


Report

Date	January 20, 2021	Prospero No. DVP00061
To	Council	Folio No. 06000-000
From	Chris Hutton, Community Planning Coordinator	File No. 3080-20 20.09
		Endorsed:
		
Subject	Development Variance Permit Application No. DVP00061 for 3191 Sherman Road.	

Purpose

To consider granting a variance to the Zoning Bylaw to reduce the minimum rear yard setback for a principal building located at 3191 Sherman Road from 8.0 metres to 3.08 metres.

Background

Land Use Context:

The subject property is 1.21 ha (2.99 ac) in size, located within the Urban Containment Boundary, and owned by the Municipality of North Cowichan. Council recently approved a lease over part of this parcel to the Community Land Trust of BC for the preparation of a 92 unit (34 townhouse and 58 apartment) development funded under the BC Housing Community Housing Fund (“the housing project”).

This parcel was the subject of a Zoning Bylaw Amendment in 2016 to rezone part of the property to a new Mixed Use Residential (CD15) zone where the housing project is planned. The remainder of the property, presently leased by the Duncan Curling Club, is zoned Public Use (PU). Attachment 3 shows the zoning arrangement as follows:

- A 0.4 ha (1.0 ac) portion of the subject property in the southwest corner is zoned Public Use (PU) and contains a curling rink and parking facilities.
- The L-shaped 0.81 ha (1.99 ac) area zoned Mixed Use Residential Zone (CD15) and is the site of the future housing project.

The property is in the process of being subdivided along the zoning boundary to create separate legal parcels for the housing project and curling facility. (Attachment 4)

Proposal:

Section 79(2)(a) of the Zoning Bylaw specifies that “where the lot abuts residentially-zoned land, the yard, side, or the yard, rear, shall be 8.0 m (26.25 ft) in depth”. Subdivision of the property along the zoning boundary will therefore require the existing curling club building to be a minimum of 8.0 metres from the new proposed subdivision boundary between the proposed curling club and housing project properties. As the curling club building is only setback 3.08 metres (10.1 ft.) from the new proposed property boundary between the new curling club lot and the housing project lot, the subdivision cannot

be approved by the Subdivision Approving Officer as proposed unless the setback requirement is relaxed.

TL Housing Solutions (the development coordinating organization for the housing project and the applicant for this variance) has provided a letter of rationale with their application in Attachment 5.

Discussion:

The proposed variance only impacts the new housing project. Existing residential properties adjacent to the site are not affected by the requested setback relaxation.

The requirements for landscaping and hardscaping in the DPA-1 guidelines, which apply to the community housing project are designed to mitigate any impacts by creating an ambient, human-scaled environment, and providing safe, usable space for both pedestrians and loading access. Attention has been given to the vehicle access and loading doors at the side and rear of the Curling Club in the design of the housing project, which shall be regulated through the development process and on completion of the housing project. The following images illustrate the relationship between the buildings and the landscape treatments.

