



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area C : Development Variance Permit No. 701-139

DESCRIPTION: Report from Hayley Johnson, Planner I, dated October 28, 2024.
4183 Galligan Road, Eagle Bay

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-139 for Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan 11743, varying the South Shuswap Zoning Bylaw No. 701, as amended, as follows:

1. Section 7.2.4 the maximum height be increased from 11.5 m to 16.7 m only for the proposed single detached dwelling
2. Section 7.2.7 the maximum floor area, gross be increased from 250 m² to 256 m² only for the proposed accessory building

Be approved this 21st day of November 2024

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is located at 4183 Galligan Road in Eagle Bay in Electoral Area C and is waterfront to Shuswap Lake. The property is subject to the Electoral Area C Official Community Plan Bylaw No. 725, as amended (Bylaw No. 725) and the South Shuswap Zoning Bylaw No. 701, as amended (Bylaw No. 701). The applicant is proposing to construct a new single detached dwelling, and an accessory building. The proposed single detached dwelling is over the maximum permitted height, and the proposed accessory building is over the maximum permitted floor area, gross that is permitted in Bylaw No. 701.

The applicant has made this Development Variance Permit application to seek approval to increase the maximum permitted height for a single detached dwelling from 11.5 meters to 16.7 meters and to vary the maximum floor area, gross of the proposed accessory building from 250 m² to 256 m².

BACKGROUND:

ELECTORAL AREA:
C (Eagle Bay)

LEGAL DESCRIPTION:

Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan 11743

PID:
004-980-115

CIVIC ADDRESS:
4183 Galligan Road

SURROUNDING LAND USE PATTERN:

North = Shuswap Lake

South = Agriculture

East = Residential/Galligan Road

West = Residential/Cluster Housing

CURRENT USE:

Boathouse with suite (secondary dwelling unit)

PROPOSED USE:

New single detached dwelling with a floor area gross of 1150 m² and detached accessory building (garage) with a floor area gross of 256 m²

PARCEL SIZE:

1.8 ha (4.38 acres)

DESIGNATION:

[Electoral Area C Official Community Plan No. 725](#)

RR - Rural Residential

ZONE:

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

RR1-Rural Residential (0.4 ha)

[Lakes Zoning No. 900](#)

FR1-Residential

SITE COMMENTS:

The property is waterfront to Shuswap Lake, which is to the northeast. The southern section of the property is dominated by steep bedrock slopes. The proposed single detached dwelling and accessory building are proposed to be built into the slopes on the subject property. The property is located at the end of Galligan Road.

BYLAW ENFORCEMENT:

There is no bylaw enforcement related to this file.

POLICY:

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

Section 1 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.

ACCESSORY USE is the use of land, buildings, or structures in conjunction with and ancillary to an established principal use.

DWELLING OR DWELLING UNIT is a use of one (1) or more rooms in a detached building with self-contained eating, living, sleeping and sanitary facilities and not more than one kitchen, used or intended to be used as a residence for no more than one (1) household;

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 of greater than 2:1 (horizontal to vertical).

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.

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 (19.69 ft.).

PRINCIPAL BUILDING means the building which contains the principal use of the parcel and shall include attached garages and carports, but does not include an accessory building.

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;

Section 3 General Regulations

Height Exceptions

3.4.1 Chimneys

Section 7 RR1- Rural Residential Zone (4000m2)

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

.4 Maximum height for:

- Principal buildings and structures 11.5 m (37.73 ft.)
- Accessory buildings containing a dwelling unit 10 m (32.81 ft)
- All other Accessory buildings 8.5 m (27.89 ft)

.7 Maximum floor area, gross of an accessory building

- On a parcel equal to or greater than 0.4 ha and less than 2.0 ha 250 m² (2690.98 ft)

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

Background

The property is zoned RR1-Rural Residential Zone in Bylaw No. 701. The property had previously been developed with a single detached dwelling and 7 outbuildings, all of which have been removed from the property, except for a boathouse with a suite (secondary dwelling unit) The existing boathouse with a suite (secondary dwelling unit) that has a floor area, gross of 153 m² and is the only existing structure on the property currently. The applicant is proposing to construct a new 1150 m² (12,386 square feet) single detached dwelling, and a 256 m² (2,755 square feet) detached accessory building. The single detached dwelling will feature two floors, and a loft above, with an attached deck and garage. The proposed accessory building is a four bay garage with attached indoor pavilion space, which will have a bathroom and seating area, and will not be used as a dwelling unit.

