

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No: 0038-21-DVP-END

September 23, 2021

APPLICANT: Eric Borhaven (Tonka Construction Ltd.)

OWNER: Deborah and Joseph Deveau

LEGAL DESCRIPTION: LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN KAP92074

PID #: 028-605-497

LOCATION: 17 Preston Drive West, Enderby BC

PROPERTY SIZE: 567 m² (0.14 acres)

ZONING: Residential Single Family (R.1-A)

O.C.P DESIGNATION: Residential Low Density

PROPOSAL: Construct a single-family dwelling

PROPOSED VARIANCE: Vary Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet)

RECOMMENDATIONS:

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP92074 and located at 17 Preston Drive West, Enderby B.C. to permit a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on the attached Schedule 'A'.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 17 Preston Drive West, Enderby BC. The applicant is proposing to construct a single-family dwelling and in order to accommodate the proposed siting of the dwelling the applicant is requesting a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback

from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on the site plan attached to this memorandum as Schedule 'A'.

Site Context

The 567 m² (0.14 acre) subject property is undeveloped and is located on the eastern side of Preston Drive West, on the inside corner of a sharp curve in the road. The property slopes in an easterly and northerly direction. The eastern portion of the property abuts a drainage ditch, which is encumbered by a 3.0 m (9.84 feet) statutory right-of-way permitting the City to access the drainage ditch.

The subject property and properties to the west, north, east, and southeast are all zoned Residential Single Family (R.1-A) and are designated in the Official Community Plan (OCP) as Residential Low Density, while the property to the southwest is zoned Country Residential (C.R) and is designated in the OCP as Residential Low Density.

The following figure shows the zoning designations of the subject and surrounding properties:

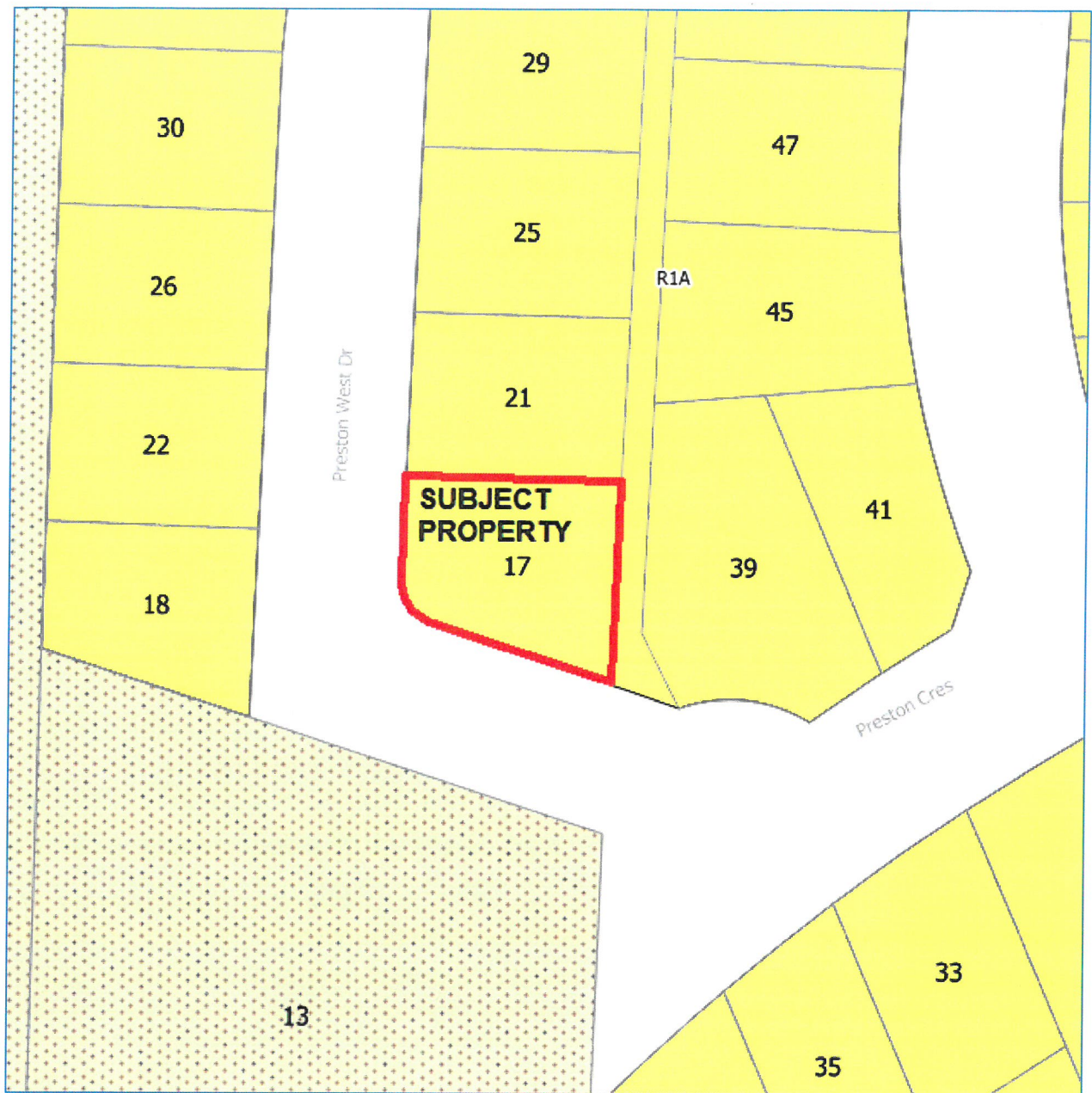


Figure 1: Zoning Map

Yellow - Residential Single Family (R.1-A) Zone
Dotted - Country Residential (C.R) Zone

The following orthophoto of the subject and surrounding properties was taken in 2019:



Figure 2: Orthophoto

The Proposal

The applicant is proposing to construct a single-family dwelling on the subject property and is proposing a variance to the Zoning Bylaw in order to reduce the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on Schedule 'A'.

ZONING BYLAW:

The subject property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential buildings, single-family dwellings, secondary suites, bed and breakfasts, civic

and public service use, and restricted agricultural use. The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted items require a variance):

CRITERIA	R.1-A ZONE REQUIREMENTS	PROPOSAL
Floor Area (min.)	60 m ² (645.8 square feet)	> 60 m ² (645.8 square feet)
Building Height (max.)	9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 8 m (26.25 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 8 m (26.25 feet) above the midpoint of the rear property line on which the residence is located	< 9 m (29.53 feet) or 8 m (26.25 feet) above the centre line of the road immediately adjacent to the center of the front of the residence
Lot Area (min.)	450 m ² (4,844 square feet)	567 m ² (6,100 square feet)
Lot Coverage (max.)	50%	< 50%
Lot Frontage (min.)	15 m (49.21 feet)	> 15 m (49.21 feet)
Setbacks (min.)		
Front Yard	6 m (19.68 feet)	6 m (19.68 feet)
Rear Yard	6 m (19.68 feet)	5.58 m (18.31 feet)
Side Yard	1.2 m (3.94 feet)	1.22 m (4.00 feet)
Exterior Side Yard	5 m (16.40 feet)	5.39 m (17.69 feet)
Other buildings	3 m (9.842 feet)	N/A

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief. No concerns were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to vary Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- The proposed setback reduction is relatively minor in nature (i.e. 0.42 m/1.38 feet), and thus the proposed dwelling will be sited in a manner similar to the neighbouring dwellings and will not detract from the built form of the neighbourhood;
- Given the subject property's location on the inside corner of a sharp curve along Preston Drive West, coupled with the lot's irregular shape, it significantly reduces the ability to construct a dwelling without requiring variances to either the front, rear, or exterior side yard setbacks;
- A reduced rear yard setback will not impact the use and enjoyment of the residential property to the east, given that the proposed reduction is relatively minor in nature and there is a 3 m (9.842 feet) wide dedication between the properties that acts as a buffer;
- It is not anticipated that the proposed variances would negatively affect the use and enjoyment of the subject or neighbouring properties.

SUMMARY

This is an application for a Development Variance Permit for the property located at 17 Preston Drive West, Enderby BC. The applicant is proposing to construct a single-family dwelling and in order to accommodate the proposed siting of the dwelling the applicant is requesting a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet).

