

Corporation of the  
Village of Cumberland

# **Advisory Planning Commission**

## **Agenda**

A meeting of the APC will be held on **Tuesday September 4, 2018** in Council Chambers located at 2675 Dunsmuir Avenue, commencing at **11:00am.**

1. **CALL TO ORDER:**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF THE MINUTES**
  - a) Minutes from the meeting of June 17, 2018
  - b) No meeting in July or August.
3. **REFERRALS FROM COUNCIL**
  - a) 2018-08-DV – 2817 Wellington Street
4. **OLD BUSINESS** None
5. **NEXT REGULAR MEETING**

Tuesday October 2, 2018 at 11:00am.
8. **TERMINATION:** Time: \_\_\_\_pm



*Corporation of the  
Village of Cumberland*

**Advisory Planning  
Commission  
Meeting Minutes**

Minutes of the Advisory Planning Commission held on Tuesday June 19, 2018 in Council chambers located at 2675 Dunsmuir Avenue, Cumberland BC.

**PRESENT:** Vickey Brown (Chair) Jaye Mathieu Eric Krejci  
Jason Ross

**ABSENT:** Amanda Howe, Evan Loveless **STAFF**  
Joanne Rees, Planner

**1. CALL TO ORDER AT 11:00AM.**

**2. APPROVAL OF THE AGENDA**

Ross/Krejci: "THAT the agenda be approved as presented"

CARRIED

**2. APPROVAL OF THE MINUTES**

Ross/Mathieu: "THAT the minutes from the meeting of May 8, 2018 be accepted as amended."

CARRIED

**3. REFERRALS FROM COUNCIL:**

**a) Development Variance Permit Application – 3208 Fifth Street**

Mathieu/Ross: "THAT the Advisory Planning Commission recommends that Council grant the Development Variance Permit for property described as Lot 1, Block 24, District Lot 21, Nelson District, Plan 522C (3208 Fifth Street) to vary the maximum permitted height of an accessory building from 4.5metres to 5.7metres for the accessory building shown on the site drawing attached to the Development Variance Permit dated March 6, 2018, to be confirmed and replaced by the required survey drawing at footings stage of the Building Permit."

CARRIED

**c) Development Permit and Development Variance Permit Application – 2713 Windermere Avenue**

Ross/Mathieu: THAT the Advisory Planning Commission recommends that Council grant the Development Permit (File 2017-15-DP), substantially as presented, for property described as Lot 12, Block D, District Lot 21, Nelson District, Plan 522A (2713 Windermere Avenue) substantially in compliance with the attached Development Permit dated June 12, 2018. CARRIED

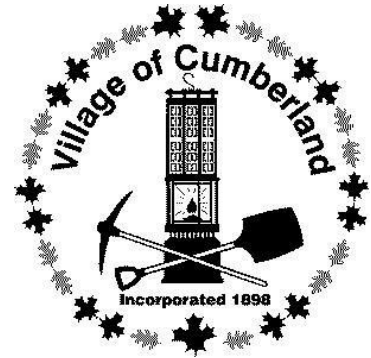
Mathieu/Krejci: THAT the Advisory Planning Commission recommends that Council grant the Development Variance Permit to vary the right exterior side setback from the permitted 1.8metres to as close as 1.2metres as shown on the survey drawing dated August 10, 2017 attached to the Development Variance Permit dated June 19, 2018.

CARRIED

- 4. **OLD BUSINESS:** None
- 5. **NEXT REGULAR MEETING** Tuesday July 19, 2017 at 11:00am.
- 6. **TERMINATION:** Time: 12:15pm

Certified Correct:  <hr/> Chair	Confirmed:  <hr/> Deputy Corporate Officer
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# APC REPORT



REPORT DATE: August 21, 2018  
 MEETING DATE: September 4, 2018  
 TO: Chair and Members  
 FROM: Joanne Rees, Planner  
 SUBJECT: Development Variance Permit Application – 2817 Wellington Street

<b>FILE:</b>	2018-08-DV		
<b>OWNERS:</b>	Marni & Dennis Rye	<b>AGENTS:</b>	Denise and Colton Derycke
<b>PID:</b>	006-060-994	<b>FOLIO:</b>	516 00493.020
<b>LEGAL DESCRIPTION:</b>	Lot 14, Block 1, Section 25, Township 10, Nelson District, Plan 4222		
<b>OCP DESIGNATION</b>	Residential	<b>EXISTING ZONE:</b>	Residential Three (R-3)
<b>CONDITIONS UNDER APPLICATION</b>	<b>PERMITTED BY BYLAW</b>	<b>REQUESTED VARIANCE</b>	
<b>Accessory Dwelling Unit</b>	Shall not be located in a front yard	May be located in a front yard	

## RECOMMENDATION

- i) THAT the Advisory Planning Commission receive the report “Development Variance Permit Application – 2817 Wellington Street” dated July 27, 2018.
- ii) THAT the Advisory Planning Commission recommends that Council approve the application for a Development Variance Permit for a property legally described as Lot 14, Block 1, Section 25, Township 10, Nelson District, Plan 4222 (2817 Wellington Street) to allow an Accessory Dwelling Unit to be in the front yard of the subject property.

## SUMMARY

An application has been received to vary the Zoning Bylaw to allow for construction of an Accessory Dwelling Unit (ADU) in the front yard of the subject property.



Subject Property

## BACKGROUND

The applicant wishes to construct a new ADU in the front yard of this large property. However, the Zoning Bylaw prohibits the location of an ADU in the front yard (see attached site plan for clarification). The application is requesting a Variance to the Zoning Bylaw by removing this prohibition for this property.

