



Staff Report to Council

DATE: Monday, January 16, 2023

DEPARTMENT: Planning

APPLICATION NO.: DVP22-0010

SUBJECT: Issuance of Development Permit Variance at 2321 and 2323 Belair Road to reduce the interior lot line setback of a building or structure from the required 1.5m to 1.2m.

BACKGROUND:

At their regular meeting of December 5, 2022, Council adopted Bylaw 2086 which resulted in rezoning 2321 and 2323 Belair Road to the Residential Small Lot 1 (RS1) zone to allow for the creation of two fee-simple lots AND to amend the text of the RS1 Zone to allow for a Group Daycare at 2323 Belair Road.

COMMENTARY:

As discussed in the staff report (attached) dated August 8, 2022, the two existing dwellings on the site were constructed as a detached duplex, which is essentially two detached dwellings on one lot. The dwellings are typically stratified as a Building Strata, where the strata lots are defined by the building footprint as opposed to by an area of land. Due to this, at the time they were constructed, there was no lot line separating the two dwellings, and they were constructed with a 2.4m separation in accordance with the provisions of the BC Building Code.

Now that the zoning amendment bylaw has been adopted, the owners will need to go through the subdivision approval process to create a two-lot subdivision, where each lot will contain one of the existing dwellings. This process would result in a new interior side lot line between the two dwellings. The minimum interior side setback specified in the RS1 Zone is 1.5m. As a subdivision cannot create a new non-conformity (or non-compliance) with zoning regulations, a variance to reduce the setback from 1.5m to 1.2m must be issued before the subdivision can be registered.

Due to this, the variance request was initially considered concurrently with the rezoning application and the following resolution with respect to both the rezoning application and variance request was passed by Council at their regular meeting held August 15, 2022:

THAT Council:

1. *Proceed with consideration of First Reading of Bylaw No. 2086 to amend the zoning designation of the properties located at 2321 and 2323 Belair Road from One- and Two-Family Residential (R2) zone to Residential Small Lot (RS1) zone AND amend the text of the RS1 Zone to allow a Group Daycare at 2323 Belair Road subject to the following terms and conditions:*
 - a. *That the applicant provide, as a bonus for increased density, the following contributions per residential unit, prior to subdivision approval:*
 - i. *\$660 towards the Affordable Housing Reserve Fund; and*
 - ii. *\$3,960 towards the General Amenity Reserve Fund.*
 - b. *That the applicant provide, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on that title, that agrees:*
 - i. *That the following will be implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to subdivision approval:*
 1. *Full frontage improvements.*
2. ***Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 2321 and 2323 Belair Rd with the following variance, subject to the applicant applying for the necessary DVP application:***
 - a. ***That Section 6.20.07(1)(d) of Zoning Bylaw No. 300 be varied to reduce the interior lot line setback of a building or structure from the required 1.5 m to 1.2 m.***

Motion CARRIED.

The applicant has now submitted the necessary DVP application, and Notice of Council's intent to consider issuance of the DVP has been provided.

OPTIONS:

Option 1

THAT Council:

1. Issue a Development Variance Permit for the property at 2321 and 2323 Belair Road with the following variance:
 - a. That Section 6.20.07(1)(d) of Zoning Bylaw No. 300 be varied to reduce the interior lot line setback of a building or structure from the required 1.5 m to 1.2 m.

OR Option 2

THAT Council:

1. Reject this application for a Development Variance Permit.

SUBMITTED BY: Matt Notley, Planner I

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Will Ying-udomrat, Manager of Legislative Services

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer