



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 20, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 21-03

Subject: **DVP 21-03; Development Variance Permit; 1526 Scott Crescent**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-03) for Lot 5 District Lot 3866 ODYD Plan 24396 (1526 Scott Crescent) to convert an existing structure to a carriage house by varying Zoning Bylaw No. 0154 as follows:

- S3.26.11 to permit a roof top deck
- S10.4.5(g).1 to reduce the required setback from 6.0 m to 0.35 m from a private access easement
- S10.4.6(b) to increase the maximum height of the carriage house wall from 6.5 m to 7.6 m from grade to the lower surface of the eave.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

The applicant has applied for a Development Variance Permit (*Attachment 1*) to facilitate the conversion of an existing accessory building to a carriage house. The property is developed with a single detached dwelling and an accessory building. The owner intends to convert the accessory building into a carriage house, however a number of variances are required in order for the existing structure to meet the carriage house regulations in the Zoning Bylaw.

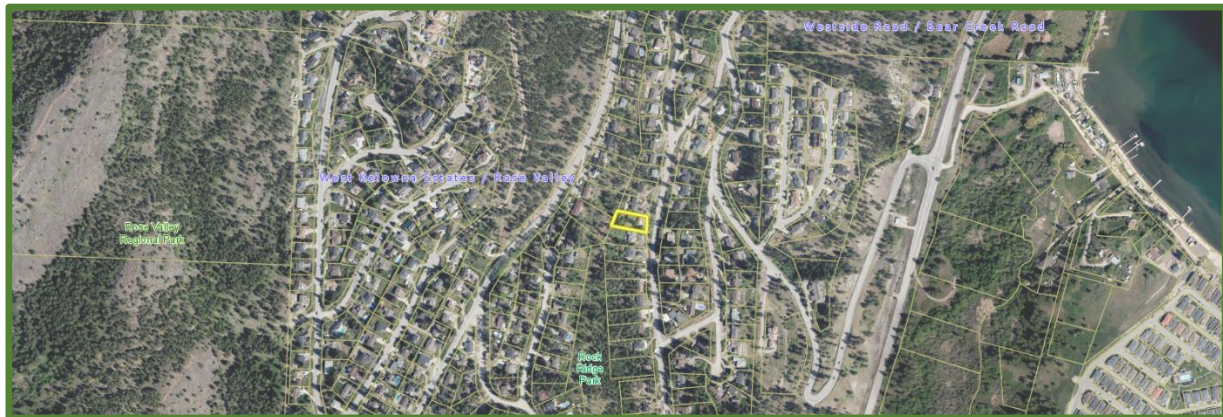
PROPERTY DETAILS			
Address		1526 Scott Crescent	
PID		005-944-341	
Folio		36415052.174	
Lot Size		0.38 Acres (1,537.8 m2)	
Owner	Karen and Bruce Armstrong	Agent	Karen Armstrong

Current Zoning	R1 – Single Detached Residential	Proposed Zoning	-
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	-
Development Permit Areas	Hside & Sensitive Terrestrial Ecosystem		
Hazards	n/a		
Agricultural Land Reserve	No		

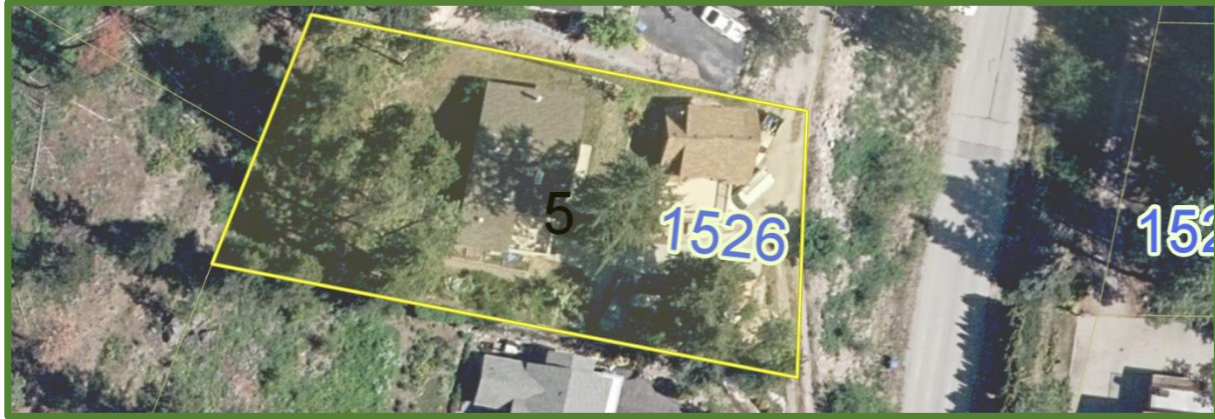
ADJACENT ZONING & LAND USES

North	^	R1 – Single Detached Residential
East	>	R1 – Single Detached Residential
West	<	R1 – Single Detached Residential
South	v	R1 – Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



History

The subject property has been developed with a single detached dwelling and accessory building. The dwelling was constructed in 2003, and a two storey accessory building was added later in 2008 under Building Permit (BP2008-0042). At the time the accessory building was constructed, it met the requirements for Zoning Bylaw No. 871. The accessory building had garage space on the lower floor and an upper, un-finished space that was identified as a “bonus room” on the Building Permit drawings. Bylaw No. 871 did not permit carriage houses in the R1 Zone.

