

BOARD REPORT

TO: Chair and Directors

File No: BL 800-29

FROM: Jennifer Sham
Planner

Date: September 30, 2016

SUBJECT: Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29

RECOMMENDATION: THAT:
"Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29" be read a first time this 20th day of October 2016;

AND THAT:
the Board utilize the simple consultation process for Bylaw No. 800-29 and it be referred to the following agencies and First Nations:

- Area 'F' Advisory Planning Commission;
- Interior Health;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Ministry of Forests, Lands and Natural Resource Operations - Archaeology Branch;
- CSRD Operations Management;
- School District #83; and
- Relevant First Nations Bands and Councils.

APPROVED for Board Consideration: _____

Meeting Date: October 20, 2016

Charles Hamilton, CAO

SHORT SUMMARY:

The property is located at 6956 Casabello Road in Magna Bay, and is adjacent to Shuswap Lake. The proposal is to build a 57.9 m² over-height garage, within the interior side parcel boundary setback area, on the subject property. Further, with the construction of this garage, in addition to the existing buildings on the property, the parcel coverage will exceed the maximum of 25%. This bylaw amendment includes the following variances:

- Setback from the interior side parcel boundary line from 2 m to 1.39 m (to the eaves);
- Maximum parcel coverage from 25% to 30%; and,
- Maximum height of an accessory building from 6 m to 7.72 m.

VOTING: Unweighted Corporate Weighted Corporate Stakeholder
(Weighted)

LGA Part 14
(Unweighted)

BACKGROUND:

PROPERTY OWNERS:	Delbert and Shannon Schneider
ELECTORAL AREA:	'F' (Magna Bay)
CIVIC ADDRESS:	6956 Casabello Road, Magna Bay
LEGAL DESCRIPTION:	Lot 3, Section 17, Township 23, Range 9, West of the 6 th Meridian, Kamloops Division Yale District, Plan 3465
SIZE OF PROPERTY:	0.08 ha
SURROUNDING LAND USE PATTERN:	NORTH: Casabello Road, Residential, Agriculture SOUTH: Shuswap Lake EAST: Residential WEST: Residential
CURRENT OCP DESIGNATION:	WR – Waterfront Residential
PROPOSED OCP DESIGNATION:	WR – Waterfront Residential
CURRENT ZONING:	RS - Residential
PROPOSED ZONING:	RS – Residential, with site specific regulations
LAKES ZONING:	FR2 – Foreshore Residential 2
CURRENT USE:	Residential
PROPOSED USE:	Residential

Site Comments: A site visit was conducted on July 13, 2016. There is currently a single family dwelling and a shed on the property. The property is generally flat with some trees around the perimeter.

POLICY:**Electoral Area 'F' Official Community Plan Bylaw No. 830****WR – Waterfront Residential**

Section 11 Managing Growth: North Shuswap

Policy 6 Outside the boundaries of the Primary and Secondary Settlement Areas, the following uses are appropriate in certain locations

1. Waterfront Residential
2. Public and Institutional
3. Park and Protected Area
4. Agriculture
5. Rural Residential
6. Rural and Resource
7. Foreshore and Water

Section 11.6 Waterfront Residential (WR)

Policy 1 The Waterfront Residential land use designation applies to lands outside the Primary and Secondary Settlement Areas. Only detached dwellings are permitted within the Waterfront Residential designation.

Policy 2 The maximum net density is 4 units per acre (10 units per hectare) provided the dwelling is connected to community water and sewer systems.

Policy 3 The maximum net density for any new dwelling not on community water and sewer is one unit per 2.5 acres (1 unit per hectare)

Policy 5 For aesthetic purposes, and to create a visual buffer from the water's edge, all new buildings or structures within the Waterfront Residential designation should maintain a minimum setback of at least 15 metres (49.2 feet) from the natural boundary of the water.

