

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** September 23, 2024

**TO:** Mayor and Council

**FROM:** Anne Berry, Director, Planning and Development Services

**SUBJECT:** Consideration of Development Variance Permit No. 459 - 14591 Gordon Avenue (DVP0035)

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**RECOMMENDATION**

THAT Council:

1. Receive the corporate report dated September 23, 2024, from the Director of Planning and Development Services, titled "Consideration of Development Variance Permit No. 459 - 14591 Gordon Avenue (DVP0035);" and
  2. Following the Public Meeting, consider the issuance of Development Variance Permit No. 459.
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**EXECUTIVE SUMMARY**

The City has received an application for a Development Variance Permit (DVP) for the subject property at 14591 Gordon Avenue. The application is to vary Zoning Bylaw regulations for side yard setbacks to permit the construction of balconies on an existing legal-nonconforming building. Specifically, the Applicant is requesting a variance to reduce the interior side yard setbacks from the required 1.2 meters to 0.0 meters on the West side, and to 0.55 meters on the East side.

Staff have considered the DVP approval process in conjunction with the nature of this application and recommend the issuance of the proposed DVP No. 459 to permit the requested setback variances.

A draft of Development Variance Permit No. 459 is attached as Appendix A. Appendix B includes location and ortho maps of the property. Appendix C provides a drawing package which includes elevations and renderings. Appendix D contains the Applicant's rationale letter.

**INTRODUCTION/BACKGROUND**

The existing building on the subject property is a legal non-conforming home. The property is designated as 'Mature Neighbourhood' in the Official Community Plan (OCP) and is zoned 'RS-3 (Small Lot, Hillside) SSMUH Residential Zone' under the City of White Rock Zoning Bylaw No. 2506 (2024). The subject property is also located in the Ravine Lands and Significant Trees Development Permit Area (DPA) in the OCP.

The property fronts onto Gordon Avenue to the south and is surrounded predominantly by single-family homes (see Figure 1 below). Ruth Johnston Park is located immediately north of the subject property.

