



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: May 20, 2020
Date & Type of Meeting: June 17, 2020 Rural Affairs Committee
Author: Tamara Dale, Planner
Subject: DEVELOPMENT VARIANCE PERMIT - SEATON
File: V2005K-01453.100-SEATON-DVP00018

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board to consider a Development Variance Permit application to reduce the setback of an existing accessory structure from the front lot line from 7.5 m to 3m.

Staff recommendation is to APPROVE the Development Variance Permit.

SECTION 2: BACKGROUND / ANALYSIS

General Information	
Property Owners:	Douglas J and Jo-Ann Seaton
Property Location:	210 Browns Rd, Nakusp, BC
Legal Description:	LOT 1 PLAN NEP9779 DISTRICT LOT 398 KOOTENAY LAND DISTRICT EXCEPT PLAN NEP72569 (PID: 010-641-645)
Property Size:	1.3 hectares (3.29 acres)

SITE CONTEXT

The subject property comprises a total area of 1.3 hectares, and is designated as Country Residential (R2) under Area K Official Community Plan Bylaw No. 2022, 2009. The property is zoned as Country Residential K (R2K) under Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004. The property is accessed to the south from Brown Rd, with the front lot line to the east bound by vegetation. The property is separated from Highway 6 by a berm, with the ground level sloping to the north-east.

Land uses surrounding the property are as follows:

Orientation	Zoning	Land Use
North	Parks and Recreation (PR)	Undeveloped Land
East	Light Industrial (M1)	Light Industrial Buildings
South	Country Residential (R2K)	Residential Dwelling and associated Accessory Buildings
West	Country Residential (R2K)	Residential Dwelling and associated Accessory Buildings



Figure 1: Location of Property

DEVELOPMENT PROPOSAL

The Applicant seeks a Development Variance Permit to reduce the setback of an accessory structure from the front lot line from 7.5 metres to 3 metres.

The subject structure was constructed as a residential accessory building prior to the zoning amendment in 2019, which amended the land use from Industrial (M1) to Country Residential (R2K). As the structure did not conform to the former bylaw, it is not a legally non-conforming structure. The Variance therefore seeks to regularize the setback of the structure as built.

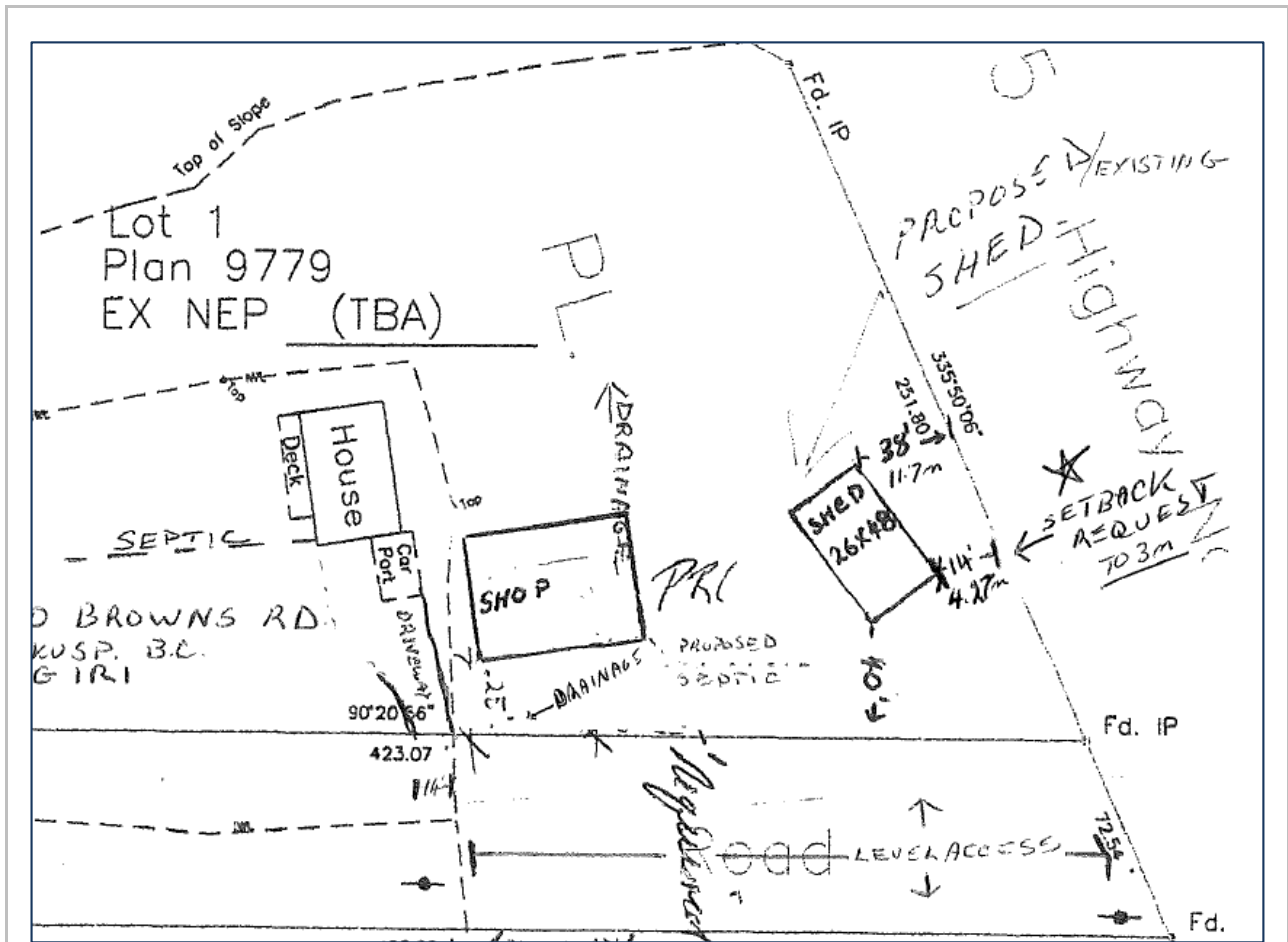


Figure 2: Proposed Site Plan

General Requirements – Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004

The following table identifies the Development Regulation as outlined within Division 6 of the Electoral Area F, I, J and K Zoning Bylaw No. 1675, 2004.

