



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP825-28  
PL20190096

**SUBJECT:** Electoral Area F: Development Variance Permit No. 825-28 (Nevokschonoff)

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated July 26, 2019. 2868 Squilax-Anglemont Road, Lee Creek

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 825-28 for Lot 2, Section 30, Township 22, Range 11, and of Section 25, Township 22, Range 12, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 5519, varying Scotch Creek/Lee Creek Zoning Bylaw No. 825 as follows:

- Section 5.7.3(f) Minimum setback from the front parcel boundary from 4.5 m to 1 m only for the new accessory building;

be authorized for issuance this 15<sup>th</sup> day of August, 2019.

### SHORT SUMMARY:

The subject property is located in Lee Creek, at 2868 Squilax-Anglemont Road, and is subject to Electoral Area 'F' Official Community Plan Bylaw No. 830 and Scotch Creek/Lee Creek Zoning Bylaw No. 825. The property currently contains a single family dwelling and an accessory building. The accessory building is a log structure used for storage and as a recreation room. The property owners would like to demolish the existing accessory building and build a new, larger accessory building, which will be a garage with a storage and recreation room area. The proposed location of the new accessory building requires a variance to the front 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 OWNER(S):  
Glen and Wendy Nevokschonoff

APPLICANTS:  
Glen and Wendy Nevokschonoff

ELECTORAL AREA:  
F (Lee Creek)

LEGAL DESCRIPTION:  
Lot 2 Section 30 Township 22 Range 11 and of Section 25 Township 22 Range 12 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 5519

PID:  
009-782-222

CIVIC ADDRESS:  
2868 Squilax-Anglemont Road

SURROUNDING LAND USE PATTERN:  
North = Waterfront Residential  
South = Waterfront Residential  
East = Shuswap Lake  
West = Squilax-Anglemont Road, Rural Residential

CURRENT USE:  
Single family dwelling, accessory building (is used for storage and as a recreation room, contains a wet bar and washroom)

PROPOSED USE:  
Demolish existing accessory building and build a new, larger accessory building (garage with attached storage/recreation room area, including wet bar and washroom)

PARCEL SIZE:  
0.173 ha (0.41 ac.)

DESIGNATION:  
Electoral Area 'F' Official Community Plan Bylaw No. 830  
WR - Waterfront Residential

ZONE:  
Scotch Creek/Lee Creek Zoning Bylaw No. 825  
Land = R1 – Residential 1  
Foreshore = Lakes Zoning No. 900  
FR1 - Foreshore Residential 1

AGRICULTURAL LAND RESERVE:  
0%

SITE COMMENTS:  
The subject property is waterfront to Shuswap Lake and highly vegetated, other than the existing building footprints and the existing driveway (see attached DVP825-28\_Maps\_Plans\_Photos.pdf). The owners have stated in their application that by expanding the new accessory building over the existing driveway and into the front parcel line setback, the vegetation disturbance on the property will be minimal.

**POLICY:**  
**Electoral Area 'F' Official Community Plan Bylaw No. 830**

The subject property is designated 'WR - Waterfront Residential' in the Electoral Area F Official Community Plan (OCP) Bylaw No. 830. The proposed accessory building and use is consistent with the policies of the OCP.

#### 11.6 Waterfront Residential (WR)

*Policy 3* The maximum net density for any new dwelling not on community water and sewer is one unit per 2.5 acres (1 unit per hectare).

*Policy 5* For aesthetic purposes, and to create a visual buffer from the water's edge, all new buildings or structures within the Waterfront Residential designation should maintain a minimum setback of at least 15 metres (49.2 feet) from the natural boundary of the water.

#### Development Permit Areas

##### 13.3 Lakes 100m Development Permit Area

Section 13.3 of the OCP, designates all areas within 100 m of Shuswap Lake as Lakes 100 m Development Permit Area. The objective of the Lakes 100 m DPA is to prevent or mitigate potential negative impacts on the lake environment from larger scale development and sewerage systems. A DP may be issued following submission of a report from a qualified professional registered with APEGBC with experience in hydrogeology.

