

CASTLEGAR

REPORT TO COUNCIL

MEETING DATE: September 7, 2021 **REPORT NO.:** 21-108
SUBMITTED BY: Planner **FILE NO.:** 3090-20-DVP-5/21
SUBJECT: Development Variance Permit Application DVP-5-21 - 2808 1st Avenue

RECOMMENDATION:

THAT Council issue Development Variance Permit DVP-5/21 to vary the rear lot line setback of a single-family dwelling at 2808 1st Avenue from 7.5 metres, as required under the Single Residential (R-1) zone of Zoning Bylaw No. 800, to 4.5 metres.

PURPOSE:

Report for Council to consider issuing Development Variance Permit DVP-5/21 to vary the rear lot line setback of a single-family dwelling from 7.5 metres to 4.5 metres.

This report is for consideration at the September 7, 2021, Committee of the Whole Meeting and for adoption at the September 20, 2021, Regular Council Meeting.

SUMMARY/BACKGROUND:

The City received an application from the owners of 2808 1st Avenue for a Development Variance Permit to vary Table 3.1.4 (a) of Zoning Bylaw 800, which specifies a minimum rear lot line setback of 7.5 metres in the Single Residential Zone (R-1).

The applicant proposes to subdivide their property, which would result in the existing single-family dwelling on proposed Lot A of the attached subdivision plan having a rear lot line setback of 4.5 metres. For the subdivision to proceed, it is necessary that the requested variance is approved by Council.

Subject Property

Civic Address	2808 1 st Avenue
Legal Description	Lot 1 District Lot 4598 Kootenay District Plan NEP68370 (PID 024-945-340)
Existing Use	Single-family Dwelling
Proposed Use	3 Lot Subdivision
OCP Designation	Low Density Residential (LDR)
Zoning Designation	Single Residential Zone (R1)

Analysis – Rear Lot Line Setback Variance

The City's Zoning Bylaw 800 defines a front lot line as the lot line common to an abutting street and, if more than one lot line is common to an abutting street, the shortest is considered the front lot line. Based on this definition, and the circumstances of this property, the front lot line of proposed Lot A would be considered 2nd Avenue.

This is not practical, as:

- It results in the front of the existing house, which has traditionally been accessed from Dumont Crescent, being subject to the minimum 7.5 metre rear lot line setback requirement in the zoning bylaw, rather than the minimum 4.5 metre front lot line setback.
- Due to topography the lot is not accessible from 2nd Avenue.

The applicant is requesting that given the circumstances that the setback requirements from a rear lot line be reduced and treated as though it was a front lot line given the orientation of the existing single-family dwelling. Staff considers this a reasonable request.

The minimum lot depth in the R1 Zone is 27.0 metres. Without the requested variance the applicant would be unable to accomplish the proposed subdivision as presented and proposed Lot C would need to be eliminated.

ALTERNATIVE:

Council could choose not to issue the requested variance. Staff does not recommend this as it would reduce the proposal from a three-lot subdivision to a two-lot subdivision.

IMPLICATIONS:

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| (1) Social | This permit would result in two additional residential lots within the City. |
| (2) Environmental | It is anticipated development of the two proposed lots would result in tree and vegetation removal to facilitate construction. |
| (3) Personnel | Approximately 20 hours of staff time is required toward the administration, processing, and registration of a Development Variance Permit. |
| (4) Financial | Development Cost charges of \$10,412.00 (\$5,206.00 per newly created lot) are required as a condition of subdivision. |

POLICY IMPLICATIONS:

Subdividing the property to create two additional lots supports the City's objective to encourage infill to take advantage of existing services (Official Community Plan, Section 9.2).

COMMUNICATION:

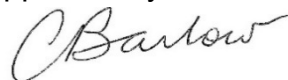
Notification of the proposed variance was mailed to property owners and residents within 60 metres of the Subject Property. No comments have been received.

Respectfully submitted,



Shannon Marshall
Planner

Approved by,



Chris Barlow, A.Sc.T.
Chief Administrative Officer