
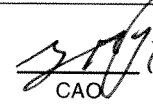


COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>April 6, 09</u>	Item # <u>11</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO
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11

DISTRICT OF WEST VANCOUVER
750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: March 18, 2009 File: 1010-20-08-017
From: Geri Boyle, Manager of Community Planning
James Allan, Community Planner
Subject: Development Variance Permit Application 08-017 (3371 Marine Drive)

RECOMMENDED THAT:

1. The Development Variance Permit Application 08-017 (3371 Marine Drive), which provides for retaining an illegally constructed second accessory building (exercise room), be denied.

Purpose

The purpose of this report is to provide Council with information and a recommendation on Development Variance Permit Application No. 08-017 (3371 Marine Drive). This application is a request to vary the Zoning Bylaw to allow an illegally constructed accessory building to be retained. The variances are to the required rear yard, side yard and minimum separation distance from a dwelling and an exemption to floor area ratio.

1.0 Background

1.1 History

In 1997, the Board of Variance approved variances to the side yard, rear yard and separation distance from a dwelling so as to allow additions to the dwelling and the existing 133 sq. ft. shed (the 'existing shed') to be constructed.

Building Inspectors were alerted to an illegal second accessory building built over the rear boundary on the 11th January 2007. Enforcement action took place with three tickets issued until a variance permit application was made.

- 1.2 Bylaw - The Zoning Bylaw establishes rules regarding the form and location of development on individual lots, including building siting.

2.0 Analysis

2.1.1 Description of Site

The subject site is a roughly triangular lot located on the corner of Marine Drive and Gables Lane. The site is zoned RS4 and is comprised of a 7126 sq ft lot plus an area of BC Rail land. Gables Lane is linked to Mathers Avenue by a pedestrian walkway. An existing two storey dwelling and two accessory buildings (including the subject accessory building) are located on the site. Vehicle access is off Gables Lane.

The BC Railway line runs along the northern boundary of the site. The property owners have had an existing agreement with BC Rail to use a portion of the railway land for driveway access since 1988. BC Rail has provided a further letter agreeing to the proposed second accessory building remaining under the terms of the existing lease agreement. The agreement is "subject to immediate termination at any time by either party on written notice by Registered Mail". CN Rail holds a 999 year lease on the rail right of way land and has also agreed in writing to the proposed second accessory building remaining.

2.1.2 Proposed Second Accessory Building (Exercise Room)

The existing shed, approved by the Board of Variance in 1977, is located between the dwelling and the western boundary. It is 133 sq. ft. in size and located 0.6 feet from the western boundary and 4.6 feet from the northern boundary.

The applicant constructed a second accessory building in late 2006, immediately adjacent and north of the existing shed, extending over the northern property boundary and into BC Rail land. This second accessory building:

- was constructed with a side yard of 0 ft;
- encroaches slightly onto the property to the east at 3379 Marine Drive; and
- is approximately 224 sq. ft. in area, with 53 sq. ft. on the lot and 171 sq. ft. on rail land.

The applicant has provided the information regarding the specifications of this second accessory building and this is shown in the Project Profile in Appendix 2. The applicant requires four variances in order to retain the second accessory building in its present location:

1. reduction of the minimum side yard from 5 ft to 0 ft;
2. rear yard reduction from 4 ft to 0 ft;
3. a reduction in the minimum separation distance between the shed and dwelling from 15 ft to 7.8 ft; and
4. an increase in allowable accessory building floor area.

2.1.3 Implications

The proposed second accessory building can be seen from the properties to the west and east (3361 and 3379 Marine Drive) and to a lesser extent, the properties to the north (3354, 3360 and 3372 Mathers Avenue). The properties to the north are located upslope from the subject site and have a corridor of vegetation along the rail line that partially blocks their view of the site. The subject accessory building is also visible from the pedestrian walkway that connects Gables Lane to Mathers Avenue over the rail line. The applicant has obtained letters of approval from the adjacent property owners of 3357, 3361, 3379, 3383 Marine Drive and 3360 and 3372 Mathers Avenue.