##### 13.4 Riparian Areas Regulation (RAR) Development Permit Area

Section 13.4 of the OCP, designates all areas within 30 m of a watercourse as Riparian Areas Regulation Development Permit Areas. The purpose of this designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. A DP may be issued when the following guidelines have been met:

- Assessment by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and or Federal Governments; and
- Provincial notification that a QEP has submitted a report certifying that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled.

#### **Scotch Creek/Lee Creek Zoning Bylaw No. 825**

##### Section 1 – Definitions

ACCESSORY BUILDING is a detached structure, not used for human habitation; that is subordinate to, customarily incidental to, and exclusively devoted to the use with which it relates;

DWELLING UNIT is the use of one or more habitable rooms in a building that constitute a single self-contained unit with a separate entrance, and used together for living and sleeping purposes for not more than one family, and containing a bathroom with a toilet, wash basin, and a bath or shower and only one room which due to its design, plumbing, equipment and furnishings may be used primarily as a kitchen. This use does not include a tourist cabin, a tourist suite, or a sleeping unit in a hotel or motel;

GUEST ACCOMMODATION is the use of a guest cottage or guest suite on the same parcel as a single family dwelling, for temporary rent free accommodation on a non-commercial basis by guests of the residents of the single family dwelling;

GUEST COTTAGE is the use of a detached building for guest accommodation;

GUEST SUITE is the use of a self-contained suite within a single family dwelling for guest accommodation;

SETBACK is the shortest horizontal distance between any portion of a building or structure that is above finished ground level and each of the respective parcel boundaries.

### Section 3.11 – Guest Accommodation General Regulations

(1) A guest accommodation must:

- (a) have a floor area of less than 50 m<sup>2</sup> (538.21 sq. ft.);
- (b) have a door direct to the outdoors;
- (c) have a maximum of one sleeping unit;
- (d) be located on a parcel 1.0 ha (2.47 ac.) or larger in area;
- (e) be located on the same parcel as a single family dwelling that is a principal use; and
- (f) there shall be a maximum of one guest cottage or one guest suite per parcel.

### Section 5.7 – 'Residential – 1' Zone

(1) Permitted Uses – Principal Uses:

- (a) single family dwelling

(2) Permitted Uses – Secondary Uses:

- (a) accessory use
- (c) Guest accommodation

(3)(f) Minimum setback from:

front parcel boundary: 4.5 m

### **FINANCIAL:**

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

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

The subject property currently contains a single family dwelling and an accessory building. The accessory building is an old log structure used for storage and as a recreation room, and contains a wet bar and washroom. The owners would like to have a garage to store their vehicles and boat over the winter without losing their storage and recreation room spaces. The new accessory building will be a garage with parking spaces for two vehicles and a boat and will include a storage and recreation room area. The recreation room area will include a wet bar (sink and fridge) and washroom. Scotch Creek/Lee Creek Zoning Bylaw No. 825 does not allow an accessory building to be used as a dwelling unit, as the parcel is not the minimum size of 1 ha that would allow for the guest accommodation, and no other form of secondary dwelling unit is permitted on the property. A dwelling unit would contain a full kitchen, including stove, and would be used for living and sleeping purposes. The applicants have confirmed that the new accessory building is not intended to be used as a dwelling unit and will not contain a stove or be utilized for sleeping. For clarity to applicants, in such circumstances Building Inspectors also provide a notation on the building permit that the accessory building cannot be used as a dwelling unit.

The new accessory building will cover the existing driveway where the owners previously parked their vehicles, and will extend into the front parcel line setback. The garage doors will face north towards the existing driveway, with Squilax-Anglemont Road located to the west.

The applicant is proposing to vary:

Section 5.7.3 (f) Minimum setback from the front parcel boundary from 4.5 m to 1 m only for the new accessory building.

