



## STAFF REPORT

To: Council

File No.: 3060-20-2306/DPV00043

From: City Manager (CAO)

Date: June 14, 2023

Subject: Development Permit with Variances No. 2306 – 943 2nd Street

### PURPOSE:

The purpose of this report is to provide Council details and analysis in consideration of issuing a Development Permit with variance to reduce the front yard setback from 7.5 m to 4.26m and the side yard setback from 4.5 m to 3.3 m to accommodate the construction of a proposed two-storey single residential dwelling with secondary suite and accessory building. Staff are supportive of this request for variance to permit the proposed development.

Legal description: Lot 4, Block G, District Lot 127, Comox District, Plan 1447.

### BACKGROUND:

The subject property is located at 943 2nd Street, is zoned Residential Two (R-2) Zone and is currently vacant. The property is approximately 445.8m<sup>2</sup> (4798.6ft<sup>2</sup>) and is located within the Old Orchard/Terminal Addition neighbourhood. The property has frontage on 2nd Street and laneway access to the rear of the property.

Development within the Old Orchard/Terminal Addition neighbourhood is subject to Development Permit Area design guidelines set out in *Official Community Plan 3070, 2022*.

Along with the requested variance, form and character is assessed in this report. The subject property is shown in **Figure 1**.

### DISCUSSION:

#### Zoning Review

The subject property is zoned Residential Two (R-2). The proposed development complies with the zoning regulations for the R-2 zone with the exception of the front yard setback and the total side yard setback requirement. These variances are shown in **Table 1**.



Figure 1: Context Map

Residential Two Regulations	Required	Proposed
Permitted Use	Single Residential Dwelling; Secondary Suite	Single Residential Dwelling; Secondary Suite
<b>Front Yard Setback</b>	<b>7.5m</b>	<b>4.26m</b>
Rear Yard setback	9.0m	15.17m
Side Yard Setback (North)	4.5m total minimum; with 1.5m minimum on one side	2.37m
Side Yard Setback (South)		1.56m
<b>Side Yard Setback Total Minimum</b>	<b>4.5m</b>	<b>3.3m</b>
Building Height	8.0m	7.7m
Lot Coverage	40%	29.2%
Parking	2 spaces	2 spaces
Accessory Building Regulations		
Accessory Building Height	4.5m	4.2m
Accessory Building Area	50.0m <sup>2</sup> or 10% of Rear Yard, whichever is greater	41.8m <sup>2</sup>
Accessory Building Setbacks	Side Yard: 1.5m Rear Yard 1.5m	Side Yard: 1.56m Rear Yard: 1.55m

**Table 1:** R-2 Zone Compliance

**Variance – Front Yard Setback**

As per *Section 8.2.7(a)(1) of Zoning Bylaw 2500, 2007*, a front yard shall have a setback with minimum distance of 7.5m. The applicant wishes to obtain a variance to the front yard setback from 7.5m to 4.26m (3.24m reduction) in order to accommodate a front porch stairway.

**Variance – Total Side Yard Setback**

As per *Section 8.2.7(a)(3) of Zoning Bylaw 2500, 2007*, the total minimum side yard setback shall be 4.5m. The applicant wishes to obtain a variance to the side yard total setback from 4.5m to 3.93m (0.57 reduction) in order to accommodate the roof overhang of the side yard entrance. To allow for some flexibility and inaccuracy during construction, staff are proposing the variance reference a 3.3m setback to accommodate the proposed cantilevers.

**Staff assess the requested variances as supportable, given the low impact to residents and the small nature of the lot.**

Development Permit Guidelines

Development Permit guidelines provide direction for elements of a development proposal, including architectural character, site design and landscaping. The applicant has demonstrated that the proposal aligns with the relevant guidelines in the DPA-2: Intensive Residential Form and Character Development Permit Area, and specifically the Old Orchard and Terminal Addition Neighbourhood guidelines.