As the lot is 7126 sq. ft. in size, the allowable floor area is 2551 sq. ft.; this is the floor area of the house on the property. Prior to November 2008, 240 sq. ft. of accessory building floor area was exempted from floor area calculations and allowed (in addition to the 2251 sq. ft.), regardless of the distance from the accessory building to the principal dwelling. In November 2008, Council amended the Zoning Bylaw to reduce allowable accessory building floor area located within 15 ft. of the principal dwelling from 240 sq. ft. to 50 sq. ft. A breakdown of the accessory buildings for 3371 Marine Drive is shown in the table below:

	Existing Shed (sq. ft.)	Proposed Second Accessory Building (sq. ft.)	Total Accessory Building(s) (sq. ft.)
On the Lot	133	53	186
On BC Rail Lands	none	171	171
Totals	133	224	357

Whether assessing the application against the pre-November Zoning Bylaw or the amended version, staff is unable to identify any reasons to support the increase in floor area.

2.1.4 Conclusion

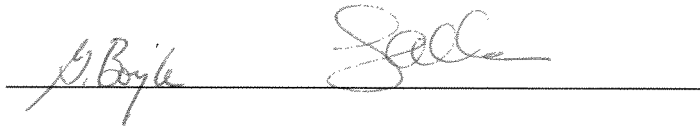
The November 2008 zoning amendment represents a first step to addressing the community concern about building mass and bulk and a perception of overbuilding sites. To support this proposal would be inconsistent with this direction. For this reason, and as the applicant has only a day-to-day right to use the BC Rail lands, staff recommend the application be denied.

3.0 Options

3.1 Council may:

- (a) deny the application **as recommended by staff**;
- (b) defer the application pending receipt of additional information; or
- (c) instruct staff to prepare, for Council consideration on May 4, 2009 and following required notification of adjacent owners/occupiers, a proposed Development Variance Permit that accommodates the applicant's request.

Authors:



