



# BOARD REPORT

**TO:****Chair and Directors**

<b>File No:</b>	DVP800-18 PL20140166
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**SUBJECT:**

Electoral Area F: Development Variance Permit No. 800-18 (Magnavista Estates Ltd.)

**DESCRIPTION:**Report from Jennifer Sham, Planner, dated May 19, 2017.  
6471 Lindsay Road, Magna Bay**RECOMMENDATION:**THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-18 for Lot A Section 13 Township 23 Range 10 W6M KDYD Plan 29439 Except Plans 29668 and 30666 varying the rear parcel setback from 4.5 m to 1.09 m for the steel control bin and vault (components of the water system) located on the subject property, be approved for issuance this 15<sup>th</sup> day of June, 2017.**SHORT SUMMARY:**

The subject property is located in Magna Bay off Lindsay Road and is subject to Electoral Area 'F' Official Community Plan Bylaw No. 830 and Magna Bay Zoning Bylaw No. 800. The agent is requesting a variance to the rear parcel setback for an existing steel control bin and vault which are part of a water system that services the shared interest development. The water system was created in 2010 without the appropriate permits through Interior Health and this is the subject of a bylaw enforcement case.

**VOTING:**Unweighted  
Corporate☐LGA Part 14  
(Unweighted)☒Weighted  
Corporate☐Stakeholder  
(Weighted)☐**BACKGROUND:****REGISTERED OWNER:**

Magnavista Estates Ltd. (Shared Interest: Magnavista Land Owners Association)

**AGENT:**

Dave Cunliffe

**ELECTORAL AREA:**

F

**LEGAL DESCRIPTION:**

Lot A, Section 13, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District Plan 29439 Except Plans 29668 and 30666

**CIVIC ADDRESS:**

6471 Lindsay Road, Magna Bay

**SURROUNDING LAND USE PATTERN:**

North = Agriculture

South = Residential

East = Rural Residential  
West = Rural Residential, Treed

CURRENT AND PROPOSED USE:  
Residential (Shared Interest)

PARCEL SIZE:  
~21.77 ha

DESIGNATION:  
Electoral Area 'F' Official Community Plan Bylaw No. 830  
RSC Rural and Resource

ZONE:  
Magna Bay Zoning Bylaw No. 800  
MSR Multi Single Family Residential

Agricultural Land Reserve:  
0%

Site Comments:

A site visit was conducted on May 25, 2011 and again on August 8, 2013. The property is a shared interest development with 43 interests/shares. The water system is located near the north boundary of the property; the steel control bin is located within the rear setback and close to the fence line. A surveyed plan by Andrew Roop, BCLS, confirms the steel control bin is 1.09 m (3.58 ft) from the property line, and the vault is within the 4.5 m rear setback.

**POLICY:**

Electoral Area 'F' Official Community Plan Bylaw No. 830  
11.4 Rural and Resource Lands (RSC)

Section 13 Development Permit Areas  
Development of the property will require a Hazardous Lands Development Permit (DPA 2 Steep Slope)

Magna Bay Zoning Bylaw No. 800  
MSR – Multi-Single Family Residential  
Permitted uses:

- single family dwelling
- home business
- accessory use

Minimum setback from:

- front parcel boundary = 4.5 m
- interior side parcel boundary = 2 m
- exterior side parcel boundary = 4.5 m
- rear parcel boundary = 4.5 m

**FINANCIAL:**

There may be financial implications to the CSRD if the DVP is not issued, as this DVP application was the result of bylaw enforcement action.

**KEY ISSUES/CONCEPTS:**

In 2010, the CSRD was made aware of a water system being constructed, without permits/approval, on the subject property. In February of 2011, the CSRD received a DVP application to vary the rear parcel boundary of the steel control bin. A surveyed plan by Andrew Roop, BCLS, was received in October of 2011 and confirmed that the steel control bin and the vault were both within the rear parcel boundary setback. Since then, staff has been waiting for Interior Health's Public Health Engineer to issue a construction permit for the water system. To date, no construction permit has been issued however, in a letter dated July 15, 2016 from the agent, Mr. Cunliffe confirms that there will be "no change or further development within the 4.5 m rear yard setback as outlined in Magna Bay Zoning Bylaw 800 for properties zoned MSR ... [and] the location plan prepared by Andrew Roop BCLS on October 16, 2011 is still valid." Staff note that if additional buildings or structures are required, additional permits, such as a building permit and a Development Permit (for steep slopes) will be required. Further, if the DVP is issued, any changes to the siting of the water system components must comply with the DVP or a new DVP will be required.

This application was forwarded to Interior Health in January 2017. Interior Health responded that they support the variance and that "Magnavista Estates requires the variance to complete their water system."

**SUMMARY:**

The agent has applied to vary the rear parcel boundary setback for the siting of the steel control bin and the vault, which are both part of the existing water system for Magna Vista Estates.

Staff recommends issuance of DVP800-18 for the following reasons:

- Interior Health recommends approval; and,
- The steel control bin and vault are necessary components of the water system and their locations are permanent. No other buildings or structures (except the water reservoirs) are located near the bin or vault.

**IMPLEMENTATION:**

If the Board denies issuance of DVP800-18, Bylaw Enforcement will proceed.

If the Board chooses to issue DVP800-18, the agent will be notified of the Board's decision, and the DVP will be registered on title of the subject property.

**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.

Interior Health recommends approval of issuance of the variance permit.

CSRD Operations Management have no concerns and note that a construction permit from Interior Health will still be required.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

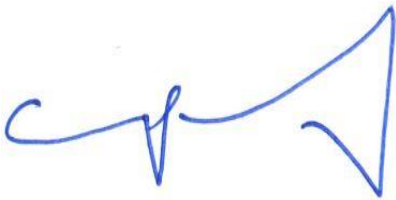
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800

**Report Approval Details**

Document Title:	2017-06-15_Board_DS_DVP800-18_Magnavista.docx
Attachments:	<ul style="list-style-type: none"><li>- DVP800-18.pdf</li><li>- Referral_Agency_Responses_DVP800-18.pdf</li><li>- Maps_plans_photos_DVP800-18.pdf</li></ul>
Final Approval Date:	Jun 5, 2017

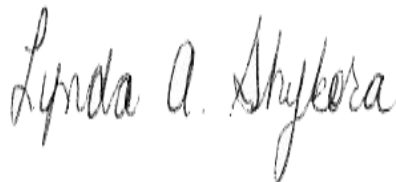
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 24, 2017 - 3:29 PM**



**Gerald Christie - May 31, 2017 - 2:14 PM**



**Lynda Shykora - May 31, 2017 - 3:38 PM**



**Charles Hamilton - Jun 5, 2017 - 10:26 AM**