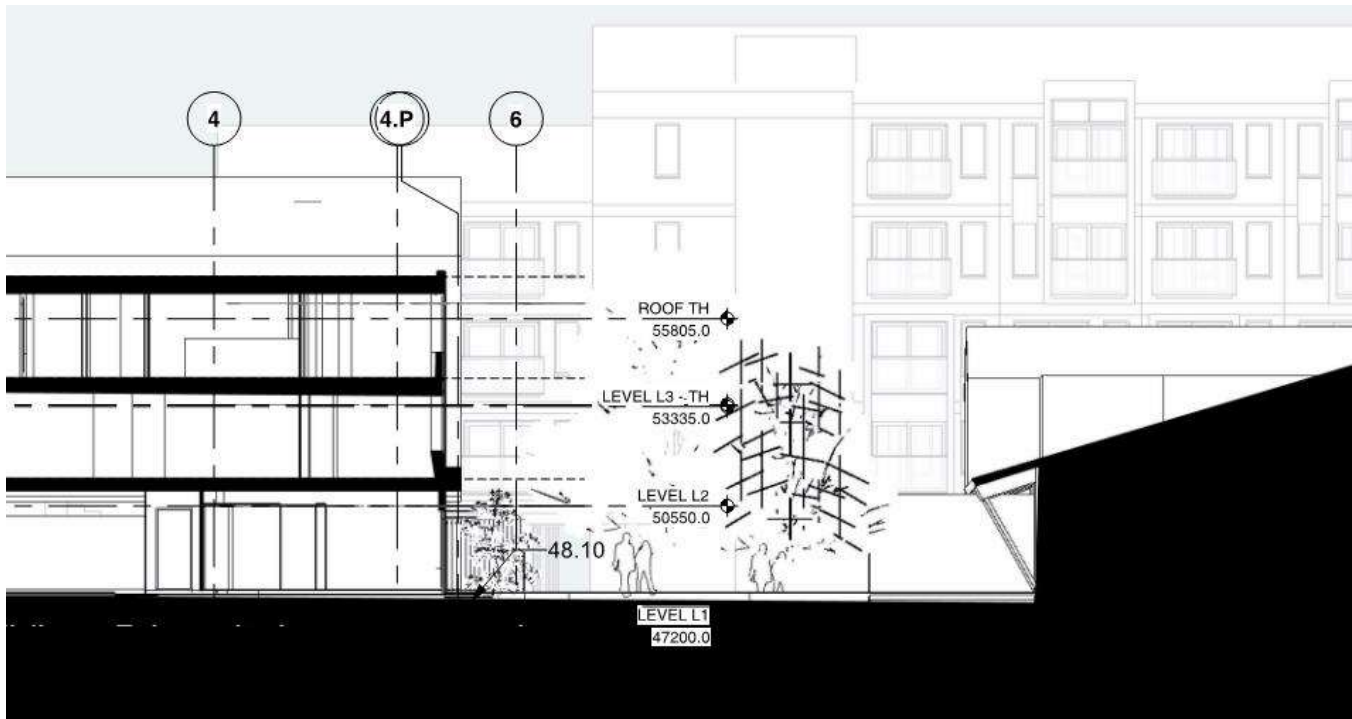


Figure 1: Section View Looking East

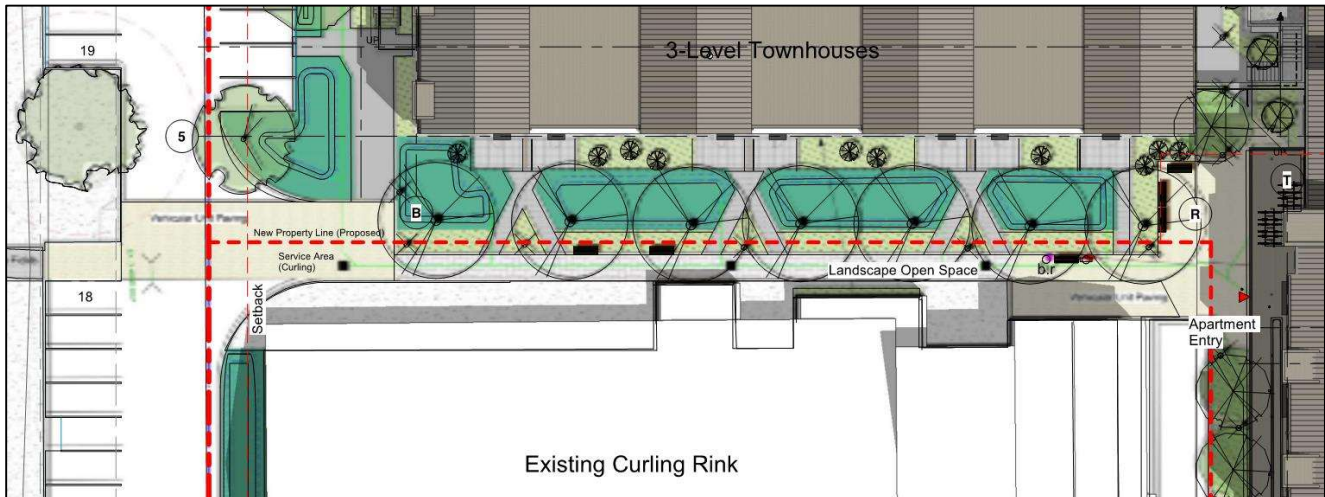


Figure 2: Landscape Plan View

As the requested variance facilitates development of the housing project, does not impact any existing residential properties, and has been addressed in the design of the housing project, granting of the requested variance is recommended.

