
Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations on the eastern portion of the parcel near Shuttleworth Creek.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008 the property is currently zoned Low Density Residential Two (RS2) which permits accessory dwellings as a secondary use.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Shuttleworth Creek and flood construction level is 1.5 metres above the natural boundary of the watercourse and there is a setback of 15 metres from the natural boundary.

The property has been the subject of a Stop Work Notice for constructing an accessory dwelling without a building permit on August 8, 2018 and at its December 19, 2019 meeting the Regional Board resolved to place a notice on title and to commence injunctive action.

BC Assessment has classified the property as “Residential” (Class 01).

The proposal is within 4.5 metres of a road reserve, and the Ministry of Transportation and Infrastructure issued a permit (Permit No. 2021-01661) on March 29, 2021.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

In considering this proposal, Administration notes that the siting of this accessory dwelling is seen to be generally consistent with the streetscape and poses no impact to vehicle access.

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

In this instance, Administration notes that the accessory dwelling does not have a garage or any driveway access between the road right of way and the front of the dwelling. As such, typical concerns with vehicle parking in front of a dwelling or adequate distance for vehicle movement are mitigated, as the proposed variance has no impact to vehicular movement from the parcel.

It is also noted that there are several instances along Maple Street of dwellings and other buildings closer to the street than the required front parcel line setback, contributing to a non-uniform streetscape.

Further, the subject accessory dwelling is generally consistent with the siting of the neighbouring dwelling immediately to the north, which is also located closer to Maple Street.

The edge of payment of Maple Street is approximately a further 6.5 metres from the property line, which also mitigates the perception of a reduced setback and the appearance of overcrowding.

Conversely, Administration recognises that there is ample room on the subject parcel to relocate the accessory dwelling in a location that meets the setback requirements.

As such, the variance is not strictly necessary for enjoyment of the property.

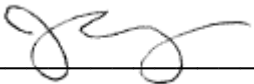
Further, the variance request is not the result of a unique set of circumstances but rather a situation created by property owner.

For the reasons stated above, Administration supports the requested variance and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. D2021.015-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "D" Advisory Planning Commission.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (2018)

