



# BOARD REPORT

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

<b>File No:</b>	DVP 701-74 PL20170062
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**SUBJECT:**

Electoral Area C: Development Variance Permit No. 701-74 (Pesonen)

**DESCRIPTION:**Report from Dan Passmore, Senior Planner, dated May 29, 2017.  
2597 Highlands Drive – Blind Bay**RECOMMENDATION  
#1:**THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-74 for Lot 27, Section 18, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP79982 and an undivided 1/14 share in Lot 59, Plan KAP79982, (PID: 026-562-316), varying South Shuswap Zoning Bylaw No. 701, as follows:

1. Vary the requirement of Section 12.2.6, rear parcel line setback from 5.0 m to 4.85 m for a single family dwelling.

be approved for issuance this 20<sup>th</sup> day of July, 2017.**SHORT SUMMARY:**

The applicant built the single family dwelling on the subject property and noted from a survey certificate that the house did not comply with the required rear parcel line setback.

The applicant has applied for a Development Variance Permit to sanction the current location of the single family dwelling.

<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:**

PROPERTY OWNER: Kai J Pesonen

ELECTORAL AREA: 'C' - Highlands

CIVIC ADDRESS: 2597 Highlands Drive

LEGAL DESCRIPTION: Lot 27, Section 18, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP79982 and an undivided 1/14 share in Lot 59, Plan KAP79982 (PID: 026-562-316)

SIZE OF PROPERTY: 0.11 ha (0.28 ac)

**SURROUNDING LAND USE PATTERN:**

NORTH:	Residential
SOUTH	Residential
WEST	Residential
EAST	Residential

OCP DESIGNATION: Electoral Area C Official Community Plan Bylaw No. 725  
MD – Medium Density Residential

CURRENT ZONING: South Shuswap Zoning Bylaw No. 701  
R2 – Medium Density Residential

CURRENT USE: Single Family Dwelling

**SITE COMMENTS:**

The applicant built the single family dwelling on the subject property and noted from a survey certificate that the house did not comply with the required front parcel line setback. Upon review Development Services staff noted that the access route into the subject property is actually a fee-simple property and not a dedicated highway, so the setback in question is actually a rear parcel line setback encroachment.

When the plan of subdivision was registered, the developer created Lot 59, and gave an undivided 1/14 share in the property to all the property owners on the high side of Highland Drive. This was done because the slopes leading to the lots from Highland Drive are quite steep and driveway access would be prohibitive. The Approving Authority for the subdivision, the Ministry of Transportation and Infrastructure, will not allow dedication of lanes, as they do not want to be responsible for maintenance of laneways, in addition to the network of Provincial Highways.

It is unknown how the private property owners of the 14 lots which utilise Lot 59, KAP 79982 for access to their properties maintain the access route. This is a concern to the CSRD, as the subdivision is under the service area for emergency protective services (fire protection) from the CSRD.

**POLICY:**

**Electoral Area 'C' Official Community Plan Bylaw No. 725**

**3.1 General Land Use Management**

This section of the OCP gives the following objectives and policies to be considered;

*3.1.1 Objectives*

- .1 To be thoughtful and careful stewards of the lands and waters of the South Shuswap to allow future generations an opportunity to appreciate and benefit from wise choices made by today's elected decision-makers.
- .2 To manage growth by directing development and redevelopment in existing settled areas and to discourage development outside these areas.
- .7 To work towards providing a range of housing types in the South Shuswap, principally within the Village Centre and Secondary Settlement Areas.

*3.1.2 Policies*

- .5 Development will only be considered in areas with lower environmental values within the Village Centre and Secondary Settlement Areas, thereby allowing for the protection of areas with higher environmental values as well as agricultural lands.

**3.4 Residential**

This section of the OCP gives the following objectives and policies to be considered;

*3.4.1 Policies*

- .2 Residential development is subject to the following land use designations, housing forms and maximum densities:

Land Use Designation	Housing Form	Maximum Density
Medium Density (MD)	Detached	5 units/ac (1 unit/0.2 ac) 12 units/ha (1 unit/0.08 ha)
	Semi-detached	8 units/ac (1 unit/0.13 ac) 20 units/ha (1 unit/0.05 ha)
	Townhouse	12 units/ac (1 unit/0.13 ac) 30 units/ha (1 unit/0.03 ha)
Neighbourhood Residential (NR)	Detached, detached	Semi- 2 units per 1 acre (1 unit/0.2 ha)
Country Residential (CR)	Detached, detached	Semi- 1 unit per 1 acre (0.4 ha)
Rural Residential (RR)	Detached, detached	Semi- 1 unit per 2.5 acres (1 ha)
Rural Residential 2 (RR2)	Detached, detached	Semi- 1 unit per 5 acres (2 ha)
Small Holdings (SH)	Detached, detached	Semi- 1 unit per 10 acres (4 ha)
Medium Holdings (MH)	Detached, detached	Semi- 1 unit per 20 acres (8 ha)
Large Holdings (LH)	Detached, detached	Semi- 1 unit per 25 acres (10 ha)
Rural Holdings (RH)	Detached, detached	Semi- 1 unit per 148 acres (60 ha)

### 10.1 Fire Suppression

Fire suppression in the South Shuswap is provided by volunteers in the community. There are five fire stations located in the South Shuswap, including the Shuswap Volunteer Fire Department Fire Hall #1 in Sorrento and Fire Hall #2 at Shuswap Lake Estates, the Eagle Bay Fire Hall, the Tappen/Sunnybrae Fire Hall and the White Lake Fire Hall.

