



Committee Report

Date of Report: 07/12/2021
Date & Type of Meeting: 09/22/2021, Rural Affairs Committee
Author: Eileen Senyk, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2103G-05921.100-POTULICKI-DVP000209
Electoral Area/Municipality: Electoral Area 'G'

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and the Regional Board to consider an application for a Development Variance Permit in the community of Ymir, Electoral Area 'G'.

The property is zoned Townsite Residential (R1) and is 0.08 hectares in size. The proposal is for the replacement of an existing accessory structure at a setback of 0 metres from the rear lot line and for a variance to the maximum height of the building from 6 metres to 7 metres.

The alley adjacent to the rear lot line is not fully developed (grassed in) and is not maintained by MoTI contractors. There was no objection to this application from neighboring property owners or government agencies. Therefore, staff recommend approval of the proposed Development Variance Permit.

SECTION 2: BACKGROUND/ANALYSIS

Background Information

GENERAL INFORMATION

Property Owner: Erin Potulicki

Property Location: 107 Cherry Street, Electoral Area 'G'

Legal Description: Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640 (PID 012-466-484)

Property Size: 836 m² (0.08 ha)

SURROUNDING LAND USES

North: Residential (R1)

South: Residential (R1)

East: Residential (R1)

West: Residential (R1)



Figure 1: Overview Map

Site Context and Development Proposal

The property is 0.08 hectares in size and is accessed from the rear lot line by an alley. The alley is not maintained by MoTI and is largely undeveloped (not passable by vehicle beyond the subject property). There is a steep slope on the west side of the property which limits access to 2nd Ave.

The applicant would like to include a carport on the side of the proposed accessory building in order to reduce the amount of snow removal currently required in winter. The house on the property is small and so the applicant would like to increase the height of the accessory building to add some indoor storage capacity and to provide space to set up a pottery wheel which has been stored outside for a long period of time.

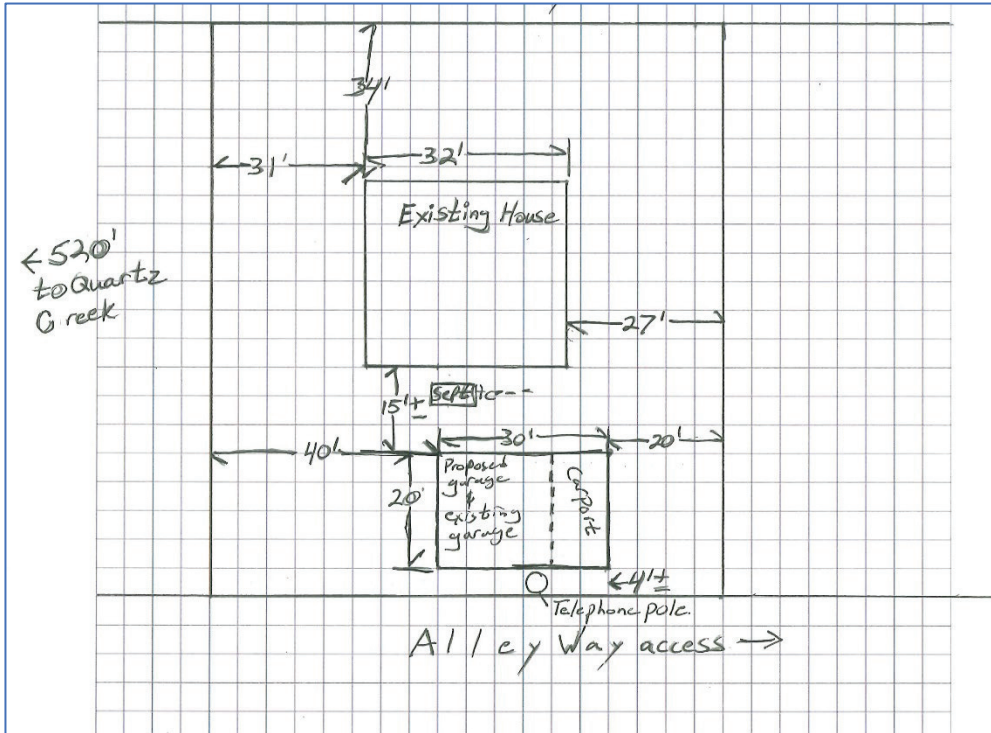


Figure 2: Site Plan

Table 1. Development Regulations in the Townsite Residential (R1) zone:

