



Staff Report to Council

Planning & Development

FILE: 08-3090-20/25-01

REPORT DATE: March 05, 2025 **MEETING DATE:** April 01, 2025

TO: Mayor and Council

FROM: Patrick Ward, Director of Planning & Development

SUBJECT: Development Variance Permit for 19339 & 19347 119B Ave

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:

RECOMMENDATION(S):

THAT Council:

- A. Authorize issuance of Development Variance Permit No. 2025-001 to vary zoning requirements to permit the surface of the first floor of the duplex at 19339 and 19347 119B Avenue to be a maximum of 1.58 m above the average finished grade at the building elevation facing a street; OR
- B. Other.

PURPOSE

For Council to consider an application to permit an increase in the allowable 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: R-6 Urban Residential 6 (previously R-1 Medium Lot Residential)

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, and the permit was issued on August 2, 2023. Following the issuance of the permit, revised elevation drawings were submitted on August 31, 2023, and subsequently approved. The plans were reviewed for consistency with the Zoning Bylaw regulations before approval at each stage.



Figure 1: Subject Property

The Zoning Bylaw requires the surface of the first floor of a home to be not more than 0.8 m above the average grade at any building elevation facing a street. The approved August 31, 2023 plans showed a finished grade of 10.53 m and a first floor (i.e., main floor) elevation of 11.33 m, which would have resulted in a compliant first floor elevation of 0.8 m above the grade (see Figure 2).

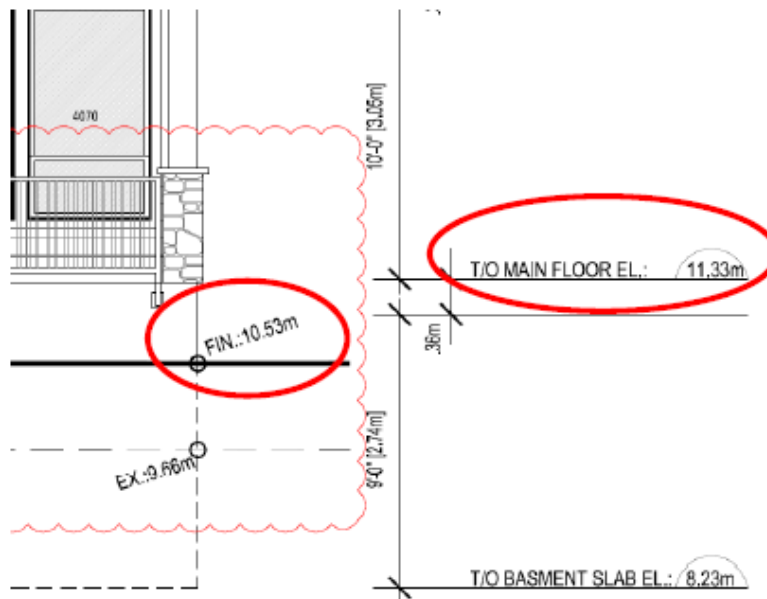


Figure 2: August 31, 2023 elevation plan showing first floor and finished grade elevations

Upon completion of construction of 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 finished grade was built lower, at 9.93 m, instead of the approved 10.53 m, while the first floor elevation remains at 11.33 m. This discrepancy results in

a first floor elevation of 1.4 m above the average finished grade, exceeding the Zoning Bylaw's 0.8 m limit by at least 0.6 m.

The applicants are requesting a variance of 0.78 m, for an allowable first floor elevation of 1.58 m above the average grade facing the street. The 0.78 m variance request, which exceeds the anticipated required variance of 0.6 m per the plans submitted by the applicants, is intended to provide an added buffer to ensure the existing construction and final grading is well within the requested variance. Such a variance requires approval by the Board of Variance or a Development Variance Permit issued by Council.

On October 4, 2024, the City received an application to the Board of Variance for the requested variance. In accordance with the *Local Government Act*, the Board of Variance may grant a variance if it finds that "undue hardship" would be caused to the applicant if the bylaw is complied with, among other considerations identified in the *Act*. At the Board of Variance meeting held on December 4, 2024, the Board determined that the requested variance did not meet the test of "undue hardship"; therefore, the variance was not approved by the Board. Since the Board of Variance application was not successful, the applicants are now applying to Council for a Development Variance Permit. It is noted that, unlike the Board of Variance, Council is not required to consider "undue hardship" when considering a variance request.