View of the  
from the



subject property  
street

Please note that the drawing attached to the draft Development Variance Permit (provided by the applicant) is not a survey drawing and is not to scale. From this drawing it shows that the proposed ADU will be sited in compliance with the Zoning Bylaw, however it is not possible to determine the compliance of the existing house and sheds.

#### **CITIZEN/PUBLIC RELATIONS IMPLICATIONS**

Pursuant to the requirements of the *Local Government Act*, notice of Council consideration of a Development Variance Permit must be mailed or otherwise delivered to owners of adjacent properties (within 75metres) at least 10days before the Council considers the application which is anticipated to be on September 24, 2018. The required notice will be mailed to the neighbouring properties by September 14, 2018 and any comments received will be attached to the subsequent staff report.

Pursuant to the requirements of the *Village of Cumberland Procedures and Fees Bylaw No. 1008, 2014*, the applicants will be placing the required sign on-site prior to consideration by the Advisory Planning Commission.

#### **ATTACHMENTS**

1. Site Drawing
2. Proposed Exterior Drawing

#### **CONCURRENCE**

Ken Rogers, Manager of Development Services

#### **OPTIONS**

1. Recommendation to Council to grant the Permit as attached
2. Recommendation to Council to deny the Permit as attached (must give reasons).

Respectfully submitted,

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Joanne Rees  
Planner

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Sundance Topham  
Chief Administrative Officer



**Corporation of the  
Village of Cumberland**

**DEVELOPMENT  
VARIANCE PERMIT**

**TO: Marni and Dennis Rye**

**AGENTS: Denise and Colton Derycke**

**OF: PO Box 1115, Cumberland, BC V0R 1S0**

1. This Development Variance Permit (File 2018-08-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 allowing an Accessory Dwelling Unit to be in the front yard of the subject property.
2. 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 14, Block 1, Section 25, Township 10, Nelson District, Plan 4222

**Folio:** 516 00493.020

**PID:** 006-060-994

**Civic Address:** 2817 Wellington Street

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Development Variance Permit:

*“Bylaw 1027 Section 4.2(a)(i) Accessory Dwelling Units is hereby not applicable for the subject property.”*

4. **Security** None

5. **Expiry**

Subject to the terms of the Development Variance Permit, if the Owner of this 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.

6. **Timing and Sequencing of Development** None

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

None

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

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

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

**CERTIFIED** as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the Council of the Corporation of the Village of Cumberland on the \_\_\_\_ day of \_\_\_\_\_, 2018 and granted on the \_\_\_\_ day of \_\_\_\_\_, 2018. *(the Council issues the Permit, and senior staff shall grant the Permit when all the conditions have been met. (such as a landscaping security, etc)*

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Corporate Officer

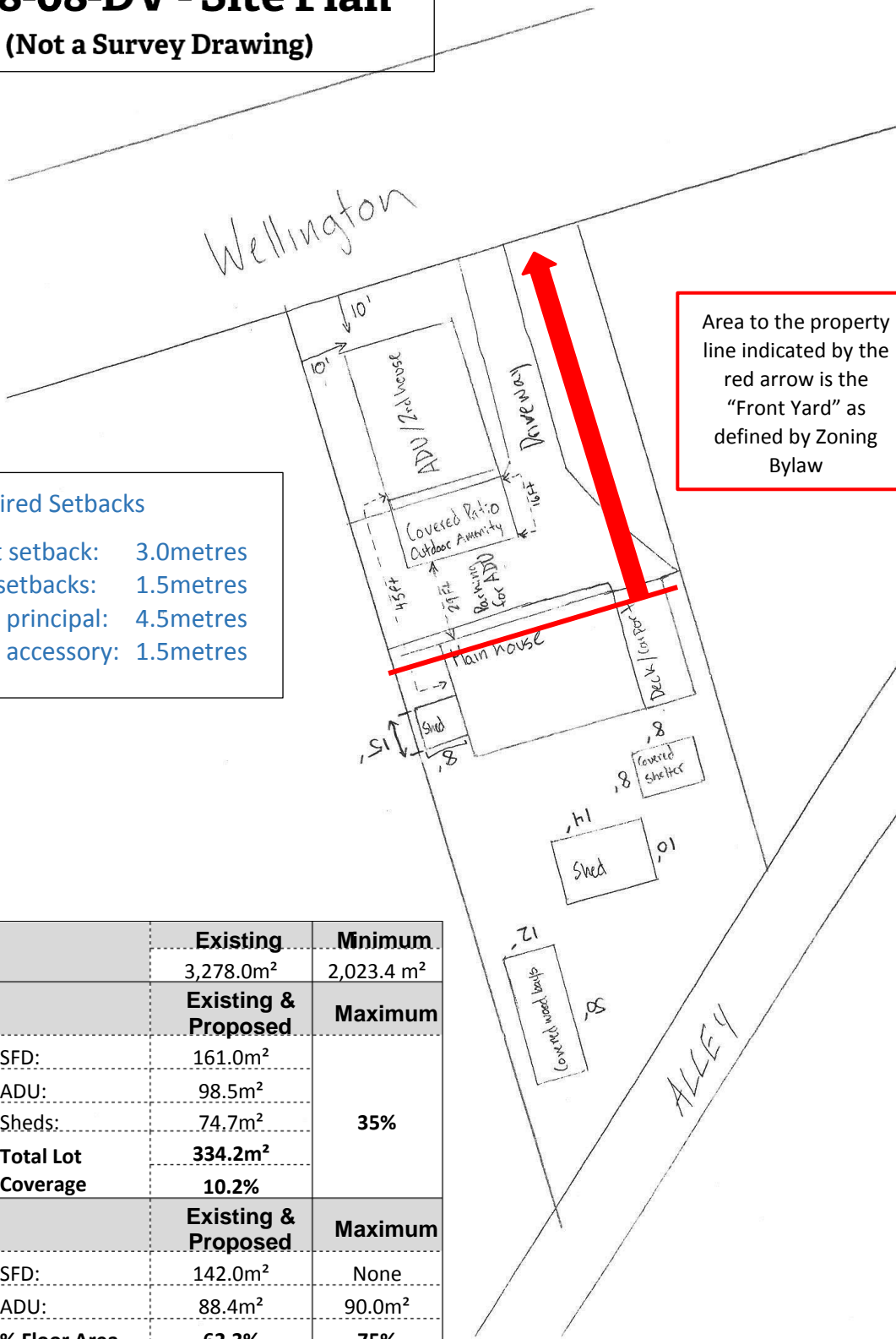
# 2018-08-DV - Site Plan

(Not a Survey Drawing)

