



Committee Report

Date of Report: September 9, 2021
Date & Type of Meeting: September 22, 2021, Rural Affairs Committee Meeting
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2107J-07285.490-ROBERTS&KANIGAN-DVP000213
Electoral Area/Municipality: J

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Development Variance Permit (DVP) application to reduce the interior side lot line setback regulation from 2.5 metres to 1.2 metres to construct an accessory structure at 729 Prairie South Road in Ootischnenia, Electoral Area 'J'.

An existing residence with an attached two vehicle garage currently occupies the subject property.

Staff recommend that the Board approve the issuance of this DVP.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	Dayna Kanigan and Matthew Roberts
Property Location:	729 Prairie South Road, Ootischnenia, Electoral Area 'J'
Legal Description:	LOT 19, PLAN EPP44977, DISTRICT LOT 4598, KOOTENAY LAND DISTRICT (PID: 029-557-216)
Property Size:	0.2 hectares (ha)
Zoning Designation:	Ootischnenia Suburban Residential (R1A)
OCP Designation:	Suburban Residential One (SR1)

ORIENTATION	ZONING	LAND USE
North	Ootischnenia Suburban Residential (R1A)	Single family residential uses
East	Ootischnenia Suburban Residential (R1A)	Single family residential uses and Prairie South Road
South	Ootischnenia Suburban Residential (R1A)	Single family residential uses
West	Ootischnenia Suburban Residential (R1A)	Undeveloped, treed lands

Site Context

The subject property is 0.2 ha in size, and is designated Suburban Residential One (SR1) under *Electoral Area 'J' Official Community Plan No. 1157, 1996* and zoned Ootischnenia Suburban Residential (R1A) under *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*. An existing residence with an attached two vehicle garage currently occupies the site. The subject property is accessed from Prairie South Road and lies within an existing

suburban residential subdivision. The property is bounded by residential uses to the north, south and east, and undeveloped lands zoned suburban residential (R1A) to the west.



