



# City of Port Moody

## Report/Recommendation to Council

Date: December 21, 2022  
Submitted by: Community Development Department – Development Planning Division  
Subject: Development Variance Permit– 111 Jacobs Road (Arben Durmishaj)

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### Purpose

To present for Council consideration, a Development Variance Permit (DVP) application to vary the Zoning Bylaw, 2018, No. 2937 to facilitate the construction of two single family dwellings in connection with a rezoning application through variances to the Front Lot Line Setback and the Riparian Transition Area (RTA) setback.

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### Recommended Resolution(s)

**THAT Development Variance Permit DVP00010 be approved as recommended in the report dated December 21, 2022, from the Community Development Department – Development Planning Division regarding Development Variance Permit (DVP00010) – 111 Jacobs Road (Arben Drumishaj);**

**AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required to issue Development Variance Permit DVP00010.**

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### Background

At the July 26, 2022, Regular Council meeting, Council gave first and second readings to City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No.73, No. 3374 to rezone the property at 111 Jacobs Road from Single Detached Residential (RS1) to Single Detached Residential Small Lot (RS1-S) to facilitate a subdivision of the existing property into two side-by-side lots.

To enable the two-lot subdivision proposal to proceed, two variances to Zoning Bylaw, 2018, No. 2937 are being requested by the applicant to accommodate the Riparian Protection and Enhancement Area (RPEA) at the rear of the property:

1. Section 8.5.3(d) – A reduction to the front lot line setback from 6 m to 3.7 m is requested to allow the proposed dwellings to be moved forward away from the watercourse and ensure sufficient area for the RPEA at the rear of the proposed lots.

2. Section 5.4.5 – A reduction in the Riparian Transition Area (RTA) setback on the south lot line from 5 m to 3.2 m. The applicant is proposing to reduce the setback at one end of the lot and increase it on the other to offset the requested partial setback reduction and to achieve an overall no-net loss of the RTA area.

To allow this requested setback reduction and enable the siting of the two proposed houses, a draft DVP has been prepared for Council's consideration and is included as **Attachment 1**. A site plan is attached as Schedule "A" to the draft DVP illustrating the two requested variances.

## Discussion

The subject property is within Development Permit Area 4: Environmentally Sensitive Areas (i.e., areas with Zoning Bylaw setbacks for an unlisted stream). An environmental report prepared by a Qualified Environmental Professional (QEP) indicates that the watercourse is a Class B stream (provides a significant source or potentially significant sources of food and nutrients to downstream fish populations) and is part of the Wilkes Creek catchment area. As per the Zoning Bylaw, under section 5.4.5 – Minimum Riparian Management Setbacks for unlisted streams "B" classified, requires a 10 m RPEA and a 5 m RTA measured from the top of bank. A ditch is also located within the road right-of-way along the front of the property which requires a 5 m setback and is intended to be met with the proposed subdivision.

The applicant and his QEP have worked with staff to reduce the front lot line setback (6m to 3.7m) and refined the site plan to accommodate a no-net loss in the RTA, by using a flex approach, where the applicant is reducing the required RTA setback in one area and providing more RTA in another section of the site as an offset to achieve an overall no-net loss. Please refer to the proposed site plan in **Attachment 2**.

The City's environment and engineering staff have reviewed the proposal and support the proposed variances. The proposal aligns with Official Community Plan policies for watershed health and riparian area protection and meets the intent of the Zoning Bylaw. The flex approach the applicant is proposing offers an overall no-net loss to the Riparian Management Zone which would include both the RPEA and RTA. Other Development Permit Area 4 Guidelines will also apply, including restoration planting, invasive species removal, installation of a protective fence, and registration of a restrictive covenant.

This project also meets section 8.6, *Demands for New Forms of Housing* in the OCP which sets out the policies for new housing forms, such as "small lot houses" and "smaller houses on smaller lots" and recognizes that a "range of housing choices will continue to be provided for Port Moody's residents in both newly developing areas of the community and redeveloping neighbourhoods."

Should Council approve the DVP, it would allow for the following reduced setbacks to be applied:

	Zoning Bylaw Requirements	Proposed
Front Yard Setback	6 m	3.7 m
Riparian Transition Area	5 m	3.2 m

Should Council support the recommended variances, staff will be able to facilitate the subdivision of the property into two lots following Council's approval of the related rezoning application.

### Other Option(s)

THAT Council denies issuance of Development Variance DVP00010.

### Financial Implications

There are no financial implications associated with this report.

### Communications and Civic Engagement Initiatives

In accordance with the notification requirements in the City's Development Approval Procedures Bylaw and in the Local Government Act, notices for the proposed Development Variance Permit for this application were mailed to owners/occupants within 140 metres of the subject site two weeks in advance of the January 10, 2023, Council meeting date.

### Council Strategic Plan Objectives

This proposal is consistent with the goals of Council's 2019-2022 Strategic Plan related to a Healthy City by planning for a variety of housing types to meet community needs and Environmental Leadership by maintaining and enhancing Port Moody's natural and built assets while reducing the impact on our planet.

### Attachments

1. DRAFT Development Variance Permit – 111 Jacobs Road.
2. Proposed Site Plan – 111 Jacobs Road.

### Report Author

Andrei Pop  
Development Planner

## Report Approval Details

Document Title:	Development Variance Permit – 111 Jacobs Road (Arben Durmishaj).docx
Attachments:	- Attachment 1 - DRAFT Development Variance Permit - 111 Jacobs Road.pdf - Attachment 2 - Proposed Site Plan - 111 Jacobs Road.pdf
Final Approval Date:	Dec 23, 2022

This report and all of its attachments were approved and signed as outlined below:

Kate Zanon, General Manager of Community Development - Dec 21, 2022 - 2:45 PM

Stephanie Lam, City Clerk and Manager of Legislative Services - Dec 21, 2022 - 3:00 PM

Lindsay Todd, Acting Manager of Communications and Engagement - Dec 21, 2022 - 3:23 PM

Paul Rockwood, General Manager of Finance and Technology - Dec 21, 2022 - 9:24 PM

Tim Savoie, City Manager - Dec 23, 2022 - 10:30 AM