



Corporation of the
Village of Cumberland

Advisory Planning Commission

Agenda

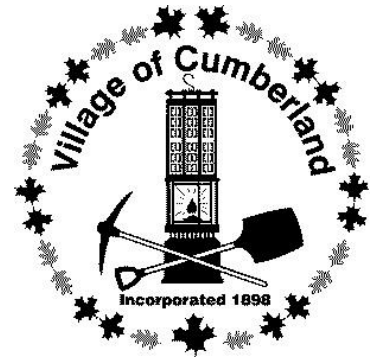
A meeting of the APC will be held on Tuesday May 8, 2018 in Council Chambers located at 2675 Dunsmuir Avenue, commencing at **11:00am.**

- 1. CALL TO ORDER:**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF THE MINUTES**
 - a) Minutes from the meeting of April 10, 2018.
- 3. REFERRALS FROM COUNCIL**
 - a) Development Variance Permit – 2018-05-DP – 2751 Penrith Avenue (Titcomb)
 - b) Development Variance Permit – 2018-06-DP – 4682 Cumberland Road (Henderson, Robinson, & Clinton)
 - c) Development Variance Permit – 2018-07-DP – 3640 Hope Road (Ellis)
- 5. OLD BUSINESS** None
- 6. NEXT REGULAR MEETING**

Tuesday May 1, 2017 at 11:00am.
- 8. TERMINATION:** Time: _____pm

Please note that copies of the agenda will be ready for pickup by Friday afternoon 2pm and after 4:30 they will be in the office of the CRI.

APC REPORT



REPORT DATE: April 26, 2018

MEETING DATE: May 1, 2018

TO: Chair and Members

FROM: Joanne Rees, Planner

SUBJECT: Development Variance Permit Application – 2751 Penrith Avenue

FILE:	2018-05-DV		
OWNER:	Greg Titcombe		
PID:	008-962-651	FOLIO:	516 00168.000
LEGAL DESCRIPTION:	Easterly ½ of Lot 9, Block 21, District Lot 21, Nelson District, Plan 522A		
OCP DESIGNATION	Residential	EXISTING ZONE:	Residential One A (R-1A)
CONDITIONS UNDER APPLICATION		PERMITTED BY BYLAW	REQUESTED VARIANCE
Single Family Dwelling	Left side	1.5metres	1.2metres
	Rear	4.5metres	1.2metres

RECOMMENDATION

- i) THAT the Advisory Planning Commission receive the report “Development Variance Permit Application – 2751 Penrith Avenue” dated April 26, 2018.
- ii) THAT the Advisory Planning Commission recommends that Council grant the Development Variance Permit for property described as Easterly ½ of Lot 9, Block 21, District Lot 21, Nelson District, Plan 522A (2751 Penrith Avenue) to vary the following:
 - a) Left side setback from the permitted 1.5metres to as close as 1.2metres; and
 - b) Rear setback from the permitted 4.5metres to as close as 1.2 metres;

as shown on the site drawing attached to the Development Variance Permit dated May1, 2018, to be confirmed and replaced by the required survey drawing at Building Permit.



Subject Property

SUMMARY

An application has been received to vary the Zoning Bylaw to permit the re-construction of an existing shed into a dwelling and site it closer to the rear and right side property line than is permitted by the Bylaw.

BACKGROUND

A recent fire caused irreparable damage to the existing single family dwelling at the above noted address. The house is in the process of being torn down. In order to live on the property while rebuilding, the Owner wishes to re-site and substaintlay re-construct the shed into a small dwelling at the rear of the property. The new dwelling is required to meet the BC Building Code for this occupancy. It is the intention of the Owner to build another house on the lot and use this dwelling as the “main” house and the small one as an Accessory Dwelling Unit (ADU) which is a permitted use in this zone.

The lot is 9.1metres (30.0feet) wide and in order to leave as much open space as possible, the Owner wishes to vary the side and rear lot lines while meeting the minimum BC Building Code fire separation requirements for this type of building which is 1.2metres (4.0feet).

When the Owner builds the bigger house and “converts” the smaller one to an ADU, in lieu of having to carry out a Residential Infill Development Permit, parking, access, landscaping, and stormwater management will be required to be addressed at Building Permit stage.

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review and processing of Development Variance Permit applications are part of the services provided by the Planning Department.

STRATEGIC OBJECTIVE

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Local Government Act*, notice of Council consideration of a Development Variance Permit must be mailed or otherwise delivered to owners of adjacent properties (within 75metres) at least 10 days before the Council considers the application which is anticipated to be on May 14, 2018. The required notice will be mailed to the neighboring properties by April 30, 2018 and any comments received will be provided on table at the APC meeting.

Pursuant to the requirements of the *Village of Cumberland Procedures and Fees Bylaw No. 1008, 2014*, the applicant has placed the required sign on-site.

ATTACHMENTS

Draft Development Variance Permit:

Schedule A - Site Drawing

Schedule B - Proposed Exterior Drawing

CONCURRENCE

Rob Crisfield, Manager of Operations

OPTIONS

- i) Recommend granting the Development Variance Permit as presented
- ii) Recommend denying the Development Variance Permit as presented (must give reasons)

Respectfully submitted,

Joanne Rees
Planner

Sundance Topham
Chief Administrative Officer



TO: Greg Titcombe

OF: PO Box 984, Cumberland, BC V0R 1S)

1. This Development Variance Permit (2018-05-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purpose of re-construction of an existing shed into a dwelling.

2. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Easterly ½ of Lot 9, Block 21, District Lot 21, Nelson District, Plan 522A

Folio: 516 00168.000 **PID:** 008-962-651

Civic Address: 2751 Penrith Avenue

3. The land described herein shall be developed strictly in accordance with the following terms and conditions of this Permit. The Zoning Bylaw No. 1027, 2016 is varied as follows: Section 7.2(6) For Principal Buildings and Structures the:

Minimum rear setback is 1.2metres; and

Minimum left side setback is 1.2metres;

all in accordance with the site drawing attached to this Development Variance Permit as Schedule A, to be confirmed and replaced by the required survey drawing at Building Permit.

4. **Security**

None

5. **Expiry**

Subject to the terms of the Permit, if the Owner of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

6. **Timing and Sequencing of Development**

None

7. **List of Reports or Plans attached as Schedules**

Schedule A – Site Drawing

Schedule B – Elevation Drawing

8. **Contaminated Sites Regulation**

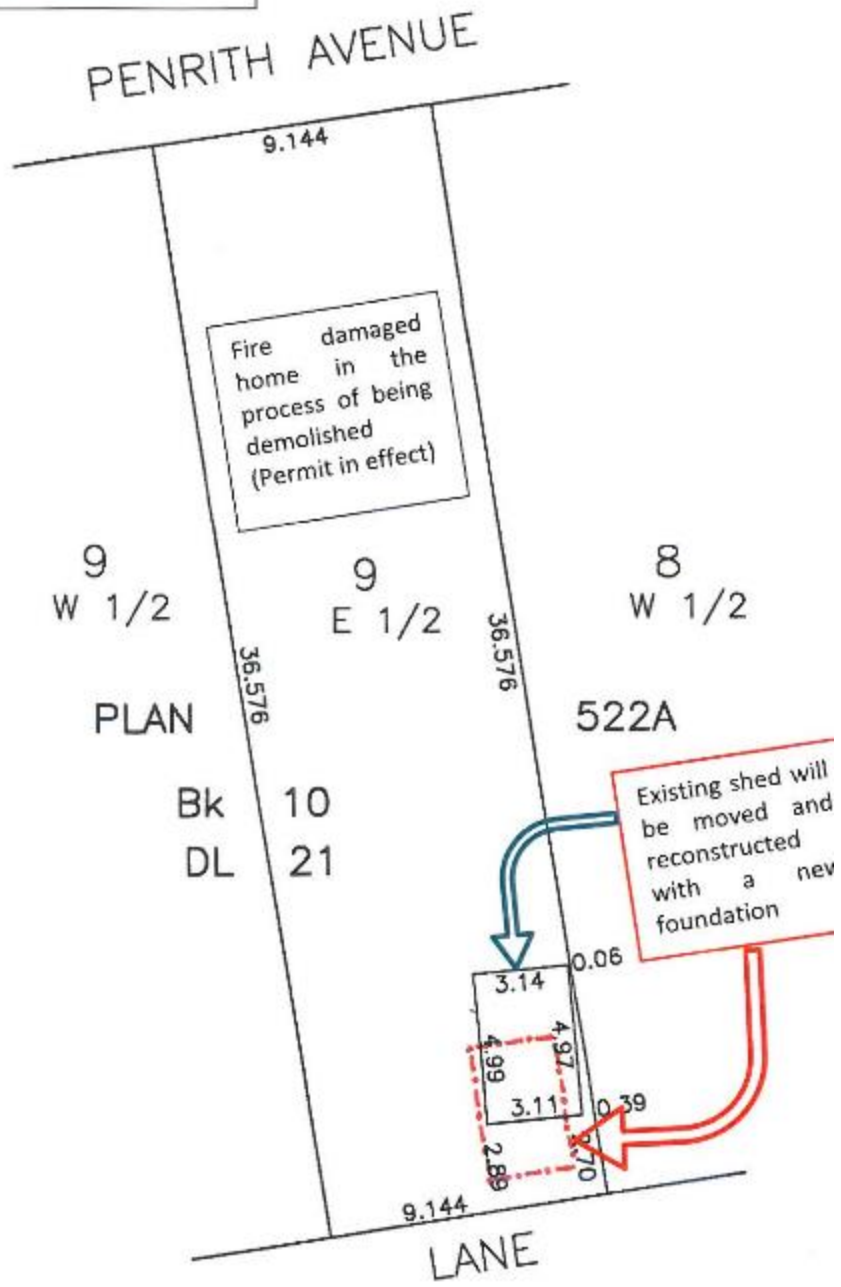
This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a “Site Declaration” for the subject property.

