



REPORT TO THE ADVISORY PLANNING COMMISSION

DATE: September 22nd, 2025

REPORT: DEV 25-070

FROM: Adrian Smith, Planner

FILE: 3090-20/DV25-05

SUBJECT: Development Variance Permit DV25-05 for 3835 Third Avenue

RECOMMENDATIONS:

THAT the Advisory Planning Commission recommend that Council approve Development Variance Permit DV25-05, for 3835 Third Avenue, legally described as Lot 33 and Lot 34, Block 95, Plan PRP1054, District Lot 5289, Range 5, Coast Range 5 Land District, to vary the following sections Town of Smithers Zoning Bylaw No. 1987, as part of constructing an auxiliary building:

- a) Section 2.15.1 (b), by reducing the side yard setback of the auxiliary building from 1.2 m to 0.0 m; and
- b) Section 2.15.6 (i), by varying the combined floor area permitted for auxiliary buildings on a parcel of up to 580.4 m², from 60 m² to 137 m².

BACKGROUND:

Application: On August 28, 2025, the Town received a Development Variance Permit (DVP) application for a two-lot parcel of approximately 579 m², located at 3835 Third Avenue (**see Attachments 1 and 2**). The property currently features a 1950-built, 1.5-storey detached dwelling with a footprint of about 116 m². Additionally, there is a non-conforming auxiliary building that includes a shed/garage with a lean-to addition, which has a combined footprint of approximately 96 m². This structure covers the entire rear area of the parcel, extending to both the side and rear setbacks. The Shoppers Drug Mart parking lot is located lot to the east of the subject parcel while a chiropractic clinic is located to the west (see **Attachment 3**).

The Applicant recently bought the property with the intent to operate a home-based business that involves the consignment and repair of outdoor equipment. To support this, the Applicant's proposal is to demolish the existing shed/garage and build a new 137 m² single-storey auxiliary building. The proposed auxiliary building will contain a

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Dir/CS ☐	Dir/DS ☐	EC/DEV ☐	
EXEC. ASST ☐	Dir/OPS ☐	REC ☐	
HR ☐	Dir/COM ☐	BLDG INS ☐	
MAYOR ☐	AIRPORT ☐	PLANNER ☐	
COUNCIL ☐	FIRE ☐	WEBSITE ☐	

garage and fully enclosed workshop/ storage/ sales area as necessary to support the home occupation. As the proposed structure does not comply both with the maximum auxiliary building size and the minimum setback requirements established by the Town's Zoning Bylaw, a DVP is required prior to obtaining a Building Permit for its construction

Official Community Plan and Zoning: The subject property is designated Downtown Commercial/Residential in the Official Community Plan (OCP) and zoned C-1A Downtown Commercial (Residential Overlay) (see **Attachment 4 and 5**). The Downtown Commercial (Residential Overlay) zoning designation permits a range of residential principal uses on specified parcels in downtown core, while also permitting auxiliary commercial uses licensed under the home occupation category.

DISCUSSION:

The Applicant is requesting a DVP to build a new auxiliary building to accommodate the proposed home-based business. The proposed building must comply with section 2.15 Auxiliary Building, Uses, & Structures of the Town's Zoning Bylaw, while the proposed commercial operation must comply with Section 2.1 Home Occupations regulations established by the same bylaw (**see Attachment 6**). As per the Zoning Bylaw, home occupations must be subordinate to principal residential use on a parcel and shall be operated within an enclosed space with limited customer activity. The other requirements include incorporating measures to control noise, dust, and odour associated with equipment repair or finishing (e.g., solvents/paints), limiting operation hours as necessary to mitigate traffic impacts, and meeting the off-street parking requirements.

The proposed structure requires two variances from the Zoning Bylaw No. 1987.

- a) Section 2.15.1 (b), by reducing the side yard setback of the auxiliary building from 1.2 m to 0.0 m; and
- b) Section 2.15.6 (i), by varying the combined floor area permitted for auxiliary buildings on a parcel of up to 580.4 m², from 60 m² to 137 m². The proposed building size is necessary to provide garage parking to serve the principal residential use, and a workshop and consignment sales area as part of the home occupation.

In general, allowing variances involving 0.0 setbacks or larger building sizes, especially to support auxiliary commercial uses from residential zone parcels, have several implications from land use and fire safety perspectives. The main ones are:

- The proposed setback places the building right on the property line with the neighbouring lot, raising concerns regarding privacy, shading, and the neighbour's future ability to develop near the same boundary.
- Side setbacks are typically intended to provide separation for fire safety, drainage, and maintenance access. Therefore, reducing the side setback to zero may trigger additional building code or fire-rating requirements to mitigate the potential risk.

