



BOARD REPORT

TO:

Chair and Directors

File No: DVP701-82
PL20180110

SUBJECT:

Electoral Area C: Development Variance Permit No. 701-82

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated February 1, 2019.
1374 Gillespie Road, Sorrento

RECOMMENDATION:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-82 for Lot 2, Section 15, Township 22, Range 11, W6M KDYD Plan 24433, varying South Shuswap Zoning Bylaw No. 701, as follows:

Section 7.2.5 The Minimum setback:

- from the rear parcel line from 5 m to 3.20 m for the new single family dwelling;
- from the east interior side parcel line from 2 m to 1.90 m for the new single family dwelling and 1.60 m for the existing deck; and
- from the north interior side parcel line from 2 m to 0.74 m for the existing deck,

be approved for issuance this 21st day of February, 2019.

SHORT SUMMARY:

The subject property is a waterfront parcel located at 1374 Gillespie Road in Sorrento of Electoral Area C. The property has an existing single family dwelling and attached deck situated near Shuswap Lake. The owners want to demolish the existing single family dwelling and rebuild on the existing foundation with an addition added onto the single family dwelling on the southwest side, away from Shuswap Lake. The existing deck and proposed single family dwelling footprint are within various parcel line setbacks and require the approval of three setback variances prior to construction.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐**BACKGROUND:****OWNERS:**

Ralph and Lorraine Berezan

AGENT:

Duncan Morris

ELECTORAL AREA:

C (Sorrento)

CIVIC ADDRESS:
1374 Gillespie Road

LEGAL DESCRIPTION:
Lot 2 Section 15, Township 22, Range 11, W6M KDYD Plan 24433

PID:
005-922-119

SIZE OF PROPERTY:
0.162 ha

SURROUNDING LAND
USE PATTERN:
NORTH: Shuswap Lake
SOUTH: residential
EAST: Gillespie Road Community Park
WEST: residential

DESIGNATION:
Electoral Area C Official Community Plan Bylaw No. 725
RR- Rural Residential

UPLAND ZONE:
South Shuswap Zoning Bylaw No. 701
RR1 – Rural Residential

FORESHORE ZONE:
Lakes Zoning Bylaw No. 900
FR1 –Foresore Residential 1

CURRENT USE:
Single family dwelling

PROPOSED USE:
Single family dwelling

SITE COMMENTS:
The subject property is waterfront and currently has a single family dwelling and deck located near the high water mark of Shuswap Lake.

POLICY:

South Shuswap Zoning Bylaw No. 701

Section 3.5 Setback Exceptions

No building or structure other than the following shall be located in the area of setback required in this Bylaw:

.8 eaves and gutters, provided they are not closer than 1 m from any parcel line.

Section 7 RR1 – Rural Residential Zone (4000 m²)

13.1 Permitted Uses:

- .1 Single family dwelling;
- .2 cottage, permitted only on parcels greater than 4,000 m²;
- .3 bed and breakfast;
- .4 home business;
- .5 accessory use.

7.2 Regulations:

.4 Maximum height for:

Principal buildings and structures:	10 m (32.81 ft.)
Accessory buildings:	6 m (19.69 ft.)

.5 Minimum setback from:

front parcel line	5 m
exterior side parcel line	4.5 m
interior side parcel line	2 m
rear parcel line	5 m

Development Variance Permit

The applicant is proposing to vary:

Section 7.2.5 The minimum setback:

- from the rear parcel line from 5 m to 3.20 m for the single family dwelling;
- from the east interior side parcel line from 2 m to 1.90 m for the single family dwelling and 1.60 m for the existing deck; and
- from the north interior side parcel line from 2 m to 0.74 m for the existing deck.

FINANCIAL:

There are no financial implications for this application; it is not the result of bylaw enforcement.

KEY ISSUES/CONCEPTS:

Often for waterfront parcels, the rear parcel line is abutting Shuswap Lake; however the configuration of this parcel is unique. The subject property access, and also the front parcel line, is Gillespie Road; the rear parcel line is the most opposite to and not connecting to the front parcel line, as such, the rear parcel line for this property is the west parcel line and the parcel line abutting Shuswap Lake is an interior side parcel line. This means that what would typically be a 2 m interior side parcel line setback for the east parcel line is a 5 m rear parcel line setback and the south property line/waterfront that would typically be a 5 m rear parcel line setback is a 2 m interior side parcel line setback instead.

