



BOARD REPORT

TO:**Chair and Directors**

File No:	DP701-76 PL20170119
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SUBJECT:

Electoral Area D: Development Variance Permit No. 701-76 (Fritz)

DESCRIPTION:

Report from Christine LeFloch, Development Services Assistant, dated July 28, 2017.
2465 Waverly Drive, Blind Bay

RECOMMENDATION**#1:**

THAT: In accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-76 for Lot 39, Section 18, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 21795, varying South Shuswap Zoning Bylaw No. 701, as follows:

1. Section 11.2.4 Minimum setback from the front parcel line boundary from 5 m to no less than 2 m to any portion of the building only for the proposed single family dwelling and attached garage; and
 2. Section 11.2.4 Minimum setback from the west side parcel boundary from 2 m to 0.88 m only for the proposed deck attached to the single family dwelling; and
 3. Section 11.2.3 Maximum height for principal buildings and structures from 10 m to 11.61 m for a single family dwelling,
- be approved for issuance this 17th day of August, 2017.

SHORT SUMMARY:

The subject property is located in Blind Bay, at 2465 Waverly Drive and is subject to South Shuswap Zoning Bylaw No. 701 and Electoral Area 'C' Official Community Plan Bylaw No. 725. The owner would like to construct a single family dwelling and attached garage on the property. This project requires variances to the front and interior side parcel line setbacks as well as the maximum height of the building.

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

PROPERTY OWNER/APPLICANT:
Rosemarie Fritz

ELECTORAL AREA:
C

CIVIC ADDRESS:
2465 Waverly Drive, Blind Bay

LEGAL DESCRIPTION:

Lot 39, Section 18, Township 22, Range 10, W6M, KDYD, Plan 25579

SIZE OF PROPERTY:

0.12 ha (0.3 ac)

DESIGNATION:

NR – Neighbourhood Residential

ZONE:

R1 – Low Density Residential

CURRENT USE:

Vacant

PROPOSED USE:

Single Family Dwelling with attached garage and septic system

SURROUNDING LAND USE PATTERN:

North: Residential

South: Waverly Drive, Residential

East: Residential

West: Residential

SITE COMMENTS: A site visit took place on June 28, 2017. The subject property is located in Shuswap Lake Estates and is currently vacant. Access is via a driveway from Waverly Drive. The property is level near the road and slopes steeply down toward the rear property boundary. The applicant is proposing to construct a single family dwelling with walkout basement and attached garage on the subject property. The septic system will be located at the rear of the property. In order to accommodate the proposed house design and associated septic system variances are required for setbacks from the west side parcel boundary, the front parcel boundary and the maximum height. The owner has already been issued a permit from the Ministry of Transportation and Infrastructure to encroach into the required provincial 4.5 m setback from the road right of way up to 2 m from the right of way.

A Hazard Lands (Steep Slopes) Development Permit is also required for the proposed development due to slopes on the property in excess of 30%. Technical Development Permits such as this are delegated to the Manager of Development Services for issuance.

POLICY:**Electoral Area C Official Community Plan Bylaw No. 725****Section 3.4 – Residential**

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

Neighbourhood Residential (NR) shall have detached or semi-detached housing form and a maximum density of 2 units per acre (0.2 ha).

South Shuswap Zoning Bylaw No. 701

1 – Definitions

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

3 – General Regulations

3.5 Setback Exceptions

No building or structure other than the following shall be located in the area of setback required by this Bylaw:

- .8 eaves and gutters, provided they are not closer than 1 m from any parcel line.

R1 – Low Density Residential Zone

Permitted Uses

11.1 The following uses are permitted in the R1 zone:

- .1 single family dwelling;
- .2 bed and breakfast;
- .3 home business;
- .4 accessory use.

11.2 Regulations

- | | | |
|----|---|---------------------|
| .1 | Minimum parcel size for new subdivisions where a parcel is served by both a community water system and a community sewer system | 1400 m ² |
| | In all other cases | 1 ha |
| .2 | Maximum number of single family dwellings per parcel | 1 |
| .3 | Maximum height for: | |
| | Principal buildings and structures | 10 m (32.81 ft) |
| | Accessory buildings | 6 m (19.69 ft) |
| .4 | Minimum setback of Principal and Accessory Buildings from: | |
| | front parcel line | 5 m |
| | exterior parcel line | 4.5 m |
| | interior parcel line | 2 m |
| | rear parcel line | 5 m |
| .5 | Maximum coverage | 40% |

DEVELOPMENT VARIANCE PERMIT:

The applicant is proposing to vary:

Section 11.2.4 Minimum setback from a front parcel line from 5 m to 2 m for a single family dwelling and attached garage.

Section 11.2.4 Minimum setback from an interior side parcel line from 2 m to 0.88 m for a deck attached a single family dwelling.

Section 11.2.3 Maximum height for principal buildings and structures from 10 m to 11.61 m for a single family dwelling.

SERVICING:

Shuswap Lake Estates community water and onsite septic system.

ACCESS:

The property is accessed from Waverly Drive.

FINANCIAL:

There are no financial implications to the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

The owner has applied for three variances to accommodate construction of a single family dwelling with attached garage on the subject property. These variances include reductions to the front and west side yard setbacks and an increase to the maximum height of the building.

The owner is requesting a variance to reduce the front yard setback from 5 m to 2 m. The guidelines for the Hazard Lands (Steep Slopes) Development Permit Area state that "whenever possible placement of buildings and structures should be considered first in non-steeply sloped areas, i.e. less than 30% slope". The most level area is at the front of the property and the steep slopes assessment provided as a requirement of the Hazard Lands (Steep Slopes) Development Permit supports the proposed building location. Further, the property is proposed to be serviced by an onsite sewage disposal system which is proposed to be located at the rear of the property. A Setback Permit has already been issued by the Ministry of Transportation and Infrastructure as the proposed construction will be sited within the 4.5 m provincial setback from all public roads.

South Shuswap Zoning Bylaw No. 701 requirements include provision of two off-street parking spaces for a single family dwelling. These spaces will be accommodated within the attached garage. Although the bylaw will be met staff recognize that from a practical perspective visitors to the property will need to be able to park off the street as well. This is particularly true in the winter when road shoulders are being utilized for snow storage. Staff note that there will be additional driveway area between the property line and the paved roadway, as it appears that there is a total of 10 m between the building face and the paved roadway that may provide for minimal parking in front of the garage. The owner has indicated that there is additional area on the east side of the garage for a parking space. As the bylaw requirement has been met and issues related to road maintenance and snow removal are the responsibility of the Ministry, CSRD staff are willing to support the position of Ministry staff.

Staff note that eaves and gutters are permitted to project into a required setback provided they are no closer than 1 m from a property boundary. The site plan indicates that the building would be located with the eaves of the building sited at the 2 m setback. In order to allow as much area as possible for parking in front of the garage staff do not support the building being sited any closer to

the front parcel boundary. As such, the permit states that "all portions of the building" are to be sited no closer than 2 m from the front property boundary.

The owner is also requesting a variance to the west side yard setback to accommodate an attached deck. The house on the adjacent property to the west is located several metres away from the property line and there are a driveway and shrubs screening the house from the subject property. The owners of this house have submitted an email indicating that they have no objections to the proposed house location.

Finally, the owner is requesting a variance to the overall height of the building from 10 m to 11.61 m. The subject property slopes steeply down from Waverly Road with the most level area located at the front of the property within the first 10 m of the road. Height is measured from the lowest point to highest point of a building or structure. As such, when a building is to be constructed on a slope this measurement is taken from the most exposed face of the building. When viewed from the front the proposed house is 8.57 m in height. However, the rear of the house has a walkout basement and the height as taken from this side of the building is 11.61 m, which is 1.61 m over height. The house is proposed to be located near the front parcel boundary which may reduce impacts such as shadowing on the properties to the north.