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- Where parking is insufficient, increased traffic arising from the auxiliary commercial use may lead to traffic safety, parking, and other nuisance issues.

Despite the above-listed potential drawbacks, staff support the proposed DVP for the following reasons:

- Given the subject property's location in the downtown core, surrounded by commercial uses on all sides, approval of the proposed variances is unlikely to have adverse land use impacts on the surrounding properties that are otherwise common in residential contexts.
- The downtown core context of the property supports the applicant's proposal for operating a home occupation of the proposed scale and type, ensuring better alignment with the high intensity land development envisioned for the downtown core. Demolishing and replacing the existing non-conforming auxiliary structure with the proposed structure offers an aesthetic and functional upgrade of the property while eliminating the existing safety issues.
- While the variance seeks a reduced 0.0 m side setback, the new building will introduce a 3.60 m rear setback from the lane, creating space for two off-lane parking stalls and the addition of two secure bicycle spaces. This improves site circulation compared to the current condition with zero setback and parking at the rear.
- The applicant estimates around six customers per day during limited hours (11:30 a.m. to 5:00 p.m., Wednesday to Saturday), resulting in approximately 1 vehicle trip per hour. Hence, operation of the proposed business from the subject location is not likely to increase lane traffic significantly.
- The proposal provides three on-site stalls—one enclosed garage stall and two parallel stalls off the rear lane—meeting the minimum off-street parking requirement in *Zoning Bylaw No. 1987* for a dwelling with a home occupation. In combination with secure bicycle parking, this supply is expected to accommodate parking demands on-site, minimize spillover, and advance OCP objectives for active transportation and downtown parking management.
- C-1A Downtown Commercial zone permits a 100% parcel coverage, or 0.0 setbacks for permitted structures. As such, the proposed variances for increased floor area and reduced setbacks align with the general character of the downtown core.
- The project supports OCP goals related to downtown vitality, mixed-use development, sustainability, and redevelopment of underutilized parcels. The applicant's home occupation business contributes to the local economy while reinforcing Smithers' small-town character.

Although the proposed upgrade will be exempt from the Form and Character Development Permit Area requirements (OCP Bylaw No. 1935, s.16.3.3), Staff encourage the applicant to incorporate design elements that complement the design characteristics of the principal building and are respectful of the broader Mountain-theme design framework.

POLICY CONSIDERATIONS / LEGISLATION:

OCP 6.2 Land Use Designations - Low Density Residential Development Section 6.2.1.1., Commercial Section 6.2.2 (Policies 1, 2 and 3), and Section 8.2 Strengthen and Diversify the Local Economy (Policy 9) all support the requested variances (**attachment 7**).

ENVIRONMENTAL / ACCESSIBILITY IMPLICATIONS:

Approval of the requested variances is not expected to create adverse accessibility impacts on the subject property or neighbouring parcels.

The environmental effect of adding two lane-access stalls depends largely on surface treatment and drainage. If constructed as a dust-free permeable surface with appropriate grading, the stalls can reduce runoff and improve on-site infiltration relative to conventional paving. On the positive side, the proposed development will support intensification of land uses in downtown core and thereby contributing to reduced GHG emissions and a compact downtown core.

CONCLUSION:

The Applicant proposes to replace the deteriorating auxiliary building with a durable, low-maintenance prefabricated steel structure on a concrete slab. The new building will provide a safe, functional space for both residential and business use, complementing the alley setting while maintaining the historic character of the dwelling at the front of the parcel. The proposed redevelopment represents a creative business solution that supports economic sustainability, land use and infrastructure efficiency, and downtown revitalization. Given the property's location in downtown core, approval of the requested variances is unlikely to result in adverse impacts on the surrounding neighbourhood. Hence, staff support the approval of the requested variances.

COMMUNICATIONS:

In compliance with the requirements of *Local Government Act*, Town of Smithers Development Procedures Bylaw, and Town of Smithers Public Notice Bylaw.

NEXT STEPS:

Contingent on the approval of the variance requested, the Applicant may obtain a Building Permit for the construction of the proposed building. As the auxiliary building will need to be located on the same lot as the principal building, the Applicant will be required to consolidate the two individual lots into one parcel.

ALTERNATIVES:

1. Require changes to the variance permit application.
2. Approve the Development Variance Permit with conditions
3. Deny the Development Variance Permit.

ATTACHMENTS:

1. Application DV25-05
2. Subject Property map
3. Ortho-images of the Property
4. C-1A Downtown Commercial Residential Overlay Zone Map
5. OCP & Zoning maps
6. Sections 2.1 and 2.15 Zoning Bylaw No. 1987
7. Relevant sections OCP Bylaw No. 1935

Respectfully submitted:



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Reviewed by:



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Submission approved by:



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