



Committee Report

Date of Report: May 5, 2022
Date & Type of Meeting: May 18, 2022, Rural Affairs Committee Meeting
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2201B-06426.200-SALZGEBER-DVP000222
Electoral Area/Municipality: Area 'B'

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Development Variance Permit (DVP) application to increase the maximum gross floor area and height for an accessory structure to construct a building for workshop use, and an unfinished mezzanine for storage at 3115 Crestview Road in Lister, Electoral Area 'B'.

An existing residence and shed currently occupy the subject property.

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

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	Esther and Juerg Salzgeber
Property Location:	3115 Crestview Road, Lister
Legal Description:	LOT 2 DISTRICT LOT 12716 KOOTENAY LAND DISTRICT 15496 (PID: 009-280-111)
Property Size:	11.5 hectares (ha)
Zoning Designation:	Country Residential (R2)
OCP Designation:	Country Residential (RC)

ORIENTATION	ZONING	LAND USE
North	Quarry (Q)	Industrial quarry extraction.
East	Agriculture Two (AG2)	Agricultural land uses within the ALR.
South	Agriculture Two (AG2)	Agricultural land uses within the ALR.
West	Country Residential (R2)	Larger lot single family residential uses

Site Context

An existing residence and shed (15 m² in size) currently occupy the subject property. The site is located in the community of Lister in an area surrounded primarily by parcels zoned country residential and agricultural lands

within the Agricultural Land Reserve. A property zoned Q for Quarry immediately abuts a portion of the subject site to the north.

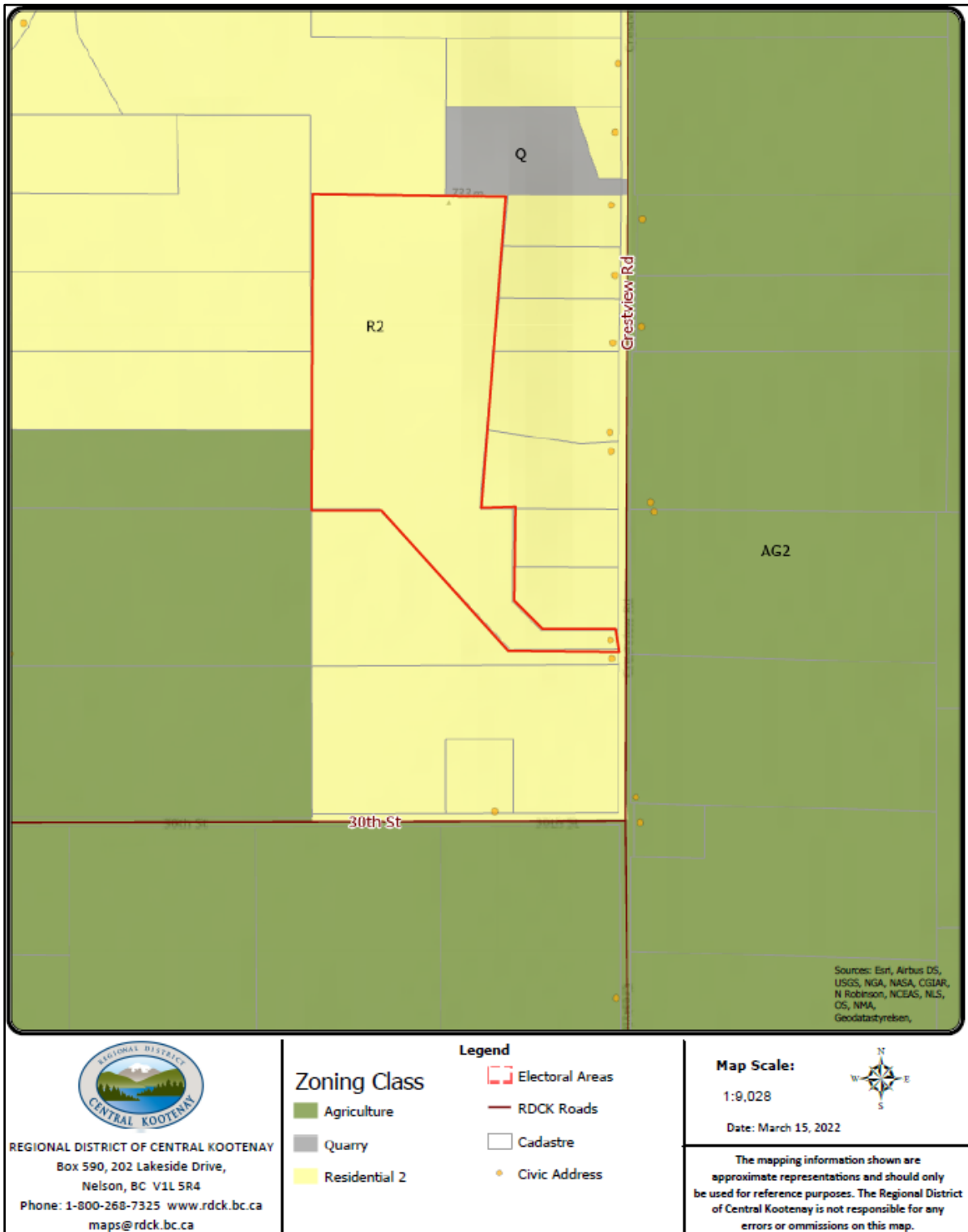


Figure 1: Zoning Overview Map

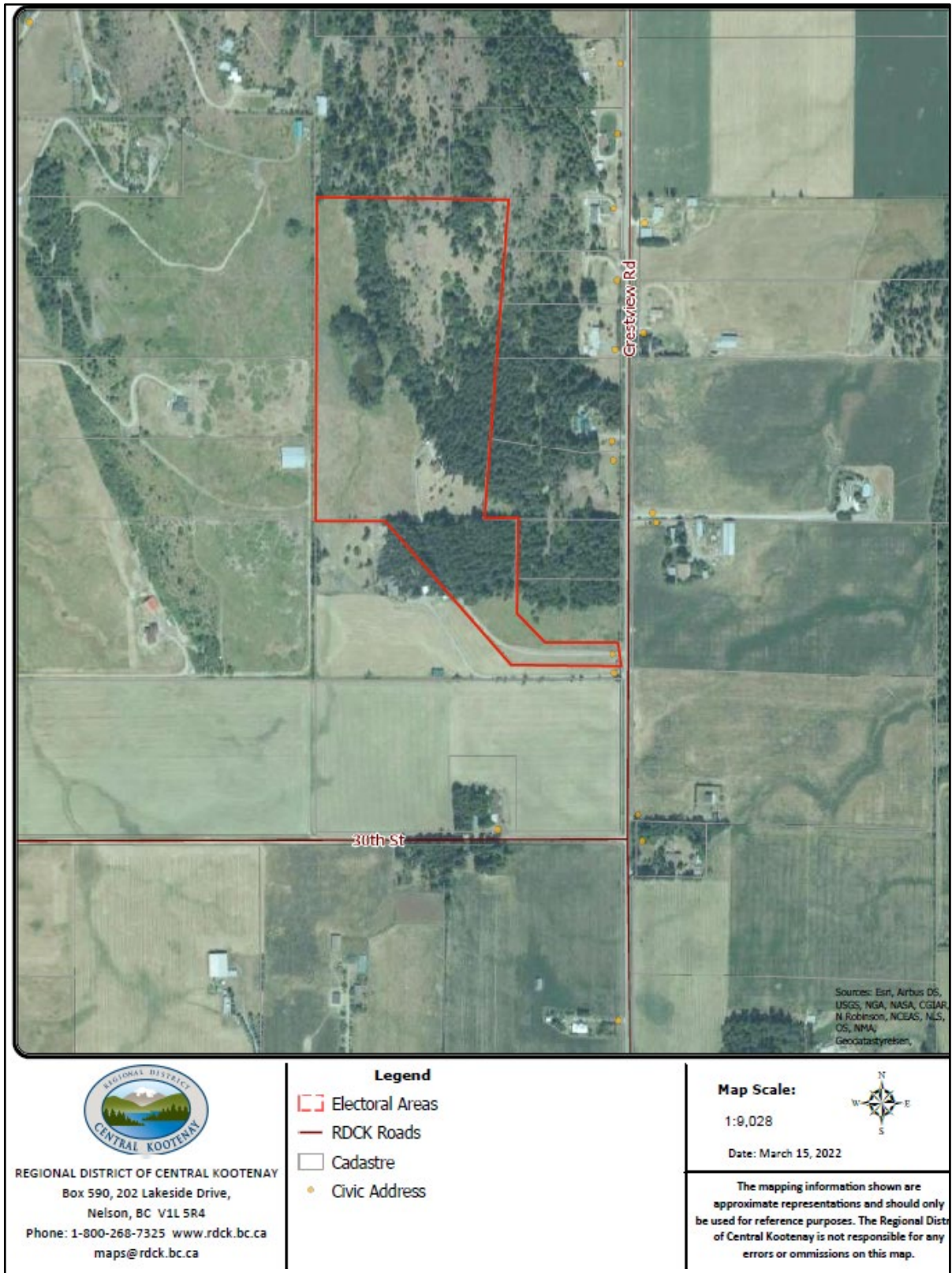


Figure 2: Air Photo Subject Property Overview

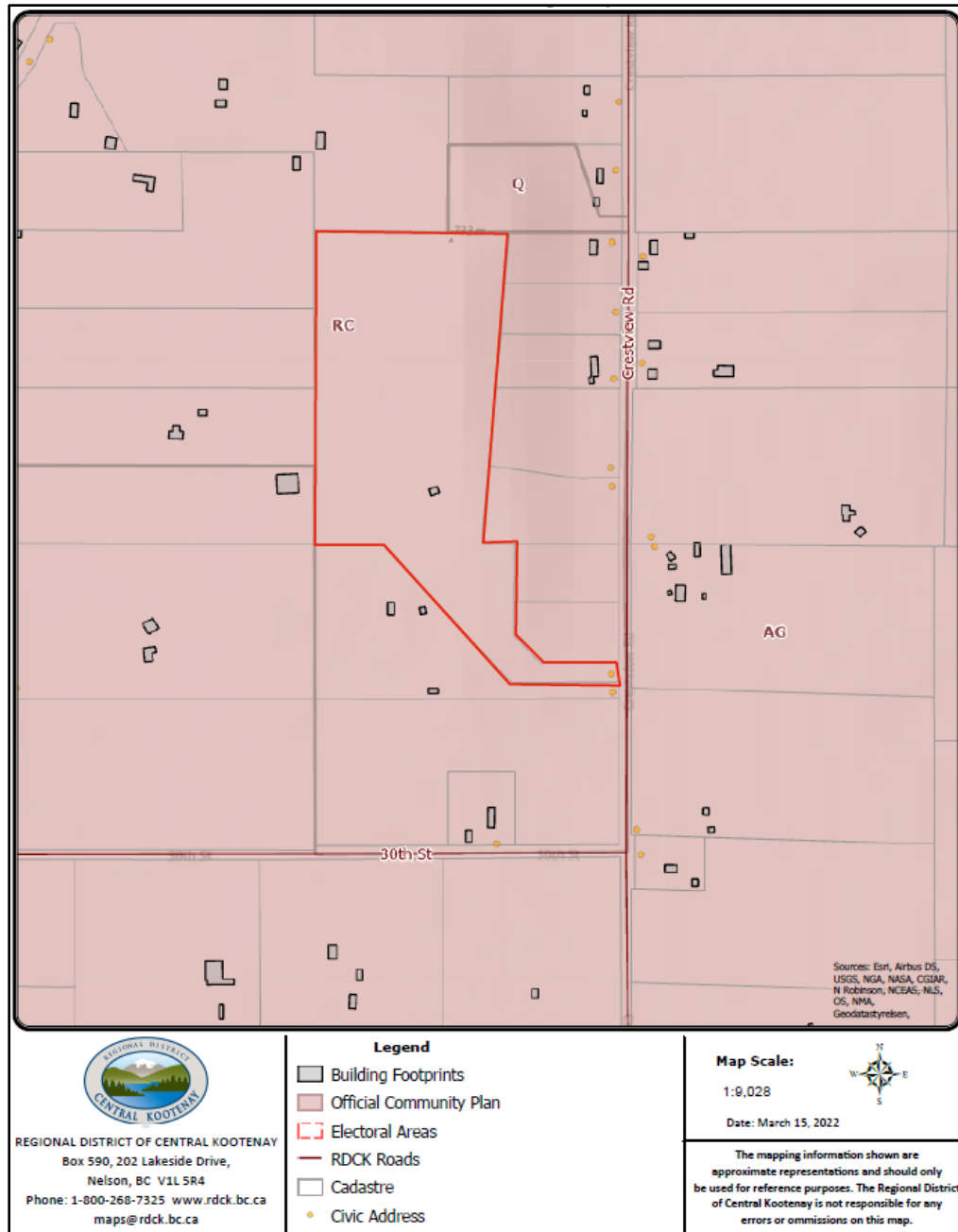


Figure 3: Existing Building Footprints Overview

Development Proposal

This DVP application seeks to vary Section 18.0 Sub-Sections 8. and 9. of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* to permit the construction of an accessory building for a workshop use on the ground floor and storage space on the mezzanine level above. The 119 m² in size mezzanine area will be "unfinished". The applicant is requesting to:

- increase the maximum height of an accessory building from 8.0 metres to 8.23 metres; and,
- increase the maximum gross floor area of an accessory building from 200 m² to 261 m².

Table 1: Relevant Development Regulations under the Country Residential (R2) Zone

Development Regulation	Maximum Allowable in R2 Zone	Proposed
Maximum height	8.0 m	8.23 m
Maximum gross floor area for any accessory building	200 m ²	261 m ²
Maximum cumulative gross floor area (GFA) of all accessory buildings	400 m ²	276 m ²
Maximum site coverage	50%	<5%
Minimum setbacks:		
Front	7.5 m	>7.5 m
Rear	2.5 m	>2.5 m
Exterior Side	7.5 m	N/A
Interior Side	2.5 m	>2.5 m
Setback from ALR boundary	15 m	>15 m



