

COUNCIL AGENDA
Date: February 14, 2022 Item: 11.7



11.7

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

COUNCIL REPORT

Date:	January 24, 2022
From:	Megan Roberts, Planning Technician
Subject:	Proposed Development Variance Permit for 1325 25th Street
File:	1010-20-21-074

RECOMMENDATION

THAT Proposed Development Variance Permit No. 21-074 regarding 1325 25th Street to allow for an existing accessory building, as described in the report dated January 24, 2022 be considered at the March 28, 2022 Council meeting; and that notice be given of consideration of the proposed development variance permit (**Appendix A**).

1.0 Purpose

The purpose of this report is to provide information on proposed Development Variance Permit No. 21-074 for 1325 25th Street to vary section 204.09(1)(a)(i) of the Zoning Bylaw and to request scheduling of Council consideration of the application. The proposed DVP would retroactively permit an existing accessory building to remain in its current location.

2.0 Legislation/Bylaw/Policy

Local Government Act

A Development Variance Permit (DVP) may be issued by resolution of Council in accordance with Section 498 of the Local Government Act. The DVP is a permit that changes regulation(s) for a particular development site allowing development to proceed or exist in a manner otherwise not allowed by the Zoning Bylaw. A DVP cannot vary use or density of land.

Zoning Bylaw

The site is currently zoned Residential Single Family Dwelling Zone 4 (RS4).

3.0 Council Strategic Objective(s)/Official Community Plan

Council's Strategic Objectives do not apply.

The Official Community Plan is not applicable.

4.0 Financial Implications

There are no financial impacts to the District of West Vancouver.

5.0 Background

On December 7, 2020 Bylaws staff received a complaint that there was work being done on an accessory building at the rear of a property without a building permit and a stop work order was imposed. The homeowner informed bylaws staff that they had purchased the property in August 2020 and that the shed was on the property when it was purchased.

If it is brought to the District's attention that a structure was built without a permit and/or is non-conforming, it is the responsibility of the current homeowner to either apply for a building permit (BP) to remove the structure, relocate the structure, or as has been done in this case, apply for a development variance permit and BP to bring the structure into compliance with the Zoning Bylaw.

The homeowner provided a survey and planning staff confirmed that the structure did not comply with the zoning setbacks in February 2021 (**Appendix B**). Permits staff presented the owner with the options to either remove the non-complying structure, relocate the structure so it complied with zoning or apply for a development variance permit and BP to bring the structure into compliance. In May 2021, the applicant applied for a Development Variance Permit.

5.1 Previous Decisions

None.

5.2 History

A building permit was issued to construct the single family dwelling at 1325 25th Street on October 19, 1948. The existing dwelling is non-conforming with the setbacks as it predates the existence of the Zoning Bylaw.

An addition was approved by the Board of Variance on January 19, 1963 for a carport on the north-west corner of the dwelling. The carport has since been converted into an attached garage.

On January 21, 1981 the Board of Variance also approved a deck addition on the south-west portion of the dwelling.

6.0 Analysis

6.1 Discussion

Site Context

The subject property is located at 1325 25th Street and is zoned RS4. The property is 797.6 m² (8,565 sq. ft.) in area and fronts both 25th Street and Kings Avenue and is a corner flanking lot (Figure 1). There is an existing one storey plus basement single family dwelling and unpermitted accessory building on the site. The adjacent properties to the west and north of the property are occupied by single family dwellings.



Figure 1 – Subject Property

Proposal overview:

The homeowner would like the existing accessory building to remain in its current location in the north-west corner of the lot, which would require variances to the setbacks (Table 1). It may be difficult to relocate the shed within the rear yard to meet the setbacks due to the footprint of the dwelling, the presence of cedar trees and a retaining wall that runs parallel to the north property line. It may be possible to relocate the shed to the south portion of the lot to meet the setbacks. However, this is not preferable to the homeowner as there is a raised wooden patio that may need to be modified, mature landscaping in the front yard and it would be costly to relocate the accessory structure (Figure 2).



Figure 2 – Deck and landscaping in front yard

The existing accessory building is constructed with high quality finishes including cedar shingle siding and rock trim on the lower portion to match the exterior of the house (Figure 3). Landscaping has been completed

surrounding the structure including stone steps leading to the entrance of the shed (Figure 3).



Figure 3 – Exterior of house and matching accessory structure

Proposed Variances

The shed is located within the required north and west side yards as follows:

Summary of Variances			
	Bylaw Requirement	Location	Variance Required
Side Yard (north)	1.52 m	1.08 m	0.44 m
Side Yard (west)	1.52 m	0.18 m	1.34 m

Staff note that the 9.1 m front yard setbacks required from both Kings Avenue and 25th Street reduce a significant portion of the buildable area on the lot. The buildable area is also restricted by existing landscaping and a deck which would require modification if the accessory structure is relocated.

Staff also note that there is significant screening between the accessory structure and the neighbouring lots including a mature laurel bush and fencing thus reducing any visual impact of the shed on adjacent properties (Figure 4). As the setback variances have a relatively minimal impact on the adjacent neighbours, staff support the reduced setbacks.