There is a high risk of forest fires in the South Shuswap. Forests abut residential areas throughout much of the South Shuswap. Wildfire, often caused by lightning, is a natural process, but the failure to plan adequately for the possibility of wildfire leaves homeowners and businesses vulnerable. As the warming trend associated with climate change accelerates in the Southern Interior, the risk of forest fire becomes greater.

#### 10.1.1 Objectives

- .1 To have adequate levels of fire suppression for the South Shuswap community.
- .2 To improve awareness of the emergency forest fire response program.

#### 10.1.2 Policies

- .1 Proposals for subdivision and development must demonstrate that appropriate “fire proofing” and “fire smart” principles have been taken into account;
- .2 To strongly support the Ministry of Forests, Lands and Natural Resource Operations and the Provincial Approving Officer working co-operatively in evaluating subdivision applications in order to minimize the potential for fire damage on the wildland urban interface;
- .3 Advocate for adequate levels of fire suppression throughout the South Shuswap. As growth occurs, fire suppression services must be expanded to serve the increasing population; and,
- .4 The Regional District will continue to co-ordinate with Provincial ministries regarding its Emergency Management Program in order to improve the awareness of emergency forest fire response programs. Existing developments should be “fire proofed”.

**South Shuswap Zoning Bylaw No. 701**

The subject property is currently zoned R2 – Medium Density Residential pursuant to South Shuswap Zoning Bylaw No. 701. This zone allows the following permitted uses

- multiple family dwelling;
- duplex;
- single family dwelling;
- home business, conducted entirely within a single family dwelling or an accessory building to a single family dwelling
- accessory use.

The R2 zone requires the following setbacks:

- |    |                             |       |
|----|-----------------------------|-------|
| .6 | Minimum Setback from the:   |       |
|    | • front parcel line         | 5 m   |
|    | • exterior side parcel line | 4.5 m |
|    | • interior side parcel line | 2 m   |
|    | • rear parcel line          | 5 m   |

The applicant has made an application for a Development Variance Permit to relax the front yard setback from 5.0 m to 4.85 m. The R2 zone also limits the site coverage to a maximum of 50%. As noted earlier in the report, the setback needing to be relaxed is actually a rear parcel line setback, as the common lot access route is a private property and not a highway. The following definitions are provided for clarity:

PARCEL LINE, FRONT means the shortest parcel line common to a parcel and a highway other than a lane.

PARCEL LINE, REAR means the boundary of a parcel which lies the most opposite to and is not connected to the front parcel line, or, where the rear portion of the parcel is bounded by intersecting side parcel lines, it shall be the point of such intersection.

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:****Access:**

Although the property is addressed from Highlands Drive, the physical access to the property is from a shared common lot, (Lot 59, Plan KAP 79982) which also serves as access for Lots 16 to 29 of Plan KAP79982.

**Sewer and Water Servicing**

The property is serviced by the Shuswap Lake Estates community water and sewer systems.

**Fire Protection**

The subject property is within the Sorrento/Blind Bay Fire Department (CSRD) service area. Lot 59 is effectively private property which is owned by the 14 lot owners who use it for access to their properties. No easement protects the property owners rights to use the lot for access. It is unknown what arrangements the owners have made with each other, formally or informally to maintain access to their properties.

**SUMMARY:**

The applicant has applied for a Development Variance Permit to relax the rear yard parcel line setback for a single family dwelling constructed on the subject property. Staff are recommending that the Board consider the application, as it is a relatively minor variance to the rear parcel line setback.

**IMPLEMENTATION:****Consultation Process**

Neighbouring property owners will first become aware of the application for DVP when notice of the intent of the Board to review the issuance of DVP 701-74, is mailed out to property owners within 100 m of the subject property.

**COMMUNICATIONS:**

If the Board approves issuance of DVP 701-74, the owner will be advised of the decision and any conditions that will need to be fulfilled. Once such conditions are fulfilled, staff will prepare the Notice of Permit for submission to Land Title Office for registration on the title of the subject property.

The application was referred to the Electoral Area C Advisory Planning Commission, who recommended approval of the application.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the staff 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 C Official Community Plan Bylaw No. 725
2. South Shuswap Zoning Bylaw No. 701
3. APC C May Meeting Minutes
4. Application

**Report Approval Details**

Document Title:	2017-07-20_Board_DS_DVP701-74_Pesonen.docx
Attachments:	- DVP_701-74.pdf - Maps_Plans_DVP701-74.pdf
Final Approval Date:	Jun 5, 2017

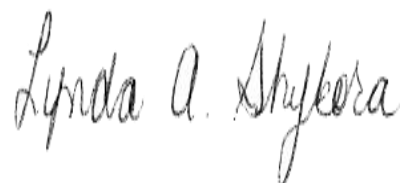
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 31, 2017 - 9:12 AM**



**Gerald Christie - May 31, 2017 - 2:47 PM**



**Lynda Shykora - May 31, 2017 - 3:27 PM**



**Charles Hamilton - Jun 5, 2017 - 11:01 AM**