**Required Setbacks**

Front setback: 3.0metres  
 Side setbacks: 1.5metres  
 Rear, principal: 4.5metres  
 Rear, accessory: 1.5metres

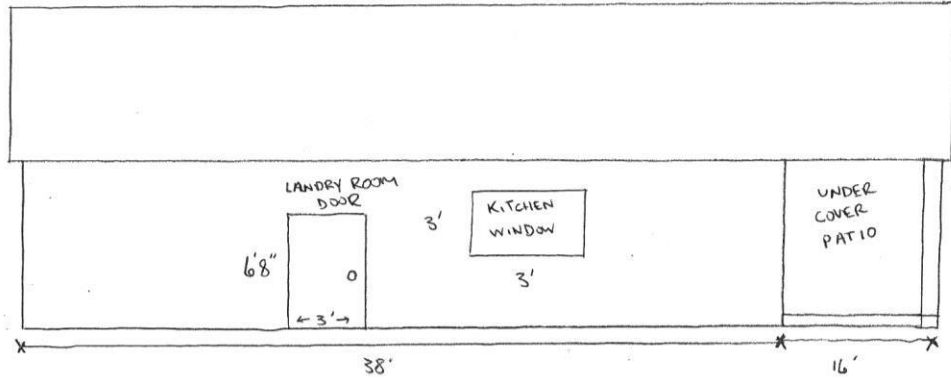
Area to the property line indicated by the red arrow is the "Front Yard" as defined by Zoning Bylaw



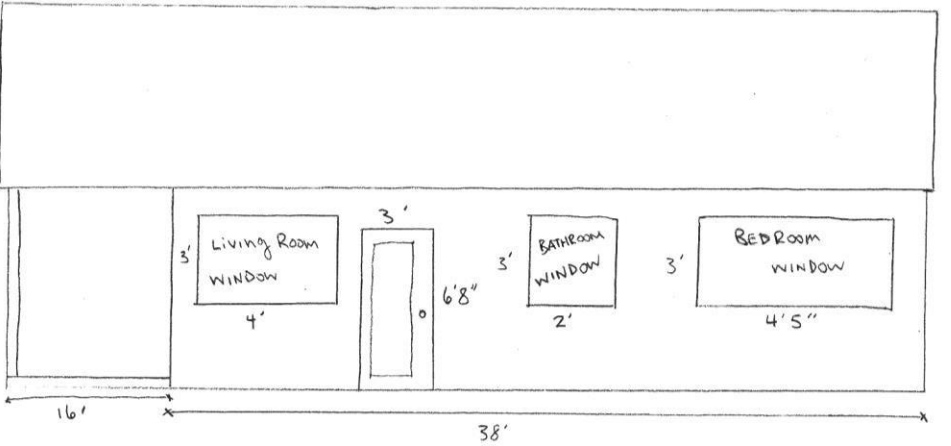
Lot Area		Existing	Minimum
		3,278.0m <sup>2</sup>	2,023.4 m <sup>2</sup>
Lot Coverage Calculation		Existing & Proposed	Maximum
	SFD:	161.0m <sup>2</sup>	35%
	ADU:	98.5m <sup>2</sup>	
	Sheds:	74.7m <sup>2</sup>	
	<b>Total Lot Coverage</b>	<b>334.2m<sup>2</sup></b>	
		<b>10.2%</b>	
Gross Floor Area Calculation		Existing & Proposed	Maximum
	SFD:	142.0m <sup>2</sup>	None
	ADU:	88.4m <sup>2</sup>	90.0m <sup>2</sup>
<b>% Floor Area</b>		<b>62.3%</b>	<b>75%</b>

# 2018-08-DV

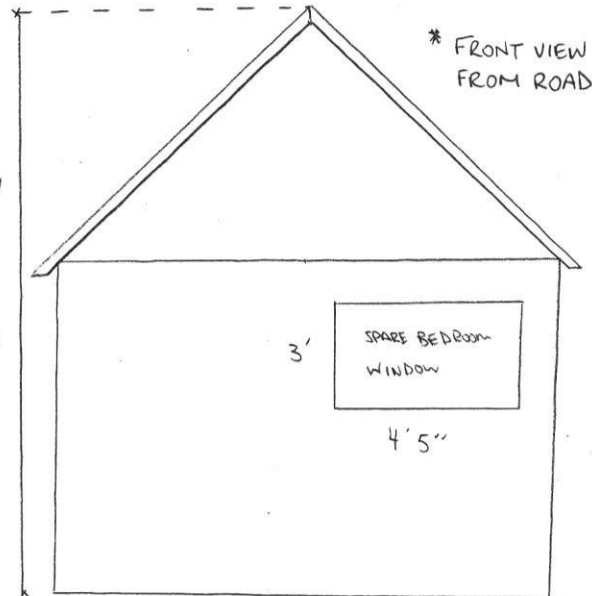
## Proposed Building Exteriors



\* Rear view from property line



\* Front view from driveway



\* Front view from road

- SIDING : HARDIE PLANK
- ROOF : DUROID SHINGLES
- EXTERIOR COLOR →
- WHITE TRIM AROUND WINDOWS





Corporation of the  
Village of Cumberland

***Advisory  
Planning  
Commission***

## **Agenda- Addendum**

### **3. ADDITIONAL REFERRALS FROM COUNCIL**

- b. 2018-01-RZ (2771 Dunsmuir Avenue), plus applicant package
- c. 2018-02-RZ (2773 Dunsmuir Avenue), plus applicant package