Figure 4 – Front/side elevations and landscaping

6.2 Sustainability

Demolishing the accessory structure may create waste for the landfill. Relocating the shed may be costly and could compromise the structural integrity of the building which may result in the structure having to be removed or dismantled. Additionally, relocating the structure may require removal of mature landscaping depending on other locations considered.

Allowing the accessory structure to remain in its current location will have the lowest environmental impact and financial cost to the homeowner.

6.3 Public Engagement and Outreach

Notification

Should the proposal advance, owners and occupants of properties located within 50 m of the subject site will be notified of the proposed Development Variance Permit in accordance with Development Procedures Bylaw No. 4940, 2017.

Website

In alignment with current practice, a description of the proposal is available online. Applicable dates will be updated should the proposal advance.

6.4 Other Communication, Consultation, and Research

Planning staff consulted with Permits on the DVP application who confirmed a building permit will be required to ensure the structure meets the BC Building Code. The DVP (**Appendix A**) includes a condition that standard building permit requirements are met and that a permit be obtained if the DVP is approved.

7.0 Options

7.1 Recommended Option

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

- a) Set the date for consideration of the application (recommended); or

7.2 Considered Options

- a) set a date for consideration of the application and request that public notification occur and/or additional information (to be specified) be provided and available to assist in consideration of the application; or
- b) defer further consideration pending receipt of additional information (to be specified); or
- c) reject the application.

8.0 Conclusion

The existing accessory structure requires zoning variances to the side yard setbacks to allow the structure to remain. Given that the site is relatively constricted as a corner flanking lot and that the accessory structure is well screened from neighbouring properties staff support the requested variances. Subject to public input to Council, staff recommend that proposed Development Variance Permit No. 21-074 be advanced to consideration and approved by Council.

Author:



Megan Roberts, Planning Technician

Concurrence:



Michelle McGuire, Senior Manager of Current Planning and Urban Design

Appendices:

A – Proposed Development Variance Permit 21-074



**District of West Vancouver
Proposed
Development Variance Permit No. 21-074**

REGISTERED OWNER: Fanya Audain

THIS DEVELOPMENT VARIANCE PERMIT APPLIES TO:

CIVIC ADDRESSES: 1325 25th Street

LEGAL DESCRIPTION: LOT 12 BLOCK 18 DISTRICT LOT 555 PLAN 2261

PID: 013-949-993
(the 'Lands')

1.0 This Development Variance Permit is issued and varies and supplements the District's Zoning Bylaw No. 4662, 2010, as amended, as follows:

a) Section 204.09 (Side Yard) to allow:

- i. The accessory building to have a side (north) yard setback of 1.08 m
- ii. The accessory building to have a side (west) yard setback of 0.18 m

Summary of Variances			
	Bylaw Requirement	Location	Variance Required
Side Yard (north)	1.52 m	1.08 m	0.44 m
Side Yard (west)	1.52 m	0.18 m	1.34 m

The following requirements and conditions shall apply to the Lands:

- a. That a building permit be obtained
- 2.0 This Development Variance Permit lapses if a building permit is not issued within 24 months of the date this permit is issued.

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

MAYOR

CORPORATE OFFICER

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS
ISSUED ARE ACKNOWLEDGED AND AGREED TO BY THE CURRENT
OWNER. 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; AND
- THE DEVELOPMENT MUST ATTAIN REQUIREMENTS OF THE BC
BUILDING CODE AND ANY VARIANCES TO THE ZONING BYLAW ARE
THE RESPONSIBILITY OF THE OWNER AND MUST BE RECTIFIED AT
THE BUILDING PERMIT STAGE.

