



## TOWN OF SIDNEY

### Report to Council

**TO:** Mayor & Council  
**FROM:** Kevin Webber, Planning Technician  
**DATE:** March 3, 2020 File No. 10502 Resthaven Drive (Land)  
**SUBJECT:** Development Permit Application No. DP100781  
Development Variance Application No. DV100274  
10502 & 10504 Resthaven Drive

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#### PURPOSE:

The purpose of this report is for Council to consider the Advisory Planning Commission's recommendation of February 18, 2020, for **Development Permit Application No. DP100781 and Development Variance Application No. DV100274** for the property located at **10502 and 10504 Resthaven Drive**.

#### DISCUSSION:

At the Regular Council meeting of February 24, 2020, Council considered the recommendations from the Advisory Planning Commission (APC) meeting of February 18, 2020, and made the following resolution regarding the above-referenced Development Variance application:

*That staff be directed to send out notices for the 3 requested variances for Development Variance Permit Application No. DV100274 (10502 and 10504 Resthaven Drive).*

*MOTION CARRIED UNANIMOUSLY*

The full recommendation provided by APC included additional items for Council to consider as conditions of approval of the Development Variance and Development Permit applications for the proposed development. Staff are providing those recommendations again here for Council's consideration, slightly renumbered from what appeared in the Council agenda package of February 24 due to Council's previous resolution on one item. Staff note that at the meeting of February 24, Council received for information a revised set of APC minutes differing from those included in the Council meeting agenda package. The order of recommendations made by APC on this development proposal are accurately reflected in the revised set of minutes that was received by Council at the meeting. Staff had reordered the recommendations appearing in the Council agenda package version of the minutes in order to correct a technical problem that would have resulted if the recommendations had been considered in the order given by APC at the meeting. The recommendations listed below are listed in the correct order by staff, the same as what appeared in the Council package of February 24, to ensure that the Development Variance will be considered for approval before the Development Permit is approved.

It is noted that recommendation 1.a is in reference to the requested variance to reduce the minimum rear setback of the detached accessory structure from the required 1.2 m (3.9 ft) to 0.9m (3 ft) to the rear lot line.

## **RECOMMENDATION:**

- 1. That Development Variance Application No. DV100274 ((to vary the requirements for an accessory building setback, number of adaptable units provided, and access aisle width) be approved subject to the following conditions:**
  - a. That the applicant redesign the accessory building to eliminate the canopy over the rear parking area in order to eliminate the need for a variance;**
  - b. That as conditions of approval of Development Variance Permit Application No. DV100274, the property owner shall:**
    - i. Prior to issuance of Building Permit, register a covenant on title specifying that the drive aisle accessing the rear parking area is to remain free of obstructions at all times,**
    - ii. Prior to issuance of Building Permit, register a restrictive covenant on the title of the property with the Town as a signatory, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age;**
    - iii. Prior to issuance of Building Permit, register a statutory right-of-way to allow for a portion of the public sidewalk to be located on the subject property;**
    - iv. Prior to issuance of Occupancy Permit, install a sign for vehicles exiting the site reading “Yield to Oncoming Traffic” as per the Memorandum from Watt Consulting Group dated March 8, 2019; and**
    - v. Install a 2.0 metre wide concrete sidewalk along the entire frontage of the property as part of the frontage works associated with this development; and**
- 2. That if Council authorizes the issuance of the Development Variance Permit Application No. DV100274, then Development Permit Application No. DP100781 (for the form and character of a two storey townhouse development containing 4 dwelling units) be brought before Council for consideration of approval with the following conditions:**
  - a. That the property owner be required to submit revised architectural and landscape plans addressing Development Permit Guidelines No. 20.3.21 (pedestrian walkway surface materials), No. 20.3.29 (utility kiosk and meter locations) and No. 20.3.34 (tree canopy over public sidewalks) to the satisfaction of the Senior Manager of Current Planning;**
  - b. That the property owner shall, prior to the issuance of Building Permit, pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development; and**
  - c. That if the protected Douglas fir tree on the neighbouring property at 10390 Patricia Place is not removed by the Town’s planned infrastructure work on sewer and storm mains in that area, then the applicant shall install tree protection fencing to the satisfaction of the Director of Engineering prior to commencing any site work and retain an Arborist to supervise any excavation within the root zone of the protected tree.**

Respectfully submitted,

I concur,

I concur,



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Kevin Webber  
Planning Technician



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Alison Verhagen, MCIP RPP  
Senior Manager of Current  
Planning



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Randy Humble MCIP, RPP  
Chief Administrative Officer

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