9. This Permit is **not** a Building Permit.

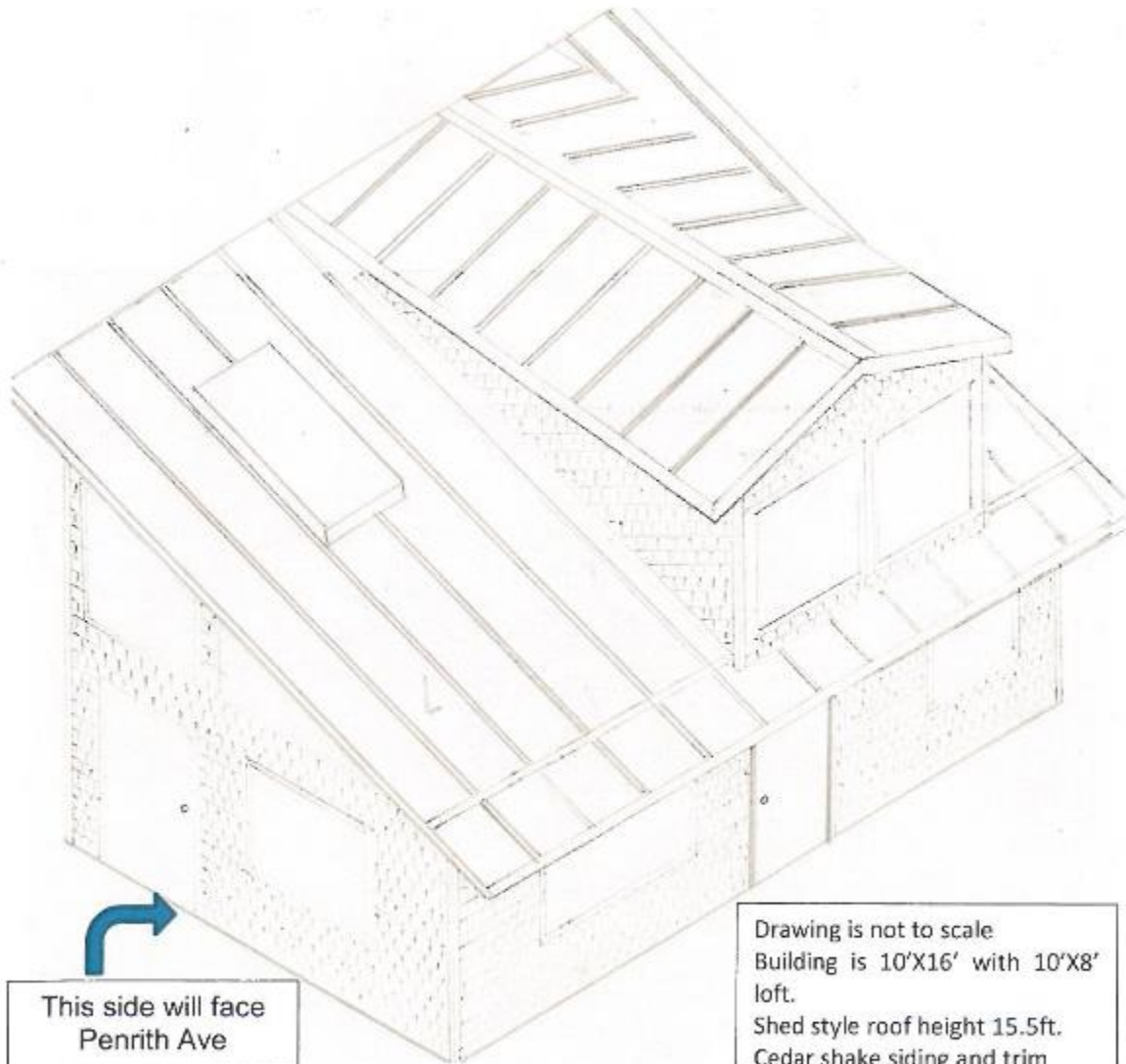
CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2018 and granted on _____, 2018. *(the Council issues the permit, and senior staff shall grant the Permit when all the conditions have been met. (such as the landscaping security, etc)*

Corporate Officer

2018-05-DV - Site Plan



2018-05-DV – Building Exterior

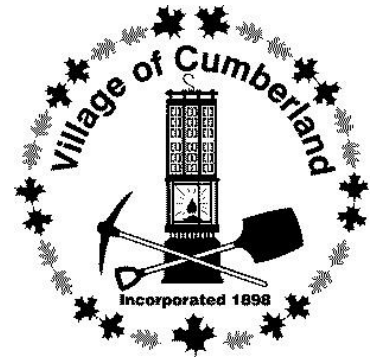


This side will face
Penrith Ave

Drawing is not to scale
Building is 10'X16' with 10'X8'
loft.
Shed style roof height 15.5ft.
Cedar shake siding and trim
Metal roof with snow stop
Roof overhang 2' except at rear
of building which has no
overhang.

FYI: Applicant has been requested to provide additional
Elevation drawings.

APC REPORT



REPORT DATE: April 26, 2018

MEETING DATE: May 1, 2018

TO: Chair and Members

FROM: Joanne Rees, Planner

SUBJECT: Development Variance Permit Application – 4682 Cumberland Road

FILE:	2018-06-DV		
OWNERS:	Drew Henderson, Emily Robinson, and Theresa Clinton		
PID:	006-060-017	FOLIO:	516 00478.000
LEGAL DESCRIPTION:	Lot 2, Block 1, Section 25, Township 10, Nelson District, Plan 4222		
OCP DESIGNATION	Residential	EXISTING ZONE:	Residential Three (R-3)
CONDITIONS UNDER APPLICATION	PERMITTED BY BYLAW	REQUESTED VARIANCE	
Accessory Dwelling Unit			
Location	Shall not be located in a front yard	May be located in a front yard	
Maximum GFA	90.0metres ²	161.5metres ²	
GFA % of Main Dwelling	75%	86%	
Accessory Building			
Maximum GFA	100.0metres ²	105.9metres ²	

