

Subject: Agenda Item #2.a Development Variance Permit 10.03 - 1088 Shakespeare Avenue

Date: Mon, 07 Jul 2003 15:13:01 -0700

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Mayor & Council:

Similar to my position on other recent DVP's when legal non-conformities exist, on agenda item 2 I recommend you adopt staff Option #2., and "Issue Development Variance Permit 10.03 only for parking stall variances (Attachment D). Proceed with notice against land title that building regulations are contravened."

The house was legally constructed under the single-family zoning bylaw in 1966. There is no reason to change its status by "regularizing" the non-conforming sideyard setback or the floor space. Since the house itself is perfectly legal your motion should focus on just the parking stall deficiency and contravention of the building regulations as it pertains to the filled-in carport.

Remember, hundreds if not thousands of non-conforming houses and structures exist across the District. This is a natural outcome of changes to the zoning bylaw over time. When non-conforming houses are demolished and rebuilt at some point in the future, then we should expect the new house to comply with the up-to-date zoning bylaw, not one that existed 40 years ago.

Sincerely
Brian Platts