Form and Character - Old Orchard/Terminal Addition Development Permit Area

Specific form and character guidelines ensure that development respects the historic patterns of development and contributes positively to heritage character and strong sense of the existing neighbourhood.

The building and site design are consistent with the direction established in the guidelines. The proposed plans indicate the scale, form, height and character is compatible with buildings on adjacent properties. The proposed building has been designed to reflect a heritage character with a 12:12 pitch roof, gables and dormers and materials that reflect heritage elements (wood trim, cedar shingles and wood grained fibre cement siding). A rendering of the proposed single residential dwelling with secondary suite is included in **Figure 2**.



**Figure 2:** Proposed Building Renderings

Siting, Landscaping Screening and Trees

The building fronts 2nd Street with laneway access in at the rear of the parcel. Parking is proposed to be accessed from the laneway. Access to the front of the building will be via a pathway. There is an existing apple tree on the property, and is proposed to be removed to accommodate the construction of the structure. A Tree Cutting Permit will be required for the removal of the existing apple tree.

Assessment

**Staff have assessed the proposal relative to the applicable Development Permit guidelines and conclude that the development is consistent with the guidelines and recommend the issuance of Development Permit with Variance No. 2306.**

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development variance applications is included in the current work plan as a statutory component.

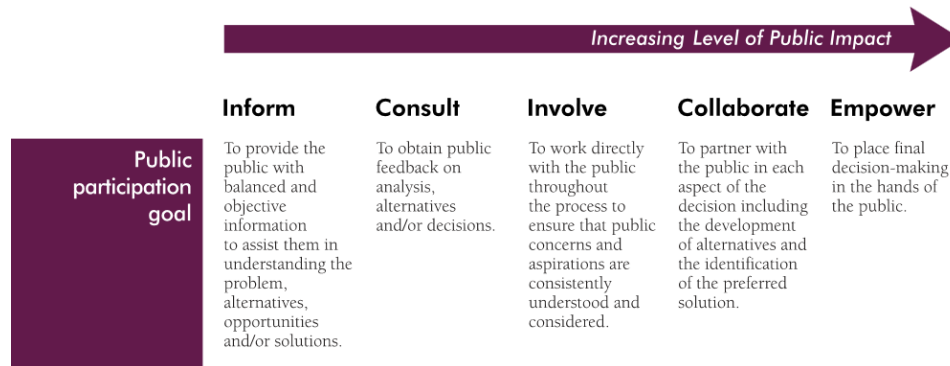
Should Council not grant the variance the applicant would not be able to construct the proposed single residential dwelling with secondary suite.

**FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this Development Permit with Variance application. The fee for the Development Permit with Variance is \$1500.00.

**PUBLIC ENGAGEMENT:**

Staff **informed** and **consulted** the public based on the IAP2 Spectrum of Public Participation.



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The Public Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, as per *Section 8.4 of Development Application procedures Bylaw No. 2699, 2012.*

Staff distributed public notification (See **Attachment No. 3**) to twenty (20) property owners and occupants within a 30 metre area on May 31, 2023. Zero (0) public comments have been received at time of writing this report. Comments received after this report will be presented to Council at the regular council meeting.

**OPTIONS:**

**OPTION 1 (RECOMMENDED):**

1. THAT Council, issue Development Permit with Variance No. 2306 to permit a front yard variance from 7.5m to 4.6m and a sideyard variance from 4.9m to 3.3m.

**OPTION 2:**

2. THAT Council, defer issuance of Development Permit with Variance No. 2306 and request information from staff.

**OPTION 3:**

3. THAT Council, not issue Development Permit with Variance No. 2306. (see administrative implications)

**ATTACHMENTS:**

Attachment 1: Draft Development Permit with Variance No. 2306

Attachment 2: Written Summary and Rationale for Variance Request

Attachment 3: Public Notification Distributed on May 31, 2023

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