



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: May 23, 2023

REPORT DATE: May 9, 2023

FILE: 3090-20 (DVP00600)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3201 45TH AVENUE

PURPOSE:

To review Development Variance Permit application 00600 (DVP00600) to vary one provision of Zoning Bylaw 5000 to permit the construction of an industrial business park located at 3201 45th Avenue.

RECOMMENDATION:

THAT Council support Development Variance Permit application 00600 (DVP00600) to vary Zoning Bylaw 5000 on LT 26, DL 38, ODYD, PL 2630 (3201 45th Avenue) as outlined in the report titled "Development Variance Permit Application for 3201 45th Avenue" dated May 9, 2023, and respectfully submitted by the Current Planner, as follows:

- a) Section 11.1.5 to reduce the rear yard setback from a flanking street from 6.0m to 0.0m;

AND FURTHER, that Council's support of DVP00600 is subject to the following:

- a) That the site plan, intended to illustrate the location of the proposed structure (Attachment 1), be attached to and form part of DVP00600 as Schedule 'A'; and
- b) Completion of SUB00845 (boundary adjustment) to create proposed Lot A (Attachment 2).

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit application 00600 (DVP00600) to vary Zoning Bylaw 5000 on LT 26, DL 38, ODYD, PL 2630 (3201 45th Avenue) as outlined in the report titled "Development Variance Permit Application for 3201 45th Avenue" dated May 9, 2023, and respectfully submitted by the Current Planner.

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

ANALYSIS:

A. Committee Recommendations:

At its meeting of April 25, 2023, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00600 (DVP00600) to vary Zoning Bylaw 5000 on LT 26, DL 38, ODYD, PL 2630 (3201 45th Avenue) as outlined in the report titled "Development Variance Permit Application for 3201 45th Avenue" dated April 19, 2023 and respectfully submitted by the Current Planner, as follows:

- a) Section 11.1.5 to reduce the rear yard setback from a flanking street from 6.0m to 0.0m;

AND FURTHER, that the Advisory Planning Committee recommends that Council's support of DVP00600 be subject to the following:

- a) That the site plan, intended to illustrate the location of the proposed structure (Attachment 1) be attached to and form part of DVP00600 as Schedule 'A'; and
- b) Completion of SUB00845 (boundary adjustment) to create proposed Lot A (Attachment 2).

B. Rationale:

1. The proposed industrial business park consists of 15 lots (Figures 1 and 2). The subject property requesting the proposed variance is located in the southwest corner of the proposed development site with a current civic address of 3201 45th Avenue. The proposed industrial business park is approximately 61,858m² (15.29ac) in size. The surrounding area contains utilities, industrial and commercial land uses.
2. The purpose of the application is to review a request to vary the rear yard setback in the I1: Light Industrial Zone of Zoning Bylaw 5000 on one of 15 lots in the proposed industrial business park.
3. The subject property is zoned I1: Light Industrial (Attachment 3) and is designated as Light Industrial / Service Commercial (LINDSC) in the Official Community Plan (OCP).
4. The subject application pertains to development regulation within Section 11.1.5 and proposes to reduce the rear yard setback from a flanking street from 6.0m to 0.0m.
5. As illustrated in Attachment 1, the application proposes to construct "Building A" on proposed "Lot A" (Attachment 2) with a 0.0m setback on the west lot line. SUB00845 proposes consolidating the existing 15 lots and adjusting the lot boundaries to create seven lots. Upon registration, the west lot line of the subject property would be considered the rear lot line of proposed "Lot A".

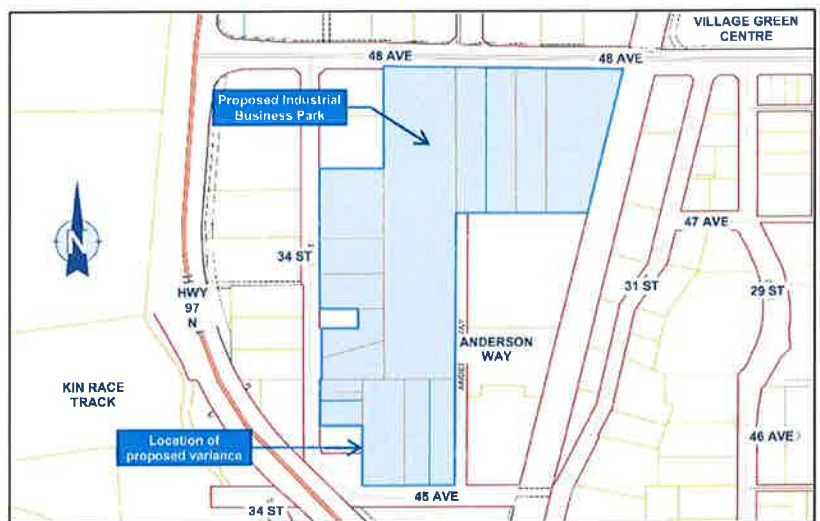


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

6. The I1: Light Industrial Zone allows for a 0.0m rear yard setback when the rear lot line abuts another property, provided it is not zoned residential, agricultural or institutional. However, if the property abuts a flanking street, the rear yard setback is increased to 6.0m. As illustrated in the site plan (Attachment 1), the proposed "Building A" abuts both an existing I1 zoned property as well as a flanking street (corner of 34th Street and 45th Avenue). A City sanitary lift station is located in the boulevard area of the flanking street. Proposed "Building A" is 30.48m wide with approximately 17.5m of the structure abutting 4501 34th Street, which complies with the rear yard setback regulations. However, the remaining approximately 13m of the structure abuts the flanking street (34th Street). The application proposes to vary the rear yard setback regulations from 6.0m to 0.0m for the 13m section of "Building A" that abuts 34th Street.
7. Administration supports the requested variance for the following reasons:
 - a) The variance requested is for an approximately 13m wide section of proposed "Building A" that abuts City property which contains a sanitary lift station. As such, neighbouring properties would not be negatively impacted by the proposed variance.
 - b) Support of the proposed variance facilitates the redevelopment of industrial land into an operational Industrial Business Park.
 - c) As a condition of Council's approval, Administration is recommending that issuance of the Development Variance Permit be withheld until SUB00845 (boundary adjustment) is completed and registered to create proposed "Lot A".

C. Attachments:

Attachment 1 – Proposed Site Plan
Attachment 2 – Proposed Lot Layout Plan (SUB00845)
Attachment 3 – I1: Light Industrial 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. The following provision of Zoning Bylaw 5000 is relevant to the subject application:

Section 11.1.5 Minimum rear yard setback is 0.0m, except it is 6.0m for any flanking street and where the abutting land is zoned or designated Residential, Agricultural or Institutional.

BUDGET/RESOURCE IMPLICATIONS:

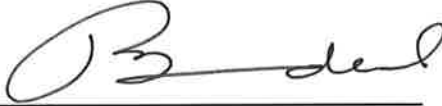
N/A

Prepared by:

Approved for submission to Council:

X



Matt Faucher, CPT
Planner



Patti Bridal, CAO

Date: May 17, 2023

X


Roy Nuriel
Acting General Manager, Planning

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 type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input checked="" 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 (Apr 25/23) | | |
| <input type="checkbox"/> OTHER: | | |