Communications and Engagement:

Neighbouring properties within a 60 metre radius of the subject property have been notified of this application, as well as the date, time and location where Council will consider the variance application. Public input received in response to the notification will be provided to Council.

Options

- Option 1: (**Recommended**) That Council authorize the issuance of a development variance permit for 3191 Sherman Road and grant the variance to section 79(2)(a) of Zoning Bylaw 2950 by reducing the minimum permitted rear yard setback for an institutional building abutting a residential parcel from 8.0 metres to 3.08 metres.
- Option 2: (Alternative) That Council deny issuance of a development variance permit for 3191 Sherman Road to vary section 79(2)(a) of Zoning Bylaw 2950 to reduce the minimum permitted rear yard setback for an institutional building abutting a residential parcel from 8.0 metres to 3.08 metres.

Implications

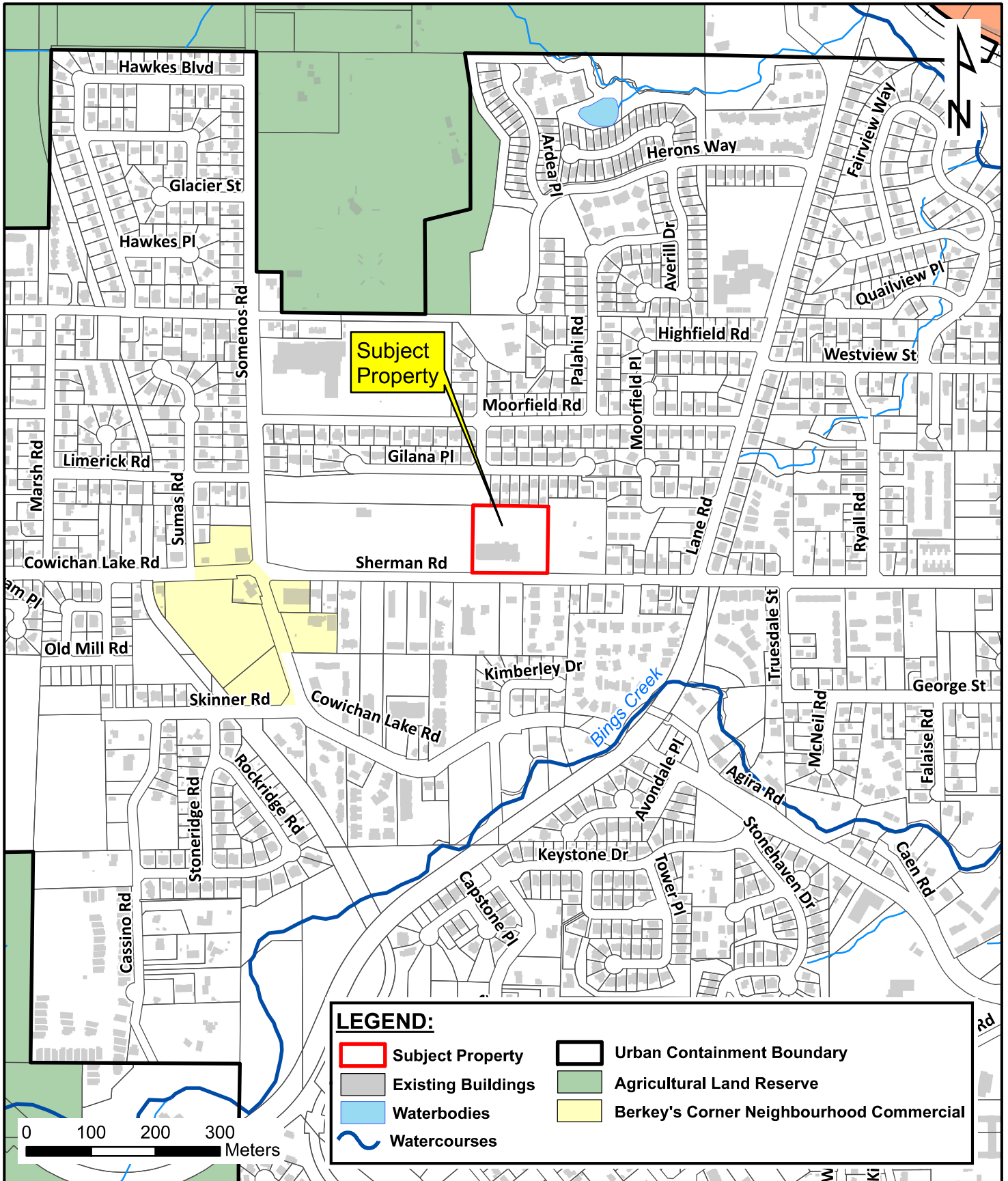
If the requested variance is not granted, the subdivision and housing project could not proceed as currently proposed. Redesigning the housing project or abandoning the subdivision will potentially impact the construction timeline and viability of the housing project.

