



## Council Report

For the Meeting of September 5, 2024

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**To:** Council **Date:** August 22, 2024

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

**Subject:** **Update Report for Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236 for 1005 Chamberlain Street**

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### RECOMMENDATIONS

#### Rezoning Application

1. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council.
3. **That following third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute legal agreements, prior to adoption of the bylaw, to secure the following:**
  - a. **preparation and execution of a Housing Agreement for a term of five years to secure the two-family dwelling (duplex) building as rental, on terms to the satisfaction of the Director of Planning and Development**
  - b. **a 3.0m wide right-of-way for pipes and access for sanitary sewer purposes, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.**
4. That adoption of the Zoning Regulation Bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## Development Permit with Variances Application

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment Council authorizes the issuance of Development Permit with Variances No. 00236 for 1005 Chamberlain Street, in accordance with plans submitted to the Planning department and date stamped by Planning on February 22, 2024, subject to:
  - a. securing the provision of four car share memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
  - b. proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the minimum front yard setback from 7.50m to 7.43m
    - ii. reduce the minimum rear yard setback from 10.47m to 6.70m
    - iii. reduce the minimum side yard setback (south) from 3.00m to 2.23m
    - iv. reduce the minimum side yard setback (north) from 1.50m to 0.75m
    - v. reduce the minimum number of residential parking spaces from 2 space to 0 spaces
    - vi. increase the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
    - vii. increase the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m
    - viii. increase the maximum number of storeys from two storeys to three storeys
    - ix. increase the maximum height of a building from 7.60m to 8.02m
    - x. allow for roof decks.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide for Council’s consideration an updated motion related to the Rezoning Application and concurrent Development Permit with Variances Application for the properties located at 1005 Chamberlain Street. Council considered Rezoning Application No. 00834 and associated Development Permit with Variances Application No. 00236 at the Council to Follow Committee of the Whole (CTFCOTW) meeting on April 25, 2024.

In accordance with Council’s resolution, a Zoning Regulation Amendment Bylaw (No. 1339) to facilitate the proposed development has been prepared for Council’s review and consideration.

### **Legal Agreements**

The previous Council motion adopted on April 25, 2024, required that the Housing Agreement be completed prior to bringing forward the necessary Zoning Regulation Bylaw amendment for introductory readings.

However, the process for Rezoning that involve housing agreements has changed, and we now require that housing agreements be executed following first, second, and third readings but before adoption of the Zoning Bylaw amendment. The revised recommendation (in bold) reflects this process change.

The proposed Zoning Regulation Amendment Bylaw, the Committee of the Whole report dated April 11, 2024, and the CTFCOTW minutes from April 25, 2024, are attached for Council's reference.

## **CONCLUSION**

The recommendation provided for Council's consideration contains the appropriate language to advance the Rezoning Application and consider approval of the Development Permit with Variances application subject to approval of the associated Rezoning Application.

Respectfully submitted,

Kasha Janota-Bzowska  
Planner  
Development Services Division

Karen Hoese, Director  
Planning and Development  
Department

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

## **List of Attachments**

- Attachment A: *Zoning Regulation Bylaw, Amendment Bylaw (No. 1339) No. 24-042*
- Attachment B: Committee of the Whole Report dated April 11, 2024
- Attachment C: CTFCOTW Minutes dated April 25, 2024.