

# STAFF REPORT TO COUNCIL

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**DATE:** October 25, 2023

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Development Variance Permit Application No. VP100662

**APPLICANT:** Burleigh Building Ltd. for Emily Olson Colourist Inc., Inc. No. BC1183494

**LOCATION:** 1751 and 1753 6<sup>th</sup> Avenue

**ATTACHMENT(S):** Development Variance Permit No. VP100662  
Location and Existing Zoning Map  
Exhibit "A" to VP100662  
Letter of Support and Associated Map

## RECOMMENDATION(S):

That Council APPROVES Development Variance Permit No. VP100662 to vary "City of Prince George Zoning Bylaw No. 7850, 2007" for the property legally described as Lots 7 and 8, Block 176, District Lot 343, Cariboo District, Plan 1268, as follows:

- a. Vary Section 10.7.5 8. by decreasing the minimum interior side yard setback of principal development from 1.2 m to 0.45 m, as shown on Exhibit "A" to VP100662.

## PURPOSE:

The applicant is proposing to vary the minimum interior side yard setback for a two-unit house currently under construction at 1751 and 1753 6<sup>th</sup> Avenue (subject property).

## BACKGROUND:

### Site Characteristics

Location	1751 and 1753 6 <sup>th</sup> Avenue
Current Use	Two-Unit Housing under Construction
Site Area	621 m <sup>2</sup>
Zoning	RT2: Two-Unit Residential
Servicing	City Services Available

#### Official Community Plan

Future Land Use	Neighbourhood Residential
Growth Management	Infill

#### Surrounding Land Use Table

North	6 <sup>th</sup> Avenue; Single and Two-Unit Residential
South	Laneway; Single Residential
East	Single Residential
West	Multiple Residential

#### Relevant Applications

**Building Permit Application No. BP042373:** On March 14, 2023, a building permit was issued to facilitate the construction of a two-unit house at the subject property. During a building inspection, side entrances to the two-unit house including covered stairs were noted as under construction within the interior side yard. As such, the applicant has applied to decrease the interior side yard setback to allow the covered stairs to remain. Should this application be approved, the Building Permit process will be permitted to proceed.

#### **POLICY / REGULATORY ANALYSIS:**

##### **Zoning Bylaw No. 7850, 2007**

The subject property is zoned RT2: Two-Unit Residential. The purpose of the RT2 zone is to provide housing, primarily in buildings with two dwellings in subdivisions with lanes for innovative, cluster housing, and compact housing.

The RT2 development regulations require a 1.2 m interior side yard setback, except the minimum interior side yard is 4.5 m, on at least one side, where there is no direct vehicular access from a highway or lane to the rear yard or to a garage or carport. Since the subject property has lane access offering direct vehicular access, only the 1.2 m interior side yard setback applies. No building, structure, feature, or portion thereof shall be constructed, placed, or maintained within any required yard unless exempted under the general regulations for projections.

Section 4.2.1 of the Zoning Bylaw permits uncovered steps to project into the required yard setback, provided that such projections do not extend more than 0.6 m into the required yard, and collectively occupy no more than 20% of the building face which is oriented to the required yard. Since the side entrances into each dwelling of the two-unit house are covered, the projection regulations do not apply.

As such, the applicant has applied to vary the RT2 development regulations to decrease the interior side yard setback from 1.2 m to 0.45 m, as shown on Exhibit "A" to VP100662.

##### **BC Building Code**

Section 9 of the BC Building Code states that roof soffits shall not project to less than 0.45 m from a property line. The 0.45 m setback is intended to prevent the spread of fire between buildings and adjacent properties. Should this application be approved, the applicant will be required to construct the proposed side entrances in accordance with the BC Building Code.

The proposed 0.45 m setback is supportable so long as roof soffits do not project into the setback area.

Administration supports this variance request for the following reasons:

- The proposed 0.45 m interior side yard setback is supported by BC Building Code with limitations to roof soffits that drain into the setback area, and fire-resistant building materials;
- The proposed 0.45 m interior side yard setback would facilitate covered side entrances into each dwelling of the two-unit house. The remaining portion of the two-unit house otherwise meet the 1.2 m interior side yard setback, as per RT2 development regulations;
- Section 4.2.1 of the Zoning Bylaw permits uncovered steps and landings to extend 0.6 m into the required yard. This development variance permit application seeks to permit covered stairs an additional 15 cm into the required yard;
- The existing multi-family development directly west of the subject property does not include any ground-floor dwelling units. As such, the proposed variance is not anticipated to negatively impact the use or enjoyment of the neighbouring property;
- The applicant has provided a letter of support with signatures from the two neighbouring properties (1729 and 1775 6<sup>th</sup> Avenue) most affected by a reduction in interior sideyard; and
- The development otherwise meets the RT2 principal development regulations including front and rear setbacks, height, and site coverage.

Administration is supportive of this application as the development is consistent with the BC Building Code and is not anticipated to negatively impact adjacent properties.

#### **OTHER CONSIDERATIONS:**

##### **Letters of Support**

Two (2) letters of support have been received from the immediately adjacent property owners. These letters are attached to this report, along with a map showing the locations that provided letters of support.

##### **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**

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

#### **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. VP100662 be approved.

**SUMMARY AND CONCLUSION:**

Administration recommends that Council approve the applicant's request to decrease the interior side yard setback for the two-unit house at 1751 and 1753 6<sup>th</sup> Avenue from 1.2 m to 0.45 m, as shown on the Exhibit "A" to VP100662, for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Imogene Broberg-Hull, Planner 1

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2023/11/20