

REPORT

Climate Action, Planning and Development

To: Mayor Johnstone and Members of Council
Date: February 27, 2023

From: Jackie Teed
Acting Director of Climate Action,
Planning and Development
File: DVP00708

Item #: 2023-120

Subject: **Development Variance Permit: 231 Lawrence Street – Permit to Vary Lot Frontage**

RECOMMENDATION

THAT Council issue notice that it will consider issuance of Development Variance Permit DVP00708 to vary the minimum permitted lot frontage for 231 Lawrence St.

THAT Council resolve to exempt the new parcels created from 231 Lawrence Street from the statutory minimum frontage requirements set out in section 512 of the Local Government Act.

PURPOSE

The purpose of this report is to request that Council issue notice that it will consider Development Variance Permit DVP00708 to reduce the minimum required lot frontage requirement in the RQ-1 zone for the property at 231 Lawrence Street from 10% to 8.75% (reduction of 1.25%).

EXECUTIVE SUMMARY

Applications for subdivision and a Development Variance Permit (DVP) have been received for the property located at 231 Lawrence Street. These applications would allow the creation of two smaller lots from the existing single lot. The new lots would comply with lot size requirements (371.6 square metres/4,000 square feet). However, a DVP is required to reduce the minimum required lot frontage requirement in the RQ-1 zone from 10% to 8.75% (reduction of 1.25%).

New single detached dwellings on these sites would be required to meet all other City regulations including zoning requirements. Attachment 2 contains the proposed subdivision plan.

BACKGROUND

Site Description and Context

The subject site (231 Lawrence St) is fairly flat and has an existing single detached dwelling. The existing building on the property was constructed in 1932 and an addition was added in 1945. The site is adjacent to single detached dwellings to the north and west, a townhouse development to the east, and Queensborough Middle School to the south. A site context map is shown below in Figure 1.

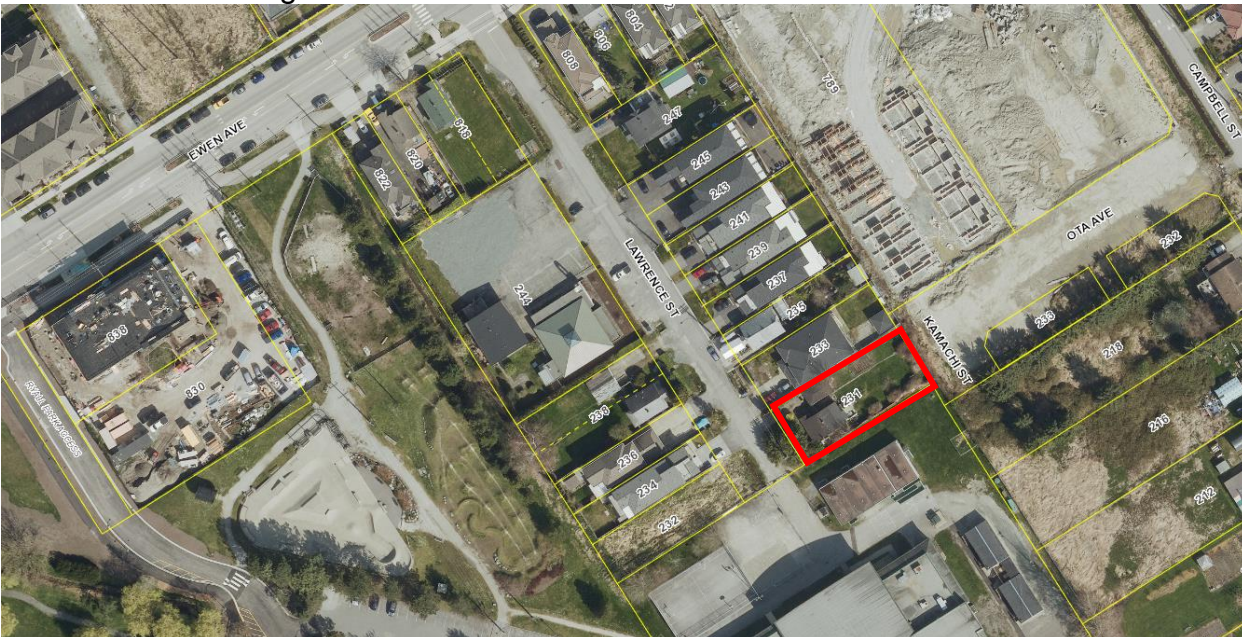


Figure 1 - Site Context Map with 231 Lawrence St outlined in red

Policy and Regulation Context

The subject property is located within the Multiple Unit Buildings (RM) designation in the Queensborough Community Plan. As the applicant is developing within their existing Zoning, evaluation against the Queensborough Community Plan designation is not required.

