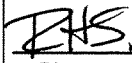



COUNCIL AGENDA/INFORMATION

<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Dec 7, 09</u>	Item # <u>24</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO
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24

DISTRICT OF WEST VANCOUVER

750 - 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Attachments for item 24  
provided under separate cover

Date: November 25, 2009 File: 1010-20-09-038  
From: James Allan, Community Planner  
Geri Boyle, Manager, Community Planning  
Subject: Development Variance Permit Application No. 09-038 (1313 Fulton Avenue)

**RECOMMENDED THAT:**

1. The Municipal Clerk give notice that proposed Development Variance Permit No. 09-038 for 1313 Fulton Avenue, to allow an existing dwelling with an addition to the main floor and basement, will be considered on Monday, January 11<sup>th</sup>, 2010.

**Purpose**

The purpose of this report is to provide information to Council on proposed Development Variance Permit No. 09-038 (1313 Fulton Avenue) which would:

- vary the maximum Floor Area Ratio to allow an existing addition to the main floor and basement on the west side of the house to be retained; and
- provide for a minor reduction in the required Front Yards, based on a contemporary site survey of the existing building.

The proposed Development Variance Permit will be considered by Council on Monday, January 11<sup>th</sup>, 2010.

**1.0 Background**

1.1 Bylaw

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

**2.0 Analysis**

2.1 Description of Site

The subject site is located on the north-west corner of the intersection of Fulton Avenue and 13<sup>th</sup> Street. The property is 6644 sq ft in area and contains an

existing dwelling, lean-to shed and gazebo with hot tub. The property is a Corner Flanking Lot under the Zoning Bylaw and requires 25 ft front yards on both 13<sup>th</sup> Street and Fulton Avenue.

## 2.2 History

The existing house was built in 1926. In 1978, 1313 Fulton Ave and the property next door at 1319 Fulton Ave, were subdivided into three lots. The subject house was moved to the new lot on the corner of Fulton Ave and 13<sup>th</sup> Street. A building permit was issued for the house in 1979 which included a dormer added to the upper floor that ran approximately two-thirds the length of the house fronting 13<sup>th</sup> Street. These plans also show exterior stairs on the north end of the west side of the house leading to a small entry porch on the main floor level.

The current owner purchased the property in 1991. In a letter from the District to the owner in 2003, a building inspector outlined a number of modifications to the house that had been undertaken without building permits. These included:

- A lean-to storage shed on the northern side of the house;
- The existing carport had been enclosed into a garage;
- A deck had been added to the western side of the house;
- An accessory structure had been built in the north-western corner of the property; and
- Enclosure of the west entry deck on the north end of the west side of the house so as to create an enclosed porch.

In December 2005, a building permit was issued for minor internal renovations. A note on the approved plans states that no floor area is to be added as the house is already at the maximum allowable. These plans also show the addition to the main floor and basement on the west side of the house.

In response to a query from the property owner in May 2006, staff sent a letter advising that variances to allow an extension of the existing dormer and increase the floor area of the house, would not be supported on the basis of the heritage value of the house.

In October 2008, a Stop Work Order was issued to the owner due to construction extending the existing dormer without permits. This work was being done by the owner in order to increase the ceiling height and create useable bedroom floor area. Staff also noted that a bathroom 'bump-out' was added to the main floor bathroom on the eastern side of the house. The 'bump-out' was added to allow a sink to be installed but encroached on the front yard to 13<sup>th</sup> Street. Construction on the house has been on hold until staff could determine how to move forward.

### 2.3 The Proposal

The owner has now applied for a variance to the maximum permitted Floor Area Ratio to allow the existing addition to the main floor and basement on the west side of the house to be retained. The main floor of this addition is approximately 156 sq. ft., and the basement approximately 186 sq. ft.

As part of the application, the owner is also proposing to remove the non-complying lean-to storage shed and the gazebo.

Finally, based on a contemporary site survey, the dwelling and a decorative architectural feature attached to the south-west corner of the house are located slightly within the front yard to both Fulton Avenue and 13<sup>th</sup> Street. These variances are included in this application.

