



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: May 6, 2021
Date & Type of Meeting: May 19, 2021 Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2102F-08381.100-LISK-DVP000208

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Development Variance Permit (DVP) application involving subject properties at 4180 Brown Road and 4196 View Ridge Road in Bonnington, Electoral Area 'F'.

The owner has made an application to the Ministry of Transportation and Infrastructure (MOTI) for a boundary adjustment subdivision application. The boundary adjustment is being requested to facilitate the construction of an accessory building for storage purposes on the lands proposed to be added from Lot A to Lot 1.

This DVP seeks to reduce the exterior setback adjacent to Brown Road from 4.5 metres to 3.0 metres to permit the construction of an accessory building on the portion of land to be added to Lot 1 (4196 View Ridge Drive).

Staff recommends that the Board approve issuance of this DVP subject to the MOTI's approval of the proposed boundary adjustment subdivision.

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION	
Property Owners:	Kristina and Jason Morrow and Tracy and Craig Lisk
Property Location:	4180 Brown Road and 4196 View Ridge Road, Bonnington, Electoral Area 'F'
Legal Descriptions:	LOT A DISTRICT LOT 7068 KOOTENAY LAND DISTRICT PLAN NEP20896 (PID: 018-518-621) LOT 1 DISTRICT LOT 7068 KOOTENAY LAND DISTRICT PLAN NEP18821 (PID: 015-953-866)
Property Size:	Lot A – 0.2 hectares (ha) Lot 1 – 0.3 ha
OCP Designation:	Country Residential (CR)
Zoning:	Country Residential (R2)

Site Context

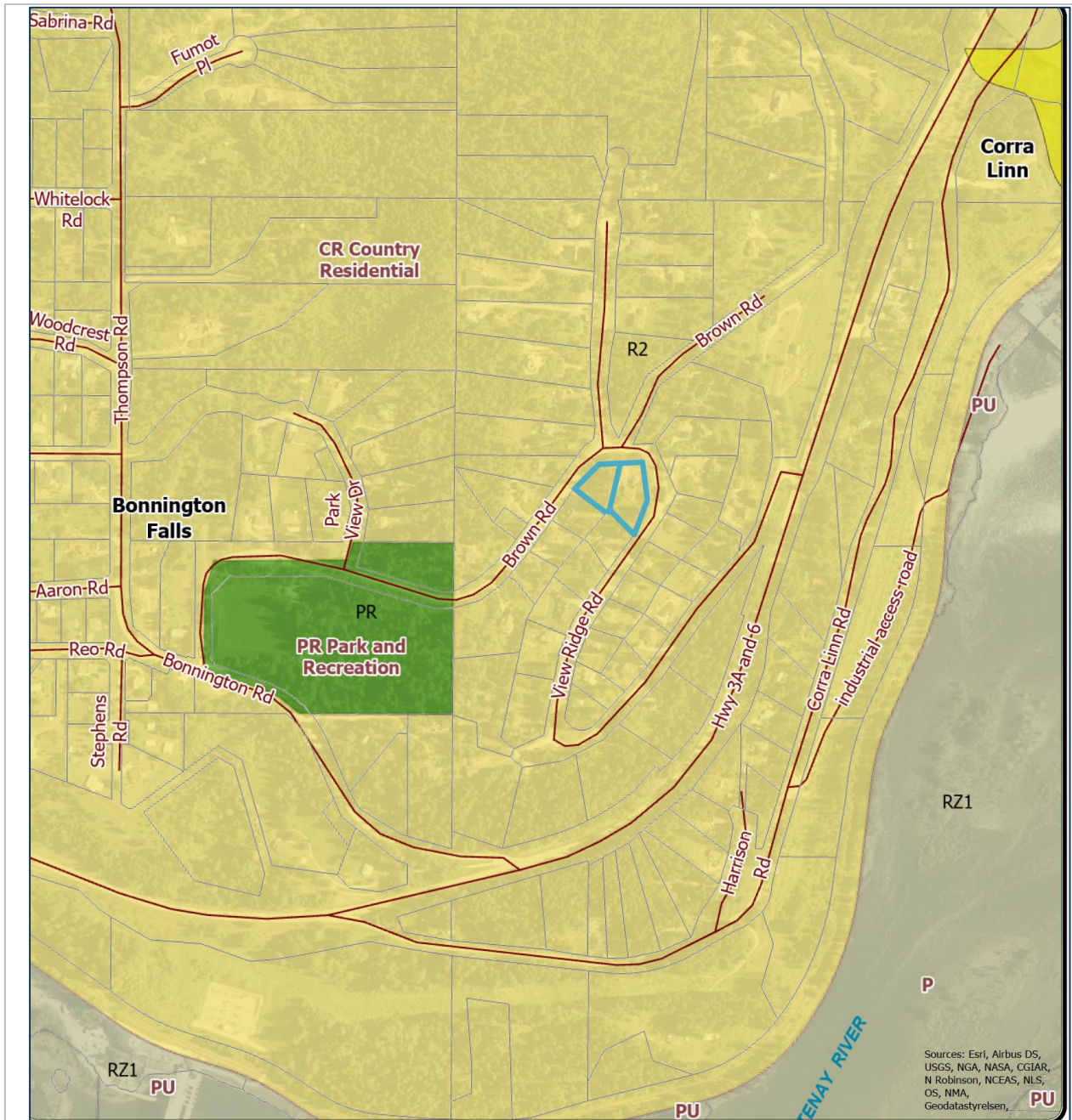
The subject properties are designated Country Residential (CR) under *Electoral Area 'F' Official Community Plan Bylaw no. 2214, 2012* and zoned Country Residential (R2) under the *Zoning Bylaw No. 1675, 2004*. The subject properties are located in a residential neighbourhood surrounded by residential uses and lots zoned Country Residential (R2) with frontage on Brown Road and View Ridge Road in Bonnington. Each subject site has an existing single-family dwelling.

SURROUNDING LAND USES
NORTH: Brown Road and Residential uses– zoned Country Residential (R2)
EAST: View Ridge Road and residential uses – zoned Country Residential (R2)
SOUTH: Residential uses – zoned Country Residential (R2)
WEST: Residential uses – zoned Country Residential (R2)




 <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>Legend</p> <ul style="list-style-type: none"> Electoral Areas RDCK Roads Cadastre • Civic Address 	<p>Map Scale: 1:1,500</p> <p>Date: February 12, 2021</p> <div style="text-align: center;">  </div> <p style="font-size: 8px;">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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Figure 1: Location Overview Map



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




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Legend

Non Standard Flooding Erosion Area	Residential 2
Flood Construction Levels - 1990	Place Names
Official Community Plan	Electoral Areas
Zoning Class	RDCK Roads
Parks and Recreation	Cadastre
Reserve Zone	Civic Address

Map Scale:
 1:10,000



Date: February 12, 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.

Figure 2: General Zoning Overview Map

Development Proposal

This DVP application seeks to vary Section 605.5 under *Zoning Bylaw No. 1675, 2004* to reduce the exterior setback adjacent to Brown Road from 4.5 metres to 3.0 metres as part of a boundary adjustment subdivision application with the adjacent lot. The applicant wishes to construct an accessory building for the parking and storage of a recreation vehicle (RV) on the above portion of land to be added to Lot 1 (4196 View Ridge Drive). The owners have made an application to the MOTI for a boundary adjustment subdivision application. The boundary adjustment is being requested to facilitate the construction of an 140 m² in size accessory building for storage purposes on the 253 m² area proposed to be added from Lot A to Lot 1.

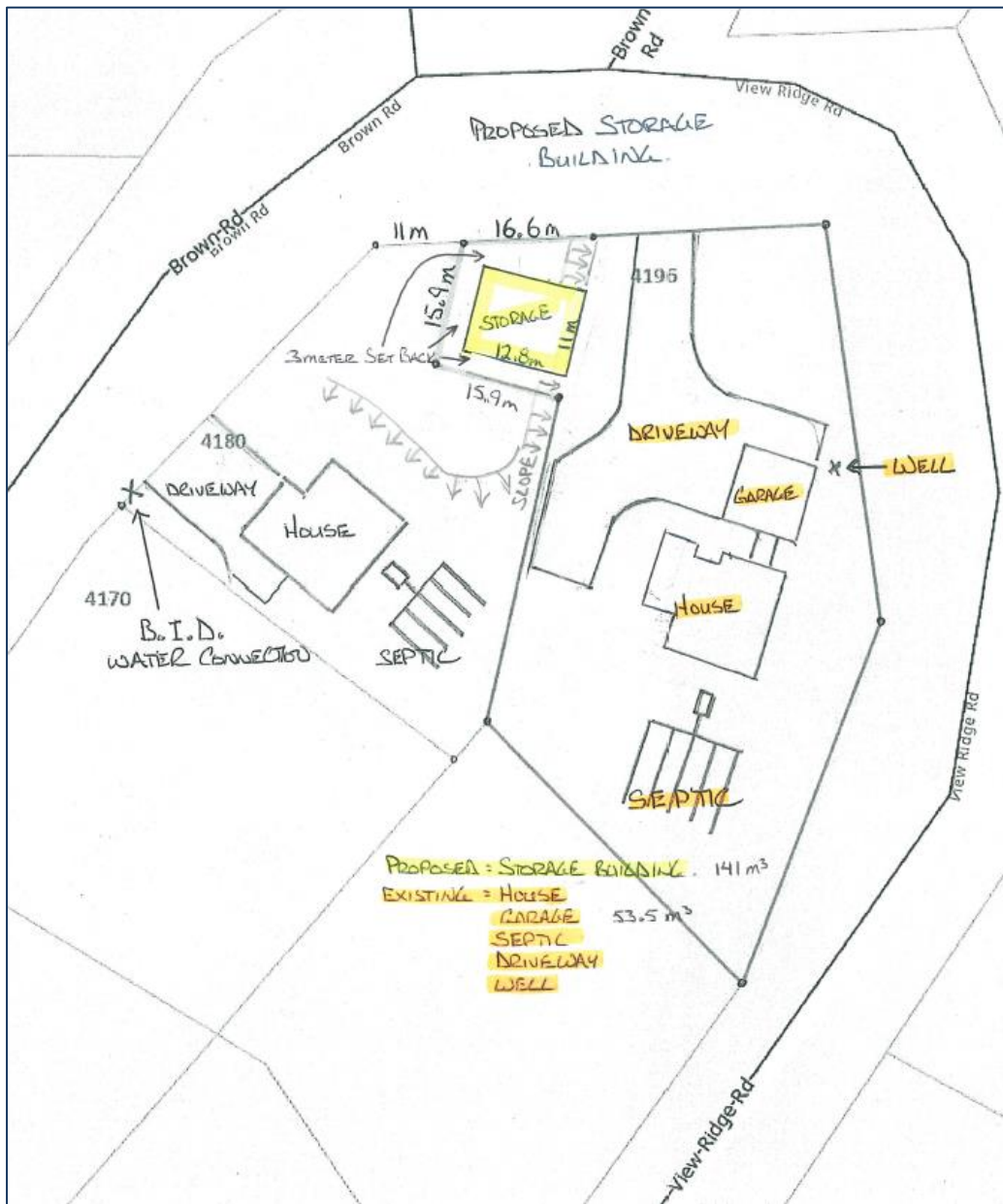


Figure 3: Site Plan



Figure 4: Subject Site – Looking West



Figure 5: Proposed Accessory Building Location

Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011

Relevant Residential Objectives:

11.2.4 Protect the existing quality of life and character of existing neighbourhoods.

11.2.6 Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character.

Relevant General Residential Policies:

The Regional Board:

11.3.3 Will assess and evaluate proposed residential development based on the following criteria, in addition to the criteria found in the corresponding Residential policies where appropriate:

- a. capability of accommodating on-site domestic water and sewage disposal; or community water and sewer;
- e. compatibility with adjacent land uses and designations, and how its form and character enhances the character of the rural area.
- f. proximity and access to existing road network and other community and essential services;
- h. type timing and staging of development.

11.3.4 Encourages the infill of vacant residential parcels before developing new residential areas.

Relevant Rural, Country, and Suburban Residential Policies:

The Regional Board:

11.4.1 Considers that new Rural, Country, and Suburban Residential development may be created in the rural area, but that the development must respect the character of the rural area, and therefore, the Regional Board will use the following criteria, in addition to those listed under General Residential policies where appropriate, to assess future development:

- a. location near parks or community facilities, and connected by pedestrian circulation to these amenities;
- b. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage;
- c. respects lake and mountain views, and access to sunlight of adjacent properties; and,
- d. provides access without constructing new roads or utility corridors through Environmental Reserves, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

11.4.3 Supports small-scale, home-based service, commercial, and industrial uses in Suburban Residential areas, providing such uses shall not conflict with the residential character of the area.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The \$500.00 fee for a DVP has been paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015*.

b. 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 Development Variance Permit.

c. Environmental Considerations:

The proposal would involve tree removal onsite to facilitate the development. Please see above site photo (Figure 5) for reference.

d. Social Considerations:

No negative social impacts are anticipated from the proposed variances.

e. Economic Considerations:

No economic considerations are anticipated from this DVP application.

f. 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 March 25, 2021. To date, no comments have been received from above notice circulation.

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

The Ministry of Transportation and Infrastructure (MOTI)

The MOTI "has no concerns at this time related to the setback variance proposed".

g. Staffing/Departmental Workplan 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 accessory building.

h. Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Staff have reviewed this DVP and conducted a site visit. Other than the exterior side setback variance requested, the proposal is consistent with the relevant Suburban Residential objectives, policies and zoning regulations under the *Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011*. Planning staff support the variances requested for the construction of an accessory building since it is not anticipated to negatively impact the surrounding properties, and will provide covered storage in a

building location that is outside of the existing septic field and sloped section of the subject property.

The size of the lot, slope towards the side and front of the property and the location of the existing single family dwelling and detached garage reduce the siting options for an accessory building. The proposed accessory structure would meet all of the other setback requirements, is less than the maximum height (6 metres) and gross floor area (200 m²) regulations for an accessory building, and is under the site coverage (33%) and cumulative gross floor area (400 m²) requirements for all accessory buildings or structures set out in the R2 Zone. Collectively, this helps to reduce the massing of the building to fit the form and character of the neighbourhood.

The proposed location of the accessory structure will be visible from the adjacent property to the north, however, the existing road would act as a buffer the closest neighbouring property. The proposed siting of the accessory building would be approximately 30 metres (across the road) from the adjacent residence to the north.

Planning staff support the variance requested, since:

- it is not anticipated to negatively impact the surrounding properties;
- no verbal or written comments were received from the adjacent property owners;
- the siting of the building will meet the R2 Zone's lot coverage, height, gross floor area, cumulative gross floor area and height requirements; and,
- this location would provide for the required maneuverability to park and store the applicant's RV.

Option 1:

That the Board APPROVE the issuance of Development Variance Permit V2102F-08381.100 to Tracy and Craig Lisk for the property located at 4196 View Ridge Road and legally described as LOT 1 DISTRICT LOT 7068 KOOTENAY LAND DISTRICT PLAN NEP18821 (PID: 015-953-866) to vary Section 605.5 under *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the exterior setback adjacent to Brown Road from 4.5 metres to 3.0 metres to permit the construction of a 140 m² in size accessory building for the parking and storage of a RV.

And that, the Regional District issue Development Variance Permit V2102F-08381.100 following the Ministry of Transportation and Infrastructure's approval of the boundary adjustment subdivision application (MOTI File No. 2021-00475).

Option 2:

That the Board NOT APPROVE the issuance of Development Variance Permit V2102F-08381.100 to Tracy and Craig Lisk for the property located at 4196 View Ridge Road and legally described as LOT 1 DISTRICT LOT 7068 KOOTENAY LAND DISTRICT PLAN NEP18821 (PID: 015-953-866) to vary Section 605.5 under *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the exterior setback adjacent to Brown Road from 4.5 metres to 3.0 metres to permit the construction of a 140 m² in size accessory building for the parking and storage of a RV.

SECTION 5: RECOMMENDATION(S)

That the Board APPROVE the issuance of Development Variance Permit V2102F-08381.100 to Tracy and Craig Lisk for the property located at 4196 View Ridge Road and legally described as LOT 1 DISTRICT LOT 7068 KOOTENAY LAND DISTRICT PLAN NEP18821 (PID: 015-953-866) to vary Section 605.5 under *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the exterior setback adjacent to Brown Road from 4.5 metres to 3.0 metres to permit the construction of a 140 m² in size accessory building for the parking and storage of a RV.

And Further, the Regional District issue Development Variance Permit V2102F-08381.100 following the Ministry of Transportation and Infrastructure's approval of the boundary adjustment subdivision application (MOTI File No. 2021-00475).

Respectfully submitted,

Signature: *Submitted Electronically*

Name: Stephanie Johnson

CONCURRENCE

Initials:

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 Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004