



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 9, 2020

From: Hailey Rilkoff, Planner II

File No: DVP 20-03

Subject: **DVP 20-05, Development Variance Permit, 2184 Sunview Drive**

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### RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 20-05) for Lot 62 District Lot 1119 Osoyoos Division Yale District Plan KAP83716 (2184 Sunview Drive) in general accordance with the attached permit to vary Zoning Bylaw No. 0154 S 4.4.2 (a) to reduce the required length of two off-street parking spaces from 6.0 m (19.7 ft) required to 4.46 m (14.6 ft) existing for a two-bedroom secondary suite.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

### BACKGROUND

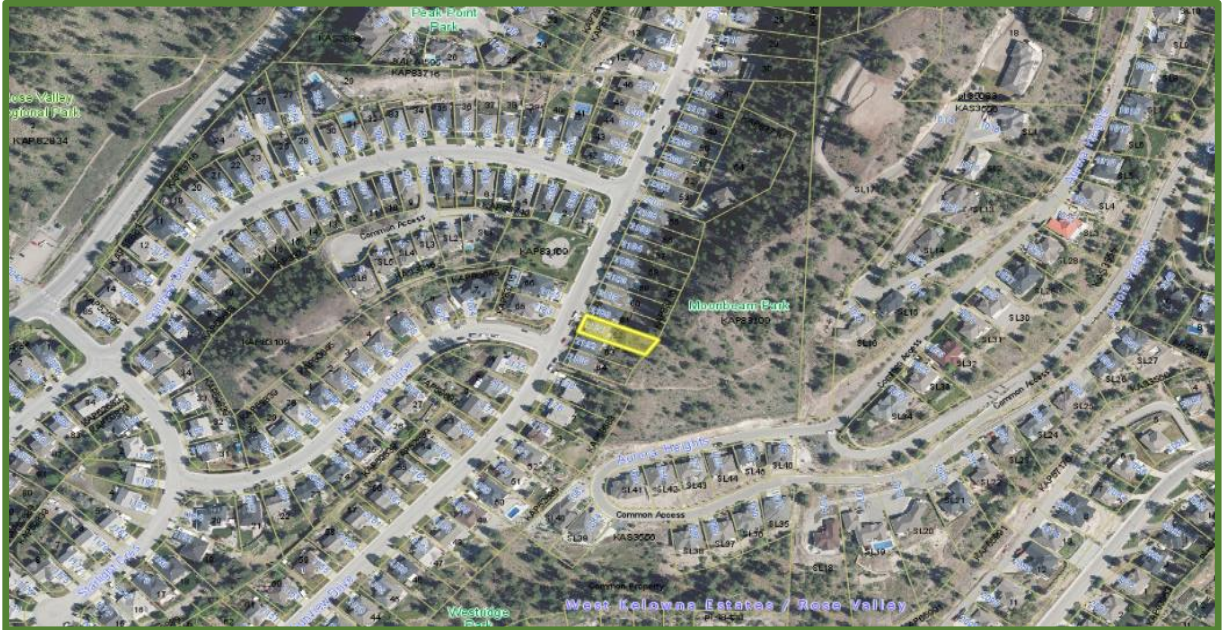
This application proposes to reduce the length of two required off-street parking spaces for a secondary suite. An illegal secondary suite was decommissioned on the property in 2014 and is not occupied. Now the owners intend to legalize the secondary suite. While the parking spaces are not technically long enough to fit on the property, the existing driveway (which extends into the City's road boulevard) is long enough to accommodate the required parking stall length.

PROPERTY DETAILS			
<b>Address</b>		2184 Sunview Drive	
<b>PID</b>		027-060-314	
<b>Folio</b>		36413490.578	
<b>Lot Size</b>		0.16 acres (643 m <sup>2</sup> )	
<b>Owner</b>	Richard & Carine Schuhmaucher	<b>Agent</b>	Richard Schuhmaucher
<b>Current Zoning</b>	RC3 – Compact Single Detached Residential	<b>Proposed Zoning</b>	-
<b>Current OCP</b>	SFR – Single Family Residential	<b>Proposed OCP</b>	-
<b>Current Use</b>	Residential	<b>Proposed Use</b>	-
<b>Development Permit Areas</b>	Form & Character; Hillside; Terrestrial		
<b>Hazards</b>	n/a		
<b>Agricultural Land Reserve</b>	No		

### ADJACENT ZONING & LAND USES

North	^	RC3 - Compact Single Detached Residential
East	>	P1 - Parks and Open Space
West	<	RC3 - Compact Single Detached Residential
South	v	R1 - Single Detached Residential

### NEIGHBOURHOOD MAP



### PROPERTY MAP





## History

The subject property has been developed with a single detached dwelling which was built in 2008. At the time the house was constructed, the property was zoned RC1 – Compact Housing (*Zoning Bylaw No. 871*), which did not permit secondary suites.

