



Committee of the Whole Report

For the Meeting of July 27, 2017

To: Committee of the Whole **Date:** July 20, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit No. 00194 for 121 Menzies Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00508, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a) decrease the dwelling unit floor area (minimum) from 33.00m² to 28.98m²
 - b) decrease the number of parking stalls from eight to one
 - c) locate the parking in the front yard
 - d) locate accessory buildings in the side yard
 - e) increase total site coverage from 40% to 42.30%
 - f) increase the height of one accessory building from 3.50m to 4.41m
 - g) decrease the rear setback of an accessory building from 0.60m to 0.50m
 - h) decrease the side setback of accessory buildings from 0.60m to 0.40m
 - i) decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
 - j) increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
3. The Development Permit lapsing two years from the date of this resolution."

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 Permit Application for the property located at 121 Menzies Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone in order to permit a 10 dwelling unit House Conversion at this location. There is a concurrent Rezoning Application, as well as a Heritage Designation Application, that are presented in separate reports.

The variances are related to decreasing the unit size required in a conversion, reducing the parking requirements and reducing requirements related to siting and height of accessory buildings. The variances are supportable because they are the result of existing conditions and do not appear to substantially impact the adjacent properties.

BACKGROUND

Description of Proposal

This proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to site specific zone to allow a House Conversion with 10 dwelling units. The proposed variances are related to:

- decreasing the dwelling unit floor area
- decreasing the number of parking stalls
- changing the parking location
- increasing total site coverage
- increasing the floor area of an accessory building
- increasing the height of an accessory building
- decreasing the setbacks of an accessory building
- altering the permitted location of an accessory
- decreasing the separation space required between a principle building and an accessory building
- increasing the rear yard site coverage associated with an accessory building.

Sustainability Features

As indicated in the applicant's letter dated April 21, 2017, the following sustainability features are associated with this application:

- rainwater collection
- recycling and composting
- vegetable gardens
- high efficiency appliances with low water flow.

Active Transportation Impacts

The application proposes bike racks which support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application; however, the applicant is willing to provide a 1.78m Statutory Right-of-Way along Menzies Street.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Existing Site Development and Development Potential

The site is presently illegally developed as 11 dwelling units (with individual bathrooms), two housekeeping units (with a shared bathroom), and one garden suite. The site was approved for seven housekeeping units, but was subsequently modified without securing the necessary City permits.

Under the current R-2 Zone, the regulations in the R1-B Zone, Single Family Dwelling District, would apply due to the size of the lot. The property could be developed as a single-family dwelling with a secondary suite or garden suite.

Relevant History

The existing building is approved for seven housekeeping units. At some point in the past, the building was renovated to accommodate 11 self-contained dwelling units (each with a separate bathroom), two housekeeping units, and the accessory building was converted into a dwelling unit totalling 14 dwelling units on the site.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on October 12, 2016. A letter dated October 21, 2016 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

Regulatory Considerations

The following table shows the variances that would be required to facilitate this development in conjunction with the concurrent Rezoning Application. This approach, rather than building these unique attributes into a new zoning bylaw, is recommended so these less stringent requirements are not entrenched in the zoning bylaw, running with the land even if the existing building is lost at some future date. Similarly, legal non-conforming conditions, such as height and setbacks will remain as legal non-conforming conditions so that again, if the building was ever destroyed, future development would need to conform to the zoning regulation bylaws of the day.

Zoning Criteria	Proposal	Zone Standard
Principle Building - Conversion		
Dwelling Unit Floor Area (m ²) - minimum	28.98	33.00
Parking - minimum	1	8
Parking - location	Front Yard	Behind Front Yard
Site Coverage (total) (%) - maximum	42.30	40
Accessory Buildings– Schedule F		
Location	Side and Rear Yard	Rear yard
Height (m) - maximum	4.41	3.50
Setbacks (m) - minimum:		
Rear	0.50	0.60
Side	0.40	0.60
Separation space from principal building	1.00	2.40
Rear yard site coverage (%) - maximum	29.80	25.00

The height, number of storeys, setback and site coverage variances are supportable because they are existing and do not seem to have a substantial impact on the adjacent properties. The applicant has supplied a Parking Study (attached) to justify the parking variance and is providing 10 bicycle parking spaces to help with the shortfall.

CONCLUSIONS

This Development Variance Permit Application to permit a 10 dwelling unit house conversion would not substantially impact adjacent properties. The parking variance is supported by a Parking Study and mitigated by 10 bicycle parking stalls. Staff recommend that Council consider supporting this application.

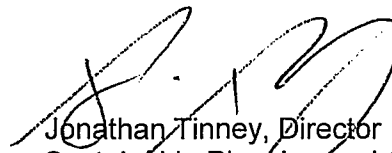
ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00194 for the property located at 121 Menzies Street.

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

July 18, 2017

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 25, 2017
- Attachment D: Letter from applicant to Mayor and Council dated April 21, 2017
- Attachment E: Community Association Land Use Committee Comments dated October 21, 2016
- Attachment F: Parking Review dated January 22, 2016.