

Attachment 7

Policy Approach to Considering Requests for Variances

Development Variance Permit to reduce the minimum frontage requirements from 10% of the site perimeter to 9.1% for Type A lots and 8.7% for Type B lots

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 supports adding housing stock to the community. The variance to minimum lots allows for the creation of 10 new single-detached houses, whereas only a maximum of 8 houses could be developed without the variance.

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.*

It would not be possible to create 10 single-detached houses on compact lots due to the long lot depth. A maximum of 8 single-detached houses could be created without a variance. 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.

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, it is the only mechanism. As New Westminster has not yet delegated the power to vary lot frontages to an Approving Officer, Council must consider the issuance of the Development Variance Permit per the Local Government Act.

6. *Is the proposed variance relatively minor?*

Yes. The site frontage of the Type A lots are proposed to be (7.87 m) 25.83 ft wide, equating to 9.1% of the site's perimeter and which is a 9% decrease from the required 10%. The site frontage for Type B lots would be (7.90 m) 25.92 ft., equating to 8.7% of the site's perimeter and a 13% decrease from the required 10%.

Development Variance Permit to increase the permitted height of the detached garages for Type B lots from 4.57 m (15 ft.) to 5.18 m (17 ft.).

Information Question

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

The intent is to mitigate overlook, shadowing on neighboring properties and limit the massing of the garages.

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, a dormer would be required on the side of the garage to meet the height requirement which results in overlook on the neighboring house. The variance also allows for a simple design that is consistent with the principle house and makes the garage appear less bulky than it would appear with a dormer.

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.*

No.

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 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 proposed height variance would increase the maximum permitted height from 15 ft to 17 ft, which is a 10% increase in the permitted height.

Regulation Specific Criteria

1. *Will the variance to the siting of the garage still provide adequate safety considerations in terms of vision clearance at corners and manoeuvrability in and out of the garage?*

Not applicable given the requested variance does not relate to siting.

2. *Will a variance to the height of the garage result in any shadowing, view obstruction or privacy concerns for the adjacent properties?*

There will be no foreseeable impacts to privacy or to view. There is a negligible shadowing impact due to the additional height.

3. *Will a variance to the height or site coverage of a garage result in an inappropriate scale for an accessory building?*

No. The variance does not relate to site coverage, and the proposed increase in height is minor and results in a garage that is an appropriate scale for an accessory building.