The proposed variances are:

	<b>Bylaw</b>	<b>Existing</b>	<b>Proposed</b>
<b>Floor Area</b>	2551 sq ft	3116.8 sq ft	3091.1 sq ft
<b>Front Yard (Fulton Ave)</b>	25 sq ft	24 ft 8.25 in (to house) 23 ft 4 in (to decorative architectural feature)	24 ft 8.25 in (to house) 23 ft 4 in (to decorative architectural feature)
<b>Front Yard (13<sup>th</sup> St.)</b>	25 ft	24 ft 9.25 in (to house)	24 ft 9.25 in (to house)

In terms of the extension to the existing upper storey dormer, the owner proposes to accommodate this floor area of approximately 70 sq. ft. by removing floor area of approximately 96 sq ft within the main and upper floors; specifically,

1. converting upper storey floor area on the western side of the house to an open roof terrace. As the terrace is not covered, it is not counted as floor area.
2. a door entranceway accessing the main floor deck from the living room is proposed to be removed and reconstructed in line with the remaining wall of the house.
3. removing an approximately 26 sq. ft. a 'bump-out' addition to the main floor bathroom on the east side of the house.

### 2.4 Implications

The last building permit issued in 1979 shows the original dwelling, rectangular in shape, with a dormer facing 13<sup>th</sup> Street and exterior stairs leading to a small entry porch on the main floor level on the north end of the west side of the house. Along with the existing addition to the main floor and basement (which replaced the stairs and entry porch) and the currently incomplete dormer extension,

several other modifications have been constructed without permits between 1979 and 2003:

- The existing carport in the basement was enclosed into a garage. This did not add floor area to the property as 440 sq ft of floor area is excluded for vehicle parking for the purposes of calculating floor area.
- A gazebo and lean-to shed were constructed within the required side yards. These are to be removed from the site as part of this application.
- A deck was constructed at the main floor level on the western side of the house. It complies with all yard and site coverage requirements.
- A bathroom 'bump-out' was added to the main floor bathroom on the eastern elevation of the house. This will be removed from the house as part of this application.

#### *Incomplete Dormer Extension*

The currently incomplete dormer extension work is the subject of the October 2008 Stop Work Order. In order to complete the extension, the owner is proposing to remove floor area elsewhere in the house as noted above (specifically, converting upper storey floor area on the western side of the house to an open roof terrace; and removing a door entranceway accessing the main floor deck from the living room).

#### *Existing Addition to the Main Floor and Basement*

The subject property is well landscaped along Fulton Avenue and also contains mature cedar trees on the north-east property line and in the south-east corner of the property. A tree approximately 4-5 meters in height is also located within the boulevard in Fulton Avenue adjacent the southern property line.

Staff support the application to retain the addition to the main floor and basement, for the following reasons:

- The property is located in an older neighbourhood and the original house was built in 1926;
- The addition to the basement and main floor on the north end of the west side of the house does not affect the streetscape of either street due to the site and boulevard landscaping on the south side of the lot and the low elevation of the house relative to the adjacent roads.
- Based on a review of municipal records and airphotos, staff is unable to determine the year this work was done relative to property ownership, but date the work to between 1979 and 2003.

The proposed Development Variance Permit requires engineers to certify that the deck and addition to the main floor and basement comply with the BC Building Code.

## 2.5 Conclusion

Subject to additional comments or concerns being raised on the project at the public meeting, staff recommends approval of proposed Development Variance Permit 09-038.

## 2.6 Consultation

In line with the Development Procedures Bylaw, notification of the application is to be mailed to all owners/occupiers of property within 50 metres of the subject site.

## 3.0 Options

3.1 At the time of consideration of this report, Council may:

- (a) set the date for consideration of this application (recommended); or
- (b) set the date for consideration of this application and request that additional information (to be specified) be provided and available to assist in consideration of the application; or
- (c) defer further consideration pending receipt of additional information; or
- (d) reject the application.

3.2 When the application is considered by Council, Council may:

- (a) approve issuance of the attached Development Variance Permit No. 09-038; or
- (b) approve issuance of a modified Development Variance Permit No. 09-038; or
- (c) request more information; or
- (d) reject the application.

