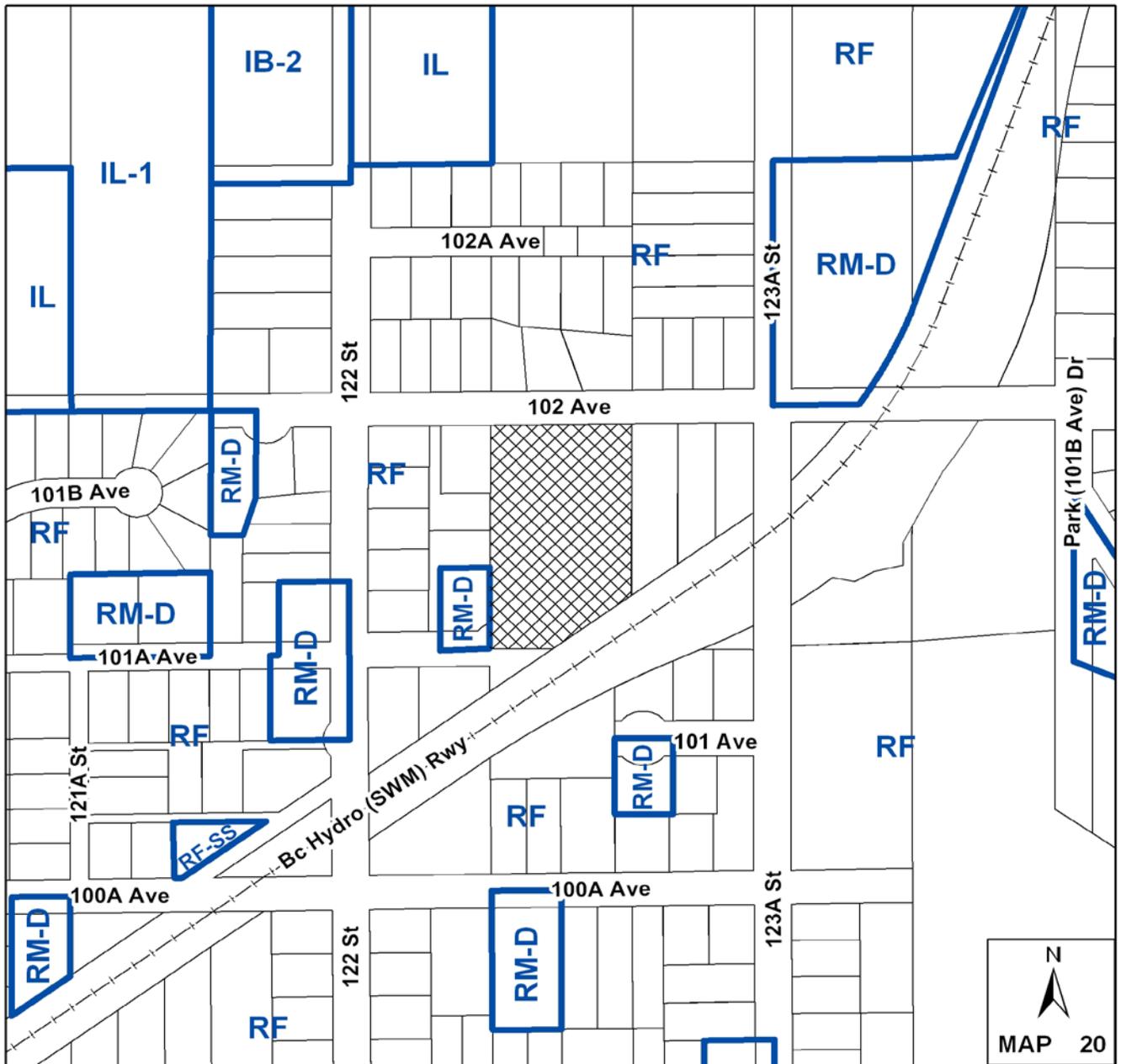


Proposal: Development Variance Permit to relax the minimum panhandle width for 4 proposed single family lots.