Section 13 Development Permit Areas

Development of the property required:

- Lakes 100 m Development Permit Area
- Riparian Areas Regulation (RAR) Development Permit Area

DP830-182 for RAR and Lakes 100 m was issued on July 27, 2016. Staff note that at the time of the DP application, the proposal included a toilet and sink in the garage; however, since then the owners have removed the toilet and sink from their plans.

Magna Bay Zoning Bylaw No. 800 (Bylaw No. 800)

RS – Residential

Permitted uses:

- a) Single family dwelling
- b) Bed and Breakfast, permitted on a parcel 1 ha (2.47 ac) or larger
- c) Guest accommodation, permitted on a parcel 1 ha (2.47 ac) or larger
- d) Home business
- e) Home industry, permitted on a parcel 4000 m² (0.99 ac) or larger
- f) Residential campsite
- g) Standalone residential campsite
- h) Accessory use

Minimum parcel size created by subdivision:

- Where a parcel is serviced by both a community water system and community sewer system = 4000 m²
- In all other cases = 1 ha

Minimum parcel width created by subdivision = 20 m

Maximum parcel coverage = 25%

Parcel Coverage is the horizontal area within the vertical projection of the outermost walls of the buildings on a parcel expressed as a percentage of the parcel areas.

Maximum number of single family dwellings per parcel = 1

Maximum gross floor area of an accessory building = 55 m²

Note: When calculating floor area, it does not include off street parking areas. The minimum parking space is 15.9 m². There are two off street parking spaces proposed within the garage; therefore, the proposed garage does not exceed the maximum gross floor area of an accessory building (26.1 m²).

FINANCIAL: No financial implications to the CSRD.

KEY ISSUES/CONCEPTS:

Water Supply & Sewage Disposal

The subject property is not within a community water or sewer service area. There is an existing house on the subject property connected to a septic system and a well. Staff is in receipt of a letter by Rick Wideman, Registered Onsite Wastewater Practitioner, of R & S Excavating, stating that the septic system was inspected on June 15, 2016, and the system is "in good working condition."

Access

Access to the lot is from Casabello Road.

Parcel Coverage and Buildings

The owner is proposing to build a 57.9 m² garage. The existing house is 181.5 m² and the existing shed is 11.7 m²; however, the owner has indicated that the shed will be removed. The neighbour's shed is encroaching on the subject property by 2.8 m²; this area has been included in the parcel coverage calculations, as there are no plans to remove this building at this time. The owner confirmed that there is no easement registered for the encroachment, but is not concerned at this time. With the removal of the shed and the construction of the garage, the total parcel coverage will be 30%.

Variances

The maximum height of an accessory building in the RS zone is 6 m. The proposed garage height is 7.72 m. Further, the proposed garage foundation is 2.01 m from the property line, but the proposed overhang of 0.61 m will be within the interior side parcel boundary setback area. A special regulation in the RS zone is proposed to permit the over-height garage within the setback area.

IMPLEMENTATION:**Consultation Process**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application to rezone when notice of development signs are posted on the property after first reading.

Referral Process

The following list of referral agencies is recommended:

- Area 'F' Advisory Planning Commission;
- Interior Health;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Ministry of Forests, Lands and Natural Resource - Archaeology Branch;
- CSRD Operations Management;
- School District #83;
- Adams Lake Indian Band;
- Little Shuswap Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

SUMMARY:

The proposal is to amend the RS – Residential zone, by adding a site specific regulation for the subject property only, which will allow construction of an over-height garage located within the minimum interior side parcel boundary setback; and will increase the parcel coverage from 25% to 30%.

LIST NAME OF REPORTS / DOCUMENTS:

1. Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29 2. Maps: Location, OCP, Zoning 3. Site Plan 4. Orthophotograph 5. Photos	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
6. Application	Attached to Board Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

DESIRED OUTCOME:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse recommendation. Bylaw No. 800-29 will be given first reading and will be sent out to the referral agencies.*
2. *Decline first reading. Bylaw No. 800-29 will be defeated.*
3. *Defer*
4. *Any other action deemed appropriate by the Board.*

COMMUNICATIONS: If the Board gives Bylaw No. 800-29 first reading, it will be sent out to referral agencies. A summary of referral responses will be provided to the Board with a future Board Report.

