

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



**DATE:** October 21, 2024

**TO:** Mayor and Council

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

**SUBJECT:** Consideration of Development Variance Permit No. 460 - 943 Lee Street (DVP00033)

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**RECOMMENDATIONS**

THAT Council:

1. Receive the corporate report dated October 21, 2024, from the Director of Planning and Development Services, titled "Consideration of Development Variance Permit No. 460 - 943 Lee Street;" and
  2. Following the Public Meeting, consider the issuance of Development Variance Permit No. 460.
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**EXECUTIVE SUMMARY**

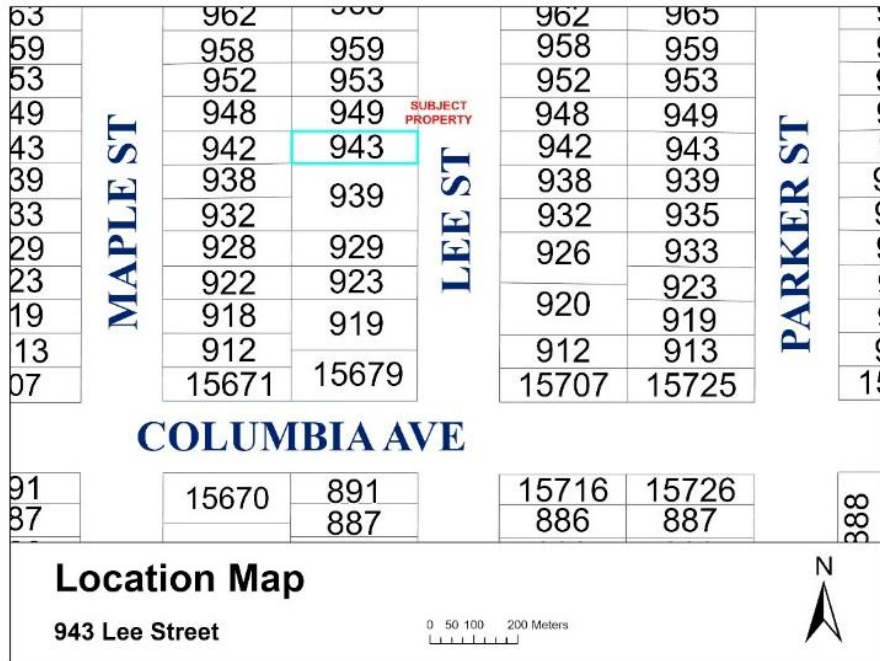
The City has received an application for a Development Variance Permit (DVP) for the subject property at 943 Lee Street. The application is to vary Zoning Bylaw regulations for interior side yard and rear yard setbacks to permit an existing ancillary barbeque structure in the rear yard. The Applicant is also seeking a variance to the maximum permitted projection into their rear and interior side yard setbacks for eaves and gutters.

Staff have considered the DVP approval process in conjunction with the nature of this application and recommend the issuance of the proposed DVP No. 460 to permit the requested setback variances.

A draft of Development Variance Permit No. 460 is attached as Appendix A. Appendix B includes location and ortho maps of the property and Appendix C provides a survey plan. Appendix D includes a drawing package which includes elevations and site photos.

**INTRODUCTION/BACKGROUND**

The property falls within the 'Mature Neighborhood' land use designation of the Official Community Plan (OCP). It is zoned as 'RS-3 (Small Lot, Hillside) SSMUH Residential Zone' under the City of White Rock Zoning Bylaw No. 2506 (2024). The property fronts onto Lee Street to the east and is surrounded predominantly by single-family homes (see Figure 1 that follows).



**Figure 1: Site Context**

**ANALYSIS**

The Applicant is seeking a variance to two sections in the City’s Zoning Bylaw to permit the use of the existing ancillary structure situated in the rear yard of a home (see Figure 2 below).



**Figure 2: Existing Ancillary Barbeque Structure on the subject property**

The Zoning Bylaw requirements and requested variances as detailed below:

**Section 4.13 Siting Exemptions and Permitted Projections**

According to Section 4.13.3 of the Zoning Bylaw, the maximum permitted projection for eaves and gutters into a rear yard setback is 1.2m, and into an interior side yard setback is 0.6m. The Applicant requests the following variances to this section of the bylaw to accommodate the existing eaves and gutters on the ancillary structure:

1. Section 4.13.3 is varied to increase the maximum permitted projection from 1.2m to 1.24m into a rear yard setback for eaves and gutters. A variance of 0.04m is requested.
2. Section 4.13.3 is varied to increase the maximum permitted projection of 0.6m to 1.2m into an interior side yard setback for eaves and gutters. A variance of 0.6m is requested.

**Minimum setback requirements in the RS-3 SSMUH Zone**

The Applicant also seeks variances to both the minimum interior side yard and the rear yard setback requirements within the RS-3 SSMUH Residential Zone. The minimum interior side yard setback requirement for an ancillary structure is 1.2m, and the minimum rear lot line setback requirement for an ancillary structure is 1.5m (see Table 1 below). The variances being sought are as follows:

1. Section 6.3.9 (1) is varied to reduce the minimum setback requirements for an ancillary structure from the interior side yard setback from 1.2m to 0.30m on the Northern lot line for an existing structure.
2. Section 6.3.9 (1) is varied to reduce the minimum setback requirements for an ancillary structure from the rear lot line setback from 1.5m to 0.24m on the Western lot line for an existing structure.