GFA=Gross Floor Area

RECOMMENDATION

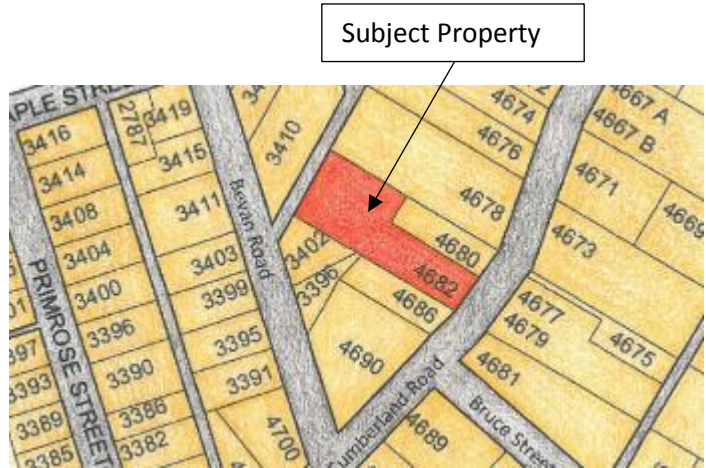
- i) THAT the Advisory Planning Commission receive the report “Development Variance Permit Application – 4682 Cumberland Road” dated April 26, 2018.
- ii) THAT the Advisory Planning Commission recommends that Council approve the Development Variance Permit for property described as Lot 2, Block 1, Section 25, Township 10, Nelson District, Plan 4222 (4682 Cumberland Road) which varies the following:
 - a) the Accessory Dwelling Unit may be located in the front yard;
 - b) the maximum gross floor area of the Accessory Dwelling Unit may be 161.5metres²;
 - c) the gross floor area of the Accessory Dwelling Unit may be 86% of the principal dwelling;

- d) the maximum gross floor area of the Accessory Building may be 105.9 metres² all in accordance with the site drawing attached to the draft Development Variance Permit dated May 1, 2018.

SUMMARY

An application has been received to vary the Zoning Bylaw in several ways to permit:

- the construction of a second dwelling on the property,
- to convert the existing residence to the Accessory Dwelling Unit, and
- to legalize the Gross Floor Area for an existing workshop.



BACKGROUND

The existing house on the property is a rancher built in the mid-1990s and according to the new Owners, it is in good condition but they wish to build a second dwelling for their family of four. The existing three bedroom dwelling would “become” a rental as the Accessory Dwelling Unit (ADU).

The Owners believe that they have designed a house that fits in with character of Cumberland and that as the lot is relatively large compared to the neighbouring properties, that the increased density will not adversely affect the neighbourhood. They have designed the house to be energy efficient, to take advantage of passive solar heating, and with insulation and a building envelope that will exceed the BC Building Code requirements. The house will be built as ready for a roof top photo voltaic array and solar water heating panels.

In order to achieve their development goals, the Owners of the property are applying for four Variances:

1) Allow the ADU in the “front yard”

Staff Notes: This is the third Variance request for an ADU in the front yard, all on large lots in the Residential Three (R-3) zone, Council granted the previous Variance.

2) Increasing the GFA of an ADU

Staff Notes: The existing house has a GFA of 163.8 metres² which is smaller than the average new home being built in the Village but larger than that permitted in the Bylaw.

3) Increasing the percentage of floor area of the ADU vs. the Main Dwelling

Staff Notes: The percentage proposed is 86% while the Zone permits 75%. The intent of this requirement also to keep the ADU smaller than the main dwelling. See notes about regarding two dwellings on larger lots. (See the table below for details)

4) Increasing the GFA of an existing workshop to “legalize” it (See the table below for details)

Staff Notes: A Development Variance was granted in 2003 (03-01-DV) for a garage to be 5.11metres high to as the Zoning Bylaw (Bylaw 717) at that time had a maximum of 4.5metres. In 2016, the maximum height was increased to 6.0metres for this zone. However, at the time the structure was built the maximum GFA was 100.0metres² and the building was very clearly shown to be 111.5metres² (outside measurements) with a GFA of 105.9metres². There is no information as to why the GFA was not part of the Variance granted at that time.

Lot Size	3,235.4m ²				
Lot Coverage Calculation		Existing & Proposed		Maximums By Bylaw	
	SFD	133.4m ²		1,133.1m ²	35%
	ADU	223.4m ²			
	Accessory Bldg	111.5m ²			
Total	490.2m²	15.5%			
Gross Floor Area		Existing & Proposed		Maximums By Bylaw	
	SFD	190.3m ²		No GFA max	No % max
	ADU	163.8m ²	sdu 86% of main & in front yard	90.0m ²	adu 75% of main & not in front yard
	Accessory Bldg	105.9m ²		111.5m ²	No % max

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review and processing of Development Variance Permit applications are part of the services provided by the Planning Department.

STRATEGIC OBJECTIVE

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Local Government Act*, notice of Council consideration of a Development Variance Permit must be mailed or otherwise delivered to owners of adjacent properties (within 75metres) at least 10 days before the Council considers the application which is anticipated to be on May 14, 2018. The required notice will be mailed to the neighboring properties by April 27, 2018 and any comments received will be provided on table at the APC meeting.

