



BOARD REPORT

TO:**Chair and Directors****File No:** DVP 800-27**SUBJECT:**

Development Variance Permit No. 800-27 Ronald and Kathryn Lefevre

DESCRIPTION:

Report from Dan Passmore, Senior Planner dated March 30, 2017.

RECOMMENDATION:

THAT:

in accordance with Section 498 of the Local Government Act ,
Development Variance Permit No. 800-27 for Lot 4, Section 11,
Township 23, Range 10, W6M, KDYD, Plan KAS306 varying Magna Bay
Zoning Bylaw No. 800, as follows:

Section 5.6(2) (d) Minimum setback from interior side parcel boundary
from 2.0 m (6.56 ft.) to 1.701 m (5.58 ft.) for the eaves of a single
family dwelling only.

be approved for issuance this 20 day of April, 2017.

APPROVED for Board Consideration:*Meeting Date: April 20, 2017**Charles Hamilton, CAO***SHORT SUMMARY:**

The applicant has constructed a single family dwelling on the subject property. The Building Official noted that the home had been constructed too near to an interior side parcel line. As a result, the applicant is requesting a variance to relax the minimum interior side parcel boundary setback from 2.0 m to 1.701 m, in a small corner on the southwest side of the property.

A Building Permit (3880 10 27) was issued for the property, and a Development Permit (DP 830-16) for RAR was also issued.

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

PROPERTY OWNER: Ronald and Kathryn Lefevre

ELECTORAL AREA: 'F'

CIVIC ADDRESS #4 - 6172 Squilax-Anglemont Road, Magna Bay, BC

LEGAL DESCRIPTION: Lot 4, Section 11, Township 23, Range 10, W6M, KDYD, Plan KAS306

(PID: 002-510-880)

SIZE OF PROPERTY: 0.178 ha (0.441 ac)

SURROUNDING LAND USE PATTERN:

North: Agricultural
South: Shuswap Lake
East: Residential
West: Residential

CURRENT USE: Newly constructed Single Family Dwelling

PROPOSED USE: Residential

OCP DESIGNATION: WR Waterfront Residential Riparian Areas Regulation (RAR) Development
Permit Area

ZONING: MSR – Multi-Single Family Residential

POLICY:

Electoral Area "F" Official Community Plan Bylaw No. 830

11.6 Waterfront Residential (WR)

Policy 1

The Waterfront Residential land use designation applies to lands outside the Primary and Secondary Settlement Areas. Only detached dwellings are permitted within the Waterfront Residential designation.

Policy 2

The maximum net density is 4 units per acre (10 units per hectare) provided the dwelling is connected to community water and sewer systems.

Policy 3

The maximum net density for any new dwelling not on community water and sewer is one unit per 2.5 acres (1 unit per hectare).

Policy 4

Where it is proposed that a new dwelling will not be connected to community services, the proponent will provide the Regional District with the required technical information about water supply and on-site sewage disposal as part of the development permit process.

Policy 5

For aesthetic purposes, and to create a visual buffer from the water's edge, all new buildings or structures within the Waterfront Residential designation should maintain a minimum setback of at least 15 metres (49.2 feet) from the natural boundary of the water.

OCP policies for the Riparian Areas Regulation (RAR) Development Permit Area designate all areas within 30.0 m of a watercourse as a Development Permit Area (RARDPA). The primary objective of the RARDPA is to regulate development activities near watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. A DP may be issued once an assessment by a Qualified Environmental Professional (QEP) in accordance with the Riparian Area Regulations (RAR), has prepared and submitted a report stating that, in their opinion a setback of less than 30.0 m will not negatively affect the functioning of a watercourse or riparian area. That report must be submitted and accepted online by the Ministry of Environment.

Magna Bay Zoning Bylaw No. 800: MSR – Multi-Single Family Residential Zone

The principal uses are *Single Family Dwelling*, *Home Business* and *Accessory Use*. One single family dwelling is permitted per parcel and the minimum area of parcels to be created through subdivision is 8.0 ha. The interior side parcel line setback is 2.0 m to all portions of a building.

The proposed use of the subject property for a single family dwelling complies with the Zoning Bylaw.

Development Variance Permit

The applicant is proposing to vary:

Section 5.6(2) (d) Minimum setback from interior side parcel boundary from 2.0 m (6.56 ft.) to 1.701 m (5.58 ft.) for the eaves of a single family dwelling only.

FINANCIAL:

The Development Variance Permit was made to address a bylaw compliance issue noted by the Building Official. The matter had not progressed to Bylaw Enforcement. As a result, there are no financial implications for the CSRD. However, if the Board considers this application and refuses issuance of the Development Variance Permit, financial implications may result.

KEY ISSUES/CONCEPTS:

Access:

Access will be from an internal roadway to the bare land strata subdivision off Squilax-Anglemont Road.

Sewer Servicing

The new single family dwelling is connected to the strata's private sewerage system, which has been approved by the Interior Health Authority.

Drinking Water

The owner is proposing to draw drinking water from Shuswap Lake. This will require an application to the Ministry of Forests Lands and Natural Resource Operations (MFLNRO) – Water Rights Branch.

Riparian Area Regulation Issues/History

The owner applied for a Development Permit (DP 830-16) which was issued June 14, 2013. The Riparian Area Assessment Report (RAAR), dated March 31, 2008 was prepared by Bill Rublee, R.P.Bio. and was submitted to the Province.

Proposed Variance

The encroachment into the setback of 2.0 m is at the point along the southwest side of the proposed house at the point where the house is setback 2.31 m from the interior side parcel line. A photograph accompanied with some notes on dimensions to the property lines from the Building Official shows that the eave in this area extends 0.6 m (2') into the 2.31 m setback. This means that the eave encroaches 0.29 m into the required setback area.

SUMMARY:

The applicant has applied for a DVP to relax the interior side parcel setback from 2.0 m (6.56 ft.) to 1.701 m (5.58 ft.) for the eaves of a single family dwelling only. Staff are recommending that the Board consider approving the DVP for issuance because the encroachment into the setback is minor and is for a small part of the eaves.

IMPLEMENTATION:**Consultation Process**

Neighbouring property owners will first become aware of the application for DVP when notice of the intent of the Board to review the issuance of DVP 800-27, is mailed out to property owners within 100 m of the subject property.

COMMUNICATIONS:

If the Board approves issuance of DVP 800-27, the owner and agent will be advised of the decision and staff will prepare the Notice of Permit for submission to Land Title Office for registration on the title of the subject property. Once the CSRD is advised that the DVP permit has been registered on title, the Building Inspector may finalize the building permit for the single family dwelling.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation. DVP 800-27 will be issued.*
2. *Decline issuance of the Permit.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

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

1. N/A