



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 25, 2020

From: Hailey Rilkoff, Planner II

File No: DVP 20-09

Subject: **DVP 20-09, Development Variance Permit, 1491 Ross Road**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-09) for Lot A District Lot 506 ODYD Plan KAP79010 (1491 Ross Rd) in general accordance with the attached permit to vary Zoning Bylaw No. 0154 as follows:

- Section 3.26.5 to allow the carriage house roof to be 0.49 m higher than the peak of the roof of the principal detached dwelling;
- Section 10.2.5(f).2 to reduce the required siting from the rear parcel boundary from 3.0 m required to 1.0 m for an existing accessory building; and
- Section 10.2.5(f).3 to reduce the required siting from the interior side parcel boundary from 1.5 m required to 1.19 m for an existing accessory building.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

BACKGROUND

This application proposes a carriage house, attached to an existing detached garage. The proposed carriage house requires a variance to allow to roof to be higher than the roof of the principal dwelling. The existing garage also requires variances to the required setbacks, which was built to conform to the property's previous zone in Zoning Bylaw No. 871.

PROPERTY DETAILS			
Address	1491 Ross Road		
PID	026-420-368		
Folio	36412746.449		
Lot Size	0.36 Acres (1,437 m ²)		
Owner	Dale and Lisa Williams	Agent	-

Current Zoning	RC2 – Boucherie Centre Compact Residential	Proposed Zoning	-
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	-
Development Permit Areas	None		
Hazards	n/a		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	RC2 – Boucherie Centre Compact Residential
East	>	RC2 – Boucherie Centre Compact Residential R1 - Single Detached Residential
West	<	RC2 – Boucherie Centre Compact Residential R1 - Single Detached Residential
South	v	R1 - Single Detached Residential

NEIGHBOURHOOD MAP

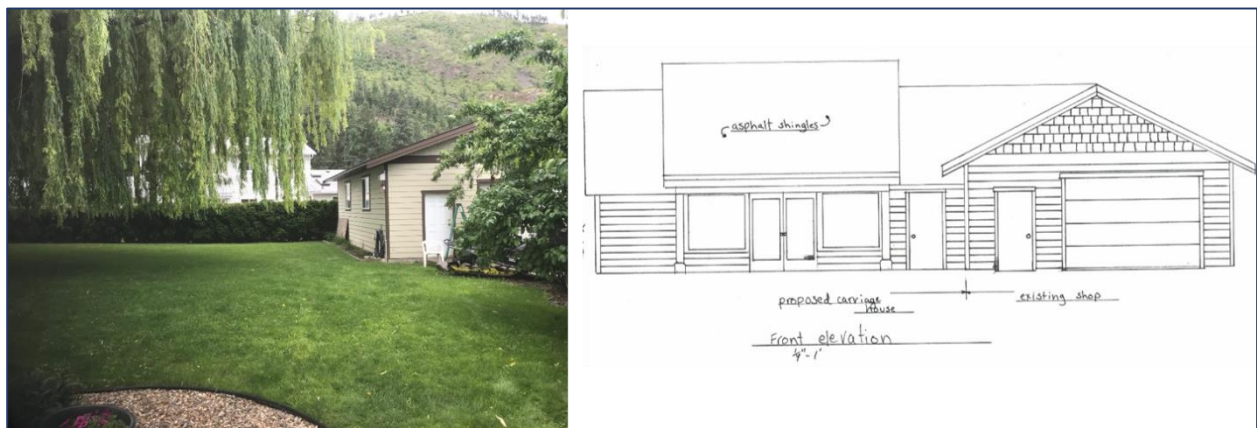


PROPERTY MAP



The property has been developed with a Single Detached Dwelling near the front of the property, a detached garage at the rear of the property as well as a small accessory building. At the time of construction, the detached garage met Zoning Bylaw No. 871 regulations for setbacks to the rear and side yards, which were a minimum of 1.0 m. At the time of adoption of Zoning Bylaw No. 0154 in 2014, the subject property's zoning was changed from R1 – Single Detached Residential to RC2 – Boucherie Centre Compact Residential, and the required setbacks from the rear property line increased to 3.0 m and to the interior side property line increased to 1.5 m. The detached garage is considered non-conforming to the current zoning.

The owners propose to construct a carriage house on the subject property attached to the existing garage at the rear of the property.



Variances

As the existing garage is non-conforming to the existing Zoning Bylaw setbacks, and an addition of a Carriage House is proposed, variances are required to bring the property into conformance. Variances to reduce the side yard setback from 1.5m required to 1.19 m existing and to reduce the rear yard setback from 3.0 m required to 1.0 m existing are requested.

