



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP701-92  
PL20190118

**SUBJECT:** Electoral Area C: Development Variance Permit No. 701-92 (Trozzo)

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated July 3, 2019.  
2495 Rocky Point Road, Blind Bay

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-92 for Lot 10, Block 2, Section 30, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 9989, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building;

be approved this 18<sup>th</sup> day of July, 2019;

AND FURTHER THAT: issuance be withheld until the proposed accessory building receives issuance of a Lakes 100m Development Permit by the Manager of Development Services.

## SHORT SUMMARY:

The subject property is located at Reedman Point in Blind Bay of Electoral Area C. The owners are proposing to construct a new accessory building (detached garage) near the east exterior side parcel line, which is adjacent to the unconstructed McArthur Road right of way. The proposed accessory building (detached garage) requires a Development Variance Permit to vary the exterior side parcel line setback from 4.5 m to 1 m.

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

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## BACKGROUND:

REGISTERED OWNERS:  
Chris and Lisa Trozzo

APPLICANTS:  
Chris and Lisa Trozzo

ELECTORAL AREA:  
C (Blind Bay)

LEGAL DESCRIPTION:  
Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9989

PID:  
009-630-619

CIVIC ADDRESS:  
2495 Rocky Point Road, Blind Bay

SURROUNDING LAND USE PATTERN:  
North = Shuswap Lake  
South = Rocky Point Road, Rural Residential  
East = McArthur Road (unconstructed)  
West = Rural Residential

CURRENT USE:  
Single family dwelling and old boat house.

PROPOSED USE:  
New 71.3 m<sup>2</sup> (768 ft<sup>2</sup>) accessory building (detached garage) to be used for boat and vehicle storage.

PARCEL SIZE:  
0.168 ha (0.38 ac.)

DESIGNATION:  
Electoral Area C Official Community Plan Bylaw No. 725  
RR2 Rural Residential

ZONE:  
South Shuswap Zoning Bylaw No. 701  
Land = RR1 Rural Residential  
Lakes Zoning No. 900  
FR1 Foreshore Residential 1

SITE COMMENTS:  
The subject property contains a single family dwelling with an attached single car garage and an old boat house. The owners are proposing to build a new 71.3 m<sup>2</sup> (768 ft<sup>2</sup>) accessory building (detached garage) for storage of their boat and second vehicle. There is an easement at the front of the property, adjacent to Rocky Point Road, for the neighbouring lot's septic system. Due to this easement and the location and slope of the existing driveway, the property owners are limited as to where they can build the accessory building (detached garage).

**POLICY:**  
SOUTH SHUSWAP ZONING BYLAW NO. 701

Section 1 - Definitions

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

### Section 7 - RR1 – Rural Residential Zone

#### 7.1 Permitted Uses

Accessory building is a permitted use.

#### 7.2 Regulations

.5 Minimum setback of Principal and Accessory Buildings from:

- |                                    |              |
|------------------------------------|--------------|
| • front parcel line                | 5 m          |
| • <b>exterior side parcel line</b> | <b>4.5 m</b> |
| • interior side parcel line        | 2 m          |
| • rear parcel line                 | 5 m          |

#### **FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

#### **KEY ISSUES/CONCEPTS:**

The property owners are proposing to vary the South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building (detached garage)

as shown on the site plan in the attached "Maps\_Plans\_Photos\_DVP701-92.pdf".

The proposed accessory building (detached garage) cannot be located further towards the front parcel line as there is an easement for the neighbouring lot's septic system, nor can it be located further west or it would encroach into the existing sloped driveway.

The proposed variance is for the east parcel line, which is adjacent to the unconstructed McArthur Road. A parcel line other than the front parcel line that is common to the parcel and a road is considered an exterior side parcel line. The owners have also applied to the Ministry of Transportation and Infrastructure (MOTI) for a setback permit as the proposed accessory building (detached garage) will be located within MOTI's 4.5 m setback from the McArthur Road right of way.

The proposed accessory building (detached garage) will also require a Lakes 100 m Development Permit due to the increase in total footprint of building and structures within 100 m of Shuswap Lake, as per the Electoral Area C Official Community Plan Bylaw No. 725. Approval of technical development permits such as the Lakes 100 m Development Permit has been delegated to the Manager of Development Services for review and issuance. Additionally, a building permit will be required as per the Building Regulation Bylaw No. 660. The CSRD Building Department has no objections to the proposed variance.

#### **SUMMARY:**

The property owners are proposing to vary the South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m only for any portion of the proposed accessory building (detached garage).

The new accessory building will be used for storage of the property owners' boat and second vehicle.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 701-92 for the following reasons:

- The owners are limited as to where they can locate the proposed accessory building (detached garage), due to the location and slope of the existing driveway and the location of the easement over their property,
- The variance should have minimal impact on surrounding properties.

Development Services staff are recommending that the Board approve Development Variance Permit No. 701-92, on the condition that the variance permit not be issued by staff until the owners apply for and receive approval and issuance of the Lakes 100 m Development Permit.

### **IMPLEMENTATION:**

If Development Variance Permit 701-92 (DVP701-92) is approved by the Board, staff will withhold issuance and registration of DVP701-92 until the property is issued a Lakes 100 m Development Permit (DP). Once the DVP and DP property is issued, the owners may apply for a Building Permit to construct the accessory building.

### **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 Meeting at which the variance will be considered. All interested parties will have the opportunity to provide comments regarding this application prior to the Board Meeting.

Referrals have been sent to the following:

- Area C Advisory Planning Commission (APC)
- CSRD Parks
- Ministry of Transportation and Infrastructure

The Electoral Area C APC reviewed the application at their June 6, 2019 meeting and passed a resolution in support of the application.

The CSRD Parks department was referred this application as McArthur Road right of way is currently unconstructed and Development Services staff considered that the right of way may be part of a parks plan for future beach access. CSRD Parks had no concerns with the proposed variance.

The Ministry of Transportation and Infrastructure confirmed that a setback permit application has been made by the owners. The application is still under review and has not yet been approved.

### **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.*

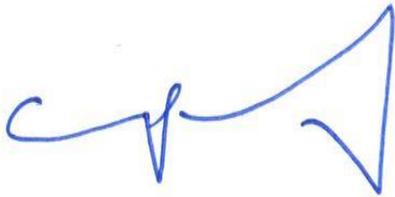
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Meeting Minutes - June 6, 2019

**Report Approval Details**

Document Title:	2019-07-18_Board_DS_DVP701-92_Trozzo.docx
Attachments:	- DVP701-92.pdf - DP701-92_Maps_Plans_Photos.pdf
Final Approval Date:	Jul 8, 2019

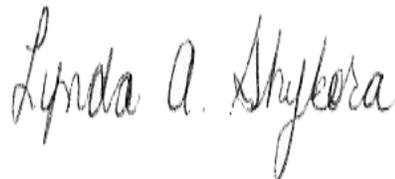
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 3, 2019 - 11:35 AM**



**Gerald Christie - Jul 8, 2019 - 8:04 AM**



**Lynda Shykora - Jul 8, 2019 - 2:34 PM**



**Charles Hamilton - Jul 8, 2019 - 2:50 PM**