Development Regulation	Maximum Allowable in R1 Zone	Proposed
Maximum height for accessory structure	6 m	7 m
Maximum gross floor area for any accessory building	100 m ²	55.7 m ²
Maximum cumulative gross floor area of all accessory buildings	200 m ²	55.7 m ²
Maximum site coverage	50%	20%
Maximum cumulative gross floor area of all accessory buildings or structures	33%	7%
Setbacks		
Minimum front setback	4.5 m	20.0 m
Minimum exterior side setback	4.5 m	n/a
Minimum interior side setback	2.5 m	6.0 m
Minimum Rear Setback	2.5 m	0.0 m from roofline

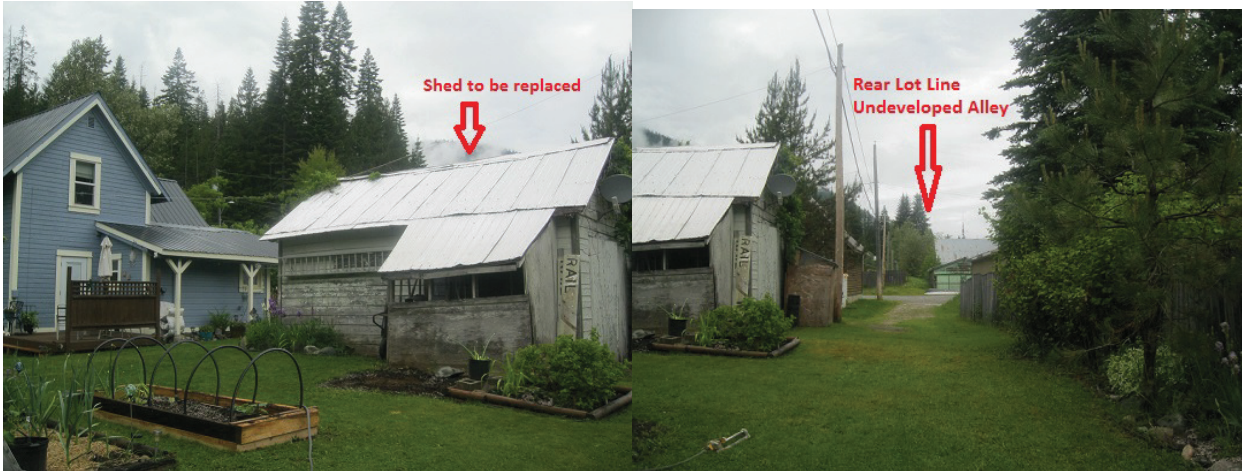


Figure 3 & 4 Shed to be replaced and location in relation to alley



Figure 5 & 6: Location of proposed carport in relation to house and accessory building

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 applicant has paid the application fee of \$500 pursuant to the Planning Procedures and Fees Bylaw No. 2457, 2015.

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

Development Regulations in Electoral Area 'G' Land Use Bylaw 2452, 2018 Section 19.8 identifies a maximum height for accessory buildings in the R1 zone as 6 metres. Section 19.6 of the same bylaw identifies the minimum rear lot line setback at 2.5 metres.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The referral for this application was circulated to 17 neighboring property owners, internal RDCK departments and relevant government agencies. One response was received from a neighbor, which is included as Attachment 'B'. The referral response notes the importance of access to fire hydrants and requests that proposed building site be moved by 5 feet in order to enable large vehicles to turn around.

The location of the fire hydrants, valves and water mainline are identified in the map below. The hydrant is situated on Cherry Street, not in the alley.

The applicant did not indicate a need for large vehicles to turn around on the property.

