



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP800-35  
PL20190258

**SUBJECT:** Electoral Area F: Development Variance Permit No. 800-35 (Blair)

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated December 13, 2019.  
6514 Squilax-Anglemont Road, Magna Bay

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-35 for Lot 1 Section 13 Township 23 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 8557, varying Magna Bay Zoning Bylaw No. 800 as follows:

- Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 4.2 m, only for the foundation of the single family dwelling, and to 3.0 m, only for the projections and eaves of the single family dwelling;

be authorized for issuance this 16<sup>th</sup> day of January, 2020.

## SHORT SUMMARY:

The subject property is located in Magna Bay, at 6514 Squilax-Anglemont Road, and is subject to the Magna Bay Zoning Bylaw No. 800 (Bylaw No. 800) and Electoral Area 'F' Official Community Plan Bylaw No. 830. A single family dwelling is currently under construction on the subject property. Development Variance Permit No. 800-26 (DVP800-26) was issued on March 23, 2017, and granted a variance to the front parcel boundary from 4.5 m to 4.2 m, for the single family dwelling only. However, the single family dwelling is being constructed closer to the front parcel boundary than the variance granted. The property owners are now applying for a new Development Variance Permit to recognize the true location of the single family dwelling within the setback. The requested variance is for Section 5.5(2)(f) of Bylaw No. 800, minimum setback from the front parcel boundary from 4.5 m to 4.2 m, only for the foundation of the single family dwelling, and to 3.0 m, only for the projections and eaves of the single family dwelling.

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<b>VOTING:</b>	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

**REGISTERED OWNER(S):**  
Susan and Richard Blair

**APPLICANT:**  
Susan and Richard Blair

**ELECTORAL AREA:**  
F (Magna Bay)

**LEGAL DESCRIPTION:**  
Lot 1 Section 13 Township 23 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 8557

**PID:**

009-800-590

**CIVIC ADDRESS:**

6514 Squilax-Anglemont Rd

**SURROUNDING LAND USE PATTERN:**

North = Squilax-Anglemont Road

South = Shuswap Lake

East = Residential

West = Residential

**CURRENT USE:**

Single family dwelling, under construction

**PROPOSED USE:**

Recognize location of the single family dwelling within the front parcel boundary setback

**PARCEL SIZE:**

0.3 ha (0.82 acres)

**DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

SSA - Secondary Settlement Area

**ZONE:**

Magna Bay Zoning Bylaw No. 800

Land = RS - Residential

Lakes Zoning No. 900

FR1 - Foreshore Residential 1

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

The subject property lies between Squilax-Anglemont Road and Shuswap Lake, with the greatest distance between the road and lake being about 30 m. The lot is further constrained by the Streamside Protection and Enhancement Area (SPEA), defined by the Qualified Environmental Professional through the Riparian Area Regulation (RAR) as 15 m from the high water mark of Shuswap Lake. The property was considered to fall within the Undue Hardship category, which allowed a portion of the home to be constructed within the SPEA to within 10 m of the lake. Additionally, CSRD Floodplain Regulations in Magna Bay Zoning Bylaw No. 800 require a 15.0 m setback from the high water mark of Shuswap Lake. Through a Floodplain Exemption application, the setback was able to be reduced to 10.0 m for the single family dwelling on the subject property. The RAR and Lakes 100 m Development Permit (DP830-177) was issued on December 8, 2017, and the Floodplain Exemption (EX800-04) was issued April 21, 2011.

**POLICY:**

**Electoral Area F Official Community Plan (OCP) 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**

#### 1.0 Definitions

PARCEL BOUNDARY, FRONT means the parcel boundary that is the shortest parcel boundary common to the lot and an abutting highway or access route in a bare land strata plan, and where in the case of a panhandle lot means the line separating the panhandle driveway from the main part of the lot;

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;

SINGLE FAMILY DWELLING is the use of land, structures and one detached building used exclusively for one dwelling unit, except where additional uses are specifically permitted in this bylaw as a part of a single family dwelling.

#### 5.5 Residential (RS) Zone

##### (1) Permitted Uses

The uses stated in this subsection and no others are permitted in the Residential zone, except as stated in Part 3 General Regulations.

- (a) Single family dwelling
- (h) Accessory use

##### (2) Regulations

On a parcel zoned Residential: no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection, except as stated in Part 3 General Regulations and Part 4 Off Street Parking and Off Street Loading Regulations.