While no secondary suite was approved through the building permit for the home, the main floor was designed in a way to accommodate a secondary suite in the future, and a second kitchen was installed creating an illegal secondary suite. Shortly after the current owners purchased the property, they were advised by the City's Building Department of the suite's illegal status and they decommissioned the suite by removing the stove outlet in 2013. While the owners have rented out the property, they have advised that they have not rented the suite out separately from the principal dwelling.

In 2014, Zoning Bylaw No. 0154 was adopted, and property's zoning changed to RC3 – Compact Detached Residential, which now allows for secondary suites.

## Proposal

The owners now intends to legalize the secondary suite in order to create a second rental unit on the property. The proposal meets all of the regulations contained in Section 3.16 Secondary Suites of the Zoning Bylaw such as maximum floor area, separate exterior entrance and connection to a community sewer system.

However, the property cannot meet the requirements outlined in Section 4 – Off-Street Parking and Loading as the driveway length between the existing garage and the property line is shorter than the required parking stall length.

## Variance

The variance requested is to reduce the required parking stall length, for the two spaces required for a two bedroom secondary suite, from 6.0 m to 4.46 m. The driveway itself is over 6.0 m in length from the back of the street curb to the garage (9.07 m), with just over half of driveway within the City's Road Right of Way for Sundance Drive. *Figure 1* shows a surveyed site plan of the driveway with measurements.

## Applicant's Rationale

The owners have provided a letter which outlines their rationale for the proposed variance (*Attachment 2*). The owners wish to create an additional rental unit and as the residence is already set up for a suite (separate entrance, rough in for a stove, and kitchen) this can be done easily. The owners have advised that they have discussed their proposal with their neighbours to address any concerns.



Figure 1 - Proposed Suite Parking

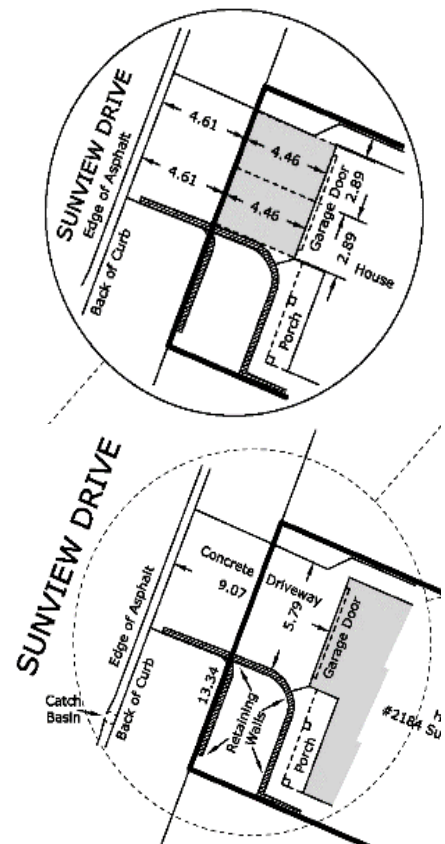


Figure 2 - Driveway Plan & Measurements

## Policy and Bylaw Review

### *Official Community Plan Bylaw No. 0100*

The City's OCP includes various objectives and policies for residential lands which encourage sensitive infill housing, in various forms, which complement the form and scale of adjacent buildings<sup>1</sup>. Secondary suites are supported as an affordable form of infill housing in the City<sup>2</sup>.

### *Zoning Bylaw No. 0154*

When the subject property was developed, the RC1 – Compact Housing zone in place (*Zoning Bylaw No. 871*) did not permit Secondary Suites. The front parcel setback was only 2.0 m under the old Zoning Bylaw.

