



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 9, 2021

From: Jayden Riley, Planner II

File No: DVP 21-05

Subject: **DVP 21-05; Development Variance Permit; 1884 Diamond View Drive**

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### RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 21-05) for 1884 Diamond View Drive to vary S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the minimum setback from a private access easement to a building from 4.5 m to 3.86 m and to a garage from 6.0 m to 3.01 m, in accordance with the attached permit (*Attachment 1*).

### STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity (Council's Strategic Priorities 2020-2022)

### BACKGROUND

This application is proposing to vary Zoning Bylaw No. 0154 to reduce the minimum setback from a private access easement to a building from 4.5 m to 3.86 m and to a garage from 6.0 m to 3.01 m. The rear of the property, adjacent to Diamond View Drive, contains steep slopes and is protected by a geotechnical covenant. The property is accessed by a private lane and access easement shared with seven strata lots, and is the second last lot from the terminus of the lane.

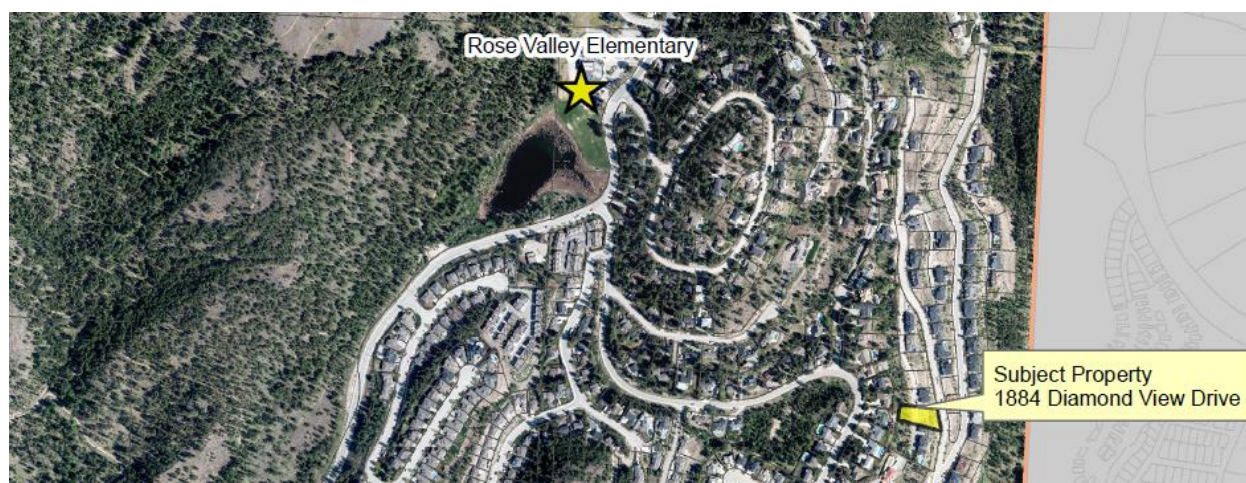
PROPERTY DETAILS			
<b>Address</b>	1884 Diamond View Drive		
<b>PID</b>	026-905-159		
<b>Folio</b>	36413406.562		
<b>Lot Size</b>	2,031 m <sup>2</sup>		
<b>Owner</b>	Neil and Constanze Eisenhut	<b>Agent</b>	Neil Parent
<b>Current Zoning</b>	Single Detached Residential (R1)	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	Single Family Residential	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Vacant	<b>Proposed Use</b>	Single Family

<b>Development Permit Areas</b>	Hillside
<b>Hazards</b>	Hillside
<b>Agricultural Land Reserve</b>	No

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Single Detached Residential (R1)
<b>East</b>	>	Single Detached Residential (R1)
<b>West</b>	<	Single Detached Residential (R1)
<b>South</b>	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 to the land covered in the permit, the provisions of the Zoning Bylaw.

## DISCUSSION

### Proposal

The applicant is proposing to reduce the minimum setback from the private access easement to a proposed dwelling from 4.5 to 3.86 and to the garage from 6.0 m to 3.01 m (*Figures 1-3, Attachment 1*). A variance is required to accommodate the proposed building envelope due to existing steep slopes and geotechnical covenant.