# Application for Zoning Bylaw Amendment

August 27, 2018

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Jack Fletcher and Kathryn West  
2771 Dunsmuir Ave, Cumberland BC  
PO Box 637, Cumberland BC V0R 1S0

## Overview

Please accept this application to amend the zoning bylaw for the property at 2771 Dunsmuir Ave to include Vacation Rentals as one of the allowable uses for the property. This package includes the detailed site plan for the property as well as information pertaining to the house and the available parking on site.

## Goal

1. To gain the Village of Cumberland's approval to allow Jack Fletcher's principal residence at 2771 Dunsmuir Ave to operate occasionally as a vacation rental.

## Specifications

The house is Jack Fletcher's primary residence. The cottage was built sometime between 1909 and 1918 by Vincent Picketti. It has never in the history of Cumberland been used commercially to operate any businesses though it is situated in what is now Cumberland's commercial downtown core.

The cottage is a total of approximately 600 sq. ft. There is one bathroom and one bedroom.

The house is currently listed for short term vacation rental via the Airbnb website. It has been operating as an occasional vacation rental for three years and has had a total of 189 bookings equalling approximately 63 bookings per year. It has a 5 star rating on the Airbnb vacation rental platform and Jack and Kathryn are long-time Superhosts.

We are not taking away from the local rental housing market or adding to Cumberland's housing shortage as this property is Jack Fletcher's primary residence.

## Parking

The total square meters available for parking at the rear of lot 2771 Dunsmuir Ave is 66.56 m.sq.

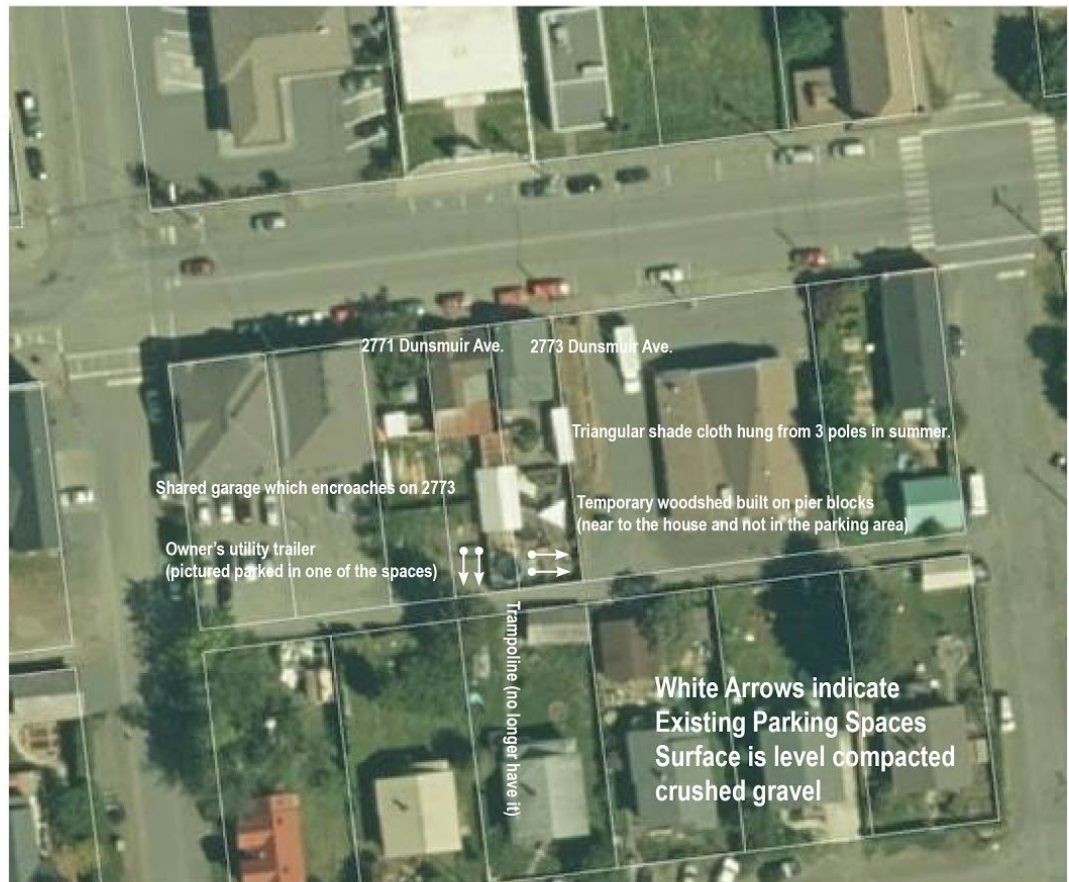
This parking area has already been prepared and is compacted crushed gravel

The space available for parking measures 5.42m x 12.28m

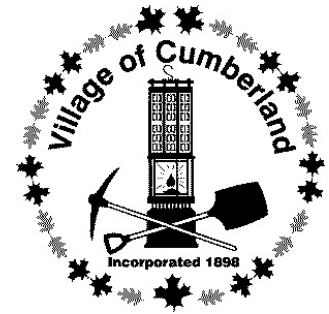
That allows for a total of 2 vehicles to park.

- The parking on this property is accessed through the alley.

