

REPORT TO THE ADVISORY PLANNING COMMISSION

DATE: February 18, 2025 **REPORT:** DEV 25-015

FROM: Deepa Chandran, Planner FILE: 3090-20/DV25-02

SUBJECT: Development Variance Permit DV25-02 for 1247 Sunny Point Drive

RECOMMENDATIONS:

THAT the Advisory Planning Commission recommend that Council approve Development Variance Permit DV25-02, for 1247 Sunny Point Drive, legally described as Lot 15, Plan PRP13077, District Lot 865, Range 5, Coast Range 5 Land District, to vary Section L.2, Schedule 'C' of Highway Bylaw No. 846, by increasing the maximum driveway width for 1 and 2 Family Residential developments from 7.0 metres to 10.0 metres, as required to provide safe street access and efficient parking for a 30-ft Recreational Vehicle (RV) on the property.

BACKGROUND:

Application: On January 13, 2025, the Town received a Development Variance Permit application for 1247 Sunny Point Drive (see **Attachments 1 and 2**). The subject property -- which is roughly 1,180 m² in area and has a 24 metre-street frontage -- houses a 2-storey single-detached dwelling and does not have rear lane access. The property has a 7.0 m driveway, as permitted, which gradually widens to 10 m inside the property line beside the house to accommodate the owner's parking needs, which includes a paved parking space for a 30 ft motorhome (see **Attachment 3**).

The existing driveway provides safe access to the double garage attached to the principal building, while the widened driveway inside the property line provides access to the Recreational Vehicle (RV) parking space in the side yard. Given the difficulties in accessing the RV parking space, the Applicant's request is to vary Section L.2, Schedule 'C' of the Town's Highway Bylaw No. 846, to widen the existing driveway to 10 metres right to the street curb and called the boulevard crossing in the schedule.

CAO 🗆	Dir/FIN	PCSO	Agen Date: February 27, 2025
Dir/CS	Dir/DS □	EC/DEV	Closed Agen Date:
EXEC. ASST	Dir/OPS	REC	Agenda Placement: APC
_		BLDG INS	Other:
HR 🗆	Dir/COM	PI ANNER	Othor:
MAYOR \square	AIRPORT		
COUNCIL	FIRE	WEBSITE	

Official Community Plan and Zoning: The subject property is designated Low Density Residential in the Official Community Plan (OCP) and zoned LDR-1 Low Density Residential (see **Attachment 4**).

DISCUSSION:

Section L.2, Schedule 'C' of the Town's Highway Bylaw No. 846 establishes driveway width regulations for various categories of developments. The maximum driveway width permitted for a 1 or 2 family residential development is 7.0 m (see **Attachment 5**). The existing driveway, which conforms to the above bylaw, widens gradually inwards as necessary to provide parking for the RV next to the side of the principal building, with no setback from the side property line. The non-rectangular shape of the existing driveway, in addition to the limited space between the existing principal building and the interior parcel line, limits the owners' ability to safely maneuver the RV on the property without either encroaching into the neighbour's side yard or damaging the roof gutters of the owners' principal building.

Accessing the RV parking space is not an issue in summer as the RV is parked on the driveway in front of the principal building over the warmer months. However, in winter / colder months, the owners park the motorhome in the side yard, next to the principal building. The current situation has compelled the owners to store their RV on a parcel outside the Town this winter, for a fee of \$650. Contingent on the approval of the DVP application, the owners intend to widen the existing driveway to 10 m this year, creating a rectangular-shaped driveway, ensuing safe and efficient storage of RV on the property, without creating conflicts with the neighbours or risking damage to the owners' principal building.

Staff support the Applicant's variance request for the following reasons.

- The widened driveway supports safety, efficiency, and functionality of the existing residential use on the subject parcel by enabling the owners to safely meet their parking needs on site.
- As with many lots in this neighbourhood, the subject property is considerably wider than the 15 m-minimum parcel width requirement established for the LDR-1 zone. Even if the driveway width is increased to 10 m, roughly 60% of the street frontage will remain unpaved.
- Several properties in the neighbourhood have driveways that are wider than 7 m. At least some of these driveways are existing non-conforming or were built with a DVP issued by the Town. Therefore, the proposed driveway widening will not have adverse impacts on the general form and character of the largely single-family neighbourhood.
- The proposed driveway will be sloped to direct all the surface water runoff to the nearest catch basin. Hence, extending the driveway to the side property line will not have any impact on the neighbour's property.
- Although the owners have the option to widen the driveway by adding gravel in the area adjoining the existing driveway without going through a DVP process, the Town does not recommend it due to challenges related to street

maintenance. Moreover, given the existing slope of the land, maintaining the gravel strip in good condition may be challenging while also presenting a poor visual option as compared to paved driveway addition.

- The Town has approved variance requests for wider driveways on similar grounds in the past, including in the same neighbourhood. Hence, a decision to support the applicants' request is consistent with past decisions made.
- The fronting street will be wider than the proposed 10 m-wide driveway. Hence, the variance request will not disrupt the street network hierarchy or skew the street's visual orientation in favor of the driveway.
- The proposed driveway widening will not impact either underground or above ground utility structures.

The Applicants have already obtained a Highway Use Permit (HUP) for undertaking the paving works on the boulevard.

POLICY CONSIDERATIONS / LEGISLATION:

The requirements established by the Town of Smithers Highway Bylaw No. 846 and Section 12.2 Street Network and Pedestrian Movement (policy 2) of the OCP were considered while reviewing the Applicant's proposal. (see **Attachment 6**).

ENVIRONMENTAL / ACCESSIBILITY IMPLICATIONS:

Approval of the variance request is unlikely to have any adverse accessibility implications on the subject property or the neighbouring parcels. On the negative side, the proposed driveway widening will lead to the paving of roughly 32 m² area, and hence, will have limited environmental impacts arising from the loss of greenspace and increased stormwater runoff.

CONCLUSION:

The non-rectangular shape of the existing driveway challenges the owners' ability to safely and efficiently park their 30 ft-Recreational Vehicle (RV) in the side yard. The limited land between the principal building and the side parcel line makes the RV maneuvering highly challenging and creates conflicts with the neighbouring property owner while also posing damage risks to the owners' principal building. The requested variance supports the principles of safety, functionality, and land use efficiency. Based on the above, staff support the Applicants' request to vary the driveway width from 7.0 m to 10.0 m.

COMMUNICATIONS:

In compliance with the requirements of *Local Government Act*, Town of Smithers Development Procedures Bylaw, and Town of Smithers Public Notice Bylaw.

NEXT STEPS:

Contingent on the approval of the variance requested, the Applicant may widen the existing driveway as proposed. The work must be completed in compliance with the requirements outlined in the Highway Use Permit (HUP) issued last Fall.

ALTERNATIVES:

- 1. Require changes to the variance permit application.
- 2. Deny the Development Variance Permit.

ATTACHMENTS:

- 1. Application DV25-02
- 2. Subject Property map
- 3. Ortho-images of the Property
- 4. OCP & Zoning maps
- 5. Schedule C Bylaw No.846
- 6. Relevant sections OCP Bylaw No. 1935

Respectfully submitted:

Deepa Chandran

Planner

Reviewed by:

Mark Allen

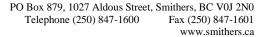
Director of Development Services

Submission approved by:

David Schroeter

Acting Chief Administrative Officer

n:\3000-3699 land administration\3090 development variance permits\3090-20 - permits (individual)\2025\dv25-02 1247 sunny point dr\report\dev 25-015 1247 sunny point drive (morris).docx





