November 21, 2011
Our File: 08-3060-20/11 015223 DV
08-3320-20/07 016223 SD
Doc #: 1144854.v1

To: City Manager
From: General Manager Planning and Development

Subject: Authorization for Issuance of Development Variance Permit 11015223 DV for 3445 Galloway Avenue

For: Land Use and Economic Development Standing Committee

Recommendation:
That Council approve Development Variance Permit 11015223 DV (3445 Galloway Avenue) and the Mayor and City Clerk be authorized to execute this Permit on behalf of the City of Coquitlam.

Report Purpose:
The purpose of this report is to present a Development Variance Permit (DVP) application to vary the maximum front yard setback for two (2) proposed single family lots.

Strategic Goal:
This application upholds the strategic goal to support neighbourhoods.

Background:

Site Context
The subject property, 3445 Galloway Avenue, is located on the north side of Galloway Avenue east of Soball and Fifeshire Streets in Northeast Coquitlam (Attachments 1 and 2). The property is designated Large Single Family in the Smiling Creek Neighbourhood Plan and zoned RS-9 Large Family Residential and P-5 Special Park. The P-5 zoned portion of the property covers a protected riparian area.

Proposed Development
The applicant is proposing to develop 26 RS-9 Large Single Family lots as part of a subdivision that has received a preliminary approval from the City's Subdivision Advisory Committee. Future Lots 15 and 16 are located in the northeast portion of the subdivision (Attachment 3), and the applicant has determined that the proposed topography and road configuration will result in significant site constraints for these two lots, necessitating a need for variances in order to design appropriate single family dwellings for these lots.
Proposed Development cont’d/

The applicant has prepared preliminary site plan layouts and has determined that meeting the setback requirements for the RS-9 zone would result in unsightly retaining walls in the front yards (Attachment 4, Figure 16c) or building designs with unnecessarily large front porches (Attachment 4, Figure 16a). These issues are due to grading required to construct a workable driveway within the permitted setback requirements, given the existing topography and road configuration. The developer therefore seeks a variance to allow the dwellings on the subject lots to be set further back than typically permitted in the RS-9 zone as denoted in the preferred site plan solution (Attachment 4, Figure 16b). This preferred solution will allow the developer to build a typical house plan for an RS-9 lot, while maintaining a workable driveway.

Discussion/Analysis:

The RS-9 Large Single Family Residential zone requires that all buildings and structures be set back a maximum distance of 6.0 metres from the front lot line. The zone also requires that a minimum 50% of the width of the first storey of the principal building (including covered porches) be sited within 2.0 metres of the required 6.0 metre front lot line setback, or within 8.0 metres of the front lot line. Due to the grading of Lots 15 and 16, this siting requirement creates difficulty in meeting the Zoning Bylaw requirements on these uniquely graded lots, while maintaining a workable driveway.

The applicant seeks the following variances to the Zoning Bylaw:

1. To vary the required maximum setback from 8.0 metres to 10.1 metres and 11.2 metres for Lot 15 and Lot 16 respectively, from the front lot lines in accordance with Attachment 5, Appendix B.

Staff support the DVP as the applicant has demonstrated that the DVP is the optimal approach to resolve the grading issues. Two alternative solutions have been explored; however, these would either require unsightly retaining walls in the front yard or unnecessarily large front porches. The DVP would allow house designs that would result in the most desirable outcome maintaining the best appeal along the streetscape.

Financial Implications:

There are no immediate financial implications associated with this report.
Conclusion:
This DVP application is supported by staff, given that the requested variances are intended to develop an appealing streetscape for two new single family dwellings within this development. Staff are therefore recommending that Council authorize issuance of Development Variance Permit 11 015223 DV, while noting that neighbouring property owners and residents have been notified by the Clerk’s Office of this application.

J.L. McIntyre, MCIP
JJ/Imc

Attachments:
1. Location Sketch
2. Orthophoto
3. Location of Lots 15 and 16 relative to future subdivision
4. Building Design Solutions demonstrating need for requested variance
5. DVP 11 015223 DV (1144856.v1)

This report was prepared by Jonathan Jackson, Planning Technician and reviewed by Erica Tiffany, Supervisor Development Planning and Raul Allueva, Manager Development Services.
11 015223 DV

3445 Galloway Avenue

Applicant:  Morningstar Homes Ltd.
Owner:      070189 BC LTD.
Legal:      Lot 2, SEC 18, TWP 40, NWD, BCP44534.
PID:        028-233-328
Zoning:     rs-9 & p-5
SUBDIVISION OF LOT 2, SEC. 18, TWP 40, NWD, PLAN BCP 44554.

OWNER: 670189 BC LTD
APPLICANT: Waterstone Properties

ATTACHMENT 3

Future Lots 15 & 16 for which subject variances are proposed.

NOTES:
1. Ravine parcels to be transferred to City ownership at no cost.
2. Existing Statutory Right of Way to be cancelled.
3. Lots to be a minimum of 660m in assuming Council's approval of RS-9 zoning.
4. Lot lines adjusted Sept. 08, 2011.

