THE CORPORATION OF THE CITY OF VERNON
REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Current Planner

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: October 11, 2022
REPORT DATE: September 27, 2022
FILE: 3090-20 (DVP00572)

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1607 POTTERY ROAD**

PURPOSE:

To review Development Variance Permit Application 00572 (DVP00572) to vary Section 9.3.6 of Zoning Bylaw 5000 to permit access to the subject property from Pottery Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00572 (DVP00572) to vary Zoning Bylaw 5000 on LT 4, SEC 35, TWP 9, ODYD, PLAN 21248 (1607 Pottery Road) as follows:

a) Section 9.3.6 to permit vehicular access to the subject property from Pottery Road;

AND FURTHER, that Council's support of DVP00572 is subject to the following:

a) That the site plan (Attachment 1) in the report titled "Development Variance Permit Application for 1607 Pottery Road" dated September 27, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00572 as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00572 (DVP00572) as outlined in the report titled "Development Variance Permit Application for 1607 Pottery Road" dated September 27, 2022 and respectfully submitted by the Current Planner to vary Section 9.3.6 of Zoning Bylaw 5000 to permit access to the subject property from Pottery Road on LT 4, SEC 35, TWP 9, ODYD, PLAN 21248 (1607 Pottery Road).

   Note: This alternative does not support the development variance permit application and would require the owner to develop the site in compliance with Zoning Bylaw 5000.

ANALYSIS:

A. Committee Recommendations:

At its meeting of September 7, 2022, the Advisory Planning Committee passed the following resolution:

THAT Council support Development Variance Permit Application 00572 (DVP00572) to vary Zoning Bylaw 5000 on LT 4, SEC 35, TWP 9, ODYD, PLAN 21248 (1607 Pottery Road) as follows:

a) Section 9.3.6 to permit vehicular access to the subject property from Pottery Road;

AND FURTHER, that Council's support of DVP00572 is subject to the following:

a) That the site plan (Attachment 1) in the report titled "Development Variance Permit Application for 1607 Pottery Road" dated August 31, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00572 as Schedule 'A'.

B. Rationale:

1. The subject property is located at 1607 Pottery Road (Figures 1 and 2). The land is designated as Residential Low Density (RLD) within the Official Community Plan (OCP) and is in the R2: Large Lot Residential zone (Attachment 2). The property is approximately 1,250 m^2 (0.31 ac) in size. The property is located in an established single detached residential neighbourhood, fronting onto Pottery Road and has access from the lane south of 21st Avenue.

Figure 1 – Property Location Map

2. The applicant has submitted a request to permit access to the subject property in support of a proposed bare land strata subdivision application. Should the requested variance be authorized, the subdivision would proceed creating two lots with one lot having access from Pottery Road and the other having access from the lane.

3. The subject property contains a single detached dwelling on the northern portion of the lot. Given the location of the existing dwelling, creating access from the lane to the southern portion of the lot is problematic and would require removing a portion of the dwelling.

Figure 2 – Aerial Map

4. Zoning Bylaw 5000 requires that when a lot has access to a lane, that the vehicular access to the lot be only permitted from said lane. As the principal building is located at the rear of the site and spans the distance between the side yard setbacks, the majority of the subject property is not accessible from the lane. The subject property meets the minimum lot size requirements to be subdivided, however subdivision would not be possible without the second lot having access from Pottery Road.

5. Administration supports the requested variances for the following reason:

   a) The variance proposed, if approved, would allow for the creation of an additional dwelling unit to be constructed in close proximity to Vernon Senior Secondary School, as well as other services and transportation options.

C. Attachments

Attachment 1 – Site Plan
Attachment 2 – R2: Large Lot Residential, Zoning Bylaw 5000

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

N/A

E. Relevant Policy/Bylaws/Resolutions:

1. The Official Community Plan (OCP) designates the property as Residential Low Density (RLD).

2. The property is within the R2: Large Lot Residential zoning district (Attachment 2).

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

X
for Matt Faucher
Planner, Current Planning

X
for Kim Flick
Director, Community Infrastructure and Development

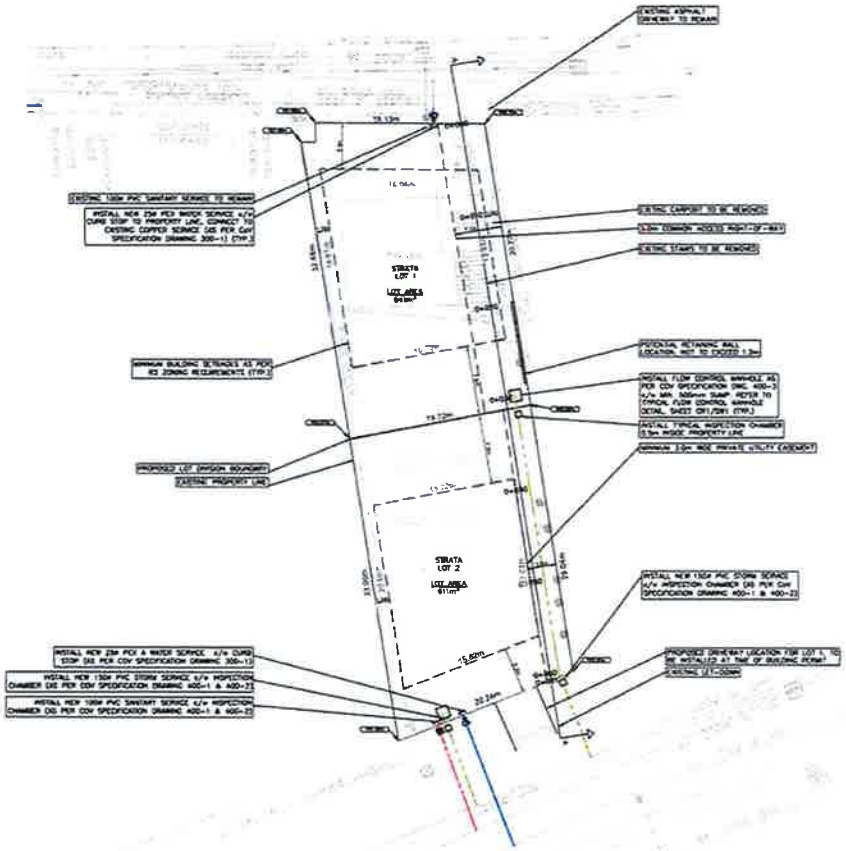
Approved for submission to Council:

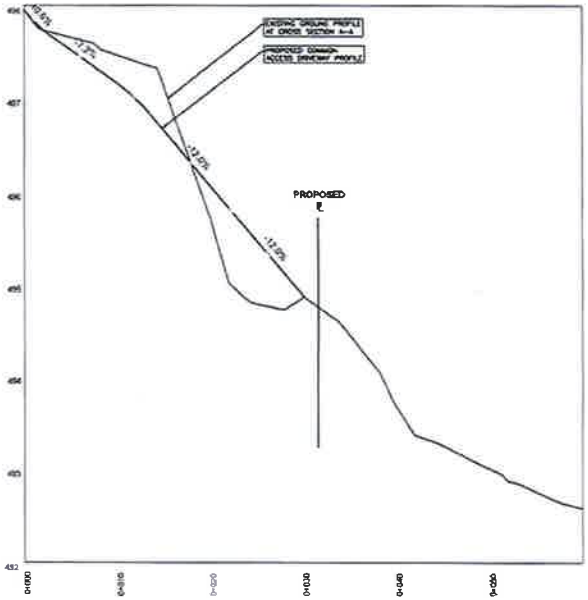
pu Will Pearce, CAO

Date: 10/04/2022

REVIEWED WITH

- ☐ Corporate Services
  - ☐ Bylaw Compliance
  - ☐ Real Estate
- ☐ RCMP
- ☐ Fire & Rescue Services
- ☐ Human Resources
- ☐ Financial Services
- ☒ COMMITTEE: APC (Sep.7/22)
- ☐ OTHER:
- ☐ Operations
  - ☐ Public Works/Airport
  - ☐ Facilities
  - ☐ Utilities
- ☐ Recreation Services
- ☐ Parks
- ☒ Current Planning
- ☒ Long Range Planning & Sustainability
- ☒ Building & Licensing
- ☒ Engineering Development Services
- ☐ Infrastructure Management
- ☒ Transportation
- ☒ Economic Development & Tourism





SECTION A-A - PROPOSED COMMON ACCESS

REV. No.	DATE	DESIGNED	DRAWN	CHECKED	DESCRIPTION
REV-0	20/08/27	JSJ	JSJ	BFL	ISSUED-FOR-APPROVAL

DRAFT

LAWSON ENGINEERING & DEVELOPMENT
825C LAKESHORE DRIVE W
PO BOX 106 SALMON ARM, BC V1E 4N2
PH: (250) 832-3220

SCALE H: 1:250 V: 1:125

SHEET 1 of 1

TITLE
1607-POTTERY-ROAD
PROPOSED-SUBDIVISION-PLAN

DRAWING NUMBER
101-1

Attachment 1

R2

9.3 R2 : Large Lot Residential

9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

9.3.2 Primary Uses

- **care centre, major** *(use is only permitted with the R2c sub-zoning district)*
- **single detached housing**

9.3.3 Secondary Use

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) *(Bylaw 5498)*
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** *(use is only permitted with the R2h sub-zoning district)*
- **secondary suites**
- **seniors supportive housing**

9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m^2, or 10,000m^2 if not serviced by a **community sewer system**.

9.3.5 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 **secondary structures**.
- Minimum **front yard** is 5.0m.
- Minimum **side yard** is 1.5m, except it is 5.0m 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.
- Minimum **rear yard** is 7.5m, 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.

9.3.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing,** a safe drop-off area for patrons shall be provided on the **site.**

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- 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)