Figure 3: Site Plan

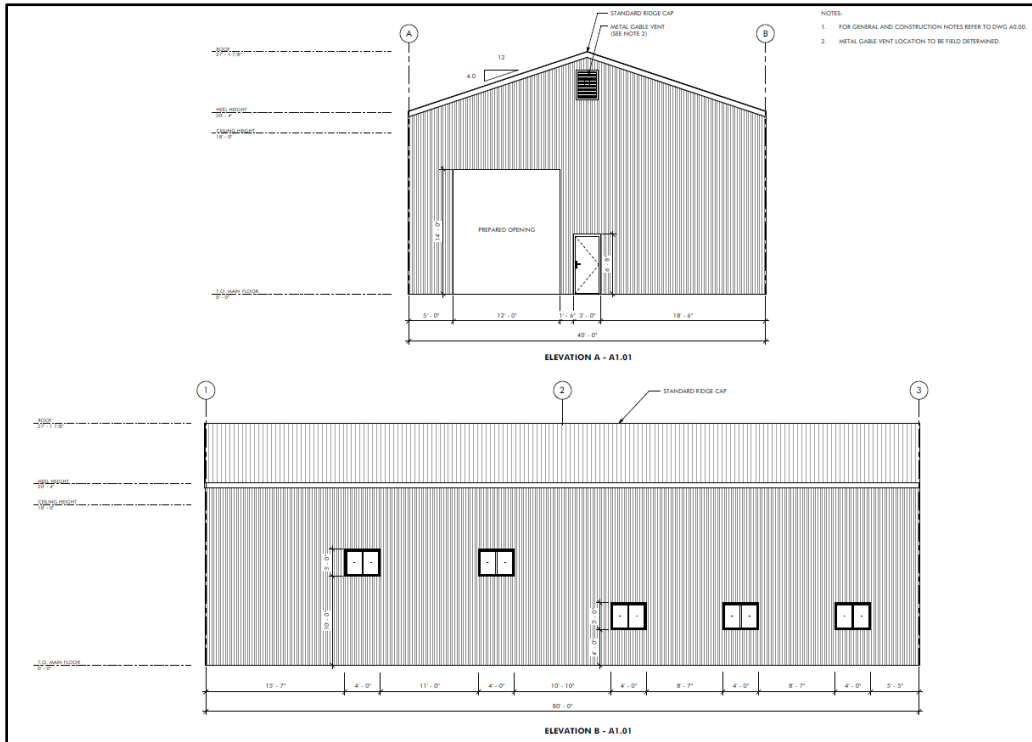


Figure 4: Proposed Building Elevations (front and side)

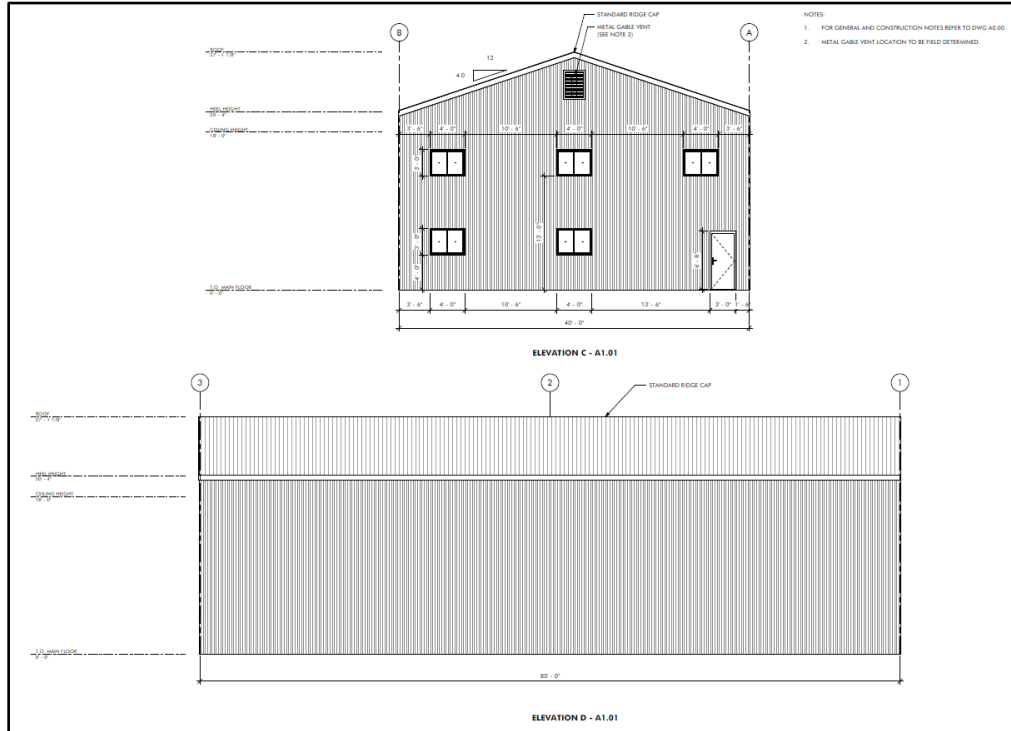


Figure 5: Proposed Building Elevations (rear and side)

Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013

General Residential Policies

The Regional Board:

8. Will assess and evaluate proposed residential development based on the following criteria, irrespective of land use designation:

- a. capability of accommodating on-site domestic water and waste water disposal;
- b. capability of the natural environment to support the proposed development, and its impact on wildlife habitat and riparian areas;
- c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- d. compatibility with adjacent land uses and designations, and how its form and character complements the surrounding rural area;
- e. proximity and access to existing road networks, and other community and essential services, if they exist;
- f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
- g. type, timing, and staging of the development.

