



# Committee Report

**Date of Report:** June 27, 2023  
**Date & Type of Meeting:** July 19, 2023, Rural Affairs Committee  
**Author:** Sadie Chezenko, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2302J - White  
**Electoral Area/Municipality** J

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) in Electoral Area 'J' in Robson to reduce two setbacks for a roof structure over an existing mobile home, as follows:

- The front (northern) setback from 4.5 metres to 1.6 metres and;
- The interior side (southern) setback from 2.5 meters to 1.0 meters

Staff recommend that the Board approve the Development Variance Permit.

## SECTION 2: BACKGROUND/ANALYSIS

### GENERAL INFORMATION

<b>Property Owners:</b> Dave and Bonnie White
<b>Property Location:</b> 3040 Charleston Avenue, Robson, Electoral Area 'J'
<b>Legal Description:</b> Lot 12 Block 3 District Lot 301A Kootenay District Plan 1197 (PID: 017-218-977)
<b>Property Size:</b> 0.08 ha (0.2 acres)
<b>Current Zoning:</b> Suburban Residential (R1)
<b>Current Official Community Plan Designation:</b> Suburban Residential (SR)

### SURROUNDING LAND USES

<b>North:</b> Suburban Residential (R1)
<b>East:</b> Suburban Residential (R1)
<b>South:</b> Suburban Residential (R1)
<b>West:</b> Suburban Residential (R1)

### Background Information and Subject Property

The subject property is located in Electoral Area 'J' in Robson. The property has an existing dwelling, shed, carport, driveway and garden. The dwelling is a 1414 sqft mobile home and addition, which was placed on the lot in its current position in 1982. This mobile home is used as the primary residence of the owner. The applicant has indicated that while the mobile home is generally in good shape, it does need a new roof to seal the structure and create a pitch for snow loads. The proposal is to construct a 1680 sqft roof structure over the

mobile home and addition in its existing position. Due to the existing location of the mobile home, the applicant is requesting to reduce two setbacks:

- The front (northern) setback from 4.5 metres to 1.6 metres and;
- The interior side (southern) setback from 2.5 meters to 1.0 meters

Based on the information provided the proposed roof structure will comply with all other zoning regulations (building size, setbacks from other property lines, site coverage). Staff will confirm compliance with all applicable zoning regulations through the review of the building permit application.