DEVELOPMENT PROPOSAL APPLICATION

APPLICATION 7	TYPE: Enter all applications under miscella	aneous (MS) category de	evelopment (DEV)		
Official Commu Zoning Bylaw A Development P Development P	ommunity Plan & Zoning Amendment (\$2,00 nity Plan Amendment (\$1,500) DEV001 mendment (\$1,500) DEV001 ermit with minor variance* (\$800) DEV003 ermit with variance (\$1,100) DEV003 Permit (\$1,000) DEV003	Development Variant Development Variant Development Per Development Per	of Variance (\$750) DEV003 ance Permit (\$750) DEV003 ance Permit (minor)* (\$300) mit with no variance (\$750) DEV003 mit Amendment (\$600) DEV003 ermit Extension (\$1,000) DEV003		
	APPLICANT II	NFORMATION			
APPLICANT		REGISTERED OW	NER(S)		
Name(s):	Rebecca Morris	Name(s): Mailing address:	Rebecca Morris, Trever Morris		
Mailing address:	PO Box 2902 Smithers, BC		PO Box 2902 Smithers, BC		
Phone:	770 040 4500		778-210-1599		
Fax/Email:	rebecca.mulhern@gmail.com	Fax/Email:	rebecca.mulhern@gmail.com		
SUBJECT PROPERTY INFORMATION					
Civic address:	1247 Sunny Point Drive				
Legal description:	LOT 45 DI AN DED40077 DIOTRIOT LOT 005 DANIOE 5 COACT DANIOE 5 LD				
	oresent use of the property: Single Fa	amily Residential			
	,				
Existing OCP desig	gnation:	Existing zoning	designation:		
Proposed OCP designation: No change		Proposed zoning designation: No change			
PRO	OPOSAL DESCRIPTION (supplementa	al letter of intent/rati	ionale is encouraged):		
See supplemental	letter of intent				

^{*} Minor variance means a request to vary a provision of a Town bylaw as permitted under sections 7.2 - 7.5 of the Town of Smithers Development Procedures Bylaw No. 1908.

ATTACHMENT CHECKLIST
A) PLEASE ATTACH THE FOLLOWING FOR ALL APPLICATIONS:
Letter of authorization if the applicant is other than the registered owner(s).
Site Disclosure Statement in accordance with the Environmental Management Act and Contaminated Sites Regulation.
 Site plan (including 1 set of reduced 8.5x11 plans) showing: ✓ Location of existing and proposed buildings and structures, lot dimensions & setbacks. ✓ Parking areas, loading space, access/egress, garbage areas & landscaping. ✓ North arrow & scale. ✓ Measurements in metric (imperial measurements may also be included).
✓ Supplemental letter of intent & rationale is strongly encouraged but not required.
Other information as necessary to assess the development proposal.
B) OCP &/OR ZONING AMENDMENT APPLICATIONS ONLY:
Acknowledge sign notification posting requirements as specified by the Town of Smithers.
C) ENVIRONMENTAL DEVELOPMENT PERMIT APPLICATIONS ONLY: — Plans showing:
 Toe of slope and top of bank; Location of watercourses and any watercourse setback areas that are located on or that abut the site; Existing and proposed grades, including details on proposed retaining walls; Floodplain areas;
Areas to be cleared, areas of cut and fill and proposed sequencing/timing.
D) FORM & CHARACTER DEVELOPMENT PERMIT APPLICATIONS ONLY:
 <u>Elevation drawings</u> illustrating all sides of the building(s) & including proposed signage details. <u>Exterior</u> samples and materials.
E) TEMPORARY USE PERMIT APPLICATIONS ONLY:
 <u>Rationale & long term plan</u> outlining when & how temporary use will be ended, buildings/area to be used, hours of use & site rehabilitation. <u>Permit length requested</u> (max. 3 years):
AUTHORIZATION
As the applicant or approved agent, I hereby make application in accordance with the above-stated information and declare that the statements are true and correct.
I understand that this application form is a public document and that any and all information contained in it, including personal information as defined in the <i>Freedom of Information and Protection of Privacy Act</i> of BC, is open fo inspection by the public and may be reproduced and distributed to the public as part of a report(s) to Council or fo purposes of a public hearing.
I acknowledge that fees as per the Town of Smithers Development Procedures Bylaw No. 1807 do not imply o guarantee application approval.
Applicant Signature: Date: January 13, 2025

Your personal information is maintained in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have any questions regarding the use of your personal information, please call the Director of Corporate Services for the Town of Smithers at 250-847-1600.

Rebecca Morris

PO Box 2902 Smithers, BC VOJ 2NO

Jan 13, 2025

Smithers Town Council

PO Box 879, 1027 Aldous Street, Smithers, BC VOJ 2NO

Subject: Letter of Intent for Development Variance Permit Application to Extend Driveway Width by 3 meters at 1247 Sunny Point Dr.

Dear Members of the Smithers Town Council,

I am writing to formally request a development variance permit to extend the width of my driveway by 3 meters. The purpose of this extension is to provide adequate space to park my 30-foot motorhome along the side of my house during the winter months.