The City of Enderby Planner is supportive of the variance request and is recommending that Council authorize the issuance of a Development Variance Permit.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:

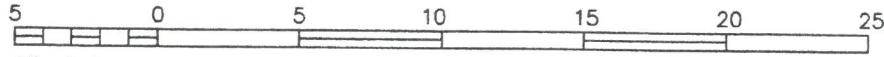


Tate Bengtson
Chief Administrative Officer

Schedule 'A'

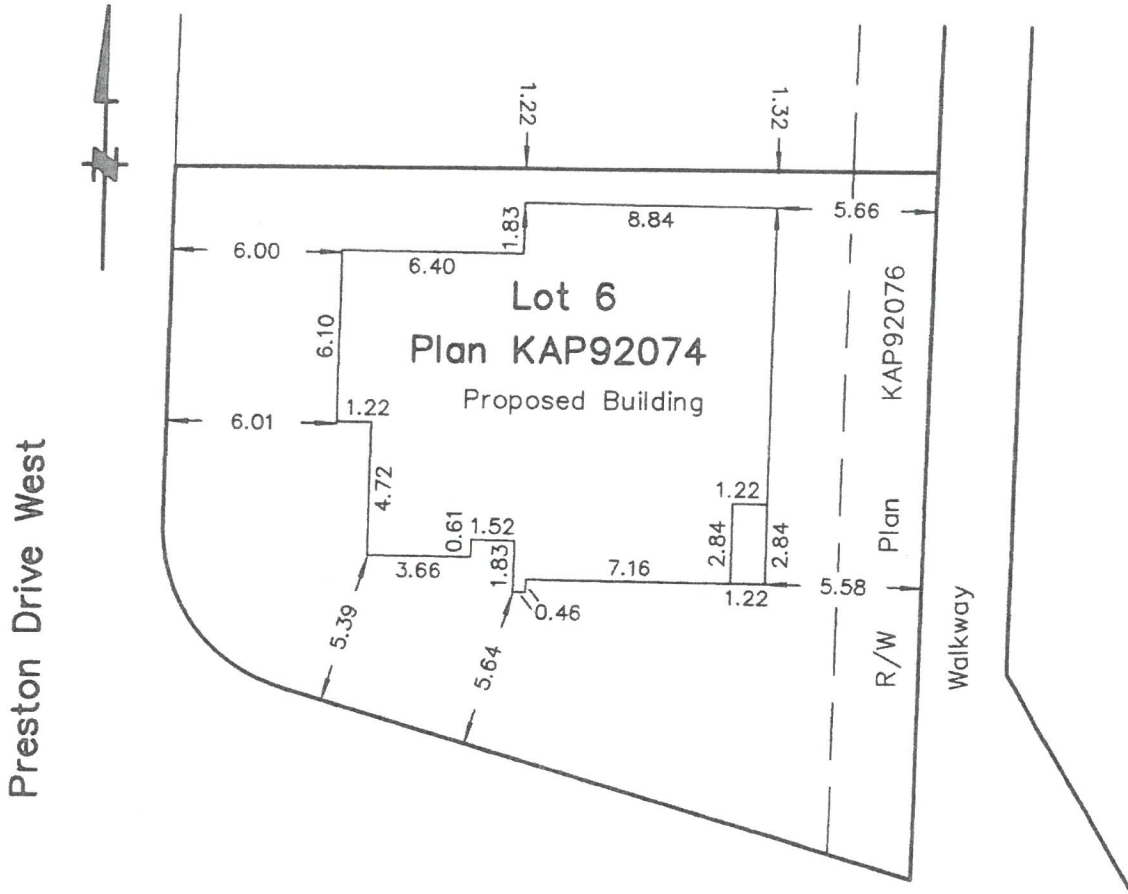
Plan Showing Proposed Building
on Lot 6, Sec 27, Tp 18, Rge 9,
W6M, KDYD, Plan KAP92074

Scale 1: 250



All distances are in metres.

The intended plot size of this plan is 215mm in width by 280mm in height (A size) when plotted at a scale of 1:250



- Date of Plan August 4, 2021
- Dimensions derived from Plan KAP92074

Civic Address: 17 Preston Drive West, Enderby

Parcel Identifier(PID): 028-605-497

List of documents registered on title which may affect the location of improvements:
Statutory Building Scheme LB465516
Statutory Right of Way LB465515
Permit under Part 26 of the LGA LB240036

