



BOARD REPORT

TO: Chair and Directors

File No: DVP2500-18
PL20190000138

SUBJECT: Electoral Area D: Development Variance Permit No. 2500-18

DESCRIPTION: Report from Christine LeFloch, Planner II, dated July 18, 2019.
2921 Chase-Falkland Road, Falkland

RECOMMENDATION #1: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 2500-18 for Lots 1 & 2, Block 2, Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295, varying Salmon Valley Land Use Bylaw No. 2500, as follows:

1. Section 2.7.2.2 minimum setback from the front parcel line for an existing single family dwelling from 6 m to 4.78 m;
2. Section 2.7.2.2 minimum setback from the exterior side parcel line for an existing single family dwelling from 4.5 m to 3.48 m;
3. Section 2.7.2.2 minimum setback from the exterior side parcel line for an existing garage from 4.5 m to 0 m; and
4. Section 2.7.2.2 minimum setback from the rear parcel line for an existing garage from 5 m to 0 m,

be approved for issuance this 15th day of August, 2019.

RECOMMENDATION #2: THAT: issuance of DVP2500-18 be withheld until completion of the subdivision being processed under file number 2018-01657 so that the Development Variance Permit may be registered to the new legal description.

SHORT SUMMARY:

The owner of the subject properties is in the process of a boundary adjustment subdivision which would resolve a building encroachment and would also create an additional buildable lot. One of the conditions of subdivision approval is issuance of a Development Variance Permit to address the setbacks of the existing house and garage with respect to the proposed new lot boundaries.

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

BACKGROUND:

PROPERTY OWNERS:
Kathleen Porter and Jacqueline Gingras

APPLICANT:
Kathleen Porter

ELECTORAL AREA:
D

LEGAL DESCRIPTION:
Lots 1 & 2, Block 2, Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295

PID:
Lot 1: 002-449-218
Lot 2: 002-449-200

CIVIC ADDRESS:
2921 Chase-Falkland Road, Falkland

SURROUNDING LAND USE PATTERN:
North = Tuktakamin Road, Residential
South = Lane, Residential
East = Residential, Public
West = Chase-Falkland Road, Residential

CURRENT USE:
Single Family Dwelling, detached garage

PROPOSED USE:
Boundary adjustment subdivision to create one new building lot

PARCEL SIZE:
Lot 1 = 0.06 ha
Lot 2 = 0.06 ha

PROPOSED PARCEL SIZE:
Proposed Lot 1 = 0.06 ha
Proposed Lot 2 = 0.06 ha

DESIGNATION:
N/A

ZONE:
Salmon Valley Land Use Bylaw No. 2500
RS Residential Single and Two Family Zone

PROPOSED DESIGNATION:
N/A

PROPOSED ZONE:
N/A

AGRICULTURAL LAND RESERVE:

0 %

SITE COMMENTS:

A site visit was done on July 26, 2019.

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

Definitions

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 Minimum setback from the front parcel line for an existing single family dwelling from 6 m to 4.78 m;
- Section 2.7.2 Minimum setback from the exterior parcel line for an existing single family dwelling from 4.5 m to 3.48 m;
- Section 2.7.2 Minimum setback from the exterior side yard for an existing garage from 4.5 m to 0 m; and
- Section 2.7.2 Minimum setback from the rear parcel line for an existing garage from 5 m to 0 m.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The owners of the subject property have made application to the Ministry of Transportation and the CSRD for a boundary adjustment subdivision under application number 2018-01657D. The two subject

properties are both 0.06 ha in size and are currently oriented with the front property boundary abutting Tuktakimin Road. There is an existing single family dwelling that is currently straddling the boundary between the two properties, along with a garage that is encroaching slightly onto the right of way for Tuktakimin Road. Historically there was also a shop sited on the southern portion of the properties however this was removed last year. The proposed boundary adjustment would reorient the lot line so that the front property boundaries would be abutting Chase-Falkland Road. This would place the single family dwelling and garage on the northerly lot and create a vacant building lot to the south with a lane running along the south side.

The siting of the existing single family dwelling requires variances to the front parcel line setback for the proposed new lot from 6 m to 4.78 m and to the exterior side yard parcel line setback for the proposed new lot from 4.5 m to 3.48 m. The siting of the existing garage requires variances to the rear parcel line setback for the proposed new lot from 5 m to 0 m and to the exterior side yard parcel line setback for the proposed new lot from 4.5 m to 0 m.

The Ministry of Transportation and Infrastructure has advised that a Setback Permit is required for the siting of both the single family dwelling and the garage which are sited within the 4.5 m Provincial setback from a road right of way, and an Encroachment Permit is required for the garage which is sited partially within the right of way for Tuktakimin Road. They have advised that upon application from the owners they are prepared to issue these permits once the subdivision has completed. Further, the existing septic field which encroaches upon the proposed new lot will also be dealt with in the subdivision process.

Staff do not have any objections to the proposed variances.

SUMMARY:

Staff are recommending that DVP2500-18 be approved for issuance and that registration of the permit on title be withheld until completion of the boundary adjustment subdivision for the following reasons:

- The Ministry of Transportation and Infrastructure raised no issues with the proposed variances and the applicant is in touch with MoTI staff regarding the required setback and encroachment permits;
- No bylaw enforcement complaints have been received regarding the siting of the existing buildings; and,
- The proposed boundary adjustment subdivision will resolve a building encroachment issue and create a new building lot. The proposed variances are required as a condition of subdivision approval.

IMPLEMENTATION:

If the Board approves the staff recommendation the Development Variance Permit will be approved for issuance which will allow the subdivision to move forward. Once the subdivision is completed the permit will be registered on the title of the newly created lot.

COMMUNICATIONS:

A referral was sent to the Ministry of Transportation and Infrastructure (MoTI) requesting comments regarding the proposed variances. The Ministry comments are attached as "Agency_referral_comments_DVP2500-18.pdf", and are summarized below.

The Ministry raised no objections to the reduced setback and encroachment of the existing buildings on the subject properties. They noted that an encroachment permit and a setback permit are required for the buildings located within the 4.5 m road right of way. They also noted that they would like to wait to issue the permits until the subdivision completes so that they can be issued to the new legal descriptions. The applicant has been advised of the MoTI requirements.

Notifications were sent out to all owners of property lying within 100 m of the subject property advising of the opportunity to comment on the application for Development Variance Permit. If any submissions are received staff will provide a verbal update at the Board meeting.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
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

Report Approval Details

Document Title:	2019-08-15_DS_Board_DVP2500-18_Porter.docx
Attachments:	- DVP 2500-18.pdf - Agency_Referral_Comments_DVP2500-18.pdf - Maps_Plans_Photos_DVP2500-18.pdf
Final Approval Date:	Jul 30, 2019

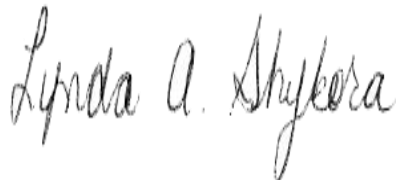
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator IT Portal Admin

Corey Paiement - Jul 29, 2019 - 11:42 AM



Gerald Christie - Jul 30, 2019 - 8:35 AM



Lynda Shykora - Jul 30, 2019 - 1:20 PM

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

Charles Hamilton - Jul 30, 2019 - 1:21 PM