COUNCIL AGENDA
Date: Feb 2, 2015     Item #: 10.2

DISTRICT OF WEST VANCOUVER
750 17th STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: January 15, 2015     File: 1010-20-10-025
From: James Allan, Community Planner
Subject: Development Variance Permit Application No. 10-025 (5204 and 5210 Marine Drive)

RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Variance Permit Application No. 10-025 for 5204 and 5210 Marine Drive to allow for an accessory building with elevator to be constructed, will be considered by Council at its meeting on March 2, 2015.

Purpose

The purpose of this report is to provide information to Council on Development Variance Permit Application No. 10-025 for 5204 and 5210 Marine Drive to allow for an accessory building with elevator to be constructed with variances to the zoning bylaw.

The proposed Development Permit will be considered by Council at the meeting on March 2, 2015.

1.0 Background

1.1 Prior Resolutions

N/A.

1.2 History

The existing house at 5204 Marine Drive was constructed in approximately 1965 and has had a number of additions since then. The original house was designed by Erickson Massey Architects and later additions were designed by Arthur Erikson Architects. The house was nominated to the Heritage Register in 2008 (but never added) and is identified as a secondary heritage resource. The existing house at 5210 Marine Drive was constructed in 2008 down slope of the house at 5204.

Doc # 905920
2.0 Policy

2.1 Policy

N/A.

2.2 Bylaw

The Zoning Bylaw establishes rules regarding the form and location of development on individual lots, including building siting.

3.0 Analysis

3.1 Discussion

The subject site is made up of two properties:

1) 5204 Marine Drive ("5204") to the south, contains an existing two storey house located on an upper plateau approximately 30m above the ocean. The lot then drops very steeply down to a lower plateau adjacent to the ocean where a cabana is located.

2) 5210 Marine Drive ("5210") to the north. 5210 is lower than 5204 and contains an existing house down by the ocean.

The subject site with both lots is approximately 3807m² in area and fronts Marine Drive to the east and the ocean to the west. Driveway access to the site is via a common driveway located within the District’s boulevard, down slope of Marine Drive. The boulevard adjacent the subject site is well treed and no views of the property are afforded from the street. As both lots are under the same owner, they are used contiguously as one property with no separating fences, walls or other features. Landscaping continues over the common property line.

The owner is proposing to construct a new one-storey accessory building with basement and rooftop deck located over the common property line between 5204 and 5210 for use with the existing house at 5204. An existing pool adjacent to 5204 is to be extended over the proposed building as a reflecting pool. An elevator is to connect the building (from the roof top deck and pool) to the lower portion of the site (approximately 16.7m down). The proposed accessory building is 255m² in floor area.

In order to construct the proposed accessory building, the owner is requesting the following variances:
<table>
<thead>
<tr>
<th></th>
<th>Property</th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum permitted accessory building height</td>
<td>Both Lots</td>
<td>3.7m</td>
<td>11.0m</td>
<td>7.3m</td>
</tr>
<tr>
<td>Minimum front yard</td>
<td>5210 Marine Drive</td>
<td>9.1m</td>
<td>0.3m</td>
<td>8.8m</td>
</tr>
<tr>
<td>Minimum side yard</td>
<td>5204 Marine Drive</td>
<td>3.0m</td>
<td>0m</td>
<td>3.0m</td>
</tr>
<tr>
<td></td>
<td>5210 Marine Drive</td>
<td>2.5m</td>
<td>0m</td>
<td>2.5m</td>
</tr>
<tr>
<td>Minimum combined side yard</td>
<td>5204 Marine Drive</td>
<td>10.25m</td>
<td>0m</td>
<td>10.25m</td>
</tr>
</tbody>
</table>

As the accessory building is located over the common property line between the two lots, the proposed development variance permit requires that a easement over 5210 is registered in favour of 5204 to allow the building to encroach on that lot.

**Building Bulk Study**

Staff recognizes that this is a unique application, but the zoning bylaw currently allows for the floor area of the proposed building. Staff will be reporting to Council regarding single family housing building bulk and neighbourhood character, as part of a separate report.