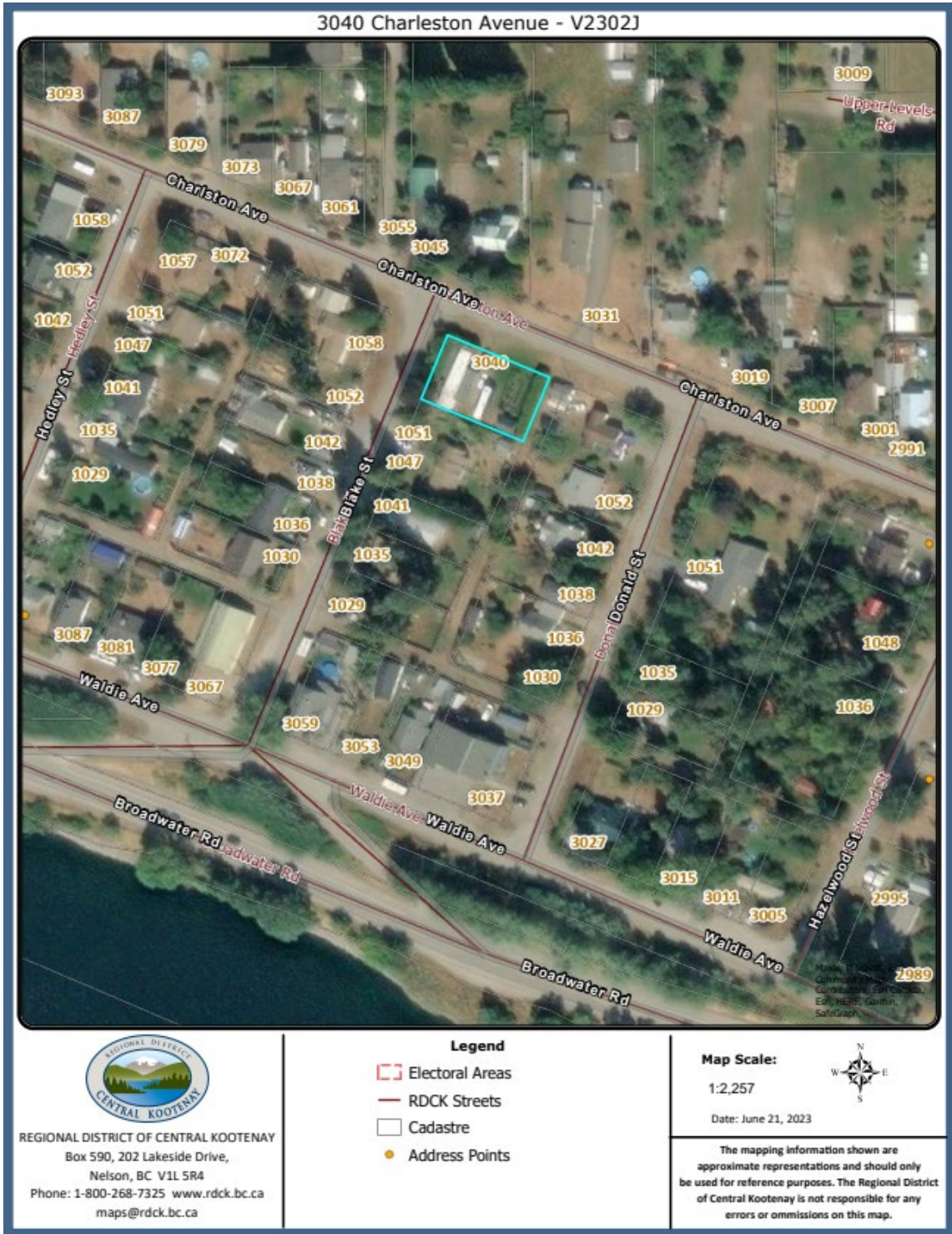


Figure 1: Location Map

3040 Charleston Avenue - V23021



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

**Zoning Class**

- Institutional
- Open Space
- Parks and Recreation

**Legend**

- Residential 1
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

**Map Scale:**

1:2,257

Date: June 21, 2023



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.

