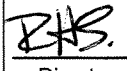
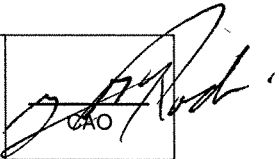


COUNCIL AGENDA/INFORMATION

<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Feb. 1, 2010</u>	Item # <u>16</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO
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16

DISTRICT OF WEST VANCOUVER  
750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

# COUNCIL REPORT

Attachments for item 16 provided under separate cover
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Date: January 20, 2010 File: 1010-20-09-047  
 From: James Allan, Community Planner  
 Subject: Development Variance Permit Application No. 09-047 (2604 Palmerston Avenue)

## RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Variance Permit No. 09-047 for 2604 Palmerston Avenue, to allow an at-grade open area under an existing dwelling to be enclosed into liveable floor area, will be considered on Monday, March 1<sup>st</sup>, 2010.

## Purpose

The purpose of this report is to provide information to Council on Development Variance Permit No. 09-047 (2604 Palmerston Avenue) which would allow an at-grade open area under an existing dwelling to be enclosed into liveable floor area, exceeding the maximum permitted Floor Area for the property. The proposed Development Variance Permit will be considered by Council on Monday, March 1<sup>st</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 zoned RS4 and is 7825 sq. ft. in size. It is located on the corner of Palmerston Avenue and 26<sup>th</sup> Street with a lane to the rear. Vehicle access is off 26<sup>th</sup> Street and a parking pad is located in the Palmerston Avenue boulevard. The existing house is two storeys with a basement and is approximately 2706 sq ft in floor area. The site slopes from Palmerston Avenue, down to the lane at the rear, with a drop of approximately 14 ft.

### 2.2 Background

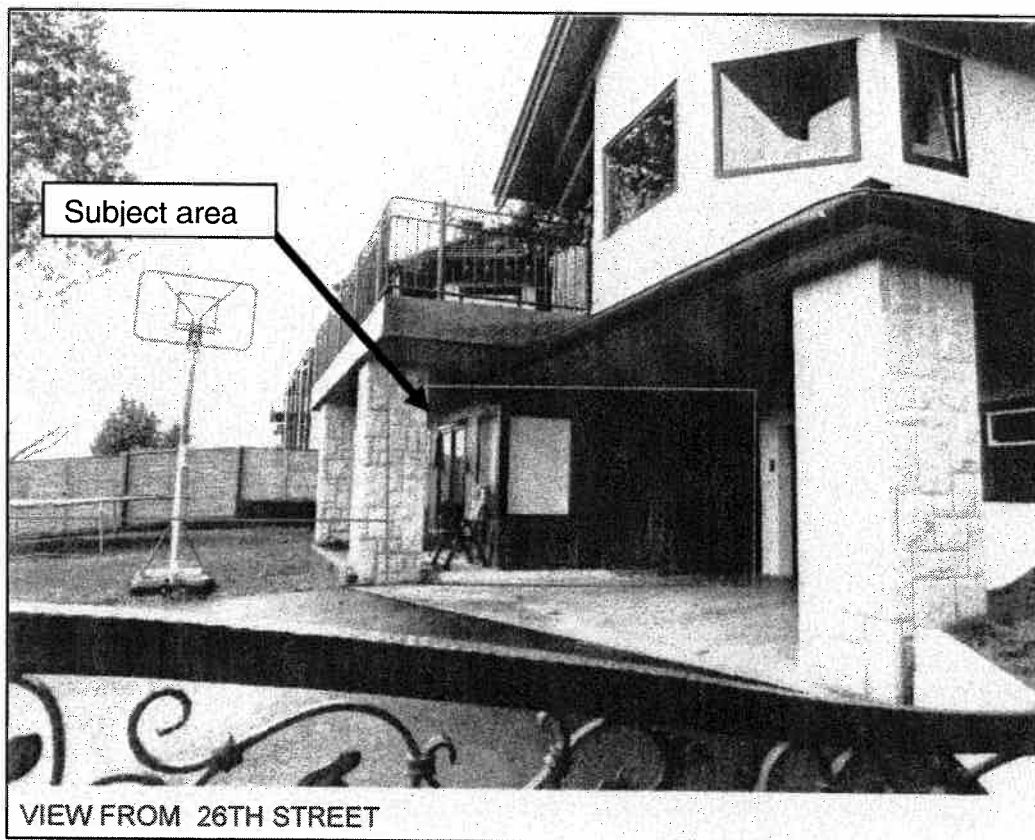
The existing two storey house was built in 1997 by the current owner and was designed to facilitate living on one level. In order to achieve this, the majority of the floor area of the house was built on the main level at approximately the same