Pursuant to the requirements of the *Village of Cumberland Procedures and Fees Bylaw No. 1008, 2014*, the applicants have placed the required sign on-site.

ATTACHMENTS

1. Applicant's submission
2. View of property from Cumberland Road
3. Draft Development Variance Permit
 - a) Site Drawing
 - b) Proposed Exterior Drawings of proposed Principle Dwelling

CONCURRENCE

Rob Crisfield, Manager of Operations

OPTIONS

- iii) Recommend granting the application
- iv) Recommend denying the application (must give reasons)

Respectfully submitted,

Joanne Rees

Planner

Sundance Topham

Chief Administrative Officer

Applicant's Submission

Purpose of Application

We are applying for three Variances: maximum floor area of Accessory Dwelling Unit (ADU), percent floor area of ADU and maximum floor area of Accessory Building. Our goal is to build a home for our family of four. The existing house on the property is a rancher built in the 1990s. It is in good condition but not very special. We decided that if we are going to build a new dwelling on the property, we would prefer that it be our home, rather than a rental. The proposed new dwelling is a modest home, but in order to comfortably house our family, it does exceed the maximum floor area allowed. Our hope is that our plan fits in with the development plans of the Village. We are creating more rental housing by generating a three bedroom rental out of the existing house. We have designed a house that fits in with character of Cumberland. As the lot is relatively large compared to the neighbouring properties, we do not think the increased density will adversely affect the neighbourhood. We have also designed a house that is energy efficient. It is designed to take advantage of passive solar heating, and the insulation and envelope will exceed the building code requirements. We are also building it to be ready for a roof top photo voltaic array, and solar water heating panels. We envision our home to be a model of sustainable development.

We are also applying for a variance for floor area of the existing workshop. Our intention is to make this building legal with the Village.

Sincerely,

Drew Henderson and Emily Robinson

View from Cumberland Road





**Corporation of the
Village of Cumberland**

**DEVELOPMENT
VARIANCE PERMIT**

TO: Drew Henderson, Emily Robinson, and Theresa Clinton

OF: PO Box 75, Cumberland, BC V0R 1S0

4. This Development Variance Permit (2018-06-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purpose of re-construction of an existing shed into a dwelling.

5. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 2, Block 1, Section 25, Township 10, Nelson District, Plan 4222

Folio: 516 00478.000 **PID:** 006-060-017

Civic Address: 4682 Cumberland Road

6. The land described herein shall be developed strictly in accordance with the following terms and conditions of this Permit. The Zoning Bylaw No. 1027, 2016 is varied as follows:

- a) Section 14.2(i): the Accessory Dwelling Unit may be located in the front yard;
- b) Section 14.2(ii)(1): the maximum gross floor area of the Accessory Dwelling Unit may be 161.5metres²;
- c) Section 14.2(ii)(2): the gross floor area of the Accessory Dwelling Unit may be 86% of the principal dwelling;
- d) Section 7.5(4): the maximum gross floor area of the Accessory Building may be 105.9metres²

all in accordance with the site drawing attached to the draft Development Variance Permit dated May 1, 2018.

4. **Security**

None

5. **Expiry**

Subject to the terms of the Permit, if the Owner of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

6. **Timing and Sequencing of Development**

None

7. **List of Reports or Plans attached as Schedules**

Schedule A – Site Drawing

Schedule B – Elevation Drawing

8. **Contaminated Sites Regulation**

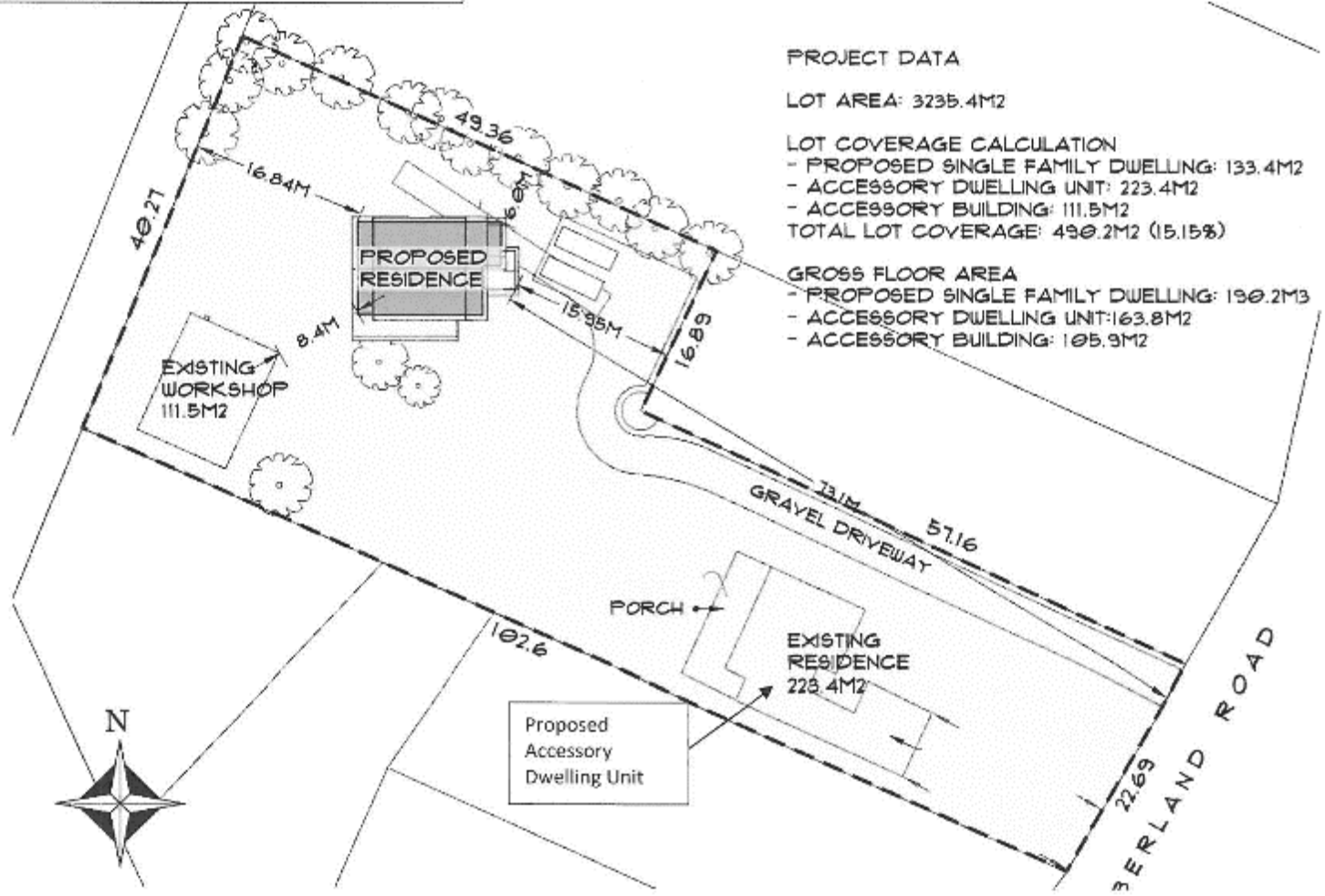
This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a “Site Declaration” for the subject property.