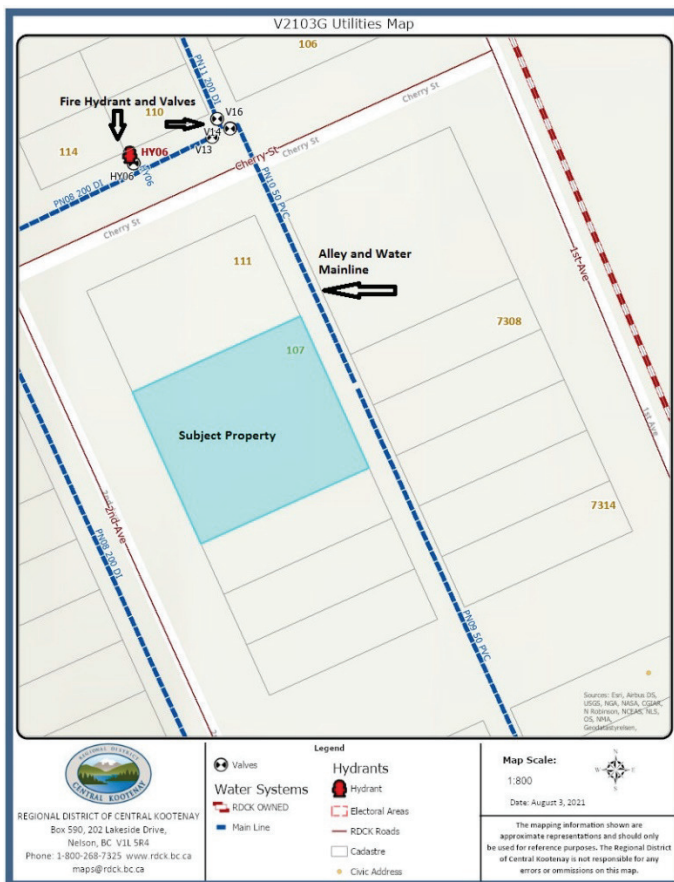


Figure 7: Utilities Map

3.7 Staffing/Departmental Workplace Considerations:

Should the Board approve the permit, staff will begin the process of registering the permit on the property's title.

3.8 Board Strategic Plan/Priorities Considerations:

None anticipated.

SECTION 4: OPTIONS

Planning Discussion

The proponent seeks to replace an existing accessory building with a new accessory building that would be higher than 6 metres and would sit at a 0 metre setback from the rear lot line. The rear lot line is situated against an alley which creates 5 metres of spatial separation between the subject property and the adjacent property.

A steep bank at the front lot line prevents access off of 2nd Ave. The property is accessed through the alley at the rear lot line. The alley is not maintained by MoTI (or its contractors) and MoTI did not respond the referral. Snow removal is done by the applicant. The addition of a carport would reduce the amount of snow removal necessary and this is one of the reasons for the application. Another reason for the application is to increase indoor storage space and to enable the use of a pottery wheel that has been stored outdoors due to a lack of indoor space in the house or the existing shed.

The location and height of the proposed building will not impede access to utilities. There were no objections to the application though one neighbor noted that access to fire hydrants should not be impeded. This does not appear to be an issue according to the utilities map (above).

Option 1

That the Board APPROVE the issuance of a Development Permit V2103G to Erin Potulicki for the property located at 107 Cherry Street and legally described as Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640 (PID 012-466-484) with the following Development Variance under Section 19.6 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 2.5 metres TO 0 metres and Section 19.8 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 6 metres TO 7 metres.

Option 2

That the Board NOT APPROVE the issuance of a Development Permit V2103G to Erin Potulicki for the property located at 107 Cherry Street and legally described as Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640 (PID 012-466-484) with the following Development Variance under Section 19.6 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 2.5 metres TO 0 metres and Section 19.8 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 6 metres TO 7 metres.

Option 3

That the Board refer a decision regarding the issuance of a Development Permit V2103G to Erin Potulicki for the property located at 107 Cherry Street and legally described as Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640 (PID 012-466-484) with the following Development Variance under Section 19.6 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 2.5 metres TO 0 metres and Section 19.8 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 6 metres TO 7 metres to the September 2021 RDCK Open Board meeting.

SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of a Development Permit V2103G to Erin Potulicki for the property located at 107 Cherry Street and legally described as Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640 (PID 012-466-484) with the following Development Variance under Section 19.6 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 2.5 metres TO 0 metres and Section 19.8 of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 FROM 6 metres TO 7 metres.

