

REQUEST FOR DECISION

TO: Council **MEETING DATE:** September 4, 2024
FROM: Ian Holl, Development Planning Manager
SUBJECT: Development Permit with Variance for 4686 Sunshine Coast Highway
FILE NO: 3090-2024-14

RECOMMENDATION

That Development Variance Permit 2024-14 be approved and issued.

PURPOSE

The owners of the property have applied for a development variance permit to increase the allowable height for a single-detached dwelling that is under construction on the property. The building permit was approved with zoning compliance. However, the plans were not specifically adhered to and the builder made an error in the construction. The dwelling was constructed over height as a result though only by approximately 0.4 m.

OPTIONS

1. Deny the application.

DISCUSSION

Summary

A stop work order was issued by the Building Department in May 2024 due to the discovery of the over height issue and subsequently a Development Variance Permit application (DVP) was requested to allow a height increase from 8.5 m to 8.9 m for the dwelling.

It should be noted that the building will also appear higher due to the requirements of the Flood Construction Level (FCL) as determined by a site-specific geotechnical assessment. In this case the building site was required to be raised by approx. 2 m to meet the FCL requirement. Once the FCL has been determined then the building height is calculated from the top of the FCL in accordance with the zoning bylaw regulations.

Legislative Context

Local governments have the authority to consider applications by owners to vary provisions of a bylaw as outlined in Division 9 (Development Variance Permits) of the *Local Government Act*. A local government may vary a land use regulation in accordance with applicable guidelines however, the level of density or use of the land may not be altered.

Background

Table 1 – Application Summary

Applicant	Andy Sangha, Dreamline Construction Inc.
Owner	Balwinder Kaur Brar Lougheed
Civic Address	4686 Sunshine Coast Highway
Legal Address	LOT 3 BLOCK 4 DISTRICT LOT 1356 PLAN 7006, PID 010-741-429
Size of Properties	~724 m ²
OCP Designation	Low Density Residential
Zoning Designation	R1
DP Areas	N/A

ANALYSIS

While the original intent was to comply with the Zoning Bylaw height regulation, the builder made an error and managed to go over height by a small margin. In response to the Stop Work Order, staff noted that a Development Variance Permit application would be one option to pursue as an alternative to modifying the building to comply with the bylaw. The Province created the Development Variance Permit process to deal with bylaw compliance situations both before and after they have occurred.

Seven comments have been received from the public notification process. None of them support the variance. These comments represent neighbours who are concerned with the height of the building and lack of compliance with the Zoning Bylaw. This represents a level of public concern over the application that would provide a rationale for denying the application.

Given the FCL issue noted above, the building would appear to be higher even if the 8.5 m height was adhered to. Overall, this could be considered a relatively minor variance. As other properties are redeveloped, new dwellings would also be subject to FCL requirements.

It is also justifiable for Council to deny the variance and require the applicants to comply with the zoning bylaw and original permit requirements.

POLICY AND BYLAW IMPLICATIONS

The proposed development is generally consistent with OCP and Zoning Bylaws, with the exception of the minor increase in height. A variance would be required to bring the development into full compliance with the Zoning Bylaw.

SUSTAINABILITY PLAN IMPLICATIONS

None.

STRATEGIC PLAN IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

COMMUNICATIONS

Owners and occupiers within 100 m of the subject property were notified of the intention for Council to consider Development Variance Permit 2024-14 as required under Section 499 of the *Local Government Act* and Planning Procedures Bylaw No. 566, 2018.

Seven comments have been received to date and are included in Attachment 2.

Respectfully submitted,

Ian Holl, MCIP, RPP

Development Planning Manager

Attachments:

- 1 - Development Variance Permit 2024-14
- 2 - Public Comments