



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DP725-156  
PL20180000145

**SUBJECT:** Electoral Area C: Development Permit No. 725-156 (Vandekerkhove)

**DESCRIPTION:** Report from Erica Hartling, Development Services Assistant, dated October 29, 2018.  
3974 Sunnybrae-Canoe Pt Road, Tappen, BC

**RECOMMENDATION:** THAT: in accordance with Section 490 of the Local Government Act Development Permit No. 725-156 (Vandekerkhove), on Lot A, Section 12, Township 21, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 4927, except part lying east of the line drawn parallel to and perpendicularly distant 60 feet west from the easterly boundary of said lot, be approved for issuance this 15<sup>th</sup> day of November, 2018.

## SHORT SUMMARY:

The subject property is located in Sunnybrae in Electoral Area C and is waterfront to Shuswap Lake. The upland property owner has an existing dock and two private mooring buoys located in the bay. This past spring, the owner moved one of the existing buoys to a location that was not in compliance with Lakes Zoning Bylaw No. 900 (Bylaw No. 900); outside of the subject property's Foreshore Residential 1 (FR1) zone into the Foreshore Water (FW) zone. As the FW zone does not permit moorage, the owner has proposed to relocate the buoy back within the FR1 zone. Further, the owner has applied to also recognise the location and use of the other existing buoy and the floating dock. Due to siting constraints from other existing foreshore structures (private mooring buoys) and the shape of the bay, the proposed locations of the two buoys do not meet the FR1 zone 5 m side setback from the side parcel boundaries of the subject property projected onto the foreshore and water. As such, the owner has applied for a Foreshore and Water Development Permit (DP) with a siting variance for the two private mooring buoys from a 5 m to 0 m setback and to be sited in front of another waterfront property's foreshore.

---

<b>VOTING:</b>	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
----------------	-------------------------	--------------------------	-----------------------------	-------------------------------------	-----------------------	--------------------------	---------------------------	--------------------------

---

## BACKGROUND:

REGISTERED OWNER:  
Robert and Colleen Vandekerkhove

APPLICANT:  
Robert and Colleen Vandekerkhove

ELECTORAL AREA:  
C

**LEGAL DESCRIPTION:**

Lot A, Section 12, Township 21, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 4927, except part lying east of the line drawn parallel to and perpendicularly distant 60 feet west from the easterly boundary of said lot

**PID:**

010-422-170

**CIVIC ADDRESS:**

3974 Sunnybrae-Canoe Pt Road, Tappen, BC

**SURROUNDING LAND USE PATTERN:**

North = Residential and mobile home park

South = Shuswap Lake

East = Residential

West = Strata Residential

**CURRENT USE:**

Residential upland and an existing dock and two private mooring buoys in the foreshore.

**PROPOSED USE:**

No change to the current use. The proposal is to recognise the existing uses of a floating dock and two private mooring buoys. One of the buoys will be relocated to the FR1 zone, and the two buoys require a variance to the FR1 setback regulation.

**PARCEL SIZE:**

0.22 HA | 0.55 Acres

**PARCEL LAKE BOUNDARY LENGTH:**

34.6 m (113.5 ft.)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

RR - Rural Residential

**ZONE:**

Land = N/A No Zoning

Foreshore = Lakes Zoning Bylaw No. 900

FR1 - Foreshore Residential 1

**SITE COMMENTS:**

See "Maps\_Plans\_DP725-156.pdf" attached.

A site visit was not conducted for this Board Foreshore and Water Development Permit application. Staff are familiar with the bay as a result of amendment BL900-22 that was approved September 20, 2018. The subject property owner has provided information on the upland property use, which includes: a single family dwelling, guest cabin, and a multi-purpose storage shed/bunk room. The owner purchased the upland property in 1991, which was sold with two existing private mooring buoys in the

water. The owner installed the existing dock and anchor in the adjacent foreshore area of Shuswap Lake in 2005. The subject property owner has provided the CSRD with a site plan of the dock and two buoys, along with setbacks and GPS coordinates. Staff have updated a dock and buoy site plan with the data that the owner provided, see site plan included in the attached "Maps\_Plans\_DP725-156.pdf".