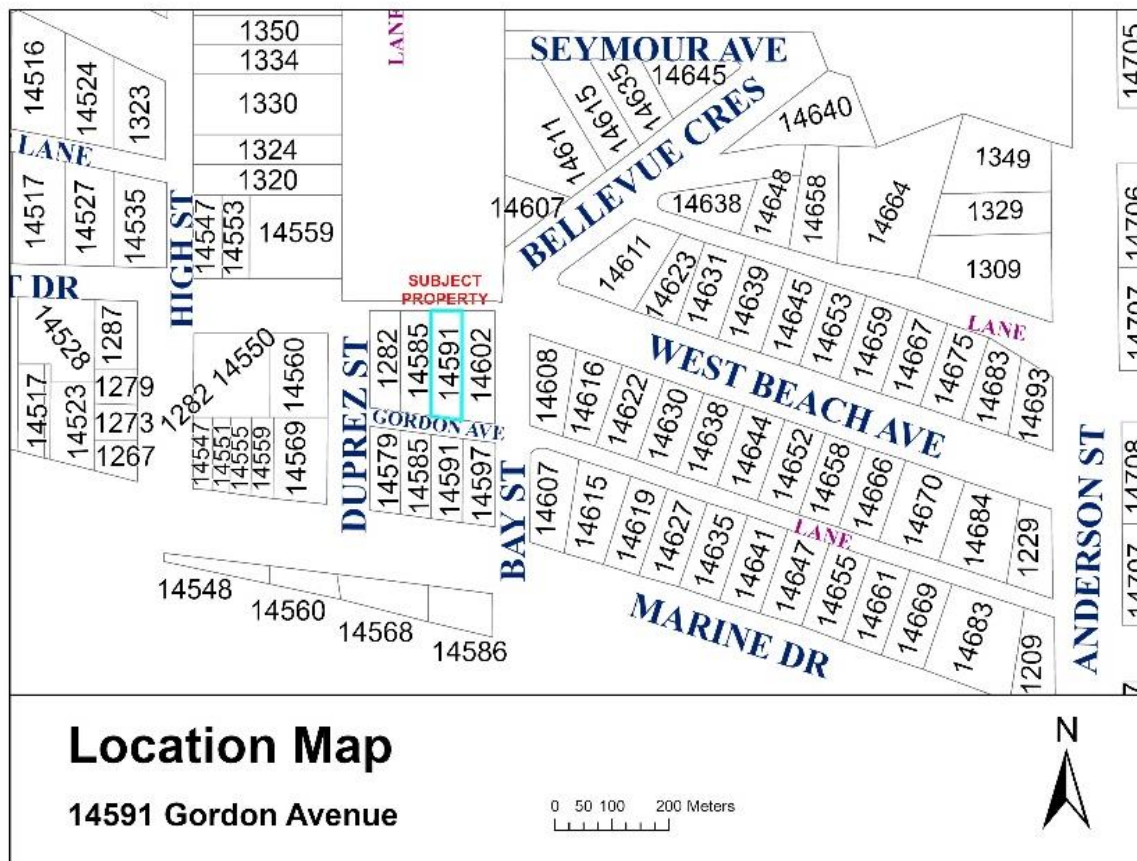


Figure 1: Site Context

## ANALYSIS

### Zoning Bylaw Requirement and Proposed Variance

According to Section 6.3.9(1) of the Zoning Bylaw, a minimum interior side yard setback of 1.2 meters is required from the property line to a principal building or structure in the RS-3 SSMUH zone (see Table 1.0 below). The Applicant is requesting a variance to modify this requirement to allow for the construction of stairs and balconies (see Figures 2 and 3 below). Specifically, the proposal seeks to reduce the interior side yard setbacks as follows:

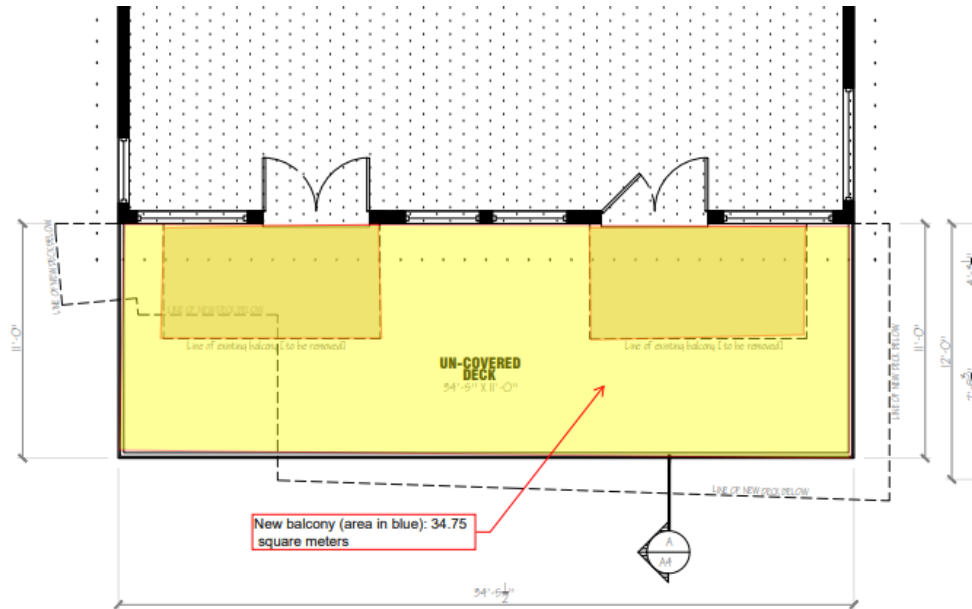
- On the West side, from the required 1.2 meters to 0.0 meters.
- On the East side, from the required 1.2 meters to 0.55 meters.

This request results in variances of 1.2 meters on the West side and 0.65 meters on the East side. The architectural layout drawing attached as Appendix C provides a visual representation of these proposed changes.