Recommendation

That Council authorize the issuance of a development variance permit for 3191 Sherman Road and grant the variance to section 79(2)(a) of Zoning Bylaw 2950 by reducing the minimum permitted rear yard setback for an institutional building abutting a residential parcel from 8.0 metres to 3.08 metres.

Attachments:

1. Location Map
2. Orthophoto
3. Zoning Map
4. Proposed Variance
5. Letter of Rationale from Applicant
6. Site Photos
7. Draft Variance Permit



LOCATION MAP

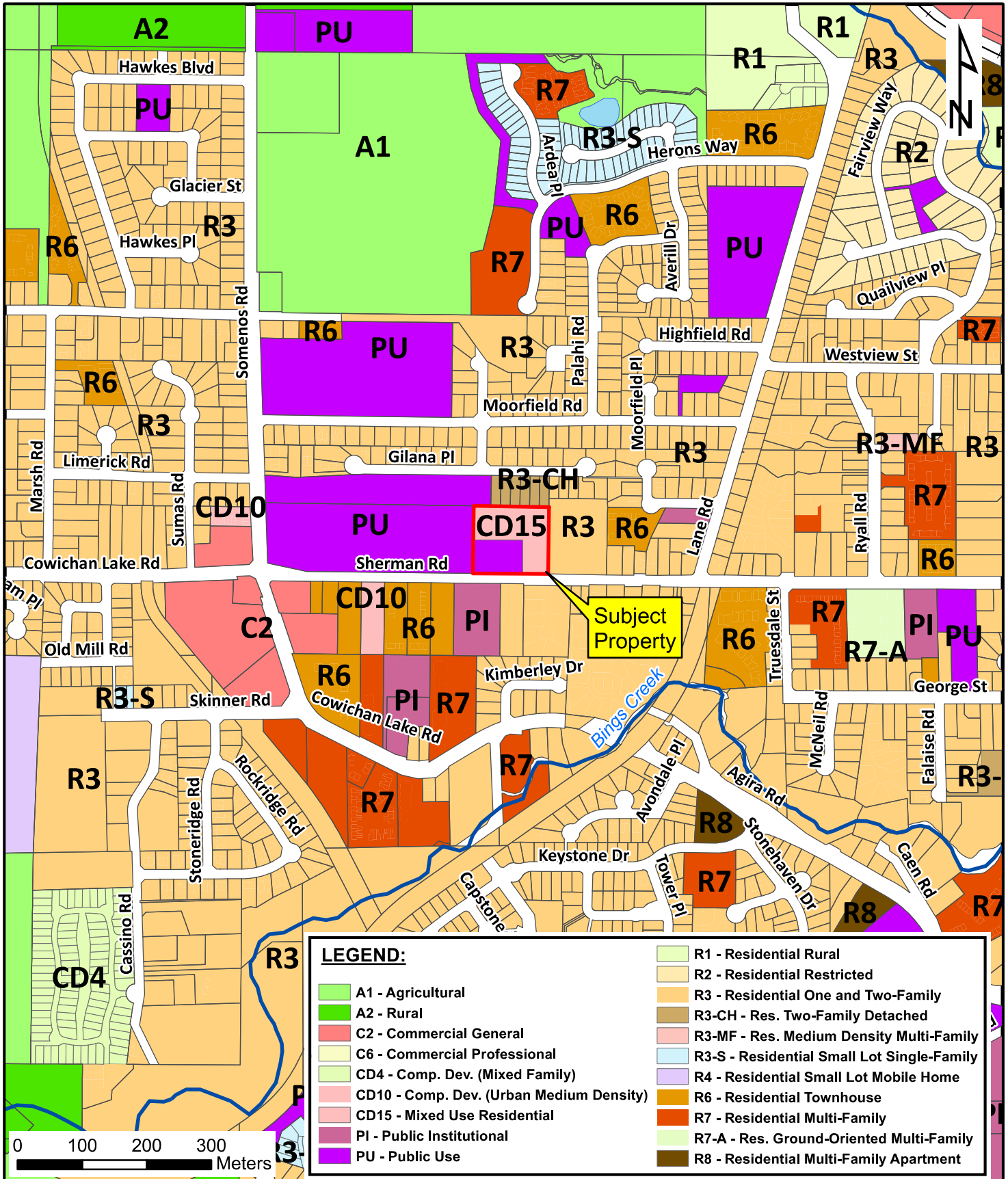
3191 Sherman Road

DATE:	December 10, 2020
TYPE:	Development Variance Permit
FILE#:	DVP00061



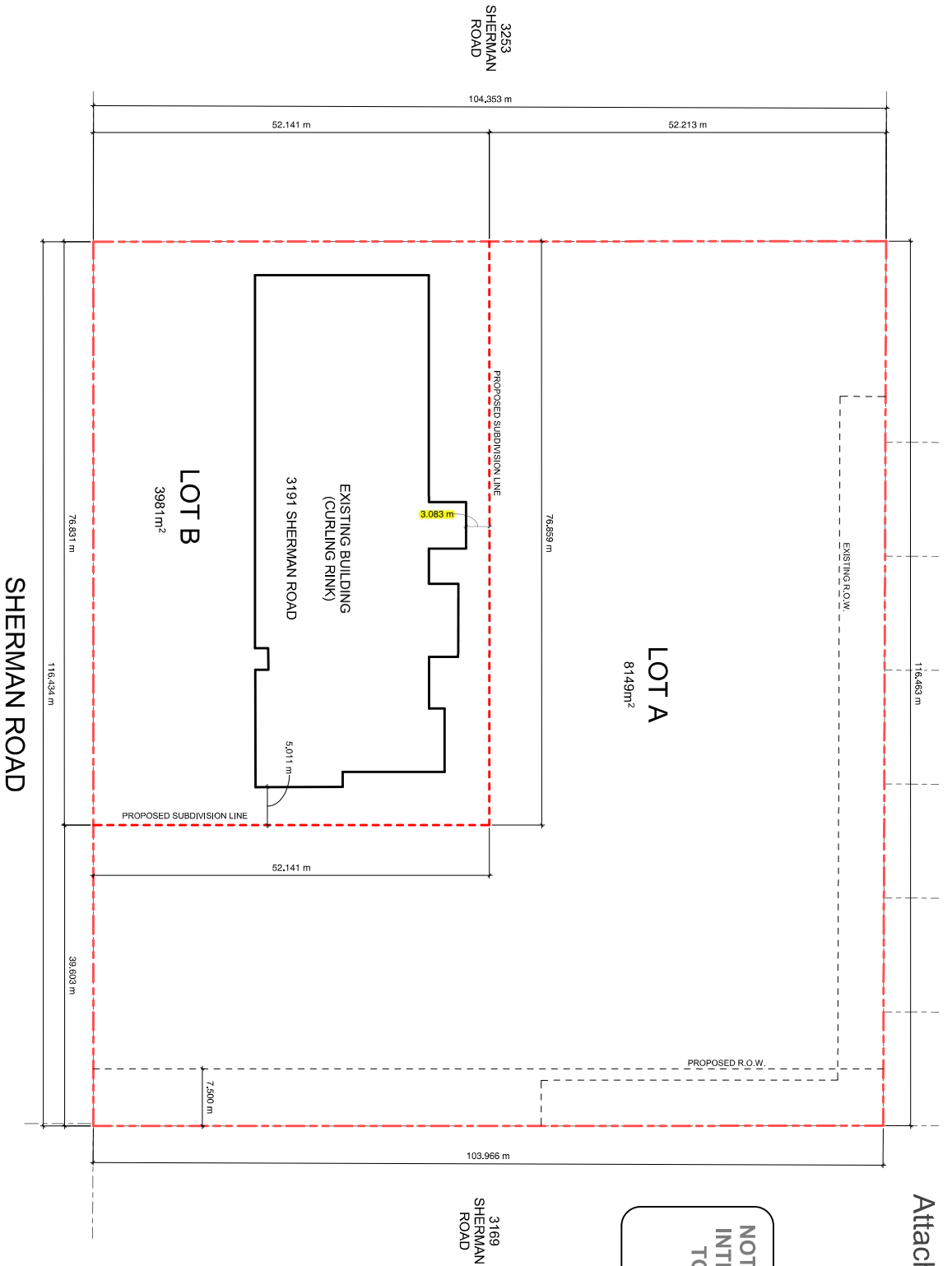
ORTHO PHOTO MAP
 (Orthophoto is from 2019 aerial photography)
 3191 Sherman Road