AERIAL PHOTO OF BOTH 2771 AND 2773 DUNSMUIR AVE  
(TAKEN IN 2016)



# ADVISORY PLANNING COMMISSION REPORT



DATE: August 28, 2018  
MEETING DATE: September 4, 2016

TO: Advisory Planning Commission

FROM: Judith Walker, Senior Planner

SUBJECT: 2771 Dunsmuir Avenue Rezoning - Staff Report

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**FILE:** 2018-02-RZ (2771 Dunsmuir Avenue)

**OWNER:** Jack Fletcher

**FOLIO No.:** 516 00236.000

**PID:** 001-010-948

**LEGAL DESCRIPTION:** That Part of Lot 11, Block 16, District Lot 21, Nelson District, Plan 522-A, Lying to the East of a Straight Boundary Joining the Points of Bisection of the Northerly and Southerly Boundaries of said Lot 11

**CIVIC ADDRESS:** 2771 DUNSMUIR AVENUE

**EXISTING ZONE:** Village Core Commercial  
Mixed Use One (VCMU-1)

**PROPOSED ZONE:** VCMU-1: property to permit  
Vacation rentals

## RECOMMENDATION

- i) THAT the Advisory Planning Commission receive the "2771 Dunsmuir Avenue Rezoning - Staff Report", and
- ii) THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as That Part of Lot 11, Block 16, District Lot 21, Nelson District, Plan 522-A, Lying to the East of a Straight Boundary Joining the Points of Bisection of the Northerly and Southerly Boundaries of said Lot 11 (2771 Dunsmuir Avenue).

## SUMMARY

An application to rezone the above property has been received. The intention of the rezoning is to allow Vacation Rentals as a permitted use.

## BACKGROUND

Although this property is in the Village Core Commercial One Zone, there currently exists only a single family house, with accessory buildings. The house was built in the early 1900's and has remained a residential dwelling over the years. The current owner has been renting the house as a vacation rental, with the understanding that since it was a house, the use was permitted. However, the owner was unable to obtain the necessary business licence for vacation rentals as the zoning does not permit that use.



The owner has made application for a rezoning to include the use of “Vacation Rentals” to the permitted uses, on this property. This is not a blanket addition to the VCMU-1 zone but is considered on this property due to the continued long term use as a single family residence. Due to the proposed changed in use (from single family residential to including Vacation Rentals as a permitted principal use) parking requirements of one parking space per rental unit will be required to be met on site. As the house is the rental unit, one parking space is required on site. The VCMU-1 zone allows for owners that cannot meet the parking requirements on site, to pay a one-time fee of \$3,800 per space to the Municipal Cash-in-Lieu Fund.

Due to the property being in the Heritage Conservation Area, Council also referred the application to the Heritage Commission.

Following the Commission meetings and the applicant’s neighbourhood meeting (September 10, 2018), a zoning bylaw amendment will come before Council, including all comments.

**FINANCIAL IMPLICATIONS**

None

**OPERATIONAL IMPLICATIONS**

Zoning bylaw amendments are part of the services provided by the Planning Department.

**STRATEGIC OBJECTIVE**

None

**ATTACHMENTS**

- Subject Property maps
- Site plan
- VCMU-1 Zone

**CONCURRENCE**

Ken Rogers, Manager of Development Services

**OPTIONS**

- i) THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as That Part of Lot 11, Block 16, District Lot 21, Nelson District, Plan 522-A, Lying to the East of a Straight Boundary Joining the Points of Bisection of the Northerly and Southerly Boundaries of said Lot 11 (2771 Dunsmuir Avenue); or
- ii) Any other action deemed appropriate by the Advisory Planning Commission.

Respectfully submitted,

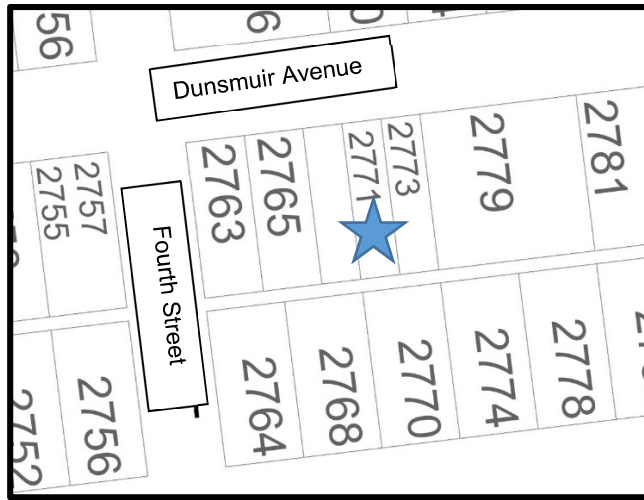
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Judith Walker  
Senior Planner

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Sundance Topham  
Chief Administrative Officer

Subject property



Zoning Map (excerpt)





## 9.4 VCMU-1 – Village Core Commercial Mixed-Use Zone

<b>1. Principal Uses</b>		<i>Artisan commercial</i> <i>Apartment</i> <i>Auto service facility</i> <i>Entertainment facility</i> <i>Farmer’s market</i> <i>Hotels</i> <i>Hostel</i> <i>Institutional use</i> <i>Licensed premises</i> <i>Market garden</i> <i>Micro brewery, winery, distillery</i> <i>Mixed use building</i> <i>Motel</i> <i>Office</i> <i>Personal services</i> <i>Professional services</i> <i>Restaurant, major</i> <i>Restaurant, minor</i> <i>Parking lot/parking structure</i> <i>Retail, garden nursery</i> <i>Retail liquor outlet, major</i> <i>Retail liquor outlet, minor</i> <i>Retail, minor</i> <i>Retail, convenience</i> <i>UBrew/UVin</i> <i>Veterinary hospital</i> <i>Wholesale</i>
<b>2. Accessory Uses</b>		<i>Accessory buildings and structures</i> <i>Bingo hall</i>
<b>3. Lots Created by Subdivision</b>	<i>Area, minimum</i>	325.0square metres (3,600.0square feet)
	<i>Frontage, minimum</i>	9.0metres (29.7feet)
<b>4. Density</b>	<i>Floor area ratio</i>	2.0
	<i>Building GFA, maximum</i>	<i>Accessory buildings</i> shall have a combined floor area no greater than 100.0square metres (1,076.4square feet).
<b>6. Lot Coverage</b>	Coverage, maximum	75%

