

STAFF REPORT TO COUNCIL

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DATE: October 3, 2023

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Development Variance Permit Application No. VP100654

APPLICANT: Nini and Eric Long
LOCATION: 108 Bedford Place

ATTACHMENT(S): Location and Existing Zoning Map
 Development Variance Permit No. VP100654
 Exhibit "A" to VP100654
 Supporting Documents

- Rationale Letter and Photos
- Letters of Support and Associated Map

RECOMMENDATION(S):

That Council APPROVES Development Variance Permit No. VP100654 to vary "City of Prince George Zoning Bylaw No. 7850, 2007" for the property legally described Lot B, District Lot 343, Cariboo District, Plan BCP33339, as follows:

- a. Vary Section 10.2.6 4. by decreasing the minimum interior side yard for carriage and cottage housing from 1.5 m to 1.2 m, as shown on Exhibit "A" to VP100654.

PURPOSE:

The applicant is proposing to vary the minimum side yard setback to bring an existing carriage house at 108 Bedford Place (subject property) into compliance with the City of Prince George Zoning Bylaw No. 7850, 2007.

BACKGROUND:

Site Characteristics

Location	108 Bedford Place
Current Use	Residential
Site Area	1,192 m ² (0.3 acres)
Zoning	RS2: Single Residential (197 m ²) RS1: Suburban Residential (995 m ²)
Servicing	City Services Available

Official Community Plan

Future Land Use	Neighbourhood, Residential
Growth Management	Infill

Surrounding Land Use Table

North	Ministry of Transportation Lands; Highway 16 E
South	Single Residential
East	Highway 16 E; Fraser River
West	Bedford Drive; Patricia Boulevard

Relevant Applications

Building Permit Application No. BPO40650: In April 2016, the applicant applied for a Building Permit to construct a 122.0 m² accessory building. The Building Permit requirements were not completed and as per the Development Procedures Bylaw No. 7635, 2005, the Building Permit application expired. Should this application be approved, the applicant will be required to resubmit a Building and Plumbing Permit Application to bring the existing building and carriage house into compliance with the City's Building Bylaw 8922, 2018.

Development Variance Application No. VP100554: In April 2016, the applicant applied for a Development Variance Permit to increase the maximum total combined gross floor area of accessory structures from 90.0 m² to 129.4 m². This application was approved by Council on August 15, 2016.

Intensive Residential Form & Character Development Permit Application No. DP100839: The applicant has concurrently applied for an Intensive Residential Form & Character Development Permit to bring the existing carriage house (secondary dwelling) into compliance. Should this application be approved, an Intensive Residential Form & Character Development Permit shall be issued, and the applicant will be required to submit a Building and Plumbing Permit Application to bring the carriage house into compliance.

POLICY / REGULATORY ANALYSIS:

Zoning Bylaw No. 7850, 2007

The subject property is split-zoned RS2: Single Residential and RS1: Suburban Residential, with the carriage house falling within the RS2 zone. The purpose of the RS2 zone is to foster an urban lifestyle on properties larger than 500 m². The RS2 zone also provides for complimentary residential related used that are compatible with the residential character of the area. The RS2 zone requires a 1.5 m minimum interior side yard setback for carriage and cottage housing. As such, the applicant has applied to decrease the minimum interior side yard setback from 1.5 m to 1.2 m, as shown on Exhibit "A" to VP100654.

At the time of construction of the detached garage, secondary dwellings such as carriage and cottage housing were not permitted by the City's Zoning Bylaw No. 7850, 2007. In April 2018, Council approved an amendment to the Zoning Bylaw to allow secondary dwellings subject to lot width, maximum floor area restrictions, setback, and height restrictions. As the applicant has converted an existing accessory building that had been constructed prior to secondary dwellings regulations being adopted. As such, the applicant has applied to decrease the minimum interior side yard setback from 1.5 m to 1.2 m, as shown on Exhibit "A" to VP100654.

Administration supports this variance request for the following reasons:

- From Bedford Place, the accessory building is approximately 4.4 m in height and represents a building form suited to the surround neighbourhood;
- The portion of the accessory building that is the secondary dwelling is 3.3 m from the property line;
- The proposed variance is considered minor (0.3 m) and mirrors the 1.2 m setback required for accessory development. As such, no negative impacts are anticipated from the proposed secondary dwelling; and

- Four (4) letters of support have been received, one from the current tenant of the secondary dwelling, one from the adjacent property at 124 Bedford Place, and two additional letters from nearby property owners on Bedford Place and Taylor Drive. The letters are attached to this report as supporting documents.

Development Procedures Bylaw No. 9423, 2023

The City of Prince George Development Procedures Bylaw No. 9423, 2023, and the *Local Government Act* allows Council to delegate to the Authorized Person the powers of Council to renew, refuse, set conditions, establish the permit expiration date, require security, and require an undertaking with respect to a minor development variance permit. Although the proposed variance to decrease the minimum side yard setback from 1.5 m to 1.2 m is considered minor, per Schedule C of Bylaw No. 9423, 2023, this application was received prior to adoption of the Bylaw. As such, this application has been prepared for Council's consideration.

OTHER CONSIDERATIONS:

Letters of Support

Four (4) Letters of support have been received from property owners near the subject property. The letters of support and a map showing the properties that have submitted the letters of support are attached to this report as supporting documents.

Statutory Notification and Public Consultation

Members of the public wanting to provide comment on the application may submit written correspondence to Council. As per the requirements set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 9423, 2023", the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

Referrals

This application was referred to internal City divisions and external agencies with no outstanding concerns.

Property Title

Section 215 Covenant No. R36006: Registered to the legal title of the subject property in 1981, the City and Ministry of Forests, Lands, Natural Resource Operations and Rural Development has established this covenant to maintain a 30 m setback from the natural boundary of the Fraser River and a flood construction level of 570.6 m GSC datum. Should this application be approved, at the Building Permit Application stage, the applicant will be required to confirm the setback and flood construction level of the secondary dwelling.

ALTERNATIVES:

1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Development Variance Permit No. VP100654 be approved.

SUMMARY AND CONCLUSION:

To bring an existing carriage house at 108 Bedford Place into compliance with the City's Zoning Bylaw No. 7850, 2007, Administration recommends that Council approve the applicant's request to decrease the minimum interior side yard setback for carriage and cottage housing from 1.5 m to 1.2 m, as shown on Exhibit "A" VP100654.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/10/30