



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 8, 2020

From: Hailey Rilkoff, Planner II

File No: DVP 20-10

Subject: **DVP 20-10, Development Variance Permit, 1267 Bowes Rd**

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### RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 20-10) for Lot B District Lot 3866 ODYD Plan 28667 (1267 Bowes Rd) to allow construction of an accessory building in general accordance with the attached permit to vary Zoning Bylaw No. 0154 as follows:

- 10.4.5(g).1 to reduce the minimum front yard setback from 4.5 m to 3.9 m for the proposed accessory building; and
- 10.4.5(g).4 to reduce the minimum exterior side yard setback from 4.5 m to 1.5 m for the proposed accessory building.

### STRATEGIC AREA(S) OF FOCUS

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

### BACKGROUND

The owner has applied for a Development Variance Permit (Attachment 1) to allow for the construction of a garage/shop with reduced front and exterior side parcel boundaries. The proposed garage/shop will be detached from the existing dwelling and will have access from Bowes Road.

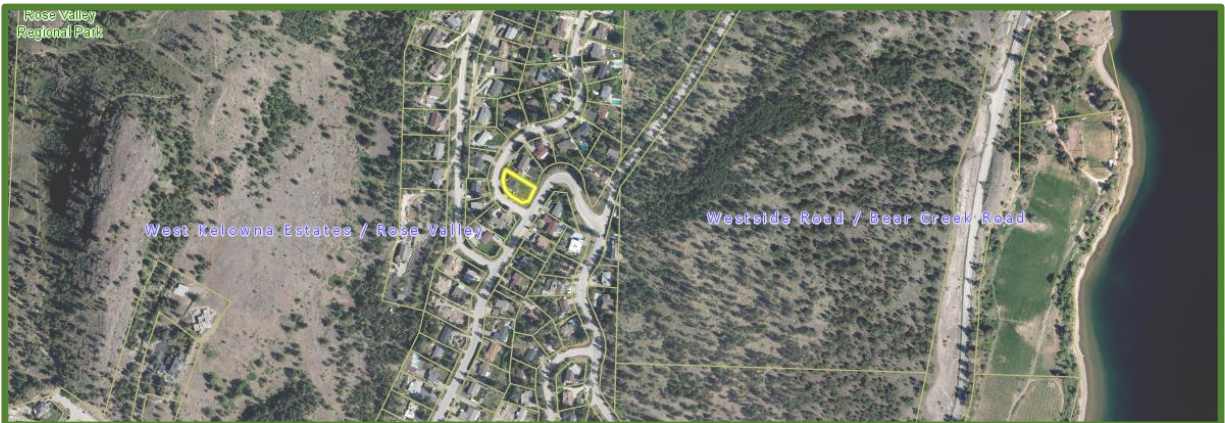
PROPERTY DETAILS			
<b>Address</b>		1267 Bowes Road	
<b>PID</b>		004-519-094	
<b>Folio</b>		36415052.448	
<b>Lot Size</b>		0.25 acres (1012 m2)	
<b>Owner</b>	Shawn Snider	<b>Agent</b>	Shawn Romanko
<b>Current Zoning</b>	R1 – Single Detached Residential	<b>Proposed Zoning</b>	-

<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>	Hillside		
<b>Hazards</b>	n/a		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	R1 – Single Detached Residential
<b>East</b>	>	R1 – Single Detached Residential
<b>West</b>	<	R1 – Single Detached Residential
<b>South</b>	v	R1 – Single Detached Residential

