



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick  
Approving Officer

**COUNCIL MEETING:** REG ☒ COW ☐ I/C ☐  
**COUNCIL MEETING DATE:** December 12, 2022  
**REPORT DATE:** November 16, 2022  
**FILE:** 3090-20 (DVP00561)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1606 38<sup>th</sup> AVENUE

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## **PURPOSE:**

To review Development Variance Permit Application 00561 (DVP00561) for a detached garage at 1606 38<sup>th</sup> Avenue.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application 00561 (DVP00561) to vary the following sections of Zoning Bylaw 5000 to allow for the construction of a detached garage on LOT 8 PLAN 474 SEC 2 TWP 8 ODYD OF S 156.14' EXC PL B1275 (1606 38<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 1606 38<sup>th</sup> Avenue" dated November 16, 2022 and respectfully submitted by the Approving Officer:

- a) Section 4.5.6 maximum allowable height for a secondary building to the mid-point of the roof structure, from 4.5m to 5.0m up to a total building height of 5.7m; and
- b) Section 4.5.7 maximum allowable building area of a secondary building, from 90m<sup>2</sup> to 105m<sup>2</sup> and a total area of 187m<sup>2</sup>;

AND FURTHER, that Council's support of DVP00561 is subject to the following:

- a) the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development be attached to and form part of DVP00561; and
- b) a Road Reserve Covenant be registered on title that will allow the City to acquire the needed land to connect 38<sup>th</sup> Avenue/lane in the future at no cost and ensures no buildings, structures or improvements are built on the future alignment, unless otherwise approved by the City of Vernon.

## **ALTERNATIVES & IMPLICATIONS:**

THAT Council not support Development Variance Permit Application 00561 (DVP00561) to vary the following sections of Zoning Bylaw 5000 to allow for the construction of a detached garage on LOT 8 PLAN 474 SEC 2 TWP 8 ODYD OF S 156.14' EXC PL B1275 (1606 38<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 1606 38<sup>th</sup> Avenue" dated November 16, 2022 and respectfully submitted by the Approving Officer:

- a) Section 4.5.6 maximum allowable height for a secondary building to the mid-point of the roof structure, from 4.5m to 5.0m up to a total building height of 5.7m; and

- b) Section 4.5.7 maximum allowable building area of a secondary building, from 90m<sup>2</sup> to 105m<sup>2</sup> and a total area of 187m<sup>2</sup>.

*Note: Denial of the Development Variance Permit Application would restrict the height and building area of the proposed structures to meet the existing provisions of Zoning Bylaw 5000. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning requirements.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of November 15, 2022, the Advisory Planning Committee passed the following resolution:

*THAT Council support Development Variance Permit Application 00561 (DVP00561) to vary the following sections of Zoning Bylaw 5000 to allow for the construction of a detached garage on LOT 8 PLAN 474 SEC 2 TWP 8 ODYD OF S 156.14' EXC PL B1275 (1606 38<sup>th</sup> Avenue) as outlined in the report titled "Development Variance Permit Application for 1606 38<sup>th</sup> Avenue" dated November 8, 2022 and respectfully submitted by the Approving Officer:*

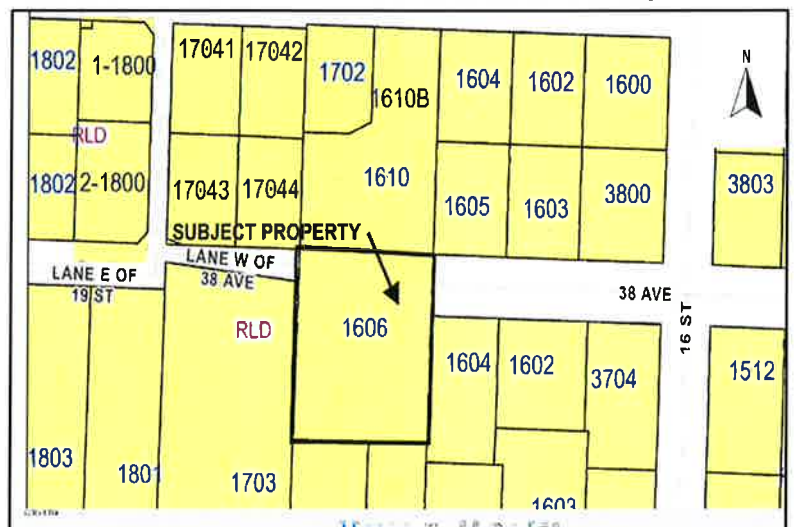
- a) maximum allowable height for a secondary building to the mid-point of the roof structure, Section 4.5.6 from 4.5m to 5.0m up to a total building height of 5.7m; and*
- b) maximum allowable building area of a secondary building, Section 4.5.7 from 90m<sup>2</sup> to 105m<sup>2</sup> and a cumulative total area of 187m<sup>2</sup>;*