Figure 1: Location Overview Map

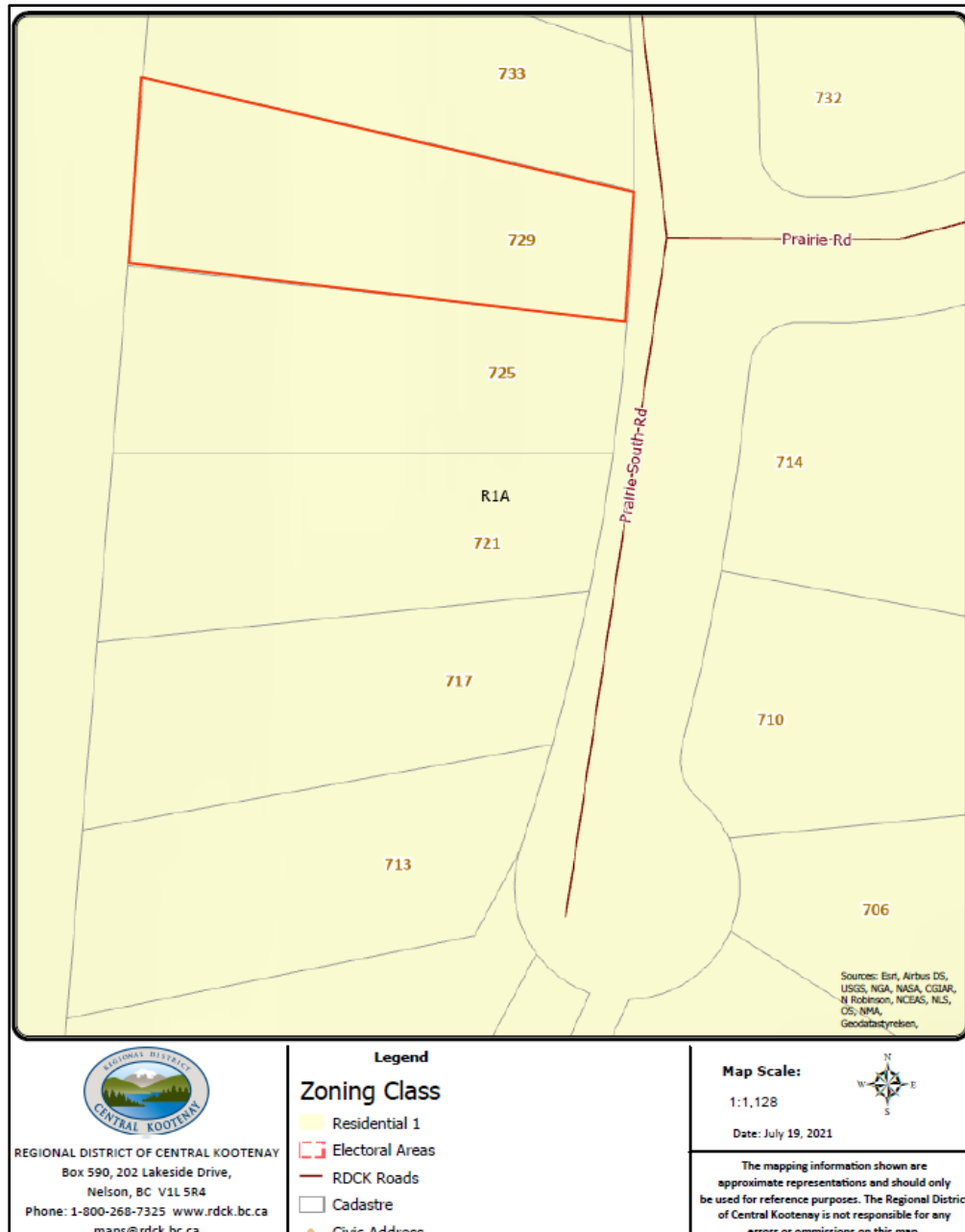


Figure 2: Zoning Overview Map

Development Proposal

This DVP application seeks to vary Section 605.1 of *RDCK Zoning Bylaw No. 1675, 2004*. The applicant is requesting to reduce the interior side (northern) setback from 2.5 metres to 1.2 metres (to the roof overhang) to permit the construction of a 17 m² in size accessory “shed” structure.

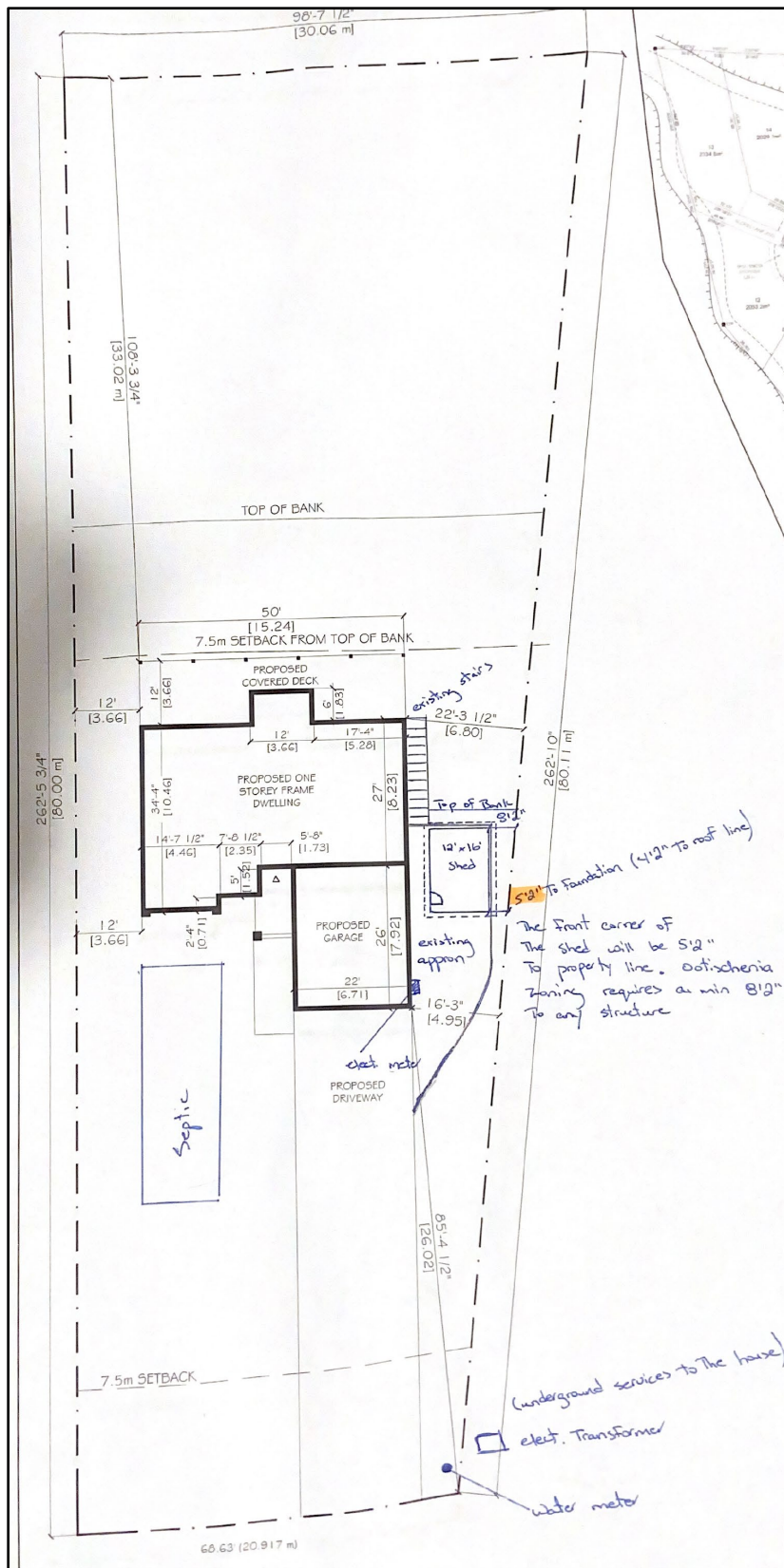


Figure 3: Site Plan

Relevant Policies - Zoning

Land use decisions for all zones shall be directed by the following criteria:

3.1.3.1 preservation of the rural nature of the area.

