



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Current Planner, Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 12, 2023
REPORT DATE: May 31, 2023
FILE: 3090-20 (DVP00587)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3501 11TH STREET

PURPOSE:

To present for Council's consideration a development variance permit application for the property located at 3501 11th Street in anticipation of rezoning and subdivision approval.

RECOMMENDATION:

That Council support Development Variance Permit Application 00587 (DVP00587) to vary Zoning Bylaw 5000 for Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) as outlined in the report titled "Development Variance Permit Application for 3501 11th Street" dated May 31, 2023 and respectfully submitted by the Current Planner, as follows:

- a) Varying Section 9.4.5, minimum rear yard, from 6m to 3.15m for the existing house on proposed Lot 1.

AND FURTHER, that Council's support of DVP00587 is subject to the following:

- a) That the site plan (Attachment 1) to be attached to and form part of DVP00587.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00587 (DVP00587) to vary Zoning Bylaw 5000 for Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) as outlined in the report titled "Development Variance Permit Application for 3501 11th Street" dated May 31, 2023 and respectfully submitted by the Current Planner, as follows;

- a) Varying Section 9.4.5, minimum rear yard, from 6m to 3.15m for the existing house on proposed Lot 1.

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), the existing house would be too close to the new rear property line. Given that the parcel provides sufficient area and width under the R2 zoning, the owner could demolish the house and apply to subdivide the lot into two lots without the need for rezoning or variance approval.

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 Zoning Application 00390 (ZON00390) to rezone Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) from R2 – Large Lot Residential to R3 – Medium Lot Residential as outlined in the report titled “Zoning and Development Variance Permit Applications for 3501 11th Street” dated April 20, 2023 and respectfully submitted by the Current Planner;

AND FURTHER, that the Advisory Planning Committee recommends that Council not hold a public hearing, pursuant to 464(2) of the Local Government Act, on a proposed bylaw to rezone Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) from R2 – Large Lot Residential to R3 – Medium Lot Residential;

AND FURTHER, that the Advisory Planning Committee recommends 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 to rezone Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) from R2 – Large Lot Residential to R3 – Medium Lot Residential;

AND FURTHER, that the Advisory Planning Committee recommends that Council support Development Variance Permit Application 00587 (DVP00587) to vary Zoning Bylaw 5000 for Lot 1, Sec 2, TWP 8, ODYD, Plan 21198 (3501 11th Street) by:

- a) *Varying Section 9.4.5, minimum rear yard, from 6m to 3.15m for the existing house on proposed Lot 1.*

B. Rationale:

1. The subject property is located at 3501 11th Street (Figures 1 and 2) and has a total area of 1,241.6m². There is currently one single detached dwelling and one accessory building located on the property (Attachment 1).
2. At its Regular Meeting of May 8, 2023, Council supported Zoning Application 00390 (ZON00390) to rezone the subject property from R2 – Large Lot Residential (Attachment 2) to R3 – Medium Lot Residential (Attachment 3). At its Regular Meeting of June 12, 2023, Council will consider giving initial readings to Bylaw 5960 “3501 11th Street Rezoning Amendment Bylaw 5960, 2023”, which proposes to rezone the property from R2 to R3. If the rezoning is successful, the applicant intends to subdivide the property into two lots with the existing single detached house to remain on the west lot (Attachments 4 and 5).

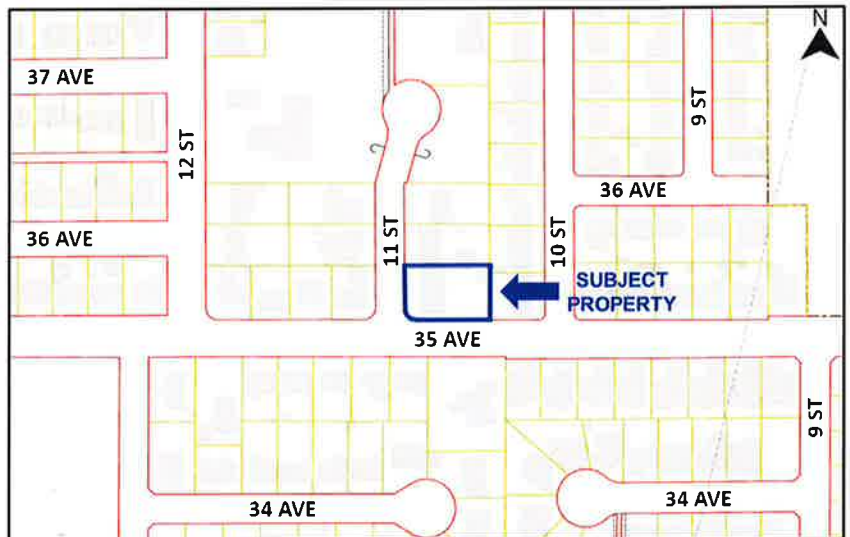


Figure 1: Property Location Map

3. A below grade garage forms part of the house, extending out the back. The garage roof is slightly above grade and acts as a deck for this house as well. In order to retain the house and garage and subdivide the property, the approach is to rezone to R3, which has a lesser minimum lot area requirement, and vary the rear yard from the existing house/garage to a future lot line.



Figure 2: Aerial View of Property

4. If subdivision approval is granted, the existing rear property line would shift west toward the back of the existing house. This property line would become the rear property line for the existing house/west lot and the side property line for the new lot. As subdivision approval cannot create a new non-conformity, such as a deficient building setback, the owner is requesting a reduced rear yard, from 6m to 3.15m, between the existing house (garage roof/patio) the new rear property line (Attachment 5).

5. Administration supports the variance request as it resolves a potential building setback deficiency and allows the proposed subdivision to advance.

C. Attachments:

- Attachment 1 – Photos
- Attachment 2 – R2: Large Lot Residential Zone
- Attachment 3 – R3: Medium Lot Residential Zone
- Attachment 4 – Applicant Rationale
- Attachment 5 – Site and Subdivision Plan

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:
 - Section 9.4 R3: Medium Lot Residential

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X Michelle Austin
Michelle Austin
Current Planner, Planning

Patti Bridal
Patti Bridal, CAO

Date: 05/05/2023

X Roy Nuriel
Roy Nuriel
Acting General Manager, Planning

REVIEWED WITH

- | | | |
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| <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 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: | | |