

BOARD REPORT

TO: Chair and Directors

File No: DVP800-32
PL2019023

SUBJECT: Electoral Area F: Development Variance Permit No. 800-32 (Lamb)

DESCRIPTION: Report from Candice Benner, Planner II, dated April 2, 2019
6342 Squilax-Anglemont Road, Magna Bay

RECOMMENDATION #1: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-32 for Lot 8, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493, varying Magna Bay Zoning Bylaw No. 800, as follows:

Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 8.77 m for a garage;

Section 5.5(2)(f) Minimum setback from a front parcel boundary from 4.5 m to 0.15 m and minimum setback from an interior side parcel boundary from 2 m to 1.55 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m² to 118 m² for a garage;

be approved for issuance this 18th day of April, 2019.

SHORT SUMMARY:

The applicant is wanting to rebuild a garage that burned down at 6342 Squilax-Anglemont Road in Magna Bay. The applicant wants to build the new garage on the old garage foundation which is located within the front and interior side parcel boundary setbacks and requires a Development Variance Permit. The design of the garage is such that it also requires a variance for height from 6 m to 8.77 m and for gross floor area from 55 m² to 118 m².

VOTING: Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (Weighted)

BACKGROUND:

PROPERTY OWNER:
Randal Lamb

ELECTORAL AREA:
F

CIVIC ADDRESS:
6342 Squilax-Anglemont Road

LEGAL DESCRIPTION:

Lot 8 Section 13 Township 23 Range 10 W6M Kamloops Division Yale District Plan 13493

PID:
009-192-638

SIZE OF PROPERTY:
0.141 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: Squilax-Anglemont Road, residential
SOUTH: Shuswap Lake
EAST: Residential
WEST: residential

CURRENT USE:
Single family dwelling, accessory building (boathouse)

PROPOSED USE:
Single family dwelling, accessory building (boathouse), garage

SITE COMMENTS:
The subject property can be accessed from both Squilax-Anglemont Road and Sands Road. It has a low to moderate slope towards Shuswap Lake. There is an existing single family dwelling on the property as well as a boat house near the lakefront. The property is surrounded by residential uses to the east and west and vacant land to the north.

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)

Definitions

ACCESSORY BUILDING is a detached building or structure that is customarily incidental to, subordinate to and exclusively devoted to a principal use or a single family dwelling, is not used for human habitation and is used for an accessory use or where permitted, for a home business;

FLOOR AREA is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use. Floor area does not include off street parking areas, balconies, elevator shafts and areas used for building ventilation machinery;

GROSS FLOOR AREA is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, gross floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use.

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)(e) Maximum height for an accessory building from 6 m to 8.77 m for a garage;
- Section 5.5(2)(f) Minimum setback from a front parcel boundary from 4.5 m to 0.15 m and minimum setback from an interior side parcel boundary from 2 m to 1.55 m for a garage; and,
- Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m² to 118 m² for a garage.

FINANCIAL:

There are no financial implications to the CSRD regarding this application.

KEY ISSUES/CONCEPTS:

The old garage burned down in a fire in July 2018. The applicant is wanting to rebuild the new garage on the same foundation location as the previous garage due to siting constraints, primarily the location of the single family dwelling and septic field, for construction on the property. The proposal is for a two-storey structure: a first floor 2 bay garage with an art studio, gym, office, and bathroom basement. The old garage design was also 2 storeys with the garage bays level with Squilax-Anglemont Road.

The existing foundation for the garage is located at the front of the property near Squilax-Anglemont Road. The proposed setback of the garage, including eaves and gutters, would be 0.15 m from the front and 1.55 m from the interior side parcel boundary; the walls of the garage would be 0.66 m from the front and 1.88 m setback from the parcel lines.

The proposed height for the garage is 8.77 m which is over the maximum allowed 6 m for an accessory building. The garage design is such that the garage doors are level with Squilax-Anglemont Road with the basement cut into the slope to create a walkout. The portion of the garage that is visible from Squilax-Anglemont Road is about 6 m in height. The applicant has indicated that this proposed height will allow him to store his boat with the tower up and the pitched roof will assist with stormwater drainage. The property that has the most potential to be affected by the garage height is currently vacant.