General Regulation	Minimum Allowable	Proposed
Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.	7.5m	3m

Development Regulations – Country Residential (R2K)

The following table identifies the Development Regulations as outlined within Division 13 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004.

Development Regulation	Maximum Permitted	Proposed
Maximum Site Coverage	50%	3.6%
Maximum Height of Any Accessory Building or Structure	8m	5.7m

Gross Floor Area of any Accessory Building or Structure	200 sqm	111 sqm
Cumulative Gross Floor Area of all Accessory Buildings or Structures	400 sqm	238sqm

Electoral Area K Official Community Plan Bylaw No. 2022, 2009

Residential Objectives:

1. To maintain opportunities for rural living through development which respects the lifestyles of area residents and the natural environment.
2. To support the provision of housing alternatives to residents, which includes the enjoyment of both rural and suburban lifestyles; and to establish suitable development policies for each form of development.

Country Residential (R2) Policies:

1. Directs that the principal use shall be single detached or duplex dwellings.
2. Directs that the minimum lot size be 1.0 ha (2.47 acres).

SITE VISIT

Given the current situation, the Applicant was asked to send an array of photographs from requested view points.



Figure 3: View of subject structure as seen from Highway 6 directly to the east



Figure 4: View of subject structure as seen from the north-east



Figure 5: View of subject structure facing north-east toward the public highway



Figure 4: View of subject structure as seen from Brown Rd to the south-east corner of the lot

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <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 (Applicable Policies and/or Bylaws):

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:

No negative environmental impacts are anticipated.

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 properties within a 100 metre radius of the subject property on April 15 2020. No responses were received.

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

Ministry of Transportation and Infrastructure

No comments received

RDCK Building Services

No comments received

Local Area Director

No Objection

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 Country Residential (R2) under Electoral Area K Official Community Plan No. 2022, 2009.

Objectives for land within this designation include maintaining opportunities for rural living through development which respects the lifestyles of area residents and the natural environment.

PLANNING DISCUSSION

The subject structure is located to the south-eastern corner of the property and is sited parallel to Highway 6, albeit separated by vegetation and an adjacent berm. The subject structure has been built, with the Variance seeking to reduce the set back from the front lot line to 3m.

The property is located parallel to Highway 6 to the east, and Brown Rd to the south, with the property accessed from the south. The property is relatively well screened from view, with mature vegetation and an adjacent berm limiting views into the site from Highway 6. While the exterior side lot line to the south is open, the subject structure is set back from Brown Rd by approximately 12m.

While the proposed Variance would result in the structure being located within the setback, it is considered that the intervening berm and vegetation restricts views of the structure from Highway 6. In addition, the proposed setback is considered to be sufficient so that the subject structure would not impact upon sightlines along the highway. On this basis, it is not considered that the subject structure as

built, or the reduced setback as proposed, would result in harm to the visual amenities of the street scene or character of the rural locality.

The Applicant is seeking a Variance to reduce the setback from the front lot line to 3m. The proposed Variance is considered acceptable for the following reasons:

- a) The subject structure is screened from view by mature vegetation and the adjacent berm to the east, and would not therefore be overtly visible along Highway 6;
- b) The subject structure presents no safety impact upon visual sightlines along the public highway;
- c) The subject structure remains appropriately set back from Brown Rd to the south; and
- d) MoTI have raised no objections to the proposal,

For the reasons listed above, Staff recommend approval of the Development Variance Permit, as per Option 1.

OPTION 1

That the Board APPROVE the issuance of Development Variance Permit V2005K-01453.100-Seaton-DVP00018 to Douglas J and Jo-Ann Seaton for the property located at 210 Brown Rd, and legally described as LOT 1 PLAN NEP9779 DISTRICT LOT 398 KOOTENAY LAND DISTRICT EXCEPT PLAN NEP72569 (PID: 010-641-645) to vary Section 605.1 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004

FROM: 7.5 metres

TO: 3 metres

OPTION 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2005K-01453.100-Seaton-DVP00018 to Douglas J and Jo-Ann Seaton for the property located at 210 Brown Rd, and legally described as LOT 1 PLAN NEP9779 DISTRICT LOT 398 KOOTENAY LAND DISTRICT EXCEPT PLAN NEP72569 (PID: 010-641-645) to vary Section 605.1 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATION(S)

That the Board APPROVE the issuance of Development Variance Permit V2005K-01453.100-Seaton-DVP00018 to Douglas J and Jo-Ann Seaton for the property located at 210 Brown Rd, and legally described as LOT 1 PLAN NEP9779 DISTRICT LOT 398 KOOTENAY LAND DISTRICT EXCEPT PLAN NEP72569 (PID: 010-641-645) to vary Section 605.1 of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004

FROM: 7.5 metres

TO: 3m

Respectfully submitted,



Tamara Dale
Planner

CONCURRENCE	Initials:
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Choose an item.
Choose an item.
Choose an item.

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Building Plans