



BOARD REPORT

TO: Chair and Directors

File No: DVP851-10
PL2022-163

SUBJECT: Electoral Area B: Development Variance Permit No. 851-10

DESCRIPTION: Report from Hayley Graham, Planner I, dated August 26, 2022.
7989 Arrowhead Road, Shelter Bay

RECOMMENDATION THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 851-10 for Lot 35 District Lot 811 Kootenay District Plan EPP107154, varying Electoral Area B Zoning Bylaw No. 851 as follows:

1. Section 5.10 (f) maximum height for a principal building from 10.5 meters to 12.3 meters only for the single family dwelling.

Be approved this 22nd day of September 2022.

SHORT SUMMARY:

The subject property is located at 7989 Arrowhead Road in Shelter Bay and is subject to the Electoral Area B Official Community Plan Bylaw. No. 850 and the Electoral Area B Zoning Bylaw No. 851. The property owners are proposing a new single family dwelling, which exceeds the maximum height for a principal building. As such, the property owners are requesting a variance to increase the maximum permitted height for the principal building from 10.5 meters to 12.3 meters.

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

BACKGROUND:

ELECTORAL AREA:
B (Shelter Bay)

LEGAL DESCRIPTION:
Lot 35 District Lot 811 Kootenay District Plan EPP107154

PID:
031-343-473

CIVIC ADDRESS:
7989 Arrowhead Road

SURROUNDING LAND USE PATTERN:
North =Arrowhead Road

South = Residential (Vacant)
East = Upper Arrow Lake
West = Residential (Vacant)

CURRENT USE:

Vacant

PROPOSED USE:

New single family dwelling

PARCEL SIZE:

3.76 ha (9.29 acres)

DESIGNATION:

[Electoral Area B Official Community Plan Bylaw No. 850](#)

CD - Comprehensive Cluster Development

ZONE:

[Electoral Area B Zoning Bylaw No. 851](#)

CDB2 - Comprehensive Development B2 (Shelter Bay)
Development Area 6

SITE COMMENTS:

The subject property is currently vacant with an area cleared for the construction of the single family dwelling.

BYLAW ENFORCEMENT:

No

POLICY:

[Electoral Area B Zoning Bylaw No. 851](#)

Part 1: Definitions

FINISHED GROUND ELEVATION means either a natural or altered ground level but shall not include areas artificially raised through the use of retaining structures unless the retaining structure provides a level ground area that is a minimum of 1.2 m wide measured from the face of the building; or earth piled against the building with a slope greater than 2:1 (horizontal to vertical)

HEIGHT is the vertical distance between the highest point of a building or structure and the lowest point of a building or structure where the finished ground elevation and the building meet, excluding localized depressions such as vehicle and pedestrian entrances to a maximum width of 6 m

PRINCIPAL USE is the main purpose that land, buildings or structures on a parcel are ordinarily used

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

Part 5-Zones

3.1 HEIGHT EXCEPTIONS

(a) chimney

5.10 Comprehensive Development B2 (Shelter Bay)- CDB2- Development Area 6

Principal Uses

Residential

- (a) single family dwelling

Regulations

f) Maximum height for:

- Principal buildings and structures: 10.5 meters (34.4 feet)

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

Background

The subject property is currently vacant. The property owners are proposing to vary the maximum height for their single family dwelling from 10.5 meters to 12.3 meters. The building plans for the proposed single family dwelling show a height of approximately 12.2 meters, and an extra 0.1 meter is being requested as a precaution should the actual height be surveyed to be slightly higher post-construction.

The property is zoned CDB2 - Comprehensive Development B2 (Shelter Bay) *Development Area 6* in Electoral Area B Zoning Bylaw No. 851. Elevation plans and a floor plan of the proposed single family dwelling have been submitted with the application, see attached "DVP851-10_Maps_Plans_Photos.pdf". The proposed single family dwelling will meet the zoning regulations except for exceeding the maximum height for a principal building.