**Conclusion**

Subject to additional correspondence received by Council, staff have no concern regarding the application to construct the proposed accessory building as:

a) The proposed accessory building is located 41m from the waterfront property line. Due to the heavily treed slope adjacent to Marine Drive, the proposed building will only be visible from the ocean and, due to trees and other landscaping along the property line, partially visible from the property to the north at 5240 Marine Drive.

b) The adjacent property to the south (5202 Marine Drive) is under the same ownership as the two subject lots and provides a buffer between the proposed new building and properties to the south on Pitcairn Place.
3.2 Sustainability

Allowing the proposed building may prevent demolition or extensive modification of the existing house to incorporate the proposed floor area.

3.3 Consultation

Consistent with the Development Procedures Bylaw, property owners and occupants within 50m of the subject property will be notified of the application.

3.4 Communications Process

See 3.3 Consultation above.

4.0 Options

4.1 At the time of consideration of this report, Council may:

(a) set the date for consideration of this application (recommended); or

(b) set the date for consideration of this application and request that additional information (to be specified) be provided and available to assist in consideration of the application; or

(c) defer further consideration pending receipt of additional information; or

(d) reject the application.

4.2 When the application is considered by Council, Council may:

(a) approve the proposed Development Variance Permit No. 10-025; or

(b) approve issuance of a modified Development Variance Permit No. 10-025 (to be specified); or

(c) request more information (to be specified); or

(d) reject the application.

Author:

Appendices:

A – Context Plan

B – Renderings of the Subject site and proposed accessory building

C – Proposed Development Variance Permit No. 14-043 with building plans
Rendering 1: View from the water of (left to right), existing house at 5210 Marine Drive, proposed accessory building above, existing house at 5204 Marine Drive with existing cabana below.

Rendering 2: Close up view of subject accessory building
District of West Vancouver
PROPOSED
Development Variance Permit No. 10-025

Current Owners: No. 124 Cathedral Ventures Ltd., Inc No. 487722 and No. 218 Cathedral Ventures Ltd. Inc No. 585344

This Development Variance Permit applies to:

Civic Address: 5204 and 5210 Marine Drive

Legal Description: 027-403-009
Lot 1 District Lots 890 and 8019 Group 1 New Westminster District Plan BCP34829 ("5210"); and

027-403-025
Lot 2 District Lots 890 and 8020 Group 1 New Westminster District Plan BCP34829 ("5204").

(collectively the "Lands")

For the purposes of this Development Variance Permit, the Lands shall be developed in accordance with the drawing attached and date stamped January 14, 2015, approved by Council, attached as Schedule “A”, and specifically in compliance with the regulations and variances listed hereunder:

1. Zoning Bylaw No. 4662, 2010 is varied and supplemented for this development proposal in accordance with the following regulations:
   i) Section 130.01 (3) (b): (Accessory Buildings) is varied to allow for the proposed accessory building to be constructed with a height of 11.0m.
   ii) Section 203.07 (Front Yard) to allow the proposed accessory building to be constructed with a front yard of 0.3m to the front property line of 5210.
   iii) Section 203.09 (Side Yard and Combined Side Yard) is varied to allow the proposed accessory building to be constructed with
       a) a minimum side yard of 0m on both lots, and
       b) a combined side yard on 5204 (measured to the accessory building and existing house) of 0m.

2. An easement shall be registered over 5210 in favour of 5204 to allow the proposed accessory building to be located on 5210 with the District of West Vancouver added as a third party signatory.
3. For clarity, this permit applies only to the proposed accessory building adjacent to the existing house at 5204 Marine Drive and does not allow for, approve or vary the zoning bylaw for any other buildings or structures on the Lands.

4. This Development Variance Permit lapses if construction of the additions and renovations has not commenced, under an issued Building Permit, within 24 months of the date this permit is issued.

   In the event the Owner is delayed or interrupted or prevented from commencing the construction of the work specified herein by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Owner, the time for the commencement of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial circumstances of the Owner shall not be viewed as a cause beyond the control of the Owner.

THE COUNCIL OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON

__________________________________________

MAYOR

__________________________________________

MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

__________________________________________  ____________________________________________  ______________________

Owner: Signature  Owner: Print Name above  Date

FOR THE PURPOSES OF SECTION 4, THIS PERMIT IS ISSUED ON

Schedules:

A – Proposed Accessory Building Plans prepared by Nick Milkovich Architects
date stamped January 14, 2015