



Council Report

For the Meeting of January 26, 2023

To: Council **Date:** January 12, 2023

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

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

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. 00263 for 1535/1537 Despard Avenue, subject to confirmation of registration of legal agreements, 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."

UPDATE

This application to subdivide the property located at 1535/1537 Despard Avenue, into two fee simple lots, was considered at the Committee of the Whole meeting on May 19, 2022, with the following motion ratified on June 9, 2022:

"That Council refer the matter back to staff to work with the applicant to secure a covenant preventing further development of newly created fee simple lots."

The property currently contains two dwelling units connected by a pergola, which under "retired" regulations qualifies the building as a duplex (Committee of the Whole Report for the meeting held on May 19, 2022 is attached). If the property is subdivided, the two units would each be considered a single-family home under the *Zoning Regulation Bylaw*.

It should be noted that the approved building plans for both buildings include design features, such as partial kitchens, that could facilitate the addition of secondary suites if the property is subdivided. However, as per Council's motion, further development of the site would be prohibited.

The applicant has fulfilled the conditions from the Council motion and a legal agreement preventing further development, beyond the potential for secondary suites, has been prepared and executed. The recommendation provided for Council's consideration contains the appropriate language to advance this application to an opportunity for public comment.

Respectfully submitted,

Patrick Carroll
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: Committee of the Whole Report for the meeting on May 19, 2022, dated May 5, 2022
- Attachment B: Committee of the Whole Minutes dated May 19, 2022
- Attachment C: Minutes from Daytime Council Meeting dated June 9, 2022
- Attachment D: Plans date stamped June 24, 2021
- Attachment E: Community Association Land Use Committee Comments dated January 6, 2023.