



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Planner, Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: April 8, 2024
REPORT DATE: March 27, 2024
FILE: 3090-20 (DVP00623)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3106 16TH AVENUE

PURPOSE:

To present for Council's consideration a development variance permit application for the property located at 3106 16th Avenue in preparation for a four-plex development.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00623 (DVP00623) to vary Zoning Bylaw 5000 for Lot 3, Sec. 34, Twp. 9, ODYD, Plan 7135 (3106 16th Avenue) for construction of a four-plex development as outlined in the report titled "Development Variance Permit Application for 3106 16th Avenue" dated March 27, 2024 and respectfully submitted by the Planner, as follows:

- a) Section 9.12.5(b), minimum side yard (east) from 4.5m to 1.7m;
- b) Table 6.1, Minimum Landscape Buffer Schedule, RH1 Zone Level 2 Landscape Buffer for the west side yard and rear yard from "a minimum 1.5m vegetative landscape buffer combined with a fence" to "a minimum 1.5m vegetative landscape buffer"; and
- c) Table 7.1 - Parking Schedule from eight (8) to six (6) parking spaces for a four-plex with three or more bedrooms in each unit;

AND FURTHER, that Council's support of DVP00623 is subject to the following:

- a) That the development generally complies with the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) to be attached to and form part of DVP00623;
- b) That the maximum building height does not exceed 11.4m; and
- c) That the gravel spaces fronting 15th Avenue shown on the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) be vegetated to discourage parking.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00623 (DVP00623) to vary Zoning Bylaw 5000 for Lot 3, Sec. 34, Twp. 9, ODYD, Plan 7135 (3106 16th Avenue) for construction of a four-plex development as outlined in the report titled "Development Variance Permit Application for 3106 16th Avenue" dated March 27, 2024 and respectfully submitted by the Planner, as follows:
 - a) Section 9.12.5(b), minimum side yard (east) from 4.5m to 1.7m;

- b) Table 6.1, Minimum Landscape Buffer Schedule, RH1 Zone Level 2 Landscape Buffer for the west side yard and rear yard from “a minimum 1.5m vegetative landscape buffer combined with a fence” to “a minimum 1.5m vegetative landscape buffer”; and
- c) Table 7.1 - Parking Schedule from eight (8) to six (6) parking spaces for a four-plex with three or more bedrooms in each unit.

Note: This alternative does not support the variance requests and the four-plex would not move ahead as proposed. The site layout and building would have to be redesigned potentially with additional height (i.e. an additional storey).

ANALYSIS:

A. Committee Recommendations:

At its meeting of March 12, 2024, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit Application 00623 (DVP00623) to vary Zoning Bylaw 5000 for Lot 3, Sec. 34, Twp. 9, ODYD, Plan 7135 (3106 16th Avenue) for construction of a four-plex development as outlined in the report titled “Development Variance Permit Application for 3106 16th Avenue” dated March 6, 2024 and respectfully submitted by the Planner, as follows:

- a) *Section 9.12.5(b), minimum side yard (east) from 4.5m to 1.7m;*
- b) *Table 6.1, Minimum Landscape Buffer Schedule, RH1 Zone Level 2 Landscape Buffer for the west side yard and rear yard from “a minimum 1.5m vegetative landscape buffer combined with a fence” to “a minimum 1.5m vegetative landscape buffer”; and*
- c) *Table 7.1 - Parking Schedule from eight (8) to six (6) parking spaces for a four-plex with three or more bedrooms in each unit;*

AND FURTHER, that Council’s support of DVP00623 is subject to the following:

- a) *That the development generally complies with the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) to be attached to and form part of DVP00623;*
- b) *That the maximum building height does not exceed 11.4m; and*
- c) *That the gravel spaces fronting 15th Avenue shown on the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) be vegetated to discourage parking.*

B. Rationale:

1. The property, situated at 3106 16th Avenue in the Mission Hill Neighborhood, lies east of Hwy 97 and south of Vernon Jubilee Hospital (Figure 1). It is 567 m² in area and was previously developed with semi-detached housing, as shown in Figure 2. In preparation for redevelopment, the semi-detached building was demolished in October 2023 (Attachment 1).

2. The property is designated as MDCOMRES – Mixed Use – Medium Density and Commercial and located within the Neighbourhood Development District. It is zoned RH1 – Low Rise Apartment Residential (Attachment 2).

3. The owner plans to redevelop the property with a three-storey four-plex (Attachment 3). The intent of the variance application is to request Council's approval to:

- decrease the minimum side yard (east) from 4.5m to 1.7m;
- not require fencing along the side yard paralleling 31A Street and along the rear yard paralleling 15th Avenue; and
- decrease the minimum number of residential parking spaces from eight (8) to six (6).

4. The proposal adheres to RH1 zoning regulations regarding use, floor space ratio, site coverage, impermeable surface coverage, height, front yard setback, and the provision of private open space.

5. Each unit within the four-plex would include three bedrooms, two or three bathrooms, and private open space ranging from 26.9m² to 65.2m² (Attachment 3). Units 1 and 2 would face and be accessible from 16th Avenue, with attached single-car garages and two parking spaces each – one in the garage and one in the front yard. These units would include approximately 1,200 ft² of living area and rooftop patios. Units 3 and 4 would front and be accessible from 15th Avenue, each with one parking space in the rear yard. These units would provide approximately 860 ft² of living space and be retained by the current owner for rental purposes. Landscaping plans include trees, grassed areas, and shrubs as well as fencing between the neighbouring property to the east.

