



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Jayden Riley, Planner II

File No: DVP 21-02

Subject: **DVP 21-02; Development Variance Permit; 3125 Thacker Drive**

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### RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 21-02) for 3125 Thacker Drive to vary Zoning Bylaw No 0154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel, in accordance with the attached permit (*Attachment 1*).

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's Strategic Priorities 2020-2022).

### BACKGROUND

This application is proposing to vary Zoning Bylaw No. 0154 to increase the height of a carriage house from 1.5 storeys to two storeys and to allow a carriage house to be higher in elevation than the principal dwelling on the same parcel. The subject property is currently vacant and is down-sloping from Thacker Drive. The applicant is proposing to construct a two-storey carriage house with a lower level garage at the front of the parcel. Due to the topography and proposed siting, the carriage house would be at higher elevation than the proposed principal residence. Topography and siting would also result in the carriage house appearing as a single storey from the front elevation and two storeys exposed only at the rear elevation (*Attachment 2 and 3*).

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PROPERTY DETAILS			
<b>Address</b>	3125 Thacker Drive		
<b>PID</b>	031-166-997		
<b>Folio</b>	36413689.417		
<b>Lot Size</b>	1,369 m <sup>2</sup>		
<b>Owner</b>	Jace and Kayla Albrecht	<b>Agent</b>	N/A

<b>Current Zoning</b>	Single Detached Residential (R1)	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	Single Family Residential	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Vacant	<b>Proposed Use</b>	Single Family Dwelling, Carriage House
<b>Development Permit Areas</b>	None		
<b>Hazards</b>	None		
<b>Agricultural Land Reserve</b>	No		

### ADJACENT ZONING & LAND USES

<b>North</b>	^	Agriculture (A1/ALR)
<b>East</b>	>	Single Detached Residential (R1)
<b>West</b>	<	Single Detached Residential (R1)
<b>South</b>	v	Single Detached Residential (R1)

### NEIGHBOURHOOD MAP



### PROPERTY MAP



## Legislative Requirements

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

## DISCUSSION

### Proposal

This application is proposing to vary S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys and S.3.26.5 to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel (*Attachment 2*). The carriage house is proposed to be a maximum height of 6.5 m, measured from the centre of the primary access road to the peak of the roof, which is permitted for a 1.5 storey carriage house.

The subject property is currently vacant and is down-sloping from Thacker Drive. The applicant is proposing to construct a two-storey carriage house with a lower level garage located at the front of the parcel. Due to the topography and proposed siting, the carriage house would be constructed at a higher elevation than the proposed principal residence. Topography and siting would also result in the proposed carriage house appearing as a single storey from the front elevation (Thacker Drive), with partial exposure from the side elevation, to a walk out at the rear elevation (*Figure 1-3, Attachment 3*).

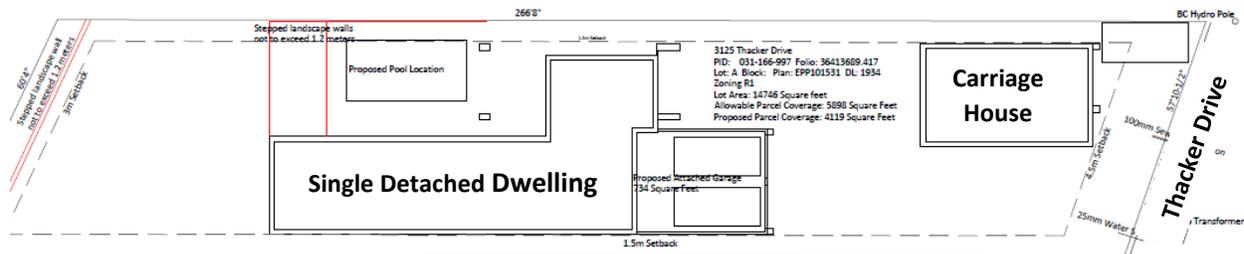


Figure 1: site plan of proposed single detached dwelling.