Figure 2: Zoning Map

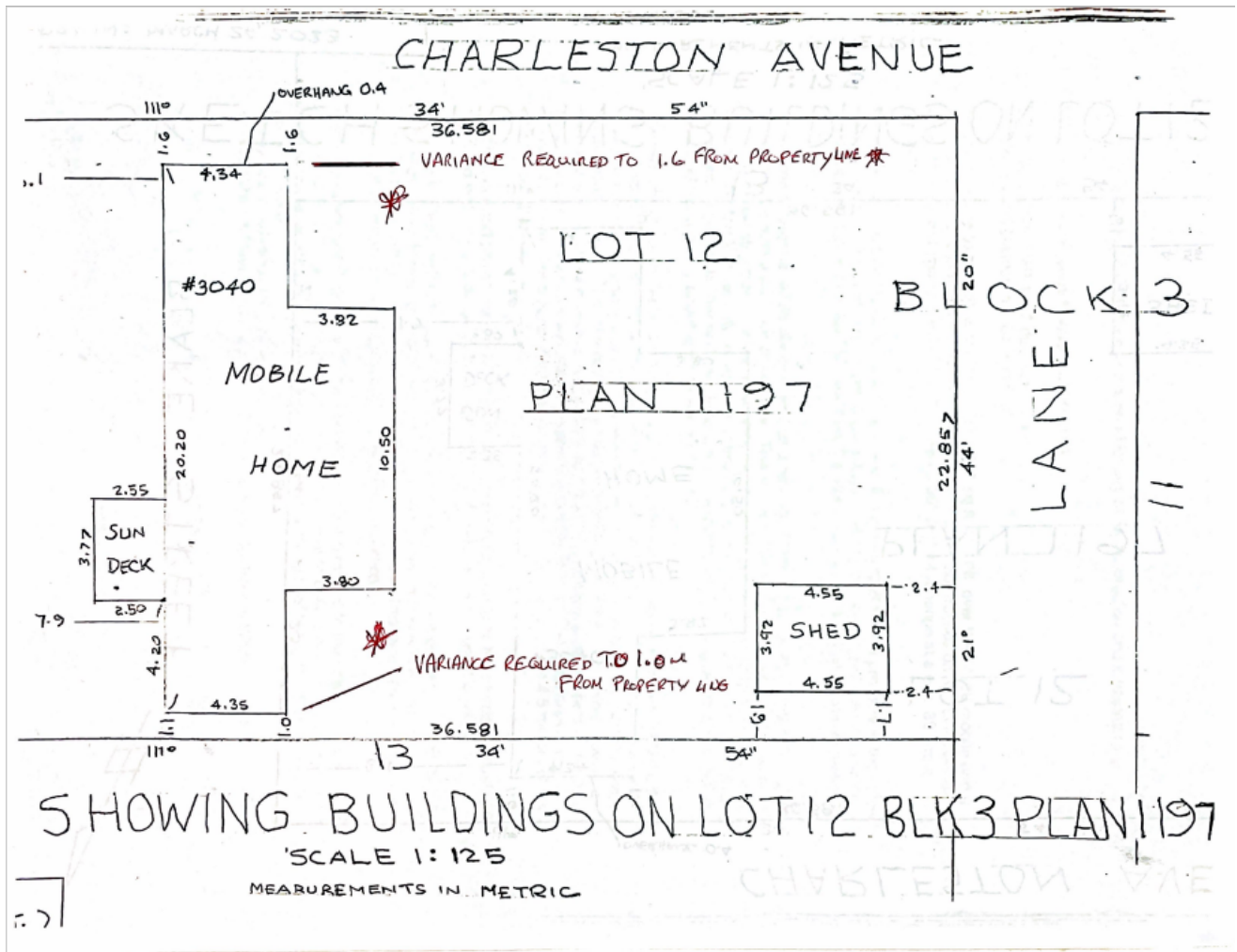


Figure 3: Site Plan



*Figure 4: View of the subject property from Charleston Road (facing southwest)*



*Figure 5: View of the southern interior lot line separating adjacent properties*

## Planning Policy

### **Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996**

#### Residential Objectives

2.1.4 To minimize conflicts between housing and other adjacent land uses.

#### Zoning Policies

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

3.1.3.2 existing land use

3.1.3.6 the desirability of securing reasonable privacy for residents

### **RDCK Zoning Bylaw No. 1675, 2004**

Section 605 (1) of the Zoning Bylaw indicates that the minimum setback from an interior lot line is 2.5 metres. Section 605 (4) of the Zoning Bylaw indicates that the minimum setback from a front lot line on a parcel under 0.2 ha is 4.5 metres.

The proposal to construct a roof structure 1.0 meter from the southern interior property line and 1.6 meters from the front lot line which would contravene these requirements. This Development Variance Permit application is being submitted in order to permit the proposed siting of the roof structure over the existing mobile home in its current location.

## **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 application fee has been paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

### **3.3 Environmental Considerations**

None anticipated.

### **3.4 Social Considerations:**

There was no opposition to the application which indicates that surrounding land owners do not have concerns.

### **3.5 Economic Considerations:**

None anticipated.

### **3.6 Communication Considerations:**

The application was referred to internal departments, other government agencies and surrounding property owners. No responses were received from property owners. The following responses were received from referred agencies:

#### BC Hydro

We have reviewed the attached development variance application. BC Hydro Properties has no comments on the proposal.

#### RDCK Building Department

The spatial separation requirements of the BCBC 2018 will apply to the new roof structure over the mobile home being built 1m from the property line.

Roof overhangs and soffits within 1.2m of the property line must be non-combustible type and unvented with no openings.

Within 1.2m the gable wall created by the roof trusses must have a fire resistance rating of 45 minutes.

Cladding must be non-combustible

Roof soffits shall not project to less than 0.45 m from the property line

None of the above requirements should provide an unsurmountable obstacle to the project.

#### Fortis Comments

##### Land Rights Comments

- 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 Charleston Ave and Blake Street.
- 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.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- FortisBC Total Connected Load Form
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

### **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 roof structure.

### **3.8 Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.



## SECTION 4: OPTIONS

### Planning Discussion

If approved by the Board, the applicant would construct a roof structure over an existing mobile home on the subject property. Due to the location of the existing mobile home, this requires a variance to reduce the front setback from 4.5m to 1.6m and to reduce the interior side setback from 2.5m to 1.0m. The applicant is seeking this variance so that he may build a roof structure to “seal the structure from weather and create a pitch for snow loads.”

Planning staff support the issuance of this DVP since:

- The variance is being requested in order to extend the life of the manufactured home, as that is a more feasible option for the owner than shifting the dwelling to meet the setback regulation.
- No neighbors including the adjacent property owner along the southern lot line indicated any opposition to the reduced setbacks.
- The form and character of the surrounding residential area is not significantly impacted by the request to reduce the setbacks.
- The proposed development appears to be consistent with all other zoning regulations within the RDCK’s Zoning Bylaw No. 1675, 2004.

Based on the above, staff recommend that the Board approve the issuance of the Development Variance Permit Application.

### Option 1

That the Board APPROVE the issuance of Development Variance Permit V2302J to Blanche and Dave White for the property located at 3040 Charleston Avenue and legally described Lot 12 Block 3 District Lot 301A Kootenay District Plan 1197 (PID: 017-218-977) to vary Section 605 (1) of RDCK Zoning Bylaw No. 1675, 2004 and Section 605 (4) of RDCK Zoning Bylaw No. 1675, 2004 in order to reduce the southern interior lot line setback from 2.5 m to 1.0 m, and the front yard setback from 4.5 m to 1.6 m.

### Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2302J to Blanche and Dave White for the property located at 3040 Charleston Avenue and legally described Lot 12 Block 3 District Lot 301A Kootenay District Plan 1197 (PID: 017-218-977) to vary Section 605 (1) of RDCK Zoning Bylaw No. 1675, 2004 and Section 605 (4) of RDCK Zoning Bylaw No. 1675, 2004 in order to reduce the southern interior lot line setback from 2.5 m to 1.0 m, and the front yard setback from 4.5 m to 1.6 m

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2302J to Blanche and Dave White for the property located at 3040 Charleston Avenue and legally described Lot 12 Block 3 District Lot 301A Kootenay District Plan 1197 (PID: 017-218-977) to vary Section 605 (1) of RDCK Zoning Bylaw No. 1675, 2004 and Section 605 (4) of RDCK Zoning Bylaw No. 1675, 2004 in order to reduce the southern interior lot line setback from 2.5 m to 1.0 m, and the front yard setback from 4.5 m to 1.6 m.

Respectfully submitted,  
Originally signed by

Sadie Chezenko, Planner

## CONCURRENCE

Planning Manager – Digitally approved by Nelson Wight

General Manager Development & Community Sustainability Services – Digitally approved by Sangita Sudan

Chief Administrative Officer – Digitally approved by Stuart Horn.

### ATTACHMENTS:

**Attachment A – Development Variance Permit**

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



# Development Variance Permit

V2302J (White)

Date: June 27, 2023

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

TO: Blanche White

AGENT: Dave White

## 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: 3040 Charleston Avenue, Robson

Legal: Lot 12 Block 3 District Lot 301A Kootenay District Plan 1197    PID (017-218-977)

## CONDITIONS

5. Development Variance

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, Section 605 (1) is varied as follows:

**From:** 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.

**To:** 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 1.0m of the southern lot line or within 2.5 metres of any other lot line, as shown on Schedule '1' and '2' and

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, Section 605 (4) is varied as follows:

From: Despite Section 605(1), on all lots having a residential zone and are less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres.

To: Despite Section 605(1), on all lots having a residential zone and are less than 0.2 hectares in area, the minimum setback to exterior lot lines shall be 4.5 metres except for the front lot line which will be 1.6 meters, as shown on Schedule '1' and '2'

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





- 4 Despite Section 603(3), where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in site area.
- 5 A reduction of the minimum lot size for a single lot for subdivision within any Agricultural zone shall be permitted subject to:
  - a. the lot being no smaller than 0.4 hectares in area;
  - b. where the lot is serviced by a community water system; and
  - c. where the remainder of the lot is consolidated with an adjacent property that has an agricultural tax assessment from the British Columbia Assessment Authority or is within the ALR or created under Section 514 of the *Local Government Act*.

### Subdivision Servicing Requirements

604

- 1 All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
- 2 All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
- 3 All subdivisions shall comply with the *Drinking Water Protection Act*, the *Public Health Act* and the *Environmental Management Act*.

### 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.
- 2 Despite Section 605(1), on all lots adjacent to land zoned Agriculture, a minimum of a ten (10) metre setback shall be required from any portion of the Agricultural Land Reserve boundary.
- 3 Unless otherwise stated no portable sawmill may be located within 100 metres from a property line.
- 4 Despite Section 605(1), on all lots having a residential zone and are less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres.