COUNCIL REPORT

Date: January 14, 2015
From: James Allan, Community Planner
Subject: Development Variance Permit Application No. 14-039 (1690 Marlowe Place)

RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Variance Permit Application No. 14-039 for 1690 Marlowe Place to allow for a new garage building to be constructed with driveway access off Langton Place, 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. 14-039 for 1690 Marlowe Place to allow for a new garage to be constructed with driveway access off Langton Place with variances to the zoning bylaw and a revision to a covenant registered on title.

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

1.0 Background
1.1 Prior Resolutions

Development Variance Permit No. 04-020 was approved by Council in 2004 to allow site grading work along the western property line overlapping into the park to allow elimination of proposed retaining walls that would be visible from the District trail.

1.2 History

Six lots were obtained by the current owner and in 2001, amalgamated into the current property. The existing two-storey house was completed in 2007.

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 6410m2 in area and fronts both Marlowe Place to the north and Langton Place to the south (both streets are cul-de-sacs ending at the subject property). Two vacant lots are adjacent to the east property line and a DWV park and trail are located along the west and partially along the north and south property lines. The property contains an existing two-storey house with basement with driveway access to Marlowe Place. A covenant is registered against the property (which the District is a signatory to) which restricts vehicle access to the property to Marlowe Place.

The owner has a car collection which is stored outside West Vancouver and would like to move and house this collection on the subject property. In order to provide for this, an approximately 845m² garage accommodating 15 vehicle parking spaces is proposed with access off Langton Place. The proposed building is to have one level of parking and a small basement for storage. Additionally, due to the topography, a vehicle lift will bring vehicles up from the driveway level to the parking level.

Due to the location of the proposed building, and the covenant restricting access, the following zoning bylaw variance and covenant revision is needed:

<table>
<thead>
<tr>
<th></th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Combined Side Yard&lt;sup&gt;1&lt;/sup&gt;</td>
<td>18.3m</td>
<td>15.85m</td>
<td>2.45m</td>
</tr>
<tr>
<td>Covenant Provision</td>
<td></td>
<td></td>
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<tr>
<td>Driveway Access</td>
<td>Restricted to Marlowe Place</td>
<td>Allow additional access to Langton Place</td>
<td>Allow two driveway accesses rather than one</td>
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</tbody>
</table>

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.

<sup>1</sup> Measured to the west elevation of the proposed garage and to the east elevation of the existing house.
Conclusion

Subject to additional correspondence received by Council, staff do not object to the application to construct the proposed garage as:

a) The proposed garage is located 9.1m from the property line with an additional 4.2m of boulevard width to the street surface. Due to the existing fence and the retention and replanting of trees along the property line, this will result in minimal views of the building from Langton Place.

b) The proposed building is to be located mostly in-ground under the existing backyard; it will be constructed with a green roof to reinstate the use of a backyard for the existing house which further minimizes its visual appearance.

c) The properties adjacent the eastern property line and across the street are vacant. The property at 1680 Langton Place has an existing house and is separated from the subject property by the District pedestrian trail allowance which is approximately 4m wide.

d) This is an existing developed property and one of three consolidated sites in the immediate neighbourhood with large dwellings. Of the three, this property is not considered visually intrusive, due to being on the south side of Marlowe Place and existing vegetation planted around its perimeter.

e) Given Langton Place is a cul-de-sac and that the proposed garage is for storage of collectable vehicles rather than daily use vehicles, impact of a new driveway access onto the street is seen to have minimal visual or traffic generating impact. It also results in one driveway access to this street, whereas the previously existing three lots would have generated a total of three entrances.

f) The portion of the driveway located within the boulevard will be Golplast™ or a similar green, pervious surface to help minimize its visual impact.

3.2 Sustainability

The proposed garage building will have a green roof, be well insulated and have high performance glazing. The proposed development variance permit requires conduit be installed to allow for electric vehicle charging.

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. 14-039 and direct staff to revise the covenant on title; or
   (b) approve issuance of a modified Development Variance Permit No. 14-039 (to be specified); or
   (c) request more information (to be specified); or
   (d) reject the application.

Author: 

Appendices:

A – Context Plan
B – Proposed Development Variance Permit and drawings
Current Owners: David Lede

This Development Variance Permit applies to:

Civic Address: 1690 Marlowe Place

Legal Description: 025-120-565
Parcel A District Lot 1105 Group 1 New Westminster District
Plan LMP51132; and

(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 15, 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 207.09 (2): (Combined Side Yard) is varied to allow for the proposed accessory garage building to be located with a 15.85m combined side yard measured for the garage building and house.

2. Section 3. of the covenant registered on the certificate of title for the Lands, registration number BR230236, to allow one additional driveway access to and from Langton Place with a maximum width of 4.2m.

3. Driveway access located within the boulevard of Langton Place shall be constructed of pervious materials. The final plan shall be submitted to, and approved by, the Manager of Development Planning prior to construction.

4. In the event existing trees and hedging located within 5m of the property line adjacent to Langton Court and District owned land are removed, replacement trees and hedging shall be installed with a minimum height at the time of planting of 3m.

5. Replacement trees of the same height shall be installed to replace any trees located within Langton Place boulevard that are removed adjacent to the proposed driveway location. The species and location of the replacement trees shall be approved by the District Arborist prior to installation.

6. Prior to the issuance of this Development Variance Permit and as security for the due and proper completion of Tree Replacement in Sections 4 and 5 of this Development Variance Permit, the Owner shall:
(a) provide security in the amount of $25,000 to the District in the form of cash or an unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union; and

(b) maintain the security for a minimum of one year after completion of the Tree Replacement, and not prior to the date on which the District Environmental Protection Officer authorizes in writing the release of the security.

7. 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 VANCOURER 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 7, THIS PERMIT IS ISSUED ON

Schedules: