



## STAFF REPORT

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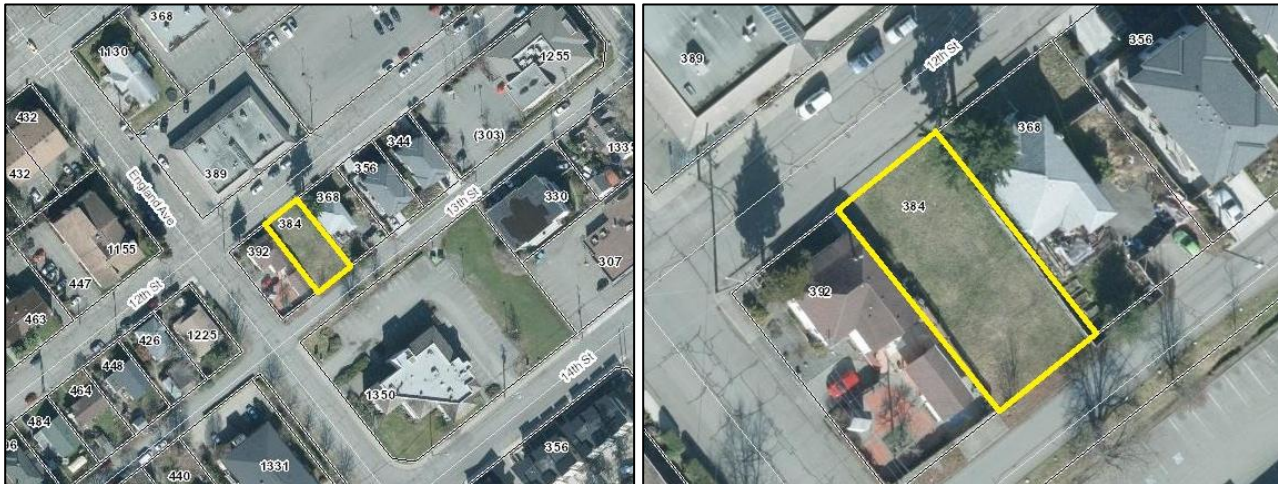
**To:** Council                      **File No.:** DVP3090-20-2303/DVP00045 and DP3060-20-2316/DP000140  
**From:** Director of Development Services                      **Date:** August 30, 2023  
**Subject:** Development Variance Permit No. 2303 and Development Permit No. 2316 – 384 12th Street

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### PURPOSE:

To consider a Development Variance Permit No. 2303 to reduce the minimum lot size from 850m<sup>2</sup> to 453.6m<sup>2</sup>, the minimum lot frontage from 20.0m to 14.88m and the side yard setbacks from 4.5 m to 1.72 m on each side of the lot to accommodate the construction of a proposed duplex dwelling unit which is a permitted use and does not increase permitted density. As per the Development Application Procedures Bylaw, the issuance of a Development Permit No.2316 is also before Council for their consideration as a variance is required. Staff are supportive of the request for variances to permit the proposed duplex and the proposed duplex meets the Development Permit guidelines.

Legal Description: Amended Lot 8 (DD 79311N), Block 3, Section 69, Comox District, Plan 480



**Figure No. 1:** Context Map

### BACKGROUND:

The subject property is located at 384 12<sup>th</sup> Street, is zoned Multiple Use Two (MU-2) zone and is currently vacant. The property is approximately 453.6m<sup>2</sup> (4,882.5ft<sup>2</sup>) in size. The property has frontage on both 12<sup>th</sup> Street and 13<sup>th</sup> Street. These lots were created by subdivision around 1892 and then zoned much later in time with the MU-2 zone. The minimum lot area and frontage do not align with the minimum zoning requirements of the MU-2, as such need to be varied to support the permitted use and density.

Along with the requested variances, form and character is assessed in this report. The subject property is shown in **Figure No. 1**.

**DISCUSSION:**

Zoning Review

The subject property is zoned Multiple Use Two (MU-2). The proposed development complies with the MU-2 zone with the exception of the side yard setbacks, lot size and frontage. These variances are shown in **Table No. 1**.

<b>Multiple Use Two Regulations</b>	<b>Required</b>	<b>Proposed</b>
Permitted Use	Duplex Dwelling	Duplex Dwelling
<b>Minimum Lot Size</b>	<b>850 m<sup>2</sup></b>	<b>453.6 m<sup>2</sup></b>
<b>Minimum Lot Frontage</b>	<b>20.0 m</b>	<b>14.88 m</b>
Lot Coverage	40%	26%
Front Setback	7.5 m	8.9 m
Rear Setback	7.5 m	8.9 m
<b>Side Setback(s)</b>	<b>4.5 m</b> <b>4.5 m</b>	<b>1.72 m</b> <b>1.72 m</b>
Building Height	10.0 m	8.09 m
Useable Open Space	50.0 m <sup>2</sup> /unit = 100 m <sup>2</sup> total useable open space	266.07 m <sup>2</sup> total
Vehicle Parking Required	2 spaces/unit = 4 total vehicle spaces	4 vehicle spaces on site
Landscaping	A landscaped area of 4.5 m in width along the road frontage	4.5 m in width

**Table No. 1:** MU-2 Zoning Compliance

**Variance – Minimum Lot Size**

As per *Section 8.14.2 of Zoning Bylaw No. 2500, 2007*, the minimum lot size for development in the MU-2 zone is 850m<sup>2</sup>. The applicant wishes to develop a duplex on an undersized parcel of 453.6m<sup>2</sup>. The approval of this variance will not increase density or allow a non-permitted use to operate in the zone.

