



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Planner, Current Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 26, 2022
REPORT DATE: September 15, 2022
FILE: 3360-20 (ZON00386) / (DVP00571)

SUBJECT: ZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 1608 43RD
AVENUE AND 4211 17TH STREET

PURPOSE:

To present for Council's consideration zoning and development variance permit applications for the property located at 1608 43rd Avenue/4211 17th Street in anticipation of subdivision.

RECOMMENDATION:

THAT Council support Zoning Application 00386 (ZON00386) to rezone Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential as outlined in the report titled "Zoning and Development Variance Permit Applications for 1608 43rd Avenue and 4211 17th Street" dated September 15, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council's support of ZON00386 is subject to the following:

- a) That the two existing sheds on proposed Lot 2 (4211 17th Street) shown on the site plan (Attachment 3) be removed prior to final bylaw adoption; and
- b) That the existing driveway on proposed Lot 1 (1608 43rd Avenue) be relocated to 17th Street prior to final bylaw adoption;

AND FURTHER, that Council not hold a public hearing, pursuant to 464(2) of *the Local Government Act*, on a proposed bylaw to rezone Lot A, Sec. 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential;

AND FURTHER, that Council direct Administration to issue a public notice of initial readings and prepare a proposed bylaw to be brought forward for Council's consideration at the Regular Meeting of November 14, 2022 to rezone Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential;

AND FURTHER, that Council be advised that Development Variance Permit Application 00571 (DVP00571) will be brought forward for Council's consideration and public input at the Regular Meeting of November 14, 2022, to vary Zoning Bylaw 5000 for Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) by:

- a) Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house on proposed Lot 1; and

- b) Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house on proposed Lot 2.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Zoning Application 00386 (ZON00386) to rezone Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential as outlined in the report titled “Zoning and Development Variance Permit Applications for 1608 43rd Avenue and 4211 17th Street” dated September 15, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council’s support of ZON00386 is subject to the following:

- a) That the two existing sheds on proposed Lot 2 (4211 17th Street) shown on the site plan (Attachment 3) be removed prior to final bylaw adoption; and
- b) That the existing driveway on proposed Lot 1 (1608 43rd Avenue) be relocated to 17th Street prior to final bylaw adoption;

AND FURTHER, that Council hold a public hearing, pursuant to 464(1) of the *Local Government Act*, on a proposed bylaw to rezone Lot A, Sec. 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential;

AND FURTHER, that Council be advised that Development Variance Permit Application 00571 (DVP00571) will be brought forward for Council’s consideration and public input, on the same date as the public hearing, to vary Zoning Bylaw 5000 for Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) by:

- a) Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house on proposed Lot 1; and
- b) Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house on proposed Lot 2.

Note: This alternative allows the public to make representations to Council on the proposed bylaw.

2. THAT Council not support Zoning Application 00386 (ZON00386) to rezone Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential as outlined in the report titled “Zoning and Development Variance Permit Applications for 1608 43rd Avenue and 4211 17th Street” dated September 15, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council not support Development Variance Permit Application 00571 (DVP00571) to vary Zoning Bylaw 5000 for Lot A, Sec 2, TP 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) by:

- c) Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house located at 1608 43rd Avenue; and
- d) Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house located at 4211 17th Street.

Note: This alternative does not support the rezoning and variances and prevents subdivision from moving ahead. It would preserve the single family detached rental building.

ANALYSIS:

A. Committee Recommendations:

At its meeting of August 16, 2022, the Advisory Planning Committee passed the following resolution:

THAT Council support Rezoning 00386 (ZON00386) to rezone Lot A, Sec 2, Tp 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) from R5 – Four-plex Residential to R4 – Small Lot Residential,

AND FURTHER, that Council's support of ZON00386 is subject to the following:

- a) That the two existing sheds on proposed Lot 2 (4211 17th Street) shown on the site plan be removed prior to final bylaw adoption; and*
- b) That the existing driveway on proposed Lot 1 (1608 43rd Avenue) be relocated to 17th Street prior to final bylaw adoption;*

AND FURTHER, that Council support Development Variance Permit 00571 (DVP00571) to vary Zoning Bylaw 5000 for Lot A, Sec 2, Tp 8, ODYD, Plan 32561 (1608 43rd Avenue/4211 17th Street) by:

- a) Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house on proposed Lot 1; and*
- b) Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house on proposed Lot 2.*

AND FURTHER, that Council's support of DVP00571 is subject to the following:

- a) That the site plan (Attachment 3) to be attached to and form part of DVP00571.*

B. Rationale:

1. The subject property is located at 1608 43rd Avenue and 4211 17th Street (Figures 1 and 2). There are currently two single detached dwellings and two sheds located on the property.
2. The application is to rezone the property from R5 – Fourplex Housing Residential (Attachment 1) to R4 – Small Lot Residential (Attachment 2).
3. If the rezoning is successful, the applicant intends to subdivide the property into two lots with one existing single detached house to remain on each (Attachments 3 and 4).

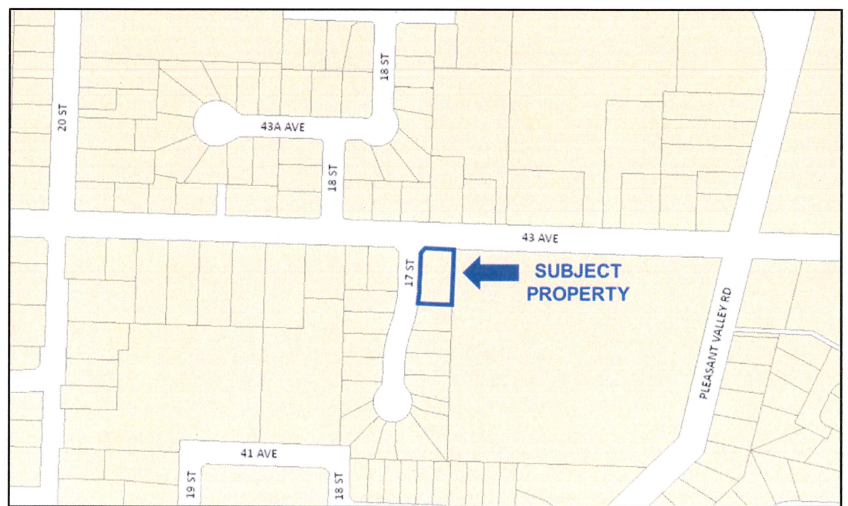


Figure 1: Property Location Map

4. Before the subdivision can be considered, a variance for both existing homes to the rear property line is also required as follows:

- a) Proposed Lot 1 (1608 43rd Avenue) – Section 9.5.5, minimum rear yard, from 6m to 2.54m.
- b) Proposed Lot 2 (4211 17th Street) – Section 9.5.5, minimum rear yard, from 6m to 4.82m. Further, the minimum side yard is 1.2m. An existing shed is 0.47m to the side property line and should be relocated or removed.

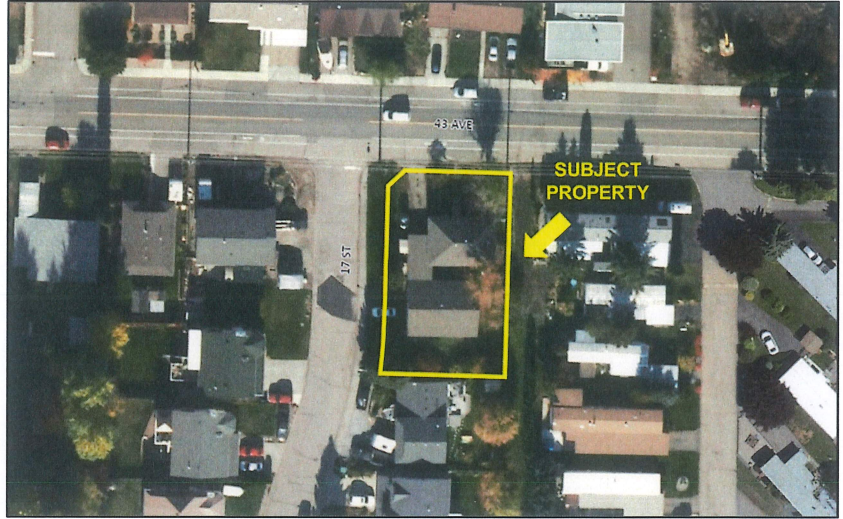


Figure 2: Aerial View of Property

The minimum rear yard is 1m for a secondary building. An existing shed is 0.86m to the rear property line and should also be relocated or removed.

