

Report

Date October 2, 2024

File: DVP00105

Subject Development Variance Permit Application for 1892 Valleyview Place

PURPOSE

To consider a development variance permit application to decrease the maximum permitted side yard setback from 1.5 metres to 0.67 metres to bring an addition to a single-family dwelling constructed without a building permit into compliance, and convert the addition into a garage and habitable space which meets BC Building Code.

BACKGROUND

The subject property, located at 1892 Valleyview Place, is 671.6m² in area, within the Residential Restricted (R2) Zone (Attachments 1 and 2), designated 'Neighbourhood' under the Official Community Plan, and situated inside of the Urban Containment Boundary (Attachment 3). The surrounding properties are also zoned R2.

Proposal

The property owner requests the side yard setback variance to bring an unlawfully constructed addition into zoning compliance. If granted, this will enable the subsequent conversion of the addition into a garage and habitable space and allow for the submission of an associated building permit application.

The site plan identifying the location of the existing structure in relation to the permitted and requested setbacks is provided in Attachment 4. Building elevations are provided in Attachment 5 with the proposed addition shaded in grey. The applicant's Letter of Rationale is available in Attachment 6.

DISCUSSION

The variance requested to decrease the maximum permitted side yard setback from 1.5 metres to 0.67 metres at the proposed location on the subject property does not present a significant land use impact for the adjacent neighbours. The addition subject to the variance is a two-storey structure with a lower roofline than the main dwelling and no windows on the side flank. Accordingly, the reduction in the side yard setback would not create a significant overbearing impact or loss of privacy to the adjoining property. Adequate fire separation between the structures on the subject property and neighbouring property to the east has been confirmed to be achievable even with the reduced side yard setback.

The draft permit can be found in Attachment 7.

Pursuant to section 499 of the *Local Government Act*, notice has been issued to neighbouring property owners (Attachment 8).

OPTIONS

1. **(Recommended Option)** THAT Council authorize the issuance of Development Variance Permit DVP00105 and grant the variance to Section 57 (6) (a) of Zoning Bylaw No. 2950, 1997, to decrease the maximum permitted side yard setback from 1.5 metres to 0.67 metres at 1892 Valleyview Place.
2. THAT Council deny the Development Variance Permit application DVP00105 to decrease the maximum permitted side yard setback at 1892 Valleyview Place.

IMPLICATIONS

Should the application be denied by Council, the applicant will not be permitted to convert the addition built without a building permit into a garage and habitable space, since a building permit cannot be issued for construction in violation of the zoning bylaw.

RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit DVP00105 and grant the variance to Section 57 (6) (a) of Zoning Bylaw No. 2950, 1997, to decrease the maximum permitted side yard setback from 1.5 metres to 0.67 metres at 1892 Valleyview Place.

Report prepared by:

Sarah Foulkes-Watson

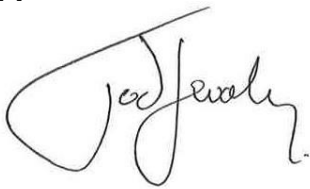
Sarah Foulkes-Watson, MCP
Development Planner

Report reviewed by:



Chris Osborne RPP, MCIP
Acting Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Site Plan
- (5) Building elevations
- (6) Letter of Rationale
- (7) Draft Development Variance Permit
- (8) Notice