



BOARD REPORT

TO: Chair and Directors

File No: DVP2500-17
PL2019019

SUBJECT: Electoral Area D: Development Variance Permit No. 2500-17

DESCRIPTION: Report from Candice Benner, Planner II, dated May 27, 2019.
5781 Highway 97, Falkland

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-32 for Lot 4, Block 7, Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295, varying Salmon Valley Land Use Bylaw No. 2500, as follows:

Section 2.7.2.2 minimum setback from side parcel line from 2.0 m to 0.59 m for an attached deck; to 1.56 m for attached stairs, and to 1.31 m for an attached storage shed,

be approved for issuance this 20th day of June, 2019.

SHORT SUMMARY:

As part of a bylaw amendment application (BL2559) for the subject property, the owners submitted a survey showing the siting of the existing buildings on the subject property. The existing second story deck, stairs, and storage shed attached to the two-family dwelling are located within the side parcel line setback and require a Development Variance Permit (DVP).

The three proposed variances can only be considered for approval if BL2559 is adopted and the subject property is rezoned from C – Commercial to RS – Single and Two Family Residential.

VOTING:	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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BACKGROUND:

OWNERS:
Stephen McMullen
Lenae Desimone

ELECTORAL AREA:
D (Falkland)

CIVIC ADDRESS:
5781 Highway 97

LEGAL DESCRIPTION:
Lot 4 Block 7 Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295

PID:

008-582-173

SIZE OF PROPERTY:

0.052 ha

SURROUNDING LAND

USE PATTERN:

NORTH: Highway 97, residential

SOUTH: access lane, residential

EAST: Residential

WEST: residential

DESIGNATION/ZONE:

Salmon Valley Land Use Bylaw No. 2500

RS-Single and Two Family Residential

CURRENT USE:

Two-family dwelling and one accessory building.

SITE COMMENTS:

The subject property is west of downtown Falkland on the south side of Highway 97. The two-family dwelling sits centrally on the property with a grassed yard in the front, which is also the location of the septic system and parking at the back. Though the property fronts the Highway, access is from an established laneway at the rear of the property.

On both sides of the highway are various mixed uses including residential, commercial, community library, and vacant lots.

POLICY:**Salmon Valley Land Use Bylaw No. 2500**

2.7 RS Single and Two Family Residential

2.7.1 The following uses and no others are permitted in the area zoned as RS:

- .1 single family dwelling;
- .2 two family dwelling;
- .3 home occupation;
- .4 accessory use.

2.7.2 Regulations

.2 minimum siting of buildings, structures or uses from parcel lines:

front parcel line:	6 metres;
rear parcel line:	5 metres;
side parcel line:	2 metres;

exterior side parcel line 4.5 metres

Development Variance Permit

The application is to vary the Salmon Valley Land Use Bylaw No. 2500 as follows:

Section 2.7.2.2 minimum setback from side parcel line from 2.0 m to 0.59 m for an attached deck; to 1.56 m for attached stairs, and to 1.31 m for an attached storage shed.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

As part of the rezoning application, staff requested that a survey be completed for the subject property as the two-family dwelling seemed to be located close to the side parcel setback. The survey confirmed that although the two-family dwelling is outside of the side parcel line setbacks the attached deck, stairs, and storage shed are all within 2.0 m of the side parcel line and require a DVP application for these structures to recognize the siting of the two-family dwelling.

Although building inspection is not a function in this area, staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the deck, stairs, and storage shed as they are located within the side parcel line setback; the building department does not have issue with the siting of the deck or stairs but has provided recommendations regarding a first story window located near the stairs that staff have forwarded to the owners.

Staff note that the site plan the owners provided shows a wood deck located on the east side of the house; this is a ground level type patio and is not considered a structure. A shed located at the rear of the property is on the site plan as well, the surveyor did not include this structure on the survey as it is on skids and not permanent. The owner is currently in the process of moving the shed and will provide photo evidence to staff once it has been moved.

The property to the west that shares the parcel boundary for which this variance is for is currently vacant.

SUMMARY:

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

- The two-family dwelling complies with the 2 m interior side parcel line setback except for the attached deck, stairs and storage shed which may be considered minor encroachments; and
- The variances should have minimal to no impact on surrounding properties; in particular the adjacent property to the west which is currently vacant.

IMPLEMENTATION:

If this DVP is approved, the three existing encroachments will be compliant with zoning regulation.

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 D.

DESIRED OUTCOMES:

That the Board support the staff recommendation to approve issuance of DVP2500-17.

BOARD'S OPTIONS:

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

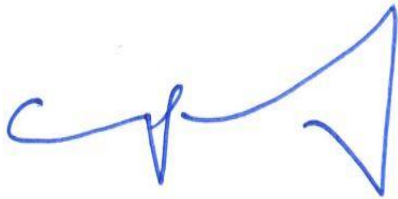
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Bylaw No. 2500
2. Building Department Referral

Report Approval Details

Document Title:	2019-06-20_Board_DS_DVP2500-17_Desimone.docx
Attachments:	- DVP2500-17.pdf - Maps_Plans_Photos_DVP2500-17.pdf
Final Approval Date:	Jun 6, 2019

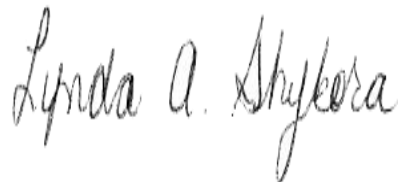
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jun 4, 2019 - 12:58 PM



Gerald Christie - Jun 5, 2019 - 3:03 PM



Lynda Shykora - Jun 6, 2019 - 11:29 AM



Charles Hamilton - Jun 6, 2019 - 3:19 PM