Local Government Act

The Local Government Act (LGA) requires that a parcel created by subdivision fronting onto a street must have a minimum frontage of 10% of the lot perimeter. The LGA also contains a provision for Local Governments to exempt a parcel from this requirement. This means that Council must consider variances to the 10% lot perimeter requirement, unless delegated to the City's Approving Officer. New Westminster has not yet delegated this power to the City's

Approving Officer; therefore, this DVP cannot be delegated to staff and must be considered by Council.

In the near future, to create efficiencies in the planning process, staff intend to bring forward a report to further delegate DVPs to staff, including lot frontage variances, for Council consideration.

Variance Policy

The proposed variance is subject to the *Policy Approach to Considering Requests for Variances* which was endorsed by Council on January 28, 2008. This is a policy based approach to the consideration of variance applications. This approach involves a set of questions against which the variance is analyzed for the purposes of clarifying the benefits and necessity of the variance. The evaluation criteria are included in Attachment 1.

DISCUSSION

The applicant is proposing to subdivide the existing lot into two equal sized lots and build two new single detached dwellings. The applicant is requesting to reduce the minimum lot frontage from 10% to 8.75% of the lot perimeter (a reduction of 1.25%). City staff have advised that the application does not meet the Zoning Bylaw and Local Government Act minimum frontage requirements. The applicant would need approval of a Development Variance Permit and a motion of exemption from Council from the frontage requirements in order to obtain approval of their subdivision. Attachment 2 contains the proposed subdivision plan.

| | Existing Lot | Proposed Lot 1 | Proposed Lot 2 |
|----------------------------|----------------------|-----------------------|-----------------------|
| Area | 775.8 m ² | 387.9 m ² | 387.9 m ² |
| Perimeter | 121.83 m | 103.69 m | 103.68 m |
| Frontage | 18.14 m | 9.07 m | 9.07 m |
| Frontage Percentage | 14.89% | 8.75% | 8.75% |

As a result of the long lot depths in Queensborough, subdivision applications often necessitate a variance to the minimum perimeter percentage. A number of variances of this type in Queensborough have been approved in the past.

The variance outlined above has been examined in light of the City's Policy Approach to Considering Requests for Variances. This analysis is included as part of Attachment 1 to this report. The variances are supported on the basis of its minor impact to the surrounding neighbourhood and consistency with past approved variances in Queensborough.

REVIEW PROCESS

The following table outlines the proposed development review process and target dates:

| | |
|---|-------------------|
| Complete application submission | December 7, 2022 |
| Report to Council requesting consideration of issuance of notice for Development Variance Permit (WE ARE HERE) | February 27, 2023 |
| Response to public notice provided and Council consideration of issuance of Development Variance Permit | March 13, 2023 |

Consultation

Should Council issue notice that it will consider issuance of Development Variance Permit DVP00708, notices would be sent to surrounding residents by the Legislative Services Department to provide an opportunity for written feedback.

INTERDEPARTMENTAL LIAISON

This proposal has been reviewed by staff from the Engineering Services Department and the Planning Division of Climate Action, Planning and Development.

OPTIONS

The following options are presented for Council consideration:

1. That Council issue notice that it will consider issuance of Development Variance Permit DVP00708 to vary the frontage requirements for 231 Lawrence Street.
2. That Council provide staff with other direction.

Staff recommends Option 1.

ATTACHMENTS

Attachment 1: Analysis of Proposed Variances

Attachment 2: Proposed Subdivision Plan

APPROVALS

This report was prepared by: Hanna Jarrett, Planning Technician

This report was reviewed by: Demian Rueter, Acting Manager of Planning

This report was approved by: Jackie Teed, Acting Director of Climate Action, Planning and Development

Lisa Spitale, Chief Administrative Officer

Attachment 1
*Policy Approach to Considering Requests for
Variances*

Information Question

1. What is the intent of the bylaw which the applicant is seeking to have varied?

The intent is to prevent the creation of exceptionally narrow lots and provide lots with functional street frontages.

Assessment Questions

2. Is there a community benefit to the granting of the variance; beyond that received by the owner or occupant of the property?

Yes. The variance will allow the creation of two new houses where there was previously one, adding housing stock to the community.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, natural vegetation) of the site and not the personal or business circumstances of the applicant.

Yes. There is a hardship in the geometry of the lot. The long lot depth means it would be impossible to create two side-by-side lots fronting onto Lawrence Street with at least 10% of their perimeter.

4. If the answer to question #2 is 'No,' but the answer to question #3 is 'Yes,' can it still be demonstrated that the proposal still meets the intent of the bylaw?

N/A

5. Is this the most appropriate mechanism for achieving the end result of the proposed variance?

Yes. The end result will be the creation of two new lots with two houses. The only other mechanism for achieving the end result would be to apply to the Board of Variance, which would also require proving that the variance is both minor and would cause the applicant hardship if required to conform to zoning requirements.