DATE:	December 10, 2020
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ZONING MAP
3191 Sherman Road

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NOTE: THIS DRAWING IS NOT INTENDED FOR SUBMISSION TO LAND TITLES OFFICE. FOR REVIEW AND INFORMATION ONLY



LOW HAMMOND ROWE ARCHITECTS



TL HOUSING SOLUTIONS



NORTH COWICHAN FAMILY HOUSING

SITE PLAN - SUBDIVISION

3191 SHERMAN ROAD, DUNCAN BC
ISSUED FOR MUNICIPAL REVIEW - SUBDIVISION
OCT 15, 2020

SCALE
OCT 15, 2020
1 : 250



SUITE 1212, 450 SW MARINE DRIVE 604 301 3999
VANCOUVER, BC, CANADA V5X 0C3 TLHOUSINGSOLUTIONS.CA



Attention: Chris Hutton

Community Planning Coordinator, Municipality of North Cowichan
7030 Trans Canada Hwy, Duncan BC V9L 3X4

October 26, 2020

Via Email

Re: Rationale for Development Variance Permit Application - 3191 Sherman Road

Dear Mr. Hutton,

Please accept this Development Variance Permit (DVP) application rationale for the proposed project at 3191 Sherman Road. The development is comprised of both townhouses and a 5-storey multi-unit apartment building, dedicated to affordably house families, individuals, and couples in North Cowichan. The project is a partnership between the Community Land Trust and TL Housing Solutions, with BC Housing as a central funding agent.

The proposed project aligns with the Official Community Plan (OCP) policies. It complies with the building height requirements set out in the zoning bylaw. This project has been designed to reflect the character of the surrounding neighborhood, both in terms of massing and placement, as well as by using neutral-toned materials and wood accents. The building design has been further revised over the last 12 months in response to two separate rounds of municipal staff feedback on the development permit application package.

Concurrent with the subdivision application, we are requesting a development variance permit issuance to relax the rear yard setback requirements of the curling rink, currently under Public Use (PU) zone, from 8 m to 3 m. Per the DP review comments from staff, we understand that the variance requirement was prompted by the second DP application review by staff (conducted in Spring/Summer 2020) and relates to the subdivision application submitted in March 2020 at the direct request of municipal staff. For reference, we have attached the site plan reflecting the boundary line similar to what is reflected in the DP package submitted in March 2020. The setback does not vary the use and permitted densities of the involved properties, and does not impact the use and enjoyment of the adjacent land.

Thank you for your time and continued collaboration on this project. Please feel free to contact me with any questions.

Sincerely

A handwritten signature in black ink, appearing to read "Lauren Antifeau", written in a cursive style.

