



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: **Development Variance Permit Application
DVP 01-22 (19907 53 Avenue)**

File #: 6630.00

Doc #:

From: Anton Metalnikov, RPP, MCIP
Planner

Date: November 7, 2022

RECOMMENDATION:

1. THAT the November 7, 2022 report entitled Development Variance Permit Application DVP 01-22 (19907 53 Avenue) be received for information; and
2. THAT Council approve Development Variance Permit application DVP 01-22 to allow a height of two storeys and an interior lot line setback of 1.5 metres.

PURPOSE:

To consider a Development Variance Permit (DVP) application by Luis Cruz to allow a 2-storey duplex with a 1.5-metre interior lot line setback at 19907 53 Avenue.

POLICY:

The subject property is zoned RM1 Multiple Residential Low Density, which allows low-density forms of multi-unit housing such as townhomes and 'plexes'. The RM1 Zone in the City's Zoning Bylaw includes duplex-specific regulations, including a 1-storey height limit and a minimum 3.0-metre interior lot line setback. The interior lot line is generally the side property line shared with a neighbouring property, served, in this case, by the north property line.

A Development Permit for form and character (i.e. exterior facade, site and landscape design) is not required for duplex construction, in accordance with the exemption provisions in the Official Community Plan (OCP).

A Development Variance Permit (DVP) application is needed to accommodate the proposed duplex as the applicant wishes to vary the height and setback requirements of the RM1 Zone to allow a height of 2 storeys and an interior setback of 1.5 metres.

The subject property is designated Low Rise Residential in the OCP, which is generally intended to accommodate apartment development of up to 6 storeys in height, as well as townhouses. It is also identified within the Nicomekl River District Neighbourhood Plan as being located within the “Garden Wild room”, which is intended to integrate closely with the natural elements of the floodplain.

COMMENTS/ANALYSIS:

The subject property currently hosts a single-storey single-detached home and is neighbored by single-detached homes to its north, east, and northeast corner. A mix of single-detached homes and duplexes make up the remainder of the block. The property is bounded by 199 Street and 53 Avenue to its west and south respectively. The applicant is proposing to construct a duplex in place of the existing single-detached home, with one unit taking driveway access from 199 Street and the other from 53 Avenue. Despite the property’s OCP designation and current use, it is zoned RM1 Multiple Residential Low Density, along with much of the rest of the block. The RM1 Zone allows for duplex development, which is exempt from the requirement for a Development Permit and Council consideration. As such, if a duplex was proposed on this property in accordance with RM1 Zone requirements without variances (i.e., at a 1-storey height and with a 3.0-metre interior setback), it would be entitled to proceed “by-right” under a Building Permit alone. However, the applicant wishes to vary these zoning requirements as part of their development and, therefore, requires a DVP. The purpose of a DVP is to enable Council to consider varying certain provisions in zone, such as setbacks, lot coverage and height. This being said, a DVP can not be used to vary a zone’s permitted uses and/or density; a proposal seeking these requires a rezoning application. The proposed development plans are attached to this report.

The RM1 Zone’s duplex requirements (which differ from its triplex, fourplex, and townhome requirements) include a 1-storey height limit and a minimum interior setback of 3.0 metres. The applicant has applied to vary these provisions to add an additional storey and reduce the interior setback by 1.5 metres to develop a 2-storey duplex with a 1.5-metre interior setback. For the purposes of Zoning Bylaw compliance, the proposed basement is not considered a “storey” and would be permitted in either scenario. The storeys discussed in this report refer only to those above ground.

Staff support the height variance as a 2-storey duplex would be in keeping with neighbourhood character and consistent with similar housing types while providing additional living space. Within the RM1 Zone, the 1-storey limit applies only to duplexes, with 2 storeys being permitted for triplexes, fourplexes and townhomes. A 2-storey height is also permitted for single-detached homes in accordance with the 9-metre (29 feet 6 inches) limit in the RS1 Single Family Residential Zone, and there are several existing 2-storey duplexes in the immediate area. As such, the development would fit in well with its surroundings as a familiar form of low-intensity family housing

and would have been permitted at the proposed height if it were a single-detached home or triplex.

Staff support the interior setback variance under a similar rationale. The proposed 1.5-metre setback is consistent with the requirement for a single-detached home in the RS1 Zone, and the proposed massing meets all other RS1 Zone requirements (height, lot coverage, and other setbacks) as well. As such, the resultant building size and configuration would match that which would exist if a single-detached home was built on the property. In addition, this shared property line also acts as the interior lot line for the neighbouring property, which sets a side-to-side building relationship that avoids issues with proximity to front or rear yards.

Both these requested variances are also consistent with the proposed new 'plex' zone being considered by staff for the new Zoning Bylaw currently in development. This new zone is proposed to establish equal requirements for all 'plex' types, including a proposed 9-metre height maximum and 1.5-metre minimum interior setback.

BUDGET IMPLICATIONS:

None.

SUMMARY:

The subject property is zoned RM1 Multiple Residential Low Density which allows duplex construction "by-right". As such, the requested variances through the proposed DVP application are necessary only to amend the required height and setback, which staff support as the resultant building form would be similar to the size and configuration of a single-detached home and consistent with the existing scale of the neighbourhood.

ALTERNATIVES:

1. Approve the height variance and deny the setback variance.
2. Deny the height variance and approve the setback variance.
3. Deny both variances.

Respectfully Submitted,



Anton Metalnikov, RPP, MCIP
Planner

Concurrence:



Roy M. Beddow, RPP, MCIP
Deputy Director of Development Services

Concurrence:



Carl Johannsen, RPP, MCIP
Director of Development Services

Attachment:

1. Architectural Plans_DVP 01-22_19907 53 Avenue

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer