

**Subject:** [Fwd: Use & Density]

**Date:** Fri, 07 Mar 2003 15:57:32 -0800

**From:** Brian Platts <bplatts@shaw.ca>

**To:** Corrie Kost <kost@triumf.ca>

----- Original Message -----

**Subject:** Use & Density

**Date:** Fri, 07 Mar 2003 15:51:22 -0800

**From:** Brian Platts <bplatts@shaw.ca>

**To:** 'Co Mayor Don Bell' <[don\\_bell@dnv.org](mailto:don_bell@dnv.org)>, 'Councillor Alan Nixon DNV' <[anixon@dnv.org](mailto:anixon@dnv.org)>, Ernie Crist <[ernie\\_crist@dnv.org](mailto:ernie_crist@dnv.org)>, Maureen McKeon Holmes <[maureen\\_mckeeonholmes@dnv.org](mailto:maureen_mckeeonholmes@dnv.org)>, Janice Harris <[janice\\_harris@dnv.org](mailto:janice_harris@dnv.org)>, Lisa Muri <[lisa\\_muri@dnv.org](mailto:lisa_muri@dnv.org)>, [richard\\_walton@dnv.org](mailto:richard_walton@dnv.org), NVD Council <[dnvcouncil@dnv.org](mailto:dnvcouncil@dnv.org)>, FONVCA <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

Mayor & Council:

At last Monday's Council meeting while discussing the DVP for Panorama Dr., both Mayor Bell and Mr. Zerr stated that Council can legally exceed the maximum allowed floor area (as per the Zoning Bylaw) with a variance application. I recommended to Council that the proper process should be to rezone the subject property from RS4 to RS3.

The issue here is the definition of "use" and building "density", neither of which can be altered with a variance. This concept is not complicated -- the "density" on any given site is determined by the maximum allowed floor area, and in each single-family zone a different maximum floor area is specified. Ask staff how many other municipal councils alter floor space with variances. The answer is, they don't. Apparently the District has received an opinion from the municipal solicitor that issuing these sorts of variances is legal. Well, as the Canlan deal has proved, sometimes your legal advice is wrong.

Mayor Bell's explanation is that the "use" of the building is single-family and the "density" is one single-family building. Isn't that really just the same definition of the two distinct terms? If this were the case, Council could approve with a simple variance a building of ANY size so long as the "use" is consistent with the Zoning Bylaw. This defies common sense. Development Variance Permits should be limited to minor increases to maximum allowed eave or roof height, parking structures, building depth and set backs etc., and NOT floor space.

Sincerely,  
Brian Platts