5. Subdivision is not possible under the existing R5 zone which has a minimum lot area of 450m² and minimum lot widths of 14m and 16m for interior and corner lots respectively. At 868m² in area, the subject property is approximately 32m² too small with sufficient proposed lot widths.
6. The property is designated as Residential Low Density (RLD) within the Official Community Plan (OCP) and zoned R5, which both allow a maximum of 30 units per hectare (12 units per acre). With a lot area of 868m², the property can support a maximum of two units. The highest residential use for the property under the existing R5 zone is two single detached homes each with a secondary suite or one semi-detached building (Table 1). Under the current R5 zone, the rental house is more likely to stay as a rental unit.

	Existing R5	Proposed R4
Housing Form	<ul style="list-style-type: none"> • Single Detached Housing (SDH) • Duplex/Semi-detached housing • Three-plex housing • Four-plex housing • Secondary suites within SDH 	<ul style="list-style-type: none"> • SDH • Semi-detached housing • Secondary suites within SDH
Max. Density	30 units/ha = 2 units	1 SDH or 1 semi-detached house per lot = 2 units
Min. Lot Area	450m ² (for SDH)	320m ²
Min. Lot Width	<ul style="list-style-type: none"> • 14m (for SDH) • 16m for corner lot (for SDH) 	<ul style="list-style-type: none"> • 10m • 14m for corner lot

Table 1: Zoning Comparison

7. The proposed R4 zone is consistent with RLD designation regarding both maximum density (i.e. 30 units/ha) and housing form (e.g. single detached). The highest residential use for the property under the proposed R4 zone is one semi-detached building on each proposed lot for a total of four units between both lots. Under the proposed R4 zone, and following subdivision, the rental house would likely switch to new ownership. If either proposed lot is redeveloped an increase of density from two units to four units overall could be realized.

8. Surrounding land uses are similar and compatible with the proposed single family development, as shown in Table 2.

	Zoning	Actual Use
North	R5	SDH Four-plex housing
East	R7 – Mobile Home Residential	Mobile Home Park
South	R5	SDH Semi-detached housing
West	R5	SDH

Table 2: Surrounding Properties – Zoning & Actual Use

9. Administration supports the proposed rezoning and variance applications for the following reasons:
- a) There will be no perceptible change to the use of the property as the residential uses are existing and there are no plans for redevelopment at this time.
 - b) Separate ownership of each home on its own parcel may result in home improvements and an improved aesthetic.
 - c) If redevelopment occurs in the future, a semi-detached building could be built on each lot, increasing the overall density.

C. Attachments:

Attachment 1 – R5: Fourplex Housing Residential Zone
 Attachment 2 – R4: Small Lot Residential Zone
 Attachment 3 – Site and Proposed Subdivision Plan
 Attachment 4 – Photos

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject application involves the following goals/actions items in Council's Strategic Plan 2019 – 2022:

- N/A

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan Bylaw 5470:
 - OCP Designation – Residential Low Density (RLD).
 - Development District – 2 Neighbourhood.
2. Zoning Bylaw 5000:
 - Sec. 9.5 R4: Small Lot Residential.
3. *Local Government Act*:
 - Division 3 – Public Hearings on Planning and Land Use Bylaws.
 - Sec. 464 – Requirement for public hearing before adopting bylaw.

