



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area G: Development Variance Permit No. 701-144

DESCRIPTION: Report from Laura Gibson, Planner II, dated September 27, 2024.
2495 Rocky Point Road, Blind Bay

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-144 for Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9989, varying South Shuswap Zoning Bylaw No. 701 as follows:

- 1) Section 7.2.5, exterior side parcel line setback, from 4.5 m to 1.5 m, only for the new accessory building with secondary dwelling unit,

be approved for issuance this 17th day of October, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is located a 2495 Rocky Point Road in Blind Bay in Electoral Area G. The property owners are proposing to construct a new accessory building (garage) with a secondary dwelling unit on the upper floor. This Development Variance Permit (DVP) proposes to vary the east exterior side parcel line setback from 4.5 m to 1.5 m, only for the accessory building.

BACKGROUND:

ELECTORAL AREA:
G

LEGAL DESCRIPTION:
Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9989

PID:
009-630-619

CIVIC ADDRESS:
2495 Rocky Point Road, Blind Bay

SURROUNDING LAND USE PATTERN:
North = Shuswap Lake
South = Rocky Point Road
East = McArthur Road (unconstructed)
West = Residential property

CURRENT USE:
Single detached dwelling

PROPOSED USE:
New accessory building with upper floor secondary dwelling unit

PARCEL SIZE:
0.17 ha (0.38 ac)

DESIGNATION:
[Electoral Area C Official Community Plan Bylaw No. 725](#)
RR2 - Rural Residential 2

ZONE:
[South Shuswap Zoning Bylaw No. 701](#)
Land = RR1 - Rural Residential (0.4ha)

[Lakes Zoning Bylaw No. 900](#)
Foreshore = FR1 - Foreshore Residential 1

AGRICULTURAL LAND RESERVE:
0%

SITE COMMENTS:
A site visit has not been completed for this property. The subject property is waterfront to Shuswap Lake and McArthur Road, which is unconstructed, borders the property to the east. The property is accessed by an easement through the adjacent parcel to the west, 2495 Rocky Point Road. The property is flat.

BYLAW ENFORCEMENT:
There is no bylaw enforcement related to this file.

POLICY:

[South Shuswap Zoning Bylaw No. 701](#)

1.0 Definitions

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

PARCEL LINE, EXTERIOR SIDE means a parcel line, other than a front parcel line, common to the parcel and a highway other than a lane.

SECONDARY DWELLING UNIT is an additional, self-contained, dwelling unit that is accessory to the single detached dwelling on a parcel. For clarity, duplexes, multiple-dwellings, townhouses boarding rooms and rooming houses are excluded from the definition of secondary dwelling unit.

SINGLE DETACHED DWELLING means a detached building containing only one (1) principal 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.

3.0 General Regulations

3.22 Secondary Dwelling Units

.2 a secondary dwelling unit must

(d) be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required. For lots less than 1 ha the back up field area is required to be protected by a Section 219 covenant.

3.5 Setback Exceptions

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

7.0 RR1 – Rural Residential 1 zone

7.1 Permitted Uses

- .1 single detached dwelling;
- .2 secondary dwelling unit;
- .3 bed and breakfast;
- .4 home business;
- .5 accessory use.

7.1 Regulations

.4 Maximum height for:

Accessory buildings containing a dwelling unit: 10 m

.5 Minimum setback from:

Exterior side parcel line: 4.5 m

.7 Maximum floor area, gross of an accessory building:

On parcels less than 0.4 ha

Accessory buildings containing a dwelling unit: 250 m²

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

Proposal

The property owners are proposing to vary the east side parcel line setback from 4.5 m to 1.5 m for a proposed accessory building (garage) with a secondary dwelling unit on the upper floor. The eaves of the proposed building will be as close as 1.06 m from the side parcel line. See attached "DVP701-144_Maps_Plans_Photos.pdf" for site plan and drawings of the property building.

There is a garage door at the rear of the building (facing the parcel line adjacent to the unconstructed McArthur Road). The agent has confirmed this is not intended to be vehicle access (no proposal to utilize McArthur Road, which would require clearing of trees) but rather allows for the ability to move larger items (e.g. kayak) in and out of the back of the garage.

