



# BOARD REPORT

**TO:**

Chair and Directors

**File No:**

DVP825-29  
PL20190156

**SUBJECT:**

Electoral Area F: Development Variance Permit No. 825-29 (Lyder)

**DESCRIPTION:**

Report from Laura Gibson, Planner I, dated August 29, 2019.  
4207 Ashe Road

**RECOMMENDATION:**

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 825-29 for Lot 74, Section 35, Township 22, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Plan 18252, varying Scotch Creek/Lee Creek Zoning Bylaw No. 825 as follows:

- Section 5.7.3(f) Minimum setback from the west interior side parcel boundary from 2.0 m to 1.22 m, only for any portion of the accessory building;

be approved for issuance this 19<sup>th</sup> day of September, 2019.

**SHORT SUMMARY:**

The subject property is located in Scotch Creek, at 4207 Ashe Road, and is subject to Scotch Creek/Lee Creek Zoning Bylaw No. 825 and Electoral Area 'F' Official Community Plan Bylaw No. 830. The property currently contains a single family dwelling. The property owners would like to construct a new garage (accessory building) which is proposed to be located near the west interior side parcel boundary. The proposed location of the new accessory building requires a variance to the interior side parcel boundary setback from 2.0 m to 1.22 m.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐**BACKGROUND:****REGISTERED OWNER(S):**

Donald and Sharon Lyder

**APPLICANTS:**

Donald and Sharon Lyder

**ELECTORAL AREA:**

F (Scotch Creek)

**LEGAL DESCRIPTION:**

Lot 74 Section 35 Township 22 Range 11 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 18252

**PID:**

008-271-496

**CIVIC ADDRESS:**

4207 Ashe Road

**SURROUNDING LAND USE PATTERN:**

North = Neighbourhood Residential

South = Ashe Road, Park

East = Neighbourhood Residential

West = Neighbourhood Residential

**CURRENT USE:**

Single family dwelling

**PROPOSED USE:**

Single family dwelling and new accessory building (garage)

**PARCEL SIZE:**

0.09 ha (0.22 ac.)

**DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

NR - Neighbourhood Residential

**ZONE:**

Scotch Creek/Lee Creek Zoning Bylaw No. 825

R1 – Residential 1

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

The existing single family dwelling is located near the front and center of the subject property (see attached "DVP825-29\_Maps\_Plans\_Photos.pdf"). The owners have stated in their application that the proposed variance for the side parcel boundary setback will provide easier access to the garage when backing in a trailer beside the house.

**POLICY:**

**Electoral Area F Official Community Plan Bylaw No. 830**

The subject property is designated 'NR – Neighbourhood Residential' in the Electoral Area F Official Community Plan (OCP) Bylaw No. 830.

### 12.8 Neighbourhood Residential

*Objective 1* The Neighbourhood Residential (NR) land use refers to development that is existing. The intent of this land use designation is to recognize that the existing neighbourhoods within Scotch Creek are an important part of the definition of the character of the area.

*Policy 1* A "neighbourhood" is defined as an area of contiguous lots that have common setbacks, building orientation, and size, or that were constructed as part of a single development and form a coherent and commonly understood cluster. Refer to Map 1.

*Policy 2* Development within Neighbourhood Residential areas will normally only take the form of infill (for example, construction of a new house on a vacant lot) or subdivision of an existing lot and construction of a new dwelling unit on each new lot.

## **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;

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 parking areas, terraces, porches, balconies, basement or attic areas used exclusively for storage service to the building;

INTERIOR SIDE PARCEL BOUNDARY is a parcel boundary other than a front parcel boundary or a rear parcel boundary that is not common to a highway other than a lane or walkway;

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 5.7 – 'Residential – 1' Zone

#### (1) Permitted Uses – Principal Uses:

- (a) single family dwelling

#### (2) Permitted Uses – Secondary Uses:

- (a) accessory use

#### (3) (f) Minimum setback from:

Interior side parcel boundary: 2.0 m

Rear parcel boundary for an accessory building: 2.0 m

#### (g) Maximum gross floor area of an accessory building: 75 m<sup>2</sup>

**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. A coverall building which was previously on the property has been removed. The owners would like to build a new garage (accessory building) at the back of the property. In order to provide easier access to the accessory building when backing in a trailer, the owners are proposing to construct the accessory building partially within the west interior side parcel boundary setback.

The applicants are proposing to vary:

Section 5.7.3(f) Minimum setback from the west interior side parcel boundary from 2.0 m to 1.22 m, only for any portion of the accessory building.

The proposed accessory building will be 66.9 m<sup>2</sup> on the main floor with a 30.6 m<sup>2</sup> storage area upstairs, for a total floor area of 97.5 m<sup>2</sup>. As per the definition of floor area, parking areas are not included in floor area calculations. The accessory building will contain 2 parking spaces. A parking space is defined in the Scotch Creek/Lee Creek Zoning Bylaw No. 825 as 16.5 m<sup>2</sup>; therefore, the total accessory building floor area not including the parking spaces will be 64.5 m<sup>2</sup>, below the allowable 75 m<sup>2</sup>.

The owners are limited as to where they can build an accessory building of this size on the property as it would not fit in the front or side yards and they cannot build over the septic field in the rear of the property (see attached "DVP825-29\_Maps\_Plans\_Photos.pdf").

A Building Permit will be required prior to construction of the proposed accessory building as per the Building Bylaw No. 660. No Development Permits will be triggered for the proposal.

Staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the accessory building, 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.

**SUMMARY:**

The applicants are proposing to vary:

Section 5.7.3(f) Minimum setback from the west interior side parcel boundary from 2.0 m to 1.22 m, only for any portion of the accessory building.

Development Services Staff are recommending that the Board consider issuance of Development Variance Permit No. 825-29 for the following reasons:

- The applicants are limited as to where they can build an accessory building of this size on the property;
- The variance is relatively minor.

**IMPLEMENTATION:**

If Development Variance Permit No. 825-29 is issued by the Board, the Building Official will be able to issue the Building Permit for the owners 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 will review the application at their September 3, 2019 meeting.

**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. Scotch Creek/Lee Creek Zoning Bylaw No. 825
2. Electoral Area F Official Community Plan Bylaw No. 830
3. Electoral Area F Advisory Planning Commission Meeting Minutes – September 3, 2019

**Report Approval Details**

Document Title:	2019-09-19_Board_DS_DVP7825-29_Lyder.docx
Attachments:	- DVP825-29.pdf - DVP825-29_Maps_Plans_Photos.pdf
Final Approval Date:	Sep 4, 2019

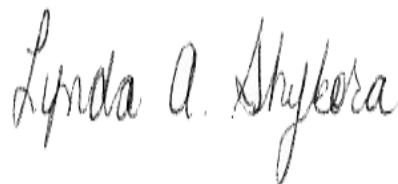
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement



Gerald Christie



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