elevation as Palmerston Avenue. The result of this design was that a large area, of approximately 900 sq. ft. below the main floor, was left open as an “undercover playground area”<sup>1</sup>. The breakdown of area within the original house is:

Level	Actual Floor Area before exemptions	Floor Area after exemptions
2 <sup>nd</sup> Storey	594 sq. ft.	594 sq. ft.
Main Level	1952 sq. ft.	1952 sq. ft.
Lower Level	586 sq. ft.	160 sq. ft.
Total for House	3132 sq. ft.	2706 sq. ft.

In 2002, the homeowner began construction to enclose the open area under the house without permits and a stop work order was issued. A stop work order was again issued in May 2003 with a letter from the District requesting a building permit application. A building permit was applied for in November 2008 and was put on hold until staff could determine how to move forward.

The applicant is proposing to finish enclosing the open area under the house and convert it into useable floor area. The picture below, taken from 26<sup>th</sup> Street, shows the area under the rear of the dwelling proposed as additional floor area and partially constructed.



<sup>1</sup> As labelled on the 1997 building plans

In order to do this, a variance of 679 sq. ft. to the maximum allowable Floor Area is required. The details of the proposed house are as follows:

	Floor Area after exemptions
Main and Second Storey	2546 sq. ft.
Proposed Lower Level Area	872 sq. ft.
Total Floor Area	3418 sq. ft.
Maximum Permitted Floor Area	2739 sq. ft.
Variance Required	679 sq. ft.

### 2.3 Implications

The large open area below the rear of the house results in the main floor being supported by columns, approximately 8' above the ground. This open area allows the elements in, creating a cold floor and reducing the energy efficiency of the house. Wildlife is also able to get under the house and create a nuisance. The owners wish to complete the enclosure of the area to solve these problems and to create additional living space for their family. Staff have no concerns with the proposal for the following reasons:

- The footprint of the house does not increase;
- The proposal results in an aesthetically better design by filling a large void under the house;
- No site alterations or earthworks are required;
- The proposal will have no impact on the streetscape as the area to be filled in is barely visible from 26<sup>th</sup> Street and is not visible from Palmerston Avenue;
- The owners of the neighbouring property to the west at 2616 Palmerston Avenue have provided their written approval of the proposal (see Appendix B).

### 2.4 Conclusion

Subject to additional comments or concerns being raised on the project at the public meeting, staff recommends approval of Development Variance Permit 09-047.

### 2.5 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. 09-047; or
- (b) approve issuance of a modified Development Variance Permit No. 09-047; or
- (c) request more information; or
- (d) reject the application.

