



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: November 28, 2022
REPORT DATE: November 16, 2022
FILE: 3090-20 (DVP00571)

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1608 43RD AVENUE AND 4211 17TH STREET**

PURPOSE:

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

RECOMMENDATION:

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) as outlined in the report titled "Development Variance Permit Application for 1608 43rd Avenue and 4211 17th Street" dated November 16, 2022 and respectfully submitted by the Current Planner 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 1) to be attached to and form part of DVP00571.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not 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) as outlined in the report titled "Development Variance Permit Application for 1608 43rd Avenue and 4211 17th Street" dated November 16, 2022 and respectfully submitted by the Current Planner to:

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

Note: This alternative would prevent the proposed subdivision from being approved as a new non-conformity cannot be created from subdivision. As indicated on the site/proposed subdivision plan (Attachment 1), both existing homes would be too close to the new rear property line.

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 on the property (Attachments 1 and 2).
2. At its Regular Meeting of September 26, 2022, Council supported Zoning Application 00386 (ZON00386) to rezone the subject property from R5 – Fourplex Housing Residential (Attachment 3) to R4 – Small Lot Residential (Attachment 4). At its Regular Meeting of November 28, 2022, Council will consider giving initial readings to Bylaw 5925 "1608 43rd Ave and 4211 17th St Rezoning Amendment Bylaw 5925, 2022", which proposes to rezone the property from R5 to R4. 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 (Attachment 1).

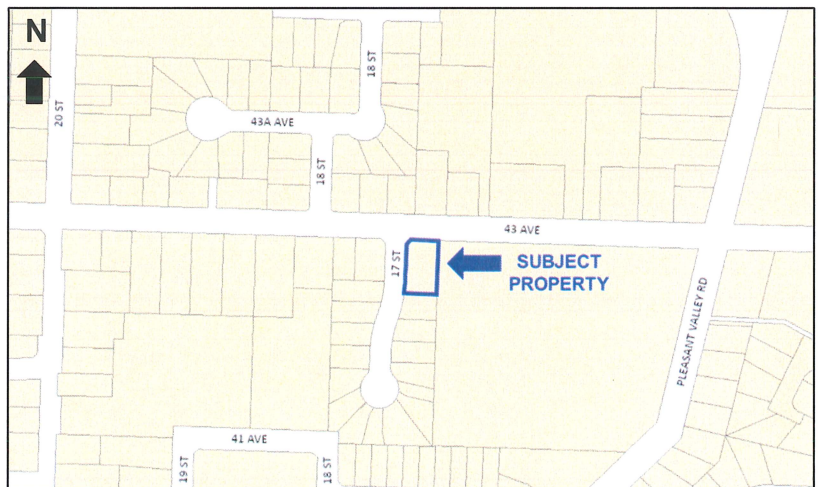


Figure 1 – Property Location Map

3. If subdivision approval is granted, the east property line would become the rear property line, for both lots/existing homes, with a minimum setback of 6m. As subdivision approval cannot create a new nonconformity, such as a deficient building setback, a variance for both homes to the rear property line would be required, and is being requested, as follows (Attachment 4):

- a) Proposed Lot 1 (1608 43rd Avenue) – Section 9.5.5, minimum rear yard, from 6m to 2.54m; and
- b) Proposed Lot 2 (4211 17th Street) – Section 9.5.5, minimum rear yard, from 6m to 4.82m.

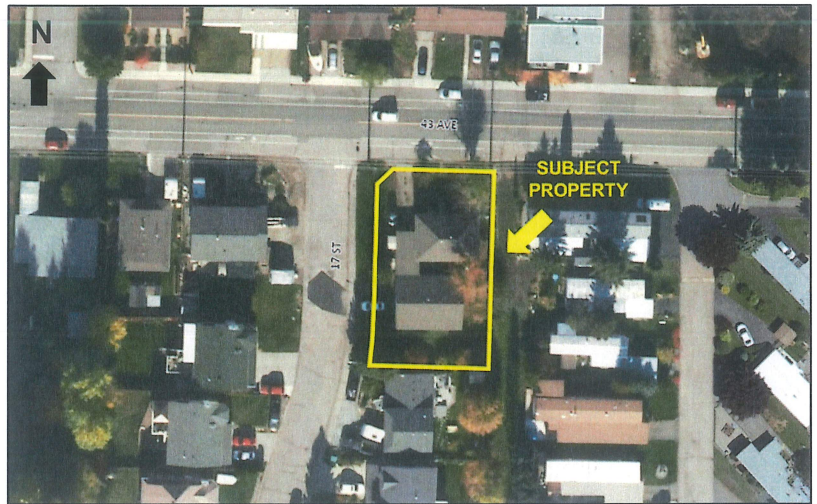


Figure 2 – Aerial View of Property

4. Administration supports the variance requests because they would sanction the siting of the proposed homes, solve a potential building setback deficiency and allow the proposed subdivision to advance.

C. Attachments:

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

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

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

➤ N/A

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw 5000:

➤ R4: Small Lot Residential, Sec. 9.5.5 Development Regulations

2. *Local Government Act:*

➤ Sec.498 – local government authorization to issue a development variance permit by resolution.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X Michelle Austin

Signer 1

Michelle Austin

Planner, Current Planning

Will Pearce, CAO

Date: 21. NOV. 2022

X Kim Flick

Signer 2

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: | | |

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:

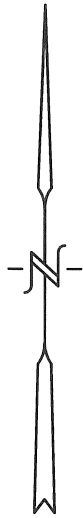
Front yard 3.5m

Rear yard 6.0m

Side yard 1.2m

Exterior side yard: 3.5m

MAX SITE COVERAGE: 40%



43rd AVENUE

17th STREET

PLAN B1448

Lot 1 Coverage

Total structure area: 97.2 m²

Total impermeable area: 7.4 m²

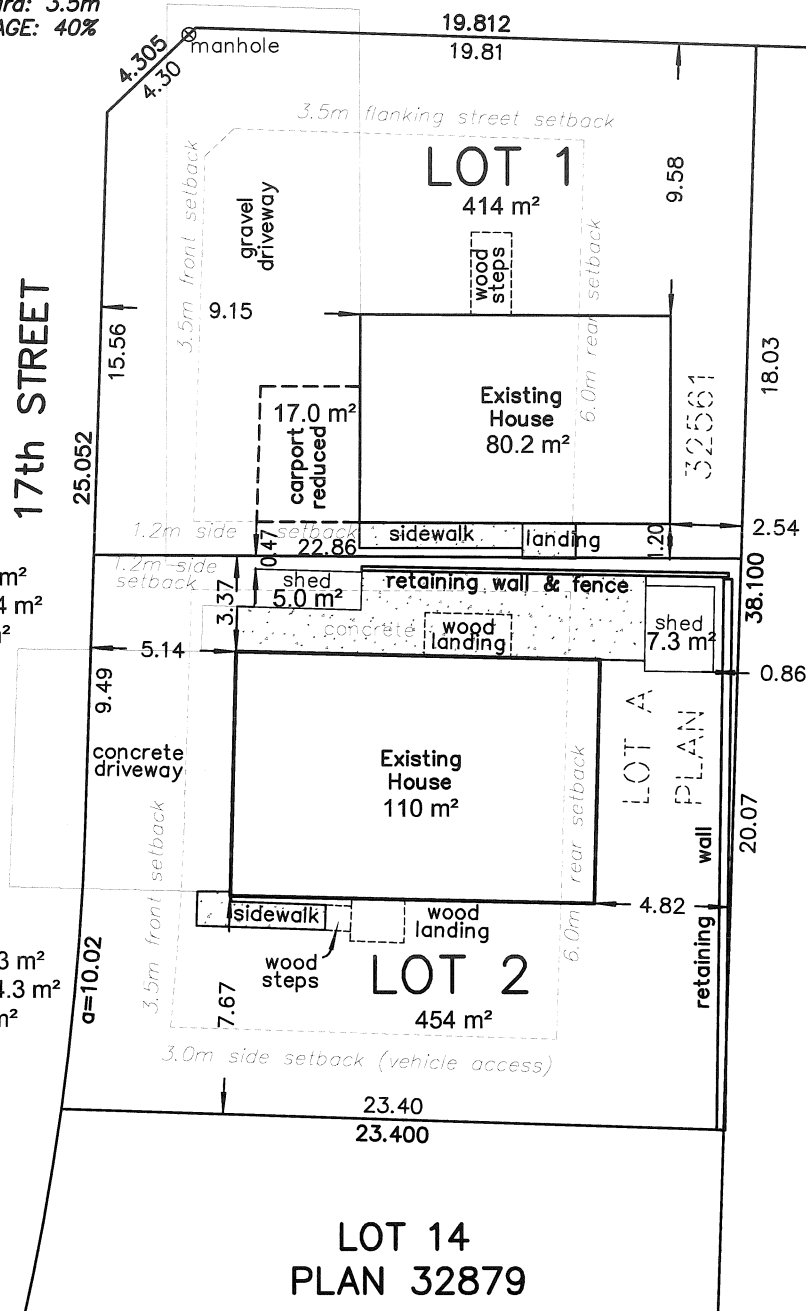
Total coverage: 104.6 m²

Lot 2 Coverage

Total structure area: 122.3 m²

Total impermeable area: 94.3 m²

Total coverage: 216.6 m²



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russell shortt

land SURVEYORS

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

FILE: 30143prop

FEBRUARY 24, 2022

FEBRUARY 17, 2022

FEBRUARY 15, 2022

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

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)