In August of 2020, a Building Permit was issued to finish the interior of the upper floor of the accessory building.

A Stop Work Order was issued for the property in September of 2020 as it was identified that there had been unpermitted works within the principal dwelling as well as an unauthorized secondary suite.

Proposal

The owners now propose to convert the existing accessory building to a carriage house. However, the existing structure does not meet a number of the City’s regulations for carriage houses in Zoning Bylaw No. 0154. The owners are currently working with the City’s Building Department to address the unpermitted works within the principal dwelling and to decommission the unauthorized suite.



Figure 1 - Proposed Carriage House Floor Plan

Variances

Access Easement

At the time the accessory building was constructed, Zoning Bylaw No. 871 did not require building setbacks from private access easements. The existing accessory building is located 0.57 m from the private access easement. A variance is required to reduce the required setback from the proposed carriage house to the private access easement to 0.57 m (*Figure 2*).

Roof Top Deck

The existing accessory building was constructed with a roof top deck. Both Zoning Bylaw No. 871 and No. 0154 do not restrict above ground patios or roof top decks for accessory buildings. However, the Zoning Bylaw does not permit roof top decks for carriage houses. A variance is required to allow the roof top deck to remain (*Figures 1 & 3*).

Height

The existing accessory building was constructed to meet the required height for accessory buildings under Zoning Bylaw No. 871. Accessory Buildings were permitted to a maximum of two storeys and the maximum height of 5.0 m was measured from the average elevation of the rear parcel boundary. As this lot sloped upwards from the road, the elevation of the rear parcel boundary is significantly higher than the highest point of the building.

While Zoning Bylaw No. 0154 has a similar height requirement for the overall structure, there is also a requirement for the maximum height of any carriage house wall face to be no more than 6.5 m from the foot of the wall to the lower surface of the eave. A variance is required to increase the maximum height of the front carriage house wall face to 7.6 m to the underside of the eave (*Figure 3*).

Applicant Rationale

The owners have provided a proposal summary which outlines their rationale for the proposed variances (Attachment 2). The applicant identifies that they are the only users of the private access easement as each neighbouring property who is also a party to the

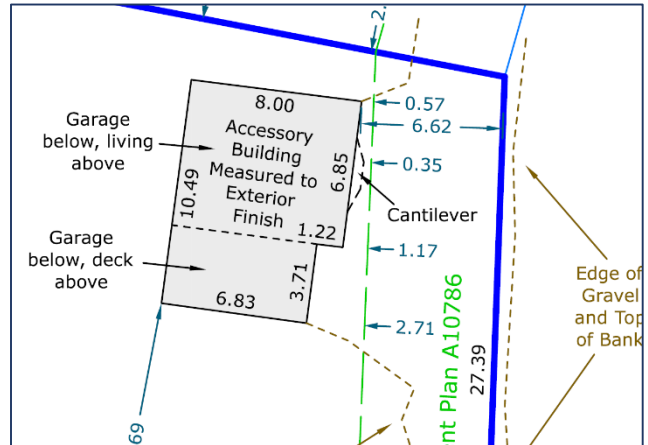


Figure 2 - Setbacks from Easement

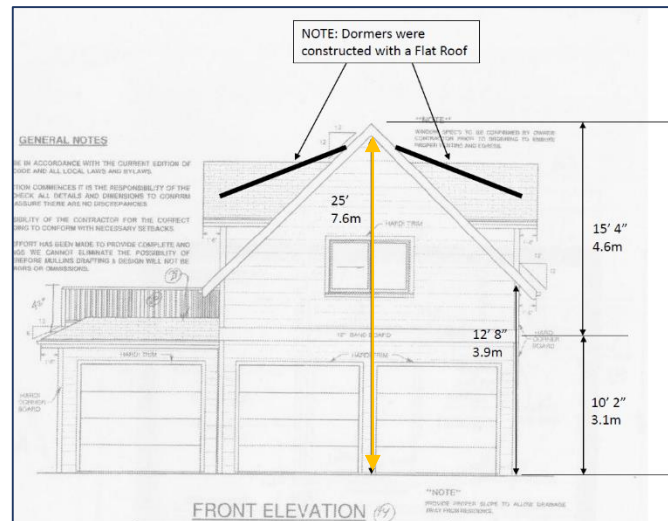


Figure 3 - Carriage House Height and Above Ground Patio

easement has their own separate driveways and accesses. The owners identified that the deck provides access to the proposed carriage house and that the deck would not impact adjacent neighbours. The owners propose to incorporate screening around the deck to ensure privacy. As the accessory building is an existing structure, the owner feels it would be difficult to reduce the height in order to meet the existing Zoning Bylaw requirements.