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

See "BL725\_Excerpts\_DP725-156.pdf" attached

- Section 2.3 Shoreline Environment
- Section 3.7 Foreshore Water
- Section 12.2 Foreshore and Water Development Permit Area

**Lakes Zoning Bylaw No. 900****4.4 FR1 – Foreshore Residential 1**Permitted uses

- (a) Floating dock, including removable walkway, that is accessory to a permitted use on an adjacent waterfront parcel.
- (b) Private mooring buoy(s) that is accessory to a permitted use on an adjacent waterfront parcel.
- (c) Boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

Density - maximum number of docks and private mooring buoys

Dock: 1 floating dock per adjacent waterfront parcel.

Private mooring buoys:

- 2 per adjacent waterfront parcel having a lake boundary length 30 m (98.43 ft.) or more.

Size - of dock and walkway

- Floating dock must not exceed 24 m<sup>2</sup> (258.33 ft<sup>2</sup>) in total upward facing surface area (not including removable walkway).
- Floating dock surface must not exceed 3 m (9.84 ft) in width for any portion of the dock.
- Removable walkway surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway

Location and Siting - of dock, private mooring buoys or boat lifts

- 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.

Additional setbacks for private mooring buoys:

- 20 m (65.62 ft) from any existing structures on the foreshore or water.

**Development Services Procedures Bylaw No. 4001****Section 9.0 Processing Applications for Permits and Flood Plain Exemptions**

- The Board approves Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of Part 26 of the Local Government Act, when such a variance would exceed what is allowed under the bylaw by more than 10%.

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

The existing dock is smaller than the maximum 24 m<sup>2</sup> permitted dock surface area and is setback more than 5 m from both of the side parcel boundaries of the subject property projected onto the foreshore and water. The existing floating dock measures 9.5 m (31.17 ft.) x 2.4 m (7.87 ft.) with a surface area of 22.8 m<sup>2</sup> (245.42 ft<sup>2</sup>) in size and a width of 2.4 m (7.87 ft.). The existing associated walkway is 1 m (3.28 ft.) x 6.5 m (21.33 ft.), with a width of 1 m (3.28 ft.).

The owner has applied for a DP to recognise the subject property's floating dock and two private mooring buoys within the FR1 zone, which are permitted uses and densities for the subject property. This past spring, the owner moved one of the existing buoys out into the FW zone, which does not permit moorage. The owner has applied to relocate the buoy back within the FR1 zone, however there is limited space due to the shape of the bay (projections of lot lines) and the location of other existing private mooring buoys. As such, the two private mooring buoys require a variance from the 5 m side setback (measured from the east side parcel boundary of the subject property projected onto the foreshore and water) to a 0 m setback and to be sited in front of another waterfront property's foreshore, specifically located as shown on the site plan labelled with the GPS coordinates. See attached "Maps\_Plans\_DP725-156.pdf".

For further background information, the neighbouring property to the west of the subject property recently received Board approval (September 20, 2018) for Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22 and received issuance of a Foreshore and Water DP (DP725-155). The neighbouring property's foreshore was rezoned from an FR1 zone to a Foreshore Multi-Family 2 (FM2) zone and approved for a site specific density of 7 private mooring buoys within the FM2 zone. Bylaw No. 900 zone boundaries currently only extend 200 m into Shuswap Lake in this area. The neighbouring property was approved to extend the FM2 zone boundary 250 m into Shuswap Lake to include all 7 existing private mooring buoys. This approval extended the FM2 zone 50 m into the FW zone and the current subject property's buoy that was located within the FW zone is now located within the neighbouring property's FM2 zone boundary. Neither the FW nor FM2 zone permits the installation of additional private mooring buoys. As previously noted, the subject property owner has proposed to relocate the buoy back within the FR1 zone, which will be installed at least 20 m away from all existing neighbouring buoys. The neighbouring property's FM2 zone boundary width was also extended out to include the 7 private mooring buoys that were existing and located in the foreshore in front of the neighbouring and subject property. The FM2 zone boundary limits the area where the subject property's buoy can be relocated, while still meeting all required setbacks for private mooring buoys under Bylaw No. 900. All properties located along this bay may likely require a Development Permit with a variance to the FR1 5 m side setback if proposing to install a private mooring buoy, due to the shape of the bay and the location of existing foreshore structures (existing private mooring buoys).