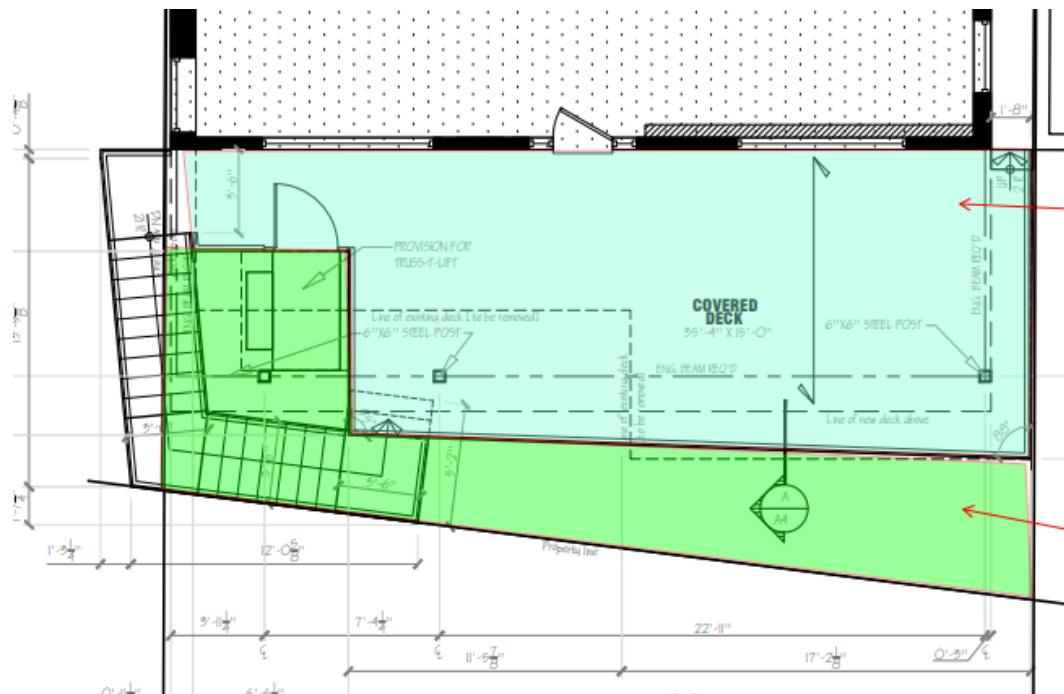
Table 1: Minimum setback requirements in the RS-3 SSMUH zone

Setback	Principal Building	Ancillary Buildings and Structures Accessory Dwelling Units
Front Lot Line	3.0m (9.48ft)	Not Permitted
Rear lot line	3.0m (9.48ft)	1.5m (4.92ft)

Interior side lot line	1.2m (3.94ft)	1.2m (3.94ft)
Interior side lot line (abutting a lane)	1.8m (5.91ft)	1.8m (5.91ft)
Exterior side lot line (rear lot line abutting a lane or rear lot line of adjacent lot) i.e. for a distance of 7.5m (24.61ft)	1.8m (5.91ft) & 1.5m (4.92ft)	1.8m (5.91ft) & 1.5m (4.92ft)



**Figure 2: Image of Proposed Upper Balcony in relation to existing balconies.**



**Figure 3: Proposed lower balcony and staircase in relation to existing balcony.**

## Background

In December 2022, the Applicant submitted a minor (environmental) development permit application to remove existing landscaping and retaining walls in the front yard of the subject property to create a parking area with direct access to Gordon Avenue due to the absence of a

garage for the existing home. To facilitate this work, the Minor DP application also included the removal of existing balconies on the home. The dimensions of the proposed new balconies were detailed in the application and are on file with the city, however no variance was sought by the Applicant at the time.

In February 2024, the Minor (environmental) Development Permit was approved by staff (delegated authority). However, during the building permit application process, on April 10, 2024, the city advised that compliance with Section 6.3.9 of the Zoning Bylaw was required, or a variance would need to be applied for.

On May 1, 2024, the Applicant applied for a Board of Variance (BOV) application, however due to the nature of the application, at the time, staff advised that this request was outside of their purview. Based on this guidance, the Applicant submitted a Development Variance Permit (DVP) application on June 6, 2024. Staff later determined that the application could proceed to the BOV and advised the Applicant of this option. The Applicant chose to continue with the DVP approach.

### **Impact on City Property**

The survey indicates that the existing stairs currently encroach on city property. The proposed design effectively addresses this issue, ensuring that the new stairs to be constructed will be fully situated within the subject property, thereby eliminating any encroachment.

### **Impact on Neighbouring Property**

The proposed setback reductions to permit the construction of new balconies would result in encroachments that affect the neighbouring property at 14585 Gordon Avenue. The property owners have signed a letter acknowledging their awareness of the encroachment and its potential impact and have provided written authorization for the Applicant to act on their behalf.

The balconies are proposed to be reconstructed in a way that does not significantly alter their impact on the surrounding neighbors. Since the existing balconies are proposed to be removed and reconstructed with no substantial change to their location on the face of the home, the impact on the surrounding properties will remain generally the same. Additionally, the front yard will gain on-site parking space; this work was approved as part of the Minor (Environmental) DP application as noted earlier in the report. Given these factors, staff believe that the variance will not adversely affect the neighborhood. The neighboring property to the West has provided written authorization and is informed of the legal conditions recommended by the City.

