

DATE OF MEETING | August 13, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

**SUBJECT | DEVELOPMENT PERMIT NO. DP1058 AND DEVELOPMENT
VARIANCE PERMIT NO. DVP317 – 3715 LAGOON ROAD |**

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to allow the reconstruction of a single residential dwelling within the watercourse setback at 3715 Lagoon Road.

Concurrently, to present for Council's consideration a development variance permit application to allow the construction of a single residential dwelling with a variance to the minimum rear yard setback. |

Recommendation

That Council:

1. Issue Development Permit No. DP1058 at 3715 Lagoon Road with the following variance:
 - reduce the watercourse setback measured from the natural boundary of the ocean from 15m to 8.4m; and
2. Issue Development Variance Permit No. DVP317 at 3715 Lagoon Road with the following variance:
 - reduce the rear yard setback for a principal building from 7.5m to 1.5m. |

BACKGROUND

A development permit application, DP1058, and a development variance permit application, DVP317, were received from Williamson and Associates on behalf of Gertrude Mahlum to remove the existing dwelling on the property and allow for future reconstruction of a single residential dwelling to accommodate the proposed building footprint.

As the proposed rear yard setback variance is associated with the house design and not specifically related to the purpose of Development Permit Area No .2 - Environmentally Sensitive Areas, this variance is being considered through a concurrent development variance permit that requires neighbourhood notification.

Statutory Notification has taken place prior to the consideration of the rear yard setback variance.

Subject Property

Zoning	R1- Single Dwelling Residential
Location	The subject property is located at the end of Lagoon Road, across the lagoon from Pipers Lagoon Park.
Total Area	769m ²
Official Community Plan	Map 1 - Future Land Use Designation - Neighbourhood Map 2 - Development Permit Area No. 2 - Environmentally Sensitive Areas

The subject property includes an existing single residential dwelling and is in a residential area. The property is ocean front and located adjacent to the narrow tidal channel opening within Pipers Lagoon. The beach in front of the property slopes gently towards the ocean and includes a number of wood and plant features that act as a natural shoreline buffer. The property to the west is currently undeveloped.

The landscaped area within the watercourse setback on the subject property contains a grass lawn and concrete pathway leading to the ocean. An existing concrete seawall exists along the shoreline of the property that supports the grass lawn.

DISCUSSION

Proposed Development

The proposed development includes the demolition of an existing house located in the watercourse setback and the construction of a new dwelling located in the watercourse setback, 8.4m from the natural boundary of the ocean. The existing dwelling is located 2.1m from the side yard to the west and 8.4m from the natural boundary of the ocean, as measured from the open deck. The majority of the existing dwelling is, however, set back further from the natural boundary. The proposed 8.4m watercourse setback represents an additional intrusion into the aquatic area of 113m².

In order to mitigate any potential impact of the proposed variance, the applicant is proposing to revegetate the area with beach grass and native shrub and tree species, including the restoration of a Garry oak meadow. The applicants have agreed to remove the concrete seawall and regrade the land back to the proposed setback line. In place of a seawall, the applicants are proposing to employ a green-shores approach to protect the property from erosion using naturalized soft-shore features, as opposed to hard barriers. The proposed landscape plan, prepared by Victoria Drakeford, is inspired by the natural ecosystem within the nearby park and includes habitat areas. The proposed revegetated area exceeds the 113m² restoration area recommended by the applicants' Qualified Environmental Professional, based on the size of the proposed coastal setback intrusion, and meets the development permit guidelines.

In addition to the watercourse setback variance, the applicants are requesting a rear yard setback variance. The rear yard setback variance is requested in order to maintain the same setback as the existing house, which is non-conforming as to siting, to establish a preferred building envelope for future reconstruction. To compensate for the requested rear yard setback, the applicants are proposing the south side yard and rear yard of the property essentially be

switched; as such, the applicants are proposing to maintain a 7.5m setback from the southern property line. The 7.5m side yard will provide the property owners a large outdoor space. The 7.5m setback will be included within the Development Permit terms and conditions. The property line is shared with a vacant property to the west (3706 Polaris Drive). When that property develops, their adjacent lot line will be considered a side lot line for the property at 3706 Polaris Drive.

Proposed Variances

Minimum Watercourse Setback

The required watercourse setback is 15m measured from the natural boundary of the sea. The proposed setback is 8.4m, a proposed variance of 6.6m. The purpose of the proposed variance is to recognize the siting of the existing home and allow for the reconstruction of a future home.

Staff support the proposed variance and landscaping improvements, which exceed the principle of “no net loss”, and will implement a green-shores approach to coastal restoration.

Minimum Rear Yard Setback

The required rear yard setback is 7.5m. The proposed setback is 1.5m, a proposed variance of 6m.

Staff support the proposed rear yard setback variance, as the proposed building envelope is in keeping with the existing siting of the home and the siting and orientation of the homes within the neighbourhood. The proposed building envelope reflects the siting of the existing home, lot layout, and the grading of the land.

SUMMARY POINTS

- The subject property includes two concurrent applications: Development Permit No. DP1058 proposes that the watercourse setback be reduced to 8.4m.; Development Variance Permit No. DVP317 proposes the minimum rear yard setback be reduced to 1.5m.
- The proposed landscape plan meets the development permit area guidelines and will result in “no net loss” of habitat.
- The proposed building envelope recognizes the siting of the existing home and is consistent with the siting and orientation of other homes within the neighbourhood.

ATTACHMENTS

- ATTACHMENT A: Permit Terms and Conditions (DP1058)
- ATTACHMENT B: Permit Terms and Conditions (DVP317)
- ATTACHMENT C: Location Plan
- ATTACHMENT D: Site Plan- Existing Bylaw 4500 Setbacks
- ATTACHMENT E: Site Plan- Proposed Setbacks
- ATTACHMENT F: Landscape Plan
- ATTACHMENT G: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development