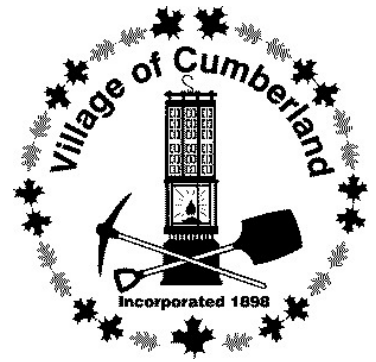


ADVISORY PLANNING COMMISSION AGENDA



**The Corporation of the Village of Cumberland
Advisory Planning Commission Meeting
Thursday, June 9, 2022, at 4:00 p.m.
Council Chambers, 2675 Dunsmuir Avenue**

*We are honoured to gather on the unceded traditional territory
of the K'ómoks First Nation.*

- 1. Approval of the Agenda**
- 2. Minutes**
Adoption of Minutes of April 14, 2022
- 3. Unfinished Business**
- 4. New Business**
 - 4.1 Request for Comment on Development & Development Variance Permit
Application – 2727 Allen Avenue
- 5. Next Meeting**
The next meeting of the Advisory Planning Commission will be held on Thursday, July 14, 2022, at 4:00 p.m.
- 6. Adjournment**



Village of Cumberland

Advisory Planning Commission

Minutes

The meeting of the APC was held on Thursday April 14, 2022 at Village of Cumberland Council Chambers, commencing at 4:07pm.

PRESENT: Nick Ward, Chair
Janet Bonaguro, Secretary
Jaye Mathieu
Troy Therrien
Neil Borecky

ABSENT:

GUESTS \ STAFF: Karin Albert, Senior Planner
Courtney Simpson, Manager of Development Services

OBSERVERS: N/A

1. APPROVAL OF AGENDA

Bonaguro / Mathieu: THAT the agenda be approved with the addition of an item related to change in membership.

CARRIED UNANIMOUSLY

2. CHANGE IN MEMBERSHIP

Shannon Levitt has resigned from the committee. The Village will be posting for new members.

3. APPROVAL OF MINUTES

Mathieu / Therrien: THAT the minutes of the meeting held February 10, 2022 be approved as presented.

CARRIED UNANIMOUSLY

4. REFERRALS FROM COUNCIL

(a) Council Referral, Vacation Rentals – Public Engagement Summary and Analysis

Bonaguro / Borecky: THAT the Advisory Planning Commission receive the staff report titled “Council Referral: Vacation Rentals – Public Engagement Summary and Analysis”.

CARRIED UNANIMOUSLY

DISCUSSION

- Staff
 - Courtenay and Comox do not have vacation rental bylaws so all vacation rentals in those jurisdictions are unpermitted commercial use of residences
- APC Discussion
 - a. Parking
 - i. Vacation rental owners can provide parking on site or pay \$3,800 cash in lieu of parking which is put into a reserve fund for future Village parking improvements
 - ii. Residential use of ADU requires 1 parking spot per unit; vacation rental use requires one per bedroom
 - iii. Residents will pave over lawn to increase parking space on site
 - iv. By its nature it's short term, taking up space short term
 - v. The pain of not having enough on-site parking falls on neighbours more than on short-term renters
 - vi. Parking on site includes indoor (garage) parking and outdoor (driveway) parking
 - vii. Two options considered for APC voting:
 - 1. Half the number of bedrooms, rounded up to the nearest whole number
 - 2. 1 parking spot per vacation rental units
 - b. Business license number on advertisements
 - i. Intent is to have the licence number on vacation rental listings (or all “internet” advertising which captures private websites and online marketplaces)
 - ii. It is not practical to require licence number on “all” advertising (e.g. this would include business cards, vehicles, brochures, stickers, social media, clothing)
 - iii. Being able to visibly see the business licence number on a sign on the property is helpful for bylaw enforcement to understand which properties are legal and those that are not
 - iv. There is more safety risk involved in running a vacation rental

- v. Recommend that staff determine what specific forms of advertising are required, perhaps consider defining guidelines for advertising in policy vs. in bylaw
- c. Distinguish between year-round and occasional vacation rentals
- i. This distinction may enable the Village to create differences in regulation between year-round and occasional rentals, some of the requirements may or may not have applicability to occasional rentals
 - ii. Over 30 days is not considered a short-term (vacation) rental
 - iii. If there is a difference in business licence types and caps on those then it would make sense that vacation rental owners might all apply for the longer-term licences in order to keep their flexibility open, meaning that owners that might only intend to offer their rentals for 1-3 months annually
 - iv. Unclear of the benefit to the Village
 - v. Considerations: do we wish to distinguish between commercial and occasional, and if so then what is the cut off
- d. Caretaker/principal residency requirement
- i. This was a close split in the survey (48% / 45%)
 - ii. Would provide a natural cap for the number of units available on a property as at least one unit would need to be someone's principal residence (so not all units can be vacation rentals)
 - iii. This enables at least one long-term residence (someone's principal residence) on each property
 - iv. Intent is so that there is still a long-term residence on the property in addition to the vacation rental. This is to avoid the situation where an entire property (all units) are used as vacation rentals
 - v. The definition of "caretaker" needs to be more clearly defined.
 - vi. Recommend that the term "Caretaker" is not used at all to avoid confusion – the resident on site does not necessarily have any responsibility for the short term rental.
 - vii. The principal residency does not mean the principal dwelling
- e. Limit on number of bedrooms that can be rented and/or on number of guests
- i. Could a larger home (e.g. 5 br) operate a vacation rental out of 3brs if there was a cap?
 - ii. Wouldn't want to limit the ability of existing guest houses that have multiple units
 - iii. Hinges on residency requirements, as long as there is a principal long term resident, any other space can be rental, i.e. bedroom, ADU, suite, or main house.
 - iv. If there was a limit and someone wanted to rent more bedrooms the owner could apply for a rezoning for commercial use

- f. Type of dwellings where vacation rentals should be permitted
 - i. Some jurisdictions say that you can only rent out an ADU or suite
- g. Cap on total number of vacation rentals permitted
 - i. Not equitable to pursue a cap
 - ii. Prefer the cap set by market forces as dictated by the principal residency requirement
 - iii. If the principal residency requirement is not passed, then this recommendation may need to be readdressed
- h. Cap on number of vacation rentals per block
 - i. Similar to above
- i. Sign at vacation rental
 - i. What is the definition of a “sign”?
 - ii. Needs to be defined in regulation
 - iii. Intent is something reasonably small that makes sense for a home-based business
 - iv. Intent is to see contact information so neighbours can identify it as a short-term rental
 - v. On the grounds of don’t regulate something if it’s not necessary, the argument for having a sign and the visual cost for a community
 - vi. The guests will have the information they need from the landlord without the need for a sign
 - vii. The contact information for the owners is not provided to the public
 - viii. If the vacation rental isn’t licensed they are not likely to put out a sign
- j. Zones where vacation rentals should be permitted
 - i. R1-A is the only legal zone where vacation rentals are currently allowed, doesn’t include Coal Valley Estates
 - ii. Expanding the zones that allow vacation rentals to include Coal Valley Estates would potentially add 53 more units (e.g. homes that have secondary suites) to the vacation rental pool (which may have the impact of removing them from the long-term rental pool).
 - iii. Likelihood of all the secondary suites turning into vacation rentals is low as not all owners want to be vacation rental business owners
 - iv. Periods of quiet activity (off-season) can result in no overall loss in profit
 - v. If there were more rentals available in the market, the price per vacation rentals will drop (market forces of supply and demand), which may result in owners deciding to rent long-term as it may become more cost effective and less work

- vi. There should be an option for vacation rentals due to the restrictions on landlords for those owners that desire an income stream from units on their property
 - vii. If parking is provided it shouldn't be a problem even in Coal Valley Estates
 - viii. Option to open up R3 as less issues with neighbours given size of lots (could add up to 3 units as there are 3 legal ADUs currently)
 - ix. Concerns about rentals being taken out of the long term rental pool
 - x. Part of the Coal Valley concept approved by the municipality was to provide long-term rental units and mortgage-helpers on Kendal
- k. Complaints
- i. People may complain from noise at neighbours' but this can't necessarily be tied back to that property being a vacation rental (licensed or unlicensed).
 - ii. No specific evidence about complaints about vacation rentals.
 - iii. This isn't tracked by property use but instead just by property address.
- l. Village's Ability to Deny Business Licences
- i. If zoned for vacation rental and meet the various requirements for the business licence then it will be granted. The Village can't arbitrarily deny a business licence.
- m. Enforcement
- i. Should licensing fees for vacation rentals be higher to fund enforcement?
 - ii. Current fees for business licence are \$110
 - iii. At any time the Village can choose to enforce
 - iv. Limited enforcement resources
 - v. Could enforce more for a period of time, to the extent there is capacity to do that
 - vi. Would like to see an annual proactive enforcement process to audit online vacation rental listings against business licences and follow up
 - vii. If just complaint-based then likely won't be much enforcement
 - viii. The business licence fees overall should be a single uniform fee, not varying by business type (i.e. not higher fees just for vacation rentals)
 - ix. If the Village is licensing vacation rentals is there any liability around ensuring that a fire safety inspection has been carried out?
 - x. Consider requiring a fire inspection for vacation rentals (similar to commercial businesses)
 - xi. Bylaw enforcement is currently prioritized based on complaints and certain prioritized topics such as (but not limited to) animal safety imminent environmental issues, public safety issues. Staff does not have the discretion to be proactive on other enforcement activity unless Council directs staff to do so

- xii. Desire not to have bylaw officers proactively engaging with vacation rentals owners without a complaint. The feeling is that this would be seen as too much regulation for the situation.
- xiii. General interest in needing business licence enforcement for vacation rentals.

