DATE: December 7, 2015
TO: Mayor and Council
FROM: Fiona McDougall, Planner
SUBJECT: Development Variance Permit DV15-015 to allow a reduced front and rear lot lines setback for the property located at 33786 Kettley Place.
ATTACHMENTS: Appendix 1 - Information for Corporate Officer
Appendix 2 - Location Map
Appendix 3 - Setbacks and Building Envelope: Existing and Proposed

CIVIC ADDRESS: 33786 Kettley Place
APPLICANT: D&D Design
OCP: Urban Residential
DATE APPLICATION COMPLETE: November 17, 2015
LOCATION:
APPROVAL OF THE DEVELOPMENT VARIANCE PERMIT

This report details the development variance permit application seeking to reduce the front and rear yard lot line building setbacks of the property located at 33786 Kettley Place and identifies the necessary variances to the Zoning Bylaw.

While staff are supportive of the reduced rear lot line setback and the applicant’s concession to increase the northern interior lot line setback above bylaw requirements, staff are not supportive of the reduced front lot line setback. Accordingly, staff have listed the supportable Development Variance Permit under the “Development Permits for Consideration” section of the agenda.

SUMMARY

A Development Variance Permit application has been received from D&D Design on behalf of the property owner, BKG Investment Ltd., to vary the front and rear building setbacks for the property located at 33786 Kettley Place (Appendix 2). The application seeks variances to the District’s Zoning Bylaw to allow a future home to be located closer to the front and rear lot lines than what would otherwise be permitted under the property’s current zoning. With the approval of reduced setbacks, the applicant aims to improve the buildable area which is currently considered restrictive due to the unconventional configuration of the lot. Appendix 3 identifies the current building area to what may be achieved with some flexibility granted to the setbacks.

ZONING BYLAW COMPLIANCE (Bylaw 5050-2009)

The property is zoned Urban Residential 465 Zone (R465). The Zone identifies a minimum rear lot line setback of 7.5m (24.6ft) and a minimum front lot line setback of 6.0m (19.7ft) for a principal building. In general, the proposed reduction of the rear and front lot lines would result in a more practical building area for a future home.

It is noted that although the Zoning Bylaw requires a minimum front lot line setback of 6.0m (19.7ft), it does allow for a reduced front lot line to 4.0m (13.2ft) without a variance provided the dwelling’s garage is maintained at the minimum 6.0m (19.7ft) from the front lot line. This setback exemption was established to promote a better streetscape appearance by encouraging new single-family dwelling designs to be more “pedestrian-orientated” than those where an automobile dominated design would have the car garage protrude well beyond the front door entrance of the home.

DEVELOPMENT VARIANCE

This vacant lot is one of nine residential lots created in this neighbourhood in 2011. Given the topography and configuration of the lands that were developed and the need to terminate Kettley Place with a cul-de-sac, the remaining lands flanking the cul-de-sac road resulted in two unconventional lots, i.e., large shallow but wide lots (Appendix 2). It is noted that the subject lot is shallower than its counterpart to the west.

To address the building footprint limitations of the lot, the application seeks to vary Section 501, Part D., Setbacks, Subsection 1, of the Zoning Bylaw by reducing the rear and front setbacks. As a concession to reduced rear yard setback resulting in a smaller back yard, the applicant has offered to increase the interior lot line setback at the north to ensure adequate outdoor yard amenity area that would be inadvertently lost with the setback reductions. For this reason, staff are recommending that a restrictive covenant be registered against the title of the lot to ensure the applicant’s offering to
increase the side yard setback is achieved. Issuance of the permit would be made conditional upon the registration of (or a solicitor’s letter of undertaking to register) the covenant.

The requested setback reductions and proposed increase are detailed as follows:

- Reduce Front lot line setback from 6.0m (19.7ft) to 4.0m (13.1ft),
- Reduce Rear lot line setback from 7.5m (24.6ft) to 4.0m (13.1ft), and
- Increase North Interior lot line from 1.5m (5.0ft) to 6.0m (19.7ft).

Specifically, approval of the variance would allow a minimum front and rear yard setback of 4.0m (13.2ft) that would increase the size of the allowable building envelope from 255.6sqm (2751.2sqft) to 297.5sqm (3202.3sqft) as shown on Appendix 3. The application did not include future house plans with the application. The approval as applied for would also result in a garage being located closer to the front lot line.

LAN 32 TREE RETENTION REPLANTING

The original subdivision required three (3) trees to be planted along the west boundary in accordance with Local Policy LAN 32 Tree Retention Replanting. This was of particular concern to the Council and the public of the day. While a site visit confirmed the trees have yet to be planted, this matter is typically addressed after construction of the dwelling is complete. It is noted that the rear lot line setback will reduce the area where the trees are to be planted (i.e., from 7.5m (24.6ft) to 4.0m (13.2ft)). Staff have requested the applicant provide confirmation that the 4.0m (13.2ft) space is sufficient to support the trees. While the applicant has not confirmed that there is sufficient space for the trees to be planted in this area, staff do recognize that the increase in the side yard amenity could readily allow for this requirement to be met.