Recommendation: Approval to Proceed

Location: 12244 - 102 Avenue **Zoning:** RF
OCP Designation: Urban **Owners:** Ernest and Milena Crepnjak



PROJECT TIMELINE

Completed Application Submission Date: November 28, 1996
Revised Application Date: December 14, 2005
Planning Report Date: July 24, 2006

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulation:
 - to relax the minimum width of 4 proposed panhandle lots from 4.5 metres (15 ft.) to 3.0 metres (10 ft.)

in order to allow subdivision into approximately 9 single family lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7996-0292-00, (Appendix V) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum width of 4 proposed panhandle lots (for proposed Lots 2, 3, 7 and 8) from 4.5 metres (15 ft.) to 3.0 metres (10 ft.).

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix V).
Department of Fisheries and Oceans:	Support subject to finalization of a compensation plan and the overall Master Drainage Plan for this area.

SITE CHARACTERISTICS

- **Existing Land Use** Single family residential.
- **Significant Site Attributes** The site slopes down from south to north. A BC Gas right-of-way runs along the east property line, there are large trees and drainage channel along the west property line.
- **East:** Across the BC Gas right-of-way, single family residential, zoned RF, designated Urban.

- **South:** Across BC Hydro Rail right-of-way, non-conforming duplex, zoned RF, designated Urban.
- **West:** Single family residential, zoned RF and a duplex zoned RM-D, both designated Urban.
- **North:** Across 102 Avenue, single family residential, zoned RF, designated Urban.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- A subdivision application was submitted to the City on November 28, 1996. It proposed an eight-lot single family subdivision, which included two panhandle lots accessing 101 Avenue and two panhandle lots accessing 102 Avenue.
- Planning staff conducted an inspection of the subject property and noted a large number of mature cedar trees on the west side of the site, with a yellow-coded watercourse running along the west property line. It was noted that the watercourse had eroded the land under some of the cedar trees.
- Upon further investigations, the applicant advised that the yellow-coded creek was established as a result of a culvert that was installed on or about 1957 by BC Hydro, under the railway tracks which runs along the south-east frontage of the site and that fill was placed over the BC Gas line along the east property line to direct flows toward the west side of the lot.
- Since the application and subsequent request for information, the applicant has been negotiating with the various companies, government agencies and the City with respect to the changes to the drainage course and an acceptable compensation plan to mitigate potential impacts on the downstream watercourse.
- Earlier this year, the Department of Fisheries & Oceans accepted a detailed habitat compensation plan prepared by the applicant's environmental consultant and approved in principle the enclosure of this watercourse.

Current Proposal

- With the resolution of the watercourse issue along the west property line, the applicant submitted a revised subdivision layout. This layout proposes three lots fronting a proposed cul-de-sac on 101 Avenue and six lots fronting 102 Avenue, with four of the proposed six lots having frontage and driveway access provided by panhandles.

- The proposed layout, however, requires Council approval of a Development Variance Permit to reduce the minimum width of a panhandle from 4.5 metres (15 ft.) to 3.0 metres (10 ft.). A 6-metre (20 ft.) wide paved private common driveway (secured through a registered easement) is proposed to be constructed to service the proposed panhandle lots.
- Generally panhandle lots are discouraged, however, there are instances that warrant consideration of such a subdivision solution.
- Based on City Policy No. 0-15 regarding panhandle lots, the approval of panhandle lots may be considered in areas where:
 - The lot configuration is so restrictive that the lot yield will be substantially reduced without creating panhandle lots; and
 - The panhandle lot is the best solution to some severe physical constraints of the site to provide physical access in addition to the legal frontage.
- The site is constrained due to the gas right-of-way along the east property line and the railway line along the south property line.
- In addition, City Policy No. 0-15, states, "where panhandle lots are created in urban areas, the buildable area of the [panhandle] lot should be substantially larger than the required minimum so as to alleviate the negative impact on the adjacent lots".
- The two eastern proposed panhandle lots are oversized, primarily due to the gas right-of-way being located within the proposed rear yards. The two western proposed panhandle lots are not as deep and, therefore, are only slightly over-sized but the lot lines align with the lot lines of the adjoining panhandle lots to the west.
- The proposed lot configuration consisting of 4 panhandles rather than a cul-de-sac results in an efficient subdivision without added maintenance costs for the City in the future.
- The Fire Department has been consulted with regards to the proposed lot configuration and has advised that provided the addressing signage is clear, they have no concerns.
- Panhandle lots have been previously approved in this area. Two of the four adjoining properties to the west have panhandles.
- A preliminary lot grading plan has been submitted and will be finalized should the DVP be granted approval to proceed.

