

## REQUEST FOR DECISION



**TO:** Mayor and Council

**FROM:** Rory Hromadnik  
Director Development Services

<b>Date:</b>	December 2, 2020,
<b>Target</b>	December 8,
<b>Decision:</b>	2020

**SUBJECT:** Development Variance Permit Application – 380 Fourth Avenue,  
Accessory Building.

**RECOMMENDATION:** BE IT RESOLVED THAT Council receives the application submitted by  
Emil Andrew Dalke to:

- vary Section 5.3(3)(d) of Zoning Bylaw 1145, 2002, R-1 Single Family residential Zone, reducing the exterior yard set back from 4.5 meters (14 feet, 9 inches) to 2.31 meters (7 feet, 7 inches) and to;
- vary Section 5.3(3)(d) of Zoning Bylaw 1145, 2002, reducing the rear yard set back from 6.0 m ( 19 feet, 8 inches) to 0.53 meters (1 foot 2 inches) and to;

Accommodate the construction of a new garage with a residence on Lots 19 & 20 Block 12, District Lot 267, Kootenay District Plan NEP740 located at 380 Fourth Street,

INITIATE public notification of the proposed variance, in accordance with the Local Government Act.

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

*Administration supports the proposed recommendation.*

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**IMPLICATIONS OF RECOMMENDATION:**

**GENERAL:**

The proposed recommendation would initiate the public review requirement which involves a mail out notification to all residents within 50m of the proposed variances.

The intent of the application is to permit the construction of an accessory garage with a second-floor residence / office.

**ORGANIZATIONAL:**

Staff will prepare the notices for mail out to the Property owners located within 50m of the proposed variance location.

**FINANCIAL:**

The applicant has paid the \$1,000 application fee and will be responsible for the associated mail out costs associated with the notification process.

**POLICY:**

A siting variance is required to maintain compliance with Zoning Bylaw 1145, 2002 Sections 3.3(d) exterior side and rear yard setback requirement.

**Imagine Invermere Official Community Plan**

**Overview:** The proposed siting variance amendments accommodates the applicants desire for a new accessory garage with a secondary suite / office. No Imagine Invermere OCP implications.

**Summary Matrix:**

Imagine Invermere Strategy Area	TOWARD Descriptions of Success that resolution moves us toward	Comments
None	None.	None.
Imagine Invermere Strategy Area	AWAY FROM Descriptions of Success that resolution moves away from	Comments
None	None	None

**Conclusion:** “The proposal is generally with the Imagine Invermere descriptions of success related to building and accommodation options.

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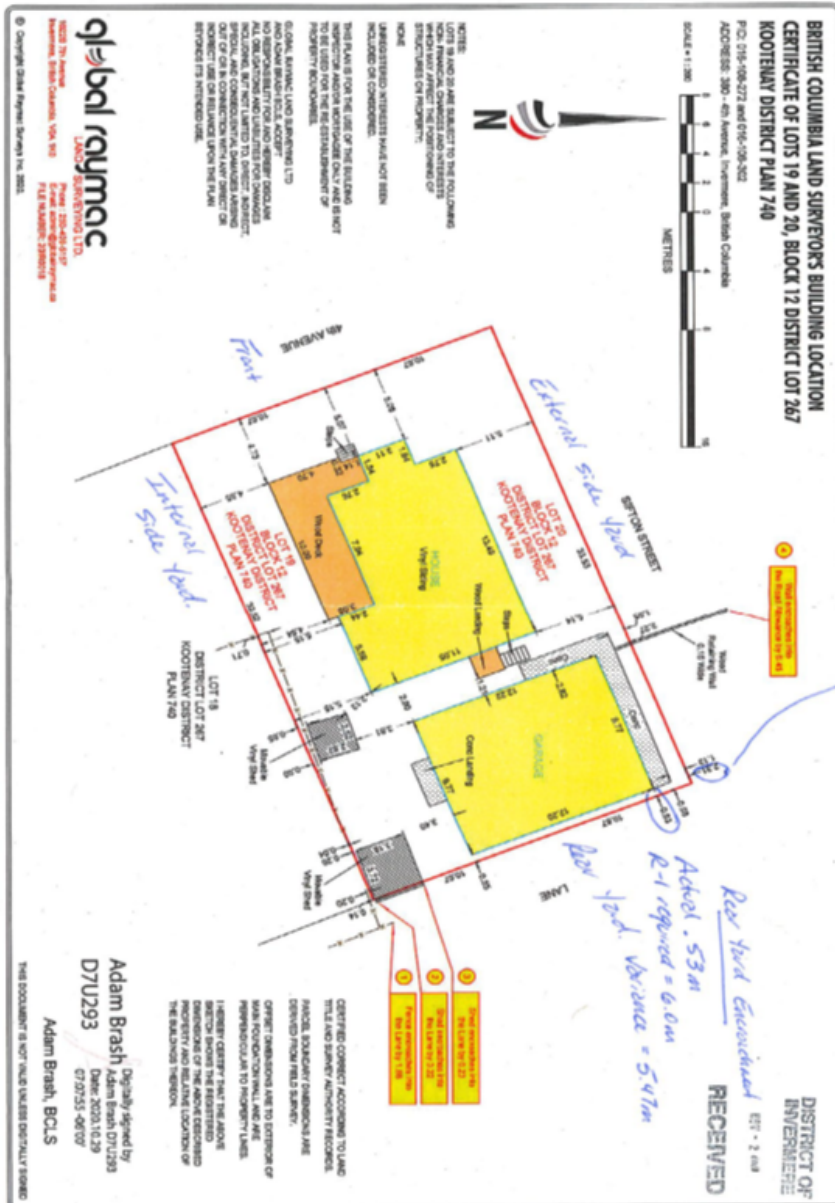
**BACKGROUND:**