Height is the vertical distance between the highest point of a building or structure and the lowest point of a building or structure where the finished ground elevation and the building meet. Localized depressions such as vehicle and pedestrian entrances to a maximum width of 6 m are excluded from the height calculation. Chimneys are also exempt from the height calculation, and therefore has not been included in the overall height calculation.

Analysis

The single family dwelling will be composed of three stories: the lower level, main floor and a loft. The north/ east elevations of the single family dwelling mainly require the height variance. Most of west

elevations of the proposed single family dwelling, complies with the permitted maximum height requirement for a principal building. (See DVP851-10_Maps_Plans_Photos.)

Development Area 6 Area in Shelter Bay features large lots approximately 2-4 hectares in size. The subject property is 3.76 hectares and the applicant is proposing the single family dwelling be located towards the center of the lot. The proposed single family dwelling will be approximately 60 meters away from Arrowhead road , and 20 meters away from the nearest property boundary to the southwest (7997 Arrowhead Road), which is also owned by the same property owners of the subject property.

Arrowhead Road is to the northwest and Upper Arrow Lake to the east of the subject property. The grade of the property slightly slopes down from the west to east, and therefore the proposed single family dwelling will be below the grade from any upland neighbouring properties. (See DVP851_51_Maps_Plans_Photos.pdf).

The subject property contains many large cedar, douglas fir, white pine and hemlock trees along the perimeter of the property which will provide screening for the proposed single family dwelling. The surrounding neighbouring properties are currently all vacant and the single family dwelling will not be visible from neighbouring properties. The property owners have also been in contact with the adjacent land owners to the south who have expressed that they have no concerns regarding this proposal (See DVP851-10_Applicant_Support_Redacted).

Staff considers the added height request of an additional 1.8 meters (6 feet) reasonable considering that the single family dwelling will not be seen by neighbouring properties and is screened by mature trees.

Additionally, as the total sum footprint on the subject property exceeds 300 m² of impervious surfaces, a Shelter Bay Environmental Development permit is required. The property owners have submitted this application and the related qualified professional report and is being processed concurrently with this Development Variance Permit application. Approval of technical development permits such as this have been delegated to the Manager of Development Services for review and issuance.

SUMMARY:

The property owners are requesting a variance to increase the maximum permitted height for the principal building from 10.5 meters to 12.3 meters. Staff recommend approval of DVP851-10 for the following reasons:

- The proposed single family dwelling will be screened from neighbouring properties as there are many large trees on the perimeter of the property and the grade naturally slopes down into the subject property from the road.
- The property owners own the closest property to the southwest and have received support from the neighbouring property to the south and should therefore have no impact to the closest adjacent neighbouring properties.

IMPLEMENTATION:

If Development Variance Permit No. 851-10 is approved by the Board, the Environmental Development Permit can be issued by the Manager of Development Services. The notice of permit will be registered to the Title of the property and the property owner can proceed with their building plans. If the Development Variance Permit is not approved by the Board, the property owner would need to change the design of the proposed single family dwelling, so it meets the maximum permitted height of 10.5 meters.

COMMUNICATIONS:

Notices of the proposed variances were sent out to property owners and tenants in occupation of properties within 100 m of the subject property. No written submissions have been received as of the date of this report. Any written submissions will be added to the late Board agenda.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2022-09-22_Board_DS_ DVP851-10.docx
Attachments:	- DVP851-10_Redacted.pdf - DVP851-10_Applicant_Rationale_Letter_Redacted.pdf - DVP851-10_Applicant_Support_Redacted.pdf - DVP851-10_Maps_Plans_Photos.pdf
Final Approval Date:	Sep 8, 2022

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



Corey Paiement



Gerald Christie



Jennifer Sham

No Signature - Task assigned to Jodi Pierce was completed by assistant Jennifer Sham

Jodi Pierce