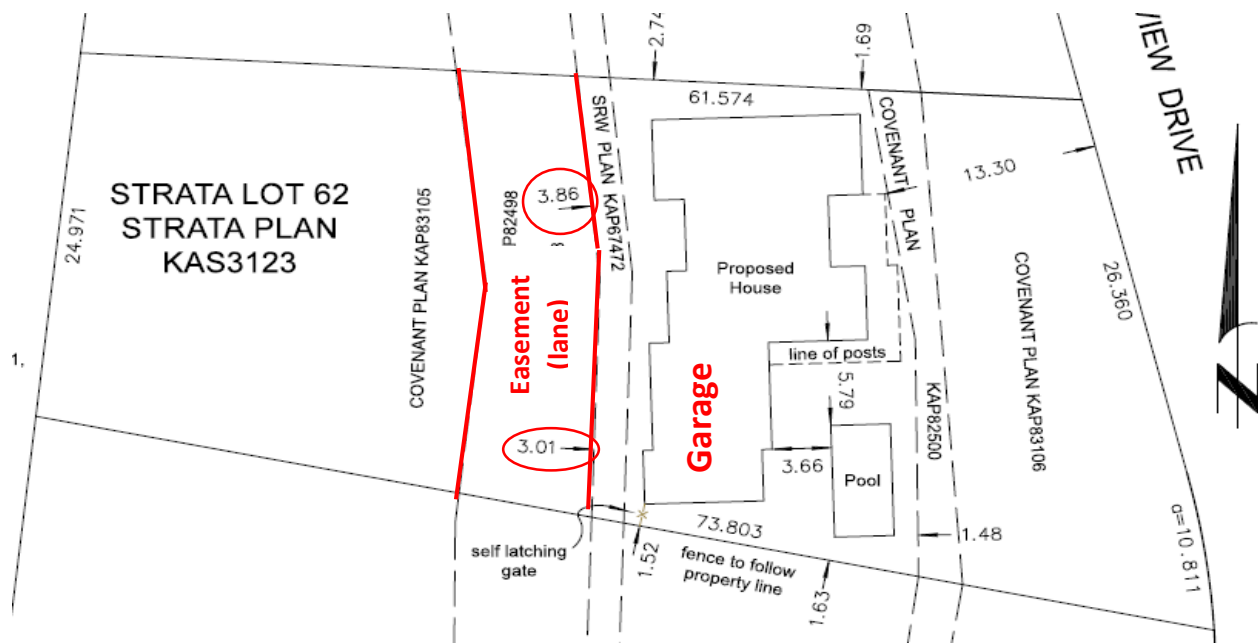


**Figure 1:** rendering from front (private access easement)



**Figure 2:** rendering from rear (Diamond View Drive)





**Figure 1:** site plan

### Site Specific Features

The subject property is located at 1884 Diamond View Drive and surrounded by Single Family Residential (R1). A geotechnical covenant is registered at the rear of the property, adjacent to Diamond View Drive. It was registered as a result of a previous Development Permit and subdivision to protect steep slopes and prohibit building within its boundary, significantly limiting the development potential of the lot.

Access to the parcel is provided by a private lane shared by lots 62-67 and 71 (seven lots total). 1884 Diamond View Drive is Lot 67 and the second last lot prior to the turnaround located at the terminus of the lane.

The physical lane is contained within the 6 m wide private access easement with approximately 1.0 m of additional space on the shoulder adjacent to the proposed dwelling. The existing dwellings accessed by this lane have been constructed with setbacks to the private access easement from their garages ranging from 3.0 m to 4.5 m.

### **Policy and Bylaw Review**

#### Official Community Plan No 0100

The subject property has a Land Use Designation of Single Family Residential, which is supportive of traditional single family housing, duplex opportunities and compact housing form for families.

The property does contain steep slopes and is within a Hillside Development Permit Area; however, hillside hazards have been identified through a previous development permit

and subdivision with steep slopes protected by a geotechnical covenant – as such, a Hillside Development Permit is not required as part of this application.

#### Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1). S.10.4.5(g).1 of Zoning Bylaw No. 0154 requires a building or structure to be located a minimum distance of 4.5 m from the front parcel boundary or private access easement, and a minimum 6.0 m from a garage.

S.10.4.7 of the R1 Zone includes an exemption to siting in relation to the private access easement to any parcel created by subdivision prior to March 13, 2014; however this clause expired in March 13, 2019. Properties developed in accordance with the previous zoning bylaw siting regulations have similar setbacks to what's being proposed<sup>1</sup>, as noted in the site specific features section of this report. If the application was submitted prior to March 2019, the property would have been eligible for an exemption.

#### **Public Notification**

In accordance with the *Local Government Act*, 43 notification letters were sent to all property owners and their tenants within 100 m of the subject property (*Attachment 2*). A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No. 0260. At the time of writing this report, no correspondence from the public has been received.

#### **Referral Comments**

The existing lane is approximately 6 m in width, which does not allow for on-street parking, as it would restrict fire access. The Fire Department has reviewed the application and is supportive of the proposal considering the lane is accessed by few residences and the subject property is located near the terminus. Should there be evidence of on-street parking determined to interfere with fire access, enforcement measures may be taken (i.e. fines, signage). No other concerns were identified as a result of the referrals.

#### **CONCLUSION**

Staff recommend Council authorize issuance of the Development Variance Permit (DVP 21-05) based on the following rationale:

- The proposed variance will have limited impact to road access as the subject property is located near the terminus of the lane; and
- Should on-street parking result, enforcement measures may be applied such as ticketing and on-site signage.

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<sup>1</sup> It is noted that the subdivision was designed under previous Zoning Bylaw 871, which did not specify a setback to garage from a private easement lane.

**Alternate Motion:**

1. **THAT** Council postpone consideration of the issuance of a Development Variance Permit (DVP 21-05) for 1884 Diamond View Drive to vary S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the minimum setback from a private access easement to a building from 4.5 m to 3.86 m and to a garage from 6.0 m to 3.01 m.

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

2. **THAT** Council deny issuance of a Development Variance Permit (DVP 21-05)

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant may re-apply for a similar proposal a minimum six months after initial consideration.

**REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

**Attachments:**

1. Development Variance Permit (DVP 21-05)
2. Site plan
3. Public Notification Map