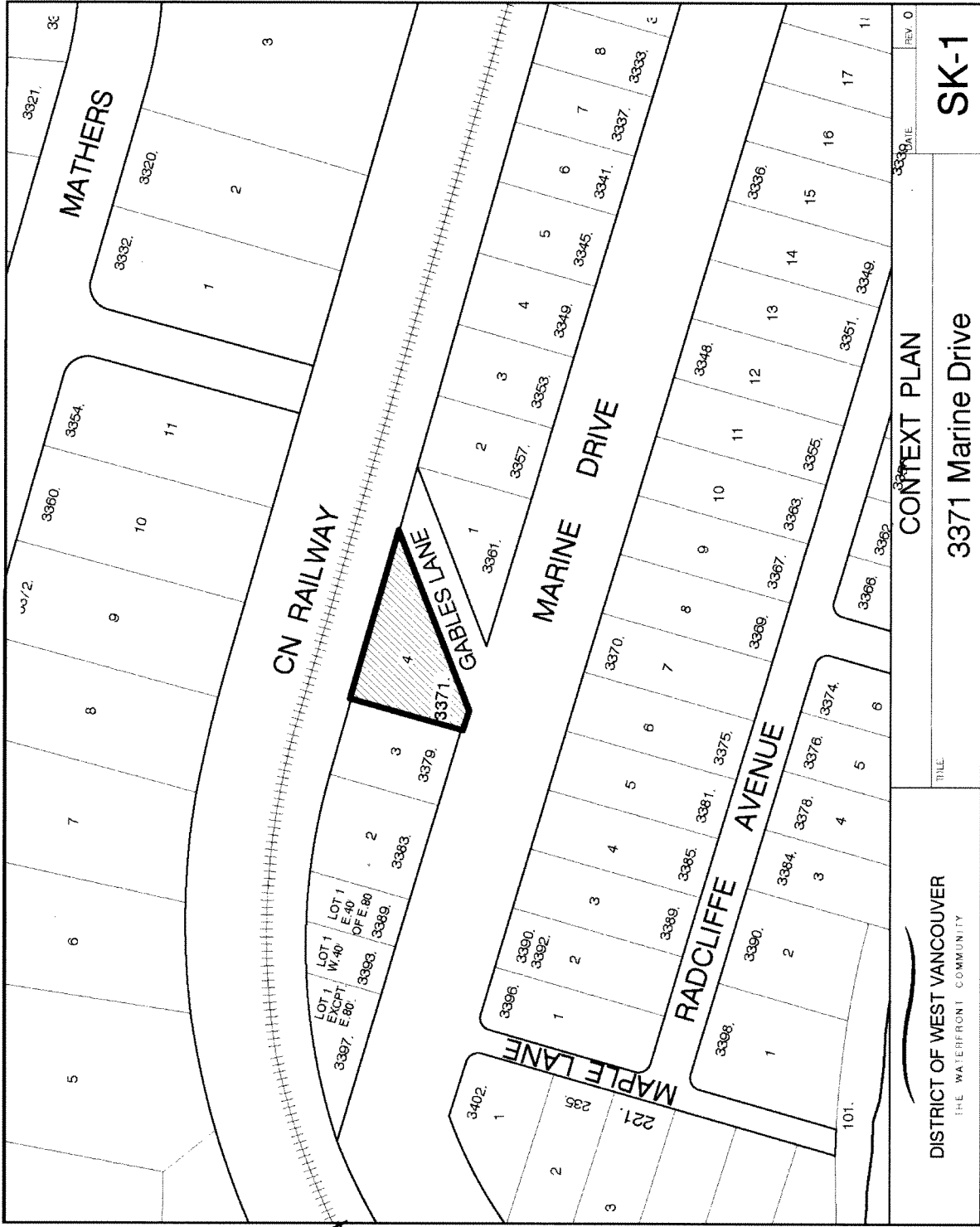
Appendices:

Appendix 1: Context Map

Appendix 2: Project Profile

Appendix 3: Site Survey and Building Elevations

Appendix 1



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APPENDIX 2

PROJECT PROFILE

March 18, 2009

Application:	DEVELOPMENT VARIANCE PERMIT No. 08-017
Applicant:	Archie and Candace Woodworth
Address:	3371 Marine Drive
Zoning:	R.S.4
Zoning Variances Required:	Side yard, rear yard, accessory building separation from dwelling
Other Comments:	Board of Variance approved dwelling and shed

	Bylaw Regulation	Proposed¹
1. Gross Site Area:	min. 9000 sq. ft.	7126 sq. ft. ²
2. <u>Floor Area Ratio:</u>	<u>max. 2551</u>	<u>2604³</u>
3. Gross Building Area:	n/a	n/a
4. Site Coverage:	40% max	28.0%
5. Setbacks:		
Front Yard:	30 ft. min.	n/a
<u>Rear Yard:</u>	<u>4 ft. min.</u>	<u>0 ft.</u>
<u>Side Yard (Least):</u>	<u>5 ft. min.</u>	<u>0 ft.</u>
Side Yard (Combined):	15 ft min	>15 ft
6. Height:	12 ft. max.	11.8ft.
7. Highest Building Face:	As per Zoning Bylaw	n/a
8. Number of Stories:	1 + basement max.	1
9. Parking:	1 on-site min.	n/a
10. Retaining Walls:	As per Zoning Bylaw	n/a
11. <u>Other: Acc. Build. separation from dwelling</u>	<u>15ft</u>	<u>7.8ft</u>

¹ Source: Information as provided by applicant except where otherwise noted

² Does not include portion of BC Rail land; if footprint included site area is 7297 sq. ft.

