



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

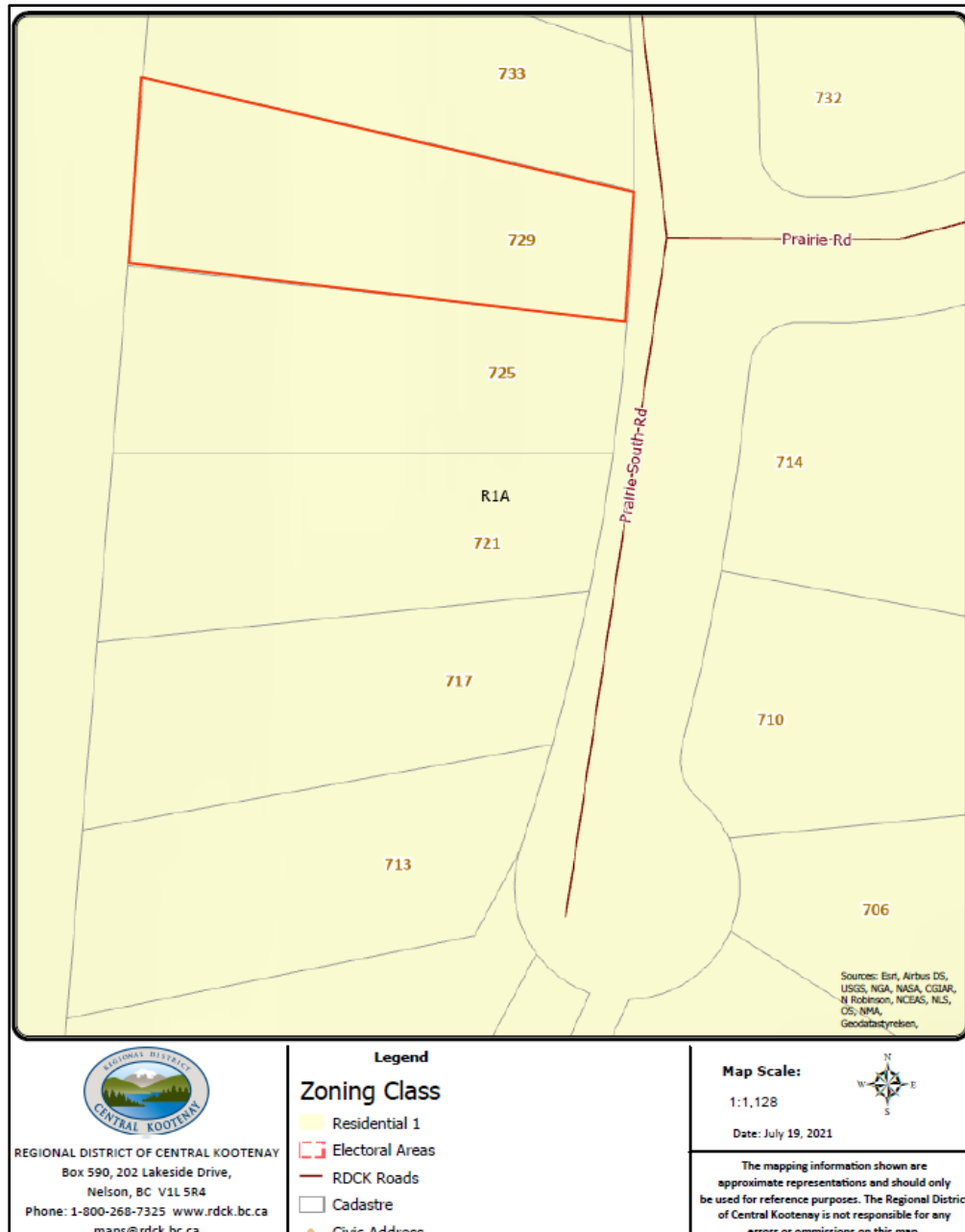


Figure 2: Zoning Overview Map

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.