Relevant Policy, Bylaw or Legislation:

The *Local Government Act* allows Council to issue a Development Variance Permit that varies a provision of a Zoning Bylaw, with some exclusions (e.g., provisions related to use or density) that are not applicable in this case. While the *Act* identifies specific items that a Board of Variance must consider when considering a variance request (e.g., "undue hardship"), the *Act* does not identify any specific items that Council must consider when considering a variance request.

Under the current Urban Residential R-6 zone of Zoning Bylaw No. 2050, 2011, Section 10.4.5 i) currently states:

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 previous 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 elevation of the first floor to be 0.8 m or less above the average grade facing a street is to ensure the majority of a basement is in-ground, and to foster attractive and pedestrian-oriented streetscapes. Figures 3 and 4 below show, respectively, the street facing elevation of the August 31, 2023 approved plans, and the "as-constructed plans"

that include the proposed variance. As shown in Figure 4, the majority of the basement remains in-ground, and the duplex retains a connection and orientation to the street through design elements such as front windows, doors, and porches. 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, the overall height of the duplex remains within the maximum height restrictions per zoning regulations.



Figure 3: Approved August 31, 2023 street facing elevation

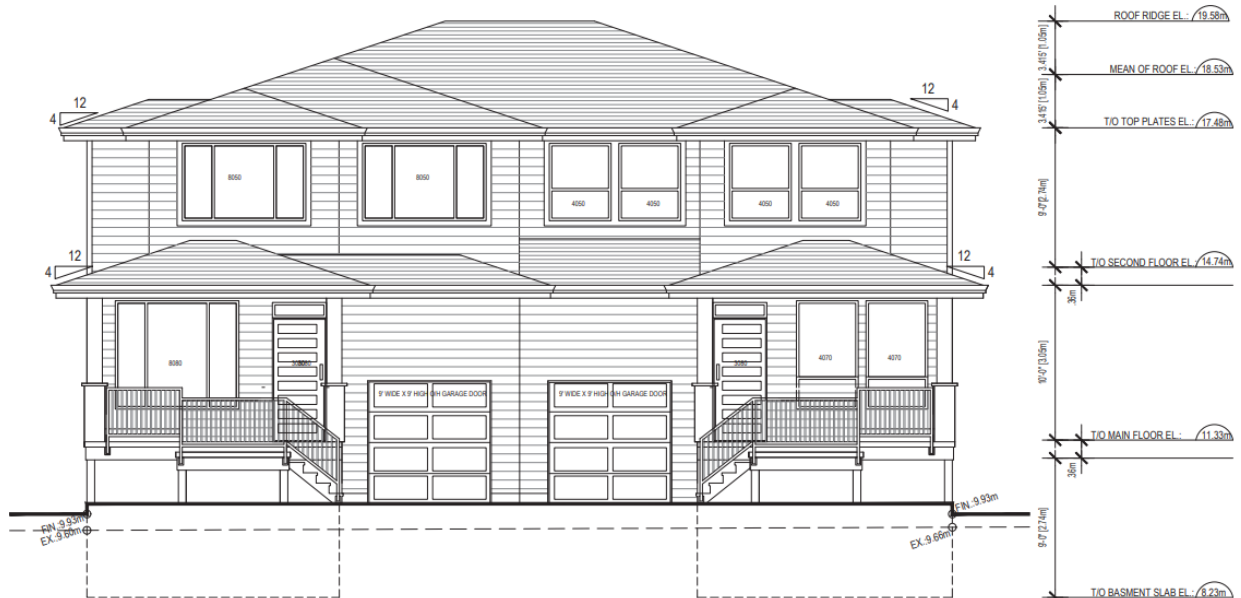


Figure 4: As-constructed street facing elevation, with requested variance

Conclusion

The variance request of an additional 0.78 m first floor elevation allowance (for a total maximum allowable first floor elevation of 1.58 m) 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 first floor of a residence is within the permitted 0.8 m 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 Council approve the variance.

If Council approves the variance, staff will work with the applicants to incorporate appropriate screening below the front porches and landscaping in the front yard as part of the next step to update the development permit that was registered in 2020. Screening and landscaping have been included as a condition of the Development Variance Permit.