When Zoning Bylaw No. 0154 was adopted in 2014, the Zoning of this property changed to the RC3 – Compact Single Detached Residential zone. The RC3 zone does permit secondary suites, however the Secondary Suite regulations in the Section 3.16 of the Zoning Bylaw must be met, and required parking must be provided in accordance with Part 4 of the Zoning Bylaw.

**Table 1 - Zoning Comparison**

	<b>RC1 Zone (Bylaw 871)</b>	<b>RC3 Zone (Bylaw 0154)</b>	<b>Existing/Proposal</b>
<b>Permitted Uses</b>			
<b>Relevant Permitted Uses</b>	Single Detached House	Single Detached House Secondary Suite	Single Detached House Secondary Suite
<b>Development Regulations</b>			
<b>Max Density</b>	1 single detached home	1 single detached dwelling 1 secondary suite	1 single detached dwelling 1 secondary suite
<b>Max Parcel Coverage</b>	60%	40%	~ 30%
<b>Siting Regulations</b>			
<b>Front</b>	2.0 m	6.0 m for front facing garage or carport	4.46 m
<b>Required Parking</b>			
<b>Single Detached House</b>	2 per dwelling	2 per dwelling	2 spaces in garage
<b>Secondary Suite</b>	1 per 1 bedroom dwelling 2 per 2 bedroom or more dwelling	1 per 1 bedroom dwelling 2 per 2 bedroom or more dwelling	2 spaces in driveway (variance to length)

Section 4.4.1(a) of the Zoning Bylaw requires 2 parking spaces per single detached dwelling unit and 2 parking spaces per two or more bedroom secondary suite. Section 4.4.2(a) provides the minimum dimensions for parking spaces, and requires spaces to be a minimum of 2.75 m wide by 6.0 m long. The proposed parking spaces for the secondary suite are 2.89 m wide by 4.46 m long within the property boundaries. However, the actual driveway length is 9.07 m.

### *Transportation Master Plan*

Sunview Drive currently has a sidewalk constructed on the north-west side of the road, which was constructed based on the RDCO's Bylaw No. 704 which only required sidewalks on one side of the road for Collector and most Local Roads. The City's Transportation Master Plan (TMP) has identified Sunview Drive as a Minor Collector Road. The typical Minor Collector Road cross section includes sidewalks on both sides of the road (*Figure 3*). The City's Public Works

<sup>1</sup> OCP 3.3.1 Residential Objectives 2. & 3.

<sup>2</sup> OCP 3.8.3 Affordable Housing Policy 2.

department has advised that it is unlikely that a second sidewalk would be constructed in the near future.

#### 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.

#### Public Notification

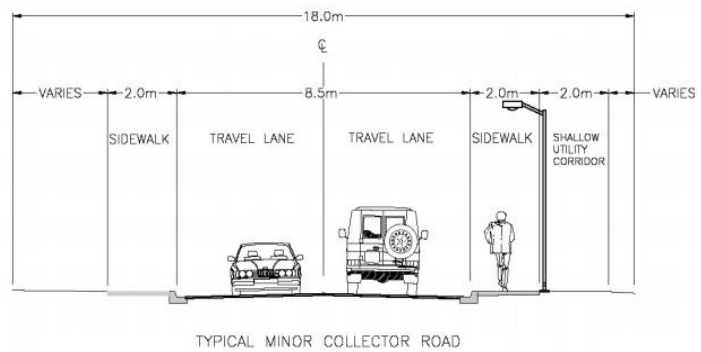
In accordance with the *Local Government Act*, 52 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

## DISCUSSION

The proposal results in tandem parking, when vehicles park one directly behind another. The 2 car attached garage provides the two required parking spaces for the principal dwelling, while the driveway would provide the 2 parking spaces for the suite. Tandem parking can often be inconvenient for the users of the tandem parking stalls when “shuffling” of vehicles is required in order for vehicles to depart the garage or rear tandem parking space.

Functionally, the existing driveway can accommodate 2 vehicles parked side-by-side without extending into the street. If the setback were increased between the property line and the current garage, no variance would be required to accommodate the required secondary suite parking spaces with the proposed tandem parking configuration (*Figure 4*).

