

BOARD REPORT

TO: Chair and Directors

File No: BL 800-29

FROM: Jennifer Sham
Planner

Date: December 16, 2016

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

RECOMMENDATION #1: THAT:
"Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29" be read a second time this 19th day of January, 2017.

RECOMMENDATION #2: THAT:
a public hearing to hear representations on "Magna Bay Zoning Amendment (Schneider) Bylaw No. 800-29" be held;

AND THAT:
notice of the public hearing be given by the staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT:
the holding of the public hearing be delegated to Director Larry Morgan, as Director of Electoral Area 'F' being that in which the land concerned is located, or Alternate Director Robert Misseghers, if Director Morgan is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

APPROVED for Board Consideration: _____

Meeting Date: January 19, 2017

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**

Section 13 Development Permit Areas

Development of the property required:

- Hazardous Lands Development Permit Area 1 (DPA 1 Flooding and Debris Flow Potential)
- 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.

The property is within the Ross Creek Flood and Debris Flow area. Prior to issuance of a building permit, a Hazardous Lands DP is required.

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%.

Variiances

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 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 recommended the simple consultation process. Neighbouring property owners first became aware of the application to rezone when notice of development sign was posted on the property on October 26, 2016.

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. Site Plan	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Previous Board Report dated September 30, 2016 including location, OCP, and Zoning maps, Orthophotograph, and photos 4. 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 second reading and a public hearing will be delegated.*
2. *Decline second 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 second reading and delegates a public hearing, staff will proceed with notification of adjacent property owners and advertising the public hearing as set out in the Local Government Act

Referral Agency responses:

Agency	Comments
Area 'F' Advisory Planning Commission	Recommended approval
Interior Health	Does not recommend approval. The lot is less than one hectare in size and is less than 100 m from surface water. The zoning amendment would allow for a reduction in available area to sustain onsite sewerage dispersal.
Ministry of Environment	No response

Ministry of Forests, Lands and Natural Resource Operations	No response
Ministry of Forests, Lands and Natural Resource - Archaeology Branch	No response
CSRD Operations Management	No concerns. Fire Services: oversize construction should comply with BC Building and Fire Code.
CSRD Financial Services	Interests unaffected
School District #83	No response
Adams Lake Indian Band	No response
Little Shuswap Indian Band	No response
Neskonlith Indian Band	No response
Okanagan Indian Band	No response
Shuswap Indian Band	No response
Simpcw First Nation	No response
Splats'in First Nation	No response

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

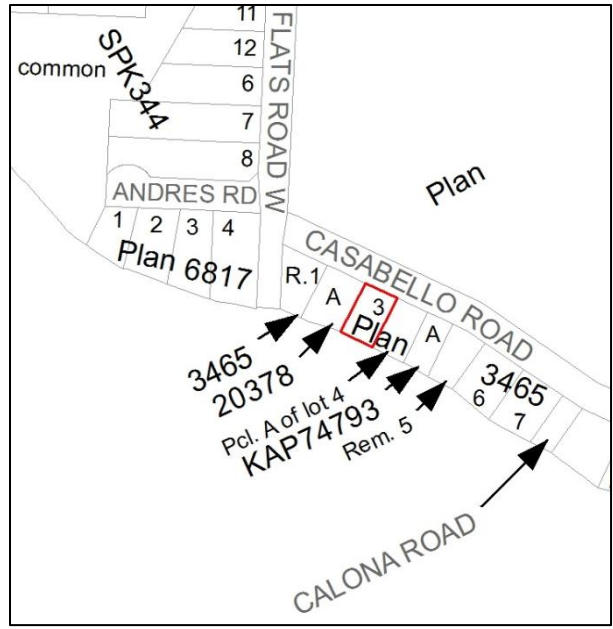
"(6) (a) In this subsection, lands are described by legal description and by map, and in the event of a discrepancy between the legal description of the lands or portion of the lands and the map, the map governs.

(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 20th day of October, 2016.

READ a second time this _____ day of _____, 2017.

PUBLIC HEARING held this _____ day of _____, 2017.

READ a third time this _____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

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

Site Plan

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

SCALE 1 : 250 ALL DISTANCES ARE IN METRES.

REVISED 16/09/30

