

STAFF REPORT TO COUNCIL

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DATE: March 24, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, Acting Deputy City Manager

SUBJECT: Development Variance Permit No. VP100582
Applicant: Starbaby Creek Holdings Ltd., Inc. No. BC1129857
Location: 2728 Moyie Street

ATTACHMENT(S): Location and Existing Zoning Map
Development Variance Permit No. VP100582
Exhibit "A" to VP100582

RECOMMENDATION(S):

That Council APPROVES Development Variance Permit No. VP100582 to vary City of Prince George Zoning Bylaw No. 7850, 2007 for the property legally described Lot 15, Block 24, DL 933, CD, Plan 727 as follows:

- a. Vary section 10.2.5 6. of City of Prince George Zoning Bylaw No. 7850, 2007 by decreasing the minimum interior side yard for principal development from 1.2 m to 0.45 m, as shown on Exhibit "A" to VP100582.

PURPOSE:

The applicant constructed a single-detached house on the subject property located at 2728 Moyie Street. The eaves of a cantilevered wall on the house were constructed within the interior side yard. In order to resolve this error, and comply with development regulations, the property owner applied for a development variance permit to reduce the minimum interior side yard setback from 1.2 m to 0.45 m, as shown on Exhibit "A" to VP100582.

Site Characteristics

Location	2728 Moyie Street
Current Use	Single Residential
Site Area	390.2 m ²
Zoning	RS2: Single Residential
Future Land Use	Neighbourhood Residential

Surrounding Land Use Table

North	Single Residential
South	Vacant Single Residential
East	Single Residential
West	Moyie Street; Single Residential

Relevant Applications

BP039794: The applicant received a Building Permit on September 4, 2018 to construct a single-detached house on the subject property. The property owner was not aware that the eaves of the cantilevered wall could not extend beyond the 0.6 m setback permitted for projections. During an Inspection, the Building Inspector observed that the eaves were too close to the property line. In order to resolve the error, the property owner applied for a development variance to reduce the minimum interior side yard setback from 1.2 m to 0.45 m.

POLICY / REGULATORY ANALYSIS:

Zoning Bylaw No. 7850, 2007

The subject property is zoned RS2: Single Residential. The purpose of this zone is to foster an urban lifestyle on properties larger than 500 m². The zone also provides for complementary residential related uses that are compatible with the residential character of the area. The RS2 zone requires a 1.2 m interior side yard setback

In order to permit the existing single detached house, as constructed, the applicant would like to reduce the minimum interior side yard setback from 1.2 m to 0.45 m, as shown on Exhibit "A" to VP100582.

Administration supports the variance request as the proposed variance is minor and will resolve an unintentional error with minimal impact on adjacent land uses. In addition, the proposed distance from the property line is compliant with BC Building Code requirements, and the development complies with all other Principal Development Regulations including minimum front, rear and side yard setbacks, maximum height, and maximum site coverage.

OTHER CONSIDERATIONS:

Council Procedures during COVID-19

Orders of the Provincial Health Officer and Ministerial Order No. 192, issued under the Emergency Program Act, related to local government meetings and bylaw processes, have imposed specific requirements on local governments related to council meetings and bylaw process. In accordance with these orders, City Council has discontinued informal hearings for Development Variance Permit applications, Temporary Use Permit applications and other applications where such hearings are not legally required to be held. This decision is effective for the period that the Ministerial Orders related to local government meetings and bylaw processes apply.

As per the requirements set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 7635, 2005", 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.

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this development variance permit.

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. VP100582 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to decrease the minimum interior side yard setback from 1.2 m to 0.45 m to permit the eaves of a cantilevered wall to extend into the required yard. Administration supports this application for the reasons outlined in this Report.

RESPECTFULLY SUBMITTED:

Ian Wells, Acting Deputy City Manager

PREPARED BY: Nicole Fraser, Planner

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/4/12