



# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## Committee Report

**Date of Report:** April 27, 2020  
**Date & Type of Meeting:** May 20, 2020 Rural Affairs Committee  
**Author:** Tamara Dale, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT – JOHNSON  
**File:** V2004I-09397.570-JOHNSON-DVP000186

### SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board to consider a Development Variance Permit application to vary the size of an accessory building that would be constructed prior to a residential dwelling.

The subject property is located at 190 Suncrest Rd, in Electoral Area I. The property measures to an area of 2.61 hectares, and is currently undeveloped, albeit that an electricity hook-up is in place. The property is located to the south of Suncrest Rd, with the building site located at a lower elevation to the road.

Staff recommendation is to APPROVE the Development Variance Permit.

### SECTION 2: BACKGROUND / ANALYSIS

#### GENERAL INFORMATION

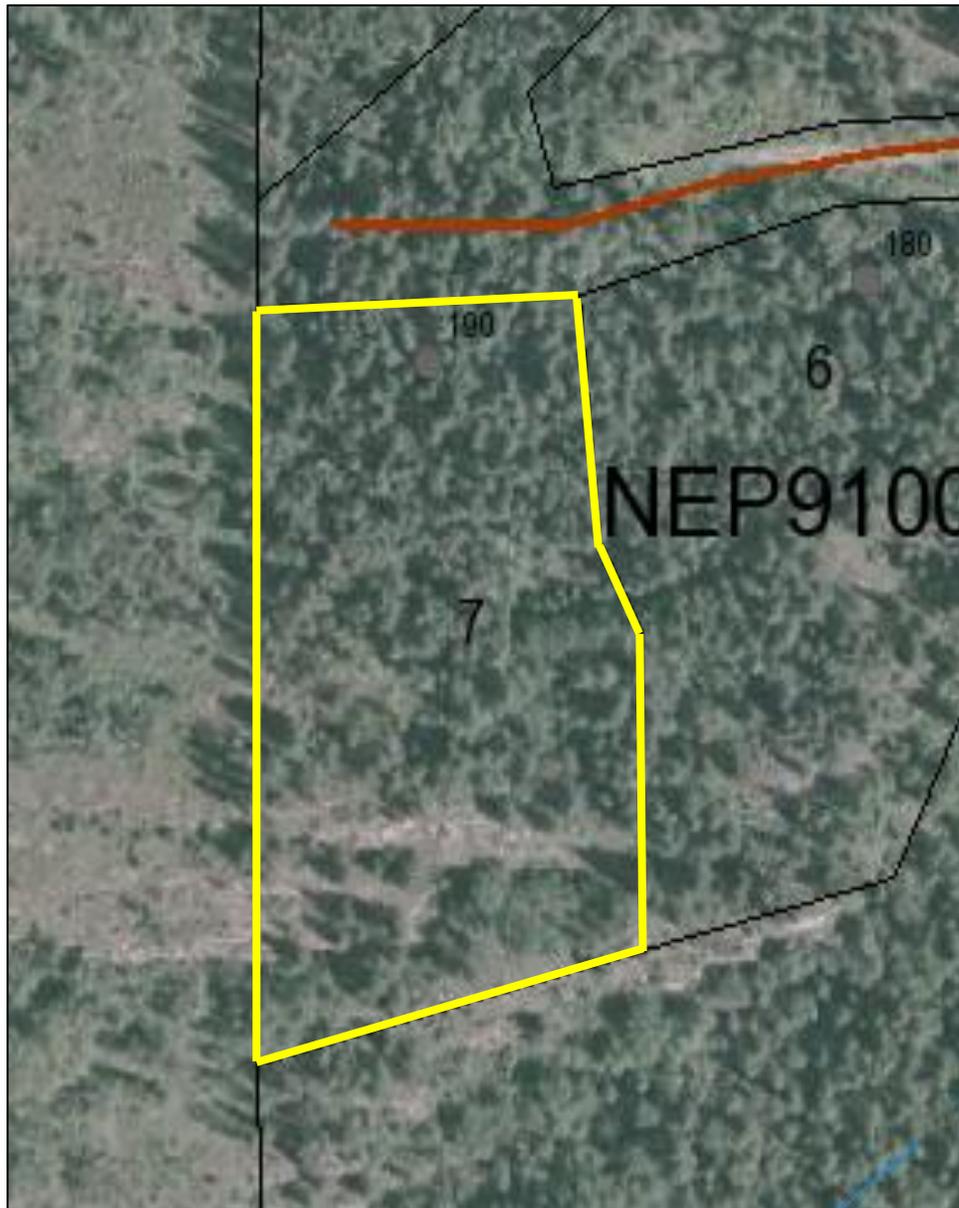
<b>Property Owners:</b>	Shaun A Johnson and Michelle U Johnson
<b>Property Location:</b>	190 Suncrest Rd, Pass Creek
<b>Legal Descriptions:</b>	LOT 7 PLAN NEP91000 DISTRICT LOT 8640 KOOTENAY LAND DISTRICT (PID: 028-244-214)
<b>Property Size:</b>	2.61 hectares (6.45 acres)

#### SITE CONTEXT

The subject property comprises a total area of 2.61 hectares, and is designated as Rural Residential (RR) under Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996. The property is zoned as Rural Residential (R3I) under Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004. The property is accessed off Suncrest Rd to the north, and currently comprises an undeveloped lot covered in trees.

Land uses adjoining the site are as follows:

ORIENTATION	ZONING	LAND USE
North	Rural Residential (R3I)	Undeveloped Land
East	Rural Residential (R3I)	Undeveloped Land
South	Rural Residential (R3I)	Undeveloped Land
West	Rural Residential (R3I)	Undeveloped Land



**Figure 1: Location of Property**

DEVELOPMENT PROPOSAL

The Applicant seeks a Development Variance Permit for the construction of a garage prior to the construction of a residential dwelling. The building would measure to a total footprint of 140sqm, which would exceed the 56sqm building permitted prior to the construction of a dwelling.

The Applicant outlines that the intention is to construct the garage prior to the dwelling in order to provide for storage of construction material and household items during construction of the dwelling.

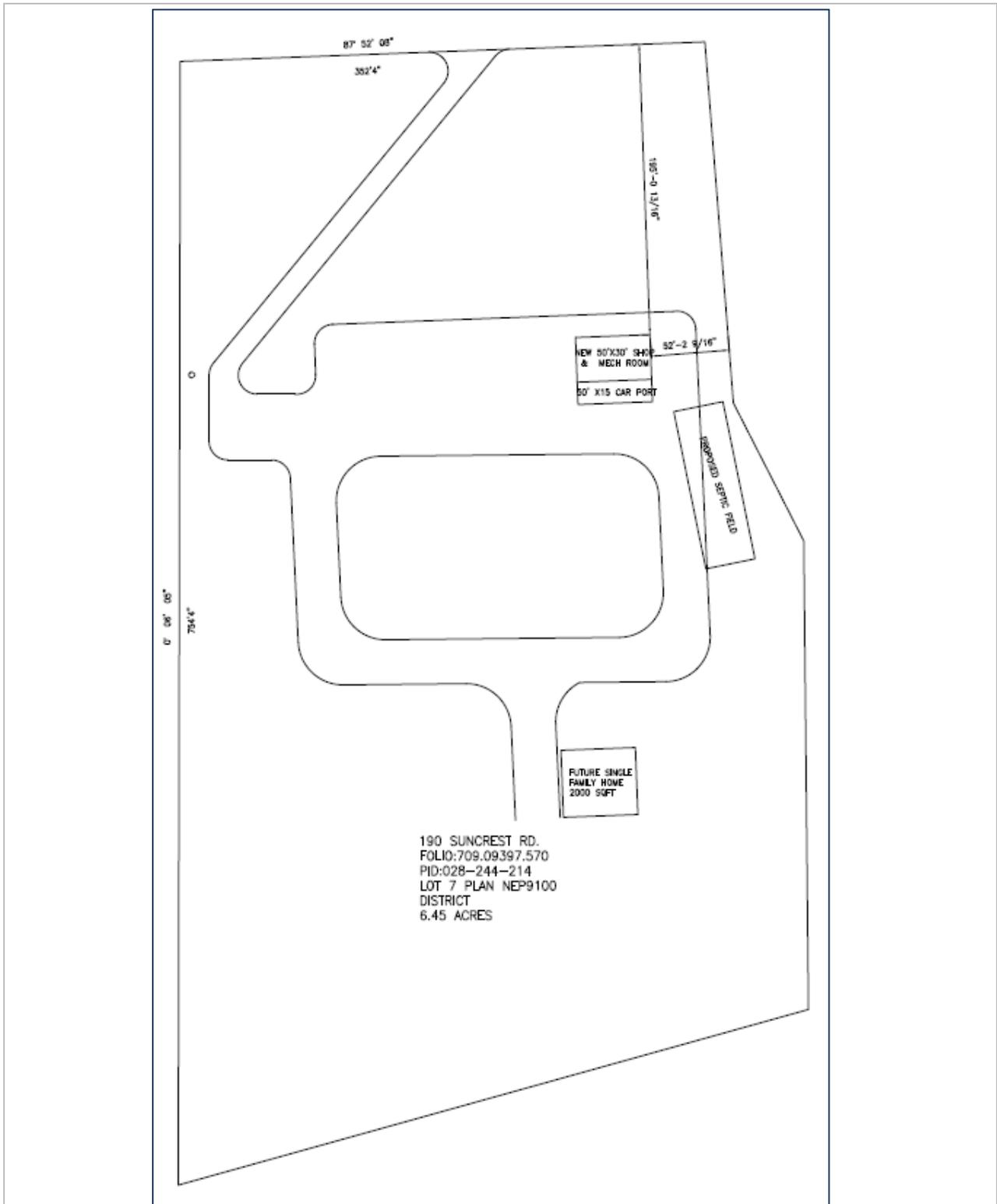


Figure 2: Proposed Site Plan

Development Regulations: Rural Residential (R3I)

The following table identifies the Development Regulations as outlined within Division 11 of the Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004.

<b>Development Regulation</b>	<b>Maximum Allowable</b>	<b>Proposed</b>
<b>Maximum Site Coverage</b>	50%	0.06%
<b>Maximum Size of Garage Prior to Construction of Dwelling</b>	56sqm	140sqm
<b>Maximum Height of any Accessory Building or Structure</b>	8m	4.5m
<b>Maximum Footprint of any Accessory Building or Structure</b>	250sqm	140sqm
<b>Cumulative Gross Floor Area of all Accessory Buildings or Structures</b>	500sqm	140sqm

Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

*General Residential Policies:*

3.2.1.3 Clustering of residential development shall be permitted in order to create separation between neighbouring developments and to ensure that they do not form continuous development.

*Rural Residential Policies:*

3.2.5.1 The principal use shall be residential or agricultural

3.2.5.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two hectares of lot over the two hectares

3.2.5.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

3.2.5.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

STE VISIT

A site visit was conducted on March 20 2020.