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Manager, Development Services		
Team Leader, Development Services		

COLUMBIA SHUSWAP REGIONAL DISTRICT

MAGNA BAY ZONING AMENDMENT (SCHNEIDER) BYLAW NO. 800-29

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 800;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Magna Bay Zoning Bylaw No. 800" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, which forms part of the "Magna Bay Zoning Bylaw No. 800" is hereby amended as follows:

i. Section 5.5, Residential Zone, Subsection (2) Regulations, is amended by adding the following as a new subsection, including the attached map:

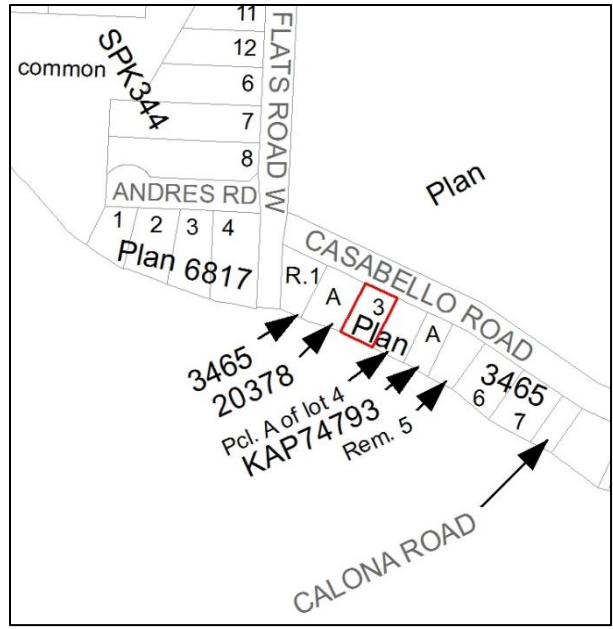
"(6) (a) In this subsection, lands are described by legal description and by map, and in the event of a discrepancy between the legal description of the lands or portion of the lands and the map, the map governs.

(b) (i) despite the maximum parcel coverage as established in Section 5.5(2)(c), the maximum parcel coverage is 30%;

(ii) despite the maximum height of an accessory building as established in Section 5.5(2)(e), the maximum height of an accessory building is 7.72 m; and,

(iii) despite the minimum interior side parcel boundary setback as established in Section 5.5(2)(f), the minimum interior side parcel boundary setback is 1.39 m (to the eaves) for the garage,

only for Lot 3, Section 17, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 3465, which is more particularly shown on the following map:



2. This bylaw may be cited as "Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29."

READ a first time this _____ day of _____, 2016.

READ a second time this _____ day of _____, 2016.

PUBLIC HEARING held this _____ day of _____, 2016.

READ a third time this _____ day of _____, 2016.

ADOPTED this _____ day of _____, 2016.