If the variance request is denied, the Applicant will need to either revise the proposal to comply with the minimum interior side yard setback requirements of 1.2 meters as specified in Section 6.3.9 of the Zoning Bylaw **or** present a case of hardship to the Board of Variance.

## **LEGAL IMPLICATIONS**

Given the minor nature of this variance request, this application is being reviewed under a modified process from the typical requirements of the Planning Procedure Bylaw No. 2334. The statutory requirements of the *Local Government Act* (LGA) will be met.

The Planning Procedure Bylaw sets out that a report will come forward to a Regular Council before notification is issued to the surrounding area that Council will hold a public meeting to hear from the community prior to consideration of the issuance of the permit.

Additionally, the Planning Procedure Bylaw requires that the Applicant install a Development Proposal Notification Sign and host a Public Information Meeting (PIM). Refer to Appendix E, for an excerpt of the DVP process in the Planning Procedure Bylaw. In this instance, staff did not require the Applicant to host the PIM due to the minor nature of the variance sought. Further, the

LUPC has been dissolved, and staff have prepared this report directly for Regular Council. The notices have already been issued, advertising the Public Meeting of September 23, 2024, and that Council will consider issuance the same evening

The City recommends the following terms and conditions within the permit should Council choose to approve the Development Variance Permit application:

- a) This Development Variance Permit (DVP) is for the construction of stairs and balconies for an existing single-family home.
- b) The siting and works of these structures shall conform to the drawings prepared by DAG Design & Company (revision date June 4, 2024) attached hereto as Schedule B.
- c) The Applicant must obtain an easement from the property legally described as LOT 6, PLAN NWP4170, PART NW1/4, SECTION 10, TOWNSHIP 1, NEW WESTMINSTER LAND DISTRICT in order to facilitate the stairs that are subject to this development variance permit as the stairs will be located on the property legally described LOT 6, PLAN NWP4170, PART NW1/4, SECTION 10, TOWNSHIP 1, NEW WESTMINSTER LAND DISTRICT. This easement must be in priority to any other charges and will be in perpetuity.
- d) Registration of a Section 219 Restrictive Covenant between the City and both property owners to prohibit the alteration of the stairs and balconies.
- e) The Development Variance Permit (DVP) approval is valid under the condition that if the stairs or house are demolished or damaged beyond 75% as per the *Local Government Act* the variance permit will terminate.

### **COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

Notification in accordance with the Planning Procedure Bylaw and the *Local Government Act* will be provided if Council directs staff to host a public meeting.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The application was referred for review and comments to other City departments. There are no outstanding issues to be resolved as they relate to this DVP.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

This proposal aligns with Council Strategic Priority to improve development permit processes and to streamline the overall planning approval process.

### **OPTIONS / ALTERNATIVES**

The following alternative options are available for Council's consideration:

1. Deny Development Variance Permit No. 459; or
2. Defer consideration of Development Variance Permit No. 459 pending further information to be identified.

### **CONCLUSION**

The Applicant proposes a variance from the minimum side yard setback requirements specified in the Zoning Bylaw to facilitate the construction of stairs and balconies on the existing legal non-conforming building. The variance is minor and does not increase the impact on the surrounding

neighborhood. The balconies will have the same level of impact as the existing structures. Considering these factors, staff believe that the variance will not adversely affect the neighborhood. Therefore, staff recommend that Council consider approval of Development Variance Permit No. 459.

Respectfully submitted,



Julian Loutsik  
Planner

Reviewed by,



Neethu Syam  
Planning Division Lead

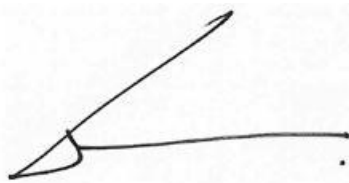
Approved by,



Anne Berry, MCIP, RPP  
Director, Planning and Development Services

#### **Comments from the Chief Administrative Officer**

I concur with the recommendation of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

- Appendix A: Draft Development Variance Permit No. 459
- Appendix B: Location and Ortho Maps
- Appendix C: Applicant's Drawing Package
- Appendix D: Applicant Rationale
- Appendix E: DVP excerpt from Planning Procedure Bylaw