



## Committee of the Whole Report For the Meeting of July 20, 2017

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**To:** Committee of the Whole **Date:** July 6, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Variance Permit Application No. 00193 for 1421 Fairfield Road

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### 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 Permit Application No. 00193 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped June 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot F

- a. Part 1.2.5 (a): Reduce the front setback from 7.5m to 6.2m
- b. Part 1.2.5 (b): Reduce the rear setback from 7.5m to 3.5m.
3. The Development Permit lapsing two years from the date of this resolution.

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016."

### 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 1421 Fairfield Road. The proposal is to subdivide the existing lot and construct three single-family dwellings. This Development Variance Permit is for Lot F; a Development Permit with Variances is required for the two Panhandle Lots which are being proposed in conjunction with this application and is

discussed in a separate report.

The requested variances are to reduce the front and rear setbacks. These variances are due to the short depth of the proposed lot and do not have a substantial impact on shading and privacy of the adjacent lots. The proposed front setback is approximately in line with the adjacent houses on Fairfield Road.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct three single-family houses. Lot D and Lot E are Panhandle Lots and therefore are in Development Permit Area 15B: Intensive Residential – Panhandle Lot which are reviewed under a separate report along with associated variances. Lot F is not a Panhandle Lot but would require variances. Similarly, although all three lots would be in the R1-B Zone, Single Family Dwelling District, Schedule H – Panhandle Lot Regulations would apply only to Lot D and Lot E.

### **Sustainability Features**

As indicated in the applicant's letter dated February 22, 2017, the following sustainability features are associated with this application:

- energy efficiency: New construction to pursue Energuide 80 (or equivalent)
- renewable energy: solar / PV provisions
- water: low flow fixtures
- site permeability: permeable paving stones for hard landscaping
- landscaping: no net loss in number of trees.

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application.

### **Accessibility Impact Statement**

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

### **Existing Site Development and Development Potential**

The site is presently in the R1-B Zone, Single Family Dwelling District. Under this zone, the site could be subdivided and three single-family homes with secondary suites could be built, subject to Council's approval of a Panhandle Development Permit Application.

### **Data Table**

The following data table compares the proposal with the R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.



Zoning Criteria	Proposal Lot F	Zone Standard R1-B Zone
Site area (m <sup>2</sup> ) - minimum	504.00	460.00
Lot width (m) - minimum	28.60	15.00
1st & 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	239.00	280.00
Total floor area (m <sup>2</sup> ) - maximum	290.50	300.00
Height (m) - maximum	7.59	7.6
Storeys - maximum	2	2
Site coverage % - maximum	26.30	40.00
Setbacks (m) - minimum		
Front (Fairfield Rd.)	6.20 *	7.50
Rear (south)	3.50 *	7.50
Side (east)	3.50	2.86
Side (west)	7.60	3.00
Combined side yards	11.10	4.50
Parking - minimum	1	1

## Relevant History

A previous application (DPV No.00004) was received for 1421 Fairfield Road to subdivide the property into three lots and construct three single-family dwellings. The proposal was declined by Council at the September 8, 2016 Council Meeting (minutes attached). The subject of this report is a revised application for the same site.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on May 18, 2017 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC; a letter dated May 19, 2017 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 applicant is requesting variances as follows:

- reducing the front yard setback from 7.50m to 6.20m
- reducing the rear yard setback from 7.50m to 3.50m.

These variances are the result of the proposed house being sited towards the side lot line (Moss Rock Place) instead of the front lot line (Fairfield Road is defined as the front in accordance with the *Zoning Regulation Bylaw*). The requested setback variances would be reduced if Moss

Rock Place was considered to be the front lot line. The setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard. Additionally, the proposed front setback is approximately in line with the adjacent houses on Fairfield Road.

### **Tree Preservation and Urban Forest Management**

There are no bylaw protected trees on the development's proposed residential lots. There is one large protected Arbutus tree directly across from the development on Moss Rock Place. There are three privately owned protected Western Red Cedar trees immediately adjacent to the development's east property boundary. Their critical root zones do not extend into the proposed building envelopes; however, they do extend into the subdivision's servicing easement. The Tree Preservation Plan outlines protection measures for these neighbour's trees to be employed during construction. A project arborist will be required to be on site during excavation works for the proposed services to these lots within the road right-of-way on Moss Rock Place, to ensure the Arbutus root zone is protected.

Boulevard landscaping along the Fairfield Road frontage will be secured at the time of subdivision approval, including grass and three new boulevard canopy trees.

### **CONCLUSIONS**

The proposal to construct three new houses requires variances associated with the house on Fairfield Road (Lot F). The variances are supportable because they will not have a substantial impact on the privacy of the adjacent house. Staff recommend that Council consider supporting this application.

### **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00193 for the property located at 1421 Fairfield Road.


Respectfully submitted,

  
Rob Bateman  
Senior Process Planner  
Development Services Division



  
Jonathan Timney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:   
July 12, 2017

### **List of Attachments**

- Subject Map
- Aerial Map
- Plans date stamped June 23, 2017
- Letter from applicant to Mayor and Council dated April 24, 2017
- September 8, 2016 Council Meeting Minutes
- Letter from the Fairfield Gonzales CALUC, dated May 19, 2017