The proposed siting of the subject property's two private mooring buoys will meet the 20 m setback regulation from all existing structures (private mooring buoys) located in the foreshore but also take up foreshore space in front of two neighbouring properties to the east. These two subject neighbouring properties located at 3980 & 3984 Sunnybrae-Canoe Pt Rd have been mailed a notification of Development Permit No. 725-156 and given the opportunity to provide written comments regarding this application prior to the Board Meeting. If these two neighbouring properties wish to install a new buoy or relocate an existing buoy(s), then they will also need to apply to the CSRD for a DP and locate the

buoy at least 20 m away from all existing structures in the water; either proposing to meet the FR1 zone 5 m setback regulation or apply for a DP with a setback variance (similar to the subject application). Staff does not know the ownership of all of the buoys in the bay and will work with the neighbouring waterfront property owners, subject to Bylaw No. 900 regulations, if they wish to install or relocate a permitted buoy(s).

**SUMMARY:**

The owner has applied to the Board for a Development Permit with variance to recognise a dock and two private mooring buoys on the foreshore near the subject property. The proposal includes a request to vary the east side parcel boundary setback from 5 m to 0 m for the two existing private mooring buoys and for each to be located in front of another waterfront property's foreshore as shown on the attached site plan labelled with the GPS coordinates.

DS staff is recommending DP725-156 be issued for the following reasons:

- The subject property's existing dock and two private mooring buoys are permitted uses in the FR1 zone.
- The floating dock meets the density, siting, and size under the FR1 zone.
- The subject property has limited space to relocate one of the two private mooring buoys due to the shape of the bay, neighbouring buoys, and the neighbouring FM2 and FW zone boundaries.
- The two private mooring buoys will be 20 m away from all existing structures/buoys in the water and will be tagged with the proper identification.

**IMPLEMENTATION:**

If the Board approves the Foreshore and Water Development Permit, the owner will be notified and notice of a Development Permit will be registered on the title of the property.

**COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide written comments regarding this application prior to the Board Meeting. Copies of the written submissions are provided to the Board of Directors.

The Electoral Area C Advisory Planning Commission (APC) reviewed the Development Permit application at their October 22, 2018 meeting. The APC members noted that they are familiar with this bay, as there have been other items in the immediate area that they have reviewed. The owner was in attendance and outlined what they have done in researching and preparing a solution for the crowding around their deep water buoy and their solution for the buoy is to move it 20 m northeast of its present location. The APC unanimously passed a resolution in support of the application.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

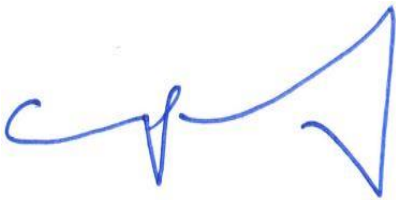
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area C Official Community Plan Bylaw No. 725
2. Lakes Zoning Bylaw No. 900
3. Development Services Procedures Bylaw No. 4001
4. APC C Minutes

**Report Approval Details**

Document Title:	2018-11-15_Board_DS_DP725-156_Vanderkhove.docx
Attachments:	- DP725-156.pdf - BL725_Excerpts_DP725-156.pdf - Maps_Plans_DP725-156.pdf
Final Approval Date:	Nov 2, 2018

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



**Corey Paiement - Nov 1, 2018 - 1:13 PM**



**Gerald Christie - Nov 2, 2018 - 8:53 AM**

**No Signature - Task assigned to Lynda Shykora was completed by assistant Jennifer Sham**

**Lynda Shykora - Nov 2, 2018 - 9:35 AM**



**Charles Hamilton - Nov 2, 2018 - 10:27 AM**