The applicants have also indicated that they have discussed the proposed carriage house conversion with their neighbours and that no issues were identified.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The City's OCP includes various objectives and policies for residential lands which encourage sensitive infill housing, in various forms including carriage houses, which complement the form and scale of adjacent buildings. Carriage houses provide sensitive infill housing and are encouraged within the Single Family Residential future Land Use Designation.

Zoning Bylaw No. 0154

The City's R1 Single Detached Residential zone permits carriage houses, however the carriage house regulations in Section 3.26 of the Zoning Bylaw must be met. In this case, the proposed carriage house does not meet a number of the carriage house regulations as it was built as an accessory building under a previous Zoning Bylaw with different regulations.

As required by the Zoning Bylaw, the total floor area of the carriage house is 53 m², there is a separate exterior entrance for the carriage house (off of the roof top deck) and there is parking within the same building to permit a 1.5 storey carriage house.

The applicant has indicated that there is ample space on-site for parking outside of the private access easement. The bottom floor of the proposed carriage house has space for up to three vehicles and there is a separate driveway and parking areas adjacent to the proposed carriage house and below the principal dwelling. This meets the required on-site parking requirements in the Zoning Bylaw.

In addition the applicant has proposed to install landscaping to address the required solid screening between the proposed carriage house and the adjacent residential parcel to the North.

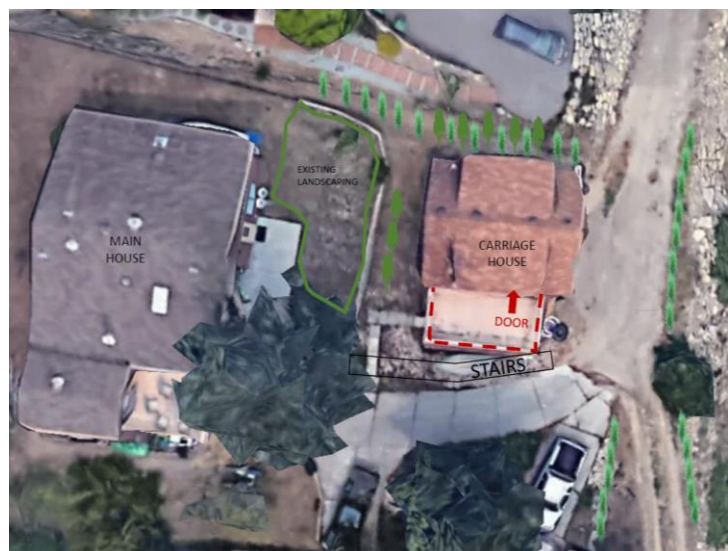


Figure 4 - Proposed Landscape Plan

	Zoning Bylaw 0154	Existing/Proposal
Carriage House Regulations		
Maximum Floor Area	90 m ² or 75% of principal dwelling	53 m ²
Height	6.5 m or 1.5 storeys	1.5 storeys
Single Building Wall Face Height	6.5 m	7.6 m (variance required)
Above Ground Patios	Not Permitted	Existing Deck (variance required)
R1 Zone Permitted Uses		
Relevant Permitted Uses	Single Detached House Secondary Suite Carriage House	Single Detached House Carriage House
R1 Zone Development & Siting Regulations		
Max Density	1 single detached dwelling 1 secondary suite or carriage house	1 single detached dwelling 1 carriage house (<i>BP required to decommission existing suite</i>)
Setback from Private Access Easement	4.5m or 6.0m for a front facing garage	0.57 m (variance required)
Required Parking		
Single Detached House	2 per dwelling	2 spaces in garage
Carriage House	1 per 1 bedroom dwelling	1 space in driveway

Technical Review

No outstanding issues were identified in regards to the proposed variances in order to convert the existing accessory building into a carriage house.

Planning

The reduced setback from the private access easement is not anticipated to cause negative impacts as there is sufficient space for parking outside of the easement area or in the garage for residents of the principal dwelling, carriage house and visitors. The terms of the access easement require the area to be free and clear of parked vehicles. As the applicant has indicated, this access easement is primarily used to access the subject property, as the neighbouring properties have their own driveways.

The roof top deck is existing and is setback enough from the adjacent property boundaries that it is not anticipated to create privacy issues. The height of the existing structure was in compliance with Zoning Bylaw No. 871 when constructed, as there was no height restriction for single building wall faces.

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.

Public Notification

In accordance with the *Local Government Act*, 35 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) 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.

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 21-03 to permit the conversion of an existing accessory building into a carriage house. The carriage house is proposed within an existing structure that was constructed to meet the required regulations and setbacks of the day under Zoning Bylaw No. 871. It is not anticipated that the proposed carriage house would create significant negative impacts.

Alternate Motion:

THAT Council deny the issuance of a Development Variance Permit (DVP 21-03) for Lot 5 District Lot 3866 ODYD Plan 24396 (1526 Scott Crescent).

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council 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. DRAFT DVP 21-03
2. Applicant's Rationale Letter
3. DVP 21-03 GIS Notification Map