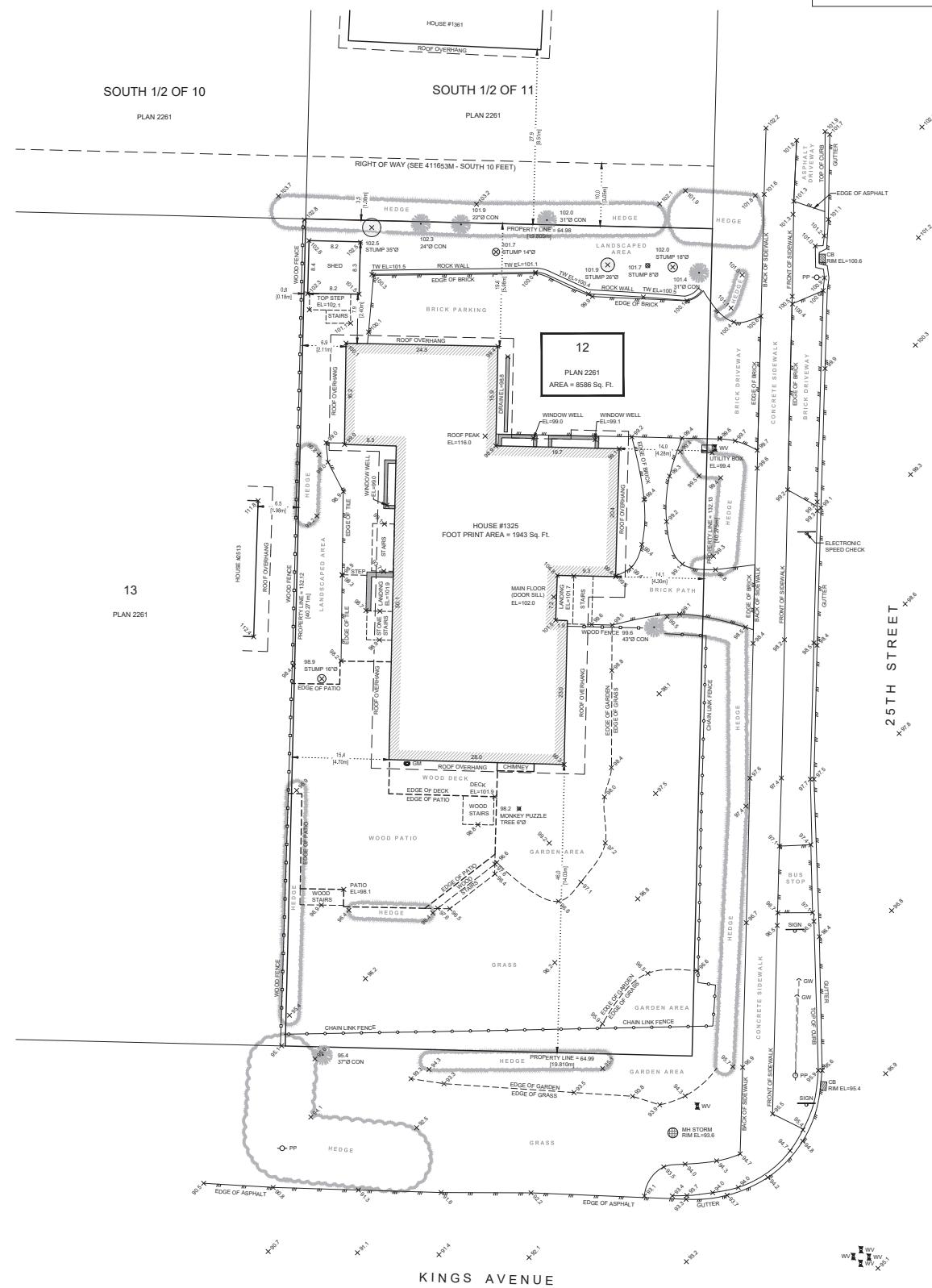
FOR THE PURPOSES OF SECTION 2.0, THIS PERMIT IS ISSUED ON

[Council report dated January 24, 2022, Docs No. 4338030]

Schedules:

A – Survey Plan date stamped June 15, 2021

SCHEDULE 1



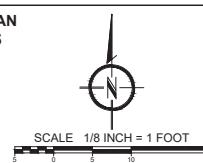
TOPOGRAPHIC SURVEY PLAN OF LOT 12 BLOCK 18 DL 555 GROUP 1 NWD PLAN 2261

DISTRICT OF WEST VANCOUVER
CIVIC ADDRESS: 1325 25TH STREET
PID: 013-949-993

SCALE 1/8 INCH = 1 FOOT
ALL DISTANCES ARE IN FEET



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LEGEND:

- X SPOT ELEVATION
- EL - DENOTES SPOT ELEVATION
- PP - DENOTES POWER POLE
- C GW - DENOTES POWER POLE ANCHOR
- SIGN - DENOTES STREET SIGN
- MH - DENOTES MANHOLE
- CB - DENOTES CATCH BASIN
- WV - DENOTES WATER VALVE
- 37° CON - DENOTES 37° CONIFEROUS TREE WITH A GROUND ELEVATION OF 65.4'
- GM - DENOTES GAS METER

DATUM:

ELEVATIONS ARE GEODETIC, BASED ON THE START INVERT ELEVATION OF
DISTRICT OF WEST VANCOUVER SANITARY MAIN (GIS ID 363),
FUSIONED TO THE 2011 DEM (GIS ID 144), MEASURED AT MHSS (MD) BLOCK ON 25TH
STREET, SOUTH INVERT.

PROPERTY:

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM FIELD SURVEY.
OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE
BOUNDARIES

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL
EXISTING OR PENDING CHARGES.

GENERAL:

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES
NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE
SURFACE.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH
BENNETT LAND SURVEYING LTD.

TREE SPECIES AND DIMENSIONS SHOULD BE CONFIRMED BY A QUALIFIED
FORESTIEER. THE AREA IS NOT AN INDICATION OF DRIPLINE LOCATION
UNLESS SPECIFICALLY NOTED.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR
SURFACES UNLESS OTHERWISE NOTED.

THIS PLAN HAS BEEN PREPARED FOR MORTGAGE AND/OR MUNICIPAL
PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.
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CERTIFIED CORRECT

FIELD SURVEY COMPLETED ON JANUARY 12TH, 2021.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED
OR DIGITALLY CERTIFIED.

495

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