Analysis

The subject property is currently developed with a single detached dwelling. A Development Variance Permit (DVP) was issued to the previous property owners on October 9, 2019, also for a variance for a proposed accessory building (garage) to reduce the exterior side parcel line setback from 4.5 m to 1 m, but that garage was never constructed and the DVP lapsed. The new owners are proposing a garage with a different footprint and height, and containing an upper floor secondary dwelling unit, which the original proposal did not include. A new DVP is required for this proposal.

The new accessory building will have a main floor area of 93.9 m² and the upper floor will be 75.7 m², for a total gross floor area of 169.6 m². The proposed height of the new building is 7.5 m. Therefore, the new accessory building will be below the maximum height (10 m) and gross floor area (250 m²) permitted by South Shuswap Zoning Bylaw No. 701.

The subject property (Lot 10) is accessed by an easement through the neighbouring property to the west, Lot 9 (2495 Rocky Point Road). There is covenant on the subject property (Lot 10) for Lot 9 to have a septic system (see "DVP701-144_Maps_Plans_Photos.pdf"). The covenant for Lot 9's septic system makes it challenging to situate the garage elsewhere on the subject property.

The parcel line proposed to be varied is the east side parcel line, which is an exterior side parcel line as it is adjacent to McArthur Road. The unconstructed McArthur Road is approximately 20 m wide and is currently covered in trees (see attached "DVP701-144_Maps_Plans_Photos.pdf"). East of McArthur Road is Carmel Cove Resort, which will not have a view of the new garage due to the trees on McArthur Road. There should be no impact to nearby property owners if this variance is approved.

Eaves are permitted to project into the setback provided they are no closer than 1 m from any parcel line. The eaves are proposed to be as close as 1.06 m to the side parcel line and do not require a variance.

Ministry of Transportation Setback Permit

A setback permit is required from the Ministry of Transportation and Infrastructure (MOTI) to locate the proposed building within 4.5 m of McArthur Road. A setback permit was previously issued for the garage that was proposed by the former property owners. The applicants have made an application to the MOTI for a new setback permit.

Building Permit

A building permit is required for the proposed building. A building permit application has been received. Because the property is less than 1 ha, prior to issuance of the building permit for the secondary dwelling unit, a backup septic field area must be identified and protected through registration of a covenant in accordance with Section 3.22.2(d) in South Shuswap Zoning Bylaw No. 701.

Development Permit

Development Permit (DP) No. 725-230 (Lakes 100 m and Riparian Areas Regulation) was issued January 31, 2020, for the construction the single detached dwelling and installation of the septic system.

A new Lakes 100 m DP is required for the proposed building as it will increase the impervious surface area within 100 m of Shuswap Lake. A Hydrogeology Report prepared by Ecoscape Environmental Ltd., dated August 20, 2024, was submitted along with the Lakes 100 m DP application and confirms the proposed building should have no negative impacts to Shuswap Lake nor underlying groundwater quality. Lakes 100 m DP725-560 may be approved by the Manager, Planning Services.

Rationale for Recommendation:

Staff are recommending approval of DVP701-144 for the following reason:

- There should be no impact to nearby property owners as the setback being varied is adjacent to McArthur Road and not another private property.

IMPLEMENTATION:

If DVP No. 701-144 is approved, staff will prepare a notice to be sent to the Land Title and Survey Authority for registration on title.

COMMUNICATIONS:

Notices of the proposed variance 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 (October 15, 2024, at 4 PM) will be included and attached to the Late Agenda Board package.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

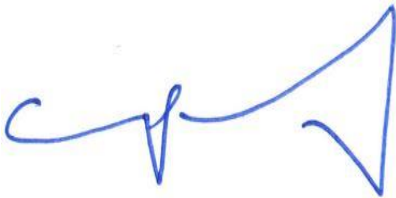
BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-10-17_Board_DS_DVP701-144.docx
Attachments:	- DVP701-144_Redacted.pdf - DVP701-144_Maps_Plans_Photos.pdf
Final Approval Date:	Oct 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