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP



## History

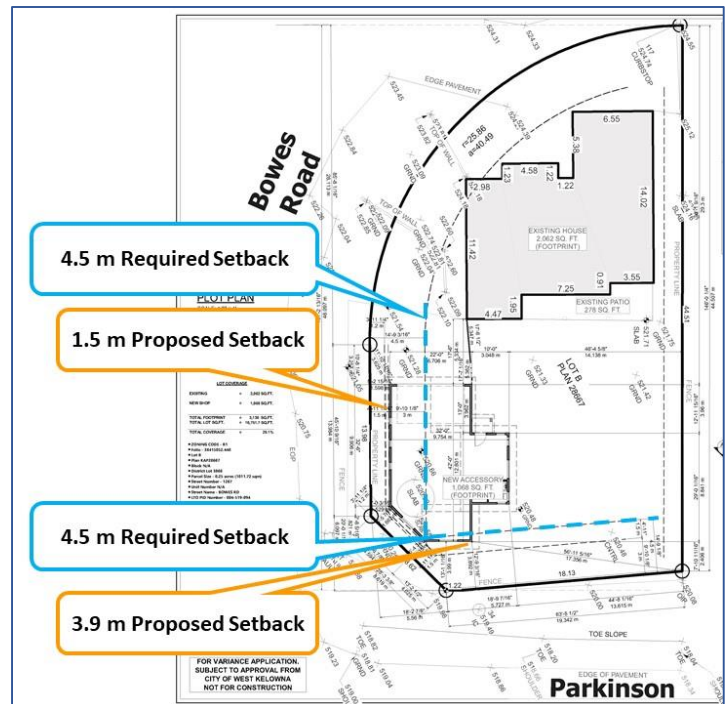
The property is a corner lot with a curved/pie shape. The property has been developed with an existing single detached dwelling fronting Bowes Road. Due to the shape and location of the lot, the front parcel boundary fronts along Parkinson Road. There are three existing driveway accesses to the property all along Bowes Road.

## Proposal

The owner proposes to construct an accessory building, a detached garage/shop, along Bowes Road to the south of the existing dwelling.

## Variances

The proposed siting of the accessory building is 1.5 m from the property line along Bowes Road. The required setback from an exterior side parcel boundary is 4.5 m, therefore the applicant is requesting to reduce the setback by 3.0 m. A small portion of the accessory building also encroaches within the front parcel boundary along Parkinson Road by 0.6 m. Therefore a second variance is requested to reduce the setback from the front parcel boundary from 4.5 m required to 3.9 m proposed.



**Figure 1 - Proposed garage/shop location**

## Applicant's Rationale

The owner has provided a letter which outlines their rationale for the proposed variances (*Attachment 2*). The owners feel that the corner of Bowes and Parkinson Roads allow for enough visibility currently and feel there is room for future road improvements. The owners wish to maintain an enjoyable backyard space, and do not feel the structure will impact neighbouring views. The owners have indicated that they have discussed their proposal with neighbouring property owners and have not received any negative feedback.

## Policy & Bylaw Review

### *Zoning Bylaw No. 0154*

Section 3.7 of the Zoning Bylaw regulates accessory uses, buildings and structures. Section 3.7.1(c) prohibits accessory buildings from projecting into the required minimum siting distance from the front or exterior side parcel boundary. The owner has requested variances to reduce the required setbacks to address this projection.

The proposed accessory building meets the maximum floor area for accessory buildings and structures of 100 m<sup>2</sup> (Section 3.7.1(e), Table 3.2). As the proposed accessory building is 99 m<sup>2</sup>, no other accessory buildings or structures are permitted on the subject property (other than pump houses, swimming pools and swimming pool auxiliary buildings).

Section 10.4.5(g) of the Zoning Bylaw regulates the required setbacks from property boundaries for development. A reduction of the front parcel setback (along Parkinson Road) and the exterior side parcel setback (along Bowes Road) has been requested.

### *Traffic Bylaw No. 0092*

The City's Traffic Bylaw restricts the number of crossings (driveways) to no more than one per 24m of the total highway frontage of the parcel. As the subject property has over 80 m of frontage, three driveways are permitted.

The Traffic Bylaw requires that crossings be no closer than 9.0 m between each other at any point. The lower two accesses, are located approximately within 6.0 m of each other which does not meet the Traffic Bylaw (*Attachment 4*).



