



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 23, 2022

From: Yvonne Mitchell, Planner II

File No: DVP 22-02

Subject: **DVP 22-02, Development Variance Permit, 2240 Hihannah Drive**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 22-02) for 2240 Hihannah Drive to vary Section 10.4.5.g.1 of the Zoning Bylaw No. 0154 to reduce the front parcel boundary setback from 4.5m to 1.89m and the front parcel boundary setback for a garage from 6.0 to 4.02m.

STRATEGIC AREA(S) OF FOCUS

Council's 2022 Strategic Priorities – Economic Growth and Prosperity

BACKGROUND

The subject property at 2240 Hihannah Drive is located within the Shannon Lake neighbourhood. The subject property was created through a five lot subdivision application in 2016 and is currently vacant. The applicant has applied to construct a single detached dwelling on the subject property.

PROPERTY DETAILS			
Address		2240 Hihannah Drive	
PID		030-532-621	
Folio		36413691.601	
Lot Size		655.246 m2	
Owner	Peter Anthony Dirk and Karen Julie Muma	Agent	Peter Dirk
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	Single Detached Dwelling
Development Permit Areas	Hillside Development Permit Area		
Hazards	None		

Agricultural Land Reserve	No
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ADJACENT ZONING & LAND USES

North	^	Single Detached Residential (R1)
East	>	Medium Density Multiple Residential (R4)
West	<	Institutional and Assembly Zone (P2)
South	v	Single Detached Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

Proposal

The applicant is requesting to reduce the front boundary setback from 4.5m to 1.89m and the garage setback from 6.0m to 4.02m as shown in Attachment 1.

Applicant's Rationale

The applicant has provided a rationale to support the requested variances for the proposed single detached dwelling (Attachment 2):

- Irregular lot shape and grading posed hardships to orient garage appropriately or allow a favourable walk out style home within building setbacks;
- Home placed at top of lot to limit site excavation and retaining;
- Approximately 4.5m from parcel boundary to curb.

Bylaw and Policy Review

Zoning Bylaw No.0154

The subject property is subject to the R1 (Single Detached Residential) zone regulations in the Zoning Bylaw. Section 10.4.5.g.1 of the Zoning Bylaw requires a 4.5m setback from the front parcel boundary and a 6.0m setback from the front parcel boundary for a garage having vehicular entry from the front.

Should the front parcel boundary setback variances be granted, approximately 6.54m would remain between the proposed single detached dwelling and the edge of curb (Figure 1).

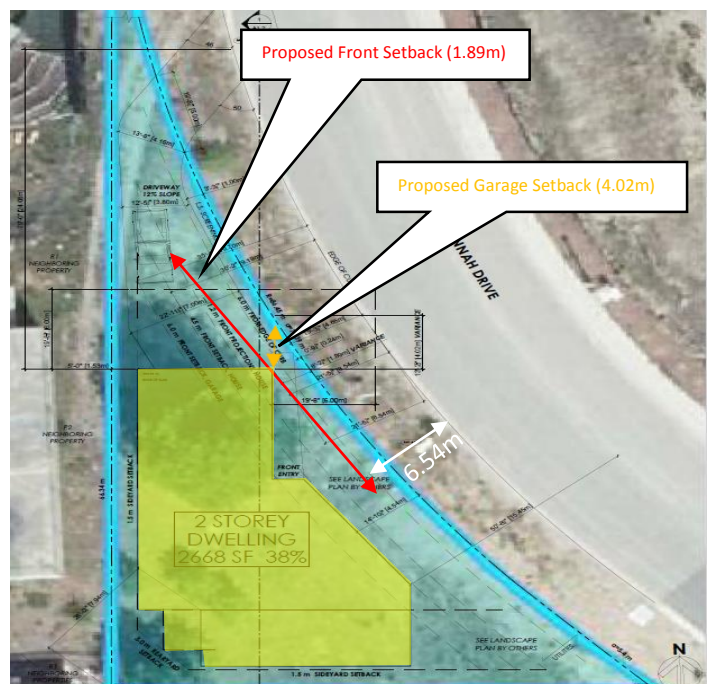


Figure 1 – Proposed setbacks and distance from edge of curb.

Under the new Zoning Bylaw No. 0265, a setback from garage to front parcel boundary can be reduced to 4.5m when a minimum of 6.2m is maintained from edge of curb or sidewalk. More than the minimum requirement is being maintained from edge of curb (6.54m), however the reduction is slightly less than that which is permitted at 4.02m instead of 4.5m. As such the variances would still be required under Zoning Bylaw No. 0265.

DISCUSSION

Technical Considerations

The subject property is located on a triangle shaped lot fronting Hihannah Drive. The single detached dwelling is proposed to be located on the south of the parcel and accessed by a sloped driveway as shown in Figure 1 and Figure 2. The sloped driveway will require a retaining wall and the applicant has provided as requested a landscape plan to ensure adequate screening of the proposed wall from the street as shown in Schedule B of Attachment 1.

