



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area E: Development Variance Permit No. 841-08

DESCRIPTION: Report from Hayley Johnson, Planner I, dated June 21, 2024. 9059 Hummingbird Drive , Swansea Point

RECOMMENDATION : THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 841-08 for Lot 14 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District Plan 27052, varying Electoral Area E Zoning Bylaw No. 841 as follows:

1. Section 4.8.4 (i) the maximum floor area, gross of the proposed accessory building be increased from 150 m² to 218 m² .

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is located at 9059 Hummingbird Drive in Swansea Point in Electoral Area E. The subject property is subject to the Electoral Area E Official Community Plan Bylaw No. 840 and the Electoral Area E Zoning Bylaw No. 841. The maximum floor area, gross for an accessory building permitted on the subject property currently is 150 m². The applicant has made this application to increase the maximum floor area, gross from 150 m² to 218 m² only for the proposed accessory building which will be used for personal storage.

BACKGROUND:

ELECTORAL AREA:
E (North Mara)

LEGAL DESCRIPTION:
Lot 14 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District plan 27052

PID:
004-929-209

CIVIC ADDRESS:
9059 Hummingbird Road

SURROUNDING LAND USE PATTERN:
North =Residential
South = Residential
East = Hummingbird Drive
West = Highway 97A

CURRENT USE:

Single detached dwelling with attached garage, deck and porch with a footprint of 367 m²

PROPOSED USE:

Accessory building (218 m²)

PARCEL SIZE:

0.31 ha (0.77 acres)

DESIGNATION:

[Electoral Area E Official Community Plan Bylaw No. 840](#)

RR - Rural Residential

ZONE:

[Electoral Area E Zoning Bylaw No. 841](#)

RR1 - Rural Residential 1

SITE COMMENTS:

The property is developed with a single detached dwelling with attached garage, deck and porch with a footprint of 367 m² and a septic system. The property is located on Hummingbird Drive in a residential area with lot size of 0.31 ha. Lot sizes in the neighborhood range from 0.21 ha to 0.58 ha on the west side of Hummingbird Drive and from 0.37 ha to 0.74 ha on the east side of Hummingbird Drive.

Bylaw Enforcement:

There is no bylaw enforcement related to this file.

POLICY:

[Electoral Area E Zoning Bylaw No. 841](#)

Section 2 Definitions

ACCESSORY BUILDING or STRUCTURE is a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily ancillary to that of the principal building;

ACCESSORY USE is the use of land, buildings or structures of which is subordinate customarily ancillary to a principal use or single detached dwelling;

FLOOR AREA, GROSS is the total area of all storeys in a building and attached decks and balconies, whether at, above, or below established grade, measured to the outside face of the exterior walls, windows, roof or floor as applicable, or the area in a portion of a building as applicable. For structures or portions of structures without walls, floor area, gross is measured from the outside edges of posts. Where a roof extends more than 1.3 m beyond a wall or post floor area, gross is measured to the outermost edge of the roof or eave. For buildings, structures or portions thereof without a roof floor area, gross is measured from the exterior face of a wall, post or edge of floor. Floor area, gross includes balconies, decks and parking areas but does not include unenclosed exterior stairs;”

SINGLE DETACHED DWELLING means a detached building containing only one (1) principle dwelling unit and, where permitted by this Bylaw, one (1) secondary dwelling unit. For the purposes of this Bylaw, a manufactured home is considered a single detached dwelling;

Section 4 Zones

4.8 Rural Residential 1 Zone

.2 Permitted Principal Uses

- (a) Single detached dwelling

.3 Permitted Secondary Uses

- (a) Accessory use

.4 Regulations Table

(g) Maximum height for accessory buildings and structures:

- Containing a dwelling unit- 10 m
- All other accessory buildings and structures- 8.5 m

(i) Maximum floor area, gross of an accessory building on a parcel less than 0.4 ha:

- Accessory buildings containing a dwelling unit - 250 m²
- All other accessory buildings and structures -150 m²

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

Background

The subject property is developed with a 367 m² single detached dwelling with an attached garage, deck and porch. The property owners are proposing a 218 m² (2320 square feet) accessory building which the agent has stated will be used for personal storage and is not intended to be used for any commercial purposes such as a home occupation that is permitted in the RR1 zone. The applicant has not provided drawings or elevations plans as they do not want to spend any further money on this project until they are advised if the proposed variance to increase the floor area, gross of the accessory building has been approved or not. However, the agent has indicated that the proposed accessory building is planned to be open concept in the middle with 2 shop doors that are 4 m in height to store two recreational vehicles in.

Calculations for the floor area, gross show the accessory building is proposed to be 215.5 m², staff are recommending that the variance be up to 218 m² to add a small buffer in case the floor area, gross ends up slightly larger post construction.

The property is zoned RR1-Rural Residential 1 in the Electoral Area E Zoning Bylaw No. 841. There is no maximum to the number of accessory buildings permitted on the property so long as setbacks and parcel coverage are not exceeded.

Staff recently completed a planning project to update all CSRD zoning bylaws to have consistent maximum permitted floor areas and building heights for accessory buildings. The floor area and height maximum requirements that were implemented are based on a properties size and are intended to reflect the semi rural and rural nature of properties in CSRD Electoral Areas. This planning project to increase the floor area and height requirements for accessory buildings was adopted at the June 20, 2024, Board Meeting.