Corporate Officer

Chair

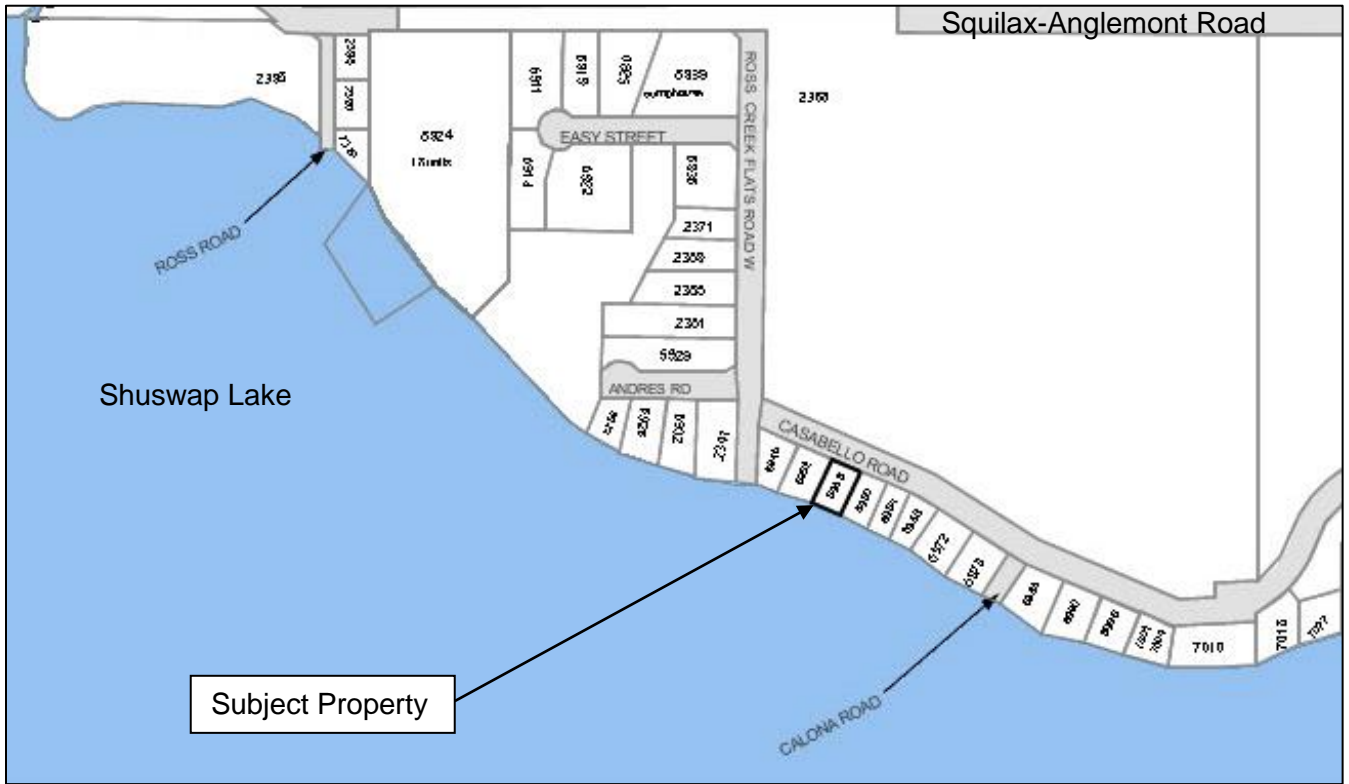
Certified true copy of Bylaw No. 800-29
as read a third time.

Certified true copy of Bylaw No. 800-29
as adopted.