9. This Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2018 and granted on _____, 2018. *(the Council issues the permit, and senior staff shall grant the Permit when all the conditions have been met. (such as the landscaping security, etc)*

Corporate Officer

2018-06-DV - Site Plan



PROJECT DATA

LOT AREA: 3235.4M²

LOT COVERAGE CALCULATION

- PROPOSED SINGLE FAMILY DWELLING: 133.4M²
- ACCESSORY DWELLING UNIT: 223.4M²
- ACCESSORY BUILDING: 111.5M²
- TOTAL LOT COVERAGE: 490.2M² (15.15%)

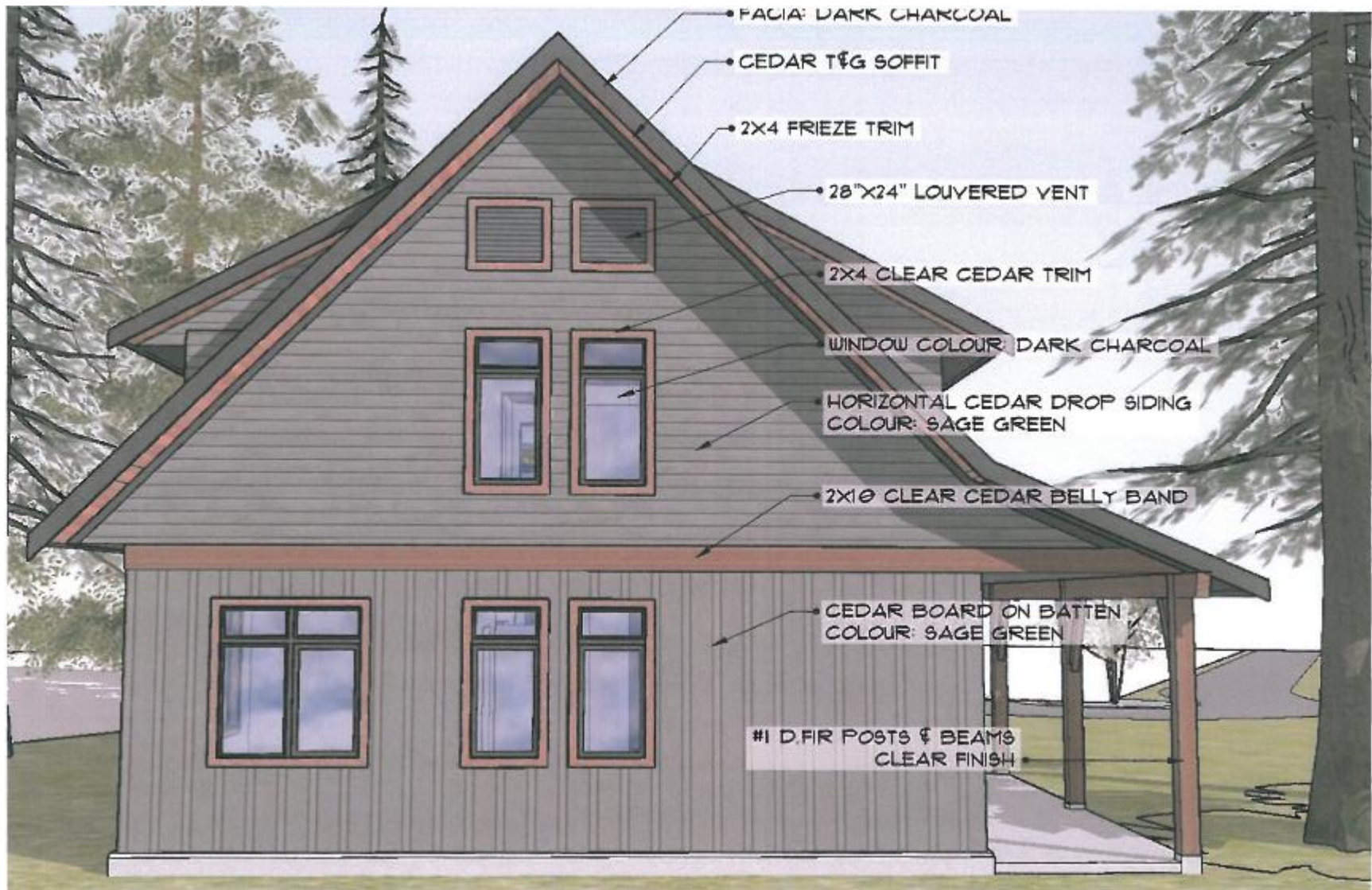
GROSS FLOOR AREA

- PROPOSED SINGLE FAMILY DWELLING: 190.2M³
- ACCESSORY DWELLING UNIT: 163.8M²
- ACCESSORY BUILDING: 105.9M²

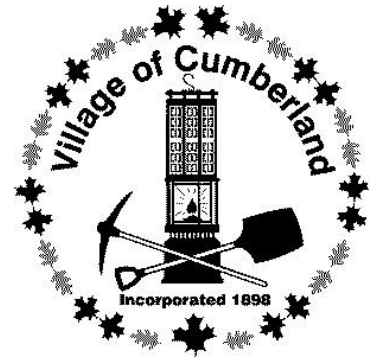


2018-06-DV
Proposed Building Exteriors





APC REPORT



REPORT DATE: April 26, 2018

MEETING DATE: May 1, 2018

TO: Chair and Members

FROM: Joanne Rees, Planner

SUBJECT: Development Variance Permit Application – 3460 Hope Road

FILE:	2018-07-DV		
OWNER:	Jessica and Steven Ellis		
PID:	006-061-184	FOLIO:	516 00493.059
LEGAL DESCRIPTION:	Lot 3, Block 3, Section 25, Township 10, Nelson District, Plan 4222		
OCP DESIGNATION	Residential	EXISTING ZONE:	Residential Three (R-3)
CONDITIONS UNDER APPLICATION	PERMITTED BY BYLAW		REQUESTED VARIANCE
Accessory Dwelling Unit	Shall not be located in a front yard		May be located in a front yard

RECOMMENDATION

- i) THAT the Advisory Planning Commission receive the report “Development Variance Permit Application – 3460 Hope Road” dated April 26, 2018.
- ii) THAT the Advisory Planning Commission recommends that Council approve the Development Variance Permit for property described as Lot 3, Block 3, Section 25, Township 10, Nelson District, Plan 4222 (3460 Hope Road) by removing the restriction in the Zoning Bylaw that ADU’s not be allowed in the front yard for this property.

SUMMARY

An application has been received to vary the Zoning Bylaw to allow for an Accessory Dwelling Unit to be in the front yard so that the Owner may convert an existing garage into a dwelling unit for a family member.

Subject Property



BACKGROUND

