



BOARD REPORT

TO:

Chair and Directors

File No: DVP800-31 PL20180000186
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SUBJECT:

Electoral Area F: Development Variance Permit No. 800-31 (Keene)

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated March 6, 2019.
2411 Hillen Crescent, Magna Bay

**RECOMMENDATION
#1:**

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-31 for Lot 12, Section 17, Township 23, Range 9, W6M, KDYD, Plan 26110, varying Magna Bay Zoning Bylaw No. 800, as follows:

Section 5.5(2)(f) Minimum setback from a rear parcel boundary from 4.5 m to 2.0 m for a single family dwelling,
be approved for issuance this 21st day of March, 2019.

SHORT SUMMARY:

The subject property is located at 2411 Hillen Crescent in Magna Bay. The applicant wants to build a single family dwelling on the subject property. Due to the parcel size and the location of the existing garage there are constraints regarding a suitable location for the single family dwelling. The applicant wishes to vary the rear parcel line setback for the dwelling from 4.5 m to 2.0 m for the proposed single family dwelling.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

PROPERTY OWNER:
Lloyd Keene

ELECTORAL AREA:
F

CIVIC ADDRESS:
2411 Hillen Crescent

LEGAL DESCRIPTION:
Lot 12 Section 17 Township 23 Range 9 W6M Kamloops Division Yale District Plan 26110

PID:
005-250-234

SIZE OF PROPERTY:

0.145 ha

DESIGNATION:

Electoral Area F (North Shuswap) Official Community Plan Bylaw No. 830
Secondary Settlement Area -SSA

CURRENT ZONE:

Magna Bay Zoning Bylaw No. 800
Residential -RS

SURROUNDING LAND**USE PATTERN:**

North: residential (owned by subject property owner)
South: Hillen Crescent, residential
East: vacant
West: vacant

CURRENT USE:

Accessory use (garage)

PROPOSED USE:

Larger single family dwelling, accessory use (garage)

SITE COMMENTS:

The subject property is accessed from Hillen Crescent. It is flat and densely treed; there is an existing garage and storage shed located on the property. The properties to the east and west are vacant. The property to the north is densely treed along the rear parcel line that is shared with the subject property.

POLICY:**Electoral Area F Official Community Plan Bylaw No. 830****11.8 Secondary Settlement Areas (SSA)****Policy 1**

Detached, semi-detached and duplex Policy 1 Detached, semi-detached and duplex housing forms are acceptable residential land uses in the Primary and Secondary Settlement Areas.

Policy 2

All new detached, semi-detached and duplex housing units with a density greater than 1 housing unit per 2.5 acres (1 unit per hectare) must be connected to both a community water system and a community sewer system.

Policy 3

Applicants for new, detached dwellings are encouraged to consider net density in the range of 3 to 5 units per acre (8 to 13 units per hectare). The zoning bylaw will establish additional conditions related to such matters as lot line setbacks, lot coverage and parking

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

RS – Residential

(1) 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

(2) Regulations

(a) 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

(b) Minimum parcel width created by subdivision: 20 m

(c) Maximum parcel coverage: 25%

(d) Maximum number of single family dwellings per parcel: 1

(e) Maximum height for:

- Principal buildings and structures: 11.5 m (37.73 ft)
- Accessory buildings: 6 m (19.69 ft)

(f) Minimum setback of a building containing a home industry from each parcel boundary: 10 m (32.81 ft)

Minimum setback for all other uses from:

- Front parcel boundary: 4.5 m (14.76 ft)
- Interior side parcel boundary: 2 m (6.56 ft)
- Exterior side parcel boundary: 4.5 m (14.76 ft)
- Rear parcel boundary:
 - For an accessory building: 3 m (9.84 ft)
 - For a single family dwelling and guest accommodation: 4.5 m (14.76 ft)

(g) Maximum gross floor area of an accessory building: 55 m²**Development Variance Permit**

The applicant is proposing to vary:

Section 5.5(2)(f) Minimum setback from a rear parcel boundary from 4.5 m to 2.0 m for a single family dwelling.

FINANCIAL:

There are no financial implications to the CSRD.

KEY ISSUES/CONCEPTS:

The applicant wants to build a single family dwelling on the subject property; the dwelling footprint will be 105.84 m² (1139.29 ft²); including the attached decks the footprint will be 194.94 m² (2098.38 ft²).

There is an existing garage located centrally on the property. Due to the parcel size and the location of the garage there are constraints regarding a suitable location for the single family dwelling; in particular constraints for the house design/footprint chosen by the applicant. The applicant wishes to vary the rear parcel line setback for the dwelling from 4.5 m to 2.0 m, this includes the eave and gutter overhang as Bylaw No. 800 does not have setback exemptions for overhangs.

The applicant has been in contact with the Building Department regarding fire separation requirements when a structure is located near property lines; the owner is aware there may be additional building requirements for the overhang and single family dwelling if it is located 2.0 m from the property line.

The subject property owner also owns the property to the north, which is the property that shares the rear parcel boundary that is the subject of this DVP. The proposed single family dwelling meets all other zoning regulation requirements.

The subject property is within the Ross Creek Debris Flow area and requires a Flooding and Debris Flow Development Permit (DP). The Manager of Development Services has been delegated the approval authority from the Board for these types of technical DPs. Staff is in receipt of a Flooding and Debris Flow Assessment completed by Onsite Engineering Ltd, which indicates that the subject property is safe for its intended use as there would be low risk presented by a flooding event and low risk presented by a hydrogeomorphic event on Ross Creek.

SUMMARY:

Staff are recommending approval of this DVP for the following reasons:

- There are existing site constraints due to the location of the garage;
- The subject property owner owns the property to the north, which shares the rear parcel boundary for which this variance request is for; and,
- The proposed single family dwelling meets all other zoning requirements.

IMPLEMENTATION:

If this DVP is approved, the Building Services Department will review the building permit for the proposed single family dwelling and ensure the BC Building Code requirements for the north and west building face and overhang are achieved.

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.

At this time there is no Advisory Planning Commission for Electoral Area F.

DESIRED OUTCOMES:

That the Board support the staff recommendation to approve issuance of DVP 800-31.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*

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

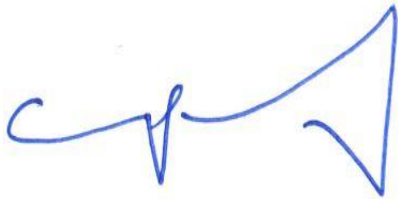
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Onsite Engineering, Flooding and Debris Flow Assessment, February 28, 2018
4. Building Department referral, March 1, 2019

Report Approval Details

Document Title:	2019-03-21_Board_DS_DVP800-31_Keene.docx
Attachments:	- DVP800-31.pdf - Maps_plans_photos_DVP800-31.pdf
Final Approval Date:	Mar 9, 2019

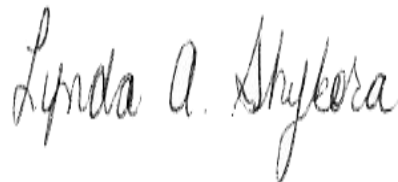
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 6, 2019 - 4:23 PM



Gerald Christie - Mar 8, 2019 - 9:22 AM



Lynda Shykora - Mar 8, 2019 - 12:13 PM



Charles Hamilton - Mar 9, 2019 - 1:52 PM