Currently, my driveway is too narrow to allow for safe and efficient parking of my motorhome. To position it beside my house, I must maneuver at an awkward angle, which causes the motorhome to encroach upon my neighbor's yard and brings it dangerously close to my roof gutters. This situation poses risks of property damage and is not a sustainable long-term solution.

The proposed extension will alleviate these challenges by creating the necessary space to park my motorhome entirely on my property without risking damage to my home or encroachment on my neighbor's yard. Additionally, the extension would align with the character of my neighborhood, where both of my adjacent neighbors have driveways that are wider than mine. The modification would therefore not appear out of place or detract from the aesthetics of the area.

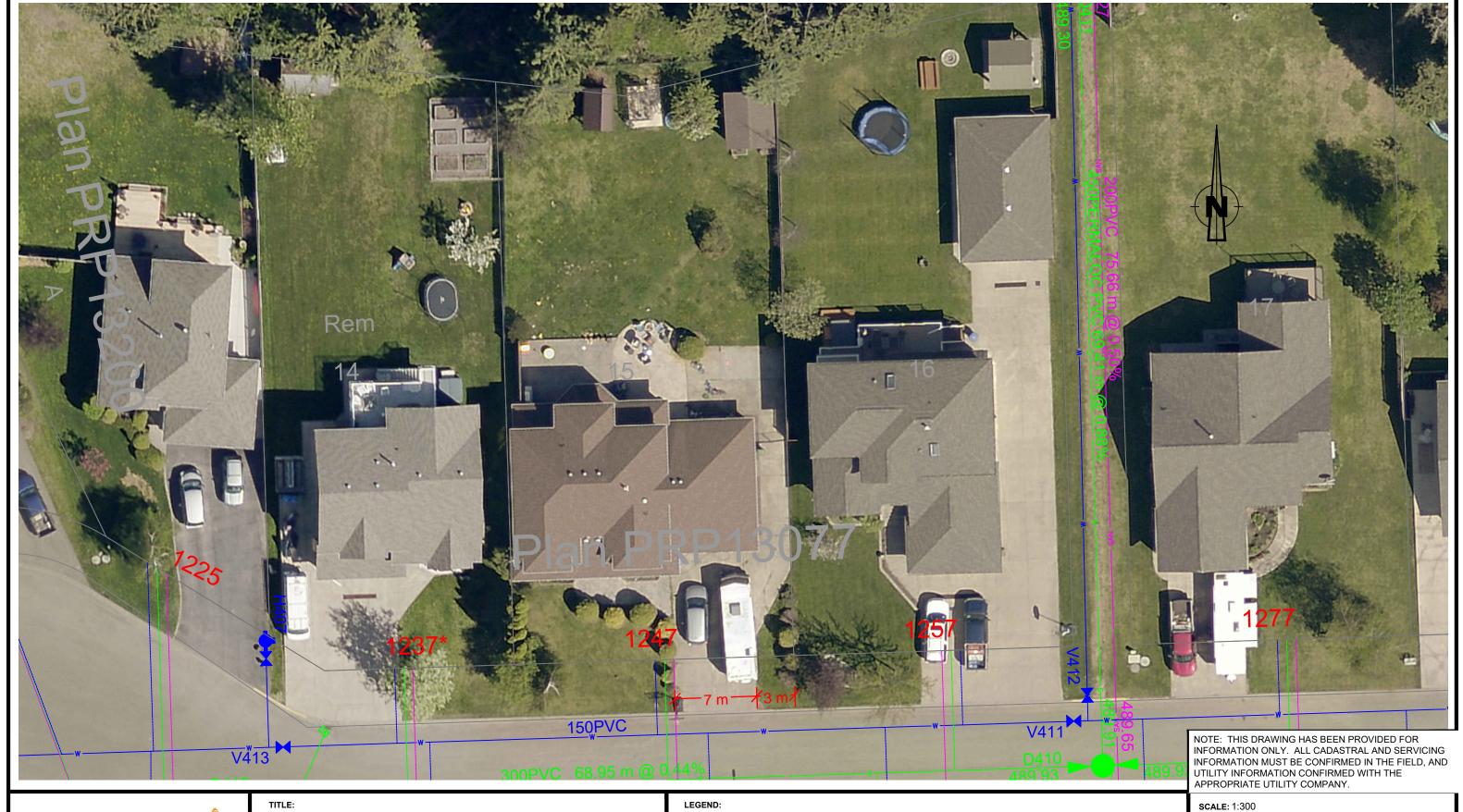
I assure the council that I am committed to adhering to all municipal guidelines and ensuring that the extension is completed in a manner that respects the community's standards. If required, I am happy to provide any additional documentation or address any concerns that may arise during the evaluation process.