The owner of the subject property has a garage in the front of the single family dwelling that they wish to convert into an Accessory Dwelling Unit. This building has a floor area of approximately 67.0metres² and is sited in front of the existing home. However, the Zoning Bylaw prohibits the location of an ADU in the front yard (see attached site plan for clarification). The application is requesting a Variance to the Zoning Bylaw by removing this prohibition for this property.

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review and processing of Development Variance Permit applications are part of the services provided by the Planning Department.

STRATEGIC OBJECTIVE

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Local Government Act*, notice of Council consideration of a Development Variance Permit must be mailed or otherwise delivered to owners of adjacent properties (within 75metres) at least 10 days before the Council considers the application which is anticipated to be on May 14, 2018. The required notice will be mailed to the neighboring properties by April 30, 2018 and any comments received will be provided on table at the APC meeting.

Pursuant to the requirements of the *Village of Cumberland Procedures and Fees Bylaw No. 1008, 2014*, the applicants have placed the required sign on-site.

ATTACHMENTS

Draft Development Variance Permit:

Schedule A - Site Drawing

Schedule B - Existing and Proposed Exterior Drawing

CONCURRENCE

Rob Crisfield, Manager of Operations

OPTIONS

- v) Recommend granting the Development Variance Permit as presented
- vi) Recommend denying the Development Variance Permit as presented (must give reasons)

Respectfully submitted,

Joanne Rees

Planner

Sundance Topham

Chief Administrative Officer



**Corporation of the
Village of Cumberland**

**DEVELOPMENT
VARIANCE PERMIT**

TO: Jessica Ellis and Steve Ellis

OF: PO Box 931, Cumberland, BC V0R 1S0

7. This Development Variance Permit (File 2018-07-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of allowing an Accessory Dwelling Unit to be in the front yard of the subject property.

8. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 3, Block 3, Section 25, Township 10, Nelson District, Plan 4222

Folio: 516 00493.059

PID: 006-061-184

Civic Address: 3460 Hope Road

9. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

“Bylaw 1027 Section 4.2(a)(i) Accessory Dwelling Units is hereby not applicable for the subject property.”