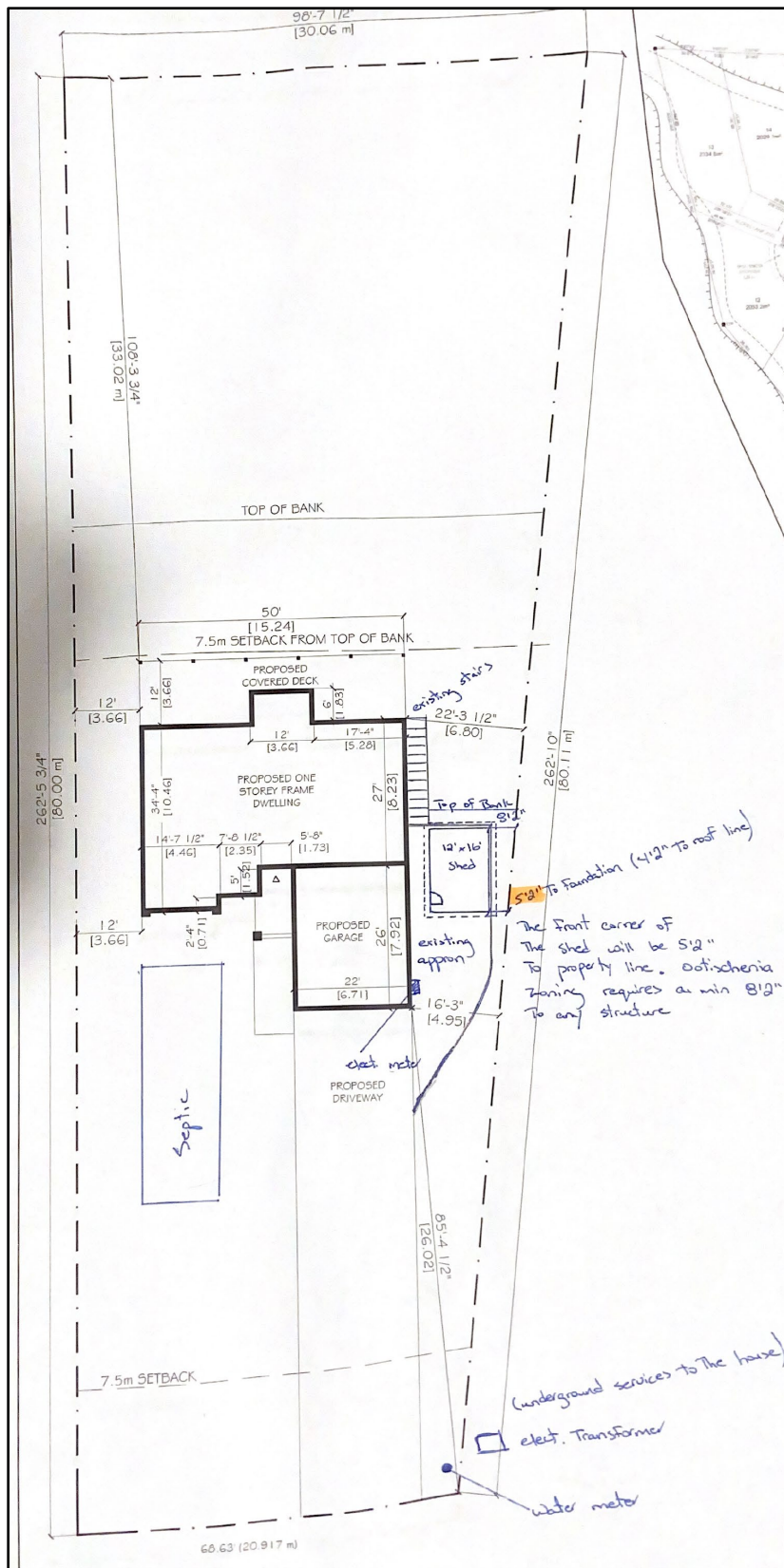


Figure 3: Site Plan

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*



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT VARIANCE PERMIT

Planning File No. V2107J

Date:

Issued pursuant to Section 498 of the *Local Government Act*

TO: Dayna Mureen Kanigan &
Matthew Arthur Roberts

ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1' and '2':

Address: 729 Prairie South Road
Legal: LOT 19, PLAN EPP44977, DISTRICT LOT 4598, KOOTENAY LAND
PID: 029-557-216

CONDITIONS

5. Development Variance
Electoral Areas F, I, J, and K Zoning Bylaw No. 1675, 2004, Section 605 (1) is varied as follows:
 1. The interior side (northern) setback from 2.5 metres to 1.2 metres.
2. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