The proposed 2 storey garage exceeds the maximum permitted gross floor area for an accessory building from 55 m² to 118 m²; this calculation includes the total floor area for both floors of the building. The design of the building cantilevers the first floor out beyond the existing foundation about 0.6 m; the applicant has indicated that this design is to accommodate parking their boat with a surf platform attachment. Bylaw No. 800 exempts off-street parking from gross floor area calculation; as the upper floor of the building is made up almost entirely of off-street parking spaces, the gross floor area calculation for the upper floor is 37 m². The basement floor area is 81 m²; this area is within the existing foundation; the old garage would have had a similar gross floor area as the proposed garage.

The building design shows a bathroom in the basement; the applicant has indicated this is a concept plan and currently intends to keep the area as open space. If the applicant installs a bathroom in the future, a building permit would be required; the Building Department would require proof of septic servicing for the additional connection at that time. Use of this area as a dwelling unit is not permitted in the RS zone due to the size of the property.

Staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the garage, as it will be located within 2.4 metres of an interior side parcel line setback shared with the neighbouring property. The building department has indicated that there will be building material restrictions in order to meet fire resistant ratings for the east wall and overhang of the garage located within the setback; this will be addressed through the Building Permit process. The Building Department comments have been shared with the applicant.

The fire in 2018 also burned down the neighbour's garage at 6346 Squilax-Anglemont Road, for which the Board will review Magna Bay Amendment (Coueffin) Bylaw No. 800-31 application for the rebuild of that garage at its April 18, 2019 Board meeting. The bylaw amendment proposes to increase parcel coverage for that property from 25% to 28% for the construction of the garage. At a future Board meeting, the proposed garage will also require issuance of a DVP for front and interior side parcel boundary setbacks, height, and gross floor area, similar to this application.

The residential use of the subject property is in compliance with the SSA –Secondary Settlement Area designation in Electoral Area F Official Community Plan Bylaw No. 830.

The applicant has applied for a Setback Permit with Ministry of Transportation for the subject property that permits the garage to be within 4.5 m of the road right of way; the ministry has indicated that they will be issuing the permit.

SUMMARY:

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

- The proposal is to build on the existing garage foundation;
- There are existing site constraints due to the location of the single family dwelling and septic field;
- The height of the garage at road level will be approximately 6 m; which would be permitted for an accessory building in the RS zone;
- There should not be any negative impact on neighbouring properties; the property to the north is currently vacant and the property that shares the interior side parcel boundary which is the subject of this variance is also applying for setback variances for a garage; and,
- Ministry of Transportation has indicated they will issue a Setback Permit signifying they do not have concerns regarding the close proximity of the proposed garage to Squilax-Anglemont Road.

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 east wall 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 800-32.

BOARD'S OPTIONS:

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

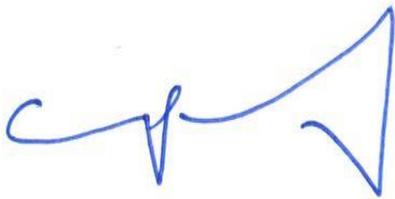
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, February 21, 2019

Report Approval Details

Document Title:	2019-04-18_Board_DS_DVP800-32_Lamb.docx
Attachments:	- DVP800-32.pdf - Maps_plans_photos_DVP800-32.pdf
Final Approval Date:	Apr 8, 2019

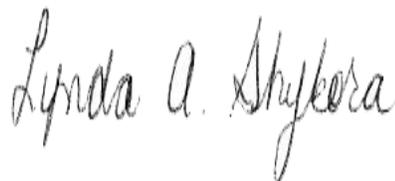
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 5, 2019 - 10:56 AM



Gerald Christie - Apr 5, 2019 - 11:28 AM



Lynda Shykora - Apr 8, 2019 - 12:35 PM



Charles Hamilton - Apr 8, 2019 - 1:39 PM