Many of the RC3 zoned lots along Sunview Drive have narrow frontages, which limits the amount of available on street parking. The subject property has a 13.34 m frontage which includes a 5.79 m wide driveway. This can become a concern for infill residential development in neighbourhoods which experience parking congestion and issues in the neighbourhood that could arise include



**Figure 3 – Collector Road Cross-Section (TMP Section 6.1.3)**

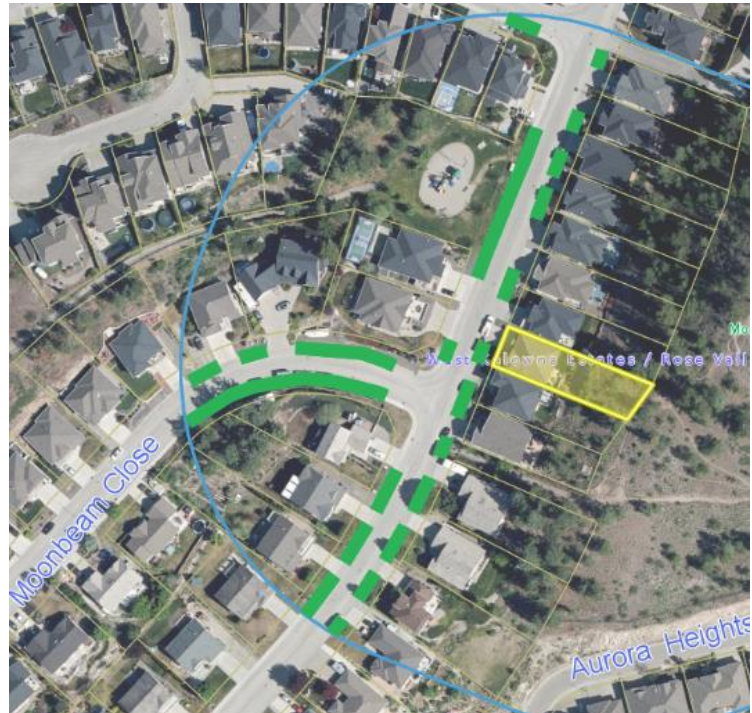


**Figure 4 - Approximate Property Line Location**



blocked sightlines, narrow passing of two way vehicle traffic and blocked driveway access. However, within 100m of the subject property there is space for approximately 50 on-street parking spaces (*Figure 5*). The City does not manage on-street parking in residential areas through a residential parking permit program. The City's Traffic Bylaw does limit on-street parking to 24 hours within one block<sup>3</sup>.

Currently, the south-east side of Sunview Drive has been constructed with a curb only, no sidewalk is constructed within this side of the road ROW. As the City has no long-term plans for further road improvements along Sunview Drive, there would be no future impact to vehicles parking on-street within the ROW. The slope of the driveways along the south-east side of Sunview Drive would also make it challenging for any future road/sidewalk expansions to occur.



**Figure 5 - Approximate locations for on-street parking**

If the variance is approved, a Building Permit application will be required to legalize the secondary suite. The Building Permit process will address any building code requirements between the two dwelling units, such as fire separation.

## **CONCLUSION**

It is recommended that Council approve the proposed variance application DVP 20-05. The secondary suite is existing and provides an additional rental unit which supports the City's infill and affordable housing policies. The proposed variance is not anticipated to result in significant negative impact on the neighbourhood as the parking spaces, principal dwelling and suite are already existing. Existing on-street parking regulations can be enforced if parking becomes a concern for the neighbourhood.

## **Alternate Motion 1:**

**THAT** Council postpone consideration of a Development Variance Permit (DVP 20-05) for Lot 62 District Lot 1119 Osoyoos Division Yale District Plan KAP83716 (2184 Sunview Drive).

Should Council postpone consideration of the requested variance, further Council direction to staff is required.

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<sup>3</sup> Bylaw No. 0092 Section 12.1 (a)

**Alternate Motion 2:**

**THAT** Council deny the issuance of a Development Variance Permit (DVP 20-05) for Lot 62 District Lot 1119 Osoyoos Division Yale District Plan KAP83716 (2184 Sunview Drive).

Should Council deny the requested variance, the file will be closed. As the secondary suite would not meet required parking, it could not be legalized through a Building Permit and could not be rented as a separate dwelling unit. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Tracey Batten, Deputy CAO/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

**Attachments:**

1. Draft Permit DVP 20-05
2. Applicant's Rationale Letter
3. Public Notification Map