**Figure 4 - Main Access (Driveway)**



**Figure 3 - Second Access (Driveway)**



**Figure 3 - Third Access**

## Technical Review

### *Engineering Department*

A Crossing Permit is required under the City's Traffic Bylaw and relocation of the lower driveway access will be necessary if the owners wish to maintain all three driveways. A condition has been included in the draft development variance permit which requires the owner to meet the Traffic Bylaw through removal, adjustments or other changes to the accesses, as approved by the City's Engineering Department.

### *Fire Department*

The Fire Department noted that the existing cedars along Bowes Road may fall within the proposed structure's first two FireSmart priority zones (0-1.5 m and 1.5-10 m) and encourages the homeowner to follow FireSmart practices. When selecting plants and landscaping nearby structures, cedars are one of the "plants to avoid".

## 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*, 34 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 5) 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**

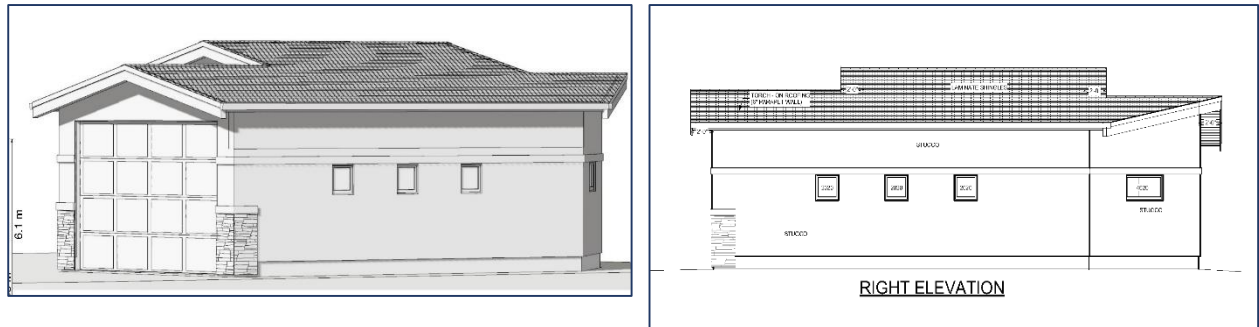
The owner's variance request proposes a significant reduction to the exterior side parcel boundary setback. While there is enough space on the subject property to accommodate the proposed accessory building while meeting the required setbacks, the applicant is requesting the variances in order to maintain an open back yard. The property has an existing corner cut along Bowes and Parkinson Road which provides increased visibility for vehicle traffic. The requested variances are not anticipated to affect existing sightlines at this intersection.

The proposed accessory building design includes a variety of design features which provide visual interest. Along the building face facing Bowes Road, the building includes four windows, a mid-wall stucco band, and cultured stone wrapped around from the garage entry. While this building face is simple in design, the interface with the street is currently complemented by the existing fence and cedar trees. If the cedars or fence were

to be removed, the proposed 1.5m setback does provide room for landscaping to provide a buffer and visual break between Bowes Road and the proposed accessory building.

## CONCLUSION

It is recommended that Council approve the proposed variance application DVP 20-10,



**Figure 5 – Proposed Building Perspective and Elevation Facing Bowes Rd**

with the condition that a Crossing Permit be approved by the City's Engineering Department. The proposed detached garage is not anticipated to create significant negative impacts.

## Alternate Motions:

### Alternate Motion 1:

**THAT** Council deny the issuance of a Development Variance Permit (DVP 20-10) for Lot B District Lot 3866 ODYD Plan 28667 (1267 Bowes Rd) to reduce the required front and exterior side parcel boundary setbacks for a proposed accessory building.

Should Council deny the requested variances, the file will be closed. The owners could not re-apply for a similar proposal for at least six months after initial Council consideration.

### Alternate Motion 2:

**THAT** Council postpone consideration of a Development Variance Permit (DVP 20-10) for Lot B District Lot 3866 ODYD Plan 28667 (1267 Bowes Rd) to reduce the required front and exterior side parcel boundary setbacks for a proposed accessory building.

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

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

**Attachments:**

1. Draft DVP 20-10
2. Applicant's Rational Letter
3. Shop Drawings
4. Driveway Accesses
5. Public Notification Map