway, and a common roof connection is now required with development of semi-attached or attached dwellings.
- According to the applicant's letter the request to subdivide the property is because the property presents and functions as two separate and distinct single-family dwellings and subdivision of the property and dissolution of the strata would simplify the insurance process and reduce associated costs.

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

### **Affordable Housing**

The applicant is not proposing any new housing with this proposal; however, subdivision would facilitate the ability of each property to add a secondary suite or garden suite.

### **Sustainability**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

## Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Variance Permit Application.

## Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

## Existing Site Development and Development Potential

The site is presently developed as a semi-attached dwelling. If subdivided, the dwellings would be considered single-family dwellings and the R1-A Zone would allow each lot to have a secondary suite or garden suite in addition to the existing dwellings.

## Data Table

The following data table compares the proposal with the existing R1-A Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk indicates where the buildings are legal non-conforming.

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
Site area (m <sup>2</sup> ) – minimum	835.85	835.73	740.00
Number of units – maximum	1	1	Principal dwelling plus secondary suite or garden suite
Density (Floor Space Ratio) – maximum	0.33:1	0.33:1	N/A
Combined floor area (m <sup>2</sup> ) – maximum	405.22	396.97	N/A
Lot width (m) – minimum	<b>15.24*</b>	<b>15.24*</b>	24.00
Height (m) – maximum	<b>10.42**</b>	<b>10.36**</b>	7.6
Storeys – maximum	2.5	2.5	2.5
Site coverage (%) – maximum	24.28	24.09	40.00

Zoning Criteria	1535 Despard Avenue Proposal	1537 Despard Avenue Proposal	R1-A Zone
<b>Setbacks (m) – minimum</b>			
Front	11.28	14.37	10.50
Rear	16.89	22.23	13.71 (25% of lot depth)
Side (east)	<b>1.52*</b>	3.11	3.00
Side (west)	3.05	<b>1.83*</b>	3.00
Parking – minimum	2	2	1 per lot

### Relevant History

The existing semi-attached dwelling was constructed in 2010 under the R1-A Zone regulations which at the time permitted dwelling units within a semi-attached building to be attached by a pergola, arbour or breezeway. The R1-A Zone was amended in 2011 and now requires a common roof connection for semi-attached dwellings. The maximum height permitted in the Zone was also reduced from 11.0m to 7.6m.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 26, 2021 the application was referred for a 30-day comment period to the Rockland CALUC. 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

#### Rockland Neighbourhood Plan

The proposal to subdivide the property is inconsistent with the *Rockland Neighbourhood Plan* which encourages semi-attached and attached dwellings as a desirable alternative to subdivision. The Plan also encourages adherence to the R1-A subdivision regulations (i.e., minimum lot area and lot width). The intent of this policy is to ensure the area maintains its large lot character with setbacks that provide “breathing room” for existing houses, preserves views towards traditional houses and conserves other heritage features. While the proposal is inconsistent with this general policy of discouraging subdivision, development of the site has already occurred and the subdivision and requested variances for lot width and interior setbacks would not result in a noticeable change along Despard Avenue. However, subdivision would preclude future redevelopment of the lot as semi-attached dwellings that are consistent with the current R1-A Zoning regulations (e.g., share a common roof connection).

## Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

### Regulatory Considerations

The proposed variances are related to:

- reducing the lot width from 24m to 15.24m for both lots
- reducing the east side yard setback from 3.00m to 1.52m for 1535 Despard Avenue
- reducing the west side yard setback from 3.00m to 1.83m for 1537 Despard Avenue.

Given there are no proposed changes to the existing buildings other than the removal of a pergola connection, these variances would not have an impact on the adjacent properties or the public realm. However, once subdivided, a secondary suite or garden suite could be added to each lot in accordance with the R1-A Zoning regulations.

### CONCLUSIONS

The proposal to subdivide the property located at 1535/1537 Despard Avenue to create two single family lots and associated lot width and setback variances is inconsistent with the *Rockland Neighbourhood Plan*, which encourages semi-attached or attached dwelling infill as an alternative to subdivision. Therefore, consistent with this policy, staff's recommendation is that the application be declined; however, an alternate motion that would advance the required variance to an opportunity for public comment is provided below should Council wish to consider approving the application.

### ALTERNATE MOTION

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. 00263 for 1535/1537 Despard Avenue, in accordance with:

1. Plans date stamped June 24, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. 1535 Despard Avenue
    - i. reduce the lot width from 24m to 15.24m
    - ii. reduce the east side yard setback from 3.00m to 1.52m
  - b. 1537 Despard Avenue
    - i. Reduce the lot width from 24m to 15.24m
    - ii. Reduce the west side yard setback from 3.00m to 1.83m
3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,

Alec Johnston  
Senior Planner  
Development Services Division

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 June 24, 2021
- Attachment D: Letter from Applicant to Mayor and Council submitted April 27, 2022
- Attachment E: Rockland Community Association Land Use Committee Comments submitted April 6, 2021
- Attachment F: Correspondence (Letters received from residents).