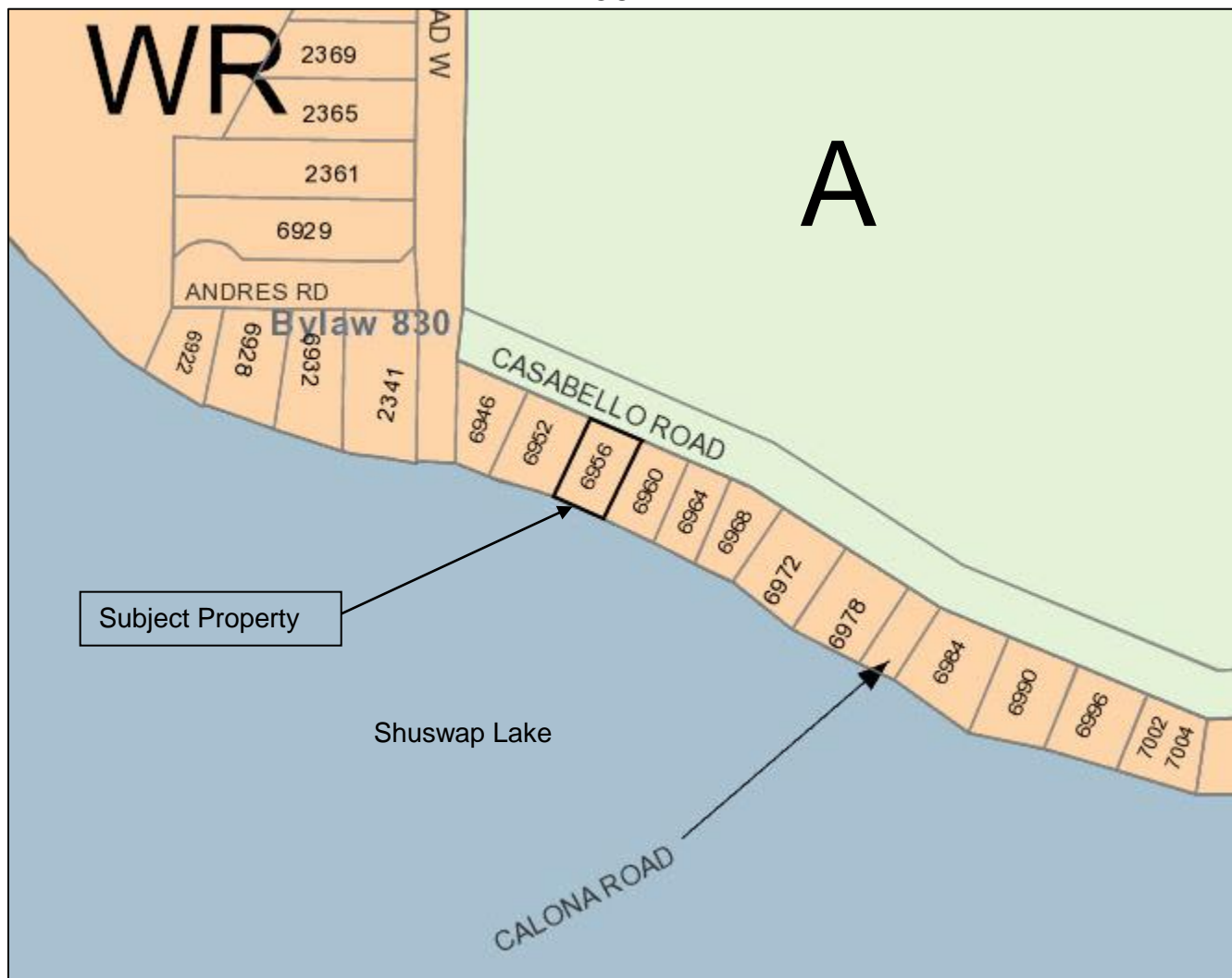
Corporate Officer

Corporate Officer

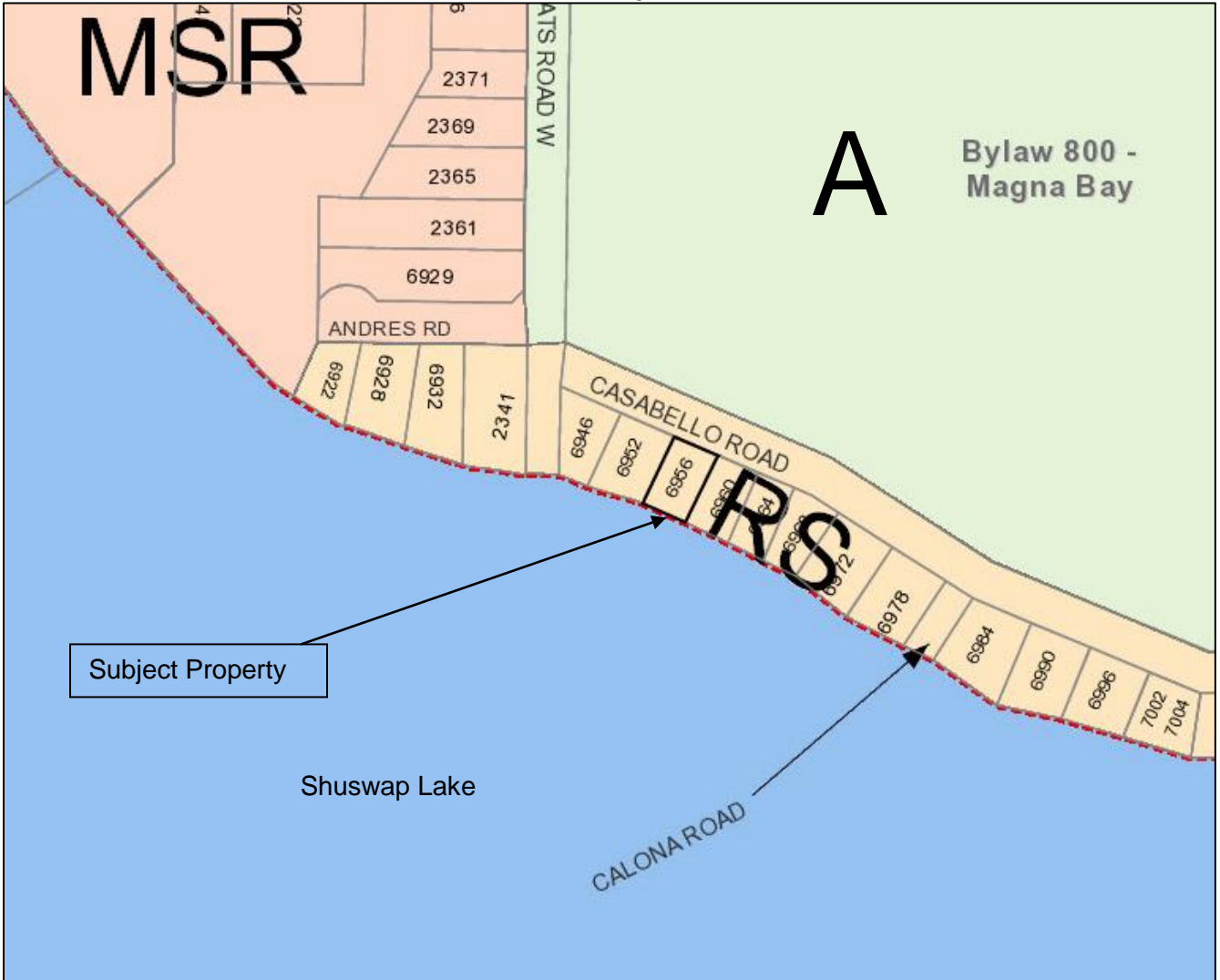