Respectfully submitted,

Originally signed by

Eileen Senyk - Planner

CONCURRENCE

Planning Manager – Digitally approved by Nelson Wight.

General Manager of Development and Community Sustainability – Digitally approved by Sangita Sudan.

Chief Administrative Officer – Digitally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Neighbor Response



REGIONAL DISTRICT OF CENTRAL KOOTENAY
DEVELOPMENT VARIANCE PERMIT
Planning File No. V2103G

Date: August 18, 2021

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

TO: Erin Potulicki

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: 107 Cherry Street, Electoral Area 'G'

Legal: Parcel A (see R12862) Block 11 District Lot 1242 Kootenay District Plan 640
(PID 012-466-484)

CONDITIONS

5. Development Variance

Electoral Area 'G' Land Use Bylaw 2452, 2018 Section 19.6, Section is varied as follows:

From: 2.5 metres (rear lot line setback)

To: 0 metres, as measured from the roofline (rear lot line setback)

And

Electoral Area 'G' Land Use Bylaw 2452, 2018 Section 19.8, Section is varied as follows:

From: 6 metres (maximum height of accessory building or structure)

To: 7 metres (maximum height of accessory building or structure)

6. 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.

7. Other

Authorized resolution [*enter resolution number*] passed by the RDCK Board on the day of _____, 20_____.