*AND FURTHER, that Council's support of DVP00561 is subject to the following:*

- a) the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development be attached to and form part of DVP00561; and*
- b) a Road Reserve Covenant be registered on title that will allow the City to acquire the needed land to connect 38<sup>th</sup> Avenue/lane in the future at no cost and ensures no buildings are built on the future alignment.*

### **B. Rationale:**

1. The applicant has proposed to develop a detached garage for recreational vehicles and storage (Attachment 1). The subject property is 1606 38<sup>th</sup> Avenue (Figures 1 and 2) and is 1980.3801m<sup>2</sup> (~0.49ac) and fronts on a terminus of 38<sup>th</sup> Avenue. The subject property is designated Residential Low Density (RLD) in the Official Community Plan (OCP) and zoned R2 – Large Lot Residential in Zoning Bylaw 5000.



**Figure 1 - Property Location Map**

2. The subject application pertains to development regulations within Sections 4.5.6 and 4.5.7 of Zoning Bylaw 5000. The application proposes to vary the height restriction, the area of a secondary building and the sum of the secondary buildings on-site.
3. The application proposes to vary the height of the proposed secondary structure from 4.5m to 5.0m as measured from the mid-point of the roof structure. The overall height of the proposed secondary structure is 5.7m at its highest point (i.e. roof ridge).

The application also proposes to vary the maximum area of a secondary building from 90m<sup>2</sup> to 105m<sup>2</sup>. The proposed garage, in addition to other structures (garden shed, pool shed and pool), would bring the total area of the secondary buildings on the subject property to 187m<sup>2</sup>. This will result in 97m<sup>2</sup> variance above the total secondary building area that would be permitted as per the Zoning Bylaw.



**Figure 2 - Aerial View of Subject Property**

4. The subject property sits in the centre of a future transportation connection between 38<sup>th</sup> Avenue and the lane west of 38<sup>th</sup> Avenue. The lack of connection between 38<sup>th</sup> Avenue and the lane to the west is a transportation network concern. Future connection would provide operational benefits (i.e. snow plowing, garbage, recycling collection, utility options) and connectivity benefits for vehicles as well as pedestrians and cyclists. Administration recommends that the proposed site plan (Attachment 1) be attached to the permit and that a restrictive covenant be required guaranteeing future road dedications for the alignment of 38<sup>th</sup> Avenue to the lane west of 38<sup>th</sup> avenue. The proposed road reserve covenant would protect a 5.5m alignment plus setbacks for future buildings and prohibit construction of buildings, structures or improvements unless otherwise approved by the City of Vernon. The applicant is not in favour of providing the road reserve covenant.
5. Administration supports the development variance application subject to the road reserve covenant being registered, for the following reasons:
  - a) The proposed 5.0m building height to the mid-point of the roof structure and a total height of 5.7m is not a substantial variance above the 4.5m bylaw regulation. The proposed secondary building is 0.53m below the neighbouring house to the south and 1.60m above the primary building peak (on-site).
  - b) The height of the proposed building would not impact the neighbour's view and privacy of adjacent neighbours towards the south and east of the property line.
  - c) The proposed size of the secondary building and the cumulative size of the other secondary buildings is in keeping with the size and private setting of this unique lot.
  - d) The proposed road reserve covenant protects the potential to connect 38<sup>th</sup> Avenue to the lane to the west.

**C. Attachments:**

Attachment 1 – Site Plan, Floor Plans, and Renderings

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

N/A

**E. Relevant Policy/Bylaws/Resolutions:**

1. Official Community Plan Bylaw 5470:

- OCP Designation – Residential Low Density (RLD), Transportation/Section II, Policy 11.5

Encourage transportation projects and initiatives that contribute to the long term livability, vitality and viability of the City Centre, the neighbourhood centres and residential areas.

- Development District – Neighbourhood District

2. The following provisions of City of Vernon Bylaws are relevant to the subject application:

- Zoning Bylaw 5000:

Section 4.5.6 A secondary building or structure shall not exceed 4.5m or one storey in height, whichever is the lesser, unless specified otherwise in the development regulations of a particular zone or unless it is a Secondary Suite in which case Section 5.5 shall apply (Bylaw 5851).