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

<b>Setback</b>	<b>Principal Building</b>	<b>Ancillary Buildings and Structures Accessory Dwelling Units</b>
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)

**Impact on Neighbouring Property**

The eaves and gutters of the existing ancillary structure are currently encroaching onto the neighboring property at 949 Lee Street. The Applicant has committed to modifying the roof of this structure to eliminate this encroachment, ensuring that all elements are entirely contained within the boundaries of the subject site. This modification is included as a condition of within the draft DVP attached as Appendix A to this staff report. Staff have not received any complaints or feedback from neighbors regarding the ancillary structure.

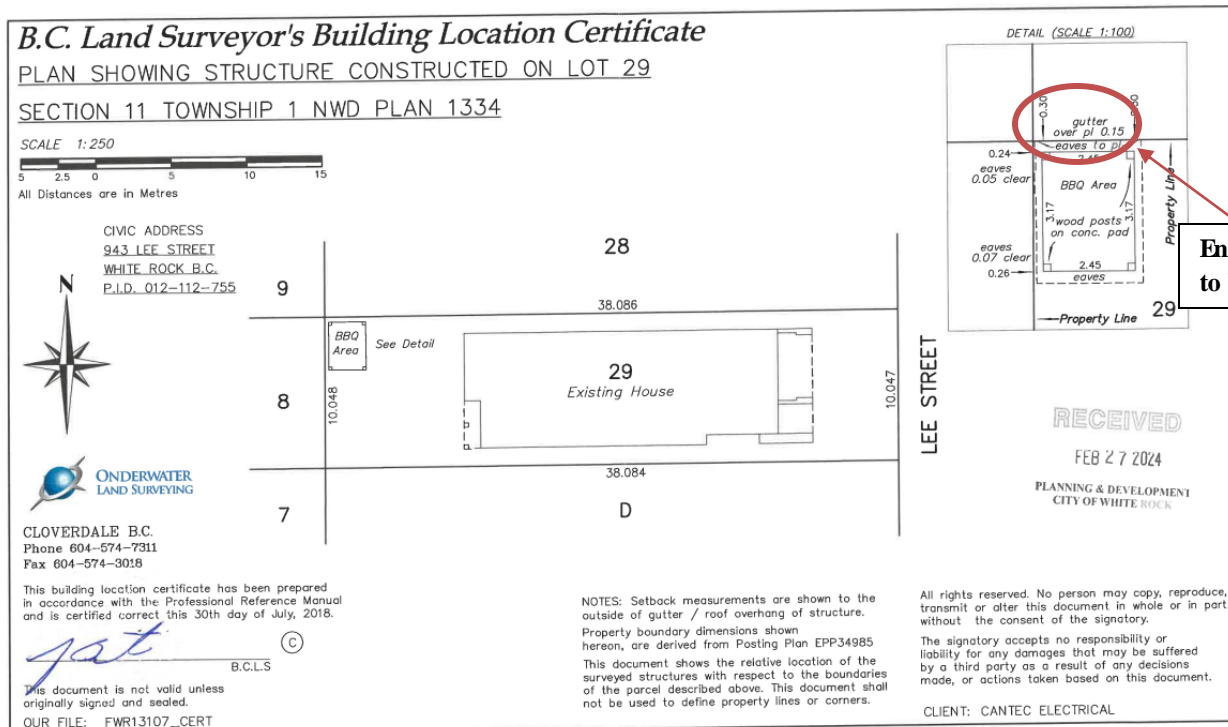


Figure 3: Site Survey with Ancillary Structure

**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 October 21, 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 an outdoor covered Barbeque area located in the rear yard of the subject property as shown in Schedule B.
- b) The Applicant must remove any encroachments or projections from the existing structure outside of the subject property.
- c) The Development Variance Permit (DVP) approval is valid under the condition that if the house is demolished or damaged beyond 75% as per the LGA the variance permit will terminate.

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

Notification in accordance with the Planning Procedure Bylaw and the LGA 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 / RISKS / ALTERNATIVES**

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

1. Deny Development Variance Permit No. 460; or
2. Defer consideration of Development Variance Permit No. 460 pending further information to be identified.

**CONCLUSION**

This Development Variance Permit application seeks relief from the minimum rear yard and interior side yard setbacks from the RS-3 (Small Lot, Hillside) SSMUH residential Zone to allow for the use of an existing ancillary Barbeque Structure at 943 Lee Street. The application also seeks to vary the maximum permitted projection for eaves and gutters into the required interior and rear yard setback areas. Considering these factors and given that requested variances are minor in nature, staff believe that the variances will not increase or adversely affect the surrounding neighborhood. Therefore, staff recommend that Council consider approval of Development Variance Permit No. 460.

Respectfully submitted,



Julian Loutsik  
Planner

Reviewed by,



Neethu Syam  
Planning Division Lead

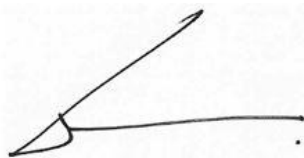
Approved by,



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

**Comments from the Chief Administrative Officer**

I concur with the recommendations of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

- Appendix A: Draft Development Variance Permit No. 460
- Appendix B: Location and Orthographic Maps
- Appendix C: Legal Survey
- Appendix D: Drawing Package
- Appendix E: DVP excerpt from Planning Procedures Bylaw