SUMMARY:

The property owners have applied for a Development Variance Permit to vary the front and west parcel line setbacks and overall height for a proposed single family dwelling on the subject property. Staff are recommending approval of the Development Variance Permit for the following reasons:

Front yard setback:

- Development Permit guidelines for the Hazard Areas (steep slopes) Development Permit Area direct placement of buildings to areas of a property with gentler slopes;
- The property is steeply sloped with the most level area located at the front of the property and the applicant has provided a steep slope assessment by Rod Williams, P. Geo of Onsite Engineering which supports the proposed house location;
- There is additional space between the property line and the paved road to accommodate minimal parking;
- MoTI has issued a permit to construct within the required Provincial setback up to 2 m from the front property line.

Side yard setback:

- The proposed west side setback reduction would have little impact on the surrounding properties;
- An email supporting the DVP has been received from owner to the west.

Height:

- Impacts on shadowing to the north may be minimized by a reduced front yard setback;
- The front face of the building meets the height requirement so there should be no Impacts on streetscape;

General:

- no letters of opposition have been received from adjacent property owners as of the writing of this report (letters could be received up to the date of the August 17, 2107 Board meeting when the authorization to issue the permit will be considered).

IMPLEMENTATION:

If the Board approves issuance of DVP 701-76 the owner will be advised of the decision in writing, and the documentation will be forwarded to the Land Title Office for registration against the title of the subject property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were given notification a minimum of 10 days prior to the August 17, 2017, CSRD Board Meeting. All interested parties have had the opportunity to provide comments regarding this application prior to the Board Meeting.

Referrals have been sent to the following:

- Area 'C' APC – recommended refusal of the three variances. It was felt that the house design is inappropriate for the lot and they had concerns regarding the ability to park vehicles off the traveled portion of the road. Commission members did not feel that the variance request is fitting with the spirit and intent of the OCP. Minutes of the meeting are attached to this report.
- Ministry of Transportation and Infrastructure – the Ministry has issued a setback permit to allow the proposed house and attached garage to be located up to 2 m from the road right of way (front property line).

DESIRED OUTCOMES:

That the Board endorse the staff recommendation to approve issuance of DVP 701-76.

BOARD'S OPTIONS:

1. *Endorse the Recommendation. DVP701-76 will be approved for issuance.*
2. *Deny one or more of the requested variances. The permit will be amended to reflect the Board decision.*
3. *Decline issuance of the permit.*
4. *Defer.*
5. *Any other action deemed appropriate by the Board.*

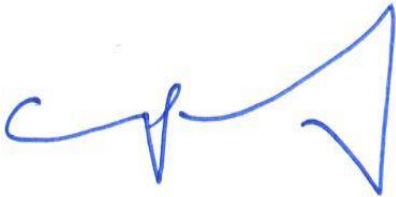
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. South Shuswap Zoning Bylaw No. 701

Report Approval Details

Document Title:	2017-08-17_Board_DS_DVP701-76_Fritz.docx
Attachments:	<ul style="list-style-type: none">- DVP701-76.pdf- DVP701-76_20170609_Steep Slope Report.pdf- MoT_Setback_Permit_DVP701-76.pdf- Maps_Photos_DVP701-76.pdf- DVP701-76_APC_Minutes.pdf
Final Approval Date:	Aug 4, 2017

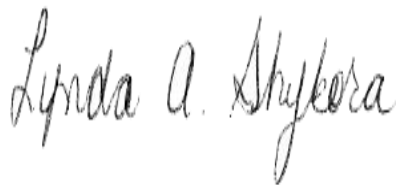
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Aug 4, 2017 - 10:33 AM



Gerald Christie - Aug 4, 2017 - 1:43 PM



Lynda Shykora - Aug 4, 2017 - 2:25 PM



Charles Hamilton - Aug 4, 2017 - 2:52 PM