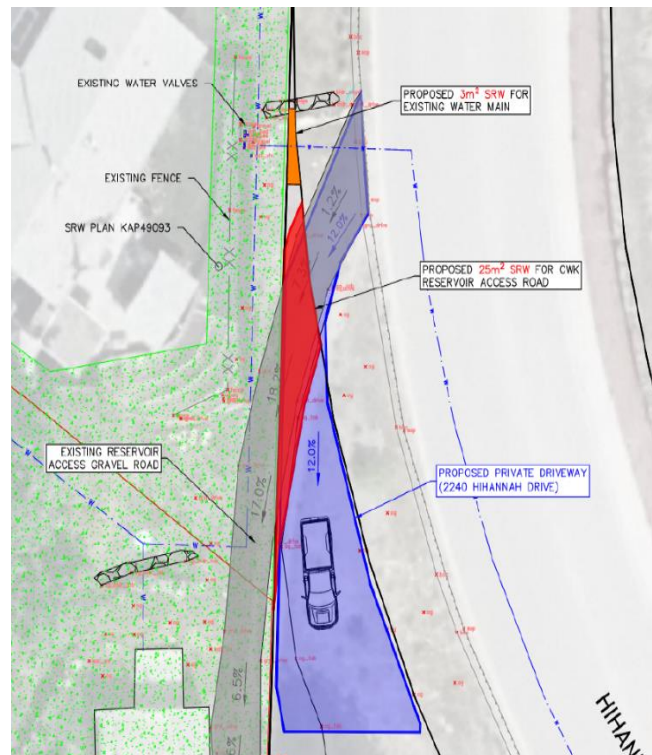
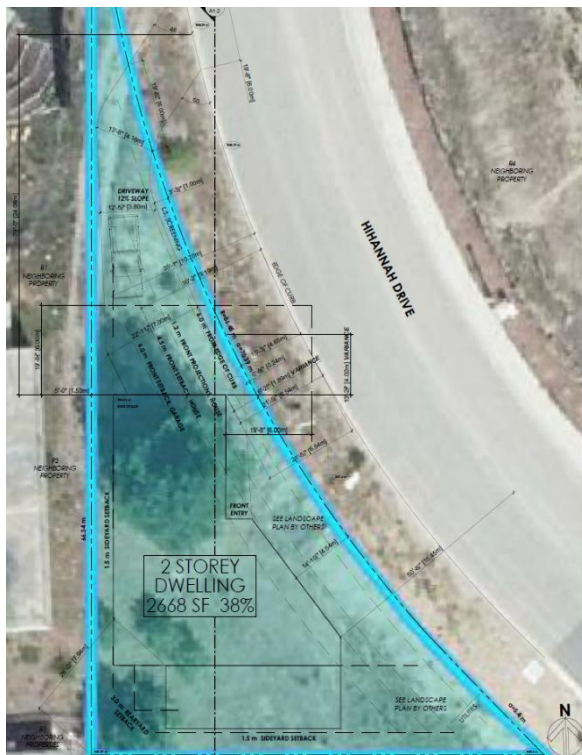
A statutory right of way (SRW) was also requested across the bottom of the proposed driveway as shown in Figure 3. The SRW is to allow the City to continue to access the Shannon Lake Reservoir located to the west of the subject property, and for an existing water main. The property owner is working with the City to register this SRW.



Left: Figure 1 – Rendering of proposed single detached dwelling.

Left Below: Figure 2 – Site Plan showing proposed variances to setbacks from the front parcel boundary.

Right Below: Figure 3 – SRW areas.



Public Notification

In accordance with s.499 of the *Local Government Act*, 45 notices were mailed to property owners and tenants within 100m of the subject property and a sign was posted on the property in accordance with the City's Development Application Procedures Bylaw No. 0260. No comments have been received at the time of writing this report.

CONCLUSION

Staff recommend that Council approve the requested Development Variance Permit as the variances will not impact the use of the proposed right of way or form and character of the surrounding area. In addition, the variances are in part caused by siting limitations on the property due to an irregular shaped parcel.

Alternate Recommendation:

THAT Council deny the request of a Development Variance Permit (DVP 22-02) for 2240 Hihannah Drive to vary Section 10.4.5.g.1 of the Zoning Bylaw No. 0154 to reduce the front parcel boundary setback from 4.5m to 1.89m and the front parcel boundary setback for a garage from 6.0 to 4.02m.

Should Council deny the requested variance, the applicant will either need to redesign their proposal to comply with the Zoning Bylaw No. 0154 or wait six months to reapply for a variance in accordance with the Development Applications Procedures Bylaw.

REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Development Variance Permit (DVP 22-02)
2. Applicant's Rationale Letter