Location



OCP



Zoning

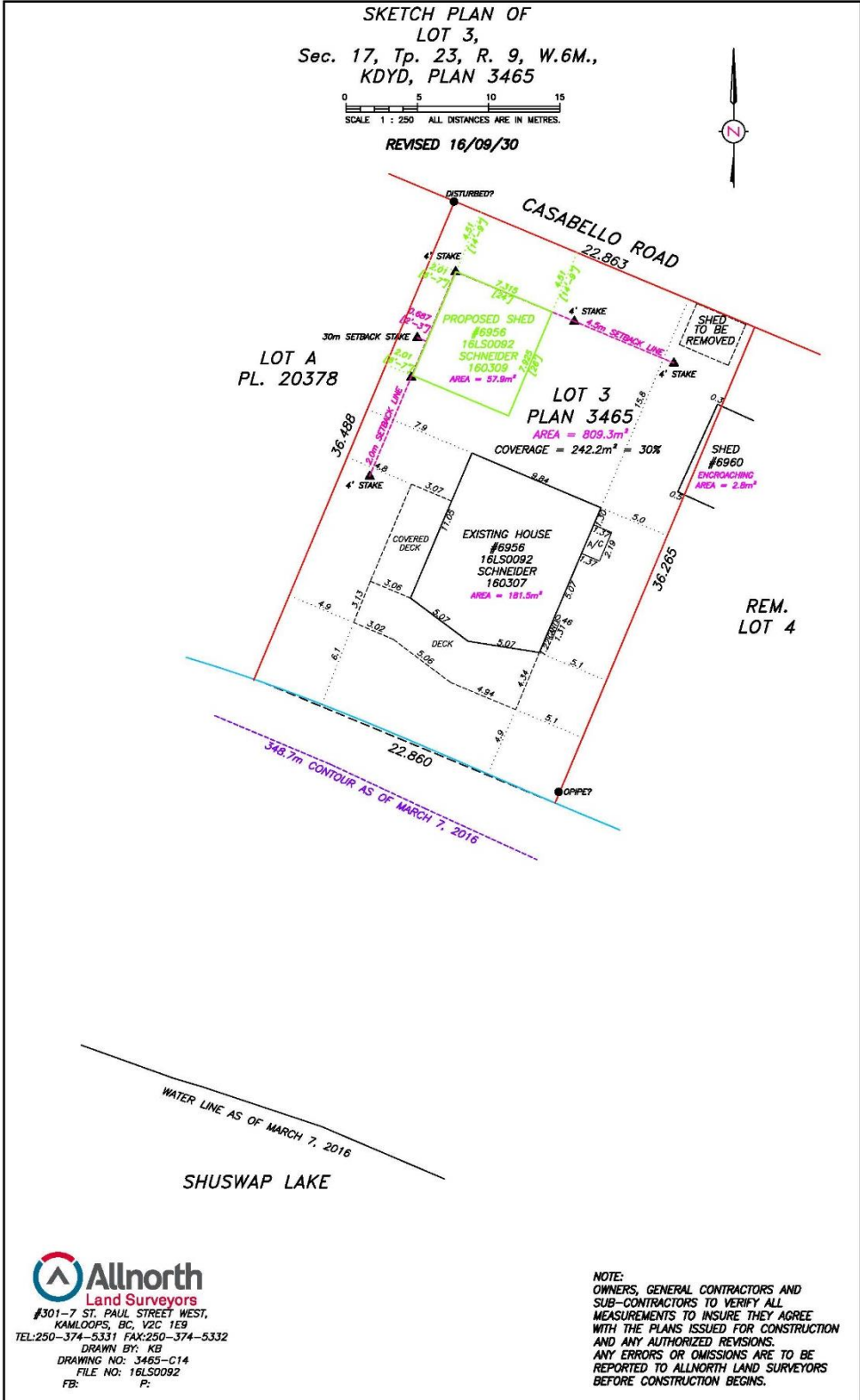


Site Plan

SKETCH PLAN OF
 LOT 3,
 Sec. 17, Tp. 23, R. 9, W.6M.,
 KDYD, PLAN 3465

SCALE 1 : 250 ALL DISTANCES ARE IN METRES.

