



BOARD REPORT

TO: Chair and Directors

File No: DVP701-86
PL2019018

SUBJECT: Electoral Area C: Development Variance Permit No. 701-86 (Case Holdings Ltd – Poggemoeller)

DESCRIPTION: Report from Erica Hartling, Planner I, dated April 26, 2019. 25 - 6421 Eagle Bay Road, Wild Rose Bay

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-86 for Strata Lot 25, Section 18, Township 23, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Strata Plan KAS1797, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 15.2.5 minimum setback from the side parcel lines from 2 m to 0 m only for the retaining walls located along the driveway access;

be approved this 16th day of May, 2019 and issuance be withheld until the proposed retaining walls receive issuance of a Steep Slope Development Permit by the Manager of Development Services.

SHORT SUMMARY:

The subject property is located at 25 - 6421 Eagle Bay Road in Wild Rose Bay of Electoral Area C. The lot is currently vacant and the owners are proposing to construct retaining walls along the steep slopes of the property's upper and lower panhandle to allow construction of a driveway access to the future building site. Retaining walls that are 1.2 m or greater in height are required to meet the setback regulation in the zoning bylaw. The proposed retaining walls range from 1.5 m to 4.5 m in height and are located within the side parcel line setbacks and require a variance to the South Shuswap Zoning Bylaw No. 701 from 2 m to 0 m for the side parcel boundaries, prior to other approvals and to construction.

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

BACKGROUND:

REGISTERED OWNER(S):
Case Holdings Ltd. and David Poggemoeller

AGENT:
Darrell Axani c/o AC Eagle Enterprises

ELECTORAL AREA:
C

LEGAL DESCRIPTION:

Strata Lot 25, Section 18, Township 23, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Strata Plan KAS1797, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1

PID:

023-518-448

CIVIC ADDRESS:

25 - 6421 Eagle Bay Rd

SURROUNDING LAND USE PATTERN:

North = Wild Rose Bay Community Park and Shuswap Lake

South = Common Property and Residential Strata Lots

East = Common Property and Wild Rose Bay Community Park

West = Residential Strata Lots and Common Access

CURRENT USE:

Vacant lot

PROPOSED USE:

Construct retaining walls along the proposed driveway access

PARCEL SIZE:

0.14 ha (0.34 acres)

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

MD – Medium Density Residential

ZONE:

South Shuswap Zoning Bylaw No. 701

LH – Large Holding

Lakes Zoning Bylaw No. 900

FM2 - Foreshore Multifamily 2, site specific (Wild Rose Bay Properties Ltd.)

SITE COMMENTS:

See "Maps_Plans_Photos_DVP701-86.pdf" attached.

The subject property is part of the Strata Plan KAS1797 and Wild Rose Bay Properties Ltd. The property is currently vacant and is located south of the Wild Rose Bay Community Park and Shuswap Lake. The property's proposed access is from the Strata's common road and runs along the subject property's steeply sloped (30-35% grade) panhandle, which is adjacent to the developed neighbouring property to the north and is located south of a strip of common property and several developed strata lots. In order to construct a safe access to the building site, the proposed driveway will require retaining walls along the upper and lower sections of the panhandle. These proposed upper and lower retaining walls

range from 1.5 m to 4.5 m in height. The property owners are also in the process of relocating the existing utilities to be moved from Lot 24 into a new right of way on the subject property (Lot 25).

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725

See "BL725_BL701_Excerpts_BL701-86.pdf" attached.

12.1 Hazardous Lands Development Permit Areas (Steep Slope)

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

Staff have not received an application for the Steep Slope Development Permit. The agent has noted that the owners are aware of the required development permit but would like to go through the variance application process first before applying for the required Steep Slope Development Permit.

Approval of technical development permits such as the Steep Slope Development Permit has been delegated to the Manager of Development Services for review and issuance.

South Shuswap Zoning Bylaw No. 701

See "BL725_BL701_Excerpts_BL701-86.pdf" attached.

LH – Large Holding

15.2 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

Building Regulation Bylaw No. 660

As the proposed retaining walls are over 1.22 m in height, they require a Building Permit prior to construction. The agent has noted that they will apply for a building permit if the variance permit receives approval. The retaining walls will need to adhere to current BC Building Code and the Building Official will require Geotechnical Letters of Assurance at the building permit stage. Further information may be requested at the building permit application stage once more details regarding the build are submitted.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See "Maps_Plans_Photos_DVP701-86.pdf" attached.

The agent has applied to vary South Shuswap Zoning Bylaw No. 701, as follows:

- Section 15.2.5 minimum setback from the side parcel line from 2 m to 0 m only for the retaining walls located along the driveway access.