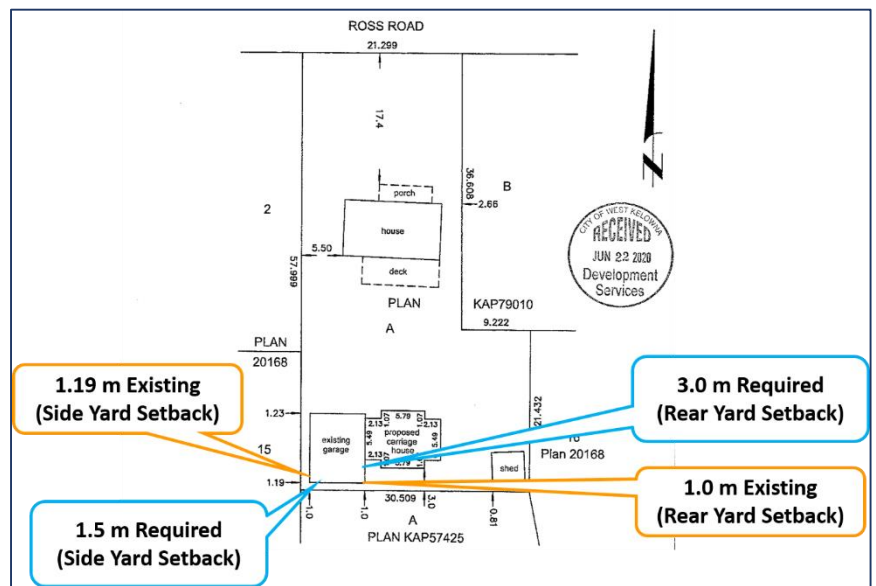


Figure 2 – Existing Detached Garage Setbacks

In addition, a variance is requested to allow the height of the roof of the proposed carriage house to be higher than the roof of the principal dwelling (0.49 m higher).

Applicant's Rationale

The owners have provided a letter which outlines their rationale for the proposed variances (*Attachment 2*). The owners have indicated that attaching the carriage house to the existing garage, allows for a more compact development footprint. The owners have reached out to neighbours regarding the proposed variances and have submitted two letters of support from neighbouring properties (*Attachment 3*). The owners have also revised the design of the carriage house from the original submission, to reduce the number of windows facing to the rear property line to limit privacy impacts.

Policy & Bylaw Review

Zoning Bylaw No. 0154

Section 3.26 of the Zoning Bylaw regulates the development of carriage houses. Section 3.26.10 requires a solid screen, consisting of either fencing or a hedge with a minimum height at maturity of 2.0 m (6.6 ft), be provided and maintained along rear and interior side parcel boundaries. There is an existing cedar hedge along the rear property line is however as it is located on the neighbours property and may be maintained at a height less than 2.0m, a fence will be installed along to the rear of the proposed carriage house to meet this regulation.

Section 10.2.(e).3 regulates the height of a carriage house. A carriage house with at least one parking stall provided in the same building has a maximum height of 6.5 m (21.3 ft) to a maximum of 1.5 storeys. One parking stall must be provided and maintained in the existing accessory building. As the proposed carriage house has one bedroom and one parking space is accommodated in the existing detached garage, no other parking spaces are required to be provided on the subject property for the carriage house.

Legislative Requirements

Section 498 of the Local Government Act gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

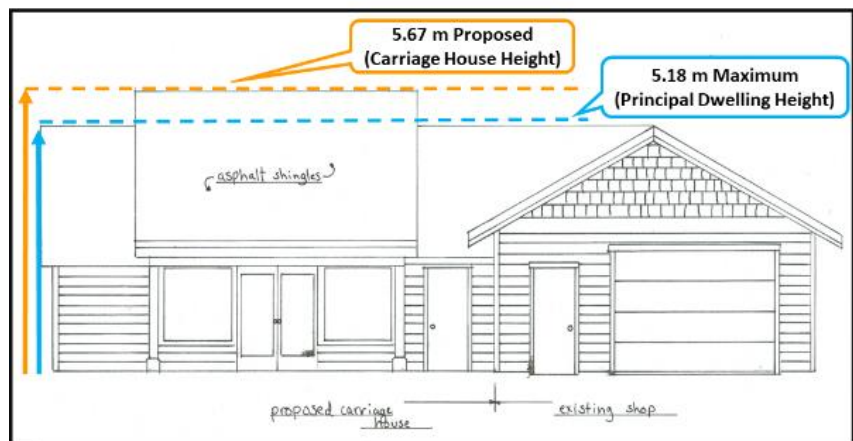


Figure 3 - Proposed Carriage house Height

Public Notification

In accordance with the Local Government Act, 53 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 4*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

DISCUSSION

The proposed development meets all of the Zoning Bylaw regulations in regards to siting, size, screening and parking for the carriage house. If the carriage house was not proposed to be attached to the existing garage, no variances to reduce required setbacks would be required as the garage could remain as existing non-conforming. However, in order to create a more compact development footprint, the owners wish to attach the carriage house to the existing garage.

Staff do not anticipate significant levels of negative impacts due to the increased height of the carriage house. The carriage house is below the maximum allowable height with one parking space included in the building (6.5 m). However, the proposed height would be higher than the principal detached dwelling on the property. The existing dwelling on the property is a single storey and is well below the maximum allowable height for the RC2 Zone. If the existing dwelling were two storeys, no variance for the height of the carriage house would be needed.

The owners have engaged with neighbours in regards to the proposed development and variances, and redesigned the carriage house during the application review process with staff in order to increase privacy between the carriage house and surrounding properties. Windows were relocated in the design to address potential privacy issues.

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 20-09. The detached garage is existing and was constructed to meet the appropriate setbacks of Zoning Bylaw No. 871. The proposed carriage house meets the current required setbacks and the development is not proposed to create significant negative impacts.

Alternate Motion:

THAT Council deny the issuance of a Development Variance Permit (DVP 20-09) for Lot A District Lot 506 ODYD Plan KAP79010 (1491 Ross Rd) in general accordance with the attached permit to vary Zoning Bylaw No. 0154 as follows:

- Section 3.26.5 to allow the carriage house roof to be higher than the peak of the roof of the principal detached dwelling;

- Section 10.2.5(f).2 to reduce the required siting from the rear parcel boundary from 3.0 m required to 1.0 m for an existing accessory building; and
- Section 10.2.5(f).3 to reduce the required siting from the interior side parcel boundary from 1.5 m required to 1.19 m for an existing accessory building.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Permit (DVP 20-09)
2. Applicant's Rationale Letter
3. Applicant's Letters of Support
4. Public Notification Map