The Advisory Planning Commission recommends that Council update its vacation rental regulations as per the following:

- a. Borecky / Therrien: THAT the parking requirement be 50% of the number of bedrooms, rounded up to the nearest full number of parking spots.

CARRIED

- b. Bonaguro / Borecky: THAT the business license number be required on specified advertisements as determined by staff, and include a minimum of the online vacation rental listing.

UNANIMOUSLY CARRIED

- c. Borecky / Mathieu: THAT the village NOT distinguish between year-round and occasional vacation rentals.

UNANIMOUSLY CARRIED

- d. Borecky / Therrien: THAT there be a principal residency requirement (that a person has permanent residency on the property).

CARRIED

- e. Therrien / Bonaguro: THAT the number of bedrooms that can be rented and the number of guests NOT be limited.

UNANIMOUSLY CARRIED

- f. Borecky / Mathieu: THAT the type of dwellings where vacation rentals should be permitted are NOT restricted to certain types of dwelling units.

UNANIMOUSLY CARRIED

- g. Therrien / Borecky: THAT there be NO cap on total number of vacation rentals permitted, provided that a principal residency requirement is implemented.

CARRIED

h. Bonaguro / Mathieu: THAT there be NO cap on number of vacation rentals per block.

UNANIMOUSLY CARRIED

i. Bonaguro / Therrien: THAT NO sign be required at the vacation rental.

CARRIED

j. Borecky / Therrien: THAT vacation rentals should continue to be permitted in R1-A and ADD R3 zone.

CARRIED

k. Mathieu / Bonaguro: THAT vacation rentals should be permitted in all zones.

DEFEATED

l. Therrien / Borecky: THAT provision of a vacation rental business licence requires a fire inspection.

CARRIED

m. Ward / Therrien: THAT Council direct staff to proactively validate that online vacation rental listings have a valid business licence.

CARRIED

5. NEXT REGULAR MEETING

Thursday May 12, 2022 at 4:00pm (pending any referrals from Council).

6. TERMINATION:

Borecky / Bonaguro: THAT the meeting terminate.

Time: 6:16pm

Certified Correct: _____	Confirmed: _____
Chair	Deputy Corporate Officer

MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 6/1/2022
MEETING DATE: 6/9/2022

File No. 2022-04-DV & 2022-03-DP

TO: Advisory Planning Commission
FROM: Meleana Searle, Planner
SUBJECT: Request for Comment on Development & Development Variance Permit Application – 2727 Allen Avenue

Council has referred an application for a residential infill development permit to allow the construction of a new accessory dwelling unit (ADU).

The applicant is proposing to vary the maximum gross floor area (GFA) of the ADU as a percentage of the GFA of the single-family dwelling from 75%, to 91%. This would result in an ADU of 89.4m² (962.0ft²) which is still within the permitted maximum GFA of 90.0m² (968.0ft²).

The attached staff report to Council includes detailed background and analysis of the application.

Pursuant to Advisory Planning Commission Bylaw No. 999, the Commission is requested to provide a recommendation to Council stating the following:

- approval, or;
- approval subject to various conditions, with conditions stated, or;
- denial with stated reasons.

Following are possible resolutions for convenience:

- i. That the Advisory Planning Commission recommend (*approval/denial*) of the development permit (2022-03-DP).
- ii. That the Advisory Planning Commission recommend approval of the development permit (2021-12-DP) with the following (*conditions/changes to the draft permit 2022-03-DP*):

- iii. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2022-04-DV).
- iv. That the Advisory Planning Commission recommend approval of the development permit (2022-04-DV) with the following (*conditions/changes to the draft permit 2022-04-DV*):

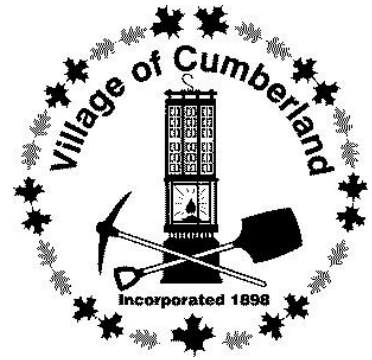
ATTACHMENTS

1. May 30th, 2022 Council Report

Respectfully submitted,

Meleana Searle
Planner

COUNCIL REPORT



REPORT DATE: 5/13/2022
MEETING DATE: 5/30/2022

File No. 2022-03-DP/2022-04-DV

TO: Mayor and Councillors
FROM: Meleana Searle, Planner
SUBJECT: Development & Development Variance Permit Application – 2727 Allen Avenue

RECOMMENDATION

- i. THAT Council receive the Development & Development Variance Permit Application – 2727 Allen Avenue report.
- ii. THAT Council refer the application for a development permit (2022-03-DP) for a new accessory dwelling unit and development variance permit (2022-04-DV) to increase the maximum permitted GFA of the ADU to the Advisory Planning Commission for comment.



PURPOSE

The Village has received an application for a residential infill development permit to allow the construction of a new accessory dwelling unit (ADU). The applicant is proposing to vary the maximum gross floor area (GFA) of the ADU as a percentage of the GFA of the single-family dwelling from 75%, to 91%. This would result in an ADU of 89.4m² (962.0ft²) which is still within the permitted maximum GFA of 90.0m² (968.0ft²). The purpose of this report is to seek a referral to the Advisory Planning Commission.

BACKGROUND

Proposed Development

The subject property currently has a one-storey dwelling of 98.0m² (1055.0) plus carport. The proposal is to construct a new ADU at the rear of the lot. The ADU is proposed to be 89.4m² (962.0ft²) which is 91% of the single-family dwelling. ADU's are permitted to be up to 75% of the GFA of the principal dwelling to a maximum of 90.0 m² (968.8ft²). The application and supporting documents meet all the Residential Infill Development Permit Guidelines and Zoning Bylaw 1027, 2016 requirements except for the maximum permitted GFA percentage and the use of building materials that reflect the character of the principal dwelling unit. The GFA is being addressed via the concurrent development variance permit application.

Official Community Plan

The subject property is within the R1-A Zone and Development Permit Area No. 6 - Residential Infill. Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The objective of a Residential Infill Development Permit is to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context.

Zoning Bylaw

The subject property is zoned R-1A – Residential Infill which permits single family dwellings as the principal use. One secondary suite and one ADU are permitted as accessory uses if they meet the requirement in Zoning Bylaw No. 1027, 2016. The R1-A Zone permits 40% lot coverage. The proposed ADU and existing single-family dwelling would result in 25% lot coverage and all setbacks would comply.

ANALYSIS

Development Permit

The application and supporting documents meet all the Residential Infill Development Permit Guidelines and Zoning Bylaw 1027, 2016 requirements except for the maximum permitted GFA percentage and the use of building materials that reflect the character of the principal dwelling unit. As the existing single-family dwelling is dilapidated and planned to be demolished, it is not practical to have the ADU reflect the character of the principal dwelling. The property owner intends to have the new primary dwelling unit complement the aesthetics of the ADU.

The three parking spaces required for the ADU, and single-family dwelling, would be accessed via the existing driveway and would be accommodated on-site behind the single-family dwelling.

Development Variance Permit

Land use justification

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;*
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,*
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.*

The applicant is proposing to vary the maximum gross floor area (GFA) of the ADU as a percentage of the GFA of the single-family dwelling from 75%, to 91%. This would result in an ADU of 89.4m² (962.0ft²) which is still within the permitted maximum GFA of 90.0m² (968.0ft²). The applicant is proposing to build the ADU first and then demolish the existing single-family dwelling and construct a larger single-family dwelling. The GFA of the new single-family dwelling would need to be larger than 120.7m² (1,300ft²) which would then make the ADU compliant with the Zoning Bylaw. This could easily be accomplished within current setbacks, lot coverage and permitted height.

The applicant is wanting to build the ADU first as it is more economically feasible. The ADU will be less expensive to build than the larger single-family dwelling which requires demolition of the existing dwelling. Once a tenant is in the ADU the property owner will be able to allocate the finances to develop the primary dwelling.

Impacts of the Variance

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance.

Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.*
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.*
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.*

The aesthetic impacts of the proposed ADU are minimal on the streetscape due to the structure being sited at the rear of the lot. The south facing deck has been screened from the westerly neighbours and small windows have been designed for the walls that face adjacent properties. On the west side of the ADU, a wall provides screening for the side entrance, outdoor shower and bike wash station. The established coniferous trees located just along the rear-side and rear property lines will provide vegetative screening to the neighbouring properties as well as the Wellington Colliery trail.

Should the property owner decide to not demolish the existing single-family dwelling there is no mechanism for the Village to enforce that a new, larger, primary dwelling be built. This could result in the ADU being larger than the maximum GFA percentage permanently.

PUBLIC NOTIFICATION AND CONSULTATION

As required by the *Village of Cumberland Procedures and Fees Bylaw No. 1073, 2018* the applicant has placed the required sign on-site.

Pursuant to the requirements of the *Local Government Act*, a notice of Council consideration of the Development Permit was mailed on April 27, 2022, to the owners of properties within 75.0metres. At the time of this report no submissions have been received by staff.

Staff recommends that Council does not require a neighbourhood public meeting. Although the *Village of Cumberland Procedures and Fees Bylaw No. 1073, 2018* states that Council may require that the applicant hold a neighbourhood public meeting, because Council has limited discretion when approving development permits, public meetings for development permit applications are generally not recommended.

At the time of this report, staff received feedback from two community members. Both support infill-development but do not support the requested variance for increased maximum GFA.

ALTERNATIVES

- 1. THAT Council deny the development permit (2022-03-DP) on the property described as Lot 5, District Lot 21, Nelson District, Plan 14377 (2727 Allen Avenue).
- 2. THAT Council deny the development variance permit (2022-04-DV) on the property described as Lot 5, District Lot 21, Nelson District, Plan 14377 (2727 Allen Avenue).

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

The review of development permit and development variance permit applications is part of the services provided by the Development Services Department.