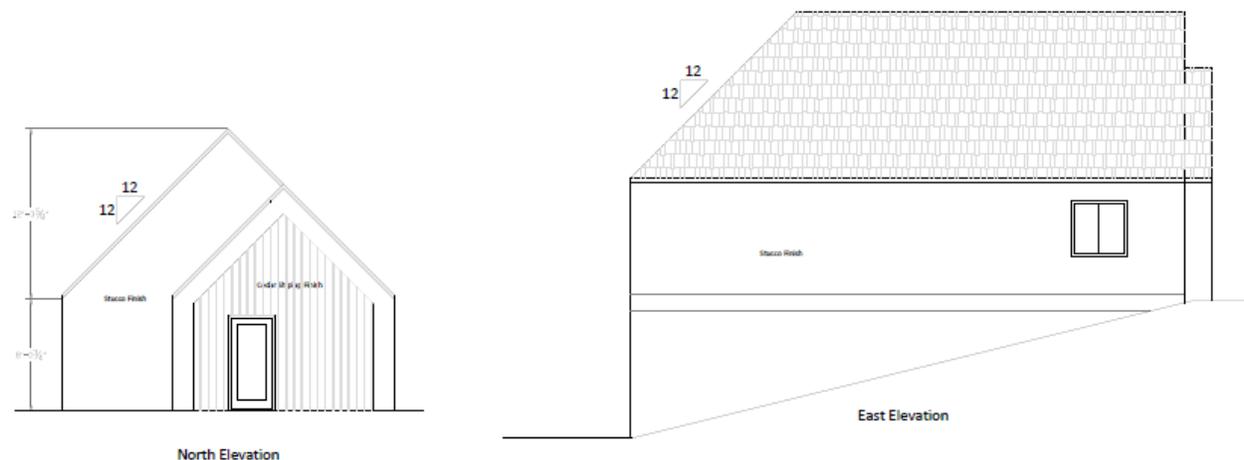
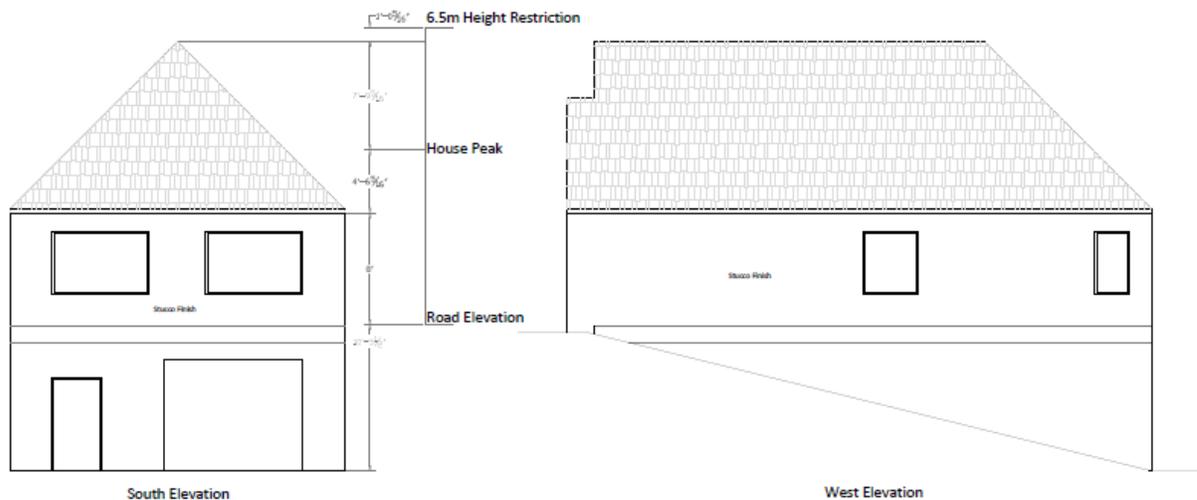


Figure 2: north (front facing) and east elevation of proposed carriage house



**Figure 3:** south (rear facing) and west elevations of proposed carriage house

### Applicant Rationale

The applicant has submitted a proposal summary letter (*Attachment 4*), which suggests the Zoning Bylaw does not adequately account for situations where a carriage house is proposed at the front of a down-sloping parcel – specifically, as it relates to requiring the highest point of a carriage house to be of a lesser elevation than the principal dwelling on the same parcel. The letter also states that a maximum 75% gross floor area of the upper storey could result in forcing the expansion of the main floor (i.e. garage) to avoid a variance.

The proposal exceeds the maximum number of storeys, therefore the maximum 75% floor area for the upper storey is not being considered with this application.

### **Policy and Bylaw Review**

#### Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Single Family Residential, which is supportive of traditional single family housing, duplex opportunities and compact housing form for families. The property is not subject to any development permit areas.

#### Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1). The R1 zone permits single detached dwelling as a principal use and carriage house as a secondary use. Carriage house regulations are outlined under Part 3 and Part 10 of the Zoning Bylaw.

S. 3.26.5 states that a carriage house must be lower in elevation than the principal dwelling on the same parcel. Due to the topography of the property and proposed siting

of the carriage house in relation to the principal dwelling, a variance to this section of the Zoning Bylaw is being requested (*Attachment 2, Figures 1-3*).