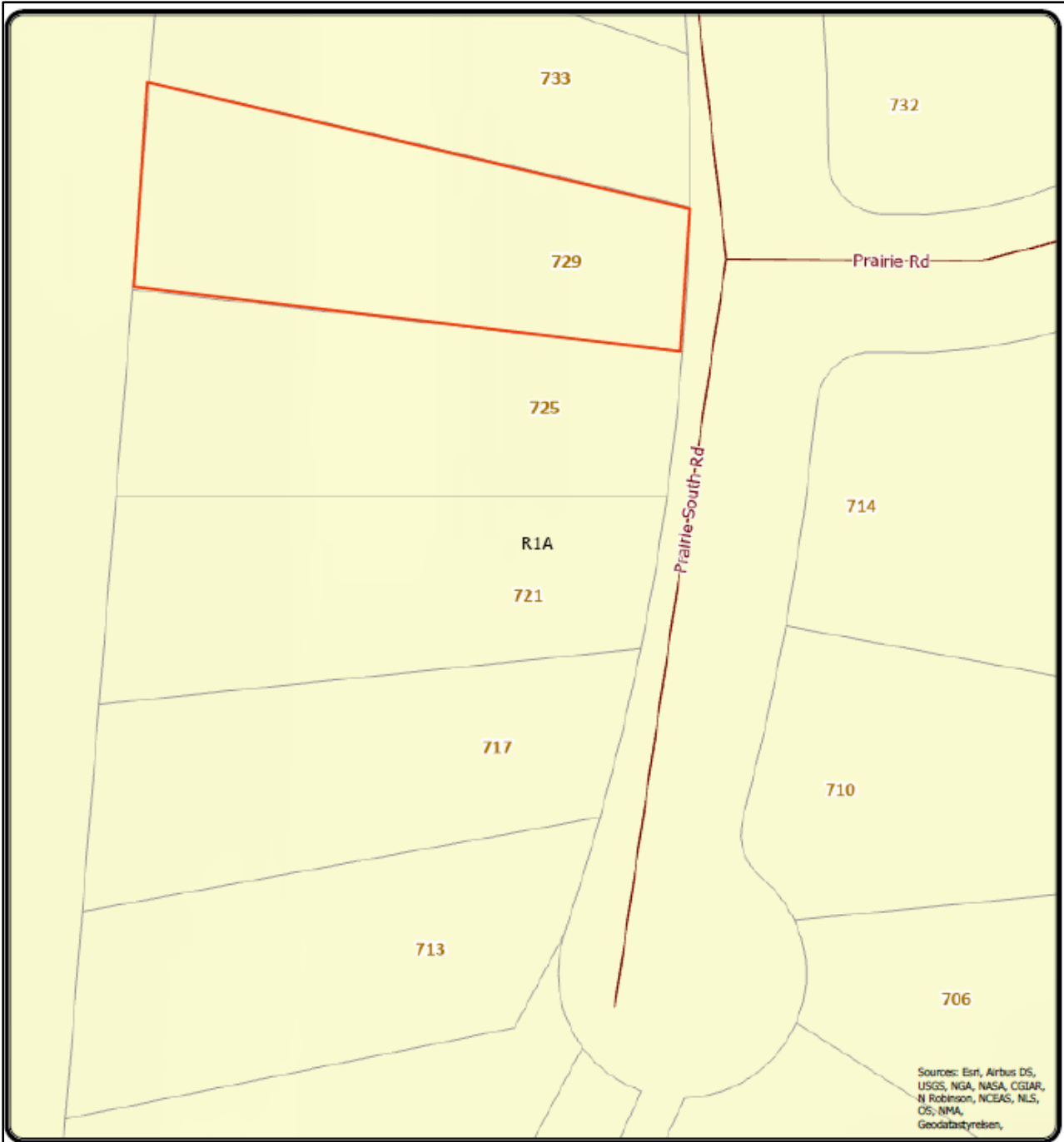
Authorized resolution _____ passed by the RDCK Board on the ____ day of _____ 2021.

The Corporate Seal of
THE REGIONAL DISTRICT OF CENTRAL KOOTENAY
was hereunto affixed in the presence of:



Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

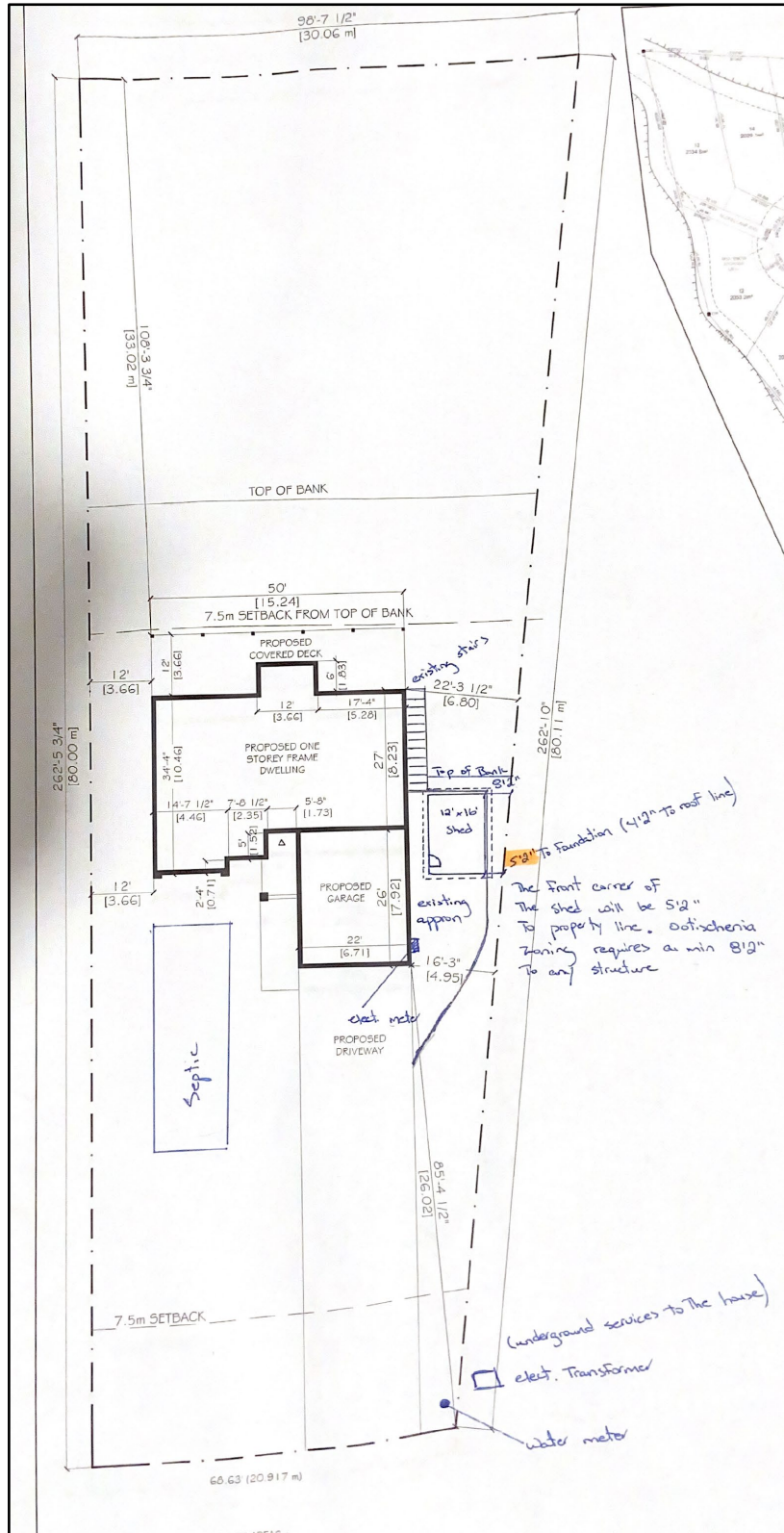
Schedule 1: Subject Property



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen,

 <p>REGIONAL DISTRICT OF CENTRAL KOOTENAY Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca</p>	<p style="text-align: center;">Legend</p> <p>Zoning Class</p> <ul style="list-style-type: none"> Residential 1 Electoral Areas RDCK Roads Cadastre Civic Address 	<p>Map Scale:</p> <p>1:1,128</p> <p>Date: July 19, 2021</p> <div style="text-align: center;">  </div> <p style="font-size: small;">The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.</p>
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Schedule 2: Site Plan



DIVISION 6 GENERAL REGULATIONS

Setback Requirements

605

- 1 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.

DIVISION 8 OOTISCHENIA SUBURBAN RESIDENTIAL (R1A)**Permitted Uses**

800 Land, buildings and structures in the Ootischenia Suburban Residential (R1A) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

Development Regulations

801

1 The minimum site area for the following uses shall be required as follows:

	Community Water Supply Only	On-Site Servicing Only
One-Family Dwelling	0.2 hectare	1.0 hectare
Two-Family Dwelling	0.4 hectare	1.0 hectare

- 2 The maximum site coverage is 50 percent of the site area.
- 3 Buildings and structures shall not cover more than 33 percent of the site area.
- 4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.
- 5 Farm animals and poultry shall be caged, fenced or housed at all times.
- 6 No principal building may exceed ten (10) metres in height.
- 7 The maximum height of any accessory building or structure shall not exceed 6 metres.
- 8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.
- 9 The cumulative gross floor area of all accessory buildings or structures shall no exceed 200 square metres.
- 10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.

- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the front lot line setback or exterior side setback on a lot.