The location and height of the proposed retaining walls will require a Steep Slope Development Permit and Building Permit in addition to the Development Variance Permit, prior to construction. A Geotechnical Assessment will be required with the Steep Slope Development Permit application, which must confirm that the property may be used safely for the use intended. The agent has noted that the location and height of the retaining walls is required in order to safely access the future building site. Staff have received drawings of the retaining walls engineered by EXP, see attached "Maps_Plans_Photos_DVP701-86.pdf".

At this time the subject property owners have no plans to build a single family dwelling on the lot but would like to construct a safe driveway access to the building site, which requires the construction of the proposed retaining walls. When the subject property owners are ready to build a single family dwelling, they will require a Building Permit and may also require a Lakes 100 m Development Permit, Riparian Areas Regulation Development Permit, and an amended Steep Slope Development Permit before building the dwelling and connecting to the utilities.

The agent has notified staff that the neighbouring property owners of Lot 23 and Lot 24 and Strata Council are aware of the proposed work and were present at a site meeting last fall. These neighbouring property owners and the Strata Council will receive a notice of the variance application in the mail and will have the opportunity to provide comments regarding this application prior to the Board meeting. The subject property owners may also need to make an application to their building committee and Strata Council for the proposed location of the retaining walls, as there is currently a building scheme registered over the property that is regulated by the Strata and not the CSRD

The upper proposed retaining wall along the panhandle driveway access ranges from 2.3 m – 4.5 m in height and backs onto vacant common property and is downslope from neighbouring strata lots, as such there should be no visual impacts to these lots. The lower wall ranges from 1.5 m to 3 m in height and is adjacent to Lot 24, which has a single family dwelling and garage. The location of the lower wall along the property line may directly impact Lot 24 and the subject property owners and the owners of lot 24 should have an agreement in place if construction works will temporarily impact Lot 24.

Lot 24 has a single family dwelling that has a view to the north and looking out at Shuswap Lake, with a landscaped yard between the dwelling and Shuswap Lake. The lot's driveway access, parking area, and garage are located in the southern section of the property next to the proposed location of the retaining walls. The subject property's proposed retaining walls will be constructed next to the southern boundary of Lot 24 and the proposed 0 m setback will locate them approximately 4.5 m from the side/corner of Lot 24's garage and setback 2 m from the back of the garage. As such, the proposed location of the retaining walls should not negatively impact the visual esthetics of Lot 24. As the proposed retaining walls are to be constructed on steep slopes and adjacent to a developed lot, if the requested variance is approved then issuance and registration of the variance permit is recommended to be withheld until the property is issued a Steep Slope Development Permit deeming the land safe for the use intended.

SUMMARY:

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

- Section 15.2.5 minimum setback from the side parcel lines from 2 m to 0 m only for the retaining walls located along the driveway access.

Development Services staff are recommending approval of the variance request for the following reasons:

1. The location of the retaining walls is required to construct a safe driveway access to the property;
2. The location and height of the retaining walls should have minimal visual impact on the surrounding properties;
3. The proposed access and retaining walls must be deemed safe and issued a Steep Slope Development Permit and Building Permit prior to construction.

Development Services staff are recommending that the Board approve Development Variance Permit No. 701-86, on the condition that the variance permit not be issued by staff until the agent or owners apply for and receive approval and issuance of the Steep Slope Development Permit.

IMPLEMENTATION:

If Development Variance Permit 701-86 (DVP701-86) is approved by the Board, staff will withhold issuance and registration of the DVP701-86 until the property is issued a Steep Slope Development Permit (DP) deeming the property can be used safely for the use intended. Once the DVP and DP property is issued, the owners will apply for a Building Permit to construct the retaining walls.

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 April 29, 2019 meeting and passed a resolution to support the application. The APC noted that the access to the building site is very limited and the proposal maximizes the driveway width. The APC had the following concerns and comments:

- Wanted to know that a special effort would be made to contact the owners of lot 24;
- If the strata council was supportive of the specific plan; and,
- That engineering and related studies were all followed.

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 April 29, 2019

Report Approval Details

Document Title:	2019-05-16_Board_DS_DVP701-86_Case_Holdings_Ltd - Poggemoeller.docx
Attachments:	- DVP701-86.pdf - BL725_BL701_Excerpts_DVP701-86.pdf - Maps_Plans_Photos_DVP701-86.pdf
Final Approval Date:	May 6, 2019

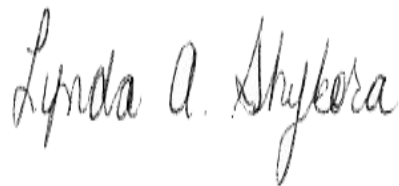
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 3, 2019 - 11:18 AM



Gerald Christie - May 3, 2019 - 12:17 PM



Lynda Shykora - May 6, 2019 - 10:06 AM



Charles Hamilton - May 6, 2019 - 10:33 AM