



BOARD REPORT

TO:

Chair and Directors

File No: DVP 2000-74
PL2018085

SUBJECT:

Electoral Area E: Development Variance Permit No. 2000-74 (Riddoch)

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated June 29, 2018.

643 Swansea Point Road, Swansea Point

RECOMMENDATION:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 2000-74 for Lot 10, Section 11, Township 21, Range 8, W6M, Plan 13300, varying Rural Sicamous Land Use Bylaw No. 2000, as follows:

Section 2.12(2)(d) Minimum setback from:

- Interior side parcel boundary from 2 m to 0.5 m for the shed on skids;
- Exterior side parcel boundary from 4.5 m to 2.73 m for the deck attached to the accessory building and to 3.47 m for the single family dwelling;
- Rear parcel boundary from 4.5 m to 0.71 m for the shed on skids, to 0.76 for the shed on cinder blocks, and to 4.42 m for the accessory building,

be approved for issuance this 19th day of July, 2018.

SHORT SUMMARY:

The Board last reviewed this property at its December 2, 2016 Board meeting as a bylaw amendment application (BL2067). The original proposal was for a site specific amendment that would recognize the existing uses on the property including a single family dwelling, RV trailer, and bunkhouse as well as permit variances to various setbacks of some of the buildings.

The Board gave second reading of BL2067 at the December 2nd Board meeting and delegated a public hearing, however, staff recommended to the Board that prior to scheduling a public hearing, the owners would need to submit to staff an assessment from a qualified professional for connection of the RV trailer to the existing septic system on the property. Over the last year and a half the owners strove to meet this requirement but were unable to do so and therefore, decided to remove the RV trailer from the property and decommissioned the bunkhouse.

With these changes, the property is no longer in contravention regarding uses and maximum number of dwellings permitted; the owners withdrew their bylaw amendment application. Some of the buildings on the property still have setback issues and so a Development Variance Permit (DVP) file was opened to address the setbacks.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:**OWNERS:**

Donald and Beverly Riddoch

ELECTORAL AREA:

E (Swansea Point)

CIVIC ADDRESS:

643 Swansea Point Road

LEGAL DESCRIPTION:

Lot 10, Section 11, Township 21, Range 8, West of the 6th Meridian, Plan 13300

PID: 003-173-038

SIZE OF PROPERTY:

0.161 ha

SURROUNDING LAND**USE PATTERN:**

NORTH: residential

SOUTH: Swansea Point Road, residential

EAST: Swanson Road, residential

WEST: residential

DESIGNATION:

Rural Sicamous Land Use Bylaw No. 2000

LD – Low Density Residential

ZONE:

Rural Sicamous Land Use Bylaw No. 2000

RS –Single and Two Family Residential

CURRENT USE:

Single family dwelling and accessory buildings

PROPOSED USE:

Single family dwelling and accessory buildings

SITE COMMENTS:

The subject property currently has a single family dwelling, garage, and a few accessory buildings located on the property. The property is a corner lot with access from Swansea Point Road and Swanson Road.

POLICY:

Rural Sicamous Land Use Bylaw No. 2000

Bylaw No. 2000 currently designates the subject property Single and Two Family Residential, and contains the following information with respect to this designation:

1.4.1(f) The Single and Two Family Residential, and Mobile Home Park OCP designations provide for higher density residential development if community water and community sewer services are provided.

Swansea Point Area

1.4.3(d) Concerns with changes in OCP designation in this area include (i) maintaining sustainability of onsite water supply and sewage disposal systems and protection from the need for a community water system or a community sewer system, (ii) maintaining compatibility between the residential and commercial land uses, (iii) maintaining public access to and along the foreshore, (iv) protection from natural hazards and (v) community character considerations.

2.12 RS - Single and Two Family Residential Zone

The subject property is zoned RS - Single and Two Family Residential in Bylaw No. 2000.

(1) The permitted uses in the RS zone are bed and breakfast, permitted on a parcel 4,000 m² (0.99 ac.) or larger in area, cottage, permitted on a parcel 6000 m² (1.48 ac.) or larger in area, home business, place of religious worship, single family dwelling, permitted where there is no two family dwelling on the parcel, two family dwelling, permitted on a parcel 6,000 m² (1.48 ac.) or larger in area and where there is no single family dwelling or cottage on the parcel, accessory use.