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

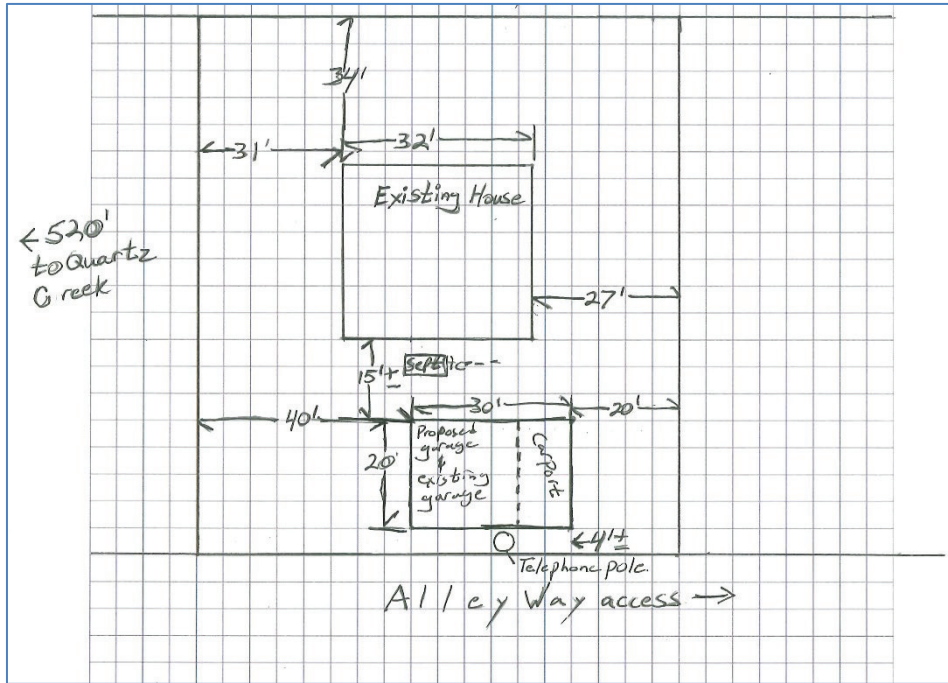
Aimee Watson, Board Chair

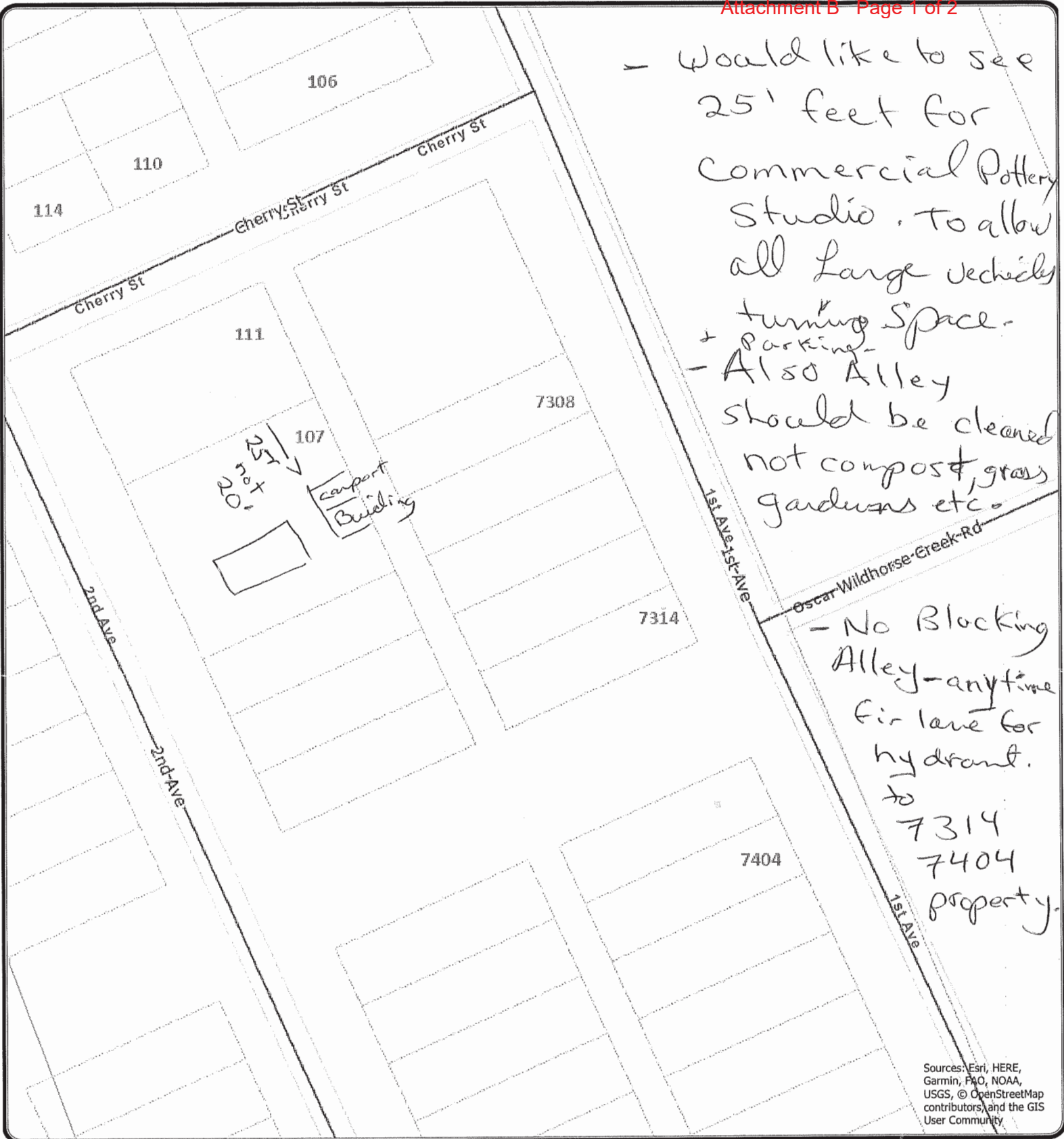
Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan





- Would like to see 25' feet for Commercial Pottery Studio, to allow all Large vehicles turning space - parking - Also Alley should be cleaned not compost, grass gardens etc.

- No Blocking Alley - anytime fire lane for hydrant. to 7314 7404 property.

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



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

Legend

- Electoral Areas
- RDCK Roads
- Cadastre - Legal Parcels
- Civic Address

Map Scale:

1:1,128



Date: May 11, 2021

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.

Attn: Eileen
Reg V2103G
various permit
My comments have been written down

Sorry I missed deadline. Please

consider these comments. Pottery Studio
is Kim in the garage. Electrical permits

Aheria wylie

111 Cherry St

Ym's BC. UOGAKO