A local government is not required to hold a public hearing on a proposed rezoning bylaw if an OCP is in effect for the area that is the subject of the zoning bylaw, and the bylaw is consistent with the OCP.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X Michelle Austin
Michelle Austin
Current Planner, Current Planning

Will Pearce, CAO

Date: 19. SEPTEMBER 2012

X Kim Flick
Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Aug 16/22) | | |
| <input type="checkbox"/> OTHER: | | |

R5**9.6 R5 : Four-plex Housing Residential****9.6.1 Purpose**

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached, semi-detached, duplex, three-plex or four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre, major** as an additional use. The R5h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

9.6.2 Primary Uses⁴

- **care centre, major** *(use is only permitted with the R5c sub-zoning district)*
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **semi-detached housing**
- **single detached housing**
- **three-plex housing**
- **seniors housing**

9.6.3 Secondary Uses

- **boarding rooms**
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** *(in single detached housing only) (use is only permitted with the R5h sub-zoning district)*
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

9.6.4 Subdivision Regulations

- Minimum **lot width** is 20.0m, except it is 22.0m for a **corner lot**.
- Minimum **lot depth** is 30.0m.
- Minimum **lot width** for single detached housing is 14.0m, except it is 16.0m for a **corner lot**.
- Minimum **lot area** for single detached housing is 450m².
- Minimum **lot area** is 700m², except it is 800m² for a **corner lot**, or 10,000m² if not serviced by a **community sewer system**. *(Bylaw 5339)*

9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	350m ²	400m ²	10.0m	12.0m
Three-Plex Housing	235m ²	285m ²	7.0m	9.0m
Four-Plex Housing	175m ²	225m ²	7.0m	9.0m

9.6.6 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.

- Maximum **floor space ratio** is 0.6.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m for a garage or **carport** to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum **side yard** is 2.0m for a 1 or 1.5 **storey** portion of a **building** or a **secondary building or structure** and 2.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** setback for shared interior **party walls** shall be 0.0m. The minimum **side yard** setback for **single detached housing** is 1.5m, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a **flanking street** and at least 6.0m from the back of curb or sidewalk.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.
- Maximum **density** is 30 units per gross hectare (12 units/gross acre).
- Maximum four **dwelling** units located in a **building**, with each unit having a minimum width of 6.5m. (*Bylaw 5339*)

9.6.7 Other Regulations

- In order for bareland strata **developments** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting City Roads** as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)

R4

9.5 R4 : Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

9.5.2 Primary Uses

- **care centre, major** (*use is only permitted with the R4c sub-zoning district*)
- **single detached housing**
- **semi-detached housing** (Bylaw 5715)

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (Bylaw 5498)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R4h sub-zoning district*)
- **secondary suites** (in single detached housing only)

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking** a **street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** or one **semi-detached** unit per **lot**. *(Bylaw 5715)*
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

**SITE PLAN SHOWING PROPOSED SUBDIVISION OF
LOT A, SEC 2, TP 8, ODYD, PLAN 32561
SCALE 1: 250 (ALL DISTANCES IN METRES)**

ZONING: R4
MIN. SETBACKS:
Front yard 3.5m
Rear yard 6.0m
Side yard 1.2m
Exterior side yard: 3.5m
MAX SITE COVERAGE: 40%

43rd AVENUE

17th STREET

LOT 1
414 m²

Existing
House
80.2 m²

Lot 1 Coverage

Total structure area: 97.2 m²
Total impermeable area: 7.4 m²
Total coverage: 104.6 m²

Lot 2 Coverage

Total structure area: 122.3 m²
Total impermeable area: 94.3 m²
Total coverage: 216.6 m²

LOT 14
PLAN 32879

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russell shortt

land SURVEYORS

2801-32nd Street, Vernon, B.C.

Phone (250)545-0511 email: jasons@jrshortt.ca

FEBRUARY 24, 2022
FEBRUARY 17, 2022
FEBRUARY 15, 2022

FILE: 30143prop

THIS PLAN IS PREPARED FOR THE USE OF:
DISTERHOFT



Photo 1: Taken from 17 St



Photo 2: Taken from 43 Ave



Photo 3: Taken from 17 St