



BOARD REPORT

TO:

Chair and Directors

File No: DVP900-05 PL20180119

SUBJECT:

Electoral Area C: Development Variance Permit No. 900-05 (Finz Resort)

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated July 24, 2018.
2001 Eagle Bay Road, Blind Bay.

RECOMMENDATION:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 900-05 for the following:

- Lot 1, Sections 17 and 20, Township 22, Range 10, W6M, KDYD, Plan EPP51931;
- District Lot 6021, Kamloops Division, Yale District, being that portion of Crown Land in Shuswap Lake adjacent to the above-noted property and tenured to Finz Resort Inc.; and,
- District Lot 5974, Kamloops Division, Yale District, being that portion of Crown Land in Shuswap Lake adjacent to the above-noted property and tenured to Finz Resort Inc.;

varying Lakes Zoning Bylaw No. 900, as follows:

Section 4.13.2(c) : Minimum setback of a floating or fixed dock from the side *parcel* boundaries of that *waterfront parcel*, projected onto the *foreshore* and water from 5 m (16.4 ft) to 3.15 m (9.84 ft);

be approved for issuance this 16th day of August, 2018.

SHORT SUMMARY:

The subject property is located in the Blind Bay area of Electoral Area C at 2001 Eagle Bay Road. Finz Resort would like to replace the existing group moorage facility with a new dock, which is proposed to be situated 3.15 m from the north side property line, whereas Lakes Zoning Bylaw No. 900 requires 5 m.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:**REGISTERED OWNER:**

Finz Resort Inc.

ELECTORAL AREA:

C

CIVIC ADDRESS:

2001 Eagle Bay Road, Blind Bay

LEGAL DESCRIPTION:

- Lot 1, Sections 17 and 20, Township 22, Range 10, W6M, KDYD, Plan EPP51931
- District Lot 6021, Kamloops Division, Yale District, being that portion of Crown Land in Shuswap Lake adjacent to the above-noted property and tenured to Finz Resort Inc.; and,
- District Lot 5974, Kamloops Division, Yale District, being that portion of Crown Land in Shuswap Lake adjacent to the above-noted property and tenured to Finz Resort Inc.

SURROUNDING LAND USE PATTERN:

North: Residential

South: Residential

East: Vacant Crown Land

West: Shuswap Lake

ZONING:

FC3 – Foreshore Commercial 3 – Special Regulation

POLICY:**Electoral Area C Official Community Plan Bylaw No. 725**

This parcel is located within the Electoral Area C Official Community Plan Bylaw No. 725 area that establishes Development Permit Areas. A Development Permit is not required for a Commercial Marina Dock.

Lakes Zoning Bylaw No. 900

Foreshore Commercial 3

4.13.2 Regulations (b) Site Specific Density:

- For the surface of the lake adjacent to Lot 1, Sections 17 and 20, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan EPP51931, the maximum number of berths is 110, none of which can be used to berth a houseboat. {Finz Resort}

4.13.2 Regulations (c) Location and Siting

The minimum setback of a *floating or fixed dock, private mooring buoy or boat lift* is as follows:

- 5 m (16.4 ft) from the side *parcel* boundaries of that *waterfront parcel*, projected onto the *foreshore* and water.
- 6 m (19.69 ft) from a Foreshore Park (FP) zone or *park side parcel* boundaries projected onto the *foreshore* and water.

FINANCIAL:

There are no financial implications to the CSRD with this application.

KEY ISSUES/CONCEPTS:

The CSRD Board at their December 1, 2017 regular meeting adopted Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21, which amended the site specific density for the Finz marina dock from 55 berths to a maximum of 110. Plans submitted with the new dock design indicated a setback from the north side parcel line of 3.15 m, but the bylaw requirement is a 5 m setback. As a result the owner has applied for this Development Variance Permit to reduce the side setback for the dock from 5 m to 3.15 m.

SUMMARY:

Development Services staff are recommending DVP900-05 be issued for the following reasons:

- The neighbouring property owner to the north who will be most impacted by the proximity of the dock to his property does not have an issue with the proposed variance;
- The public had no concerns with respect to the setback in relation to BL900-21 for the expanded dock facility; and,
- The reduced proximity to the north property line moves the dock as far as possible from neighbouring property owners water intake lines, which encroach into the Finz Resort Crown Tenure described as DL 5974.

IMPLEMENTATION:

If the Board issues DVP 900-05, the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (MFLNRORD) will be advised and a permit to construct the replacement dock facility can be issued by that Ministry, in accordance with the plans which were submitted to the CSRD for the approval of Bylaw No. 900-21. 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 DVP900-05.

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. Electoral Area C Official Community Plan Bylaw No. 725
2. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2018-08-16_Board_DS_DVP900-05_Finz.docx
Attachments:	- DVP900-5.pdf - Maps_Plans_DVP900-05.pdf
Final Approval Date:	Jul 30, 2018

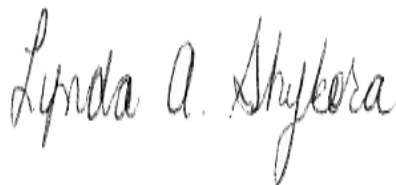
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator Tommy Test

Corey Paiement - Jul 27, 2018 - 2:44 PM



Gerald Christie - Jul 30, 2018 - 9:13 AM



Lynda Shykora - Jul 30, 2018 - 1:48 PM



Charles Hamilton - Jul 30, 2018 - 2:02 PM