Relevant Country Residential Policies:

The Regional Board:

18. Directs that the principal use shall be single-family or two-family dwellings.

20. Provides for property owners or residents to diversify and enhance uses secondary to ‘Country Residential’ uses with home based business, agri-tourism, home occupations, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

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 fee for a DVP 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 negative environmental considerations are anticipated should this DVP application be approved.

3.4 Social Considerations:

No negative social considerations are anticipated from this DVP application.

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* notices were mailed to surrounding neighbours within a 100 metre radius of the subject property on March 16, 2022. 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 'B' for review. The following comments were received:

The Ministry of Transportation and Infrastructure (MOTI)

The MOTI has *"no concerns with this variance(s) proposal"*.

Interior Health

"An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal".

Building Services

An RDCK Building Inspector spoke to the applicant on April 20, 2022 and outlined that a *"structural engineer [would be] required for design, including a Schedule B for field reviews. Fire resistance ratings may also be required due to size and extent of mezzanine / upper floor. In addition, the egress from the upper level may also require adjusting"*.

BC Hydro

"BC Hydro has no objection to this application".

FortisBC Inc.

"There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (FBC(E)) services, if required."

Operational & Design Comments:

- *There are FortisBC Electric (FBC(E)) primary distribution facilities along Crestview Road and within the boundary of the subject property.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- *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".

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 country residential objectives and policies in *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013*.
- The proposed siting of the accessory structure on this 11.5 ha subject property would have a minimal visual and community impact since it is proposed to be located approximately 200 metres to the closest neighbouring residence to the east, and is well screened by existing mature vegetation.
- The subject property is almost 12 times larger in area, than the 1.0 ha minimum parcel size regulation under the R2 Zone, and would be able to accommodate an accessory building of this increased scale.
- No neighbourhood feedback in response to the development notice sign posted on the subject property and or notices mailed to adjacent property residents about the proposed variances was received.

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 V2201B-06426.200 to Esther and Juerg Salzgeber for the property located at 3115 Crestview Road and legally described as L LOT 2 DISTRICT LOT 12716 KOOTENAY LAND DISTRICT 15496 (PID: 009-280-111) to vary Section 18.0 Sub-Sections 8. and 9. of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* as follows:

1. increase the maximum height of an accessory building from 8.0 metres to 8.23 metres; and,
2. increase the maximum gross floor area of an accessory building from 200 m² to 261 m².

Option 2: That the Board NOT APPROVE the issuance of Development Variance Permit V2201B-06426.200 to Esther and Juerg Salzgeber for the property located at 3115 Crestview Road and legally described as L LOT 2 DISTRICT LOT 12716 KOOTENAY LAND DISTRICT 15496 (PID: 009-280-111) to vary Section 18.0 Sub-Sections 8. and 9. of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* as follows:

1. increase the maximum height of an accessory building from 8.0 metres to 8.23 metres; and,
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SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of Development Variance Permit V2201B-06426.200 to Esther and Juerg Salzgeber for the property located at 3115 Crestview Road and legally described as L LOT 2 DISTRICT LOT 12716 KOOTENAY LAND DISTRICT 15496 (PID: 009-280-111) to vary Section 18.0 Sub-Sections 8. and 9. of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* as follows:

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2. increase the maximum gross floor area of an accessory building from 200 m² to 261 m².

Respectfully submitted,
Stephanie Johnson

CONCURRENCE

Planning Manager – Nelson Wight

Approved

General Manager of Development and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

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