The applicant, Emil “Bucky” Dalke has made an application for a building permit to construct an attached garage to his existing Principle dwelling at 380 Fourth Street in the District of Invermere’s (DOI) Athalmer neighbourhood.

The initial application was received at the District office and reviewed by Development Services for compliance with the zoning bylaw requirements for the R-1 Single family residential zone. The application was not approved, and the applicant informed of the requirements missing, specifically a BCLS siting survey which indicates the exact position of the proposed garage / office on the parcels.

It was acknowledged between Mr. Dalke and the District that there was non conforming siting issues which resulted in several emails regarding the requirements to proceed with a Variance request. This process resulted in a BCLS survey being deposited with the DOI on November 2, 2020. Confirmation to the District that the Development Variance Permit process is to be treated as a stand alone application for consideration by Council, unfettered by issues unrelated to the request for siting exemptions, was received on November 24<sup>th</sup> and the Variance Permit process continued to this stage.

BCLS Siting Plan:



The siting variance request to the R-1 Single Family Residential requirements for a principle residence which the attached garage is considered to be is:

<b>Zone / Siting</b>	<b>External side yard Setback</b>	<b>Rear yard Setback</b>
R-1 Zoning	4.5 m	6.0 m
Actual Siting	2.31 m	0.53 m
<b>Variance</b>	<b>2.19 m</b>	<b>5.47 m</b>

Staff is seeking direction whether to proceed with the public notification process which involves notification of the neighbours within 50m of the variance location.

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**Report / Document:**

Attached:

Available:

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**KEY ISSUE(S)/CONCEPT(S):**

Acceptance of an application for a development variance permit on Lots 19 & 20 Block 12, District Lot 267, Kootenay District Plan NEP740 located at 380 Fourth Street, requesting an exterior side yard variance from 4.5 m to 2.31m and a rear yard variance from 6.0m to 0.53m and to proceed with notification of the adjacent property owners.

**DESIRED OUTCOMES:**

To provide notification to adjacent property owners as per the Development Approvals Bylaw and the Local Government Act.

**COUNCIL'S OPTIONS:**

1. *Council could support the proposed recommendation and proceed with notification.*
2. *Council could not support the proposed recommendation and refuse the application for a development variance permit.*
3. *Council could choose to refer the proposed recommendation to a Committee of the Whole for further discussion and a site visit.*

**RECOMMENDED:**

Staff is recommending that the permit proceed to the notification stage.

**COMMUNICATIONS:**

Staff will prepare the notification letters for distribution to all property owners within 50.0 metres of the subject property.

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**Reviewed by:**

**Andrew Young MCIP, RPP,  
Chief Administrative Officer**

**Other review:**

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