Author: \_\_\_\_\_

  
\_\_\_\_\_

Appendices:

A: Context Plan

B: Proposed Development Variance Permit, including plans

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**District of West Vancouver**  
*PROPOSED*  
**Development Variance Permit No. 09-038**

Registered Owner(s):     Jeremy and Bridgett Woodham

This Development Variance Permit applies to:

Civic Address:             1313 Fulton Avenue

Legal Description:         PID: 007-278-667  
                                  Lot C South East 1/4 of District Lot 1053 Plan 17437  
                                  (the "Lands")

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This Development Variance Permit No. 09-038 is issued to the Registered Owners to vary and supplement the District's Zoning Bylaw No. 2200, 1968 as follows and on the conditions set out below:

1.     Zoning Bylaw No. 2200, 1968 is varied, to allow the property to be developed in accordance with the drawings and plans submitted by Relative Form Architecture date stamped November 26, 2009 and attached as Schedule "A", as follows:
  - (a)    Section 32-112.4 (Floor Area Ratio) to allow the basement and main floor addition on the west side of the existing house to remain with a maximum Floor Area Ratio of 0.46 or 3091 sq ft.
  - (b)    Section 32-506 (Front Yard) to reduce the Front Yard from the existing dwelling:
    - (i)     to 13<sup>th</sup> Street to a minimum of 24 ft 9.25 in.; and
    - (ii)    to Fulton Avenue to a minimum of 24 ft 8.25 in.
  - (c)    Section 32-506 (Front Yard) to reduce the Front Yard from the decorative architectural feature on the south-west corner of the dwelling to Fulton Avenue to a minimum of 23 ft 4 in.
  
2.     Prior to issuance of an amendment to the current building permit for the property:
  - (a)    the Registered Owners shall provide certification from qualified engineers that the basement and main floor addition and deck on the west side of the existing house complies with the BC Building Code, specifically:
    - (i)     a structural engineer will be required to certify the foundation walls, footings and framing; and
    - (ii)    a geotechnical engineer will be required to certify the bearing capacity of the soils.
  - (b)    the Registered Owners shall remove the existing gazebo and lean-to shed from the property and bathroom 'bump-out' addition on the main floor.

3. This Development Variance Permit lapses if construction of the building permitted herein has not commenced, under an issued Building Permit, within 24 months of the date this permit is issued.

In the event the Registered Owner is delayed or interrupted or prevented from commencing the construction of the work specified herein by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Registered Owner, the time for the commencement of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial circumstances of the Registered Owner shall not be viewed as a cause beyond the control of the Registered Owner.

THE COUNCIL OF THE DISTRICT OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

\_\_\_\_\_  
Owner: Signature

\_\_\_\_\_  
Owner: Print Name above

\_\_\_\_\_  
Date

**FOR THE PURPOSES OF SECTION 3, THIS PERMIT IS ISSUED ON \_\_\_\_\_.**

Schedules:

A – Building Plans prepared by Relative Form Architecture Studio date stamped November 26, 2009.



GORDON

AVENUE

1364.	1356.	1348.	1336.	1320.	1312.	885
3	4	D	E	F	22	23

6	5	18	16	A	845
1365.	1357.	1345.	1329.	1319.	
					B
					C



FULTON

AVENUE

1364.	1356.	1348.	1342.	1330.	1320.	1314.	1304.
3	4	7	8	9	10	11	12

STREET

1296.	1288.	1274.	1270.	1258.
1	2	3	4	6

12	11	10	9	8	7
1293.	1289.	1283.	1271.	1263.	1255.

13TH

790	1288.	1280.	1272.	1264.	1260.
2	3	4	5	6	

CONTEXT PLAN

1313 Fulton Avenue

DATE: NOV 06/09 REV: 0



SK-1

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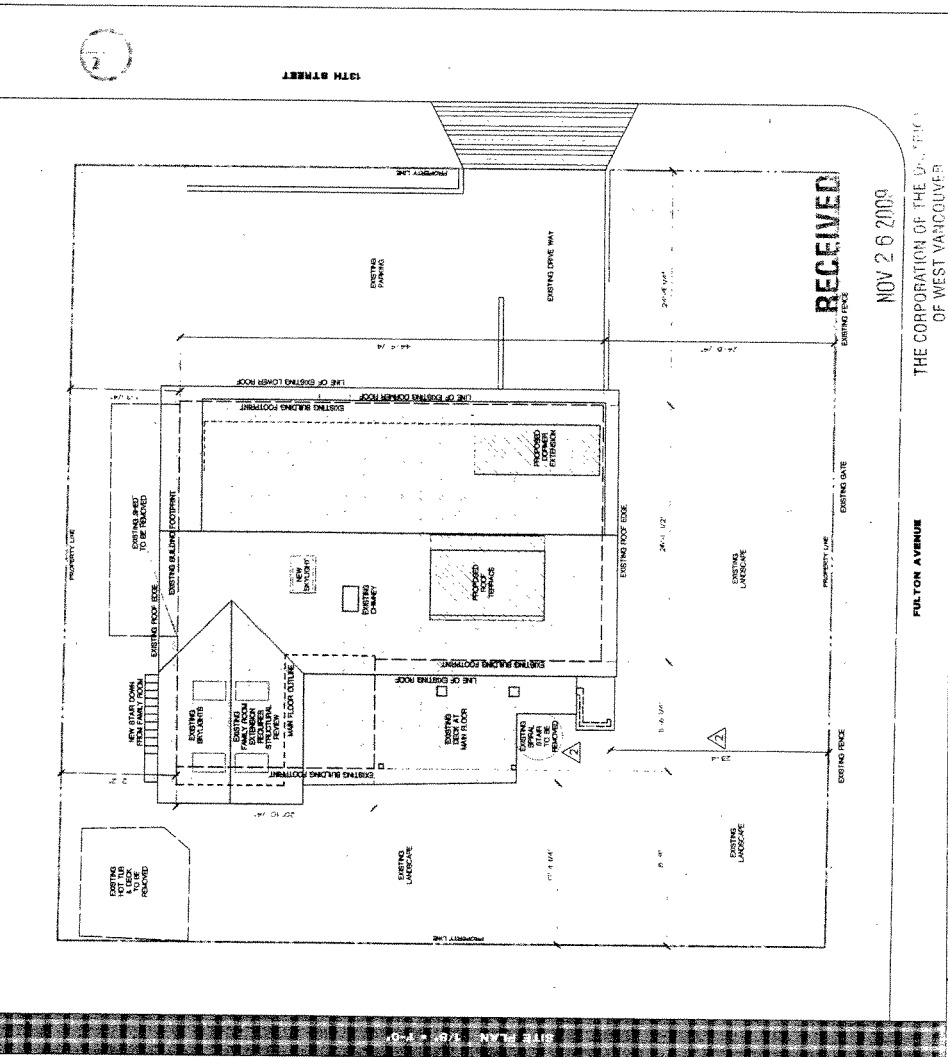
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DATE: 11/26/09  
 DRAWN BY: J.W.  
 CHECKED BY: J.W.  
 PROJECT NO: 09-001

Dr. Jeremy Woodman  
 811  
 820 Fulton Ave.  
 West Vancouver  
 for  
 Dr. Jeremy Woodman

Site Plan  
 Project Data  
 Drawing Index  
 General Notes

**A0**



**RECEIVED**  
 NOV 26 2009  
 THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
 PLANNING DEPARTMENT  
 & PERMITS DIVISION

**GENERAL NOTES / PROJECT DATA / DRAWING INDEX / SITE PLAN**

A 0 GENERAL NOTES / PROJECT DATA / DRAWING INDEX / SITE PLAN  
 A 1 BASEMENT PLAN (PROPOSED PLAN SHOWING DEMOLITION)  
 A 2 MAIN LEVEL PLAN (PROPOSED PLAN SHOWING DEMOLITION)  
 A 3 UPPER LEVEL PLAN (PROPOSED PLAN SHOWING DEMOLITION)  
 A 4 SECTION AA / SOUTH ELEVATION (PROPOSED)  
 A 5 EAST ELEVATION / WEST ELEVATION (PROPOSED)  
 A 6 NORTH ELEVATION (AS FOUND) / STAIR SECTIONS (PROPOSED)

**LEGAL ADDRESS:**  
 SOUTH EAST 1/4 OF DISTRICT LOT 1055  
 WEST 1/2 SECTION 10, WESTMOUNT DISTRICT  
 PD 07-278-867  
 820 FULTON AVENUE, WEST VANCOUVER, BC  
 LOT AREA: 64,644.00 SF

**FLOOD ZONES:**  
 EXISTING PROPOSED DRAWING  
 BASEMENT FLOOR 1000 SF A4 AS 10  
 FLOOR AREA 1000 SF A4 AS 10  
 TOTAL COUNTABLE 2000 SF A4 AS 10

IN ACCORDANCE WITH THE FLOOD CONTROL ACT, THE FLOOD AREA TO BE PROPOSED SHALL BE CALCULATED IN ACCORDANCE WITH THE FLOOD CONTROL ACT. THE FLOOD AREA TO BE PROPOSED SHALL BE CALCULATED IN ACCORDANCE WITH THE FLOOD CONTROL ACT. THE FLOOD AREA TO BE PROPOSED SHALL BE CALCULATED IN ACCORDANCE WITH THE FLOOD CONTROL ACT.

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Attachments for item 24  
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