



Corporate NO: R045

Report COUNCIL DATE: February 28, 2000_

REGULAR COUNCIL

TO: Mayor & Council **DATE: February 24, 2000**

FROM: General Manager, Planning & Development **FILE: 7999-0197-00**

SUBJECT: Development Variance Permit for 9445 - 193A Street

RECOMMENDATION

It is recommended that:

1. Development Variance Permit No. 7999-0197-00 be approved, the Mayor and Clerk be authorized to sign the Development Variance Permit, and that Council authorize the transfer of the Permit to the heirs, administrators, executors, successors, and assigns of the title of the land within the terms of the Permit; and
2. Council instruct the City Clerk to forward a copy of this report to those who forwarded letters to the City objecting to this Development Variance Permit.

BACKGROUND

The City received an application to subdivide the existing site at 9445 - 193A Street into two legal properties. Prior to approving the subdivision, the Approving Officer must ensure that all of the existing structures on the property comply with the requirements of the Zoning By-law. In this case, a Development Variance Permit is required to relax the setback and lot coverage requirements with respect to the existing buildings on each of the two proposed lots. In accordance with the Municipal Act, notice of the Development Variance Permit application was circulated to the owners of the adjacent properties.

DISCUSSION

As a result of the Development Variance Permit notification process required under the Municipal Act, the property management company for Strata Corporation of 19325 - 94 Avenue and the owner of a unit in one of the buildings within the same development located immediately to the west of the subject site, submitted correspondence regarding the subject site (see map attached). A copy of each of the letters is attached.

The comments in the letter were not directly related to the proposed variances, but rather focused on the existing use of the site particularly noise and vibration issues. Since the issues raised pertained to the existing use of the site, the By-law Enforcement & Licensing Section is investigating the noise and vibration issues, and are dealing with the property owners to determine if some means of resolving the concerns is possible. By-law & Licensing staff have investigated complaints related to noise and vibration on this site previously and, due to legal non-conforming rights, the site was deemed to meet Municipal regulations. The owner of Mac Chain, the applicant for the Development Variance Permit, was advised of the concerns expressed by the adjoining property owners. The owner has advised Planning & Development staff that he had previously upgraded the supports of the press machine to mitigate noise and vibration problems. He is amenable to suggestions to further mitigate the noise and vibration concerns expressed by the adjoining property owners.

The requested variances for increased lot coverage and reduced setbacks are required in order for the Approving Officer to approve the proposed subdivision. No further buildings can be constructed on the properties due to the setback, lot coverage and floor area ratio restrictions of the Light Impact Industrial Zone regulating the site. Furthermore, the setback relaxation applies to the new lot line only. Therefore there should be no additional impact on the adjacent property to the west as a result of approving the Development Variance Permit.

CONCLUSION

Staff have reviewed the letters received as a result of public notification in relation to the subject Development Variance Permit application. The concerns expressed in the correspondence are being addressed by By-law Enforcement and Licensing staff. As none of the concerns expressed relate directly to the requested variance, it is recommended that Council pass the necessary resolution to issue the Development Variance Permit.

Murray D. Dinwoodie

General Manager

Planning & Development Department

LAP/bea

Attachs.

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