CLIMATE CHANGE IMPLICATIONS

The proposed ADU meets the objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions. A 240volt electric vehicle plug-in, siting for solar gain in the winter and solar shade in the summer, solar ready wiring, LED lighting, and secure bike storage will be provided.

The stormwater management plan uses IDF (Intensity-Duration-Frequency) values that have been increased by 15% to account for climate change.

This infill development is an example of compact growth in an existing residential node. Compact growth enables residents and visitors to walk safely and easily, cycle, carpool or travel by bus as well as by automobile.

ATTACHMENTS

- 1. 2022-03-DP DRAFT
 - a. Schedule A - Site & Landscape Plan
 - b. Schedule B – Architectural Drawings
 - c. Schedule C – Stormwater Management Plan, Feb. 18, 2022
- 2. 2022-04-DV DRAFT
 - a. Schedule A - Site Plan
- 3. Public Feedback

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

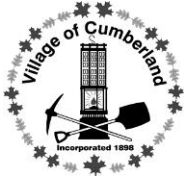
Respectfully submitted,

M. Searle

Meleana Searle
Planner

M. Mason

Michelle Mason
Acting Chief Administrative Officer



Corporation of the
Village of Cumberland

DEVELOPMENT PERMIT

TO: Rhonda Lister

OF: 307 Gartley Road, Courtney, BC V9N 9T2

This Development Permit (2022-03-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of constructing an accessory dwelling unit.

1. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

Legal Description: Lot 5, District Lot 21, Nelson District, Plan 14377
Folio: 516 00654.000 **PID:** 004-395-832
Civic Address: 2727 Allen Avenue

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

a) Site Design

- i) The siting shall be substantially in conformance with the attached Schedule A.

Required prior to Final Inspection of the Building Permit:

b) Landscaping

- i) The landscape plan shall be implemented substantially in conformance with the attached Schedule A.

c) Building Form and Character

- i) ADU shall be constructed substantially in compliance with the attached Schedule B.
- ii) Civic addressing shall be visible from the street frontage on Allen Avenue.

d) Lighting

- i) All site lighting installations shall be fully shielded (full cutoff).
- ii) Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

e) Access, Parking, & Amenity Areas

- i) One of the parking spaces shown on the attached Schedule A shall be for the exclusive use of the ADU resident. The parking space shall be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers).
- ii) Access from the parking space to the ADU shall be a hard travel surface and at least 1.2metres wide, however the clearance shall be maintained for 1.5metres for emergency services.

f) Energy Conservation & Reduction of Greenhouse Gas Emissions

- i) A 240 electric vehicle plug-in shall be required.

h) Stormwater

- i) A Stormwater Management Plan prepared by Wedler Engineering dated February 18, 2022 is attached as Schedule C and forms part of this permit.
- ii) A rock-pit per the details in the Stormwater Management Plan is to be constructed.

3. Security

- a) A security which represents 125% of the cost estimate for the approved landscape plan shall be received before the Permit is granted.
- b) When the plan has been completely implemented the Owner shall request an inspection. If found to be compliant, a refund of 75% shall be made.
- c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

4. Expiry

Subject to the terms of the permit, if the owner of this development permit does not substantially start any construction with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

5. Timing and Sequencing of Development

None.

6. List of Reports or Plans attached as Schedules

- a) Schedule A - Site & Landscape Plan
- b) Schedule B – Architectural Drawings
- c) Schedule C - Stormwater Management Plan

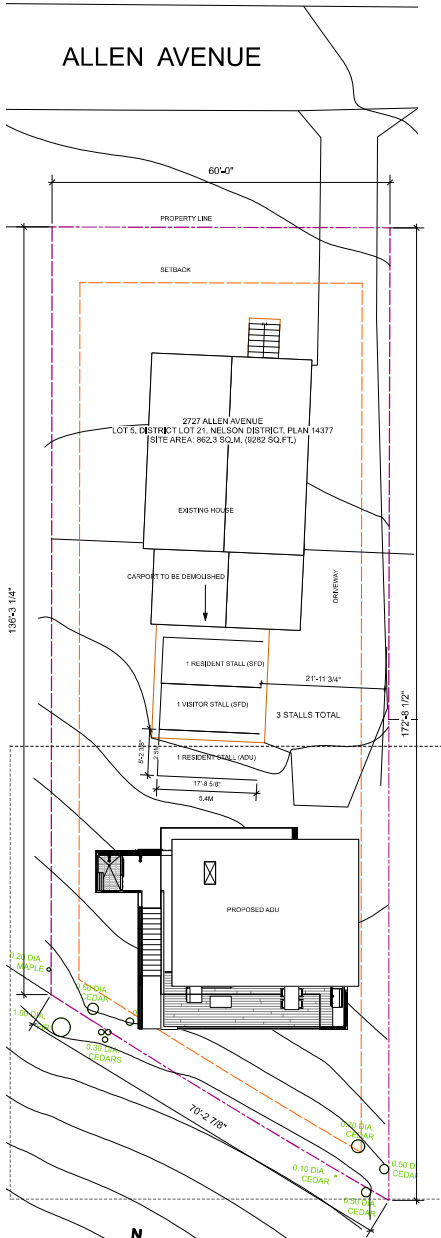
7. Contaminated Sites Regulation

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.

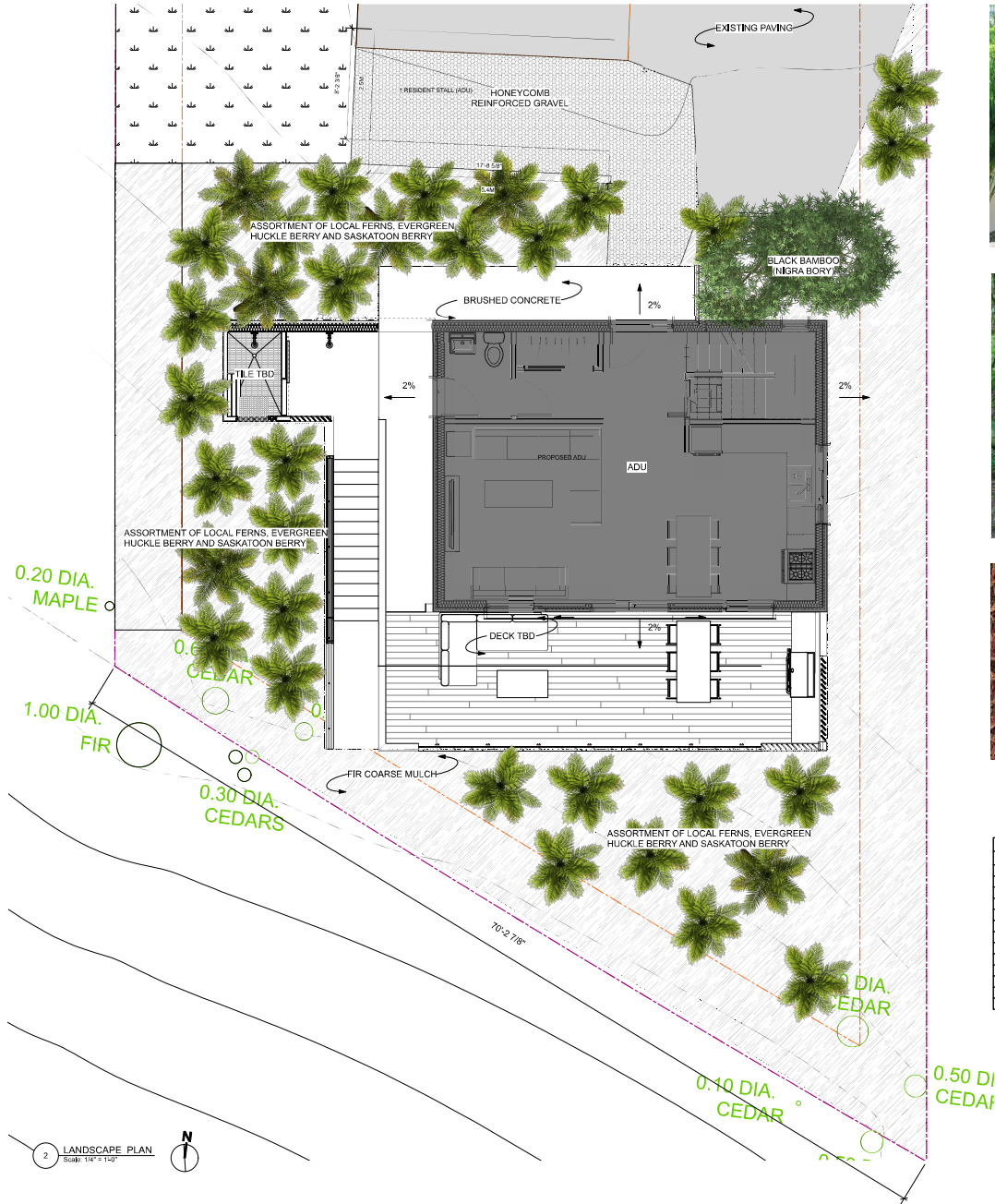
8. This Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT PERMIT** granted and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 30, 2022.

