



BOARD REPORT

TO: Chair and Directors

File No: DVP701-87
PL20190022

SUBJECT: Electoral Area C: Development Variance Permit No. 701-87
(Hannaford)

DESCRIPTION: Report from Erica Hartling, Planner I, dated March 29, 2019.
3778 Eagle Bay Road, Eagle Bay

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-87 for Lot 6, Section 2, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP62357, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the front parcel line from 5 m to 1.65 m only for a detached garage;

be issued this 18th day of April, 2019.

SHORT SUMMARY:

The subject property is located at 3778 Eagle Bay Rd in Eagle Bay of Electoral Area C, and is semi waterfront to Shuswap Lake. The property has an existing single family dwelling with attached garage and the owners are proposing to construct a detached garage. The proposed detached garage is within the front parcel line setback and requires a variance to the South Shuswap Zoning Bylaw No. 701 from 5 m to 1.65 m for the front parcel boundary, prior to construction.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

REGISTERED OWNERS:
Rodney and Allyson Hannaford

ELECTORAL AREA:
C

LEGAL DESCRIPTION:
Lot 6, Section 2, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP62357

PID:
024-205-681

CIVIC ADDRESS:
3778 Eagle Bay Rd

SURROUNDING LAND USE PATTERN:

North: Eagle Bay Road, Shuswap Lake

South: Forested private land

East: Rural residential

West: Forested Crown land

CURRENT USE:

Single family dwelling with attached garage.

PROPOSED USE:

Construct a detached garage.

PARCEL SIZE:

1.09 ha (2.69 acres)

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

RR2 - Rural Residential 2

ZONE:

South Shuswap Zoning Bylaw No. 701

Land = RR1 – Rural Residential

Lakes Zoning Bylaw No. 900

Foreshore = FR2 - Foreshore Residential 2

SITE COMMENTS:

See "Maps_Plans_Photos_DVP701-87.pdf" attached.

The subject property is south of Eagle Bay Road and semi waterfront to Shuswap Lake. The property currently contains an existing single family dwelling with an attached garage in the northeast corner. There are natural slope gradients on the property that consist of 75-80% bedrock controlled slopes. The proposed building site for the garage has previously been excavated and levelled for the use as a parking area. The proposed detached garage is to be constructed within the front parcel line setback in order to avoid excavating into the toe of the steep slope.

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

See Development Permit Area policies and guidelines for Sections 12.1, 12.3, and 12.4 in "BL725_BL701_Excerpts_BL701-87.pdf" attached.

12.1 Hazardous Lands Development Permit Areas (Steep Slope)

A Steep Slope Development Permit is required for the proposed development due to slopes on the property in excess of 30%.

12.3 Lakes 100 m Development Permit Area

A Lakes 100 m Development Permit is required for the proposed development, as the detached garage brings the total footprint of the property's buildout to be greater than 200 m² and is situated within 100 m of Shuswap Lake.

12.4 Riparian Areas Regulation (RAR) Development Permit Area

A RAR Development Permit is required for the development, as the detached garage is approximately 22 m from the high water mark of Shuswap Lake.

Staff are in receipt of the Development Permit application (Development Permit No. 725-175) and the required professional reports, which include:

- Steep Slope Geotechnical Assessment completed by a Geoscientist (Steep Slopes Development Permit);
- Hydrogeology Assessment completed by a Hydrogeologist (Lakes 100 m Development Permit); and,
- Riparian Areas Assessment completed by a Qualified Environmental Professional (RAR Development Permit).

Staff are processing the Steep Slope, Lakes 100 m, and RAR Development Permit application concurrently with the Development Variance Permit. Approval of technical development permits such as these has been delegated to the Manager of Development Services.

South Shuswap Zoning Bylaw No. 701

For all RR1 zone regulations see "BL725_BL701_Excerpts_BL701-87.pdf" attached.

RR1 – Rural Residential Zone (4000 m²)

7.2 Regulations

.5	Minimum setback of Principal and Accessory Buildings from:	
	front parcel line	5 m
	exterior parcel line	4.5 m
	interior parcel line	2 m
	rear parcel line	5 m

FINANCIAL:

There are no financial implications for the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

The owners are proposing to construct a new detached garage to store their boat and trailer. In order to avoid excavating into the toe of the slope of the property, the owners have requested a variance along the front property boundary from 5 m to 1.65 m for the proposed location of the detached garage. The proposed location is currently used as a parking area, which will be excavated and a small retaining wall will be constructed. The current parking area and new detached garage will be accessed by an unpaved driveway and no changes to this driveway are planned.

The owners applied for and have received a Setback Permit from the Ministry of Transportation and Infrastructure (MOTI) to reduce the building setback to 1.65 m from the property line fronting Eagle Bay Road.

A Steep Slope Geotechnical Assessment was submitted with Development Permit No. 725-175, which outlines required recommendations to site development and with implementation of the engineer's recommendations there is a low likelihood of a landslide occurring within the subject property with the potential to impact the proposed detached garage (or existing structures) and the property may be used safely for the use intended.

The proposed detached garage will require a building permit and may require further information at the building permit application stage once more details regarding the build are submitted. As the building is proposed to be setback 2 m from the side parcel line, BC Building Code Spatial Separation calculations may affect the structure's construction type.

SUMMARY:

The application proposes to vary South Shuswap Zoning Bylaw No. 701, as follows:

- Section 7.2.5 minimum setback from the front parcel line from 5 m to 1.65 m only for a detached garage.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 701-87, as:

- The proposed location of the garage is currently used as a parking area;
- The proposed location has received a Setback Permit from MOTI; and,
- The location is deemed safe for the use intended and will avoid cutting into the steep slopes of the property.

IMPLEMENTATION:

If Development Variance Permit 701-87 is approved by the Board, staff will prepare a notice to be sent to the Land Title and Survey Authority of British Columbia for registration on title. Staff will also process Development Permit No. 725-175 and the owners will apply for a Building Permit to construct the detached garage.

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.

Referrals have been sent to the following:

- Electoral Area C Advisory Planning Commission (APC).

The APC reviewed the application at their March 25, 2019 meeting and 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. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Minutes March 25, 2019

Report Approval Details

Document Title:	2019-04-18_Board_DS_DVP701-87_Hannaford.docx
Attachments:	<ul style="list-style-type: none">- DVP701-87.pdf- BL725_BL701_Excerpts_DVP701-87.pdf- Maps_Plans_Photos_DVP701-87.pdf
Final Approval Date:	Apr 8, 2019

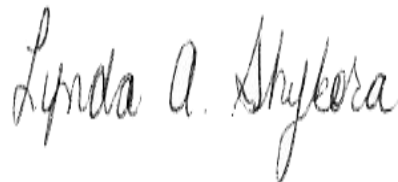
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 4, 2019 - 1:42 PM



Gerald Christie - Apr 5, 2019 - 8:14 AM



Lynda Shykora - Apr 5, 2019 - 3:56 PM



Charles Hamilton - Apr 8, 2019 - 8:12 AM