6. Side Yard Setback Variance Request – The RH1 zone requires minimum side yards of 4.5m. This requirement is typical for apartment housing in higher density zones. A setback of 1.2m to 2m is typical for four-plex housing within medium density zones and is considered more fitting for the proposed development. The required 4.5m side yard setback would be applied along 31A Street. Administration supports a reduced setback to enable suitable site development in line with the four-plex design. A condition has been added to the recommendation stipulating that the maximum building height must not exceed 11.4m (as proposed). Otherwise, the RH1 zone would allow construction up to 16.5 meters posing compatibility issues with a reduced setback of 1.7 meters.

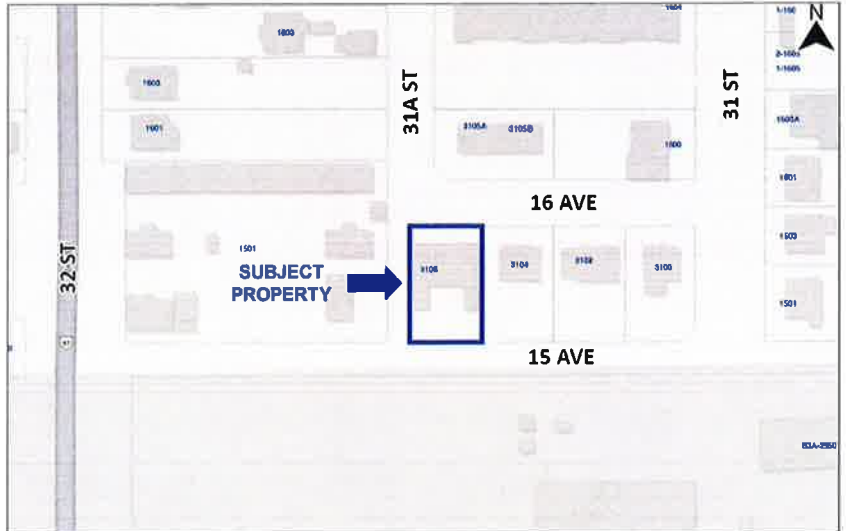


Figure 1 – Location Map



Figure 2 – Aerial Photo

7. Landscaping Variance Request – According to the Zoning Bylaw 5000 Landscaping & Screening requirements, a fence, in addition to a vegetative buffer, is required along 31A Street, 15th Avenue and the interior lot line between the subject property and the neighbouring property to the east (the side yards and rear yard). However, the owner prefers not to install fencing along the road frontages. Administration supports this approach to enhance driver visibility, promote safety through increased neighbourhood surveillance, and mitigate the potential unsightliness of fencing if not properly maintained over time.
8. Parking Variance Request – According to Zoning Bylaw 5000, each residential dwelling unit with three or more bedrooms within a four-plex must have two (2) parking spaces. Therefore, the proposed four-plex would need to provide a total of eight (8) parking spaces. Recently, Zoning Bylaw 5000 was amended to require a minimum of four (4) parking spaces for semi-detached housing with secondary suites within the City Centre and Neighbourhood Development Districts. This translates to one (1) parking space per unit. The proposed four-plex development exceeds this requirement by providing an average of 1.5 parking spaces per unit. The Province of BC, through its Small-Scale, Multi-Unit Housing program, is encouraging local governments to minimize parking requirements when updating their zoning bylaws. Administration supports reduced parking due to its potential to enhance affordability, reduce impermeable coverage, and promote alternative transportation modes.
9. In addition to this variance application (DVP00623), a form and character development permit application (DP001008) is concurrently in process with the City for the subject property.

C. Attachments:

- Attachment 1 – Photos
- Attachment 2 – RH1 Zoning Regulations
- Attachment 3 – Architectural Drawings

D. Council's Strategic Plan Alignment:

- | | |
|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input checked="" type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas | <input type="checkbox"/> Vibrancy |
| <input type="checkbox"/> Environmental Leadership | <input type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan (OCP) Bylaw 5470:
 - OCP Designation – MDCOMRES – Mixed Use Medium Density Commercial & Residential
 - Development District – 2 – Neighbourhood District
 - Multiple Family Residential Development Permit Area (DPA) – the project exceeds three dwelling units
2. Zoning Bylaw 5000, Section 9.12, RH1 – Low-Rise Apartment Residential
3. *Local Government Act*, Division 9 – Development Variance Permits

BUDGET/RESOURCE IMPLICATIONS:

N/A


FINANCIAL IMPLICATIONS:

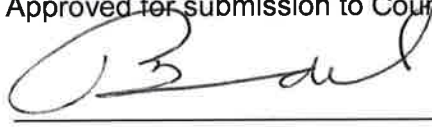
- None
- Budget Previously Approved
- New Budget Request
(Finance Review Required)

Prepared by:

Approved for submission to Council:

For


 X Michelle Austin
 Planner, Planning


 Patricia Bridal, CAO

Date: April 21 2024


 X Terry Barton
 Director, Planning & Community Services

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 (Mar. 12/24) | | |
| <input type="checkbox"/> OTHER: | | |