6. Is the proposed variance relatively minor?

Yes. The 9.07 m wide lots that would be created are just slightly narrower than the 10 m frontage lots which are very common in the surrounding neighbourhood. The newly subdivided lots would have frontages that are 8.75% percent of their perimeter, resulting in lots that would be only 12.5% narrower than otherwise permitted. As there are many lots in Queensborough that are deeper than 40 m, frontage variances are fairly common, with 16 having been approved since 2006.



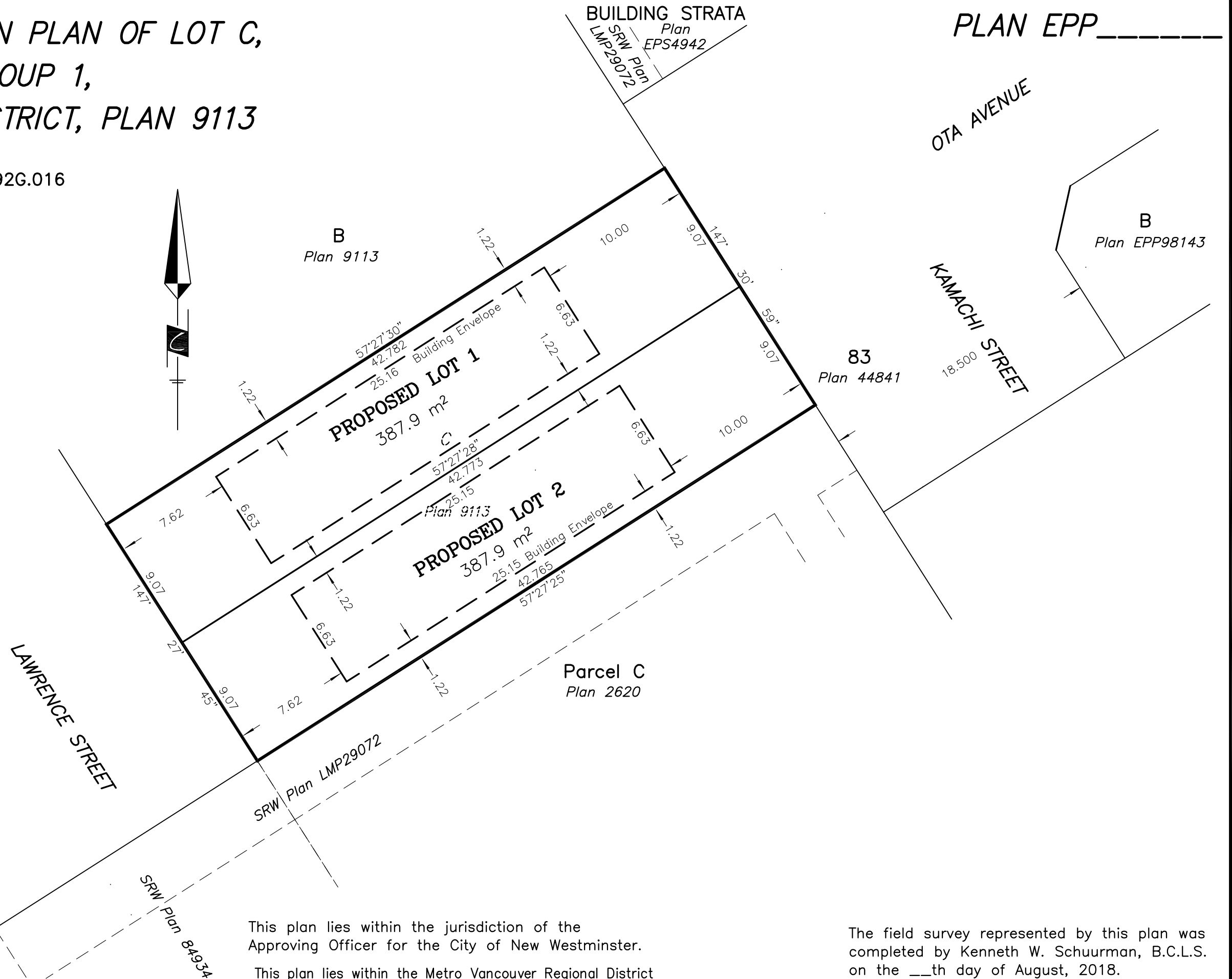
Attachment 2
Proposed Subdivision Plan

**PROPOSED SUBDIVISION PLAN OF LOT C,
DISTRICT LOT 757, GROUP 1,
NEW WESTMINSTER DISTRICT, PLAN 9113**

City of New Westminster BCGS 92G.016



SCALE - 1 : 250
All distances are in metres



Cameron Land Surveying Ltd.
B.C. Land Surveyors
Unit 206, 16055 Fraser Highway
Surrey, B.C. V4N 0G2
Phone: 604-597-3777
File: 6791-SUB2

This plan lies within the jurisdiction of the
Approving Officer for the City of New Westminster.

This plan lies within the Metro Vancouver Regional District

The field survey represented by this plan was
completed by Kenneth W. Schuurman, B.C.L.S.
on the ___th day of August, 2018.