³ Calculated via a building permit granted for previous additions to the house and recent survey by Chapman Land Surveying

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SKETCH SHOWING LOCATION OF DWELLING ON

SHEET 1 OF 2 SHEETS

LOT 4, BLOCK 10

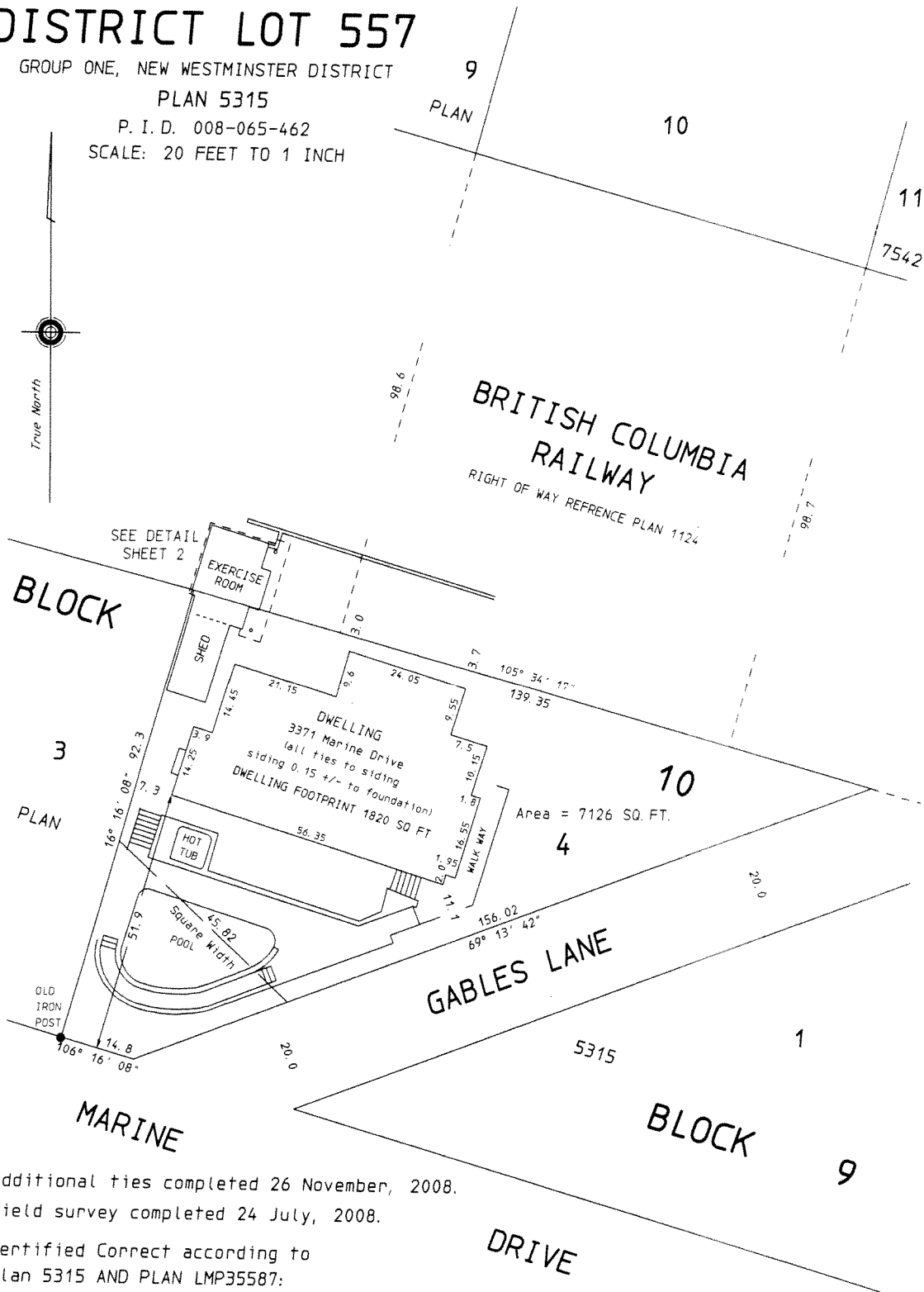
DISTRICT LOT 557

GROUP ONE, NEW WESTMINSTER DISTRICT

PLAN 5315

P. I. D. 008-065-462

SCALE: 20 FEET TO 1 INCH



Additional ties completed 26 November, 2008.

