



Item .....
Meeting .....2017 February 27

## COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2017 February 22

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** Enquiries  
*Reference: 6058 McKee Street*

**SUBJECT: DEVELOPMENT PROPOSAL FOR A NON-CONFORMING SMALL LOT AT 6058 MCKEE STREET**

**PURPOSE:** To inform Council of an application to construct a new single-family dwelling and attached garage under existing zoning on a 5.03 m (16.5 ft.) wide lot at 6058 McKee Street.

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### RECOMMENDATION:

1. **THAT** this report be received for information purposes.

## REPORT

### 1.0 INTRODUCTION

The Planning and Building Department is in receipt of two Building Permit applications (BLD#16-1276 and BLD#17-00026) for the two legal lots comprising 6058 McKee Street, where it is proposed two new single-family dwellings are to be constructed in accordance with the existing R4 Residential District zoning (see *attached* Sketch #1). At its regular meeting in 1973 December 03, Council requested that any Building Permit applications for the smaller lot comprising a portion of 6058 McKee Street be referred to Council. This report addresses Council's request and provides a summary of the site's history and its pending applications.

### 2.0 BACKGROUND

The property at 6058 McKee Street comprises two individual legal lots: West Half Lot 13, DL 159, Gr 1 NWD Plan 1813 ("Eastern Lot") and East Half of the East Half Lot 14, DL 159, Gr 1 NWD Plan 1813 ("Western Lot"). The lots currently share the same civic address of 6058 McKee Street, but are separate legal parcels. The Eastern Lot is 10.06 m (33 ft.) wide and the Western Lot is 5.03 m (16.5 ft.) wide.

On 2016 November 08, a Building Permit application (BLD#16-01868) was received, proposing the construction of a new single-family dwelling with a secondary suite and detached garage on the 10.06 m wide Eastern Lot, in accordance with the existing R4 Residential District zoning. Concurrently, a request for a new civic address to be assigned to the 5.03 m wide Western Lot was received. On 2017 January 09, a Building Permit application (BLD#17-00026) was

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received, proposing the construction of a new three storey, 2 bedroom with den, single-family dwelling with attached garage on the 5.03 m wide Western Lot, in accordance with the existing R4 Residential District zoning. The dwelling is proposed to have a gross floor area of 111.65 m<sup>2</sup> (1,201.80 sq. ft.) with a width of 3.6 m (11.83 ft.). The garage is proposed to occupy the first storey of the dwelling.

Through the Planning and Building Department's review, it was determined that the smaller Western Lot was created in 1911 April, prior to the existence of the Burnaby Zoning Bylaw. In 1973, there was a request for subdivision (Subdivision Reference #202/73) to consolidate the lot with 6030 McKee Street and then subdivide the consolidated lots into two 10.06 m (33 ft.) lots. The Approving Officer was not permitted to approve the application, as the lots did not comply with the Zoning Bylaw requirements for minimum lot width and area.

Subsequently, two petitions were forwarded to Council on 1973 December 03. The first petition, requested Council overrule the decision of the Approving Officer to not approve the consolidation and subdivision of the lots. The second petition, raised concerns about a narrow house being constructed on the Western Lot, and requested Council refuse any Building Permit application for development on the Western Lot. At that time, Council confirmed the conclusions of the Approving Officer that the consolidation and subdivision of the lot was not permitted under the Bylaw, and requested that the Chief Building Inspector be instructed to refer to Council any Building Permit application for development on the Western Lot.

### **3.0 SUBJECT DEVELOPMENT PROPOSAL**

The subject property at 6058 McKee Street is comprised of 2 lots, with the Eastern Lot measuring approximately 10.06 m (33 ft.) wide by 37.19 m (122 ft.) in length and lot area of 374.03 m<sup>2</sup> (4,025 ft. sq.), and the Western Lot measuring approximately 5.03 m (16.5 ft.) wide by 37.19 m (122 ft.) in length and lot area of 187.07 m<sup>2</sup> (2,014 sq. ft.), combining for a total site area of approximately 561.04 m<sup>2</sup> (6,039 sq.ft.). The subject lots are zoned R4 Residential District and are located outside of a Community Plan Area. The Eastern Lot is improved with an older single-family dwelling constructed in 1915, and the Western Lot is vacant. Currently 6058 McKee Street is the civic address for both lots.

As outlined in Section 104.2 of the Zoning Bylaw, R4 Residential District requires a minimum lot width of 15.0 m (49 ft.) and an area not less than 557.40 m<sup>2</sup> (6,000 sq. ft.) for single-family lots and a minimum lot width of 10.97 m (36 ft.) and an area not less than 399.47 m<sup>2</sup> (4,300 sq. ft.) for single-family small lots. Given that more than 30 percent of the existing lots within the block front south of McKee Street have a width of 13.72 m (45 ft.) or less, the south side of McKee Street qualifies for the creation of single-family small lots with a width of 10.97 m (36 ft.) and an area not less than 399.47 m<sup>2</sup> (4,300 sq. ft.).

Several properties at 6008, 6026, and 6080 McKee Street, have redeveloped within the past 5 years. These lots and other existing lots in the area that are below the current minimum lot area were created before the adoption of the current Zoning Bylaw. Since the subject lots at 6058

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McKee Street were also created prior to the adoption of the Zoning Bylaw, these legal lots are permitted to be developed provided that they are serviced and the development is designed to comply with all applicable Building and Zoning Bylaw requirements. However, should the 5.03 m wide Western Lot be developed, the dwelling will be significantly smaller than other dwellings within the subject block with a gross floor area of 111.65 m<sup>2</sup> (1,201.80 sq. ft.), a width of 3.6 m (11.83 ft.) and a site area of approximately 187.07 m<sup>2</sup> (2,014 sq. ft.). In comparison, the current smallest developed lot in the area has a site area of approximately 374.03 m<sup>2</sup> (4,026 sq. ft.), which would accommodate construction of a new dwelling with a gross floor area of 224.42 m<sup>2</sup> (2,416 sq. ft.) and width of 8.04 m (26.38 ft.), under the prevailing R4 District.

In order to construct the single-family dwelling with attached garage on the Western Lot, as proposed under BLD#17-00026, the applicant is requesting a side yard setback variance to construct a garage that would meet the BC Building Code requirement for a 10.5 ft. wide garage opening. The applicant has been informed of the process for applying to the Board of Variance in respect to the requested variance for a reduction in side yard setbacks to 0.71 m (2.33 ft.) from the currently required 0.9 m (2.95 ft.) side yards. The Board will hear submissions from the applicant, as well as provide an opportunity for owners and tenants of adjacent properties to be heard. If the Board of Variance grants the side yard setback variance, the Building Department would intend to process the building permit for the single-family dwelling with the reduced setback, in compliance with the BC Building Code and the City's Zoning Bylaw, as varied by the Board.

The applicant has been advised that the Planning and Building Department is not in support of the variance application. A smaller side yard setback is already provided for under the bylaw by an exception in Section 6.12 (3) of the Zoning Bylaw, which permits a minimum 0.9 m (2.95 ft.) side yard for A, R and RM District properties that had lot widths less than those established by the Zoning Bylaw prior to the enactment of the Zoning Bylaw, where otherwise the side yard setback would be 1.5 m (4.9 ft.) for the least side yard and 3.5 m (11.5 ft.) for the sum of both side yards. A further relaxation of the side yard setback is not supportable on the basis that the single-family dwelling with attached garage, as proposed under BLD#17-00026, would impact on adjacent properties and represent a further departure from the existing character of the street. The setback requirements applicable to the subject lot were available to the applicant at the time the lot was acquired, and alternative options are available to develop safe and convenient parking on the lot, that conforms with the Zoning Bylaw, such as providing a parking pad.

As an alternative to constructing two single-family dwellings on the two lots comprising 6058 McKee Avenue, this Department has advised the applicant that it would be permissible to consolidate the two lots to create one larger lot and build one larger single family dwelling on the consolidated lot, in conformity with the Zoning Bylaw. The applicant has notified this Department that they are unwilling to consider this alternative.

Under a consolidation with either the Eastern Lot of 6058 McKee Street, or the adjacent lot at 6030 McKee Street, one larger lot would be created. However, the large lot could not be re-subdivided to retain two lots of equal size, as the subdivided lots would fail to meet the minimum

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lot width and area requirements of the Zoning Bylaw, as was the case in 1973. As such, this would result in the loss of a building lot, and a net loss in the market value of the land associated with the two legal lots, as currently configured.

#### **4.0 CONCLUSION**

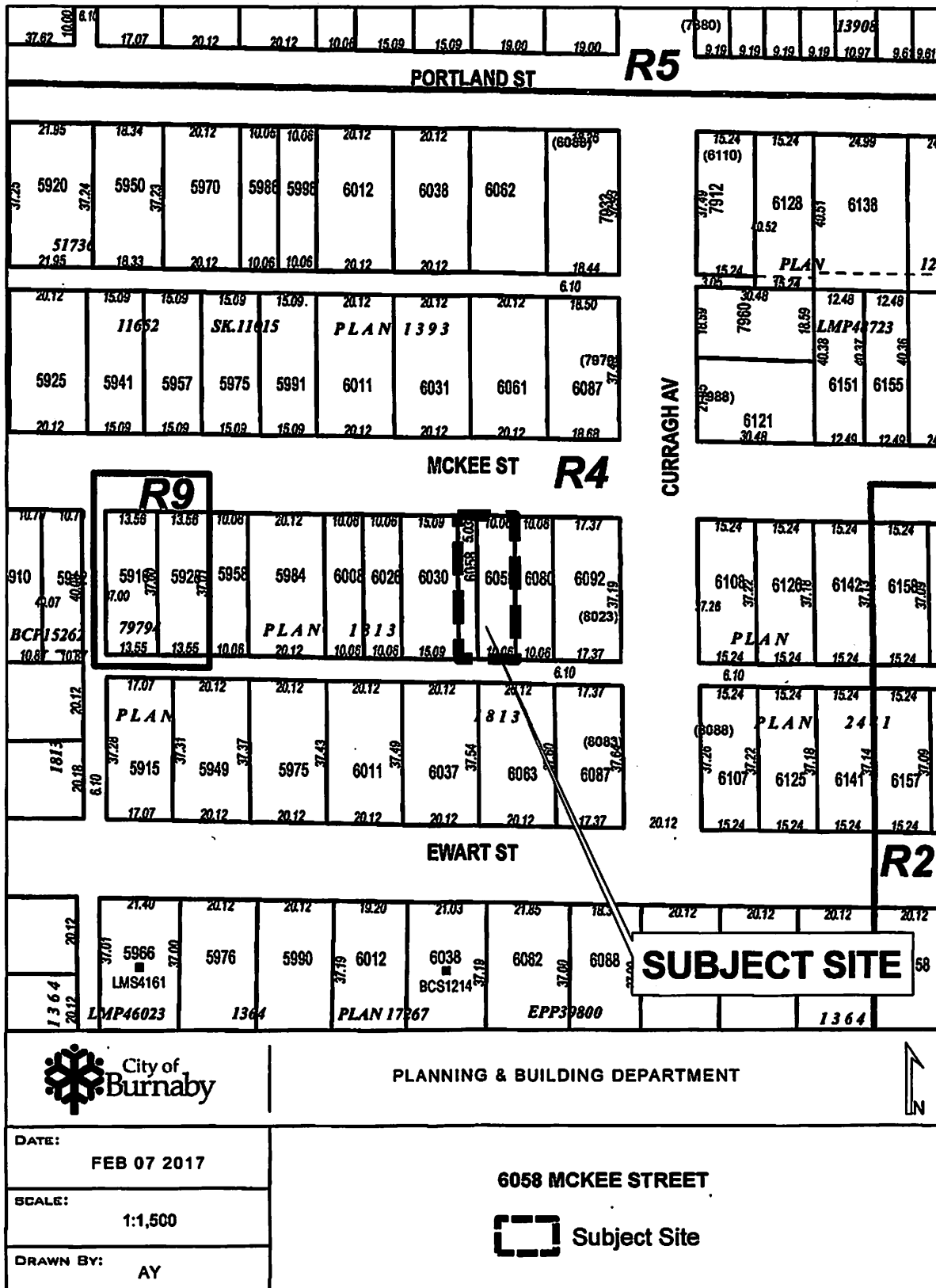
Given that the consolidation and re-subdivision of the lots can not be achieved, under the prevailing zoning, in a manner that would preserve two building lots, and the existing value of the lands, and the applicant's position with respect to the current development permitted under the prevailing R4 Residential District zoning, this Department would intend to process the requested building permit for the development of the Western Lot, subject to the application meeting the requirements of the BC Building Code and the City's Zoning Bylaw.

This report is submitted for the information of Council.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

MN:spf  
**Attachment**

cc: Chief Building Inspector  
City Solicitor  
City Clerk



Sketch #1