Alternatives

If the variance request is not approved, the applicants could raise the grade along the front of the house to the grade originally proposed and approved in the development and building permit plans. At this stage, however, this approach would likely involve the addition of retaining walls in the front yard. Raising this area with retaining walls, and incorporating steps, would make it more difficult to move waste and recycling bins, lawn mowers, or other outdoor items to and from the back of the units.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Principled Governance Balanced Economic Prosperity Infrastructure
 Community Spirit & Wellbeing Corporate Pride Public Safety
 Not Applicable

WORKPLAN IMPLICATIONS

- Already accounted for in department workplan / no adjustments required
 Emergent issue / will require deferral of other priority(ies)
 Other

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
 Other
-

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

Inform Consult Involve Collaborate Empower

Comment(s):

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No Other

SIGN-OFFS

Written by:

Jaimie Jagpal,
Development Services Technician

Reviewed by:

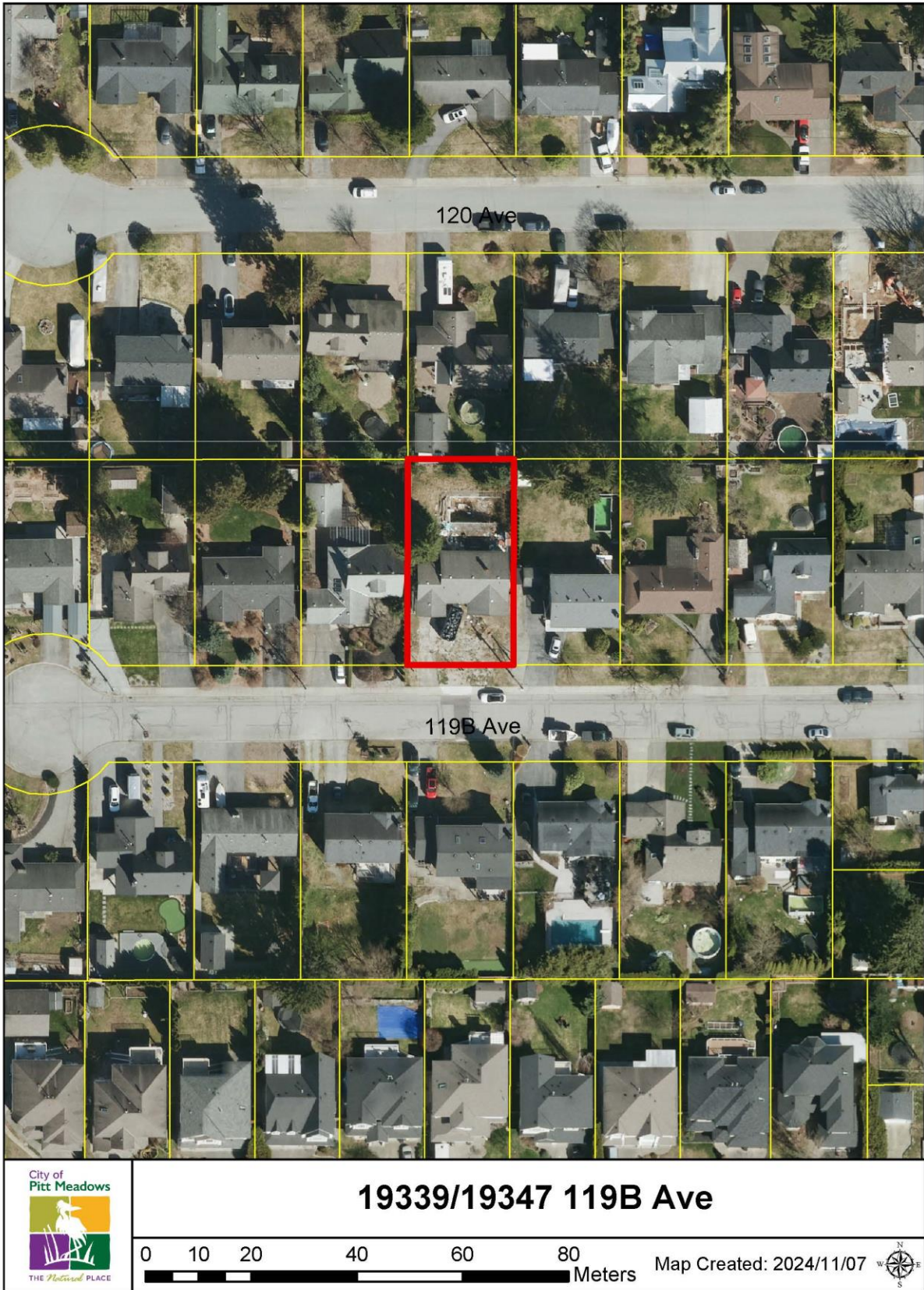
Colin O'Byrne,
Manager of Planning

Patrick Ward
Director of Planning & Development

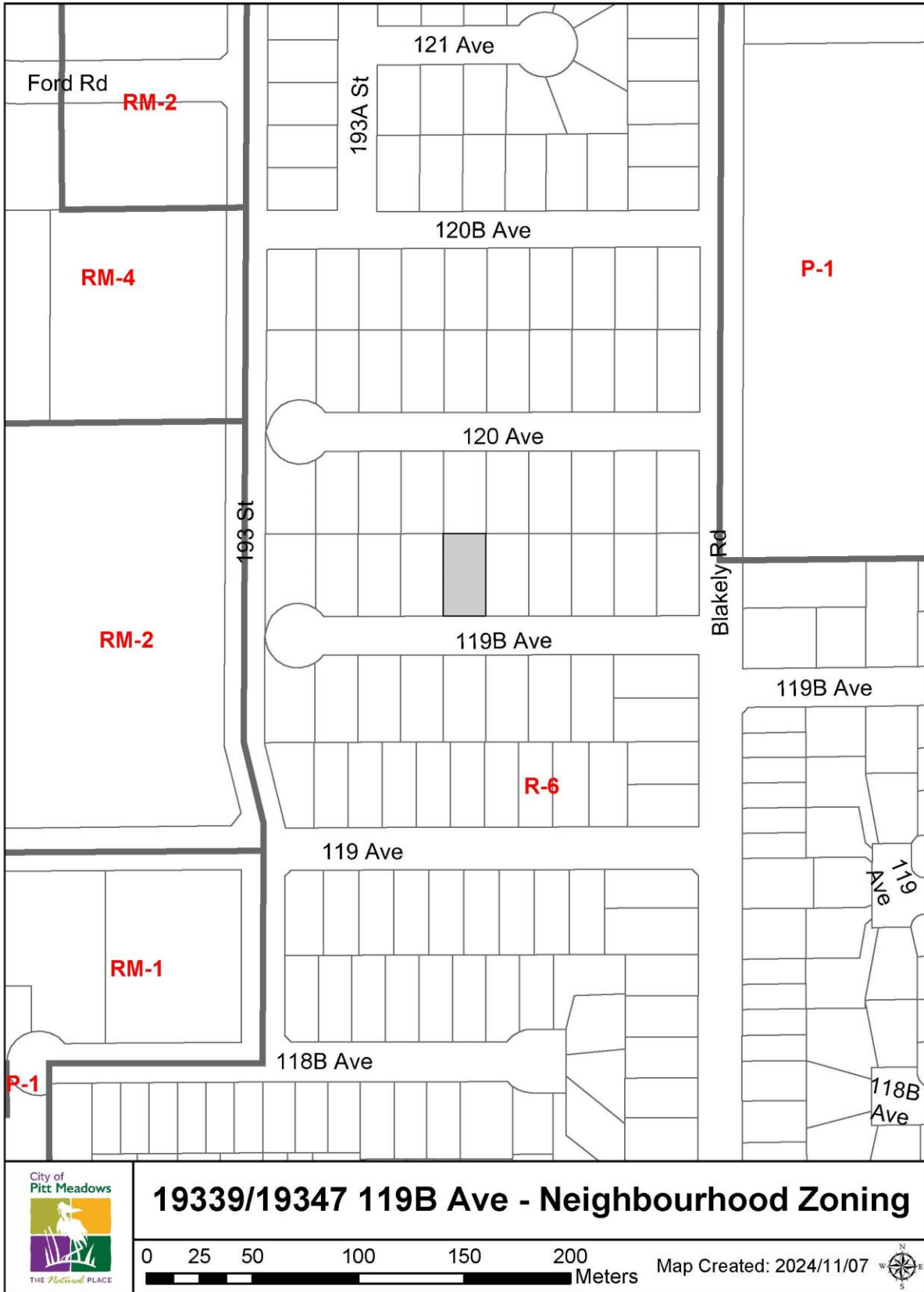
ATTACHMENT(S):

- A. Aerial Imagery Map
- B. Neighbourhood Zoning Map
- C. Neighbourhood OCP Map
- D. Letter of Intent
- E. Development Variance Permit No. 2025-001

Attachment A



Attachment B



Attachment C

