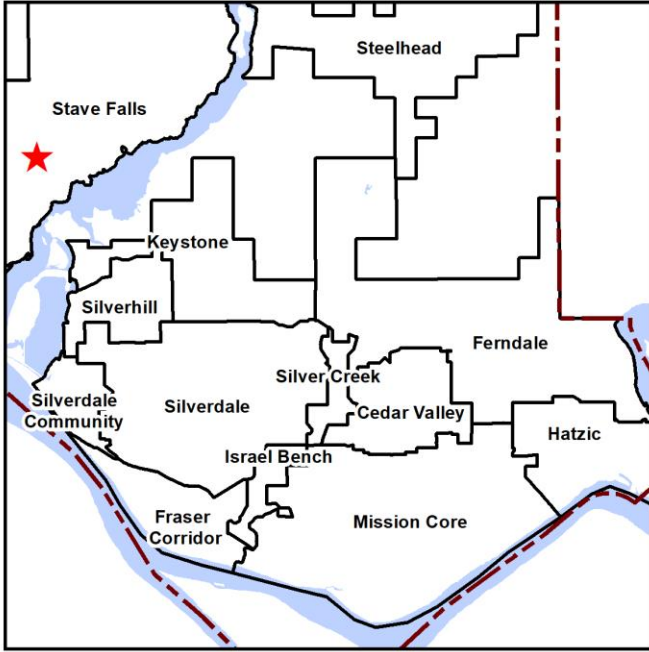


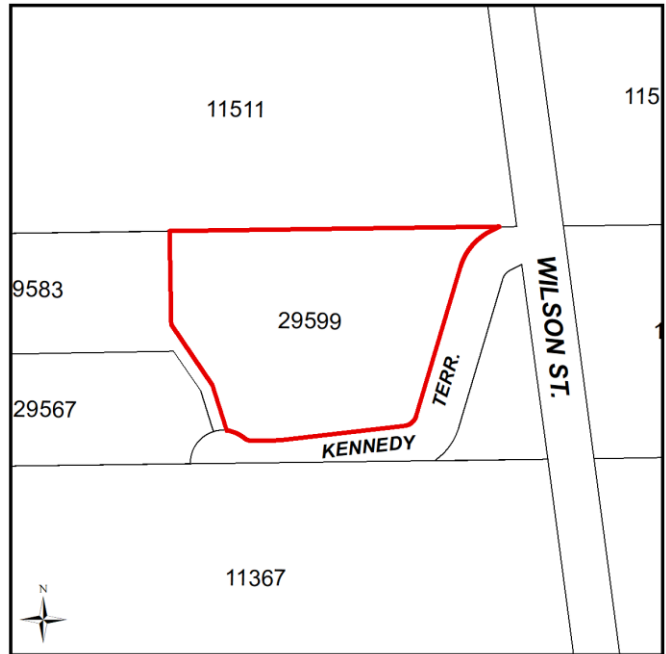
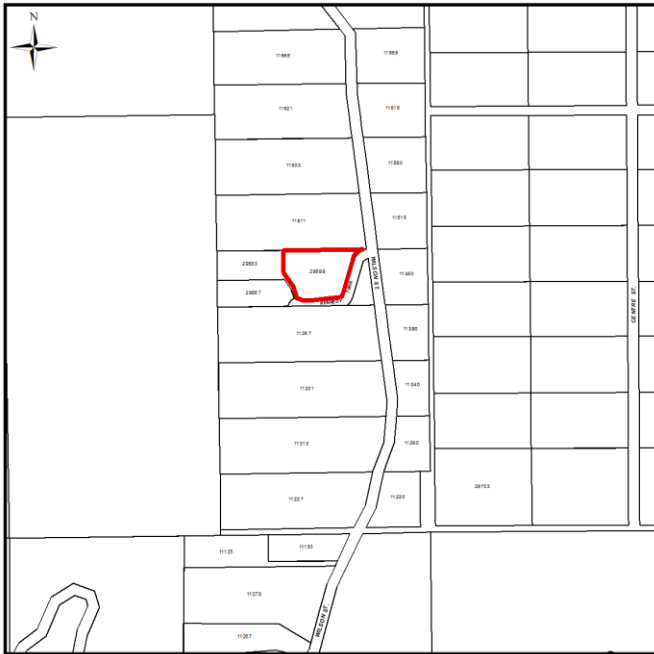
Project: P2022-012
Application Number: DVP24-7 S22-006