Section 4.5.7 Lot coverage of secondary buildings or structures shall not exceed 14% or a maximum area of 90m<sup>2</sup> for secondary buildings in the residential zones.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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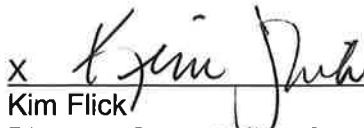
Prepared by:

Approved for submission to Council:

6 X   
Craig Broderick  
Approving Officer

  
Will Pearce, CAO

Date: 02. Dec. 2012

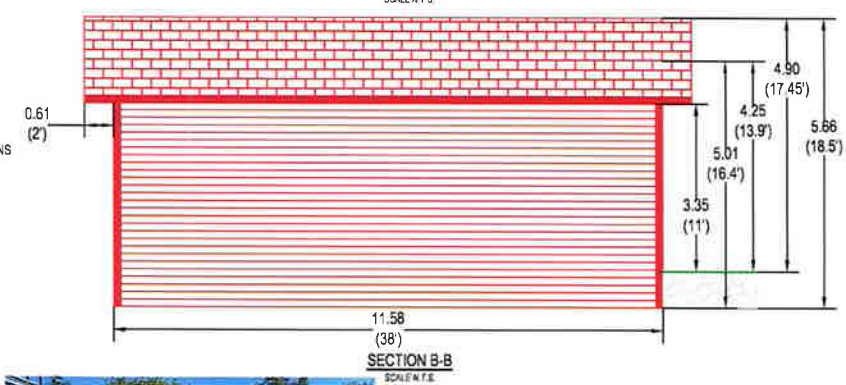
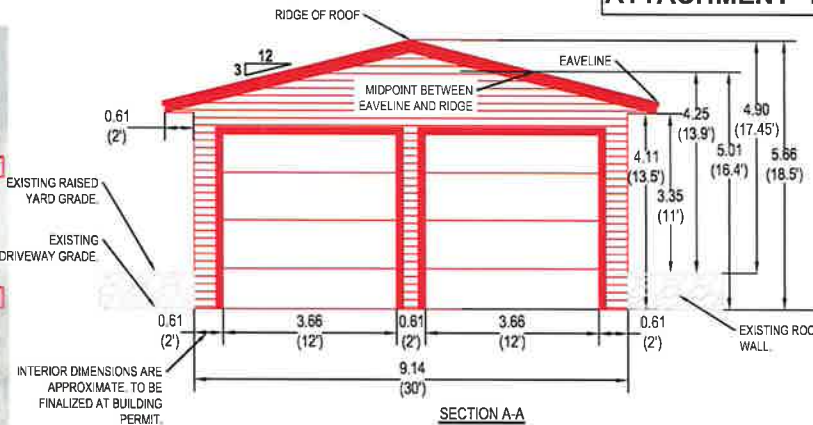
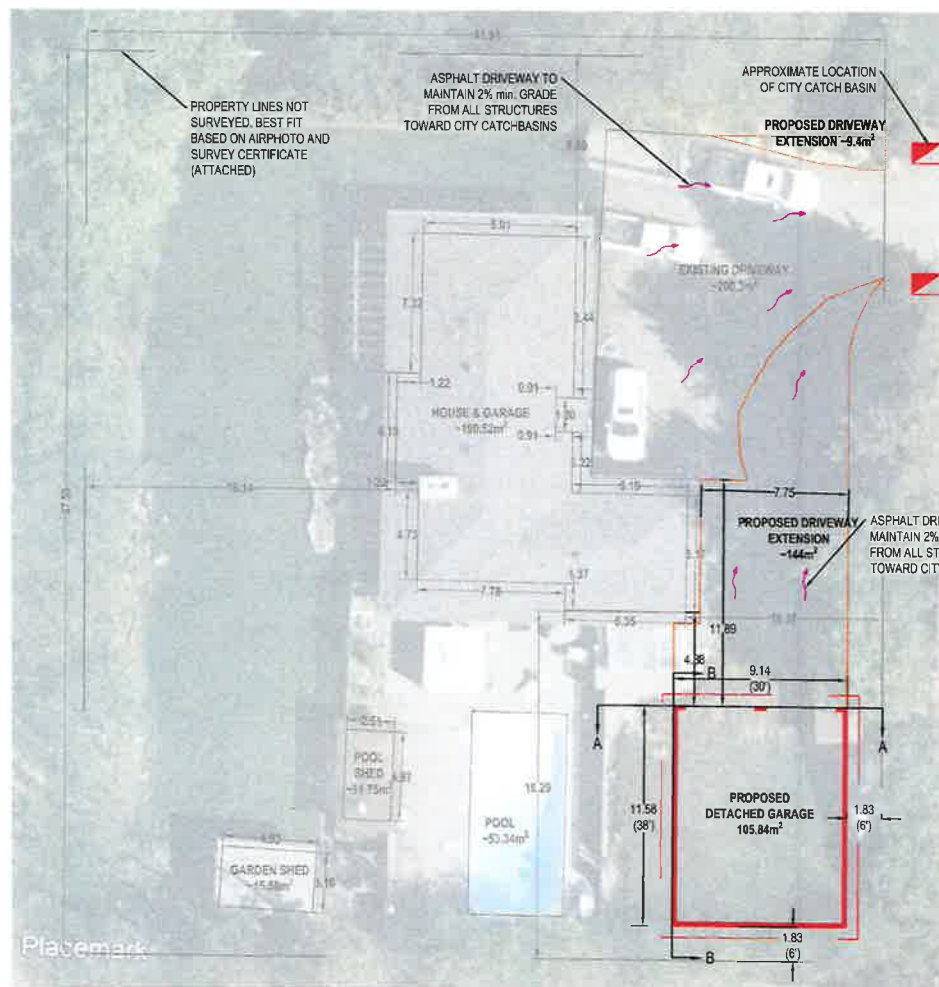
X   
Kim Flick  
Director, Community Infrastructure and Development