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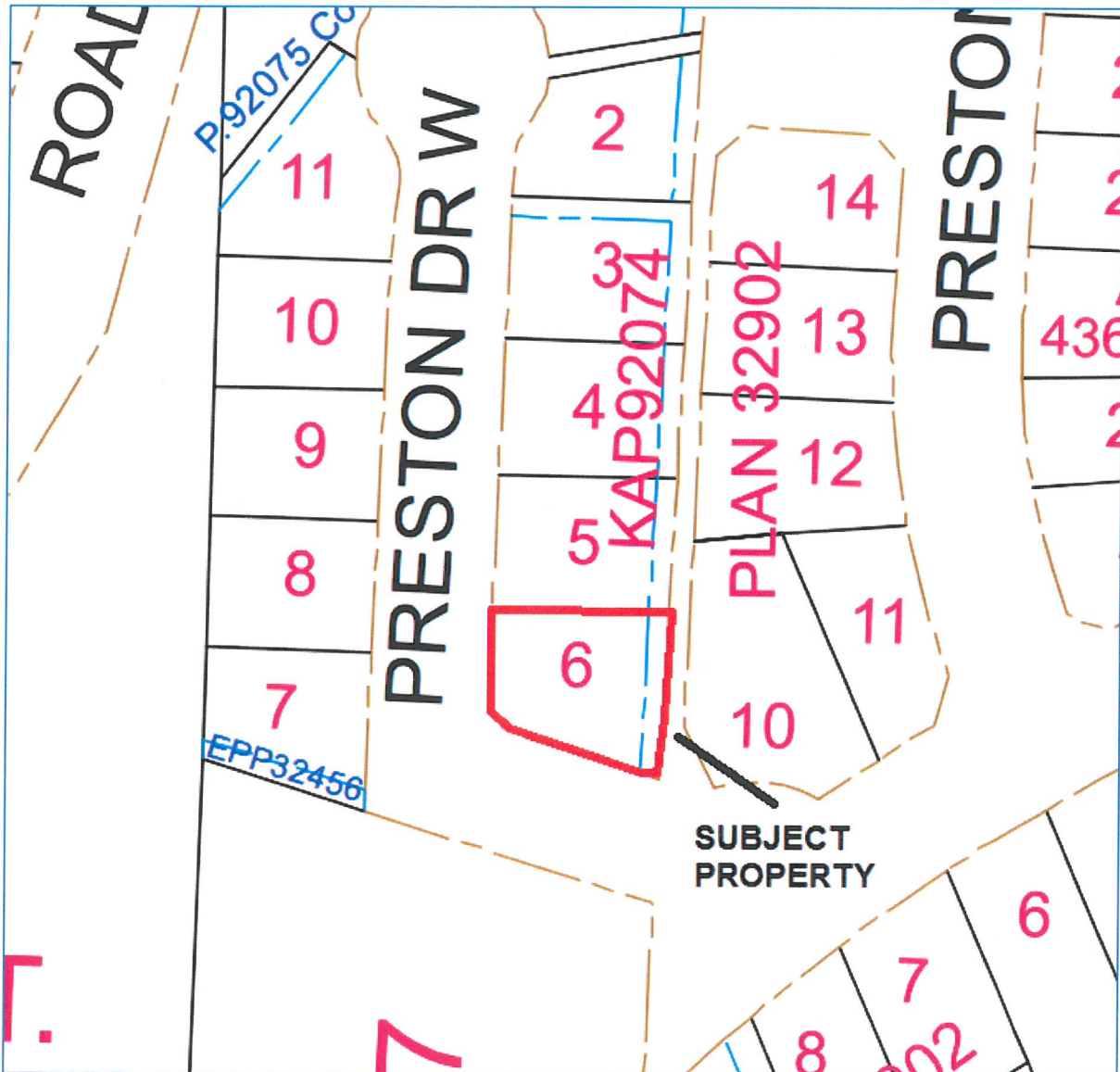
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

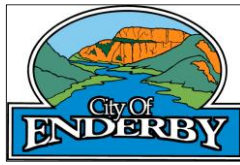
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Applicant: Eric Borhaven (Tonka Construction Ltd.)

Owner: Deborah and Joseph Deveau

Location: 17 Preston Drive West, Enderby BC





DEVELOPMENT VARIANCE PERMIT

Application / File No.: 0038-21-DVP-END

To: Deborah and Joseph Deveau
Eric Borhaven – Tonka Construction Ltd.

Address: 17 Preston Drive West, Enderby BC

Owner: Deborah and Joseph Deveau

1. This Development Variance Permit is issued in accordance with the provisions of Section 498 of the Local Government Act and subject to compliance with all of the Bylaws of the City of Enderby applicable thereto, except as specifically varied by this permit.
2. This Development Variance Permit applies to and only to those lands within the City of Enderby described below, and any and all buildings, structures, and other development thereon:

LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH
MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP92074

PID: 028-605-497

3. City of Enderby Zoning Bylaw No. 1550, 2014 is hereby supplemented or varied as follows:

Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on the attached Schedule 'A'.
4. City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 is hereby supplemented or varied as follows: **N/A**
5. Requirements, conditions or standards applicable to Section 491 of the Local Government Act: **N/A**
6. As a condition of the issuance of this Permit, the Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City of Enderby may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted

by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a. a Bearer Bond in the amount of \$ **N/A**; or
 - b. a Performance Bond in a form acceptable to the City of Enderby in the amount of \$ **N/A**; or
 - c. an Irrevocable Letter of Credit in the amount of \$ **N/A**; or
 - d. a certified cheque in the amount of \$ **N/A**.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
 8. If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this Permit shall lapse.
 9. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL THE DAY OF , 2021.