Subject: Development Application for 29599 Kennedy Terrace



DATE: June 17, 2024
BYLAW / PERMIT #: DVP24-7
PROPERTY ADDRESS: 29599 Kennedy Terrace
LOCATION: Stave Falls
CURRENT ZONING: Comprehensive Development 38 Zone (CD38)
PROPOSED ZONING: No change
CURRENT OCP: Rural Residential
PROPOSED OCP: No change

PROPOSAL:
 A development variance permit to increase the maximum allowable grade of an existing driveway to facilitate a two-lot subdivision.



Recommendation(s)

That Development Variance Permit DVP24-7 for 29599 Kennedy Terrace to increase the maximum permitted grade of a driveway from 12% to 15% be approved.

Rationale of Recommendation(s)

The applicant is in the process of performing a two-lot subdivision at 29599 Kennedy Terrace. See **Attachment A** for a draft plan of the subdivision layout. In order to provide access for the subdivision, the applicant is proposing to use an existing driveway which has a grade of 15%. However, since the time that the driveway was constructed the Development and Subdivision Control Bylaw 5650-2017 (DSCB), SCHEDULE C, Section 8.3.5.1, has been amended to only permit a maximum driveway grade of 12%, and so a variance is being requested.

The existing driveway was constructed seven years ago under permit and was bylaw compliant at the time. The applicant has given three additional reasons for why achieving a grade of 12% would be considered excessively challenging:

- Extensive blasting of a rock formation on the site would be required.
- Existing gas utilities are currently located under the accessway and would require relocation.
- The subject driveway is shared with the neighbour to the west, 29583 Kennedy Terrace, and reconstructing it would cause them disruption as it is the only accessway to their home. An access easement is registered over the driveway for their use.

The proposed driveway design was referred to the City's Engineering, Building, and Fire Departments for review. A set of conditions were agreed upon in lieu of the driveway not meeting the 12% grade requirement. The conditions are:

1. It is deemed that meeting the regulation requirements are impossible or excessively challenging.
2. Efforts were made to achieve a fire access route that was as close as possible to regulation compliance.
3. The City agrees that future development using the non-conforming fire access is unlikely and it is not anticipated to serve many more additional residents.
4. All new buildings on the subject properties are sprinklered.
5. The existing driveway must be paved.

The applicant has agreed to these conditions and they will be listed in the development variance permit as requirements. See **Attachment B** for a draft version of the permit.

All other current driveway standards and requirements will remain in general accordance with the City's bylaws.

Purpose

To permit an existing driveway to facilitate a two-lot subdivision.

Site Characteristics and Context

Applicant

- Edward Grice

Property Size

- 29599 Kennedy Terrace is 1.3 ha (3.2 ac) in size.
- The property is a large Rural Residential lot and is currently being subdivided into two smaller lots. It contains one single-family dwelling and slopes downward to the east.

Neighbourhood Character

- The subject property is located in the Stave Falls neighbourhood and is surrounded by other Rural Residential lots.

Referrals

Engineering Department: The Engineering Department has no objection to this proposal.

Building Division: The Building Division is supportive of the variance if the previously mentioned conditions are met. These conditions are listed on the permit.

Mission Fire Rescue Service: Mission Fire Rescue Service is supportive of the variance if the previously mentioned conditions are met. These conditions are listed on the permit.

Financial Implications

There are no financial implications associated with this report.

Communication

Communication action, as listed below, is in accordance with Policy LAN.03 Development Notification Signs, Land Use Application Procedures and Fees Bylaw 3612-2003, and the *Local Government Act*.

- A Notice of Development Variance Permit was sent to all owners and occupiers of properties within a radius of 10 m (30 ft), which amounts to seven mailouts.

Attachments

Attachment A: Draft Plan of Subdivision

Attachment B: Draft Development Variance Permit

Sign-Offs



Rob Publow, Manager of Planning

JH /

Approved for Inclusion: Mike Younie, Chief Administrative Officer