(2) Regulations

- | | |
|----------------------------------------------------------|-------------------|
| (a) Maximum number of single family dwellings per parcel | 1 |
| (b) Maximum number of two family dwellings per parcel | 1 |
| (c) Maximum number of cottages per parcel | 1 |
| (d) Minimum setback from: | |
| • front parcel boundary | 4.5 m (14.76 ft.) |
| • interior side parcel boundary | 2 m (6.56 ft.) |
| • exterior side parcel boundary | 4.5 m (14.76 ft.) |
| • rear parcel boundary | 4.5 m (14.76 ft.) |

DEVELOPMENT VARIANCE PERMIT:

Section 2.12(2)(d) Minimum setback from:

- Interior side parcel boundary from 2 m to 0.05 m for the shed on skids;
- Exterior side parcel boundary from 4.5 m to 2.73 m for the deck attached to the accessory building and to 3.47 m for the single family dwelling;
- Rear parcel boundary from 4.5 m to 0.71 m for the shed on skids, to 0.76 for the shed on cinder blocks, and to 4.42 m for the accessory building.

See "DVP2000-74.pdf"

FINANCIAL:

This application is the result of bylaw enforcement action. If the Board does not approve this DVP, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

The owners originally applied for a bylaw amendment to recognize a permanent RV trailer and bunkhouse located on the property in addition to the existing single family dwelling. The owners have since removed the RV and decommissioned the bunkhouse, and therefore, no longer require a bylaw amendment.

There are still setback issues for some of the buildings on the property which are the subject of this DVP application.

Ministry of Transportation has issued a "Permit to reduce building setback less than 4.5 m from the property line fronting a provincial public highway" for the setback encroachments of the deck attached to the accessory building and single family dwelling abutting Swanson Road.

The shed on skids was placed on the property in 2014 by the current property owner. There is a thick hedge of mature trees located along the interior side parcel boundary between the subject property and the neighbouring property to the west that provides a buffer and minimizes any potential visual impact of the shed on skids to the neighbouring property. The single family dwelling on the neighbouring property is located near the front (south) of the parcel and away from the location of the shed on skids.

The shed on cinder blocks was placed on the property pre 2007 (prior to the current owners purchasing the property); both the shed on skids and shed on cinder blocks are less than 1 m from the rear parcel boundary, including overhang. Both sheds are used for storage and do not have any human habitation. The neighbouring property to the north does not have any buildings located along this parcel line near the sheds and if any buildings were placed in future, they would have to meet the 4.5 m rear parcel line setback requirement for the parcel to the north and the 2 m interior side parcel line setback requirement for the parcel to the west.

Since the shed on skids and the shed on cinder blocks are on temporary foundations it may be possible for them to be moved to comply with the setbacks requirements of the RS zone; 4.5 m from the rear parcel boundary (north lot line) and 2.0 m from the interior parcel boundary (west lot line).

SUMMARY:

Development Services staff are recommending DVP 2000-74 be issued for the following reasons:

- The setback variance for the single family dwelling is considered minor;
- Ministry of Transportation has issued a setback permit for the deck and single family building setbacks encroaching on the exterior side parcel boundary and are adjacent to a road;
- There are no buildings with human habitation located near the two sheds located on the subject property and so human safety should not be a concern; and
- There is a mature tree hedge located along the interior side parcel boundary (west lot line of the subject property) that provides a visual buffer to the parcel to the west.

IMPLEMENTATION:

If the Board issues DVP 2000-74, the existing buildings will be in compliance with Bylaw No. 2000 zoning regulations. The documentation will be forwarded to Land Title Office for registration on the title of the subject property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties have had an opportunity to provide comments regarding this application prior to the Board meeting.

DESIRED OUTCOMES:

Endorse staff recommendation and approve issuance of DVP 2000-74.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

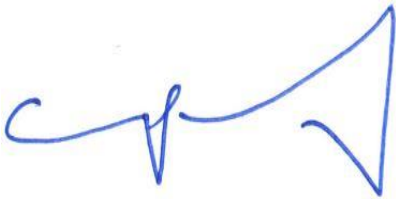
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Rural Sicamous Land Use Bylaw No. 2000
2. Ministry of Transportation and Infrastructure Setback Permit

Report Approval Details

Document Title:	2018-07-19_Board_DS_DVP2000-74_Riddoch.docx
Attachments:	- DVP2000-74.pdf - Maps_Plans_Photos_DVP2000-74.pdf
Final Approval Date:	Jul 9, 2018

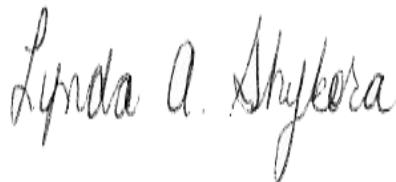
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jul 5, 2018 - 4:32 PM



Gerald Christie - Jul 6, 2018 - 8:48 AM



Lynda Shykora - Jul 9, 2018 - 2:11 PM



Charles Hamilton - Jul 9, 2018 - 4:10 PM