<b>7. Principal Buildings and Structures</b>	<i>Setbacks</i>	Front, minimum	0.0metres (0.0feet)
		Front, maximum	1.0metres (3.3feet) for a minimum of 75% of the <i>building</i> façade
		Rear, minimum	4.5metres (14.8feet)
		Side, minimum	0.0metres (0.0feet)
		Side, Exterior, minimum	0.0metres (0.0feet)
		Side, Exterior, maximum	1.0metres (3.3feet) for a minimum of 75% of the <i>building</i> façade
	Height, maximum	15.0metres (49.3feet)	
<b>8. Accessory Buildings and Structures</b>	<i>Setbacks, minimum</i>	Front	3.0metres (9.8feet)
		Rear	1.5metres (3.9feet)
		Side	1.5metres (3.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum	6.0metres (19.8feet)	
<b>9. Conditions of Uses</b>	<p>a) Fuel service pumps or pump islands shall be located a minimum of 4.5metres (14.8feet) from any property line.</p> <p>b) A <i>parking lot/parking structure</i> shall have non-<i>Commercial Uses</i> (excluding auto service facility), with a minimum depth of 10.0metres located between the <i>parking lot/parking structure</i> and the front <i>lot line</i> or exterior <i>lot line</i>.</p> <p>c) <i>Commercial uses</i> shall be located to the front of the property facing a <i>highway</i>.</p> <p>e) The principal entrance to a <i>building</i> must face a property line abutting a <i>highway</i>.</p> <p>f) On a <i>lot</i> where there is combined non-residential and <i>residential use</i>, all <i>dwelling units</i> shall:</p> <ol style="list-style-type: none"> <li>i) be contained in the same <i>building</i> that contains the <i>principal use</i>; and</li> <li>ii) have a separate entrance from the exterior.</li> </ol> <p>g) In the limited circumstances where a use may include a <i>shipping/cargo container</i>, the container must be clad in the same materials as the main <i>building</i>, and other measures taken to ensure integration into the site respecting the heritage character of the area.</p>		

**10. Additional Regulations**

- a) The ground floor of any *building* shall have a minimum floor-to-ceiling height of 4.2metres (13.8feet).
- b) *Outdoor storage* shall not be permitted except for the following uses:
  - i) *Farmers Market*; and
  - ii) *Market Garden*.
- c) *Shipping/cargo containers* are permitted located at the rear of the property:
  - i) to a maximum of 6.1metres (20feet) in length; and
  - ii) if placed only to supplement commercial storage requirements for *commercial uses* with limited storage space available within the *Principal Building*.
  - iii) *shipping/cargo containers* are not permitted if a *residential use* is located on the ground level located at the rear of the property.
- d) *Dwelling units* are permitted on the ground floor facing the rear *lane* only, except for an entry lobby providing access to the *dwelling units*. The entry lobby shall have a *frontage* less than 25% of the *building frontage*.
- e) Where residential and *commercial uses* are both located on the ground floor, the residential use shall not exceed 40% of the ground floor area.

End • VCMU-1

**From Zoning Bylaw No. 1027**

<b>Vacation Rental</b>	means the use of a <i>dwelling unit</i> to provide for the accommodation of the travelling public, established and operating in accordance with Section 4.14.
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**Section 4.14 (4.15 in text)**

4.15 Vacation Rental

- a) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the *vacation rental*.
- b) The use of a principal *dwelling unit* and *accessory dwelling units* are permitted to operate as *vacation rental* instead of the principal *residential use*.
- c) Meals may be provided to customers of a *vacation rental* operation only and not the public.
- d) Any person intending to operate a *vacation rental* shall hold a valid business license from the *Village*.



# Application for Zoning Bylaw Amendment

August 27, 2018

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Kathryn West  
2773 Dunsmuir Ave, Cumberland BC  
PO Box 1027 Cumberland BC V0R 1S0

## Overview

Please accept this application to amend the zoning bylaw for the property at 2773 Dunsmuir Ave to include Vacation Rentals as one of the allowable uses for the property. This package includes the detailed site plan for the property as well as information pertaining to available parking on site and the house itself.

## Goal

1. To gain the Village of Cumberland's approval to allow Kathryn West's principal residence at 2773 Dunsmuir Ave to operate occasionally as a vacation rental.

## Specifications

The house is my primary residence. The cottage was built sometime between 1909 and 1918 by Vincent Picketti. It has never in the history of Cumberland been used commercially to operate any businesses though it is situated in what is now Cumberland's commercial downtown core. It has been carefully restored and all of the original character elements including hardwood floors and tongue and groove fir ceilings have been carefully preserved.

The house is a total of approximately 850 sq ft. There is one bathroom and two bedrooms.

The house would be occasionally listed for short term vacation rental via the Airbnb or VRBO websites if I was to travel and be away for more than a few days at a time.

When rented I would only allow guests access to the main floor of the house and the second bedroom upstairs would be locked and not a part of the rental allowing us to lock away personal items for safe keeping. This would make the vacation rental a one bedroom, one bathroom cottage.

I estimate that the property would be rented up to a total of 21 days of each year.