##### (f) Minimum setback for all other uses from:

- Front parcel boundary: 4.5 m
- Interior side parcel boundary: 2.0 m
- Rear parcel boundary: for a *single family dwelling* 4.5 m

### **FINANCIAL:**

If the Board does not issue the requested variance, and the owner does not bring the property into compliance by removing the eaves and projections of the single family dwelling to comply with Bylaw No. 800, staff will consider bylaw enforcement options.

**KEY ISSUES/CONCEPTS:**

A single family dwelling is currently under construction on the subject property. Development Variance Permit No. 800-26 (DVP800-26) was issued on March 23, 2017, and granted a variance to the front parcel boundary from 4.5 m to 4.2 m, for the single family dwelling only. The site plan submitted with the application for DVP800-26 (see attached "DVP800-26\_issued.pdf") showed the proposed development area as the foundation area only and did not include the projections or the eaves of the single family dwelling. A Building Permit was issued in July 2019 subject to compliance with DVP800-26. As part of the Building Permit process, a BCLS Certification of Location was required to confirm the location of the foundation of the single family dwelling once it was poured. The Certificate of Location shows that the single family dwelling's foundation is located 4.2 m from the front parcel boundary setback (see attached "Maps\_Plans\_Photos\_DVP800-35.pdf"). As per the building plans, the eaves and two building projections will extend as close as 3 m from the front parcel boundary.

The property owners are now applying for a new Development Variance Permit to recognize the correct location of the single family dwelling and eaves within the setbacks. The requested variance is for Section 5.5(2)(f) of Bylaw No. 800, minimum setback from the front parcel boundary from 4.5 m to 4.2 m, only for the foundation of the single family dwelling, and to 3.0 m, only for the projections and eaves of the single family dwelling (see attached Maps\_Plans\_Photos\_DVP800-35.pdf).

A 4.5 m setback from Squilax-Anglemont Road is also required by the Ministry of Transportation and Infrastructure (MOTI). A setback permit was approved and issued by MOTI to allow a 300 mm encroachment into the 4.5 m setback for eaves overhang of the single family dwelling. The property owners should apply for a new setback permit with MOTI.

**SUMMARY:**

The property owners are proposing to vary the Magna Bay Zoning Bylaw No. 800 as follows:

- Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 4.2 m, only for the foundation of the single family dwelling, and to 3.0 m, only for the projections and eaves of the single family dwelling.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 800-35 for the following reasons:

- The subject property is a narrow lot situated between Squilax-Anglemont Road and Shuswap Lake, and the area available for development of a single family dwelling is constrained by the physical nature of the property and the proximity to the lake, contributing to a significant hardship for development of this parcel;
- The requested variance for the parcel boundary on the north side of the single family dwelling will not negatively impact the issued Riparian Areas Regulation Development Permit or Floodplain Exemption;
- The variance should have no impact on neighbouring properties;
- The proposed variance should not impede sightlines or compromise public safety as this is a fairly straight section of Squilax-Anglemont Road, and the single family dwelling will be situated lower than Squilax-Anglemont Road due to the topography of the parcel.

**IMPLEMENTATION:**

If Development Variance Permit (DVP) No. 800-35 is issued by the Board, the property owners will be able to continue construction of the single family dwelling. If DVP800-35 is not approved, the owners have committed through a letter of undertaking to remove the eaves and projections of the single family dwelling back in order to comply with the original DVP800-26.

**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 original DVP800-26 application at their meeting on September 16, 2016, and passed a motion in support of the application. The revised DVP800-35 application was reviewed by the Area F APC at their December 18, 2019 meeting, and a motion was passed in support of the application. See attached "APC\_F\_Minutes\_2019-12-18.pdf".

**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. Magna Bay Zoning Bylaw No. 800

**Report Approval Details**

Document Title:	2020-01-16_Board_DS_DVP800-35_Blair.docx
Attachments:	<ul style="list-style-type: none"><li>- DVP800-35_proposed.pdf</li><li>- DVP800-26_issued.pdf</li><li>- Maps_Plans_Photos_DVP800-35.pdf</li></ul>
Final Approval Date:	Jan 7, 2020

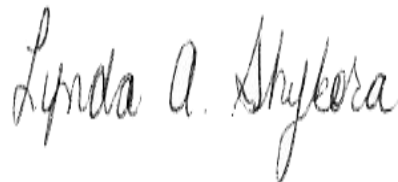
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement



Gerald Christie



Lynda Shykora



Charles Hamilton