CITY OF COQUITLAM

DATE:

DRAWN BY: SCALE: SHEET NO:
KJ 1:900 07 018225 01 5D
ATTACHMENT 4

Building Design Solutions

16c
Retaining wall required as a design option to meet Zoning Bylaw requirements.

16b
Requested variance with typical retaining walls required.

16a
Large covered porch required as a design option to meet Zoning Bylaw requirements.
Coquitlam

City of Coquitlam
DEVELOPMENT VARIANCE PERMIT

DEVELOPMENT VARIANCE PERMIT NO. 11015223 DV
3445 Galloway Avenue
Doc #: 1144856.v1

ISSUED BY: CITY OF COQUITLAM
a municipal corporation,
with offices at 3000 Guildford Way,
Coquitlam in the Province of
British Columbia, V3B 7N2

(the "City")

ISSUED TO: 670189 BC LTD., Inc. No. 0670189
a company duly incorporated pursuant to
the laws of the Province of British Columbia
and having its registered and records office at
1430 – 1100 Melville Street, Vancouver, BC V6E 4A6

(the "Permittee")

This Development Variance Permit applies to and only to those lands, within the City, described
below, and any and all buildings and structures thereon.

3445 Galloway Avenue, Coquitlam, BC
Lot 2 Section 18 Township 40 New Westminster District Plan BCP44534
Parcel Identifier: 028-233-328

(the "Lands")

AND WHEREAS the Permittee has made application for a Development Variance Permit in
regard to the Lands pursuant to Part 26 of the Local Government Act R.S.B.C., c. 323 as amended.

NOW THEREFORE, the City in consideration of the covenants and conditions contained herein
hereby issues this Development Variance Permit in respect of the Lands to the Permittee as
follows:

1. Subject to Bylaws. This Development Variance Permit is issued subject to all
requirements contained in the City's Bylaws except where specifically varied or
supplemented by this Development Variance Permit.
2. **Compliance with Regulations.** The Permittee will comply with all federal, provincial and municipal statutes, regulations and bylaws.

3. **Development is Authorized Only in Accordance with the Terms of Permit.** The Lands will be developed by the Permittee, including his successors and assigns, in conformity with the attached plans and specifications (Appendices A and B) which are hereby incorporated into and form part of this Development Variance Permit.

4. **Variances are Authorized Only for the Development Associated with this Permit.** The variances contained in this Permit are only applicable to the development associated with this Development Variance Permit and applies to only that portion of the buildings and structures identified under Section 3. This Permit does not apply to any future alterations, additions or replacement of the buildings and structures.

5. **Completion of Development/Lapse of Permit.** Pursuant to s. 926 of the Local Government Act, this Development Variance Permit will lapse if substantial construction does not commence within two (2) years of the authorized date of this permit (Authorized date is the date of the Council Resolution).

6. **Reconsideration of Council Decision.** Under the Community Charter, a reconsideration of the decision of Council that led to the issuance of this Permit may be initiated by the Mayor or Council within thirty (30) days following the meeting at which the decision was made.

7. **Conditions.** The following conditions are hereby imposed:

   **A. Prior to issuance of a Building Permit for the Lands:**
   
   1. **Subdivision.** The Permittee will, register in the Land Title Office a plan of subdivision of the Lands in accordance with subdivision sketch 07 016223 01 SD, which is attached hereto and labelled Appendix A.

8. **Variances.** Pursuant to s. 922(1) of the Local Government Act, the City of Coquitlam Zoning Bylaw No. 3000, 1996 as amended, is hereby varied and supplemented:

   **A. Zoning Bylaw.** The provisions of the City of Coquitlam Zoning Bylaw No. 3000, 1996 as amended are varied or supplemented as follows:

   1. **Part 10 One-Family Residential Zones, Section 1009 8(a) and (b) shall be varied for the principal building (including covered porches) shall be set back a maximum 10.1 metres for Lot 15 and a maximum 11.2 metres for Lot 16 respectively, from the front lot lines in accordance with Appendix B.**
DEVELOPMENT VARIANCE PERMIT NO. 11-015223 DV

Authorized by the City, on the ______ day of __________________________, 2011.

(Authorized date is the date of the Council Resolution)
In witness whereof this Development Variance Permit has been executed by the Permittee and the City, and issued by the City on the date set out above.

The Corporate Seal of
CITY OF COQUITLAM
was hereunto affixed in the presence of:

______________________________  c/s
Mayor - Richard Stewart

______________________________
City Clerk - James Gilbert

I/we acknowledge that I/we have read and understand the terms and conditions upon which this Development Variance Permit is issued.

670189 BC LTD., Inc. No. 0670189
Name of Permittee

______________________________
Signature of Permittee
(or Authorized Representative of Permittee)

______________________________
Printed name of Signatory
(if different from above)
NOTES:

1. Zone parcels to be transferred to City ownership at no cost.
2. Existing Stamp will be canceled.
3. Lots to be a minimum of 660 m² maintaining Council's approval of RS-9 zone.
4. Lot sizes adjusted Sept. 13, 2011.
Appendix B