



# City of Port Moody

## Report/Recommendation to Council

Date: January 11, 2023  
Submitted by: Community Development Department – Development Planning Division  
Subject: Development Variance Permit – 148 Elgin Street (Farzin Yadegari)

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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 through variances to the Rear Yard Setback and the Building Height.

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### Recommended Resolution(s)

**THAT Development Variance Permit DVP00005 be approved as recommended in the report dated January 11, 2023, from the Community Development Department – Development Planning Division regarding Development Variance Permit (DVP00005) – 148 Elgin Street (Farzin Yadegari).**

**AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal document required to issue the Development Variance Permit (DVP00005)**

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### Background

At the Regular Council meeting held on March 10, 2020, Council gave 3<sup>rd</sup> reading and adoption to the City of Port Moody Zoning Bylaw, 2018, No. 2938, Amendment Bylaw No. 29, 2020, No. 3231 to rezone the property at 148 Elgin Street from Single Detached Residential (RS1) to Single Detached Residential Small Lot (RS1-S) to facilitate a subdivision of the existing property.

Additionally, Council approved a development variance permit (DVP) on May 5, 2020, to allow for the retention of the existing dwelling and permit reduced setbacks for the future dwelling to accommodate the proposed front-to-back configuration to proceed,

The following variances were requested and approved at that time through the DVP:

Northern Lot (Existing Dwelling) :

- Front Yard – 3.43 metres
- Rear Lot Line – 6.71 metres
- Exterior Side Lot Line – 1.19 metres

#### Southern Lot (Proposed New Dwelling)

- Rear Lot Line – 1.89 metres

Provincial legislation in this regard stipulates that:

*504. (1) Subject to the terms of the permit, if the holder of a land use permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.*

Therefore, the approved DVP from 2020 has now expired. Since the application approval in 2020, the property has been left unoccupied and has changed owners. The new owner has submitted an amended site plan proposing the construction of two new dwellings. To accommodate the proposed buildings, two variances to Zoning Bylaw, 2018, No. 2937 are being requested by the applicant:

1. Varying section 8.5.3 (f) i. to allow for development within the Rear Yard Setback, reducing the setback from 7.5 m to 1.83 m on both proposed lots
2. Varying section 8.5.3 (b) to allow for development above the maximum building height of 10.5 m; the proposal is to build to 11.15 m on the southern lot

A draft DVP to enable these relaxations 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 requested variances.

## Discussion

The new application has a similar subdivision plan to what Council was presented in 2020, the applicant is proposing to subdivide the existing property into two lots in a front-to-back configuration (**Attachment 2**), it should be noted that staff will review the proposed drawings through the issuance of a minor Development Permit for form and character, and these are not the final building plans. However, the new proposal will see the existing dwelling on the corner of Elgin Street and St. Andrews Street removed and have a new dwelling constructed in its place. The existing home was built in 1950 and is not on the heritage registry.

A front-to-back subdivision is feasible in this situation, as the property is located on a corner lot, and services are available along all three flanking roads (Elgin Street, St. George Street, and St. Andrews Street). Due to the front-to-back subdivision, the lots are configured in a square arrangement. As shown in the following table, the proposed lots satisfy the minimum lot width and area requirements for subdivision under the RS1-S Zone.

Regulation	RS1-S	Northern Lot	Southern Lot
Width	9 m (30 ft)	20.11 m (65.98 ft)	20.11 m (65.98 ft)
Area	325m <sup>2</sup> (3,498 ft <sup>2</sup> )	404.7 m <sup>2</sup> (4,356 ft <sup>2</sup> )	404.7 m <sup>2</sup> (4,356 ft <sup>2</sup> )

### Development Variance Permit

As noted above, the applicant has requested two variances to facilitate the new development on the proposed lots. A letter of rationale from the applicant noting the requested variances can be found in **Attachment 3**.

