



Committee of the Whole Report For the Meeting of May 18, 2023

To: Committee of the Whole **Date:** April 20, 2023
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00281 for C-3052 Washington Avenue

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. That Council authorize the issuance of Development Variance Permit No. 00281 for C-3052 Washington Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on January 4, 2023 subject to:
 - a. Proposed development meeting all Burnside and Washington Streets Housing Land Use Contract Authorization Bylaw, 1975 (Bylaw No. 6789) requirements, except for the following variance:
 - i. reduce the rear yard setback for building two, lot six, to 6.03m
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

LEGISLATIVE AUTHORITY

Relevant Development Variance Permit considerations relate to the impact of the proposed variances.

Enabling Legislation

In accordance with Section 546 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a Land Use Contract, provided that the permit does not vary the use or density of land from that specified in the Land Use Contract.

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 C-3052 Washington Avenue. The variance is related to a reduction in the rear (south) lot line setback to permit the enlargement of an existing deck. An application of this nature could normally be dealt with

through a Board of Variance (BOV) process; however, the subject lot is under a Land Use Contract which can only be amended through a Development Variance Permit or a Rezoning.

The terms of the Land Use Contract require Council approval for minor variances if there is “no substantial effect upon the essential nature, appearance or character of the buildings”. Given the minor nature of the variance and the sufficient rear setback that is maintained, staff recommend that the application be supported.

BACKGROUND

Description of Proposal

This proposal is to reduce the rear (south) lot line setback from approximately 8.34m to 6.03m to allow the expansion of an existing deck at the rear of a dwelling unit.

The following difference from the Land Use Contract (LUC) requires a variance: reduce the rear (south) lot line setback to 6.03m.

Land Use Context

The area is characterized by low- and mid-rise residential uses. Immediately adjacent land uses are primarily residential two-storey buildings.



Figure 1: Aerial photo of subject property.

Existing Site Development and Development Potential

The site is presently used as townhouses grouped into four buildings under the terms of the Land Use Contract (LUC).

Under the current R1-B Zone, Single Family Dwelling District, which will apply to the property once the Land Use Contract expires in June, 2024, the property is permitted single family dwelling use, but existing uses will continue as a legally non-conforming use.

Relevant History

The subject property has been developed under a LUC enacted in 1978. Under the terms of the LUC, a maximum of 16 dwelling units are permitted to exist on the subject property. In 2006 Council approved a Development Variance Permit for a similar deck extension on the neighbouring dwelling unit at D-3052 Washington Avenue.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Variance Permit Application, it was referred to the Burnside Gorge CALUC for a 30-day comment period.

At the time of writing this report, a letter from the CALUC had not been received.

The associated 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

Official Community Plan: Design Guidelines

The *Official Community Plan (OCP)* identifies this property within DPA 16 General Form and Character. This proposal is exempt from the requirement for a Development Permit, as it is an alteration to an existing building.

Variances

Setbacks

The reduction in the rear (south) setback is requested to enlarge the outdoor deck area. The existing deck area is approximately 4.3m² (46 ft²). The relaxation of the setback would allow a deck area of 14.4m² (155 ft²), while still achieving a lot line setback of 6.03m. The proposed deck construction would also be consistent with a deck constructed to the rear of the adjacent dwelling unit. Staff have not identified any negative impacts resulting from the proposed variance and, therefore, recommend that Council approve the application.

Tree Preservation Bylaw and Urban Forest Master Plan

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

CONCLUSIONS

The proposed deck expansion is minor in nature. A sufficient rear lot line setback would be maintained following the deck expansion and the proposal will not negatively impact immediate neighbours or the wider neighbourhood. Staff recommend that Council support the application.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00281 for the property located at C-3052 Washington Avenue.

Respectfully submitted,

Geordie Gordon
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: Plans date stamped January 4, 2023
- Attachment C: Letter from applicant to Mayor and Council dated January 3, 2023.