



BOARD REPORT

TO: Chair and Directors

File No: DVP701-78
PL20180022

SUBJECT: Electoral Area C: Development Variance Permit 701-78 (Sigalet)

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated March 16, 2018.
3553 Eagle Bay Rd, Eagle Bay

RECOMMENDATION #1: THAT: In accordance with Section 498 of the Local Government Act, Development Variance Permit 701-78 for Lot A, Section 2, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan EPP56879, varying South Shuswap Zoning Bylaw No. 701, as follows:

1. Section 7.2.5 Minimum setback from the front parcel line boundary from 5 m to no less than 3.37 m to any portion of the building only for the proposed garage attached to the single family dwelling; and
2. Section 7.2.5 Minimum setback from the west side parcel boundary from 2 m to no less than 1.65 m only for the proposed single family dwelling and attached deck; and
3. Section 7.2.4 Maximum height for principal buildings and structures from 10 m to no greater than 11.61 m only for a single family dwelling; as more particularly shown on the site plans attached hereto as Schedule 'B', and the elevation drawings attached hereto as Schedule 'C'.

be considered for issuance this 17th day of May, 2018.

SHORT SUMMARY:

The subject property is located in Eagle Bay, at 3553 Eagle Bay Road and is subject to South Shuswap Zoning Bylaw No. 701 and Electoral Area 'C' Official Community Plan Bylaw No. 725. The owner would like to construct a new single family dwelling and attached garage on the property using the existing foundation. This project requires variances to the front and interior side parcel line setbacks as well as to the maximum height of the building.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
----------------	-------------------------	--------------------------	-----------------------------	-------------------------------------	-----------------------	--------------------------	---------------------------	--------------------------

BACKGROUND:

REGISTERED OWNERS:
David and Elaine Sigalet

AGENT:
Copper Island Fine Homes Inc. c/.o Greg Vistisen

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

Lot A Section 2 Township 23 Range 10 West of the 6TH Meridian Kamloops Division Yale District Plan EPP56879

PID:

029-918-006

CIVIC ADDRESS:

3553 Eagle Bay Road, Eagle Bay

SURROUNDING LAND USE PATTERN:

North = Shuswap Lake

South = Rural Residential

East = Rural Residential

West = Rural Residential

CURRENT USE:

Single family dwelling and detached garage/workshop

PROPOSED USE:

Demolish the existing house on waterfront portion of the property and construct a new single family dwelling and attached garage on the same foundation.

PARCEL SIZE:

0.49 ha (1.2 acres)

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

RR2 – Rural Residential 2

ZONE:

South Shuswap Zoning Bylaw No. 701

RR1 – Rural Residential 1

Lakes Zoning Bylaw No. 900

FM1 – Foreshore Multi-family 1

SITE COMMENTS:

The subject property is divided by Eagle Bay Road and has an existing single family dwelling on the north side of the road and an accessory building used as a garage/workshop on the south side of the road. There is also a gazebo/shed and retaining walls situated at the high water mark. There is a dock and a concrete boat launch sited on the foreshore. Access to the south side of the property is via a driveway which is situated partially on road right of way and partially on Remainder Lot 1 Plan KAP55588 to the east. The southern portion of the property slopes steeply to the south with slopes between 30 and 50%.

There is a covenant registered on title restricting the construction of primary dwellings to the north side of Eagle Bay Road and specifying that septic systems be sited above the 370 m contour which is located south of Eagle Bay Rd. There is also documentation of a road closure and consolidation completed in 2015 which closed a road right of way running along the shoreline of Shuswap Lake, and consolidated sections of the right of way with the adjacent parcels. As such the property is now considered to be waterfront where previously it would have been considered semi-waterfront.

SERVICING:

Lake intake and onsite septic system. Septic field is located on the south side of Eagle Bay Road.

ACCESS:

The northern portion of the property is accessed directly from Eagle Bay Road. The southern portion of the property is accessed by a shared driveway off of Eagle Bay Road which also provides access to a number of other properties on the south side of Eagle Bay Road.

