



Staff support the Development Variance Permit for the front yard setback and height for the proposed accessory building addition. The existing accessory building was constructed in 1993 and met all the setbacks of Zoning Bylaw 4500. Since the time of construction, the setbacks for accessory buildings have changed, leaving the building in a legal non-conforming status. The applicant is proposing an addition to the accessory building to add an additional floor for an office. The buildable area on the site is limited due to a steep grade change, so it is not possible to build further back from the road. The addition requires two variances but will not moved any closer to the road. The steep grade change makes it hard for an additional floor space to meet the height requirements, as the East and West sides of the structure are at different elevations. No neighbourhood impacts are anticipated with the proposed location of the detached garage.

**4.0 Proposal**

**4.1 Project Description**

The accessory building received a Building Permit in 1993 (BP4120) and had a front yard setback of 6.15m. The setbacks are considered legal non-conforming because in April 2017, Staff brought forward text amendments (TA15-0008) to consultate all carriage house regulations and accessory building regulations. This put several accessory buildings into legal nonconforming status including this structure.

The applicant is proposing an additional storey on the existing accessory building, which will have a total footprint of 53.51m<sup>2</sup>. An office will be located on the second floor, and the accessory building will have a peaked roof, which is consistent with the surrounding area.

**4.2 Site Context**

The subject property is zoned A1, but since the property was built in 1973 and is 0.2ha in size, Section 1.7.1 of the Zoning Bylaw No.8000 comes into effect:

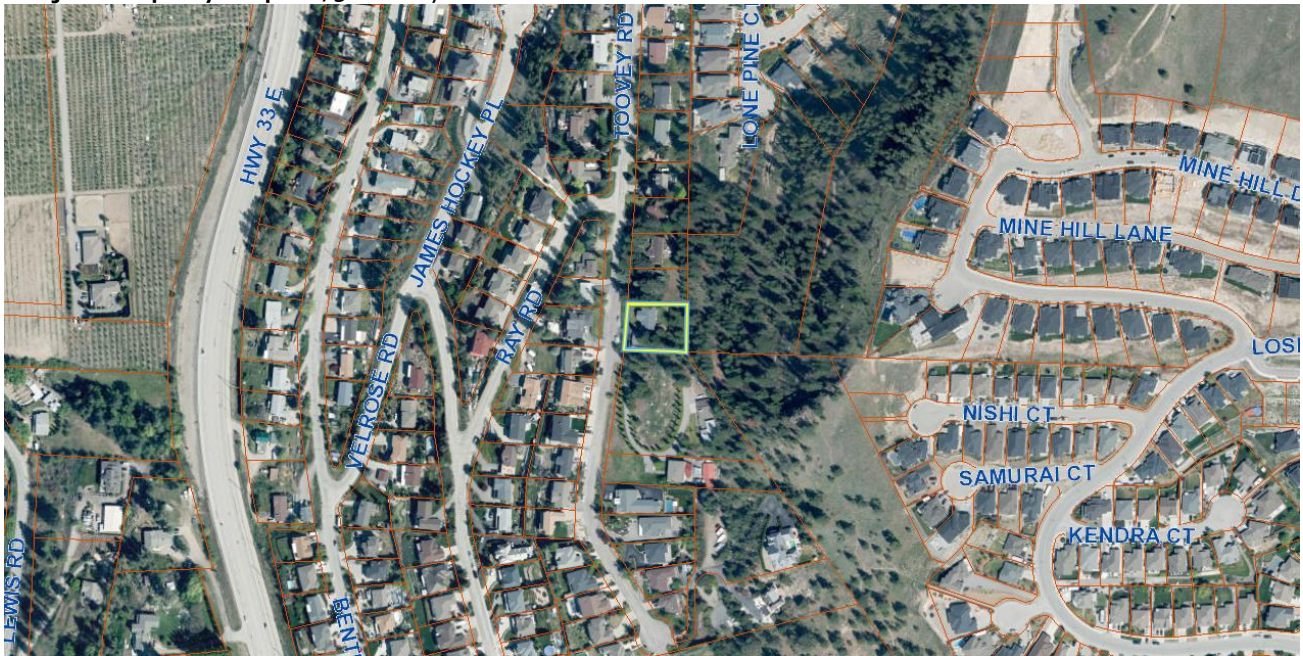
**Section. 1.7.1:** Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.

Therefore, the property develops in accordance with the RU1 zone. The subject property has a Future Land Use Designation of S2RES – Single/Two Unit Residential. The property is located on Toovey Road in the Belgo – Black Mountain OCP Sector. The surrounding area is primarily zoned A1 – Agriculture 1, RU1 – Large Lot Housing and P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Single-Family Dwelling
East	P3 – Parks and Open Space	Vacant
South	A1 – Agriculture 1	Single-Family Dwelling
West	A1 – Agriculture 1	Single-Family Dwelling(s)

**Subject Property Map: 1175 Toovey Road**



**4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550.0m <sup>2</sup>	1740m <sup>2</sup>
Min. Lot Width	16.5m	35.48m
Min. Lot Depth	30.0m	46.30m
Max. Site Coverage (buildings)	40%	14.2%
Max. Site Coverage (buildings, parking, driveways)	50%	21.4%
Accessory Building Development Regulations		
Max. Height	4.8m	5.3m <sup>①</sup>
Min. Front Yard	9.0m	6.15m <sup>②</sup>
Min. Side Yard (south)	1.5m	2.5m
Min. Side Yard (north)	1.5m	4.32m
Min. Rear Yard	1.5m	24.0m
Footprint of Accessory Building	90m <sup>2</sup>	53.51 m <sup>2</sup>
Distance to Principal Dwelling	3.0m	5.13m
<sup>①</sup> Indicates a requested variance to Section 6.5.3d: Accessory Building Development Regulations – Height <sup>②</sup> Indicates a requested variance to Section 6.5.3c: Accessory Building Development Regulations – Front Yard Setbacks		

**5.0 Application Chronology**

Date of Application Received: March 18<sup>th</sup>, 2021  
 Date Public Consultation Completed: April 15<sup>th</sup>, 2021

**Report prepared by:** Tyler Caswell, Planner I  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Draft Development Variance Permit DVP21-0061  
Schedule A: Drawing Package