



COUNCIL REPORT

Direct Control Amendment Item: Residential

Electoral Division: 2

File: PL20230151 / 05707078

Date:	May 28, 2024		
Presenter:	Carter Shelton, Planner 1		
Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input checked="" type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The purpose of this report is to assess an amendment to the Direct Control Bylaw C-6688-2008 (DC-129), for Lot 78, Block 2, Plan 1810288 within SE-07-25-03-W05M to reduce the minimum side yard setback requirement from 2.13 metres (6.99 feet) to 0.62 metres (2.03 feet) to allow the existing landing/deck to remain. The applicable general regulations of the 1997 Land Use Bylaw (C-4841-1997) allows for decks to encroach into side yard setback requirements by 2.00 metres, but the resultant setback distance must remain at least 1.20 metres. The requested variance to 0.62 metres represents an approximately 48% variance to the 1.20 metre minimum distance restriction for decks. The subject landing/deck was constructed outside the scope of work on the approved plot plan, and the DC-129 amendment application is the result of a compliance review requested on the Real Property Report submitted by the applicant.

The subject parcel is located outside of a statutory area structure plan but within the Harmony Conceptual Scheme, specifically the Stage 1 Neighborhood Plan area; as such, the application was reviewed pursuant to the policies and regulations of the Municipal Development Plan (County Plan), the Harmony Conceptual Scheme, and *Direct Control Bylaw C-6688-2008* (DC-129).

The application was found to align with the overarching policy documents. The County Plan and Harmony Conceptual Scheme provide minimal policy guidance with respect to this specific proposal. The minor variance to the direct control district is required to bring the property into compliance; it does not impact the overall residential settlement pattern principles or conflict with the desired community design outcome of the Harmony Conceptual Scheme.

ADMINISTRATION'S RECOMMENDATION

THAT Bylaw C-8519-2024 be given first reading.

THAT Bylaw C-8519-2024 be given second reading.

THAT Bylaw C-8519-2024 be considered for third reading.

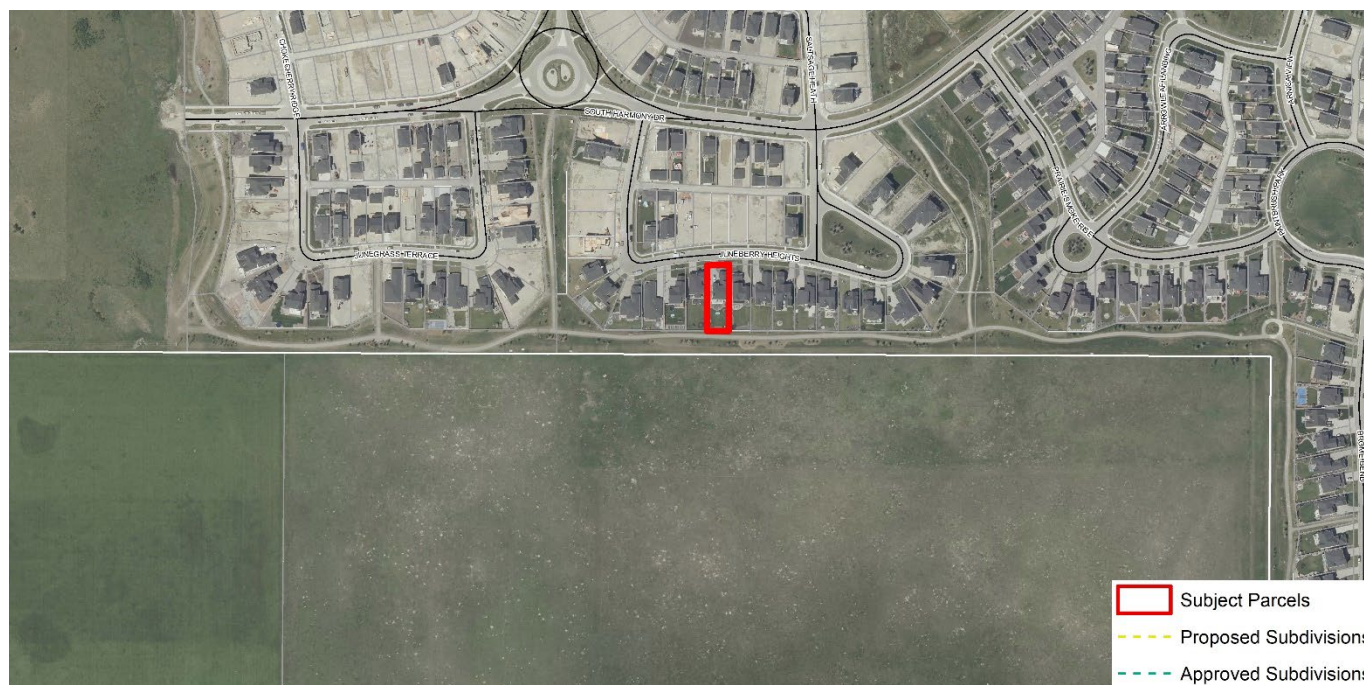
THAT Bylaw C-8519-2024 be given third and final reading.

Direct Control Amendment Item: Residential

BACKGROUND

Location (Attachment A)

Located in the hamlet of Harmony, south of South Harmony Drive, and south of Juneberry Heights.



Site History (Attachment B)

The subject lot was registered on February 1, 2018, with the Harmony Phase 3 Subdivision Plan no. 181 0288.

On July 26, 2018, building permits for the construction of the Dwelling, Single Detached were issued including building, electrical, plumbing, and gas related permits.

On February 13, 2024, Council approved amendments to Direct Control Bylaw DC-129 to allow the Development Authority the ability to grant a variance to each site's minimum front yard, side yard and rear yards by a maximum of 25%, so long as the variance would not materially interfere with or affect the use, enjoyment or value of a nearby parcel of land, or adversely affect property access, safety, or utility rights of way.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Landowner Circulation (Attachment D)

The application was circulated to 529 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support, while 1 letter in opposition was received.

Direct Control Amendment Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to Section 5.0 (Managing Residential Growth) and Section 9.0 of the County Plan guiding Hamlet development; the application was found to align with the goals and policies of the County Plan as the Hamlet is being developed in accordance with the Harmony Conceptual Scheme. The Harmony Conceptual Scheme supports development in accordance with the regulations of the Village Residential (VR-1) designation.

The application is the result of a compliance review of a real property report submitted; a landing was identified at a distance of 0.62m from the eastern property line, which encroaches into the minimum side yard setback requirement of 2.13m. Per the applicable regulations of *Direct Control Bylaw C-6688-2008* (DC-129) and Parts 1, 2, and 3 of the 1997 *Land Use Bylaw C-4841-97*, the structure is allowed to encroach into the minimum side yard setback requirement by up to 2.00m, but the resultant distance from structure to side property line must not be less than 1.20m. The proposed amendments represent a variance of 48% to maximum encroachment permitted by decks into side yard setbacks as stipulated in Part 3 (Section 38.2) of *Land Use Bylaw C-4841-97*. The landing/deck in question was not included in the plot plan for the original construction of the Dwelling, Single Detached.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications have been identified at this time.

STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

No alternative options have been identified for Council's consideration.

ATTACHMENTS

Attachment A: Map Set
Attachment B: Application Information
Attachment C: Application Referral Responses
Attachment D: Public Submissions
Attachment E: Policy Review
Attachment F: Proposed DC-129 Amendment Bylaw C-6688-2008 Redline