The applicant has included a letter of rationale with their application, and it is attached to the Board package (See DVP701-139_Applicant_Letter_2024_10_25_redacted.pdf).

Calculations provided in the application for the proposed height for the single detached dwelling is 16.63 m in height and the floor area, gross for the proposed accessory building is 255.6 m². Staff are recommending a small buffer for each requested variance in case the height and/or floor area, gross ends up slightly larger post construction. Therefore, the proposal is to vary the maximum permitted height for the proposed single detached dwelling from 11.5 m to 16.7 m and to vary the maximum permitted floor area, gross for the proposed accessory building from 250 m² to 256 m²

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.

The size of buildings should not be so large as to exceed the residential character of a property and neighbouring properties. If maximum size of a building is set too large, properties of this size may appear to look more industrial/commercial than residential.

Height

Prior to the proposed amendments, the maximum permitted height for an accessory building was 6 m on this property. The new amendments now allow an accessory building (without a dwelling unit) to be 8.5m.

	Single detached dwelling	Accessory Building
Previous Maximum Height	11.5 m	6 m
New Maximum Height	11.5 m	8.5 m
Proposed Maximum Height	16.7 m	8.25

The proposed single detached dwelling requires a development variance permit to increase the maximum permitted height from 11.5 m to 16.7 m at its highest point. The proposed 8.25 m accessory building will now meet the new maximum permitted height, which was increased from 6 m to 8.5 m in recent amendments.

The CSRD defines height as being calculated from the highest point of a building to the lowest point, where the finished ground elevation and the building meet. The single detached dwelling does feature a chimney; however, it is not included in the total height as chimneys are exempt from height restrictions.

Many municipalities in the area such as City of Salmon Arm and City of Revelstoke measure height based on measuring the distance between the average grade and the highest point of the structure. These municipalities also implement a maximum height of 10 m for single detached dwelling in residential zones. The CSRD measures height from highest to lowest, as it is easy to explain to the public as well as easy to interpret. The CSRD has also implemented a maximum height of 11.5 m instead of 10 m to compensate for the difference between the lowest point and the average grade. With this interpretation and with the maximum permitted height of 11.5 m implemented for single detached dwellings, in the last 5 years, there have only been 3 Development Variance Permits applied for to vary the maximum permitted height for a single detached dwelling.

Floor area

There is no maximum floor area, gross implemented for single detached dwellings. The new zoning amendments allow for an accessory building to have a floor area, gross of 250 m² on a parcel less than 2 hectares. Previously Bylaw No. 701, did not include a maximum floor area for accessory buildings, as long as the proposed accessory building was subordinate (smaller than) the proposed or existing single detached dwelling on the subject property. However, the proposed accessory building is now slightly over the maximum permitted floor area, gross for the subject property, for an accessory building, which requires a variance from 250 m² to 256 m².

Elevation plans and floor plans of the proposed single detached dwelling and accessory building have been submitted with the application, see attached "DVP701-139_Maps_Plans_Photos_redacted.pdf".

The proposed single detached dwelling and accessory building will meet the RR1 zoning regulations such as setbacks, other than exceeding the maximum height of the single detached dwelling and floor area, gross of the accessory building as noted above.

Analysis:

With the new planning project, the intention was to increase building size to better reflect size and use of residential, semi-rural, and rural properties in CSRD Electoral Areas. The new maximum permitted

height requirements and floor area, gross requirements are to apply generally, and a property owner may choose to apply for a Development Variance Permit to seek approval for a higher single detached dwelling and more floor area, gross for an accessory building.

Maximum height increase variance request for SDD

An increase in the maximum permitted height from 11.5 m to 16.7 m, is a 5.2 m or 45 % increase that seems unreasonable when considered as an increase in a numerical value. However, property owners can choose to apply for a variance and provide their rationale to explain their variance request. For all variance applications, Planning staff considers policy, bylaw regulations, the applicant's rationale, property location, property/neighbourhood features and the potential impacts to adjacent properties and the neighborhood.