Author:

  
\_\_\_\_\_

Concurrence:

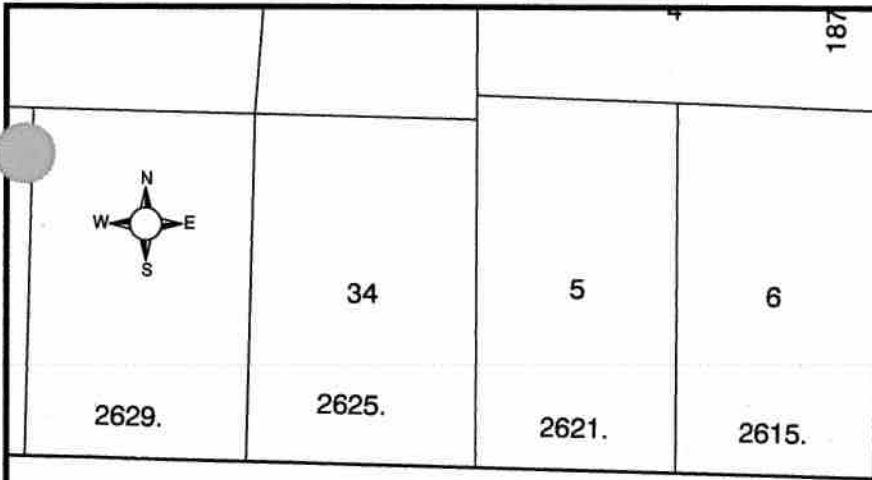
  
\_\_\_\_\_  
Manager, Community Planning

Appendices:

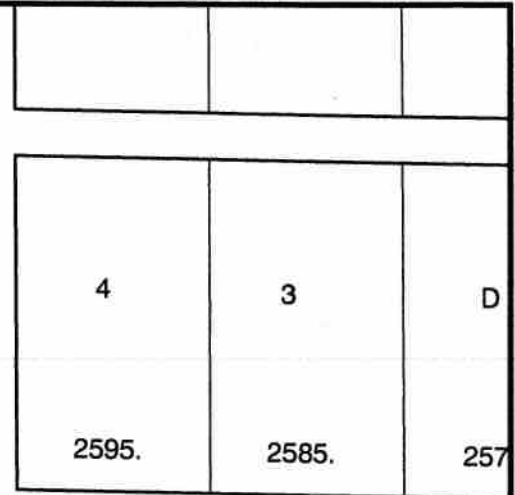
A: Context Plan

B: Letter of support from neighbours at 2616 Palmerston Avenue

C: Proposed Development Variance Permit, including plans

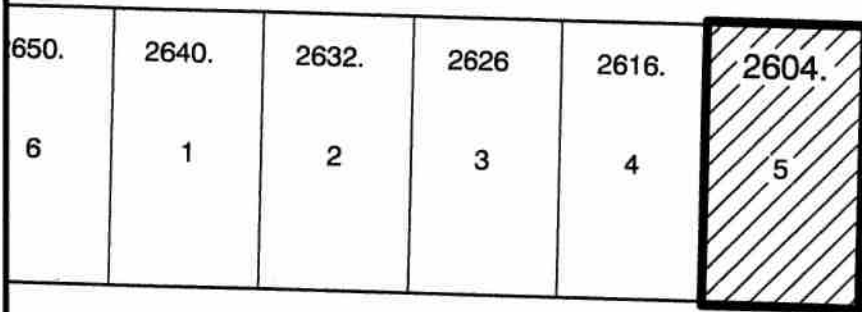


STREET

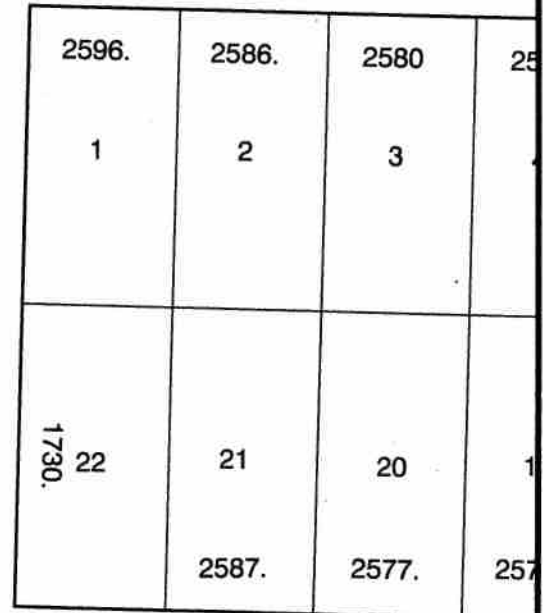


PALMERSTON

AVENUE

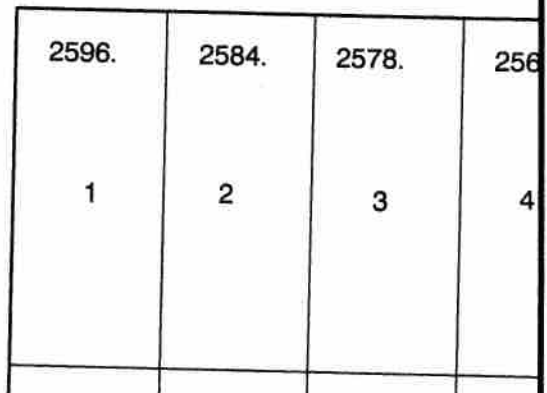
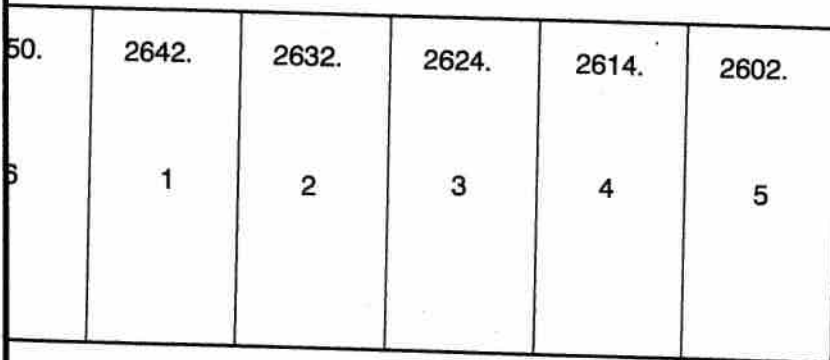


26TH



OTTAWA

AVENUE



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RECEIVED

DEC 21 2009

THE CORPORATION OF THE DISTRICT  
OF WEST VANCOUVER  
PLANNING LANDS  
& PERMITS DIVISION

December 16, 2009

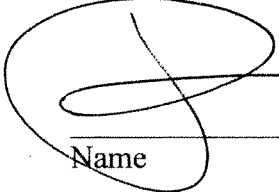
Planning Department  
District of West Vancouver  
750 - 17<sup>th</sup> Street  
West Vancouver, B.C.  
V7V 3T3

Dear Sirs:

**RE: FIEDLER RESIDENCE  
2604 PALMERSTON AVENUE  
WEST VANCOUVER**

This letter is to acknowledge that we have reviewed the plans, dated January 27, 2009, for the basement enclosure and proposed renovations on the above property and are in support of the development variance requested.

Yours truly,

 Jennifer Hamilton  
Name

2616 Palmerston Ave  
Address  
West Vancouver

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**District of West Vancouver  
Proposed  
Development Variance Permit No. 09-047**

Registered Owner(s): Wolfgang and Claudia Fiedler

This Development Variance Permit applies to:

Civic Address: 2604 Palmerston Avenue

Legal Description: PID 012-045-608  
Lot 5 of Lot B Block 2 District Lot 555 Plan 3890  
(the "Lands")

**APPENDIX 'C'**

This Development Variance Permit No. 09-047 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 in Section 31-112.3 (Floor Area Ratio) to allow a maximum Floor Area Ratio of 0.43 or 3418 sq. ft. for the purposes of enclosing the at-grade open area under the main floor of the existing house.
2. The Lands shall be developed in accordance with the drawings and plans date stamped January 20, 2010 and attached as Schedule "A".
3. This Development Variance Permit lapses if construction of the building 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 A1 and A2 prepared by B Gordon Hylnsky Architect Inc. and date stamped January 20, 2010.