Thank you for considering my application. I look forward to your decision and am happy to answer any questions or provide further information to assist in your review.

Sincerely, Rebecca Morris

778-210-1599 rebecca.mulhern@gmail.com







BC1Call: 20244105650

WATER SERVICE LINE
SANITARY SEWER LINE
STORM WATER SEWER LINE
IRRIGATION LINE
LEGAL PARCEL BOUNDARY

 SCALE: 1:300

 DRAWN BY: TMS
 DATE: Oct 8, 2024

 APPROVED BY: MFA
 DATE: Oct 8, 2024

 N:\(5200-579\) ENGINEERING AND PUBLIC

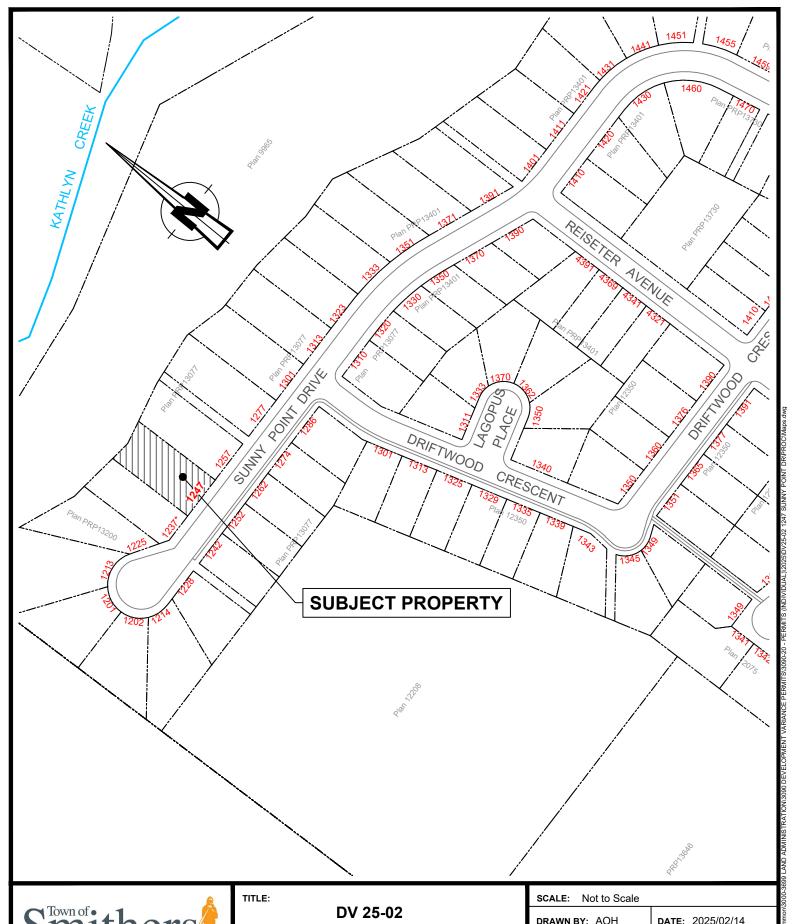
 DRAWING PATH: WORKS\(5240\) ENGINEERING - GENERAL\(5240-02\) - PSCANE CALLS\(9240-02\) - PSCANE CALLS\(





Town of Smithers property: proposed concrete driveway expansion.

Owner's property:
Removed old concrete
-and vegetation. Area
to be resurfaced with
concrete



Smithers

DV 25-02 SUBJECT PROPERTY MAP 1247 SUNNYPOINT DRIVE

SCALE: Not to Scale	
DRAWN BY: AOH	DATE: 2025/02/14
APPROVED BY: MFA	DATE: 2025/02/14
DRAWING PATH:	