The proposed single detached dwelling is 5.2 m (17 ft) higher than what is permitted on the property, which as previously noted is a 45 % increase than what is permitted by Bylaw No. 701. However, the majority of the single detached dwelling building is 13.84 meters in height, which is 2.34 m over the maximum permitted height, which is a 20% increase. It is the most northwest portion of the decks attached to the single detached dwelling that face toward Shuswap Lake that are over height. The proposed single detached dwelling is being constructed down slope and the concrete pillars/deck supports that will hold up the attached decks are approximately 2.8 meters in height (See DVP701-139_Maps_Plans_Photos_redacted.pdf).

The proposed single detached dwelling should have minimal impacts to neighbouring properties as the single detached dwelling is positioned to be facing towards Shuswap Lake, and due to the steep topography of the property, the single detached dwelling should not be visible from neighbouring properties from the east and west. The elevation of the neighbouring property to the southwest varies from east to west, east being the lowest point at 368.5 Geodetic Survey Datum, (GSC) to 381 GSC . Please see elevation map and cross sections (DVP701-139_Maps_Plans_Photos_redacted.pdf). The highest elevation of the single detached dwelling is 371.0 GSC, which is 2.51 meters higher than the lowest point on the neighbouring property to the south west. This means that visibility of the proposed single detached dwelling will be limited to only in the low section on the neighbouring property, where there are no buildings or structures.

The architecture and design of both the single detached dwelling and the accessory building are residential and does not give the characterization of an industrial or commercial property and therefore this proposal should not change the residential character of the property.

Maximum floor area increase request for Accessory Building

The 6 m² (square feet) variance for the proposed accessory building is minor and the applicant had made this development variance permit application prior to when the maximum floor area, gross had been adopted , and the accessory building size was determined based on being subordinate (smaller than) the single detached dwelling.

Development Permits

Additionally, the proposed single detached dwelling and accessory building require a Hazardous Lands (Steep Slopes), Lakes 100m, and Riparian Areas Regulation Development Permit. The applicant has submitted these application and related qualified professional reports, and they are being processed with this Development Variance Permit application. Approval of technical development permits such as

these are delegated to the General Manager of Development Services for review and issuance. Additionally, building permits will be required as per [Building Bylaw No. 660-03](#) as amended.

Rationale for Recommendation:

- The proposed single detached dwelling will have limited visibility from the neighbouring property to the south west and should not be visible from any neighbouring properties from the east and west due to the steep topography of the property, therefore minimizing potential impacts to neighbouring properties;
- The proposed single detached dwelling and accessory building will not change the residential character of the property as the architecture of the buildings are not designed as industrial or commercial buildings; and
- The proposed variance to the floor area, gross of the accessory building is considered minor and the design for the accessory building had been completed at a time when bylaw regulations did not have a specific maximum floor area for accessory buildings, as long as it was subordinate to the floor area of the single detached dwelling.

IMPLEMENTATION:

If Development Variance Permit No. 701-139 is approved by the Board, the permit will be issued and the notice placed on title.

The Hazardous Lands (Steep Slopes) Lakes 100m, and Riparian Areas Regulation Development Permit can be issued by the General Manager of Development Services. The notice of permits 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 detached dwelling and accessory building, so that they meet the maximum permitted height and floor area requirements in Bylaw No. 701.

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. As of the date of this report, no written submissions have been received. Any written submissions will be added to the late Board agenda.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

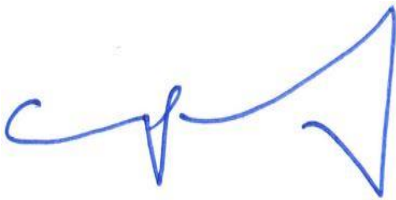
BOARD'S OPTIONS:

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:	2024-11-21_Board_DS_ DVP701-139.docx
Attachments:	- DVP701-139.pdf - DVP701-139_Applicant_Letter_2024_10_25_redacted.pdf - DVP701-139_Maps_Plans_Photos_redacted.pdf
Final Approval Date:	Nov 14, 2024

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



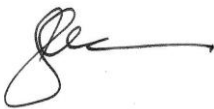
Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud

Gerald Christie

No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud

Jennifer Sham



John MacLean