The owners plan to demolish the existing single family dwelling and rebuild mostly on the existing foundation; they want to add an addition onto the house that would have a new foundation. The addition would be located on the southeast and southwest sides of the single family dwelling, away from Shuswap Lake. The owners propose to add approximately 60 cm to the height of the existing foundation to ensure that the structure will be above 351.0 flood construction level; despite the increase to the foundation height the single family dwelling will be 7.88 m, which will still be below the maximum permitted height of 10 m.

The Site Plan shows that the eaves and gutters for the single family dwelling will be within the parcel line setbacks, however Bylaw No. 701 lists eaves and gutters in setback exceptions, provided they are not closer than 1 m from any parcel line. The closest point of the eaves and gutters is cited as 1.20 m on the Site Plan and therefore meet the setback exception.

The proposed variances to the parcel line setbacks for the proposed single family dwelling are considered minor. CSRD Gillespie Park is the neighbouring property to the west; the CSRD Parks Department has indicated they have no concerns regarding the variances requested. The single family dwelling located on the neighbouring property to the east is situated away from the shared parcel line with the subject property. The variance to the interior side parcel line/waterfront is for the existing deck which is proposed to remain. Staff have not received any public submissions at the time of submitting this report; any submissions received subsequently will be attached as a late agenda item or verbally relayed to the Board at the Board Meeting.

Due to the proximity of the lake, this proposed development also requires a RAR Development Permit and Floodplain Exemption. The Manager of Development Services has been delegated the approval authority from the Board for these types of technical DPs and floodplain exemptions. Staff is in receipt of a RAR Assessment which indicates that the subject property has been highly disturbed and that the new single family dwelling will be constructed on the existing foundation and the proposed addition will be located outside of the Streamside Protection and Enhancement Area (SPEA). The existing deck is proposed to remain. The Floodplain Assessment completed by Onsite Engineering Ltd, that indicates that the existing/proposed location for the single family dwelling is safe for its intended use as there would be low likelihood of flooding or an alluvial fan event affecting the subject property.

SUMMARY:

DS staff is recommending that the Board issue DVP 701-82 for the following reasons:

- the configuration of the subject property is unique; the west lot line is a rear lot line with a 5 m setback; for most other parcels this would be a interior side parcel lot line with a 2 m setback;
- the east lot line variances requested for the single family dwelling are considered minor and the CSRD Parks Department has no concerns with the variance request;
- the deck is existing;
- The professional reports submitted for the RAR DP and Floodplain Exemption both indicate that the proposed development will not create further disturbance to the riparian area and that it is safe for its intended use.

IMPLEMENTATION:

If this DVP is approved, the DPs and floodplain exemption can then be issued by the Manager of Development Services.

The Building Regulation and Inspections function for Electoral Area C will be commencing March 4, 2019. The owners will be required to obtain a Demolition Permit as well as a Building Permit for the proposed development, if the demolition for the single family dwelling is to commence after March 4, 2019.

COMMUNICATIONS:

Notice of the proposed Development Variance Permit was sent to all owners of properties lying within 100 m of the subject property in accordance with Section 499 of the Local Government Act advising of the opportunity to comment on the proposed variances.

Advisory Planning Commission for Electoral Area C supported this application for the rear and side parcel setback variance for the single family dwelling and deck.

DESIRED OUTCOMES:

That the Board support the staff recommendation to approve issuance of DVP 701-82.

BOARD'S OPTIONS:

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

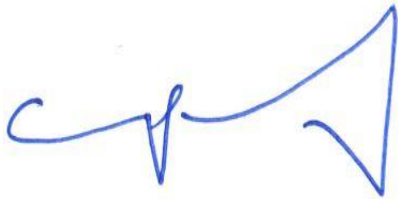
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725
2. South Shuswap Zoning Bylaw No. 701
3. Triton Environmental Consultants Ltd., RAR Assessment, August 10, 2018
4. Onsite Engineering, Flood Hazard Assessment, August 14, 2018
5. CSRD Parks Department Referral Comments, February 8, 2019

Report Approval Details

Document Title:	2019-02-21_Board_DS_DVP701-82_Berezan.docx
Attachments:	- DVP701-82.pdf - Maps_Plans_Photos_DVP701-82.pdf
Final Approval Date:	Feb 8, 2019

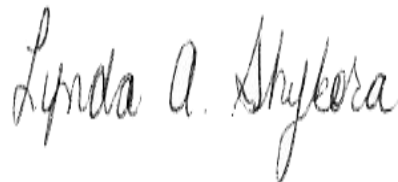
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Feb 8, 2019 - 11:33 AM



Gerald Christie - Feb 8, 2019 - 1:57 PM



Lynda Shykora - Feb 8, 2019 - 2:23 PM



Charles Hamilton - Feb 8, 2019 - 3:11 PM