**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 type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Facilities           | <input type="checkbox"/> Building & Licensing                 |
| <input type="checkbox"/> RCMP                                  | <input type="checkbox"/> Utilities            | <input 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 (Nov.15/22) |                                               |                                                               |
| <input type="checkbox"/> OTHER:                                |                                               |                                                               |



# ATTACHMENT 1



PRIMARY BUILDING PEAK IS 4.06m (13.3') ABOVE THE GRAVEL ELEVATION.

NEIGHBOURS PEAK IS 2.13m (7') ABOVE THE PEAK OF THE PRIMARY BUILDING

PROPOSED SECONDARY BUILDING (GARAGE) IS 0.53m (20.8") BELOW NEIGHBOURS PEAK

PROPOSED SECONDARY BUILDING (GARAGE) IS 1.60m (5.24') ABOVE PRIMARY BUILDING PEAK

Impermeable Area Table (including eaves)		
Type	Area (m²)	Reduced Variance
House & Deck	268.9	
Garden Shed (to be removed)	20.43	
Pool Shed	31.01	
Pool & Concrete Deck	185.74	
Existing Asphalt Driveway	200.21	
PROPOSED GARAGE	105.84	
PROPOSED SECONDARY BUILDING (GARAGE)	105.84	
Total Impermeable Area w/o Garden Shed	981.96	
Total Impermeable Area w/o Garden Shed	981.96	
Lot Size - 47.50m x 41.91m	1994.49	
Percentage Impermeable	49.3%	N/A

PLAN VIEW  
EXISTING/PROPOSED STRUCTURE LAYOUT  
SCALE N.T.S.

Site Coverage Table			
Type	Description	Area (m²)	Required Variance (m²)
Primary	House & Deck	268.96	
	Total Primary Site Coverage	268.96	N/A
Secondary	Garden Shed	20.43	
Secondary	Pool Shed	31.01	
Secondary	Pool	185.74	
Secondary	Pool Deck	200.21	
	Total Secondary Site Coverage	437.40	N/A
	Total Impermeable Area Coverage w/o Pool & Garden Shed	513.38	27.15
	Total Site Coverage	704.41	
	Lot Size - 47.50m x 41.91m	1994.49	
	Percent Site Coverage	35.3%	N/A

Approximate Center Lot Coordinates:

UTM ZONE 11:  
N: 5571009.63  
E: 339335.25

LATITUDE: 50° 16' 9.6"  
LONGITUDE: -110° 15' 16.4"

OWNER: N/A	1606 38 AVENUE, VERNON BC, V1T 2Z2	DATE: 2023-03-30
OWNER: AS		PROJECT No: N/A
AGENT: N/A		FILE No: N/A
SCALE: N.T.S.	CHRIS & AMANDA SWALES VARIANCE FOR NEW DETACHED GARAGE BUILD	DRAWN BY: N/A
NO: N.T.S.		CHECKED BY: N/A
		1 OF 1