I am not taking away from the local rental housing market and adding to our housing shortage as this property is my primary residence.

I have not listed the property as a vacation rental yet. It is my hope to be able to do so in March 2019 when I plan to travel with my family out of the province for two weeks.

## Parking

The total square meters available for parking at the rear of lot 2773 Dunsmuir Ave is 80 m.sq.

This parking area has already been prepared and is compacted crushed gravel

The space available for parking measures 9.132m x 8.81m

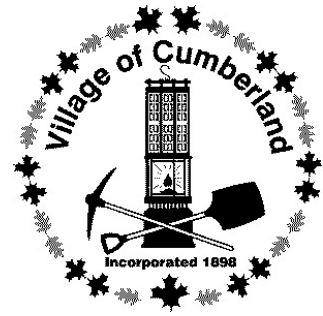
That allows for a total of 2 vehicles to park.

- The parking on this property is accessed through the alley via a secure 9 foot gate on wheels which opens into the west side of the property.

AERIAL PHOTO OF BOTH 2771 AND 2773 DUNSMUIR AVE  
(TAKEN IN 2016)



# ADVISORY PLANNING COMMISSION REPORT



DATE: August 29, 2018  
MEETING DATE: September 4, 2018

TO: Advisory Planning Commission

FROM: Judith Walker, Senior Planner

SUBJECT: 2773 Dunsmuir Avenue Rezoning - Staff Report for Referral

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**FILE:** 2018-01-RZ (2773 Dunsmuir Avenue)

**OWNER** Kathryn West

**FOLIO No.:** 516 00235.000

**PID:** 008-943-605

**LEGAL DESCRIPTION:** The Easterly ½ of Lot 10, Block 16, District Lot 21, Nelson District, Plan 522A

**CIVIC ADDRESS:** 2773 DUNSMUIR AVENUE

**EXISTING ZONE:** Village Core Commercial  
Mixed Use One (VCMU-1)

**PROPOSED ZONE:** VCMU-1; property to permit  
Vacation Rentals

## RECOMMENDATION

- i) THAT THE Advisory Planning Commission receive the “2773 Dunsmuir Avenue Rezoning - Staff Report”, and
- ii) THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as The Easterly ½ of Lot 10, Block 16, District Lot 21, Nelson District, Plan 522A (2773 Dunsmuir Avenue).

## SUMMARY

An application to rezone the above property has been received. The intention of the rezoning is to allow Vacation Rentals as a permitted use.

## BACKGROUND

Although this property is in the Village Core Commercial One Zone, there currently exists only a single family house, with accessory buildings. The house was built in the early 1900’s and has remained a residential dwelling over the years. The current owner has been renting the house as a vacation rental, with the understanding that since it was a house, the use was permitted. However, the owner was unable to obtain the necessary business licence for vacation rentals as the zoning does not permit that use.



The owner has made application for a rezoning to include the use of “Vacation Rentals” to the permitted uses, on this property. This is not a blanket addition to the VCMU-1 zone but is considered on this property due to the continued longterm use as a single family residence. Due to the proposed changed in use (from single family residential to including Vacation Rentals as a permitted principal use) parking requirements of one parking space per rental unit will be required to be met on site. As the house is the rental unit, one parking space is required on site. The VCMU-1 zone allows for owners that cannot meet the parking requirements on site, to pay a one-time fee of \$3,800 per space to the Municipal Cash-in-Lieu Fund.

Due to location in the Heritage Conservation Area, Council also referred the application to the Heritage Commission.

Following the Commission meetings and the applicant’s neighbourhood meeting (September 10, 2018), a zoning bylaw amendment will come before Council, including all comments.

**FINANCIAL IMPLICATIONS**

None

**OPERATIONAL IMPLICATIONS**

Zoning bylaw amendments are part of the services provided by the Planning Department.

**STRATEGIC OBJECTIVE**

None

**ATTACHMENTS**

- Subject Property maps
- Site Plan
- VCMU-1 Zone

**CONCURRENCE**

Ken Rogers, Manager of Development Services

**OPTIONS**

- i) THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as The Easterly ½ of Lot 10, Block 16, District Lot 21, Nelson District Plan 522A (2773 Dunsmuir Avenue); or
- ii) Any other action deemed appropriate by the Advisory Planning Commission.

Respectfully submitted,

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Judith Walker  
Senior Planner

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Sundance Topham  
Chief Administrative Officer



Site Plan with Parking

BRITISH COLUMBIA LAND SURVEYOR'S  
BUILDING LOCATION CERTIFICATE:

THE EASTERLY 1/2 OF LOT 10,  
BLOCK 16, DISTRICT LOT  
21, NELSON DISTRICT,  
PLAN 522A

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF  
THE SURVEYED STRUCTURES AND FEATURES WITH  
RESPECT TO THE BOUNDARIES OF THE PARCEL  
DESCRIBED. THIS DOCUMENT SHALL NOT BE USED  
TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

PARCEL BOUNDARIES SHOWN HAVE BEEN DERIVED  
FROM PLANS 522A AND V1P70067.

SCALE: 1:250

ALL DISTANCES ARE IN METRES.



PARCEL IDENTIFIER: 008-943-605

CIVIC ADDRESS:  
3773 DUNSMUIR AVENUE, CUMBERLAND, B.C.



THIS CERTIFICATE HAS BEEN PREPARED FOR  
BUILDING LOCATION PURPOSES AND IS FOR THE  
EXCLUSIVE USE OF OUR CLIENT, CERTIFIED  
CORRECT THIS 27th DAY OF SEPTEMBER, 2012.

*[Signature]*  
B.C.L.S.  
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY  
SIGNED AND SEALED

The signatory accepts no responsibility or liability  
for any damages that may be suffered by a third  
party as a result of any decisions made or actions  
taken based on this document.

