

Staff Report to Board of Variance

Planning & Development

FILE: 0360-20-2024-01

REPORT DATE: October 23, 2024 **MEETING DATE:** December 04, 2024
TO: Board of Variance
FROM: Jaimie Jagpal, Development Services Technician
SUBJECT: Board of Variance Application for 19339 & 19347 119B Avenue

RECOMMENDATION(S):

THAT the Board of Variance:

- A. Grants the application to vary Zoning Bylaw No. 2505, 2011 to permit the surface of the first floor of the duplex at 19339 and 19347 119B Avenue being up to a maximum of 1.58 m above the average finished grade at any building elevation facing a street. OR;
- B. Other.

PURPOSE

The City has received an application to the Board of Variance to permit an increase in the first floor elevation of a duplex at 19339 & 19347 119B Ave.

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

Civic Address: 19339 & 19347 119B Ave

Property Size: 784 m² (8438 ft²)

OCP Designation: Residential- Low

Zoning: Was R-1 Medium Lot Residential (now R-6 Urban Residential 6)

A development permit application for the duplex was submitted on February 4, 2020, and the permit was registered on December 8, 2020. A subsequent building permit application was filed on January 18, 2022, with revised elevation drawings submitted on August 31, 2023. The drawings were reviewed for consistency with the zoning bylaw regulations before approval at each stage.



These bylaw regulations include a requirement that the surface of the first floor of a building 0.8 m or less above the average grade at any street-facing elevation. When the revised elevation drawings were submitted in August 2023, the applicant had found that there was an error at the grade level numbers on the topography survey which was used to design the house plan. At this time, however, it was confirmed that there was no change in the level of minimum basement elevation, main floor elevation, roof, etc.

The plans approved in August 2023 showed stairs leading directly to the front door with a side patio, an average existing grade of 10.09 m, a finished grade of 10.53 m, and a main floor elevation of 11.33 m, which would have resulted in a compliant first-floor elevation of 0.8 m (see Figure 1).

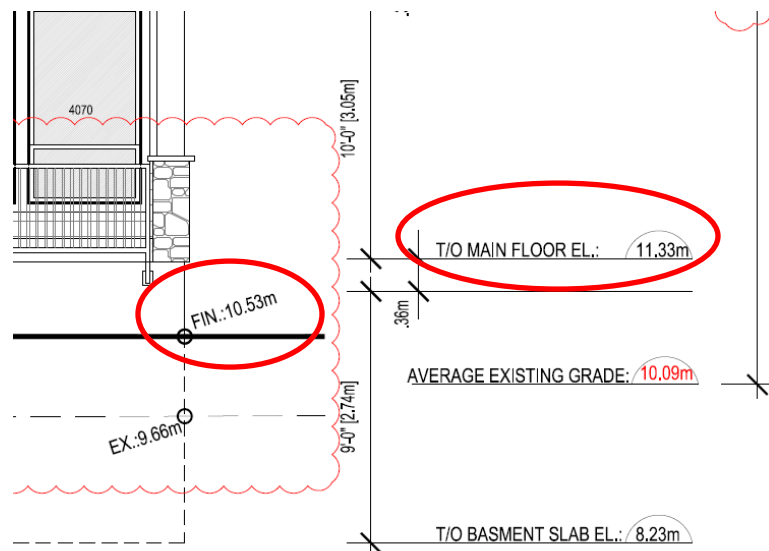


Figure 1. August 2023 elevation plan showing main floor and finished grade elevations.

Upon completing the duplex in 2024, a building inspection revealed discrepancies between the approved plans and the actual construction regarding the first-floor elevation and front entrance design. The stairs lead up to the side of the front door, creating an extended stairwell and additional porch area that was not in the original design. The finished grade was built lower, at 9.93 m, instead of the approved 10.53 m, while the main floor elevation remains at 11.33 m. This discrepancy results in a first-floor elevation of 1.4 m, exceeding the zoning bylaw's 0.8 m limit by at least 0.6 m (see Attachment E). Staff do not have the authority to waive or vary this requirement, as such a variance requires approval by the Board of Variance or a Development Variance Permit issued by City Council.

The applicant is requesting a variance of 0.78m, for a total allowable first floor elevation of 1.58m above the average grade facing the street. This is higher than what is shown in the supplied drawings (Attachment E); however, they have asked for a bit more to insure the existing construction is well within the requested variance.

Relevant Policy, Bylaw or Legislation:

Zoning Bylaw No. 2505, 2011 Section 10.4.5 i)

The surface of the first floor is not more than 0.8 m above the average grade at any building elevation facing a street, except that where the property is located in the flood plain or has a flood covenant registered on the property title the surface of the first floor may be adjusted to meet the flood proofing requirements.

The same requirement and wording was included in the R-1 Medium Lot Residential zoning that applied to the property at the time that the building permit was issued.

Analysis:

The purposes for restricting the relative elevation of the main floor to be 0.8m or less above the surrounding ground elevation are to insure the majority of a basement is in-ground and to foster pedestrian-oriented streetscapes. If a basement is more than half above ground, then it is generally considered to be the ground floor and counts towards the maximum allowable floor area. Providing a maximum value for the height of the main floor establishes a clear separation between a basement and a ground floor.

Additionally, if the main floor of a house is notably higher than the adjacent sidewalk, the house is less likely to contribute to enhancing public safety through the concept of "eyes on the street" and the house can be perceived as more removed for people passing by. "Eyes on the street" is the idea that people inside a building could be looking out the windows at any given time, which deters crime from occurring as the occupants may report what they see or come to someone's aid. Similarly, buildings with more accessible main doors are generally perceived to be more social and connected with the neighbourhood.

The variance request does not impact the livability of the home. The increase in first-floor elevation does not affect the interior space, functionality, or safety of the duplex. Additionally, this variance does not increase the overall height of the duplex, meaning that it remains within

the maximum height restrictions per zoning regulations.

Given that the duplex has already been constructed and is non-compliant, there are two viable application pathways available to address this issue: approval by the Board of Variance or for City Council to approve issuance of a Development Variance Permit (DVP). Each of these pathways provides a mechanism for seeking relief from the existing non-compliance, though they differ in their specific processes and requirements.

Conclusion

The variance request of an additional 0.78m first floor elevation allowance (for a total maximum allowable first floor elevation of 1.58m) for the duplex at 19339 and 19347 119B Ave allows a first-floor elevation adjustment that does not affect the duplex's livability or overall building height. While it is preferable that the main floor of a residence is within the permitted 0.8m elevation difference for the reasons mentioned above, the duplex, as constructed with the higher first floor, does not significantly impact the overall streetscape. It is, therefore, recommended that the Board of Variance consider approving the variance to facilitate final occupancy.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Jaimie Jagpal,
Development Services Technician

Reviewed by:

Colin O'Byrne,
Manager of Planning

ATTACHMENT(S):

- A. Aerial Imagery Map
- B. Neighbourhood Zoning Map
- C. Neighbourhood OCP Map
- D. Letter of Intent
- E. Plans