Field survey completed 24 July, 2008.

Certified Correct according to Plan 5315 AND PLAN LMP35587:

Harry Hickman
Harry Hickman

B. C. L. S.

this 1st day of December, 2008.

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British Columbia Land Surveyors
107-100 Park Royal South
WEST VANCOUVER, B. C.
V7T 1A2 604-926-7311
FAX 604-926-6923

SKETCH SHOWING DETAIL OF SHED AND EXERCISE ROOM ON

SHEET 2 OF 2 SHEETS

LOT 4, BLOCK 10

DISTRICT LOT 557

GROUP ONE, NEW WESTMINSTER DISTRICT

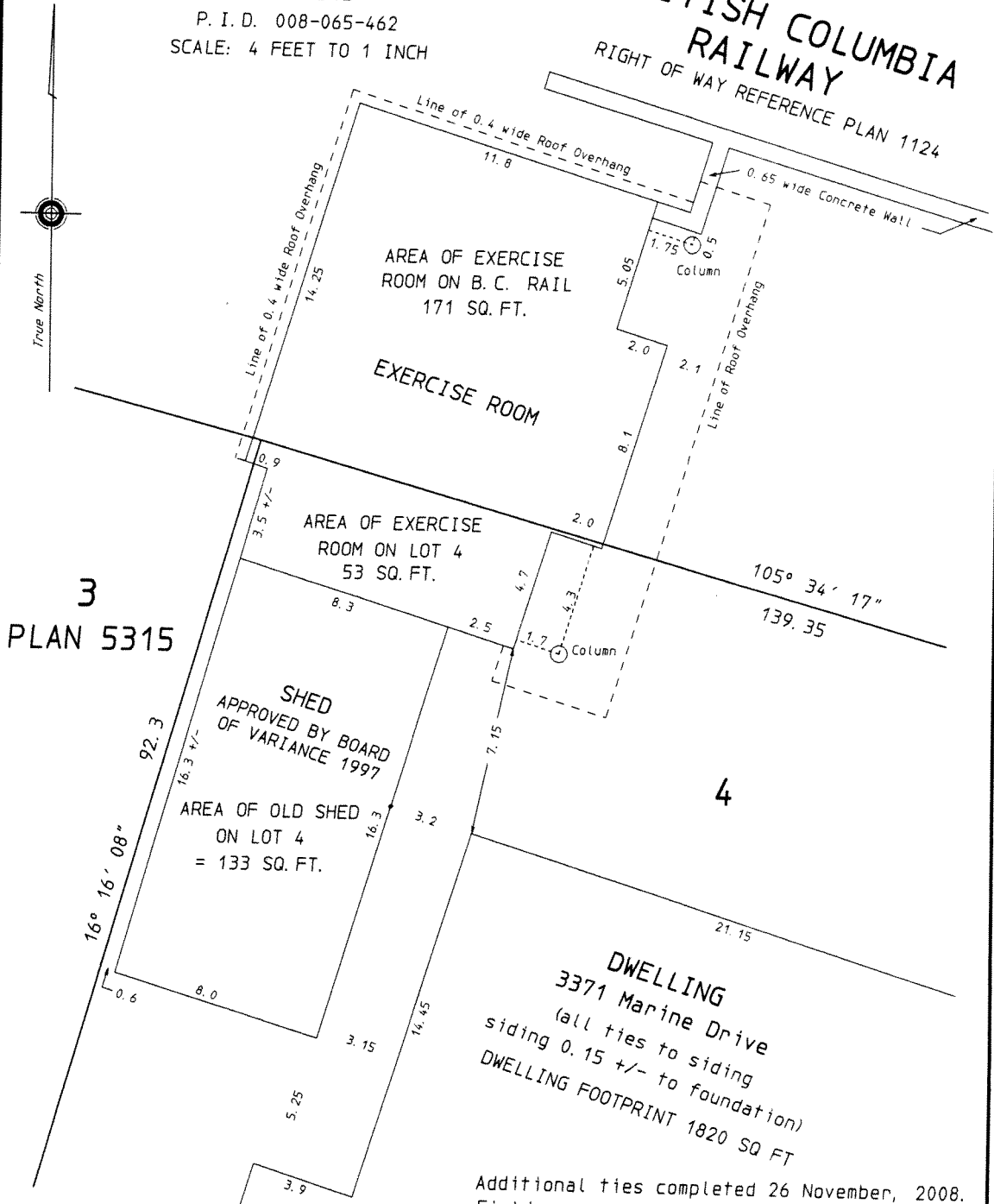
PLAN 5315

P. I. D. 008-065-462

SCALE: 4 FEET TO 1 INCH

BRITISH COLUMBIA RAILWAY

RIGHT OF WAY REFERENCE PLAN 1124



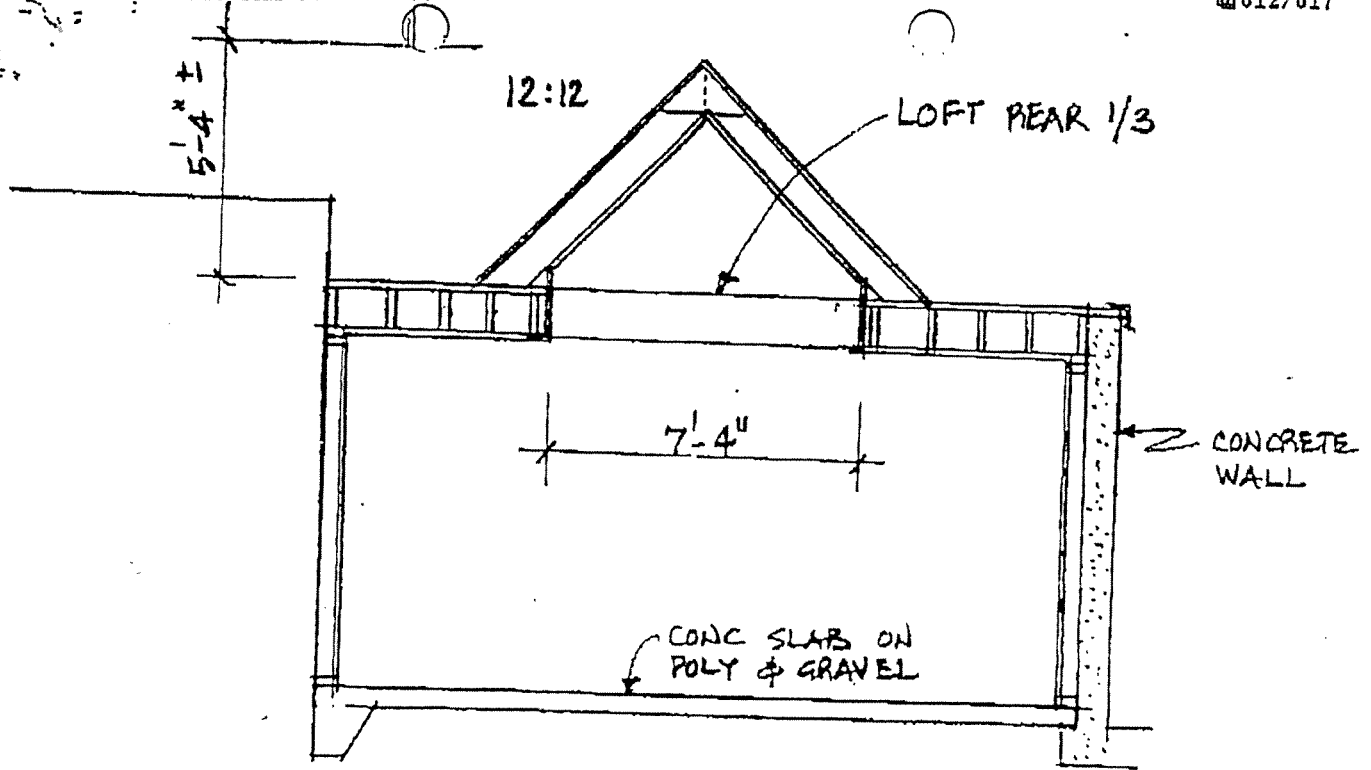
Certified Correct according to Plan 5315 and Plan LMP35587:

