

# Report

Date February 21, 2024

File: DVP00100

Subject **Development Variance Permit at 3351 Auchinachie Road**

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## PURPOSE

To consider a Development Variance Permit application to reduce the setbacks for the existing building, deck and heat pump to facilitate a 2-lot subdivision at 3351 Auchinachie Road.

## BACKGROUND

At the Regular Council meeting on December 20, 2023, Council adopted “Zoning Amendment Bylaw No. 3920”, which rezoned the west side of the subject property to a Residential Small Lot Single-Family Zone (R3-S) and the east side of the subject property to Village Residential Infill Comprehensive Development Zone (CD24) (Attachments 1, 2, and 3). The rezoning will allow for a 2-lot subdivision to create a new single-family lot (on proposed Lot A) and enable the conversion of the existing structure (on proposed Lot B) into multi-family residential use.

To permit the subdivision, it is necessary to redefine the setbacks for the existing structure and its associated heat pump as depicted on the Site Plan with Variances (Attachment 4).

## DISCUSSION

### Zoning and Development Variance Permits

Section 11 of the Zoning Bylaw permits Council to approve variances under provincial legislation.

The *Local Government Act* section 498 outlines the conditions and considerations Council must make in considering variances to land use bylaws.

The proposed Lot B, zoned CD24, requires three variances to Zoning Bylaw 1997, No. 2950, under the following sections:

- Section 80.24 (5) by reducing the minimum permitted rear-yard setback from 7.5m to 6.32m for the existing building.
- Section 80.24 (5) by reducing the minimum permitted rear-yard setback from 7.5m to 3.84m to accommodate a portion of an existing deck.
- Section 35 (3) requires that heat pumps be a minimum 4.5m from a property line consequently this section requires a variance from 4.5m to 0.45m to accommodate an existing heat pump.

The Applicant’s Letter of Rationale (Attachment 5) outlines and explains the requested variances.

The rezoning process included a recognition that variances would be needed for the existing residence to be converted to multi-family residential use. These variances will not result in any significant alterations to the current structure (other than the removal of a small section of an elevated deck from encroaching into the new side yard). As noted in Attachment 5, the heat pump will only potentially affect the proposed new lot and will be removed as part of renovations to the existing structure or construction of a new building.

The subdivision process will review any side yard limiting distance requirements, e.g., as related to spatial separation requirements for the existing residential dwelling. However, the Building Department has no objection to the proposed variances.

### **Summary and Conclusion:**

Approval of the Development Variance Permit as proposed is recommended as the requested variances are "minor" in nature, not expected to create any significant changes to the current building's impact on surrounding properties and were acknowledged through the rezoning public process.

Any new structures will be required to conform to standard building setbacks of the CD24 zone, as well as spatial separations required under the BC Building Code.

A copy of the Draft Development Variance Permit is provided in Attachment 6. Adjacent property owners within 60m of the subject properties have been notified (Attachment 7), and any responses received will be provided to Council before consideration of the applications.

### **OPTIONS**

1. **(Recommended Option)** THAT Council authorize issuance of Development Variance Permit DVP00100 and grants variances to the following sections of Zoning Bylaw 1997, No. 2950 for 3351 Auchinachie Road (PID: 001-893-661) in accordance with the Site Plan with Variances dated July 28, 2023 (Attachment 4):
  - (1) Section 80.24 (5) by reducing the minimum rear-yard setback from 7.5m to 6.32m for an existing principal building, and from 7.5m to 3.84m for an existing deck; and,
  - (2) Section 35 (3) by reducing the minimum setback from 4.5m to 0.45m for an existing heat pump.
2. THAT Council deny the Development Variance Permit application DVP00100 to reduce the rear yard principal building setback and heat pump setback at 3351 Auchinachie Road.

### **IMPLICATIONS**

Approval by Council of the recommended option will allow the applicants to pursue subdivision approval in accordance with Council's approval of Zoning Amendment Bylaw No. 3920.

Denial of the applications would prevent the property from being subdivided as proposed, as the Approving Officer could not approve a subdivision that is non-compliant with applicable land use bylaws.

## RECOMMENDATION

THAT Council authorize issuance of Development Variance Permit DVP00100 and grant variances to the following sections of Zoning Bylaw 1997, No. 2950 for 3351 Auchinachie Road (PID: 001-893-661) in accordance with the Site Plan with Variances dated July 28, 2023 (Attachment 4):

- (1) Section 80.24 (5) by reducing the minimum rear-yard setback from 7.5m to 6.32m for an existing principal building, and from 7.5m to 3.84m for an existing deck; and,
- (2) Section 35 (3) by reducing the minimum setback from 4.5m to 0.45m for an existing heat pump.

Report prepared by:

*Chris Hall*

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Chris Hall  
Contract Planner

Report reviewed by:



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Chris Osborne  
Acting Director, Planning and Building

## Approved to be forwarded to Council:



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Ted Swabey  
Chief Administrative Officer

### Attachments:

- (1) Zoning Map
- (2) Location Map
- (3) Orthophoto
- (4) Site Plan with Variances 2023-07-28
- (5) Letter of Rationale
- (6) Draft Development Variance Permit
- (7) Notice