A 4.5 m setback from Squilax-Anglemont Road right-of-way is also required by the Ministry of Transportation and Infrastructure (MOTI) for buildings and structures. A setback permit has been approved and issued by MOTI to reduce this setback for the proposed accessory building from 4.5 m to 1 m.

A building permit will be required prior to construction of the accessory building as per the Building Regulation Bylaw No. 660.

### Development Permit Areas

The proposed accessory building will require a Lakes 100 m Development Permit due to the historical and proposed vegetation removal exceeding 30% of parcel area within 100 m of Shuswap Lake and a Riparian Areas Regulation (RAR) Development Permit for development within 30 m of Shuswap Lake (the riparian area). The property owners have submitted the Lakes 100 m and RAR Development Permit application and it is being processed simultaneously with this Development Variance Permit. Approval of technical development permits such as these has been delegated to the Manager of Development Services for review and issuance.

The Lakes 100 m Development Permit application is accompanied by a report from a Hydrogeologist, a professional who understands soil, drainage and hydrogeology. The Hydrogeology report concludes that stormwater discharge from the proposed development will unlikely have any detrimental impact on Shuswap Lake if addressed in a controlled and managed manner.

The Riparian Areas Regulation Development Permit application includes a report from a Qualified Environmental Professional (QEP), who assesses the proposed development and its potential to impact the riparian area. The QEP established the streamside protection and enhancement area (SPEA), within which no further development is to occur, as 15 m from the high water mark of Shuswap Lake. The proposed development will occur entirely outside of the 15 m SPEA. The report concludes that there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

### **SUMMARY:**

The property owners are proposing to vary the Scotch Creek/Lee Creek Zoning Bylaw No. 825 as follows:

Section 5.7.3 (f) Minimum setback from the front parcel boundary from 4.5 m to 1 m only for the new accessory building.

The new accessory building will be a garage to store the property owner's vehicles and boat, and will include an area for a recreation room and storage.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 825-28 for the following reasons:

- The variance should have minimal impact on surrounding properties as it is for the front parcel boundary adjacent to the road and not a parcel boundary adjacent to neighbouring residential properties;
- The garage doors will not face Squilax-Anglemont Road to the west, but rather will face the existing driveway to the north;
- The owners have stated in their application that they chose the proposed location of the accessory building to minimize vegetation disturbance on the waterfront property;
- The Riparian Areas Assessment and the Hydrogeology report completed for the Riparian Areas Regulation and Lakes 100 m Development Permit support the proposed location of the accessory building;
- The Ministry of Transportation and Infrastructure has approved the setback permit for the accessory building, reducing their required setback from 4.5 m to 1 m.

**IMPLEMENTATION:**

If Development Variance Permit (DVP) No. 825-28 is issued by the Board, the Manager of Development Services will issue the Riparian Areas Regulation and Lakes 100 m Development Permit (DP). Once the DVP and DP are 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 F Advisory Planning Commission (APC)

The Electoral Area F APC reviewed the application at their July 24, 2019 meeting and passed a resolution in support of the application.

**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. Electoral Area F Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825
3. Electoral Area F APC July 24, 2019 Meeting Minutes

4. Ministry of Transportation Setback Permit, File No. 2019-00931

**Report Approval Details**

Document Title:	2019-08-15_Board_DS_DVP825-28_Nevokschonoff.docx
Attachments:	- DVP825-28.pdf - DVP825-28_Maps_Plans_Photos.pdf
Final Approval Date:	Jul 31, 2019

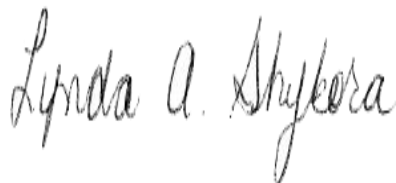
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Corey Paiement was completed by assistant Jennifer Sham**

**Corey Paiement - Jul 26, 2019 - 12:13 PM**



**Gerald Christie - Jul 30, 2019 - 9:59 AM**



**Lynda Shykora - Jul 31, 2019 - 12:10 PM**

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

**Charles Hamilton - Jul 31, 2019 - 12:11 PM**