Prior to the proposed amendments, the maximum permitted floor area for an accessory building was 150 m² and the maximum permitted height for an accessory building was 6 m for this property. The amendments now allow this 0.31 ha property an accessory building with a floor area, gross of 150 m² and a height of 8.5 m. If the accessory building was proposed to have a secondary dwelling unit, it would be permitted to have a floor area, gross of 250 m².

The intended character of these areas with a lot size under 0.4 ha is typically residential. The size of accessory buildings should not be so large as to exceed the residential character of a property and neighbouring properties. If maximum size of accessory building is set too large, properties of this size may appear to look more industrial/commercial than residential.

The proposed 218 m² accessory building will meet the new maximum permitted height, which was increased from 6 m to 8.5 meters. The proposed accessory building is 7.8 m in height. The maximum parcel coverage permitted on this lot is 30% and with the proposed 218 m² accessory building the total parcel coverage is 16%. The proposed accessory building will be located on the north east side of the subject property and will meet the setbacks outlined in the zoning bylaw.

Analysis

With the new planning project, the intention was to increase accessory building size to better reflect size and use of residential, semi-rural, and rural properties in CSRD Electoral Areas. The new maximum permitted floor areas are to apply generally and a property owner may choose to apply for a Development Variance Permit to seek approval for a larger accessory building.

The proposed 218 m² (2346 square feet) accessory building is 75 m² (807 square feet) larger than the 150 m² floor area, gross that is permitted on the property. However, the proposed accessory building is still subordinate (smaller) than the existing single detached dwelling that has a footprint of 367 m², and therefore the proposed accessory building is not going to be so large that it overtakes the property or appears to be the primary use on the property. The proposed accessory building is also proposed to meet the required maximum parcel coverage, height, and setback zoning requirements on the property and therefore this proposal should not change the residential character of the property.

The property that is most affected by the proposed variance to increase the maximum floor area, gross of the accessory building is the property owner to the north. The trees that had once separated the subject property and the nearest neighbouring lot to the north have been removed in preparation for the construction of the proposed accessory building. These trees would have provided a visual buffer to the neighbouring lot to the proposed accessory building. The applicant has proposed that the accessory building be setback 4.5 m from the north interior side property boundary, which is more than double the required 2 m interior side parcel boundary setback requirement. This 4.5 m setback to the interior side property line should minimize some of the potential visual impacts of the proposed accessory building and therefore staff have made the 4.5 setback from the interior side parcel boundary be a requirement of the permit.

The orientation of the accessory building is proposed to have the doors facing south, away from the closest neighbouring property to the north and away from Hummingbird Drive. The narrowest width of the proposed accessory building will face east towards Hummingbird Drive. The agent has indicated that the proposed accessory building will be in line with the neighbouring properties accessory building to the north and will be back to back.

The property owner to the north and the south have provided a letter of support for this proposal (See DVP841-08_Letters_Support.pdf) as well as letters will be sent to all neighbouring properties within 100 m, and they will have the opportunity to provide feedback on the proposal.

By reviewing the 2023 CSRD Ortho Imagery, staff were able to measure some of the footprints of the accessory buildings in the neighbourhood. Based on these measurements, many of the neighbouring properties on Hummingbird Drive have accessory buildings with a footprint that ranges from approximately 175 m² to 250 m². This proposal for a 218 m² accessory building is not out of character with the other neighbouring properties.

The proposed 218 m² accessory building is also proposed to be setback from the front parcel boundary by 22 m as shown on the site plan. This distance will limit the visual impacts from Hummingbird Drive. Due to the proposed size of the accessory building, staff have made the proposed location (22 m setback from the front parcel boundary) a condition of the Development Variance Permit. The applicant is agreeable to this setback.

As noted, the property is 0.4 ha in size and there is no limit the number of accessory buildings this property could have, with the current proposal and current parcel coverage, the property owner could build three accessory buildings with a floor area, gross of 150 m² and still meet the parcel coverage requirements. As well as there would not be much difference If there were two accessory buildings on the property with a footprint of 110 m², as this would total to the same amount of floor area, gross as the one proposed 218 m² accessory building.

If the proposed accessory building had a secondary dwelling unit, it would be permitted to have a floor area, gross of 250 m². The property owner had considered including a secondary dwelling unit in the accessory building to allow for the larger floor area, gross of 250 m², which would not require a Development Variance Permit. However, the owners decided that adding a dwelling unit to the accessory building significantly increased costs and is not feasible for them and would like to proceed with this Development Variance Permit request to increase the floor area, gross for the accessory building without a dwelling unit.

Rationale for Recommendations

- The proposed 218 m² accessory building should not alter the residential character of the property as it is still subordinate to the single detached dwelling and meets all other zoning requirements;
- The proposed accessory building is not out of character with the neighbouring properties, as many of the adjacent properties have accessory buildings with a similar size to what is being proposed on the subject property

IMPLEMENTATION:

If Development Variance Permit No. 841-08 is approved by the Board, the notice of permit will be registered to the Title of the property and the property owner can proceed by obtaining a building permit. If the Development Variance Permit is not approved by the Board, the property owner would need to modify the size of the accessory building to comply with the maximum floor area, gross of 150 m².

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 received before the submission deadline (July 16, 2024, at 4 PM) will be included and attached to the Late Agenda Board package.

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:	2024-07-18_Board_DS_DVP841-08.docx
Attachments:	- DVP841-08_redacted.pdf - DVP841-08_Applicant_Letter_redacted.pdf - DVP841-08_Letter_Support_redacted.pdf - DVP841_08_Maps_Plans_Photos_redacted.pdf
Final Approval Date:	Jul 8, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham



John MacLean