Lauren Antifeau
Development Manager

TL Housing Solutions: E - Lauren.Antifeau@TLHousingSolutions.ca

Attachment A

Diana Jerop

Subject: FW: DP000172

From: Chris Hutton <chris.hutton@northcowichan.ca>

Sent: Thursday, July 23, 2020 3:44 PM

To: Lauren Antifeau <Lauren.Antifeau@tlhousingsolutions.ca>Cc: Mairi Bosomworth <Mairi.Bosomworth@northcowichan.ca>; Rob Conway <rob.conway@northcowichan.ca>;Michele Gill <michele.gill@northcowichan.ca>; Alyssa Meiner <alyssa.meiner@northcowichan.ca>

Subject: RE: DP000172

[EXTERNAL EMAIL]:

Hi Lauren,

The following comments must be addressed in response to your resubmitted drawings dated in April for the above noted DP application.

- It is necessary to address the need for a variance in relation to the concurrently proposed subdivision by amending this Development Permit application to include a variance request to reduce the rear yard setback of the PU zone for the curling club from 8 m to 3 m. Alternatively, a Development Variance Permit is required.
- The landscape plan should clearly articulate what off-site services will be constructed by the applicant. Any property that includes off-site work must be noted in this application.
- The construction of rain gardens west of 3191 Sherman Road is not supported unless the design is demonstrated to be safe from falling hazards, given the proximity of the playing surface.
- This is a very green area, with an emphasis on recreational/youth-oriented services. The building's choice of materials and color palette strike a monotonous, urban tone that does not respond well to the surrounding built and natural environment. The following are suggested to improve this:
 - An alternative colour and materials palette that better reflects the building's location in in the centre of an active green space. This could include broader, more vibrant colour palette and textural or color differentiation of cornice lines.
 - Greater diversity of visual interest to disrupt monotonous wall faces is needed.
 - Integrate space for public art along the ground floor. BCH has grants for public art and there is an opportunity to highlight this in the blank panels along the ground floor parking screening sections. These sections should be finished and framed in a way that will facilitate this.
- A wayfinding signage plan is required to direct motorists accessing the west access to the soccer fields, curling club and the housing address.
- The curling club requires vehicle access to rear doors at the west *and east* sides of their building. Any hardscaping in in this area must be level, and drivable from their east access.
- No planting list has been provided to date. A list and estimate are needed to ensure that the plantings are:
 - Native species which are pest and disease resistant;
 - Drought tolerant;
 - Take into account their solar exposure;
 - Deciduous on the south and west sites and coniferous on the north side.

- Quote provided for maintenance bonding.

All lighting must be demonstrated to be dark-sky compliant and not contribute to light-spill.

Sincerely,

Chris Hutton, MCIP, RPP
Community Planning Coordinator
Development and Engineering Services | Planning
Municipality of North Cowichan
chris.hutton@northcowichan.ca
T 250.746.3155

www.northcowichan.ca

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Development Variance Permit

Permit No: DVP00061/19.27
Registered Owner: The Corporation of the District of North Cowichan
Subject Property: 3191 Sherman Road **Folio:** 06000-000
Description of Land:
Parcel Identifier: 003-809-510
Legal Description: Lot 2, Section 1, Range 4, Somenos District 7663
Proposal: **To Vary Section 79(2)(a) – Reduce Rear Yard Setback for Subdivision**

1. This permit is issued subject to compliance with all relevant District of North Cowichan bylaws.
2. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').
3. Pursuant to Section 498 of the *Local Government Act* (RSBC 2015, c. 1), this permit varies Section 79 (2)(a) of Zoning Bylaw No. 2950, 1997 by reducing the required rear yard setback for a building abutting a residential area from 8.0 metres to 3.08 metres.
4. The Lands subject to this permit shall be developed strictly in accordance with the terms and conditions of this permit and in accordance with Schedule 1 – Proposed Site Plan
5. This permit is not a building permit.
6. Pursuant to section 504(1) of the *Local Government Act*, this permit lapses two years from date of issue if the holder of the permit does not substantially start any construction with respect to which this permit is issued.

Date of Development Variance Permit Approval/Issue by Council or its Delegate:

This permit was approved on **January 20, 2020** and issued on **January 27, 2021**.

This permit expires on **January 27, 2023**.

The Corporation of the District of North Cowichan



Designated Municipal Officer