Figure 3: Location of proposed garage in context of bank and retained trees

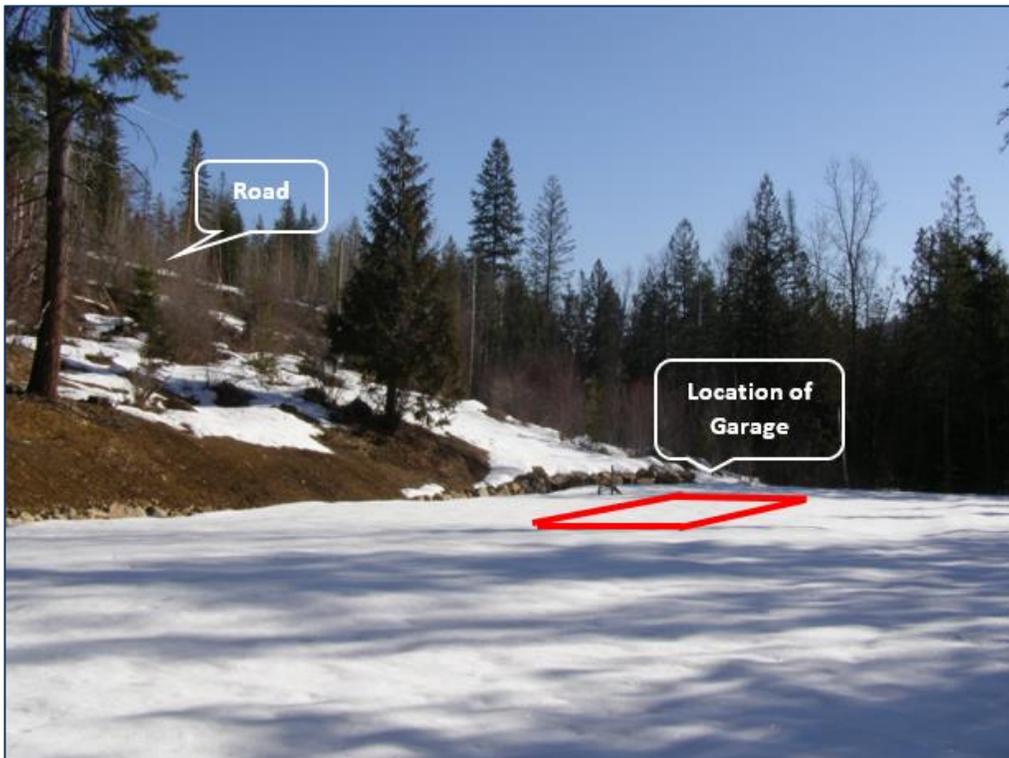


Figure 4: Location of proposed garage in context of sloped bank up to the road

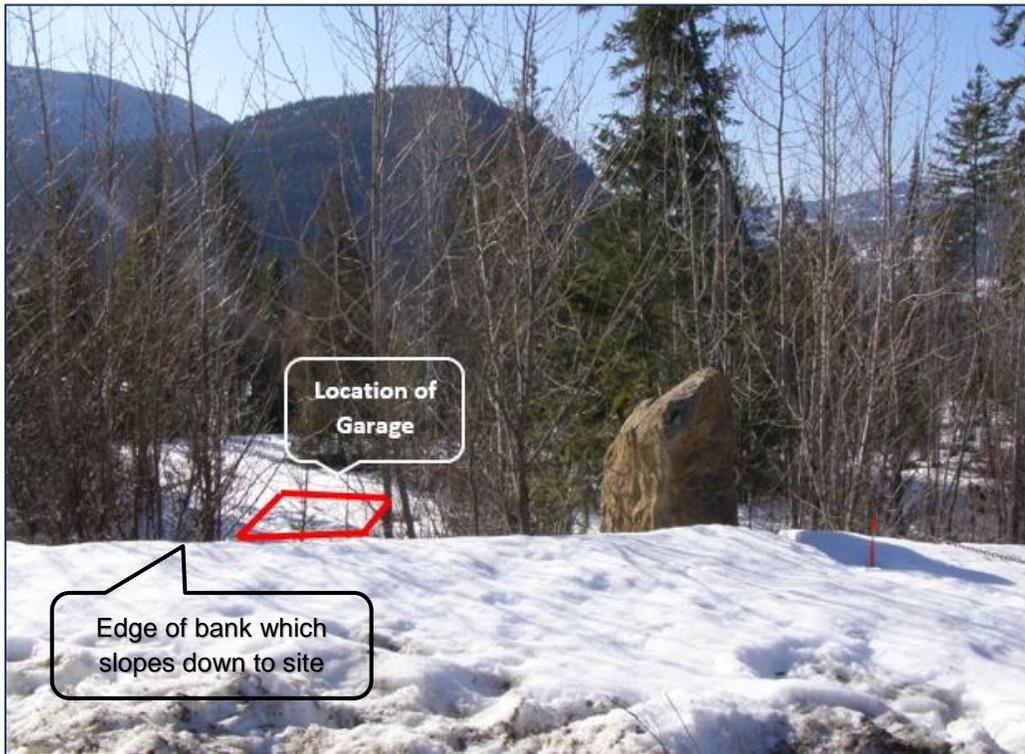


Figure 5: Location of proposed garage as seen from road

**SECTION 3: DETAILED ANALYSIS**

**a. Financial Considerations – Cost and Resource Allocations:**

<b>Included in Financial Plan:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Financial Plan Amendment:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Debt Bylaw Required:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Public/Gov’t Approvals req’d:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The \$500 fee for a Development Variance Permit was paid pursuant to RDCK Planning Procedures and Fees Bylaw No. 2457, 2015.

**b. Legislative Considerations:**

Under Section 498 of the Local Government Act, the Board has the authority to vary provisions of a zoning bylaw (other than use or density) through a Development Variance Permit.

**c. Environmental Considerations:**

A number of trees would be removed within the site to facilitate the development.