Attachment 3: Ortho-images of the Property



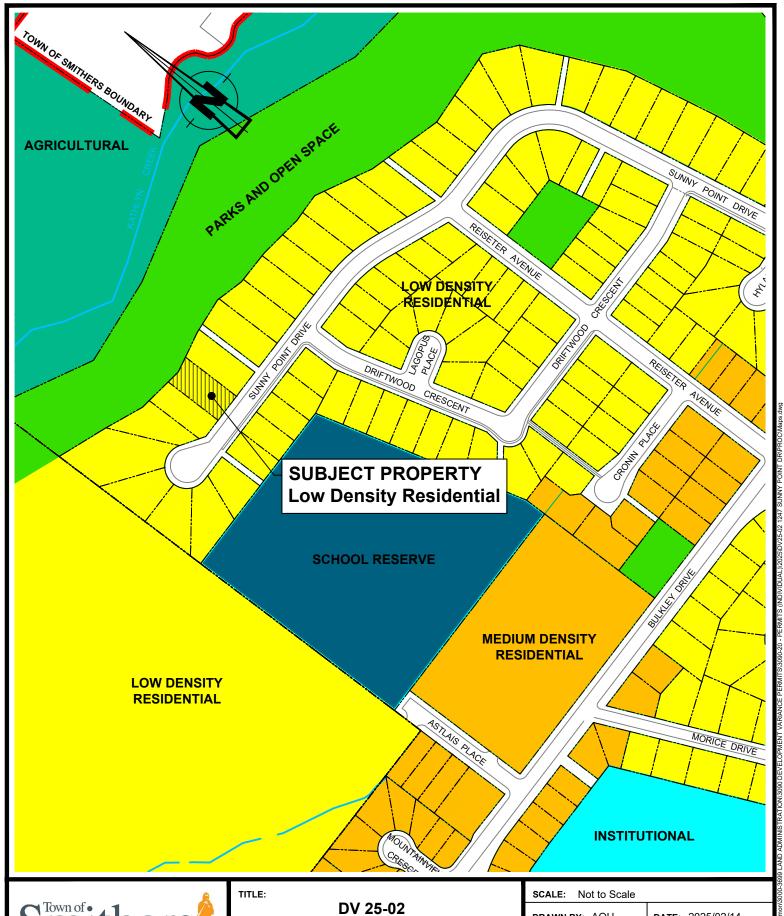
Image.1 The subject property (highlighted in yellow polygon), is located close to Perimeter Trail, and has no lane access.



Image 2: The property, which has a 24 m street frontage, is accessed off a 7-m driveway from the fronting street; the Applicant's proposal is to widen the driveway to 10 m in order to ensure safe RV parking on the side yard.



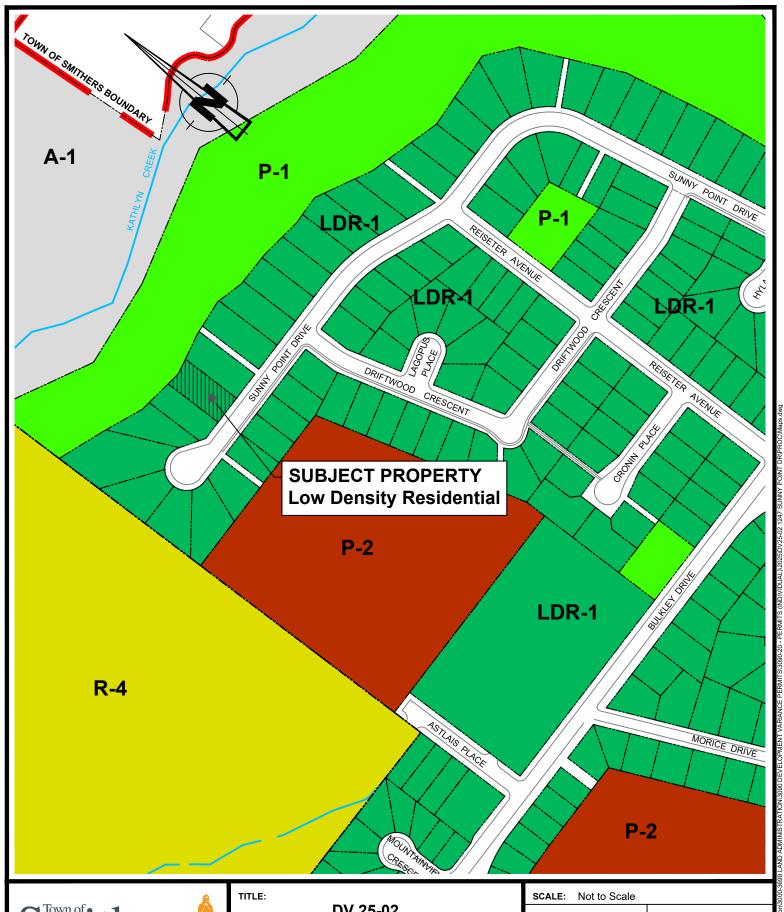
Image.3 Currently, the single-detached dwelling on the parcel has a double garage. When not in use, the owner parks the RV on the paved driveway next to the house. Widening the driveway to 10 m as proposed will allow the owners to safety park the RV, without causing any damage to the house.