S.10.4.5(f)3. states that a carriage house may be a maximum height of 5.0 m at one storey and 6.5 m at 1.5 storeys. Part 2 of the Zoning Bylaw defines “storey” as the “portion of a building which is situated between the top of any floor and the floor next above, and if there is no floor above it, that portion between the top of such floor and the ceiling above it”. Although the lower garage level of the proposed carriage house will be below grade at the front elevation, semi-exposed at the sides, and fully exposed at the rear (*Attachment 1*), the bylaw considers this a two-storey carriage house; therefore a variance to this section of the Zoning Bylaw is being requested.

The intent of limiting the elevation, height, and number of storeys of a carriage house is to ensure that this type of secondary dwelling remains subordinate in form in relation to the principle dwelling. The siting of a carriage house is not regulated, but regulating the elevation to be lower than the principal dwelling does generally result in the principal residence to be in view from the road frontage or to be screened if the carriage house is located at the rear of the parcel.

S.3.26.6 states that a 1.5 storey carriage house must also be a maximum 75% of the gross floor area of the lower floor, assuming the maximum living space (90 sq. m.) is framed in from the sloping roof (*Figure 4*). A 1.5 storey carriage house is not feasible at the proposed location due to site topography without resembling the appearance of an ‘A-frame’ structure from the front elevation. The applicant does not intend to exceed a height of 6.5 m, measured from the center line of the primary access road, which is otherwise permitted with a 1.5 story carriage house.

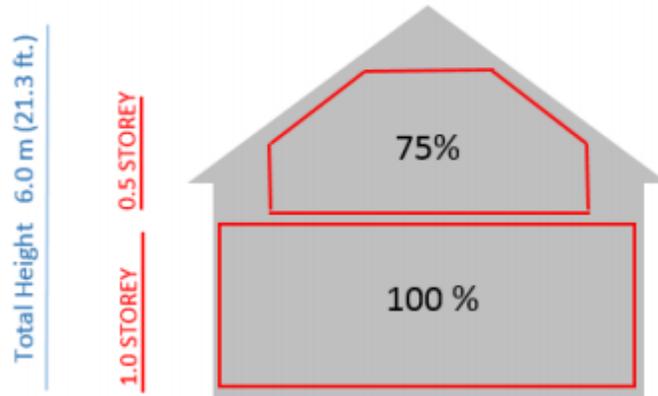


Figure 4: typical cross section of 1.5 storey carriage house

### **Public Notification**

In accordance with the *Local Government Act*, 41 notification letters were sent to all property owners and their tenants within 100 m of the subject property (*Attachment 5*). Notice of Application signage was also installed on the property, in accordance with the Development Application Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

## **Referrals**

The application was referred to internal departments. Upon review, additional information was requested in regards to the height of the proposed carriage house, which was provided by the applicant and is attached to the report (*Attachment 3*). The permit language would allow the construction of the carriage house to be in general conformance with the elevations attached to this report. No other concerns were identified during review of the application.

## **CONCLUSION**

Staff recommend Council authorize issuance of the Development Variance Permit (DVP 21-02) based on the following rationale:

- The City's Zoning Bylaw defines the proposed carriage house as a two-storey dwelling, however the carriage house will appear as a two-storey dwelling only from the rear elevation with the front elevation appearing as a one-storey dwelling with side elevation exposing roughly half the lower floor;
- A 1.5 storey carriage house is not be feasible given the proposed siting and topography of the property, as the upper storey cannot accommodate an adequately sloping roof to meet the intent of an upper half storey; and
- The narrow lot does not provide adequate area to access a carriage house located at the rear of the parcel, which results in the proposed carriage house being at a higher elevation than the principal residence.

### **Alternate Motion:**

1. **THAT** Council postpone consideration of the issuance of a Development Variance Permit (DVP 21-02) for 3125 Thacker Drive to vary Zoning Bylaw No. 0154, S.10.4.5(f).3, to increase the maximum height of a carriage house from 1.5 storeys to two storeys, and S.3.26.5, to allow the roof of a carriage house to be higher than the peak of the roof of the principal dwelling on the same parcel.

Should Council postpone consideration of the requested variance, further Council direction to staff is requested.

2. **THAT** Council deny issuance of a Development Variance Permit (DVP 21-02)

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant may re-apply for a similar proposal a minimum six (6) months after initial consideration.

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes  No

Attachments:

1. DVP 21-02
2. Site Plan
3. Carriage House Elevations
4. Applicant Letter of Rationale
5. Public Notification Map