**Variance – Minimum Lot Frontage**

As per *Section 8.14.3 of Zoning Bylaw No. 2500, 2007*, the minimum lot frontage for development in the MU-2 zone is 20.0m. The applicant wishes to develop a duplex on a lot with a 14.88m frontage, which is lower than the minimum frontage permitted. The approval of this variance will not increase density or allow a non-permitted use to operate in the zone.

**Variance – Side Yard Setback**

As per *Section 8.14.5(3) of Zoning Bylaw No. 2500, 2007*, a side yard shall have a setback with a minimum distance of 4.5m. The applicant wishes to obtain a variance to both side yard setbacks from 4.5m to 1.72m (2.78m reduction) in order to accommodate the construction of a duplex dwelling unit. The lot coverage is 26% well below the maximum permitted lot coverage of 40%.

Assessment

Staff assess the requested variances as supportable, given the use is permitted and density has not been increased. These variances support the creation of a duplex unit on a lot size that can support this use and create infill housing in line with the OCP policies and Council Strategic priorities. Staff recommend the issuance of Development Variance Permit No. 2303.



**Figure No. 2:** Exterior Rendering

Development Permit No. 2316 DPA-2 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: Duplex Form and Character Development Permit Area.

The building and site design are consistent with the direction established in the guidelines. High quality materials are used on the exterior, with the principal entrances clearly defined and articulated by landscaping and architecture. A rendering of the proposed duplex dwelling is included in **Figure No. 2**.

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 No. 2316.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of Development Variance Permit No. 2303 and Development Permit No. 2316 applications is included in the current work plan as a statutory component.

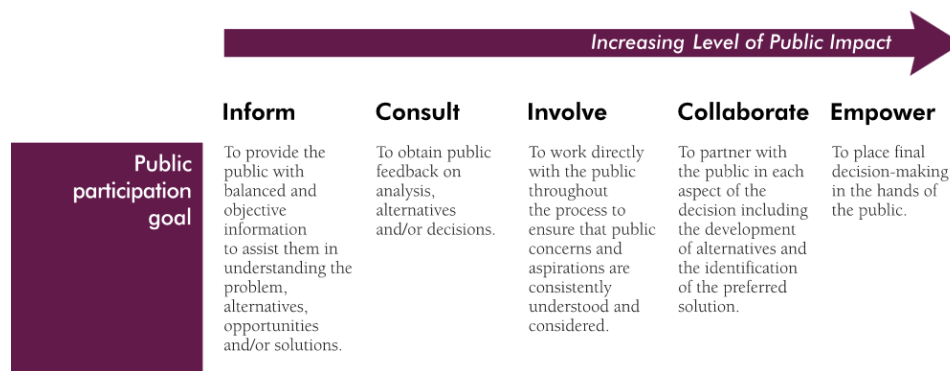
Should Council not grant the variance, the applicant’s Development Permit would be unable to be approved and the applicant would not be able to construct the proposed duplex dwelling.

**FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this Development Variance Permit. The fee for Development Variance Permit is \$1,000.00 and the fee for Development Permit is \$500.00.

**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. 4**) to thirty-seven (37) property owners and occupants within a 30 metre area on August 16, 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:**

1. THAT Council approve Development Variance Permit No. 2303 to reduce the minimum lot size from 850m<sup>2</sup> to 453.6m<sup>2</sup>, the minimum lot frontage from 20.0m to 14.88m and the side yard setbacks from 4.5 m to 1.72 m on each side, and issue Development Permit No. 2316 for the form and character of the duplex dwelling unit.  
THAT Council approve Development Permit No. 2316
2. THAT Council, defer issuance of Development Variance Permit No. 2303 and Development Permit No. 2316 and request additional information from staff.
3. THAT Council, not issue Development Variance Permit No. 2303 (See administrative implications).

**ATTACHMENTS:**

- Attachment No. 1: Draft Development Variance Permit No. 2303
- Attachment No. 2: Draft Development Permit No. 2316
- Attachment No. 3: Written Summary and Rationale for Variance Request
- Attachment No. 4: Public Notification Distributed on August 16, 2023

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Reviewed by: Marianne Wade, RPP, MCIP, Director of Development Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)