POLICY:**Electoral Area C Official Community Plan Bylaw No. 725****3.4 – Residential**

Residential development is subject to the following land use designations, housing forms and maximum densities:

Neighbourhood Residential (NR) shall have detached or semi-detached housing form and a maximum density of 2 units per acre (0.2 ha).

12.1 Hazardous Lands Development Permit Areas (Steep Slope)*Purpose and Justification*

The Hazardous Lands DPA is designated under the Local Government Act for the purpose of protecting development from steep slope hazardous conditions. Whereas steep slopes pose a potential landslide risk, a Hazardous Lands Development Permit Area is justified so that DP guidelines and recommendations from qualified engineering professionals are utilized prior to development in steep slope areas in order to provide a high level of protection from ground instability and/or slope failure.

Area

All properties, any portion of which, contain slopes 30% or greater are designated as Hazardous Lands Development Permit Area (Steep Slope). These are referred to as 'steep slope' areas below. The CSRD requires a slope assessment of slope conditions as a condition of development permit issuance. Provincial 1:20,000 TRIM mapping, using 20 m (66 ft) on tour information, may provide preliminary slope assessment; however, a more detailed site assessment may be required.

12.3 Lakes 100 m Development Permit Area*Purpose and Justification*

The Lakes 100 m Development Permit Area (DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. The intent of the Lakes 100 m DPA is to prevent or mitigate potential negative impacts on the lake environment from larger scale development (construction of buildings and structures over 200 m² or creation of impervious surfaces over 100 m²) and installation of septic systems.

Area

The Lakes DPA applies to areas within 100 m of Shuswap Lake, White Lake and Little White Lake.

12.4 Riparian Areas Regulation Development Permit Area

Purpose and Justification

The Riparian Areas Regulation Development Permit Area (RAR DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions, and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

Area

The RAR DPA is comprised of Riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses. This includes all lands within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide, or within 10 m of the top of ravine bank for ravines 60 m or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse.

*Development Permit No. 725-135 is being processed concurrently with this application to address the above noted DPAs.

South Shuswap Zoning Bylaw No. 701

1 – Definitions

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

3. – General Regulations

3.5 Setback Exceptions

No building or structure other than the following shall be located in the area of setback required by this Bylaw:

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

RR1 – Rural Residential

Permitted Uses

7.1 The following uses and no others are permitted in the RR1 zone:

- .1 single family dwelling;
- .2 cottage, permitted only on parcels greater than 4000 m²;
- .3 bed and breakfast;
- .4 home business;
- .5 accessory use.

7.2 Regulations

.1	Minimum parcel size for new subdivisions where a parcel is served by both a community water system and a community sewer system	1 ha
.2	Maximum number of single family dwellings per parcel	1
.3	Maximum number of cottages per parcel	1
.4	Maximum height for: Principal buildings and structures Accessory buildings	10 m 6 m
.5	Minimum setback from: Front parcel line Exterior parcel line Interior side parcel line Rear parcel line	5 m 4.5 m 2 m 5 m
6.	Maximum coverage on parcels less than 4000 m ²	40%

DEVELOPMENT VARIANCE PERMIT:

The applicant has applied for variances to the building face and maximum height of a new single family dwelling. The site plan indicates that eaves and gutters will be set back a minimum of 1.0 m from property lines.

The applicant is proposing to vary:

Section 11.2.4 Minimum setback from a front parcel line boundary from 5 m to 3.37 m to any portion of the building only for the proposed garage attached to a single family dwelling.

Section 11.2.4 Minimum setback from the west interior side parcel boundary from 2 m to 1.65 m only for a single family dwelling and attached deck.

Section 11.2.3 Maximum height for principal buildings and structures from 10 m to 11.61 m only for a single family dwelling.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

This application proposes construction of a new single family dwelling on the subject property using the foundation of the existing residence. As the existing residence is sited in within the required front and west side yard setbacks, variances are requested for these two setbacks. It is proposed to vary the front yard setback from 5 m to 3.37 m for the garage attached to the proposed single family dwelling, and it is proposed to vary the west interior side yard setback from 2 m to 1.65 m for the siting of the proposed single family dwelling. A third variance has also been requested to vary the maximum height of a single family dwelling from 10 m to 11.61 m. It is noted that the new house design includes a larger deck footprint that extends further into the riparian area than the existing deck. This is being addressed through the Riparian Areas Regulation Development Permit and does not require any additional variances.