**d. Social Considerations:**

No negative social impacts are anticipated.

**e. Economic Considerations:**

None anticipated.

**f. Communication Considerations:**

As per the requirements of the Local Government Act and the Planning Procedures and Fees Bylaw No. 2457, 2015, notices were mailed to surrounding neighbours within a 100 metre radius of the subject property on March 13<sup>th</sup> 2020. No responses were received from surrounding properties.

A referral was sent to internal RDCK departments and external agencies. The following comments were received:

Electoral Area I Advisory Planning Committee

No response received.

RDCK Building Services

No response received.

Electoral Area I Director

Recommend that the application proceed to public hearing due to the size of the proposed building and the fact that there is currently no residence on the property.

**g. Staffing/Departmental Workplan Considerations:**

Should the Board grant the Variance, staff would issue the permit and register Notice of Permit on the Land Title.

**h. Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.

**SECTION 4: OPTIONS**

The property is designated as Rural Residential (R3I) under Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996.

The policies for land within this designation include clustering residential development to create separation between neighbouring developments and to ensure that they do not form continuous development, with the maintenance of buffers on non-agricultural land considered and encouraged by the Board.

PLANNING DISCUSSION

The proposed accessory building would be located to the north-eastern section of the property, and would be set back from the front lot line by approximately 59 metres, and the eastern exterior lot line by approximately 15.8 metres. The property is accessed from a sweeping driveway located to the north, with a number of trees already cleared to facilitate the development. The majority of the property is screened by mature trees and shrubbery, with the land stepped below the public highway.

While the proposed garage would exceed the maximum footprint permitted prior to the construction of a dwelling, it is acknowledged that the gross floor area would measure below the maximum allowable footprint for an accessory building. As such, while the proposed garage would be constructed prior to the dwelling, it is not considered that the proposal would over-dominate the property or result in visual harm to the rural character of the site or surroundings. Furthermore, it is recognized that the property is set down from the public highway, with the trees along the frontage of the site sought to be retained. The proposed building would not therefore be overtly perceptible from the public highway, with the retention of the frontage trees acting to further screen the development from view. On this basis, the proposed garage would have limited visual impact on the street scene and wider surroundings.

The Applicant is seeking a Variance to increase the size of a garage that would be built prior to the construction of a dwelling. The proposed Variance is considered acceptable for the following reasons:

- 1) The proposed garage would measure below the maximum permitted footprint of 250sqm if a dwelling were already present;
- 2) The siting and overall scale of the building would not result in harm to the rural character of the property and surroundings, or the amenity and enjoyment of neighbouring properties; and
- 3) The proposed building would be set down and screened from view, and would not therefore impact upon the visual amenities of the street scene.

For the reasons listed above, Staff recommend that the application be approved, as per Option 1.

#### OPTION 1

That the Board APPROVE the issuance of Development Variance Permit V2004I-09397.570 to Shaun and Michelle Johnson for the property located at 190 Suncrest Rd and legally described as LOT 7 PLAN NEP91000 DISTRICT LOT 8640 KOOTENAY LAND DISTRICT (PID: 028-244-214) to vary *Section 1201.7 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004*

FROM: 56 square metres gross floor area

TO: 140 square metres gross floor area

#### OPTION 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2004I-09397.570 to Shaun and Michelle Johnson for the property located at 190 Suncrest Rd and legally described as LOT 7 PLAN NEP91000 DISTRICT LOT 8640 KOOTENAY LAND DISTRICT (PID: 028-244-214).

### **SECTION 5: RECOMMENDATION(S)**

That the Board APPROVE the issuance of Development Variance Permit V2004I-09397.570 to Shaun and Michelle Johnson for the property located at 190 Suncrest Rd and legally described as LOT 7 PLAN NEP91000 DISTRICT LOT 8640 KOOTENAY LAND DISTRICT (PID: 028-244-214) to vary *Section 1201.7 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004*

FROM: 56 square metres gross floor area

TO: 140 square metres gross floor area

Respectfully submitted,



Tamara Dale  
Planner

**CONCURRENCE**

**Initials:**

Chief Administrative Officer  
General Manager of Development Services  
Planning Manager

Digitally signed by Stuart Horn

**ATTACHMENTS:**

**Attachment A – Draft Development Variance Permit**  
**Attachment B – Building Plans**