All rights reserved. No person may copy, reproduce,  
transmit or alter this document in whole or in part  
without the consent of the signatory.

NOTES:  
BUILDING DIMENSIONS AND OFFSETS TO PROPERTY  
LINES ARE SHOWN TO EXTERIOR OF BUILDING WALLS.

**McIlhenny Associates**  
Professional Land Surveyors  
425 6th Street  
Courtenay, B.C. V9W 5M4  
Ph: (250) 338-5495  
Fax: (250) 338-7700  
File: 05400 MMA: 9801

## 9.4 VCMU-1 – Village Core Commercial Mixed-Use Zone

<b>1. Principal Uses</b>		<i>Artisan commercial</i> <i>Apartment</i> <i>Auto service facility</i> <i>Entertainment facility</i> <i>Farmer’s market</i> <i>Hotels</i> <i>Hostel</i> <i>Institutional use</i> <i>Licensed premises</i> <i>Market garden</i> <i>Micro brewery, winery, distillery</i> <i>Mixed use building</i> <i>Motel</i> <i>Office</i> <i>Personal services</i> <i>Professional services</i> <i>Restaurant, major</i> <i>Restaurant, minor</i> <i>Parking lot/parking structure</i> <i>Retail, garden nursery</i> <i>Retail liquor outlet, major</i> <i>Retail liquor outlet, minor</i> <i>Retail, minor</i> <i>Retail, convenience</i> <i>UBrew/UVin</i> <i>Veterinary hospital</i> <i>Wholesale</i>
<b>2. Accessory Uses</b>		<i>Accessory buildings and structures</i> <i>Bingo hall</i>
<b>3. Lots Created by Subdivision</b>	Area, minimum	325.0square metres (3,600.0square feet)
	Frontage, minimum	9.0metres (29.7feet)
<b>4. Density</b>	Floor area ratio	2.0
	Building GFA, maximum	<i>Accessory buildings</i> shall have a combined floor area no greater than 100.0square metres (1,076.4square feet).
<b>6. Lot Coverage</b>	Coverage, maximum	75%

<b>7. Principal Buildings and Structures</b>	<i>Setbacks</i>	Front, minimum	0.0metres (0.0feet)
		Front, maximum	1.0metres (3.3feet) for a minimum of 75% of the <i>building</i> façade
		Rear, minimum	4.5metres (14.8feet)
		Side, minimum	0.0metres (0.0feet)
		Side, Exterior, minimum	0.0metres (0.0feet)
		Side, Exterior, maximum	1.0metres (3.3feet) for a minimum of 75% of the <i>building</i> façade
	Height, maximum	15.0metres (49.3feet)	
<b>8. Accessory Buildings and Structures</b>	<i>Setbacks, minimum</i>	Front	3.0metres (9.8feet)
		Rear	1.5metres (3.9feet)
		Side	1.5metres (3.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum	6.0metres (19.8feet)	
<b>9. Conditions of Uses</b>	<p>a) Fuel service pumps or pump islands shall be located a minimum of 4.5metres (14.8feet) from any property line.</p> <p>b) A <i>parking lot/parking structure</i> shall have non-<i>Commercial Uses</i> (excluding auto service facility), with a minimum depth of 10.0metres located between the <i>parking lot/parking structure</i> and the front <i>lot line</i> or exterior <i>lot line</i>.</p> <p>c) <i>Commercial uses</i> shall be located to the front of the property facing a <i>highway</i>.</p> <p>e) The principal entrance to a <i>building</i> must face a property line abutting a <i>highway</i>.</p> <p>f) On a <i>lot</i> where there is combined non-residential and <i>residential use</i>, all <i>dwelling units</i> shall:</p> <p style="margin-left: 20px;">i) be contained in the same <i>building</i> that contains the <i>principal use</i>; and</p> <p style="margin-left: 20px;">ii) have a separate entrance from the exterior.</p> <p>g) In the limited circumstances where a use may include a <i>shipping/cargo container</i>, the container must be clad in the same materials as the main <i>building</i>, and other measures taken to ensure integration into the site respecting the heritage character of the area.</p>		

**10. Additional Regulations**

- a) The ground floor of any *building* shall have a minimum floor-to-ceiling height of 4.2metres (13.8feet).
- b) *Outdoor storage* shall not be permitted except for the following uses:
  - i) *Farmers Market*; and
  - ii) *Market Garden*.
- c) *Shipping/cargo containers* are permitted located at the rear of the property:
  - i) to a maximum of 6.1metres (20feet) in length; and
  - ii) if placed only to supplement commercial storage requirements for *commercial uses* with limited storage space available within the *Principal Building*.
  - iii) *shipping/cargo containers* are not permitted if a *residential use* is located on the ground level located at the rear of the property.
- d) *Dwelling units* are permitted on the ground floor facing the rear *lane* only, except for an entry lobby providing access to the *dwelling units*. The entry lobby shall have a *frontage* less than 25% of the *building frontage*.
- e) Where residential and *commercial uses* are both located on the ground floor, the residential use shall not exceed 40% of the ground floor area.

End • VCMU-1

**From Zoning Bylaw No. 1027**

<b>Vacation Rental</b>	means the use of a <i>dwelling unit</i> to provide for the accommodation of the travelling public, established and operating in accordance with Section 4.14.
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**Section 4.14 (4.15 in text)**

4.15 Vacation Rental

- a) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the *vacation rental*.
- b) The use of a principal *dwelling unit* and *accessory dwelling units* are permitted to operate as *vacation rental* instead of the principal *residential use*.
- c) Meals may be provided to customers of a *vacation rental* operation only and not the public.
- d) Any person intending to operate a *vacation rental* shall hold a valid business license from the *Village*.