Corporate Officer



1 SITE PLAN
Scale: 1/8" = 1'-0"

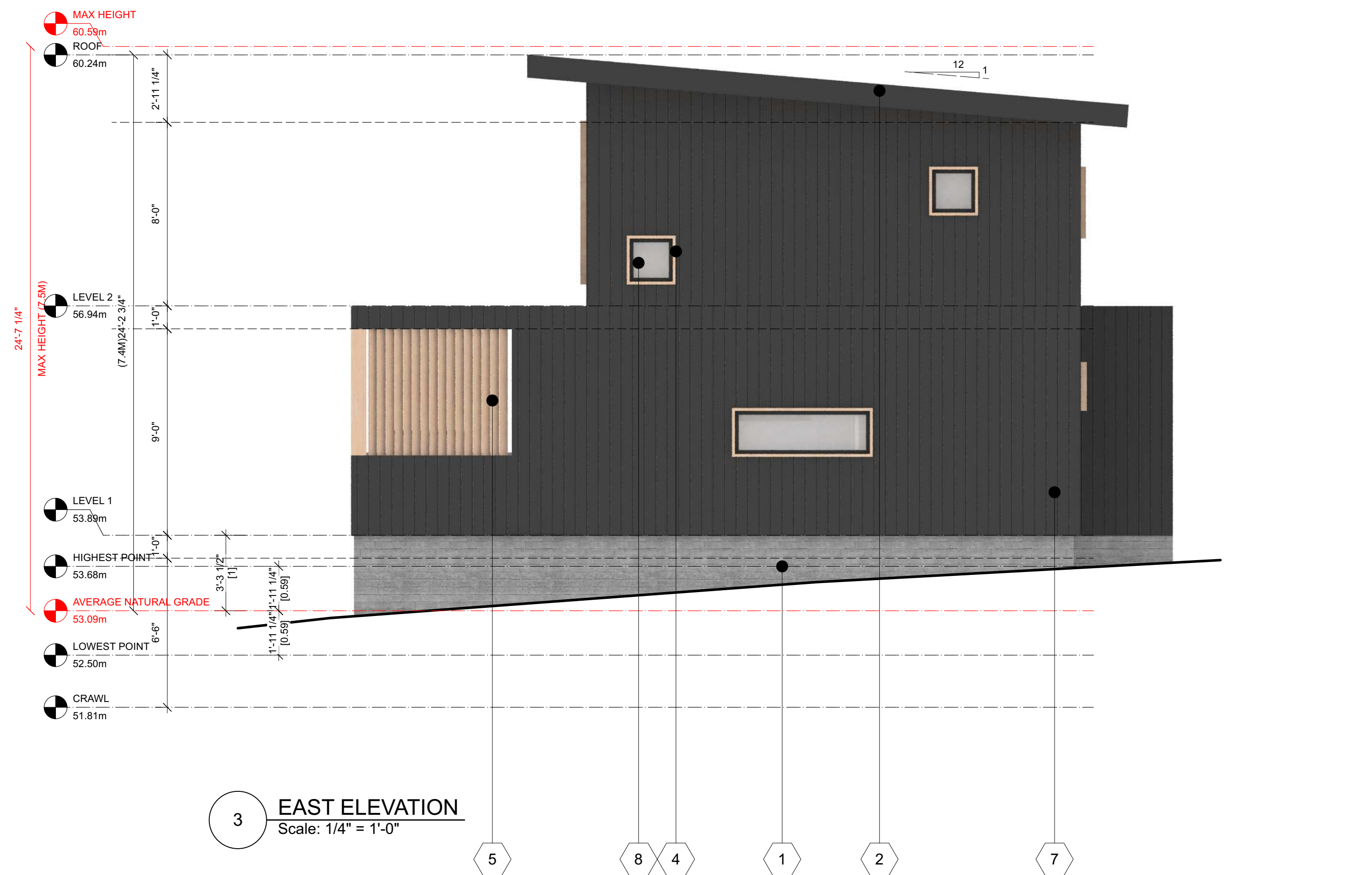
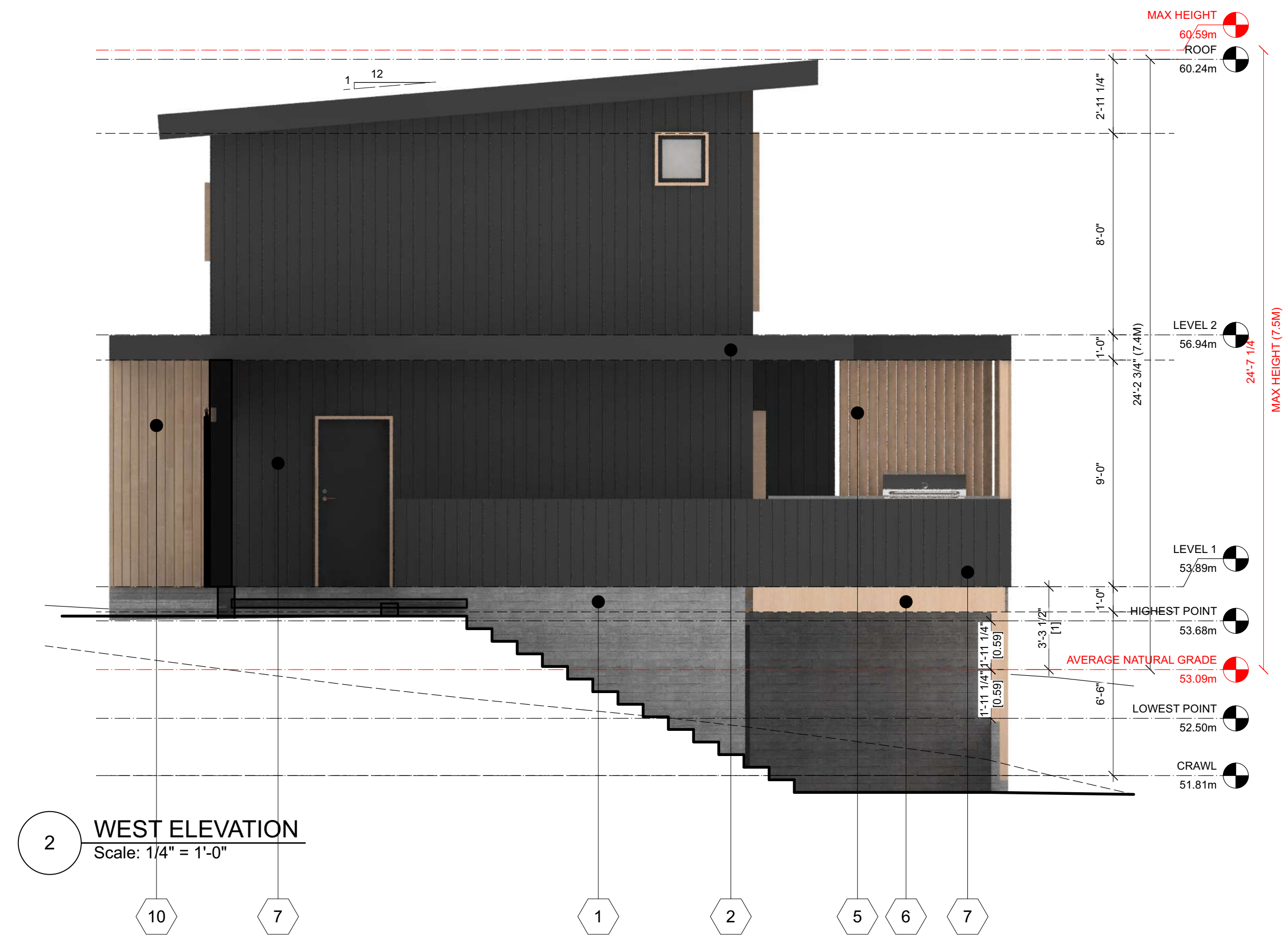
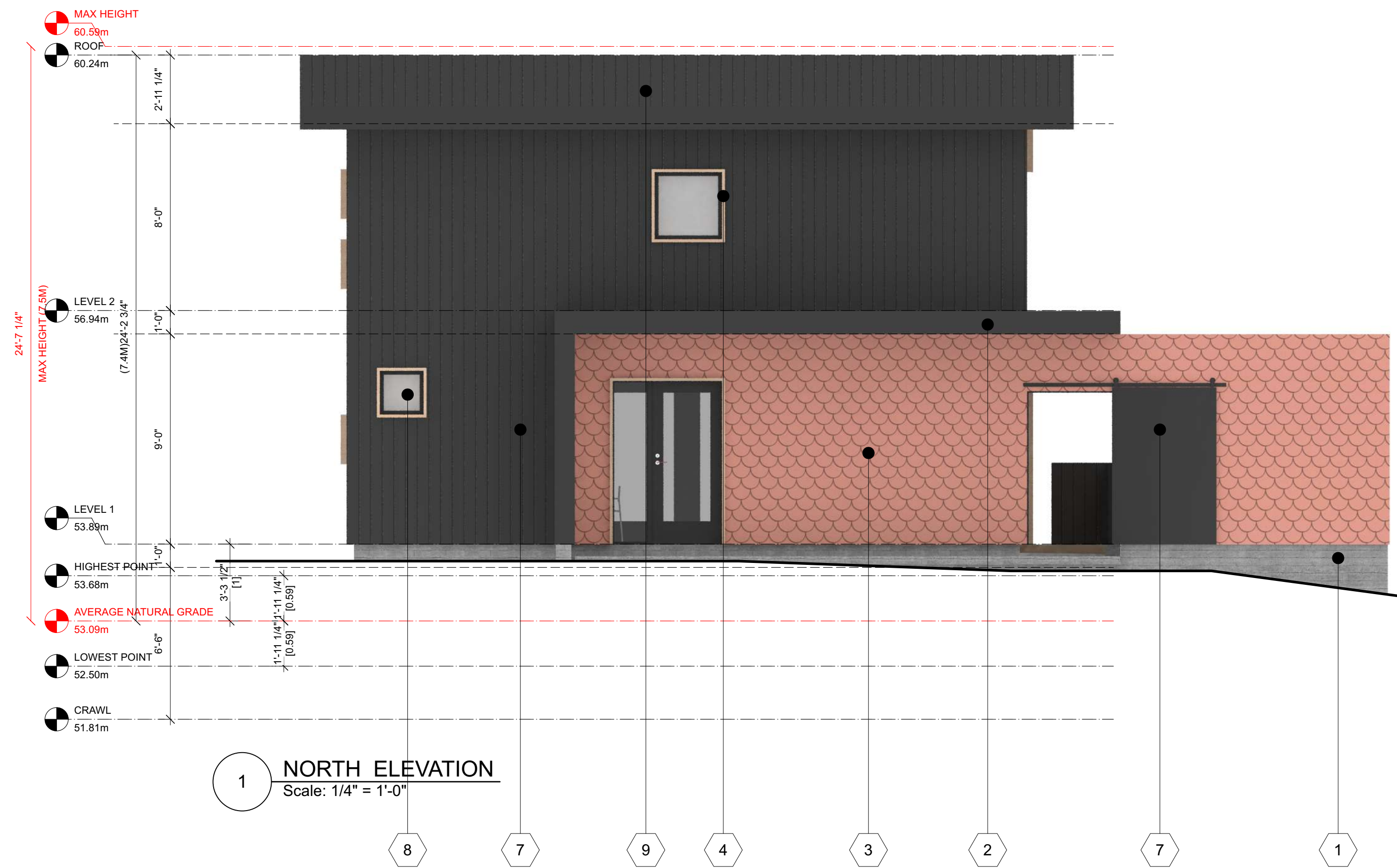