Additional ties completed 26 November, 2008.
Field survey completed 24 July, 2008.
Area exercise room BCR calc. 25 March 2009.

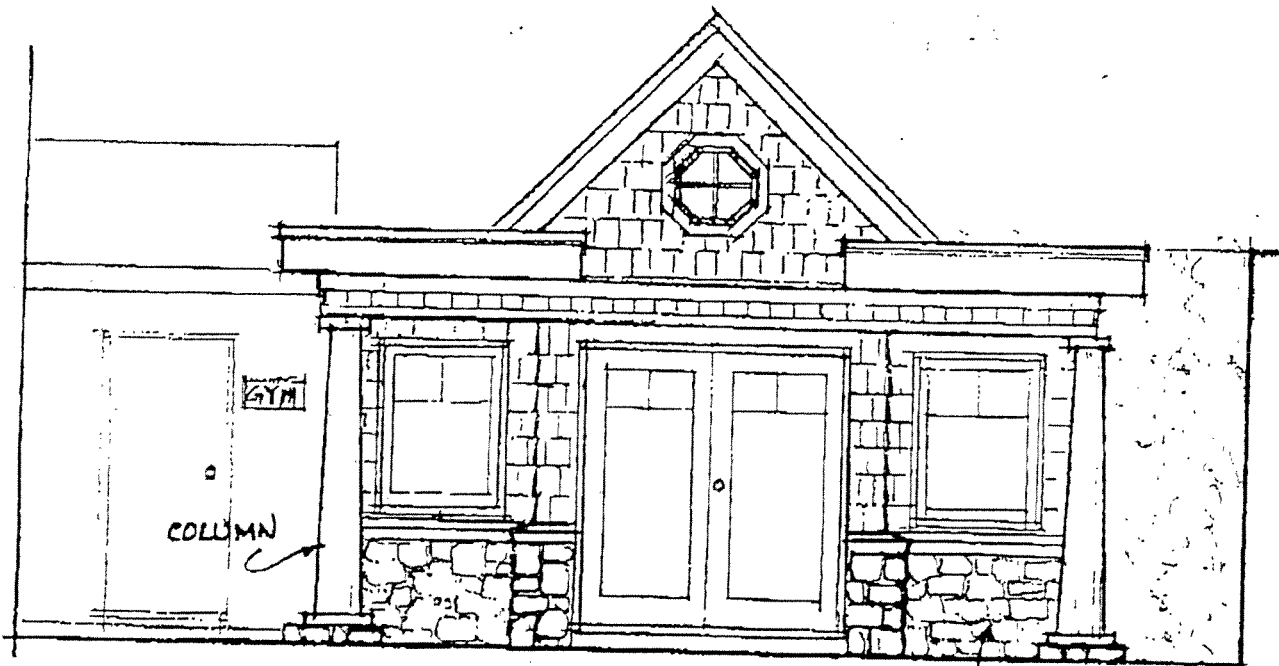
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FAX 604-926-6923

Harry Hickman
Harry Hickman, B. C. L. S.

this 25th day of March, 2009.



SECTION A-A
 1/4" = 1'-0"



Copy!

EAST ELEVATION
 1/2" = 1'-0"