Smithers

DV 25-02 OFFICIAL COMMUNITY PLAN MAP 1247 SUNNYPOINT DRIVE

SCALE: Not to Scale	
DRAWN BY: AOH	DATE: 2025/02/14
APPROVED BY: MFA	DATE: 2025/02/14
DRAWING PATH:	



Smithers

DV 25-02 ZONING MAP 1247 SUNNYPOINT DRIVE

SCALE: Not to Scale	
DRAWN BY: AOH	DATE: 2025/02/14
APPROVED BY: MFA	DATE: 2025/02/14
DRAWING PATH:	

TOWN OF SMITHERS HIGHWAY BYLAW NO. 846, 1988 AND CONSOLIDATED AMENDMENTS

13'

SCHEDULE "C"

REGULATIONS FOR THE LOCATION OF BOULEVARD CROSSINGS

A. CONVENIENT MOVEMENT OF VEHICLES

A.1 Crossings shall be laid out such that vehicles which will be using the crossing will be able to do so without crossing over the adjacent sidewalk and that movement is not only possible, but sufficiently convenient that drivers can be expected to stay within the crossing.

B. CLEARANCE FROM ABOVE GROUND UTILITIES, STREET FURNITURE ETC.

- B.1 Crossings must be one (1) metre clear of poles, hydrants, boulevard trees, traffic signs, street furniture, and other fixtures.
- B.2 Clearances are measured to the edge of the crossing and to the nearest point of the utility, tree or other fixture.
- B.3 If required, fixtures may be moved or removed to give clearance, subject to approval of the Engineer and at the expense of the applicant.

C. SURFACE UTILITIES

- C.1 Valve covers, meter boxes and manholes, etc. may remain within crossings but must be flush with the surface.
- C.2 Monuments may be lowered by a B.C.L.S., at the applicant's expense.
- C.3 Bench marks may be lowered or moved by Town surveyors, at the applicant's expense.
- C.4 In the event that surface utilities remain in the crossing, any adjustment or strengthening which is required by the Engineer will be at the applicant's expense.

D. CATCH BASINS

D.1 Gutter type catch basins may remain in crossings where there is a curb or where there will be an asphalt swale.

TOWN OF SMITHERS HIGHWAY BYLAW NO. 846, 1988 AND CONSOLIDATED AMENDMENTS

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- D.2 Curb type catch basins must be moved or rebuilt.
- D.3 Any changes made to catch basins are at the applicant's expense.
- D.4 Where a catch basin remains in a crossing it may be temporarily interrupted by cleaning operations.

E. CLEARANCE FROM CURB RETURNS

- E.1 Drop curbs (including ramps) shall be at least four point five (4.5) metres clear of curb returns or future curb returns.
- E.2 In the case of jog eliminations and other special curb layouts the Engineer shall decide what point is to be taken as the end of the return.

F. CLEARANCE FROM INTERSECTION

F.1 In the Town of Smithers Zoning Bylaw No. 740, boulevard crossings must be 7.6 (seven point six) metres clear of intersections measured from a line perpendicular to the property line at the property corner.

849 F.2

G. CLEARANCE AT T-INTERSECTIONS

- G.1 In areas zoned commercial and industrial in the Town of Smithers Zoning Bylaw No. 740, at a T-intersection, crossings opposite the T in or within fifteen (15) metres of the intersection shall be prohibited.
- G.2 In all other areas except those referred to in Subsection G.1 above, at a T-intersection crossings opposite the T within one (1) metre of the intersection are permitted if they are one (1) metre clear of crosswalks.
- G.3 Crosswalks, if not marked, shall be taken at right angles to the roadway and two point five (2.5) metres wide.