2 LANDSCAPE PLAN
Scale: 1/4" = 1'-0"



Allen ADU Cost Estimate			
Item	Quantity	Unit Price	Total (\$)
Fir Mulch	78 yards	\$10/yard	780
Black Bamboo (Phyllostachys nigra)	1+ 20 gallon pot	\$200	200
Bamboo Barrier	32 linear feet	\$10 per linear foot	320
Sword Fern	25	\$13 per gallon pot	325
Japanese Fern	25	\$13 per gallon pot	325
Evergreen Huckleberry	15	\$13 per gallon pot	195
Saskatoon Berry	3	\$150 per plant	450
Labour	30 hours	\$25 /hour	750
		Sub Total	3345
		25%	836.25
		Total for Security	4181.25

ALLEN ADU



MATERIAL LEGEND

1 CONCRETE	6 HEAVY TIMBER
2 HARDIE TRIM, BLACK.	7 6" CHANNEL T+G METAL SIDING, BLACK
3 HALF ROUND WOOD SHINGLES, PINK.	8 BLACK VINYL WINDOWS
4 CEDAR TRIM	9 PROLOK 12" OR TORCH ON, BLACK.
5 CEDAR SCREEN	10 CEDAR T+G SOFFIT



Corporation of the Village of Cumberland

DEVELOPMENT VARIANCE PERMIT

TO: Rhonda Lister

OF: 307 Gartley Road, Courtney, BC V9N 9T2

This Development Variance Permit (2022-04-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 constructing an accessory dwelling unit.

1. 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 5, District Lot 21, Nelson District, Plan 14377

Folio: 516 00654.000 **PID:** 004-395-832

Civic Address: 2727 Allen Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Zoning Bylaw No.1076, 2016 is varied as follows:

Section 4.2, a) iii) The accessory dwelling unit Gross Floor Area percentage is varied to a maximum of 91% (89.4m²) of the GFA of the single family dwelling.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant 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.

5. **Timing and Sequencing of Development**

None.

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

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation** (choose one of the following as applicable)

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

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

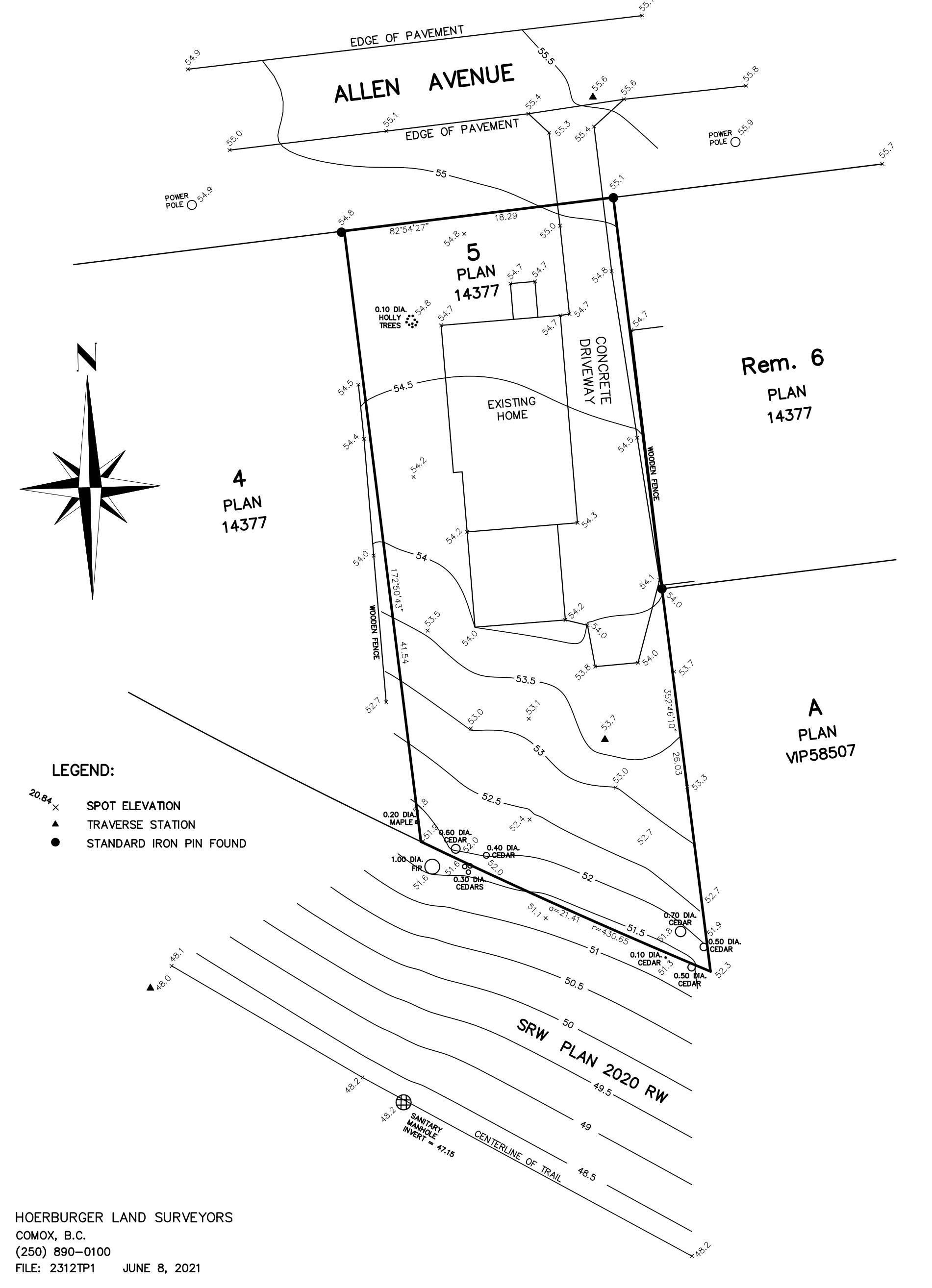
CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 30, 2022.

Corporate Officer

DRAFT

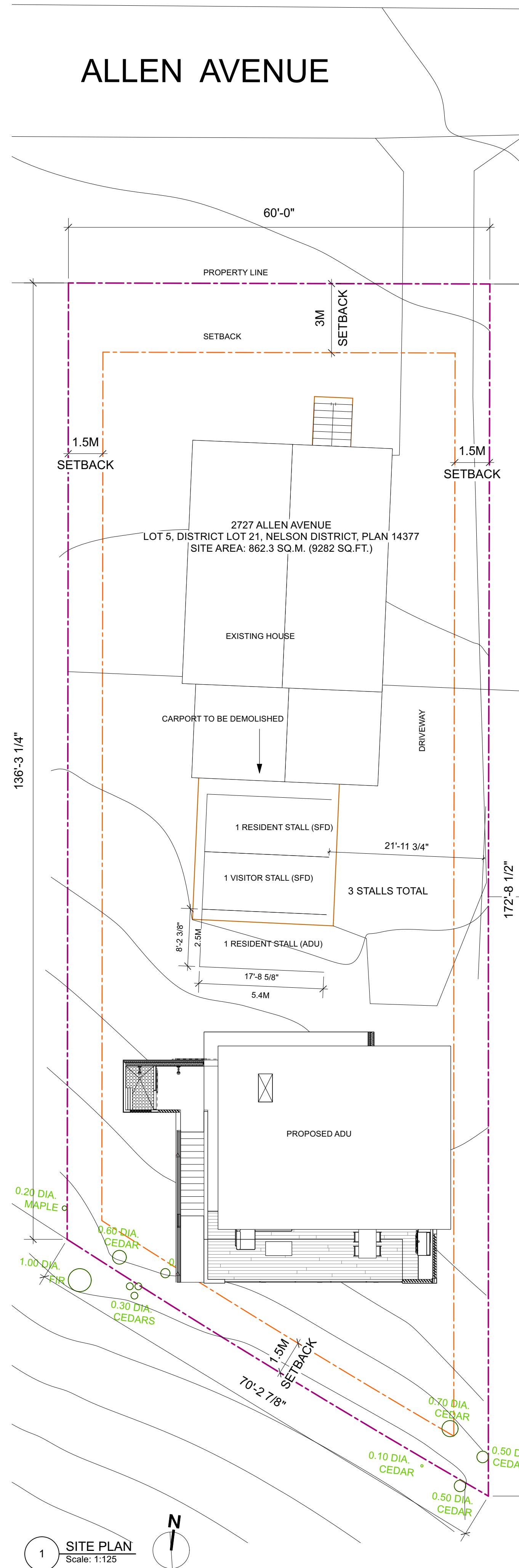
TOPOGRAPHIC PLAN OF LOT 5, DISTRICT LOT 21,
NELSON DISTRICT, PLAN 14377.

