

BOARD REPORT

TO: Chair and Directors

File No: DVP800-33
PL20190144

SUBJECT: Electoral Area F: Development Variance Permit No. 800-33 (Coueffin)

DESCRIPTION: Report from Candice Benner, Planner II, dated July 4, 2019
6346 Squilax-Anglemont Road, Magna Bay

RECOMMENDATION #1: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-33 for Lot 9, 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 7.92 m for a garage;

Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m² to 58 m² for a garage,

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

SHORT SUMMARY:

As part of the bylaw amendment application (BL800-31) to rebuild a garage that burned down on the subject property, the owners submitted a survey showing the siting of the existing and proposed buildings on the subject property. The proposed garage is to be located within the front and side parcel boundary setbacks and require a variance; the maximum gross floor area is proposed to be 58 m² which exceeds the permitted 55 m² and the height is proposed to be maximum 7.92 m which exceeds the permitted 6 m and therefore, require a variance as well.

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

BACKGROUND:

OWNERS:
Ricky Coueffin
Irene Coueffin

APPLICANT:
Ricky Coueffin

ELECTORAL AREA:

F (Magna Bay)

CIVIC ADDRESS:

6346 Squilax-Anglemont Road

LEGAL DESCRIPTION:

Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493

PID:

006-909-698

SIZE OF PROPERTY:

0.142 ha

SURROUNDING LAND

USE PATTERN:

NORTH: Squilax-Anglemont Road, vacant

SOUTH: Shuswap Lake

EAST: Residential

WEST: Residential

DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830

SSA –Secondary Settlement Area

CURRENT ZONE:

Magna Bay Zoning Bylaw No. 800

RS –Residential

CURRENT USE:

Single Family Dwelling, accessory building (shed/boathouse)

PROPOSED USE:

Single Family Dwelling, accessory buildings (shed/boathouse and garage)

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 7.92 m for a garage;
- Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and
- Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m² to 58 m² for a garage.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The applicant's garage burned down in a fire in July 2018; he is wanting to rebuild the new garage on the same footprint as the old garage due to siting constraints on the property. The proposal is for a two-storey structure: a 1 bay garage first floor with office space in the basement.

The old garage was located at the front of the property, close to Squilax-Anglemont Road, and the west side parcel line. The applicant would like to build the new garage in this same location which will require a Development Variance Permit as it would be located within the front and interior side parcel boundary setbacks. The proposed setbacks for the garage, including eaves and gutters, would be 0.5 m from the front and interior side parcel boundary; the walls of the garage would be 1.0 m setback from the parcel lines.

The maximum gross floor area for an accessory building is 55 m² in the RS zone; the proposed 2 storey garage exceeds the maximum floor area permitted; the gross floor area for the building is 58 m² which includes both floors. Bylaw No. 800 exempts off-street parking in floor area calculation; the first floor garage has two off-street parking spaces which are deducted from the total. The area for the first floor is 13 m² and the basement floor area is 45 m²; the combined total of which is 58 m².

The height for the garage is proposed to be a maximum 7.92 m, which is over the maximum allowed 6 m for an accessory building. The old garage was also two storeys and so the floor area and height would have been similar.

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 west 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 6342 Squilax-Anglemont Road, for which the Board reviewed and approved a Development Variance Permit (DVP800-32 Lamb) application for the rebuild of that garage at its April 18, 2019 Board meeting. Similar to the subject property proposed garage, DVP800-32 proposed to vary front and interior side parcel setbacks, height, and gross floor area of a garage.

The applicant has indicated that the basement will have a full bathroom with sink, toilet, and shower as well as a kitchenette that includes a sink, microwave, and fridge. The applicant has been advised that guest accommodation is not permitted on parcels less than 1 ha in the RS zone. The trigger for a structure to be considered a dwelling unit or guest accommodation is installation of a stove unit or a 220 electrical outlet. Neither a stove unit nor a 220 electrical outlet is being proposed.

Staff is in receipt of an issued Setback Permit from Ministry of Transportation for the subject property that permits the garage to be within 0.5 m (eaves) and 1.0 m (foundation) of the road right of way.

SUMMARY:

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

- There are existing site constraints due to the location of the single family dwelling;
- 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 was recently approved for setback variances for a garage; and,
- Ministry of Transportation has issued 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 west 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.

The bylaw amendment and DVP application process started prior to APC F forming and therefore was not referred to the APC for review.

DESIRED OUTCOMES:

That the Board support the staff recommendation to approve issuance of DVP 800-33.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

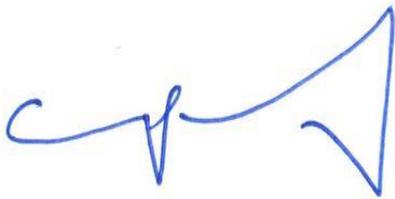
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, March 6, 2019
4. Ministry of Transportation Setback Permit (2019-01269), March 28, 2019

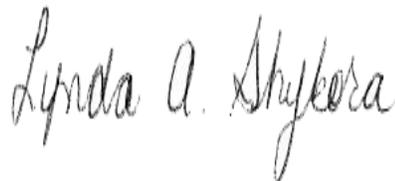
Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-07-18_Board_DS_DVP800-33_Coueffin.docx |
| Attachments: | - DVP800-33.pdf - Maps_plans_photos_DVP800-33.pdf |
| Final Approval Date: | Jul 4, 2019 |

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



Corey Paiement - Jul 4, 2019 - 2:23 PM



Lynda Shykora - Jul 4, 2019 - 3:16 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jul 4, 2019 - 3:17 PM