The existing house has been on the property since approximately 1993. The CSRD has no records of any complaints regarding the proximity of the existing house to the adjacent property to the west or to Eagle Bay Road. The Ministry of Transportation has indicated that a Setback Permit is required to be issued to address the proposed reduced setback from 4.5 m to 3.37 m from the provincial road right of way.

The subject property is divided by Eagle Bay Road. The portion of the property located on the south side of the road is steeply sloped. The RR1 Zone permits only 1 single family dwelling per property and there is a covenant on title limiting placement of principal residences to the north side of the road only. Septic systems are required to be sited on the south side of the road. The RR1 zone permits a cottage for properties that are 4000 m² (1 acre) or greater. Many of the properties in this subdivision are over an acre in size and may choose to construct cottages, however due to the steep north facing slope of the land south of the road buildings constructed on these parcels would naturally be higher than the houses on the north side of the road. Therefore the requested height variance would likely have little impact on views from these buildings.

The agent has also made application for a Development Permit for the proposed development which will address the Riparian Areas Regulation, Lakes 100 m and Steep Slopes Development Permit Areas. This application is being processed concurrently by staff. Approval of technical Development Permits such as these has been delegated to the Manager of Development Services.

SUMMARY:

Staff are recommending that the Board consider issuance of Development Variance Permit No. 701-78 for the following reasons:

- The applicant is proposing to construct the new single family dwelling with attached garage using the existing foundation;
- No complaints have been received regarding the existing house and its proximity to the neighbouring property to the west or to Eagle Bay Road;
- The lands on the south side of Eagle Bay Road are steeply sloped, therefore there should be no impacts with regard to view due to construction of the proposed over height building.

IMPLEMENTATION:

If Development Variance Permit 701-78 is approved by the Board, staff will prepare a notice to be sent to the Land Titles and Survey Authority for registration on title. The applicant will be able to begin construction following issuance of both the Development Variance Permit and Development Permit.

COMMUNICATIONS:

Notices regarding the proposed variances was sent to owners of property within 100 m of the subject property in accordance with Section 499 of the Local Government Act. Staff will advise verbally at the Board meeting whether any correspondence has been received regarding the proposed variances.

This application was referred to the Ministry of Transportation for comments. The Ministry noted that as the building is proposed to be sited within the required 4.5 m provincial setback from all road right of ways the applicant is required to make application to the Ministry for a Setback Permit.

This application was forwarded to the Electoral Area C Advisory Planning Commission for review. The Commission examined the neighbourhood and noted the slopes and properties extending across the road to the upland side. The Commission reviewed comments from the agent/builder on the project and felt that drawing back some of the existing deck supports further from the high water mark and working with the existing foundation did limit the options for development. The Commission supported the application for variances as outlined.

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.*

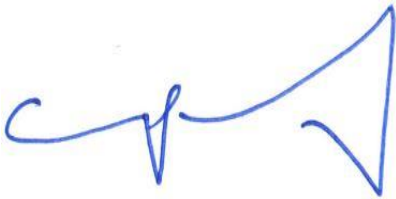
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Minutes April 30, 2018

Report Approval Details

Document Title:	2018-05-17_Board_DS_DVP701-78_Sigalet.docx
Attachments:	- DVP 701-78.pdf - Maps_Plans_Photos_DVP701-78.pdf
Final Approval Date:	May 4, 2018

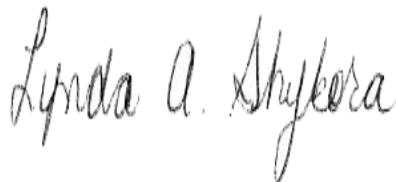
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 4, 2018 - 10:41 AM



Gerald Christie - May 4, 2018 - 11:05 AM



Lynda Shykora - May 4, 2018 - 11:17 AM



Charles Hamilton - May 4, 2018 - 11:35 AM