SCALE 1:250 (METRIC)
2727 ALLEN AVENUE, CUMBERLAND
ELEVATIONS ARE ON AN ASSUMED DATUM.



HOERBURGER LAND SURVEYORS
 COMOX, B.C.
 (250) 890-0100
 FILE: 2312TP1 JUNE 8, 2021

ALLEN AVENUE

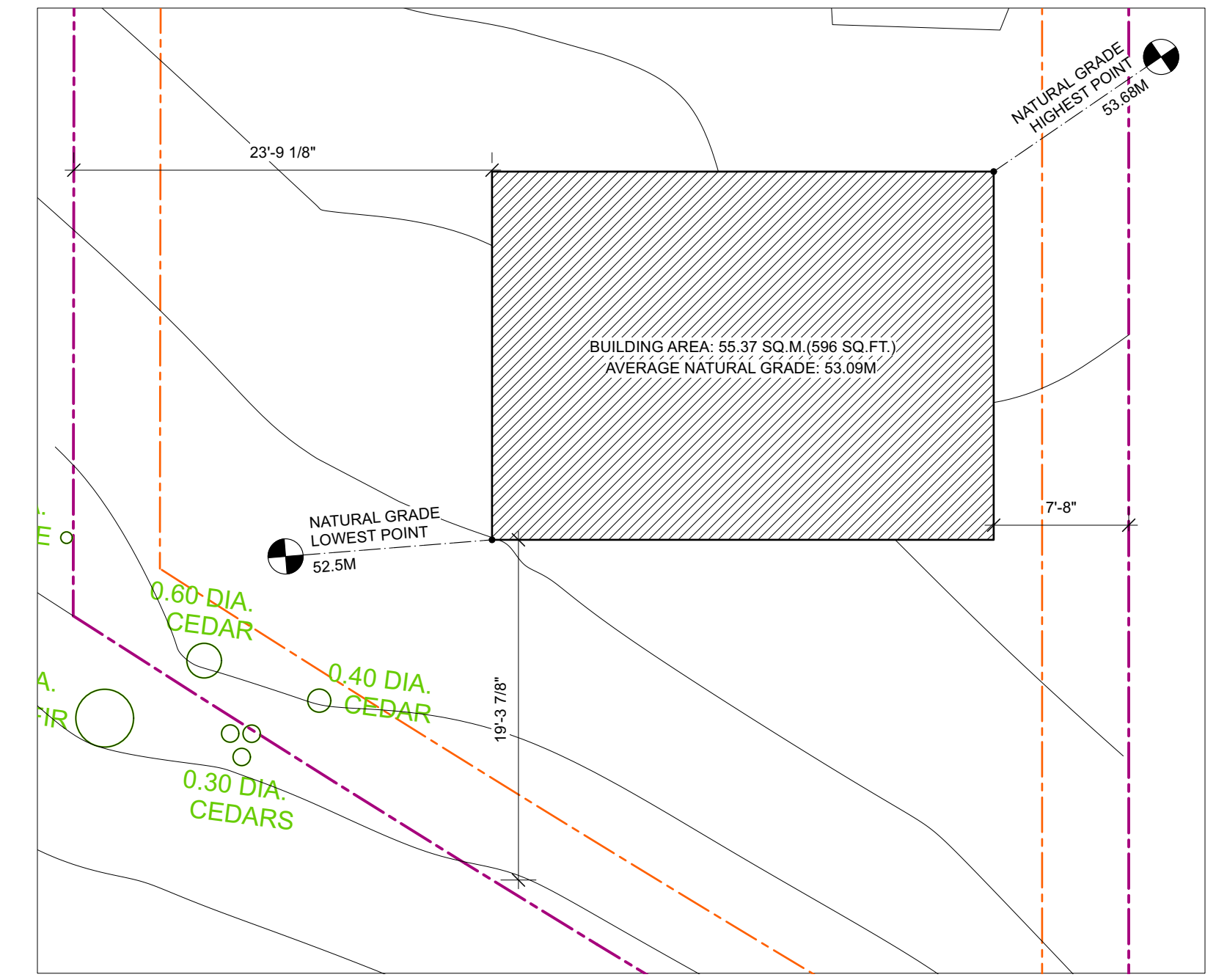


1 SITE PLAN
 Scale: 1:125

PROJECT DESCRIPTION	
Site.	2727 Allen Avenue is located in the residential infill zone just south of the downtown commercial core. The property abuts one residential lot to the west and two residential lots to the east. To the south the property abuts The South Wellington Colliery Railway which provides trail access to The Cumberland Community Forest and The Village Park. The property gently slopes from north to south with a total elevation loss of 3.5 metres.
Building.	There is an existing single family dwelling on the site with a building area of 1193 sq.ft. and a GFA of 1055 sq.ft. The carport attached to the existing building will be demolished. The proposed ADU is a two storey two bedroom building. There is minimal fenestration to the east, west and north to respect neighbour's privacy. There is a deck and large windows to the south to take in the view of the forest.
Variance.	A variance is being requested since the ADU is non-conforming to the zoning bylaw "4.2 a) iii) 2) must be less than 75% of the GFA of the single family dwelling." The ADU is 91% of the GFA of the existing dwelling. The home owner plans to demolish the existing single family dwelling and construct a larger home. The new home will be larger than 1300 sq.ft. (968/0.75=1290) which would make the ADU conform to the zoning bylaw.

