

RE: LETTER DATED JUNE 26, 1975 FROM MR. W. GRAHAM KIDD,
3851 EAST HASTINGS STREET, WHICH APPEARED ON THE AGENDA
FOR THE JULY 7, 1975 COUNCIL MEETING
REZONING REFERENCE NO. 22/74
515, 539, 579 CLARE AVENUE

Mr. W. Graham Kidd, 3851 East Hastings Street, spoke to the Municipal Council on June 26, 1975 regarding the above and this matter was considered by Council at its July 7, 1975 meeting. At the time staff advised that a report would be coming forward for the July 21, 1975 Council meeting.

The following is the report of the Planning Director dated July 17, 1975 in this connection.

According to a directive put out by the Department of Municipal Affairs dated July 7, 1974, one of the questions that we must consider when determining the fair market value for cancelled road or lanes is "Will the addition of the closed road permit a possible rezoning".

RECOMMENDATIONS:

1. THAT condition number 4.2 be reaffirmed as a prerequisite to completion of Rezoning Reference #~~22~~²²/74; and
2. THAT the Land Agent be authorized to negotiate the sale of the redundant portion of lane allowance.

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PLANNING DEPARTMENT
JULY 17, 1975.

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

SUBJECT: REZONING REFERENCE #22/74
515, 539, 579 CLARE AVENUE

1.0 INTRODUCTION:

On July 7, 1975, Council received a letter from the subject rezoning applicant, W. Graham Kidd (see attachment) inquiring about a prerequisite condition to rezoning of the subject site for a rowhouse development. The Planning Department has now reviewed the situation and submits the following information.

2.0 BACKGROUND:

On May 21, 1974 Council received the Planning Department report regarding the subject rezoning request. Council authorized a Public Hearing for June 15, 1974 and gave Two Readings of the Bylaw on July 8, 1974. Four requisite conditions of rezoning were established, one of which included the closure of the redundant undeveloped partial lane allowance and inclusion of one half of the lane allowance (5' width) abutting the west property line into the subject development. The applicant would thus be responsible for purchasing one half of the lane allowance from the Municipality upon abandonment.

The Planning Department has received and accepted the applicant's suitable plan of development and is awaiting satisfaction of the remaining conditions requisite to the completion of rezoning.

ITEM 21
MANAGER'S REPORT NO. 49
COUNCIL MEETING July 21/75

3.0 GENERAL COMMENTS:

As outlined in the Planning Department Report of May 21, 1974, a 10' undeveloped partial lane allowance exists along the west property line of the subject site. Development of this lane was not warranted for the type of development proposed for the abutting properties and was thus recommended for abandonment as outlined above.

The Planning Department is in receipt of the revised development drawings of the subject site, dated April 1975. These drawings illustrated eight attached rowhouse units alternatively staggered to allow easy unit identification and an aesthetically pleasing and compatible facade with respect to the adjoining single family dwellings. The 5' partial lane allowance had been included in the calculation of the rear yard of the site which then minimally satisfied the rear yard requirement of 35'. Without including the 5' partial lane allowance, a rear yard of 30' would be created, contrary to the R6 Zoning requirements. Consequently, the applicant's submission that the 102.8' property depth could accommodate the proposed development is incorrect. Alternatively if the lane were not to be abandoned and were in fact required for development, an extra 10 foot dedication would be required which would reduce the area of both potential row house development sites, and costs for lane construction would have to be borne by the developer who would ultimately pass the costs on to the unit purchase price.

Pursuant to the applicant's enquiries regarding the Municipality's dedication of the lane allowance at no cost or at nominal cost, the Planning Department submits that consistent with Council's policy, sale of all Municipal property including road and lane allowances, upon abandonment, would be negotiated to reflect full market value. Moreover, the required easement for B. C. Telephone Services at the rear of the property would not affect building development as the easement is located within the required rear yard where landscaping is proposed.

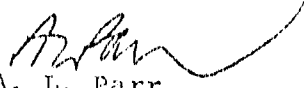
With respect to the purchase price of the subject lane allowance the Lane Agent submits that;

"In the case of the subject lane, the request for an estimate was made by Planning as per their memo of April 23, 1975. Later a request was made (not in writing) as to whether the original estimate would stand. Further research indicated the estimate should be increased, based on similar market sales, as per the Lands Department's memo of June 12, 1975."

Furthermore, the Planning Department submits that the most recent estimate of fair market value should stand therefore complying with the conditions for agreement by Victoria whereby when cancelling roads or lanes that the amount received by the Municipality represents full market value.

4.0 RECOMMENDATION:

In light of the foregoing, it is recommended that condition #4.2 be reaffirmed as a prerequisite to completion of Rezoning Reference #22/74, and that the Lane Agent be authorized to negotiate the sale of the redundant portion of lane allowance.


A. L. Parr,
DIRECTOR OF PLANNING.

PDS:bp
Attach.