



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP701-91  
PL20190088

**SUBJECT:** Electoral Area C: Development Variance Permit No. 701-91

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated May 2, 2019.  
56 - 6421 Eagle Bay Road (Wild Rose Bay)

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-91 for Strata Lot 56, 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 rear parcel line from 5.0 m to 1.0 m only for the proposed covered outdoor kitchen and seating area;

be issued this 16<sup>th</sup> day of May, 2019.

## SHORT SUMMARY:

The subject property is located at 56 - 6421 Eagle Bay Road in Wild Rose Bay of Electoral Area C. The property owner is proposing to construct a covered outdoor kitchen and seating area, which will be attached to the existing single family dwelling. The proposed addition requires a variance from 5.0 m to 1.0 m for the rear parcel line setback in the South Shuswap Zoning Bylaw No. 701, prior to other approvals and to construction.

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

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## BACKGROUND:

REGISTERED OWNER/APPLICANT:  
Sheldon Wiebe

ELECTORAL AREA:  
C

## LEGAL DESCRIPTION:

Strata Lot 56, 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:

023-518-766

**CIVIC ADDRESS:**

56-6421 Eagle Bay Road

**SURROUNDING LAND USE PATTERN:**

North = Common Access and Residential Strata Lots

South = Common Property and Broom Road Park (CSRD park)

East = Residential Strata Lots

West = Residential Strata Lots

**CURRENT USE:**

Single family dwelling

**PROPOSED USE:**

Construct a covered outdoor seating area attached to the rear of the house, which will contain an outdoor kitchen (with a sink, fridge, and BBQ), a fireplace, and a hot tub. The proposed addition is approximately 5.8 m by 10 m, with a roof height of about 5.2 m and open walls. The addition will remain grade level. The site plan currently shows the structure as 1.82 m from the rear lot line; however, the applicant is proposing a 1 m setback to account for any potential building modifications during construction.

**PARCEL SIZE:**

0.065 ha (7040 sq. ft.)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

MD - Medium Density Residential

**ZONE:**

South Shuswap Zoning Bylaw No. 701

LH – Large Holding

**SITE COMMENTS:**

The subject property is part of the Strata Plan KAS1797 and Wild Rose Bay Properties Ltd. The property is relatively flat with no slopes over 30% grade. A single family dwelling is existing.

**ACCESS:**

Private strata road off of Eagle Bay Rd.

See "Maps\_Plans\_Photos\_DVP701-91.pdf" attached.

**POLICY:**

**South Shuswap Zoning Bylaw No. 701**

See "BL701\_Excerpts\_BL701-91.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

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

See site plan in the attached "Maps\_Plans\_Photos\_DVP701-91.pdf".

The property owner is proposing to vary South Shuswap Zoning Bylaw No. 701 as follows:

- Section 15.2.5 minimum setback from the rear parcel line from 5.0 m to 1.0 m only for the covered outdoor kitchen and seating area.

The proposed covered outdoor kitchen and seating area is 58 m<sup>2</sup> with a roof height of about 5.2 m and open walls. The covered area will contain a sink, fridge, and barbeque, as well as a fireplace and hot tub. The site plan currently shows the structure as 1.82 m from the rear lot line; however, the applicant is proposing a 1 m setback to protect against any building modifications during construction. The proposed addition will require a CSRD Building Permit, as per Building Regulation Bylaw No. 660. If any retaining walls are required for the development, they must be under 1.2 m in height, otherwise they may require a Development Variance Permit. Retaining walls greater than 1.2 m in height are required to meet the setback requirements in Bylaw No. 701.

The proposed variance is for the rear parcel line only, which is adjacent to the vacant common property belonging to Wild Rose Bay Properties and to the CSRD's Broom Road Park. There are no existing buildings or structures near the subject property's rear parcel line on these adjacent properties. The strata council has granted approval of the addition, pending CSRD approval of the DVP, and CSRD Parks has no concerns with the proposed variance. As the proposed addition is not proposing to vary either side parcel line, the proposed variance should have minimal impact on the adjacent residential properties to the east and west.

Development Services staff note that if the proposed addition were to be an interior living space with walls, a variance from 5.0 m to 1.0 m may not have been supported. However, as the addition is not enclosed and backs onto common strata property and a park, the 4 m difference will have minimal impact and does not raise any concerns.

**SUMMARY:**

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

- Section 15.2.5 minimum setback from the rear parcel line from 5.0 m to 1.0 m only for the proposed covered outdoor kitchen and seating area

as shown on the site plan in the attached "Maps\_Plans\_Photos\_DVP701-91.pdf".

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 701-91, as the variance should have minimum impact on surrounding properties.

**IMPLEMENTATION:**

If Development Variance Permit No. 701-91 is approved, the notice of permit will be registered on the subject property's title. A Building Permit will be required prior to construction of the addition as per CSRD Building Regulation Bylaw No. 660.

**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. The Strata Council will receive a copy of the notice because there is common property along the rear (south) parcel line of the subject property. All interested parties will have the opportunity to provide 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:

- Area C APC
- CSRD Parks
- CSRD Building Official.

The Electoral Area C Advisory Planning Commission reviewed the application at their April 29, 2019 meeting and passed a resolution in support of the application.

CSRD Parks staff have no concerns with the proposed variance.

The CSRD Building Department has no objections to the proposed variance. As the proposed structure will be located within 2.4 metres of a parcel line, the Building Official has indicated that there will be building material restrictions in order to meet fire resistant ratings; this will be addressed through the Building Permit process. The Building Official confirms that the owner has already begun the building permit application process, and has retained the services of a structural engineer for the proposed addition. Additionally, the Building Official will confirm there are no slopes of 30% grade or more upon the first site visit to the subject property. If slopes of 30% or more are on the subject property, a Hazardous Lands (Steep Slopes) Development Permit will be required prior to issuance of the Building Permit.

**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_91-Wiebe.docx
Attachments:	- DVP701-91.pdf - BL701_Excerpts_DVP701-91.pdf - Maps_Plans_Photos_DVP701-91.pdf
Final Approval Date:	May 3, 2019

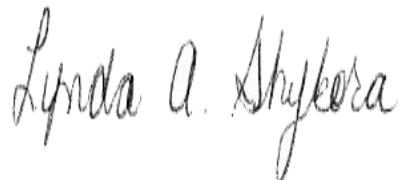
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 2, 2019 - 9:47 AM**



**Gerald Christie - May 2, 2019 - 2:57 PM**



**Lynda Shykora - May 3, 2019 - 1:38 PM**



**Charles Hamilton - May 3, 2019 - 1:51 PM**