4. Security

None

5. Expiry

Subject to the terms of the Permit, if the Owner of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

6. Timing and Sequencing of Development

None

7. List of Reports or Plans attached as Schedules

None

8. Contaminated Sites Regulation

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a "Site Declaration" for the subject property.

9. This Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the Council of the Corporation of the Village of Cumberland on the ____ day of _____, 2018 and granted on the ____ day of _____, 2018. *(the Council issues the permit, and senior staff shall grant the Permit when all the conditions have been met. (such as the landscaping security, etc)*

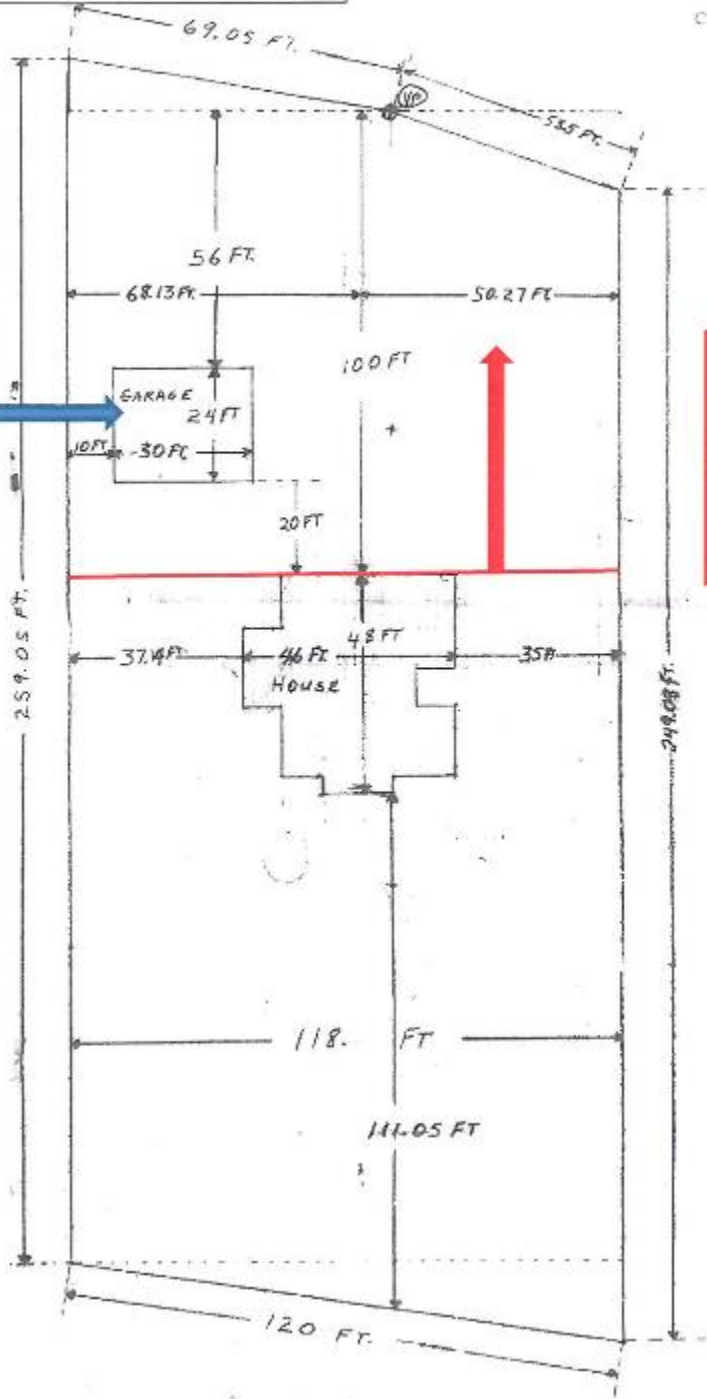
Corporate Officer

2018-07-DV - Site Plan

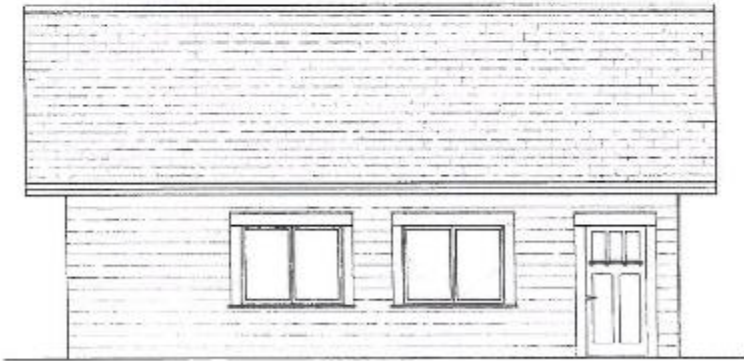
Division of
and of
Program of Information

Existing garage
to be converted
to an Accessory
Dwelling Unit.

Area to the
property line
indicated by the
red arrow is the
"Front Yard"
as defined by
Zoning Bylaw



2018-07-DV
Existing & Proposed Building Exterior



EXISTING ELEVATION - AS IS



PROPOSED ELEVATION

Fedjr

NOTICE
THESE DRAWINGS ARE ISSUED FOR VARIANCE
APPLICATION ONLY AND ARE NOT FOR
CONSTRUCTION USE.