Town of Smithers

STAFF REPORT

DATE:	November 12, 2026	**REPORT:**	DEV 26-076
FROM:	Deepa Chandran, Manager of Planning and Climate Readiness	**FILE:**	3090-20/DV26-09
SUBJECT:	**DEVELOPMENT VARIANCE PERMIT APPLICATION DV26-09 FOR 1686 QUEEN STREET**		

RECOMMENDATION:

THAT the Advisory Planning Commission recommend that Council approve Development Variance Permit DV26-09 for the property at 1686 Queen Street, legally described as Lots 33-36 Block 146 Section 31 Township 4 Range 5 Coast District Plan 1054, to vary section 4.1.2 (Table 4.1) of the Town of Smithers Zoning Bylaw No. 1987, by reducing the rear yard setback of the existing principal building – which will be located on Lot A -- from 6.0 m to 1.4 m, as necessary to permit the proposed subdivision of the existing parcel into Lot A and Lot B.

BACKGROUND:

Application: On August 21, 2026, the Town of Smithers received a Preliminary Subdivision Application for 1686 Queen Street (see **Attachment 1**). The 4-lot parcel is located next to the Queen Street-Twelfth Avenue intersection and currently contains a single-detached dwelling straddling over two lots (see **Attachment 2**). The Applicant's proposal is to subdivide the existing 1,494 m^2-parcel into two -- Lot A, which will be 1,034 m^2 in area and contain the existing principal and an auxiliary structure, and Lot B, which will be 460 m^2 in area and available for future residential development. The proposed subdivision conforms to the minimum parcel size and width requirements established by the Town's Zoning Bylaw and the statutory access and minimum highway frontage requirements established by the provincial legislation. The proposed subdivision will change the street orientation of the proposed lots, and therefore the setback considerations, creating new non-conformity in terms of the rear yard setback with regard to the existing principal structure. As new subdivisions must not create new non-conformities, obtaining a Development Variance Permit (DVP) was identified as a Preliminary Subdivision Review (PSR) letter requirement. Consequently, on September 16, 2026, the subdivider submitted the subject DVP application to the Town requesting to reduce the required rear yard setback from 6.0 m to 1.4 m (see **Attachment 3**). Approval of the DVP is necessary for the applicant to proceed to the final subdivision application process.

OCP& Zoning: The subject property is designated Low Density Residential in the Town of Smithers Official Community Plan (OCP) Bylaw No. 1935 and zoned LDR-1 Low Density Residential in the Town of Smithers Zoning Bylaw No. 1987 (see **Attachment 4**).

DISCUSSION:

At the local government level, Zoning Bylaws regulate land use by establishing zones, specifying permitted uses and development standards, while servicing standards may be established by a single or multiple related bylaws. Section 498 of the Local Government Act enables local governments to issue DVPs, where a development cannot meet the established development and servicing requirements.

As per the Town's Zoning Bylaw No. 1987, where a parcel is contiguous to an intersection, the front parcel line is the shorter of the parcel lines. Currently, the parcel line fronting Queen Street forms the front parcel line while Twelfth Avenue faces the exterior side parcel line, and the rear lane abuts the interior parcel line. The existing principal building conforms to the minimum setback requirements established for the LDR-1 zone (see **Attachment. 5**). The subdivision will result in lot-reorientation, changing the existing side setback to rear setback. Consequently, Twelfth Avenue will form Lot A's new front parcel line, with Queen Street serving as the new exterior parcel line. Once subdivided, the principal structure on Lot A will only have a rear yard setback of 1.4 m from the abutting lane, well below the 6.0 m minimum rear yard setback established for the LDR-1 Zone parcels, requiring a DVP approval prior to proceeding to final subdivision process. The changed lot orientation will not have impacts on the proposed Lot B as it is currently vacant, with only one street frontage (see **Attachment 6**).

Staff support the applicant's request to vary s. 4.2.1 (Table 4.1) Town of Smithers Zoning Bylaw No. 1987 for the following reasons:

a) Changed setback will not have any adverse impacts on fire safety, emergency access, and utility / servicing considerations.
b) As the structure is already existing, approval of the variance request will not have adverse impacts on the form and character of the neighbourhood;
c) As per the Zoning Bylaw, lanes are not regarded as primary access, and hence not considered while assessing traffic safety visibility. Therefore, the variance approval will not have adverse traffic safety impacts;
d) The request triggered by the subdivision application is merely technical or administrative in nature, with no changes proposed to the residential function and land use intensity of Lot A;
e) Approval of the DVP request will enable the creation of a new parcel for future residential development, supporting the OCP goals intended to accommodate housing creation through infill development in serviced areas close to amenities.

RESOURCE CONSIDERATIONS:

While the proposed Lot A is already serviced, the developer will be responsible for covering costs associated with servicing the proposed Lot B. The DVP approval will not have any financial implications on the Town.

LEGISLATION / POLICY CONSIDERATIONS:

Sections 5.2 Land use (policy 2), 7.2 Housing Diversity and Flexibility (policies 32 and 6) and 7.3 Housing Affordability and Availability (policy 1) support the proposed development, and hence, the approval of the requested variances (see **Attachment 7**). As the development aims to create special need housing in the community, approval of the DVP also aligns with the Smithers Housing Needs Report recommendation as well.

ASSET MANAGEMENT IMPLICATIONS:

Not Applicable.

CONNECTION TO STRATEGIC PRIORITIES:

The proposal aligns with the following Strategic Priority of Town Council for 2023-26:

- **Community Livability – Housing Affordability and Diversity**. Strive for adequate, appropriate, and diverse housing for all.

ENVIRONMENTAL CONSIDERATIONS:

Approval of the variance will not have any adverse environmental implications. Creating an additional parcel for future residential development through infill development of a underutilized parcel close to amenities and infrastructure supports the principles of efficient infrastructure and land use

COMMUNICATIONS:

Notification and communication for this application will be undertaken in accordance with the requirements of the Local Government Act, the Town of Smithers Development Procedures Bylaw, and the Town of Smithers Public Notice Bylaw.

ACCESSIBILITY CONSIDERATIONS:

Approval of the requested variance is not anticipated to result in any adverse accessibility impacts on the subject property or neighbouring parcels.

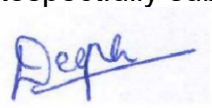
ALTERNATIVES / OPTIONS:

1. Approve the DVP application with conditions.
2. Deny the DVP application; or
3. Another option as determined through Council discussion and motion.

ATTACHMENTS:

1. DEV 26-082 Attach 1. Subdivision Plan
2. DEV 26-082 Attach 2. Subject Property Map
3. DEV 26-082 Attach 3. Application DV26-09
4. DEV 26-082 Attach 4. OCP & Zoning maps
5. DEV 26-082 Attach 5. LDR-1 Zone Regulations
6. DEV 26-082 Attach 6. Ortho-images
7. DEV 26-082 Attach 7. Relevant sections OCP Bylaw No. 1935

Respectfully submitted:



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Reviewed by:

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Approved for Submission:

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Chief Administrative Officer