ISSUED THIS DAY OF , 2021.

Corporate Officer

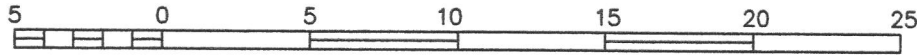
NOTICE OF PERMIT:

Issued	
Amended	
Cancelled	

Filed with the Land Title Office this day of , 2021.

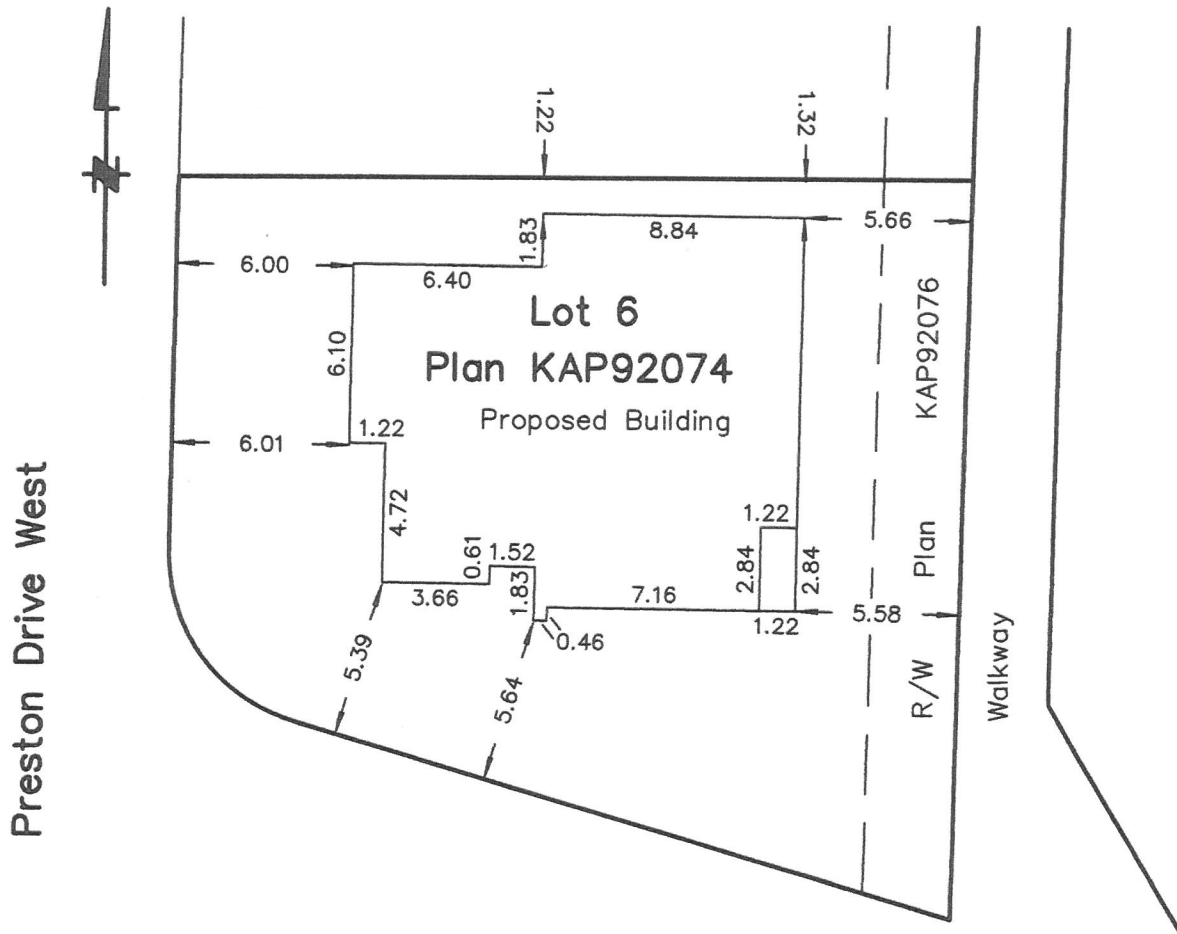
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