3.1.3.6 the desirability of securing reasonable privacy for residents.

Relevant Ootischenia Community Specific Policies

The Regional Board:

3.10.3.1.12 On land designated Ootischenia Suburban Residential as shown on Schedule 'B' the gross floor area of an accessory building or structure shall not exceed 150 square meters and the total gross floor area devoted to all accessory buildings and structures shall not exceed the cumulative gross floor area of all permitted dwellings.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes No

The \$500.00 fee for a DVP application was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 498 of the *Local Government Act (LGA)*, the Board has the authority to vary provisions of a Zoning Bylaw (other than use or density) through a DVP.

3.3 Environmental Considerations

No environmental impacts are anticipated on this developed site.

3.4 Social Considerations:

No social impacts are anticipated stemming from this DVP proposal.

3.5 Economic Considerations:

No economic considerations are anticipated from this DVP application.

3.6 Communication Considerations:

In accordance with the *LGA* and the *RDCK's Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject property on July 19, 2021. To date, no correspondence has been received in response to the above notification and or notice sign posted.

Planning staff referred the application to all relevant government agencies, First Nations, internal RDCK departments and the Director for Electoral Area 'J' for review. The following comments were received:

FortisBC Inc.

"There are FortisBC Inc. (Electric) ("FBC(E)") primary distribution facilities along Prairie South Road. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

Otherwise, FBC(E) has no concerns with this circulation".

RDCK Fire Department

The Fire Chief outlined that the Department supports a variance *"that meets the existing code and fire separation requirements"*.

Ootischenia Improvement District (OID)

"The [OID] Board has no comment".

BC Hydro

"BC Hydro has no comments or objections with respect to the DVP as... no works or rights on the property or in the vicinity which would be affected by the proposal".

Interior Health

"A file review has been completed and we have no concerns from a planning perspective for the DVP".

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title. A Building Permit would then be required for the construction of the building.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Planning staff support the issuance of this DVP since:

- The proposal is consistent with the relevant suburban residential objectives and policies in *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996*, and all other zoning regulations included within the *RDCK's Zoning Bylaw No. 1675, 2004*, including gross floor area and height.
- The size of the lot, slope at the rear of the property and the location of the existing single family dwelling and septic field reduce the siting options for an accessory building. The proposed shed meets all of the other setback requirements, is less than the maximum height (6 metres), is well below the permitted gross floor area (100 m²) regulations for accessory buildings, and is under the maximum site coverage (50%) requirements in the R1A Zone. Collectively, this helps to reduce the massing of the building to fit the form and character of the neighbourhood.

- No neighbourhood feedback in response to the development notice sign posted on the subject property and or notices mailed to adjacent property residents were received.
- Accessory structures, such as this proposed shed, are relatively common in the side yards in this part of the neighbourhood, specifically on the west side of Prairie South Road due to the sloping nature of the rear yards.
- Should the reduction in the interior side (northern) setback not be approved, the owners could construct an accessory structure 100 m² at the required 2.5 metre interior side setback, which arguably would have a more significant visual impact on the adjacent property.

It is for the above reasons that staff recommend that the Board proceed with the issuance of the DVP.

Options

Option 1: That the Board APPROVE the issuance of Development Variance Permit V2107J- 07285.490 to Dayna Kanigan and Matthew Roberts for the property located at 729 Prairie South Road and legally described LOT 19, PLAN EPP44977, DISTRICT LOT 4598, KOOTENAY LAND DISTRICT (PID: 029-557-216) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the construction of an accessory structure 17 m² in size.

Option 2: That the Board NOT APPROVE the issuance of Development Variance Permit V2107J- 07285.490 to Dayna Kanigan and Matthew Roberts for the property located at 729 Prairie South Road and legally described LOT 19, PLAN EPP44977, DISTRICT LOT 4598, KOOTENAY LAND DISTRICT (PID: 029-557-216) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the construction of an accessory structure 17 m² in size.

SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of Development Variance Permit V2107J- 07285.490 to Dayna Kanigan and Matthew Roberts for the property located at 729 Prairie South Road and legally described LOT 19, PLAN EPP44977, DISTRICT LOT 4598, KOOTENAY LAND DISTRICT (PID: 029-557-216) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the construction of an accessory structure 17 m² in size.

Respectfully submitted,

Stephanie Johnson

CONCURRENCE

Planning Manager – Nelson Wight

General Manager of Development and Community Sustainability – Sangita Sudan

Chief Administrative Officer – Stuart Horn

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Excerpt from *RDCK Zoning Bylaw No. 1675, 2004*