The variances are summarized in the table below:

<b>Setback</b>	<b>RS1-S Zone Minimum</b>	<b>Northern Lot</b>	<b>Southern Lot</b>
Rear Lot Line	7.5 m (24.6 ft)	<b>1.83 m (6 ft)</b>	<b>1.83 m (6 ft)</b>
Height	10.5 m (34.45 ft)	10.5 m (34.45 ft)	<b>11.15 m (36.58 ft)</b>

The applicant proposes a reduced rear yard setback of 1.83 m (6 ft) (i.e., again along the east property line). Due to the lot configuration and the property being a corner lot, it is impossible to meet all setback requirements while providing a functional single-family dwelling. In order to compensate for the reduced rear yard setback, the applicant is providing a 7.5m (24.6ft) exterior side yard, which would provide the functional yard space typically contained in the rear yard. Should the variance be approved, the setback would be protected to ensure no buildings or structures are constructed within the setback. The proposed lot configuration is consistent with the two adjacent single-family lots on the west side of Elgin Street. Therefore, staff support the siting variance of a reduced setback from 7.5 m to 1.83 m.

The property is located within a flood hazard zone as identified and defined by the City of Port Moody's hazardous lands map (Official Community Plan, Development Permit Area 5, Hazardous Lands, Map 14). A flood hazard assessment was conducted for the subject property (**Attachment 4**). In order to address potential inundation from high water levels during the event of overflow flooding, it is recommended a flood construction level (FCL) be established for the site.

1. An FCL set to 0.3 m above Elgin Street where adjacent to the structure be adopted for future development of the southern portion of the site which corresponds to an FCL of **28.24 m**.
2. An FCL set to 0.3 m above the low point in the crown of St. Andrews Street adjacent to 148 Elgin Street be adopted for future development of the northern portion of the site which corresponds to an FCL of **24.3 m**.
3. No enclosed space to be used for habitation or storage of good that can be damaged by floodwaters are to be below the FCL (i.e. no basements).

The first floor of the proposed dwelling would need to be 0.3 m above the flood construction level (FCL) which is 28.24 m on the southern lot. The average existing grade for the southern lot is 26.3 m. The proposed dwelling entrances to habitable space would need to be raised a total of 1.94 m above the average grade of the site to meet the requirements of the flood hazard report. If staff were to take the height measurement from the FCL level to the proposed roof peak, the dwelling would measure only 9.21 m which would meet the intent of the zoning bylaw requirements for a single-family home. As the Zoning Bylaw stipulates that height is measured from the average existing grade and does not contemplate a change in grade due to FCL requirements, a development variance is required. To soften the upper floor of the building, staff recommend that the top floor plate be smaller than the lower levels and that the building

have enhanced articulation such as balconies, stepping back and architectural features. The exact building design will be determined through the development permit if the development variance permit is approved.

The Northern lot does not require any height variance, as the existing average grade of the site is close to the FCL level.

As there are minimal perceived impacts with this height variance, staff are supportive of the height variance of 0.65 m to the proposed south lot. With these approvals, staff will be able to facilitate the subdivision of the property into two lots.

### Other Option(s)

THAT Council deny issuance of Development Variance Permit DVP00005.

### Financial Implications

None.

### 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 application were mailed to property owners and tenants within 140 metres of the subject site two weeks in advance of the 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.

### Attachment(s)

1. DRAFT DVP – 148 Elgin Street
2. Site Plan, Proposed Drawings – 148 Elgin Street
3. Letter of rationale for Variance request
4. Flood Hazard Report – 148 Elgin Street

### Report Author

Andrei Pop  
Development Planner

## Report Approval Details

Document Title:	Development Variance Permit DVP00005 - 148 Elgin Street (Farzin Yadegari).docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - DRAFT DVP - 148 Elgin Street.pdf</li><li>- Attachment 2 - Site Plan, Proposed Drawings - 148 Elgin Street.pdf</li><li>- Attachment 3 - Letter of rational for Variance request.pdf</li><li>- Attachment 4 - Flood Hazard Report - 148 Elgin Street.pdf</li></ul>
Final Approval Date:	Jan 16, 2023

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

Kate Zanon, General Manager of Community Development - Jan 12, 2023 - 11:39 AM

Stephanie Lam, City Clerk and Manager of Legislative Services - Jan 16, 2023 - 12:34 PM

Lindsay Todd, Acting Manager of Communications and Engagement - Jan 16, 2023 - 12:41 PM

Paul Rockwood, General Manager of Finance and Technology - Jan 16, 2023 - 1:13 PM

Tim Savoie, City Manager - Jan 16, 2023 - 1:55 PM