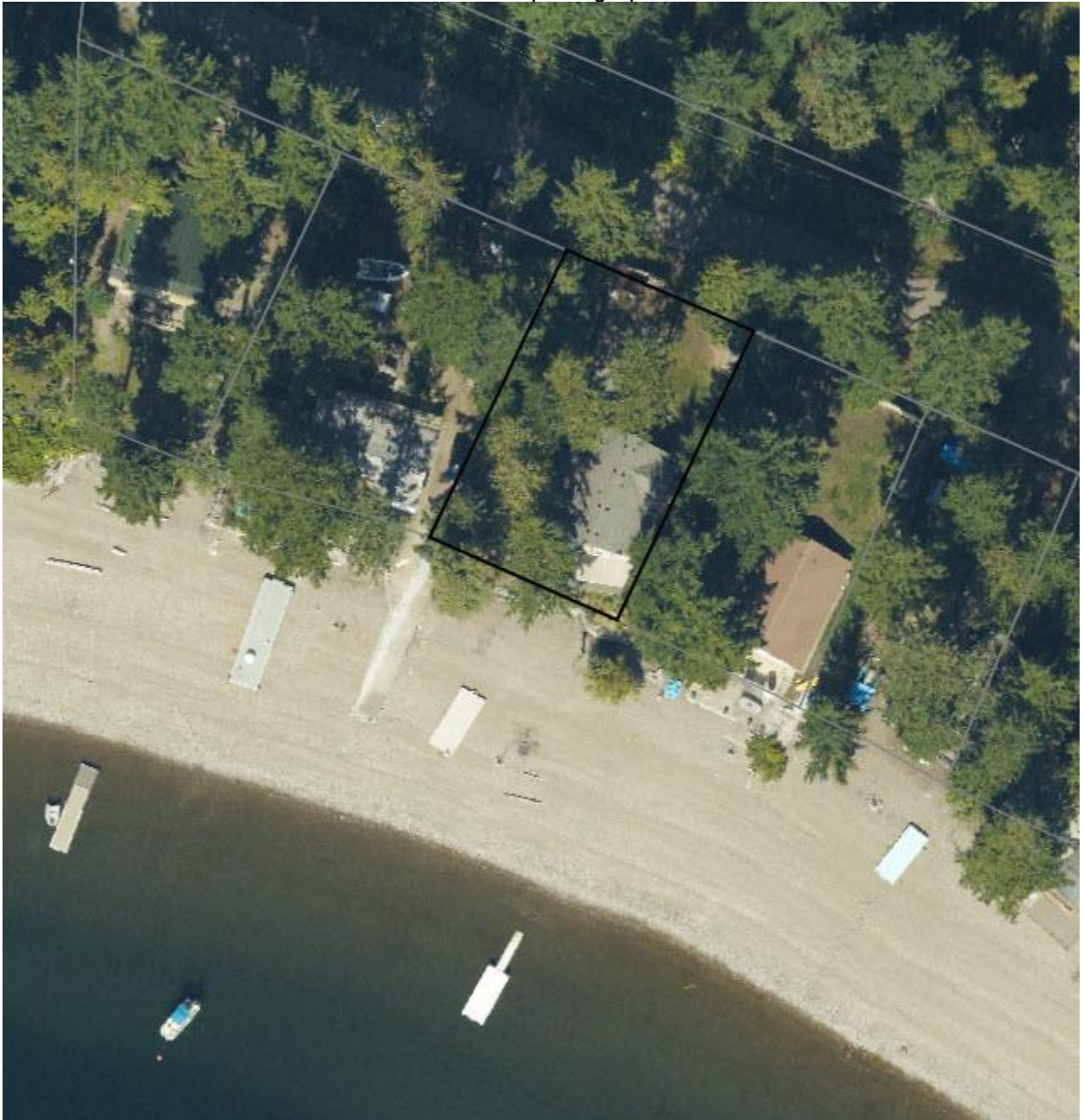
REVISED 16/09/30



Allnorth
 Land Surveyors
 #301-7 ST. PAUL STREET WEST,
 KAMLOOBS, BC, V2C 1E9
 TEL: 250-374-5331 FAX: 250-374-5332
 DRAWN BY: KB
 DRAWING NO: 3465-C14
 FILE NO: 16LS0092
 FB: P:

NOTE:
 OWNERS, GENERAL CONTRACTORS AND
 SUB-CONTRACTORS TO VERIFY ALL
 MEASUREMENTS TO INSURE THEY AGREE
 WITH THE PLANS ISSUED FOR CONSTRUCTION
 AND ANY AUTHORIZED REVISIONS.
 ANY ERRORS OR OMISSIONS ARE TO BE
 REPORTED TO ALLNORTH LAND SURVEYORS
 BEFORE CONSTRUCTION BEGINS.

Orthophotograph





Facing southwest at the proposed location of the garage



Facing west at one of the surveyor's stakes indicating the setbacks



Facing north at the house from the Shuswap Lake side



Facing northeast at the septic lids, encroaching shed, and existing shed (to be removed), from the east side of the house



Facing northwest at Casabello Road