RATIONALE FOR VARIANCE

The applicant has provided the following rationale of the variances:

- The existing lot depth is 18.5m (60.7ft) deep at the midpoint (shortest point);
- Adhering to the applicable front and rear lot line setbacks, the current building area becomes too restrictive, i.e., house will be relatively narrow;
- In order to achieve the desired square footage on the main floor of 148sqm (1,593sqft) including a garage, the house design would need to be about 25.9m (85ft) wide under the current setbacks requirements; and while this would accommodate a home within the allowable building area, the applicant argues that the narrowness of the home would not be at all architecturally appealing and most likely impractical; and
- The applicant also stated that if flexibility is provided to the setback on the east (rear yard) and with a side-accessed garage at the north side along with a 4.0m front yard setback at the west, this would enable them to design a home that is both architecturally attractive and provide a product that the builder would be able to more easily sell.

STAFF COMMENTS

Staff acknowledge that the lot is irregular in shape and therefore presents challenges to the building envelope.

It is also noted that on August 5, 2014, Council approved a similar variance at 33783 Kettley Place (irregular shaped property directly west) to allow a reduction to the rear setback for a covered decked from 7.5m (24.6ft) to 3.8m (12.5ft). Similarly, staff would support the reduction to the rear lot line to
increase the width of the building envelope for this property as this will allow for greater flexibility in how a future house could be designed.

However, staff are not supportive of the variance to the front lot line setback as the current zoning of the property already allows for a reduced front yard setback to 4.0m (13.2ft) provided the garage is setback 6.0m (19.7ft). Staff consider the flexibility provided with this exemption sufficient and as such see no need for the additional reduction at the front property line.

Staff have also included a permit condition that requires a restrictive covenant be registered on title to ensure that the increased north interior lot line setback of 6.0m (19.7ft) is reflected in any future house plans for the site. Staff consider this an appropriate compromise in supporting the reduced rear lot line setback.

COMMUNICATION

A notice of the Development Variance Permit application was mailed or otherwise delivered in accordance with Bylaw 3612-2003 Land Use Application Procedures and Fees Bylaw and the Local Government Act.

The following written submission was received during notification:

Correspondence, dated November 12, 2015, from the resident at 33802 Kettley Place objecting to the development variances stating concern about the obstruction that the variance would cause on their view from the sundeck towards the southwest. While staff do consider private views as part of the review of an application, the practice is to focus primarily on protecting public viewscapes. Staff have forwarded the resident’s concern on to the applicant for a response. Staff have not received a response from the applicant in relation to the written submission.

INFORMATIONAL NOTE

- The Development Variance Permit DV15-15 can be considered at the December 7, 2015 Regular Council meeting.
- Provided Council is in agreement, issuance of the permit will be held in abeyance until such time as registration of (or a solicitor’s letter of undertaking to register) the covenant is provided.

SIGN-OFFS:

Fiona McDougall, Planner

Reviewed by: Dan Sommer, Director/Approving Officer Development Services

Comment from Chief Administrative Officer:
Reviewed
Appendix 1

Information for Corporate Officer

Civic Address: 33786 Kettley Place

PID: 028-619-927

Legal: Lot 1 Section 27 Township 17 New Westminster District Plan BCP48567
Appendix 2
Location Map
Appendix 3

Setbacks and Building Envelope: Existing and Proposed

Setbacks required by R465

![Diagram of Kettley Place and setbacks as per zoning bylaw]
Proposed Setbacks

Proposed Building Envelope

LATE ITEM 4(d) and 20(c) - Regular Council Agenda - December 7, 2015
DISTRICT OF MISSION
DEVELOPMENT VARIANCE PERMIT DV15-015

Issued pursuant to Section 922 of the Local Government Act

Issued to: Bkg Investments Ltd., INC.NO. 730786
7954 Finch Terrace, Mission, BC, V2V 6J8

as the registered owner (hereinafter referred to as the Permittee) and shall only apply to ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Mission, in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: 028-619-927 Lot 1 Section 27 Township 17 New Westminster District Plan BCP48567

1. The said lands are zoned Urban Residential 465 Zone (R465) pursuant to “District of Mission Zoning Bylaw 5050-2009” as amended.

2. “District of Mission Zoning Bylaw” as amended is hereby varied in respect of the said lands as follows:
   (a) To vary the District of Mission’s Zoning Bylaw by varying Section 501, D. Setbacks, Subsection. 1 by reducing the rear setback for 33786 Kettley Place (Lot 1) from 7.5m (24.6ft) to 4.0m (13.1ft).

3. This Permit does not constitute a subdivision approval or a building permit.

AUTHORIZING RESOLUTION NO. RC2015/### passed by the Council on the _____ day of December, 2015.

IN WITNESS WHEREOF this Development Variance Permit is hereby issued by the Municipality signed by the Mayor and the Corporate Officer the ____ day of December, 2015.

___________________________
Randy Hawes,
MAYOR

___________________________
Michael Younie,
CORPORATE OFFICER

Development Variance Permit DV15-015

G:\COMDEV\DEVELOPMENT VARIANCE WORKING FILES\DV's for signing\SIG15-015 (Kettley Place 33786).docx