H. CLEARANCE BETWEEN CROSSINGS

H.1 Where there is more than one crossing serving one property from the street there must be at least seven point six (7.6) metres between crossings, measured on a line parallel to the curb within the ultimate sidewalk.

TOWN OF SMITHERS HIGHWAY BYLAW NO. 846, 1988 AND CONSOLIDATED AMENDMENTS

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H.2 Single family residential properties will not normally be allowed more than one crossing on a street.

I. CLEARANCE FROM LOT BOUNDARIES

- I.1 No clearance is required between crossings serving adjoining properties.
- I.2 Crossings serving one property shall not normally extend in front of adjoining properties.
- I.3 The frontage of a lot is taken as bounded by lines perpendicular to the property line.

J. MERGE TO CROSSING

- J.1 Where adjoining properties each have a crossing at the lot line the two crossings may, if the owners wish, be merged, provided the total width of the crossing is not more than fifteen point zero (15.0) meters and neither part is more than nine point zero (9.0) meters.
- J.2 Each owner is responsible for maintenance of the part of the crossing fronting his property.

K. SHARED CROSSINGS

- K.1 Shared crossings straddling the lot line and serving a driveway and used by both properties may be permitted where the owners would be put to excessive trouble or expense to obtain suitable access otherwise.
- K.2 A form of agreement satisfactory to the Town solicitor and made pursuant to Section 215 of the *Land Title Act* R.S.B.C. 1979, c. 219 in favour of the Town may be required to be registered against both properties shall include provisions that the shared driveway will be maintained for the use of both properties as long as the crossing remains.

L. WIDTH OF CROSSING

- L.1 Width is measured along the property line.
- L.2 Subject to the requirements of Sections "A" and "J" of this Schedule, minimum and maximum driveway widths shall conform to the following table:

TOWN OF SMITHERS HIGHWAY BYLAW NO. 846, 1988 AND CONSOLIDATED AMENDMENTS

16'

<u>Use of Property</u>	Minimum Width	Maximum Width
1 and 2 Family Residential	3.5 m	7.0 m
Apartment Residential	6.0 m	9.0 m
Commercial, Public Parking, Service Stations	6.0 m	9.0 m
Industrial	6.0 m	15.0 m

960 L.3 Except for accesses from lanes, boulevard crossings shall be limited in number and width as provided in this bylaw by means of curbs or other positive barriers to prevent access at other than approved locations.

M. NUMBER OF DRIVEWAYS

Each property shall be limited to the following number of driveways.

- M.1 Up to the first thirty (30) metres of frontage not more than two (2).
- M.2 For each additional thirty (30) metres not more than two (2).

Where special circumstances warrant, three (3) driveways may be permitted in a frontage of fifty-four (54) metres.

Where a property has sufficient frontage to be entitled to five (5) or more driveways, under M.1 and M.2 above, and where the owners agree to the use of a single driveway, a street intersection type of driveway approach may be permitted, and the dimensions in Section L above need not apply.

12.2. Street Network and Pedestrian Movement

Objectives:

- To provide an efficient, safe, reliable, sustainable, and connected multi-modal municipal road system for residents, visitors, and businesses.
- To integrate community land use and accessibility elements to ensure users have access to healthy, safe, and alternative mobility options that are convenient and connected.

Policies:

- 1. The transportation network shall be in accordance with the existing and proposed roads indicated on Map 2: Mobility
- **2.** The following principles will be used to guide decisions regarding transportation planning:
 - To promote a compact urban form in order to reduce reliance on automobiles;
 - To support transit and active transportation as key modes of transportation;
 - To incorporate the principles of safe and complete streets in decisions related to the road network and transportation planning;
 - To maintain the hierarchy of roads with development standards suited to their role and function within the community;
 - To require new developments to provide full urban standards for all road works;
 and
 - To review all commercial, industrial, and multi-unit developments to ensure they have appropriate access and egress while providing pedestrian safety as an integral part of their design.
- **3.** Update road design standards in the Subdivision Servicing Bylaw, as amended, to support compact, complete, communities with streets that:
 - Prioritize bicycle and pedestrian safety;
 - Are designed to minimize traffic impacts in settled areas;
 - Support and encourage alternatives to the car, and that
 - Reflect the character of the range of neighbourhoods and areas within the Town.