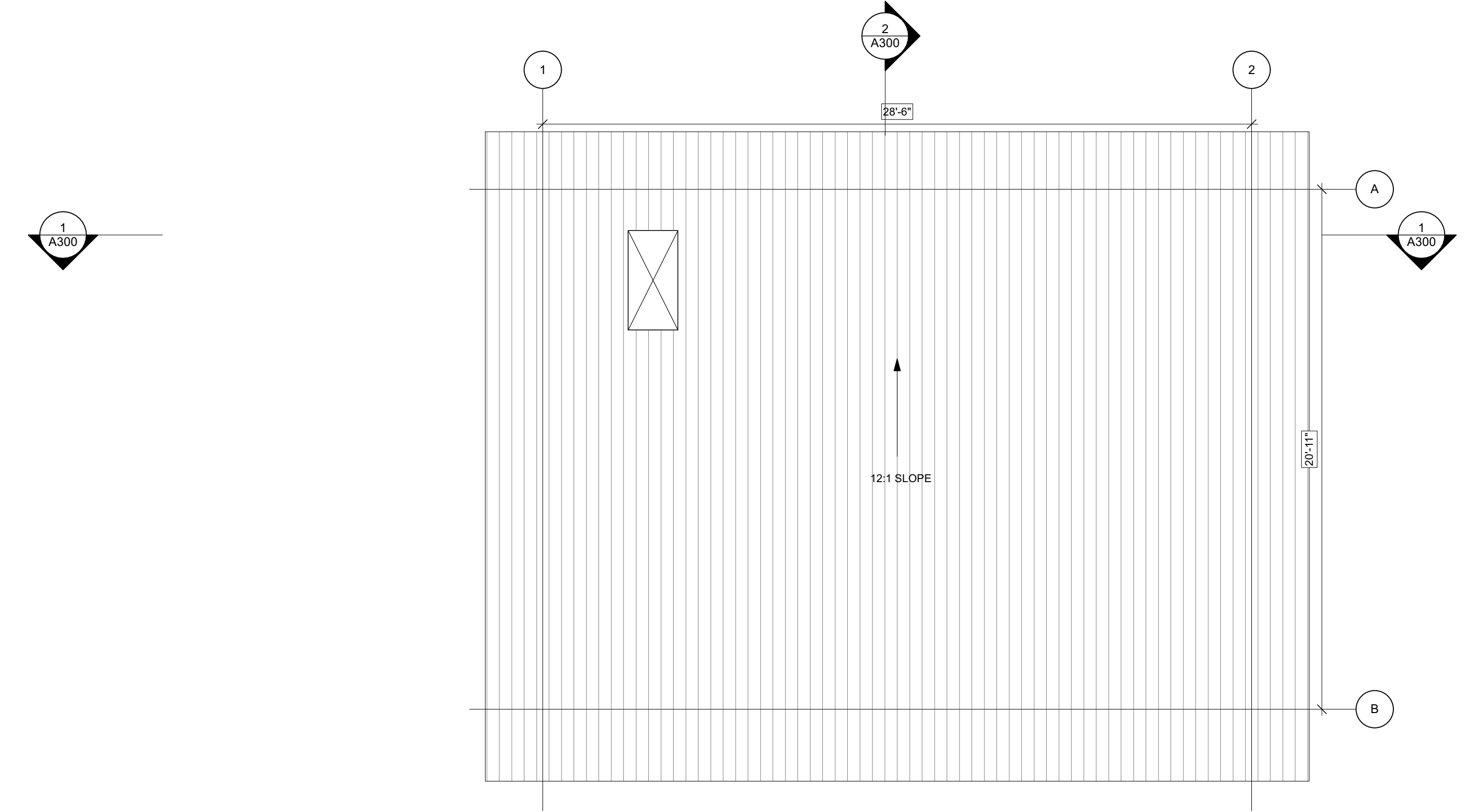
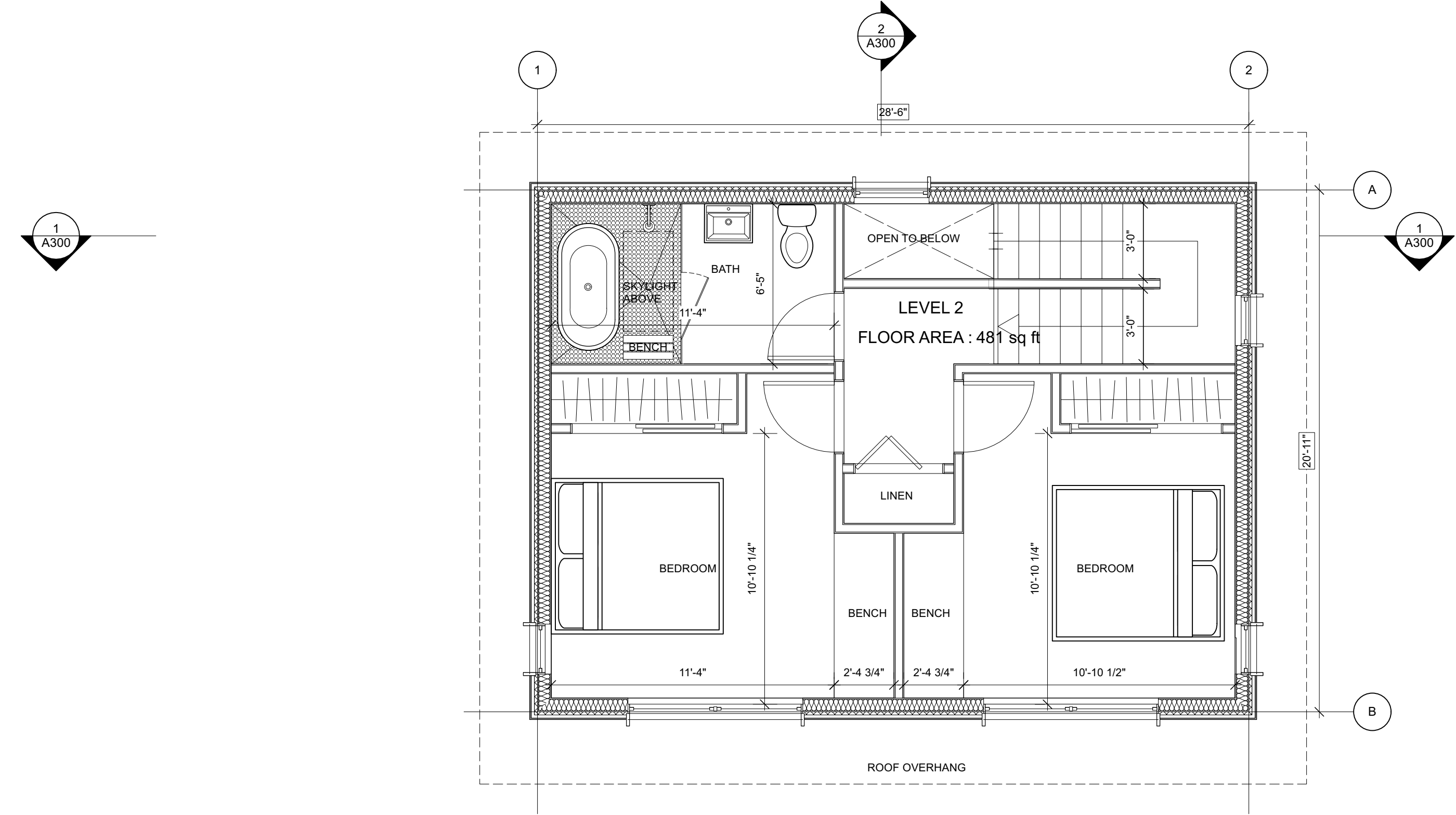
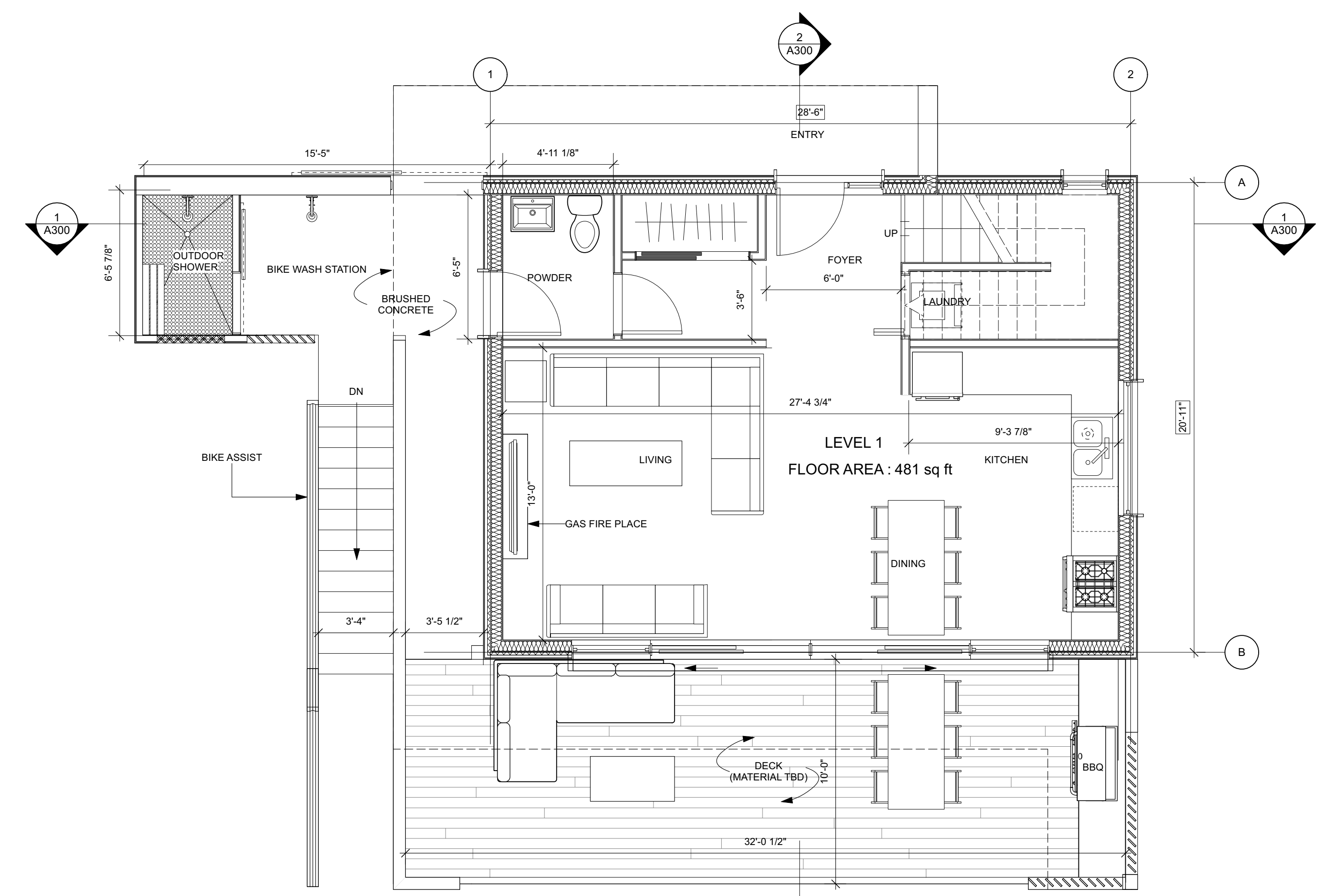
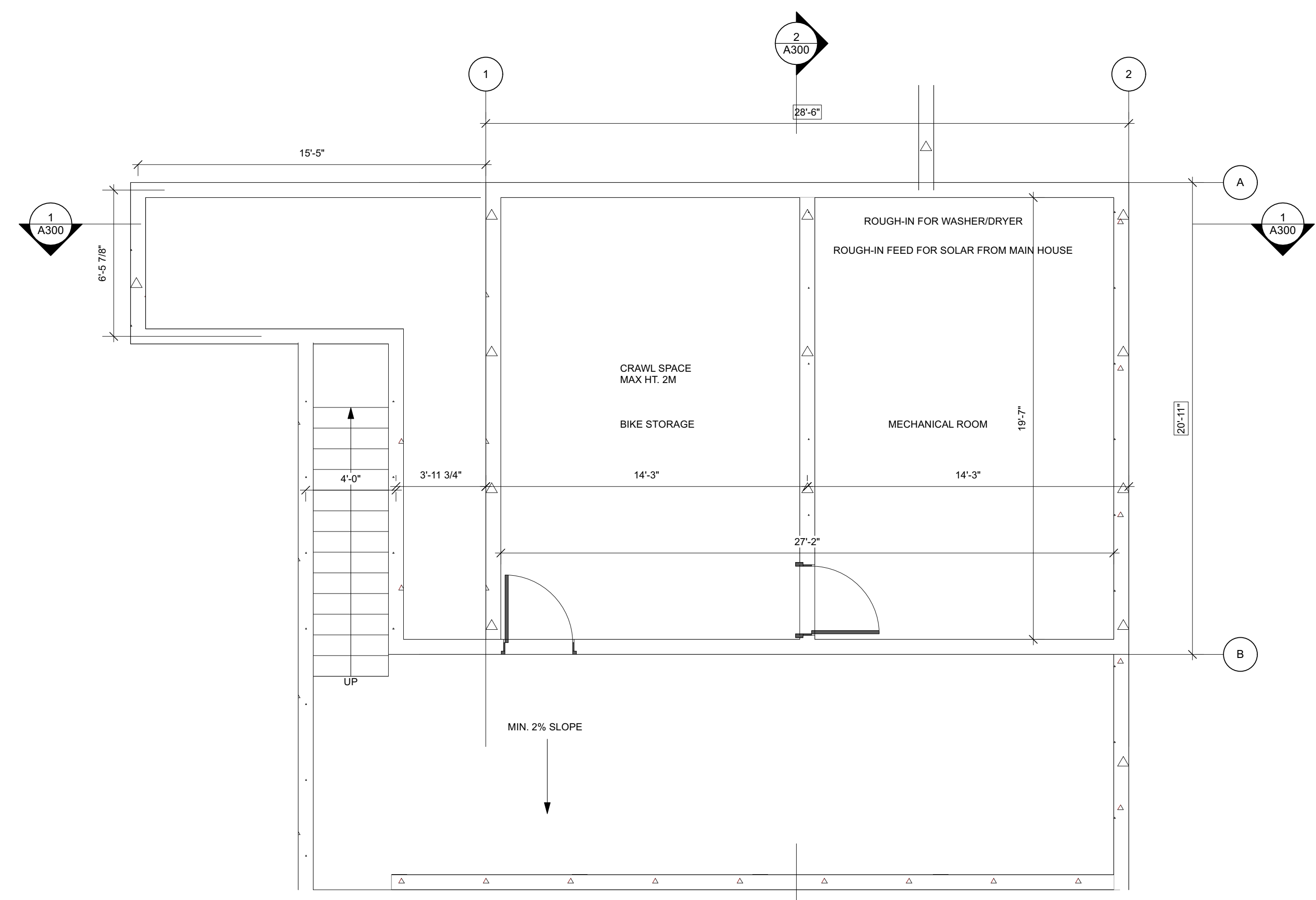
ZONING SUMMARY - R1A			
CIVIC	2727 ALLEN AVENUE		
LEGAL	LOT 5, DISTRICT LOT 21, NELSON DISTRICT, PLAN 14377		
LOT SIZE	862.3 SQ.M. (9282 SQ.FT.)		
ACCESSORY USE	ACCESSORY DWELLING UNIT	ALLOWED	PROPOSED
LOT COVERAGE	COVERAGE, MAXIMUM 40%	40%	25%
	EXISTING(SFD)	1193 SQ.FT.	
	PROPOSED(ADU)	1141 SQ.FT.	
	TOTAL	2334 SQ.FT.	2334/9282=25%
GROSS FLOOR AREA (ADU)	MUST NOT EXCEED 90 SQ.M. (968 SQ.FT.)		89.4 SQ.M.(962 SQ.FT.)
	(ADU) MUST BE LESS THAN 75% OF THE GFA OF THE SINGLE FAMILY DWELLING(SFD)		
	EXISTING SINGLE FAMILY DWELLING GFA : 98 SQ.M.(1055 SQ.FT.)	98SQ.M. X 0.75= 73.5 SQ.M.(791 SQ.FT.)	> (75% SFD GFA)
SETBACKS(ADU)	FRONT	3.0 METRES	32.5M (106'7")
	REAR	1.5 METRES	1.6M (5'3")
	SIDE	1.5 METRES	2.4M (7'11") + 2.25M(7'4")
	SIDE, EXTERIOR	3.0 METRES	N/A
HEIGHT	HEIGHT MAXIMUM	7.5 METRES	7.4 METRES