PRE-NOTIFICATION

In accordance with Council policy, a Development Proposal Sign was erected on the property. Staff received a number of telephone calls and letters from the surrounding property owners expressing the following concerns with respect to the proposal:

- There is a creek running through the west side of the property which will be impacted by the proposed subdivision.

(There is a yellow coded watercourse which runs parallel to the west property line. This watercourse is fed through a culvert under the railway right-of-way, and diverts the upland ground water through the subject property. This watercourse has been culverted north of 102 Avenue. The Department of Fisheries and Oceans has accepted a detailed habitat compensation plan prepared by the applicant's environmental consultant and has approved in principle the enclosure of the watercourse, which will be removed if the subdivision finalizes.)

- There are mature trees on the property

(There are some large cedars along the west property line which will not survive if the creek is filled-in. The preliminary arborist's report indicates that there are 47 mature trees of which 43 will need to be removed. The arborist report proposes 24 replacement trees with an average of 3.11 trees per lot.)

- There are protected mammals, reptiles and amphibians on this property.

(The applicant's environmental consultant conducted a survey of the existing species and possible habitat for protected species on the subject property. Species observed, or expected to occur, within the property include small, predominantly non-native rodent species that are typical of residential developments such as the area surrounding the property. The investigation included the potential presence of several specific wildlife species including eagles, spotted frog and badger. It was concluded that none of these species occur on the site.)

- There are raptors nesting in the trees.

(The applicant's environmental consultant conducted a bird and nesting survey, and no raptor or heron nests were found on the property and the site was free of nesting birds at the time of the survey.)

- The City should purchase this property as a park.

(Parks, Recreation and Culture staff have reviewed the parks requirement in the area. As there is already Robson Park to the east on the other side of the tracks where additional land was recently purchased. Parks, Recreation & Culture do not support acquiring the property for park purposes.)

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To relax the minimum width of 4 proposed panhandle lots from 4.5 metres (15 ft.) to 3.0 metres (10 ft.).

Applicant's Reasons:

- Due to the slope of the land, the applicant advised it would be difficult to service the "downhill" panhandle lots by a gravity connection from 101A Avenue. The subdivision layout was amended so that the interior lots could be serviced by gravity from 102 Avenue.

Staff Comments:

- The Zoning By-law specifies the minimum frontage of a lot shall be no less than 4.5 metres (15 ft.). The Approving Officer is not permitted to relax this requirement.
- The initial application proposed to have two panhandle frontages on 102 Avenue and two panhandle frontages on 101A Avenue. This previous layout provided the minimum 4.5-metre (15 ft.) width requirement for all four lots. To address the servicing of the site, the layout was revised and an additional lot was proposed along the southern property line.
- Staff can understand the difficulty in servicing properties with topographic constraints, and as the adjoining properties to the west are also panhandle lots, staff can support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Proposed Subdivision Layout
Appendix IV.	Initial Subdivision Layout
Appendix V.	Engineering Summary
Appendix VI.	Development Variance Permit No. 7996-0292-00
Appendix VII.	Building Design Guidelines Summary
Appendix VII.	Summary of Tree Survey and Tree Preservation
Appendix IX.	City Policy No. O-15

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated July 5, 2006.
- Building Scheme dated August 7, 2005.
- Tree Survey Plan dated April 2005.
- Arborist Report by Randy Greenizan dated April 6, 2005.
- Lot Grading Plan dated August 24, 2005.
- Bird Survey prepared by ECL Envirowest dated June 29, 2005.

- Fish & Wildline Survey prepared by Envirowest dated March 20, 2006.

How Yin Leung
Acting General Manager
Planning and Development

LAP/kms

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SUBDIVISION DATA SHEET

Existing Zoning: RF

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	2.21 ac
Hectares	.8945 ha
NUMBER OF LOTS	
Existing	1
Proposed	9
SIZE OF LOTS	
Range of lot widths (metres)	15 metres to 38 metres
Range of lot areas (square metres)	578 m ² to 854 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	10 lots/ha 4 lots/ac
Lots/Hectare & Lots/Acre (Net)	10 lots/ha 4 lots/ac
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	40%
Estimated Road, Lane & Driveway Coverage	15%
Total Site Coverage	55%
PARKLAND	
Area (square metres)	
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	YES
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Panhandle Width	YES

CONTOUR MAP FOR SUBJECT SITE