PARKING CALCULATIONS			
	RESIDENTS		
	MIN VEHICULAR	MAX VEHICULAR	PROPOSED
R1A (INFILL RESIDENTIAL ZONE)			
SINGLE FAMILY DWELLING	1/DWELLING UNIT	2/DWELLING UNIT	1
ACCESSORY DWELLING UNIT	1/DWELLING UNIT	1/DWELLING UNIT	1
MARKET GARDEN	0	0	N/A
SECONDARY SUITE	1/DWELLING UNIT	1/DWELLING UNIT	N/A
URBAN AGRICULTURE	0	0	N/A
VACATION RENTAL	0	0	N/A
	VISITORS		
	MIN VISITOR VEHICULAR	MAX VISITOR VEHICULAR	PROPOSED
R1A (INFILL RESIDENTIAL ZONE)			
SINGLE FAMILY DWELLING	1/DWELLING UNIT	2/DWELLING UNIT	1
ACCESSORY DWELLING UNIT	0	1/DWELLING UNIT	0
MARKET GARDEN	0	1	N/A
SECONDARY SUITE	0	1/DWELLING UNIT	N/A
URBAN AGRICULTURE	0	0	N/A
VACATION RENTAL	1/ RENTAL ROOM	1/ RENTAL ROOM +1	N/A



2 AVERAGE NATURAL GRADE
 Scale: 1/8" = 1'-0"

ALLEN ADU



Meleana Searle

From: [REDACTED]
Sent: May 5, 2022 5:13 PM
To: Planning
Subject: Planning permission for 2727 Allen Avenue

To Meleana S

Thank you for informing me of the new proposed ADU build at 2727 Allen Avenue in Cumberland, BC. I live directly beside the lot where the new build is being considered, [REDACTED] Allen Avenue.

I have lived in my house for the last 13 years and moved here to enjoy the green space and forest. I have also been very grateful for the fact that the immediate neighbourhood has retained its historical presence with little change in the general structure of the houses. I understand the need for change and the need to develop property to accommodate a growing village/town but my concern is that the ADU to be built at 2727 Allen Avenue will not take into account the following:

- Not following the 75% ADU footprint of the current dwelling; a larger dwelling is going against planning regulations that have been set up to stop people exploiting out of greed as opposed to need
- Not keeping with the historical nature and beauty of the village, which has such a rich and vibrant past
- Increasing risk of noise disturbance and road congestion when two habitable buildings are built onto the property

Further concern is that the current house on the property will likely be demolished with a replacement being much larger than the one on site now. The development plan for the ADU should be in keeping with the house than is currently on the property, not future planning.

I hope you consider my concerns and objections when making a decision on the planning permission for the ADU being proposed for 2727 Allen Avenue.

Thank you for your time

[REDACTED]

Sent from [Mail](#) for Windows

Meleana Searle

From: [REDACTED]
Sent: May 3, 2022 5:29 PM
To: Planning
Subject: 2022-03-DP/ 2022-04-DV

Dear Meleana

I am writing to you in regards to the proposed ADU development and variance for 2727 Allen ave. I own and live in the home at [REDACTED] Allen Ave and while I am supportive of community development and housing opportunities, I am not in support of the applicants proposal to increase the GFA to 91%. From my perspective increasing the GFA to 91% will be creating an obvious disproportion to adjacent/ neighbouring properties. It will influence sight lines to the forrest for our family and negatively influence exposure and privacy to immediate neighbours.

A larger footprint likely indicates higher density living, and thus the potential for increased vehicle traffic/ parking and noise on this quiet ish street where children can still safely play basketball and street hockey etc. (it seems that there are few of these streets left).

It is my belief that 75% of the original residence footprint is adequate sizing when considering residential infill especially given that the main house, if restored, has substantial housing space to offer. Unfortunately, the main house has been vacant and left open to the elements for the last several years.

Thank you for your time and consideration, Sincerely, [REDACTED] Home owner and occupier [REDACTED] Allen ave

Sent from my iPhone

Meleana Searle

From: [REDACTED]
Sent: May 14, 2022 10:03 AM
To: Planning
Subject: 2022-03-DP/2022-04-DV

I live at [REDACTED] 3rd Street, since 1996, and strongly oppose this variance application for the following reasons

1. I believe current owner unethically acquired ownership of property.
2. Proposal is \$ making scheme in single family dwelling neighborhood. Goes against community character.
3. Neighborhood is quiet, proposal would allow up to 4 separate families living on 1 property which would increase noise level.
4. Proposed plan directly blocks my view of forest and mountains.
5. Proposed plan has kitchen window facing directly into my home, which would rob me of my privacy.
6. I was previously denied a variance permit (not even invited to town meeting, with excuse of wrong email) and had to cut portion of my deck off because it exceeded 41 percent of my property allowance, I feel it would be unfair and possibly preferential if a developer (who unethically acquired property) were approved for 90 percent when a family oriented property owner was denied over 41 on the property right next to it.

These are the most important reasons but I may come up with a few more,,,,,

Please reply to email to acknowledge receipt,,,,,

Gratefully yours,
[REDACTED]

Meleana Searle

To:
Subject: RE: 2727 Allen Ave

-----Original Message-----

From: [REDACTED]
Sent: May 29, 2022 9:41 AM
To: Village of Cumberland <info@cumberland.ca>; Leslie Baird <mayor.baird@cumberland.ca>; Vickey Brown <councillor.brown@cumberland.ca>; Jesse Ketler <councillor.ketler@cumberland.ca>; Gwyn Sproule <councillor.sproule@cumberland.ca>; Sean Sullivan <Councillor.sullivan@cumberland.ca>
Subject: 2727 Allen Ave

Hello Mayor and councilors,

I am writing in regards of the variance request for: 2727 Allan Ave.

This a beautiful piece of property and home bordering an amazing forest that for so many years of it has sat vacant, no homeowner present, no tenants in place for years, with little or no attention to the yard I don't think that this application should be approved based on the "sad story" about how much more feasible it would be to build the new ADU before demolishing the existing vacant home.

I am sure that no one living next door to a house would want a parking lot in the middle of the yard next door. I can't imagine that will be pleasant to have lights shining into your home/yard as the neighbours are starting their car to warm it up/scrap windows in the winter, pulling in late at night. etc. Our lots were not build with that in mind. While I can appreciate the developers/owner idea for parking solution, using the middle of the property for a parking lot doesn't sound like a great idea for the immediate neighbours.

91 % lot coverage is a huge ask. For an ADU that isn't a home to help out family, or a mortgage helper for the family living on the property. This is a for profit development.

If the intent is to allow for a larger home to be built so that the ADU will then comply, where are the plans that show this larger home? What timeline is that going to be? We shouldn't allow for a variance request to be passed based on the Hope and trust that the developer will comply.

Start from scratch. Allow for proper parking, in the front of the house not a parking lot in the middle of the lot.

I don't live close to this development. I walk by it often, both on the trail below and street level. I just saw the application in the agenda for council tomorrow Monday May 30th. This isn't the kind of development we should be allowing in our village.

My heart goes out to the neighbours, I can't imagine the stress they are under as their forever homes are in jeopardy of no longer being a quiet sanctuary.

[REDACTED]
[REDACTED] Maryport Ave