



Committee Report

Date of Report: 02, 25, 2022
Date & Type of Meeting: 03, 16, 2022, Rural Affairs Committee
Author: Eileen Senyk, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2115A
Electoral Area/Municipality: Electoral Area 'A'

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Board to consider a Development Variance Permit for an interior lot line setback reduction from 2.5m to 2m in Electoral Area 'A'. Staff recommend that the Board approve the request for a variance.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Susan and Larry Eirikson

Property Location: 13606 Mountain Shores Rd. Boswell, BC

Legal Description: LOT 22, PLAN NEP89395, DISTRICT LOT 4595, KOOTENAY LAND DISTRICT (PID 027-976-220)

Property Size: 0.22 hectares (0.56 acres)

Zoning: Suburban Residential (R1)

OCP: Suburban Residential (SR)

SURROUNDING LAND USES

North: Suburban Residential

South: Suburban Residential

East: Suburban Residential

West: Suburban Residential

The subject property is located on a small lot zoned Suburban Residential (R1) in the Mountain Shores subdivision located between the unincorporated communities of Gray Creek and Boswell on the East Shore of Kootenay Lake. The topography where the property is located is somewhat challenging due to steepness.

The site has been excavated for the proposed residence. The Building Official for the area noted that the setback distance had not been met during the siting and footing inspection which triggered the requirement for this application. There is an accessory building located on the property under an open building permit (not yet complete). The property is connected to both community water and community sewer. As a result there are no wells or septic fields located on the property.



Figure 1: Overview Map

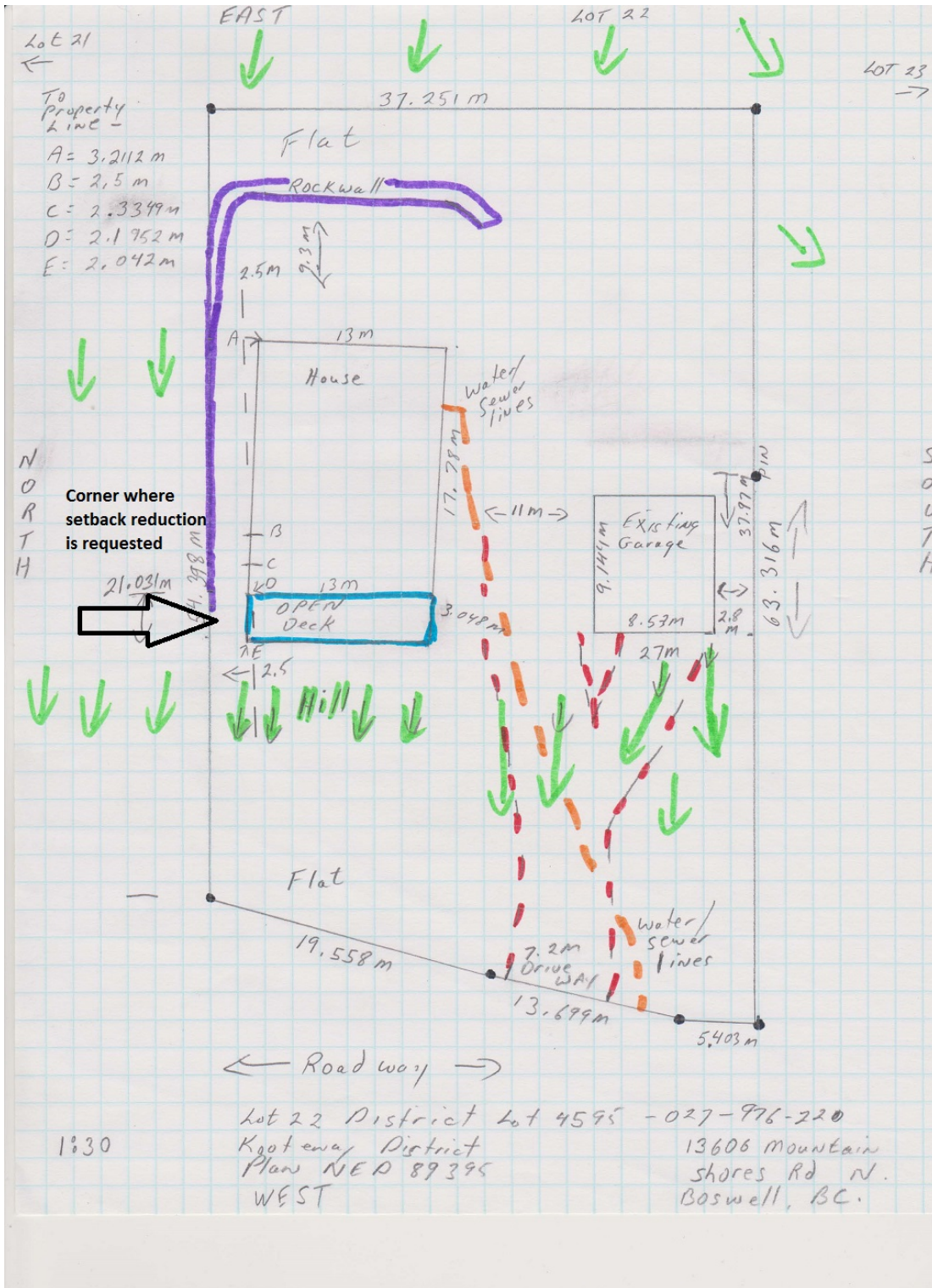


Figure 2: Site Plan

Planning Policy

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Section 5, Suburban Residential Policies:

The Regional Board:

20. Directs that the principal use shall be one-family or two-family dwellings.
21. Directs that the recommended minimum lot size should be 2000 square metres of site area where serviced by a community water system, unless a lot is serviced by a community sewer system whereby the minimum lot size should be 700 square metres.
22. Directs that one-family or two-family dwelling units should be permitted per 2000 square metres of site area where serviced by community water supply. In areas where there is no associated zoning, this minimum lot size may vary if the area needed for an on-site septic system is less.
23. Directs that suburban residential designations should be serviced by a community water system.
24. Directs that building heights may be regulated where new construction may obstruct views on neighboring properties.



Figure 3: Facing East



Figure 4: Building Site during Snow Free Conditions

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 for a Development Variance Permit was paid in full.

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

Section 498 of the Local Government Act contains provisions for varying elements of a zoning bylaw that do not involve use or density. Varying an interior (side) lot line setback is allowable pursuant to the LGA.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

The property owner located to the north of the proposed residence will be the most affected by the proximity to the side lot line. This owner has received information regarding the application and did not oppose it.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to 20 neighboring land owners as well as relevant government agencies. The following comments were received:

Interior Health Authority – Environmental Health Officer – January 12, 2022

'No objection to application'

Ministry of Transportation and Infrastructure – Development Officer – January 12, 2022

'MOTI does not have any concerns with this proposed side yard setback variance.'

Neighboring Land Owner – January 31, 2022

'As the owners of Lot 21 we received the notice of variance application and have reviewed the package on the on the RDCK website. We had noticed that the excavations looked closer than the required set-back last fall during a brief visit there but were not able to talk with [the owners] about that at the time so this is not a surprise. The area nearest the house on our lot has been landscaped to create space for our fire pit and we have a wood shed in this area that would be within 10 meters of Larry & Susan's proposed house. We are not excited about how close the proposed house is to our property line but do not oppose granting of the variance.'

3.7 Staffing/Departmental Workplace Considerations:

If the Board approves the Development Variance Permit, staff will commence the process of registering the permit on the property's title. The Building Department can continue with the building permit process.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable

SECTION 4: OPTIONS

Planning Discussion

Staff have reviewed the Development Variance Permit application and have conducted a site visit. The primary reason for have a 2.5 metre setback distance from an interior lot line is to ensure sufficient spatial separation under the BC Building Code for the purposes of fire safety. Reductions of interior lot line setbacks are sometimes possible where non-combustible cladding is proposed in the construction design. The proponent has confirmed that the following regarding building materials: *'The house will be clad in metal siding and roofing with the soffits and facia also being metal. The wall on the deck side (west) will be stucco and metal. The deck will be concrete.'*

The posts and beams will be Fir beams, stained. There are no windows on the north side of the house from the deck to the Kit, approx. 7.0M, which has two small windows. There are no other windows on the north side.'
The RDCK Building Department has confirmed that these materials are non-combustible, and has confirmed that it will meet requirements for spatial separation pursuant to the BC Building Code.

The neighboring property owner (to the north) responded to the referral and expressed that while the proximity of the proposed residence to the property line was not desirable, that they did not object to the application for a Development Variance Permit.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit to Larry and Susan Eirikson for the property located at 13606 Mountain Shores Rd. Boswell, BC and legally described as LOT 22, PLAN NEP89395, DISTRICT LOT 4595, KOOTENAY LAND DISTRICT (PID 027-976-220) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013: FROM 2.5 metres from any other lot line TO 2 metres from any other lot line.

Respectfully submitted,
Originally signed by Eileen Senyk.

Eileen Senyk, Planner

CONCURRENCE

Planning Manager – Digitally approved by Nelson Wight.
General Manager Development and Community Sustainability – Digitally approved by Sangita Sudan.
Chief Administrative Officer – Digitally approved by Stuart Horn.

ATTACHMENTS:
Attachment A – Draft Permit



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT VARIANCE PERMIT

Planning File No. V2115A

Date: March 2, 2022

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

TO: Susan and Larry Eirikson

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: 13606 Mountain Shores Rd. Boswell, BC

Legal: Lot 22, PLAN NEP89395, District Lot 4595, Kootenay Land District
PID (027-976-220)

CONDITIONS

5. Development Variance

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013, Section 18.17 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: 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 metres of any other lot line, as shown on Schedule '1', '2' & '3'.

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:

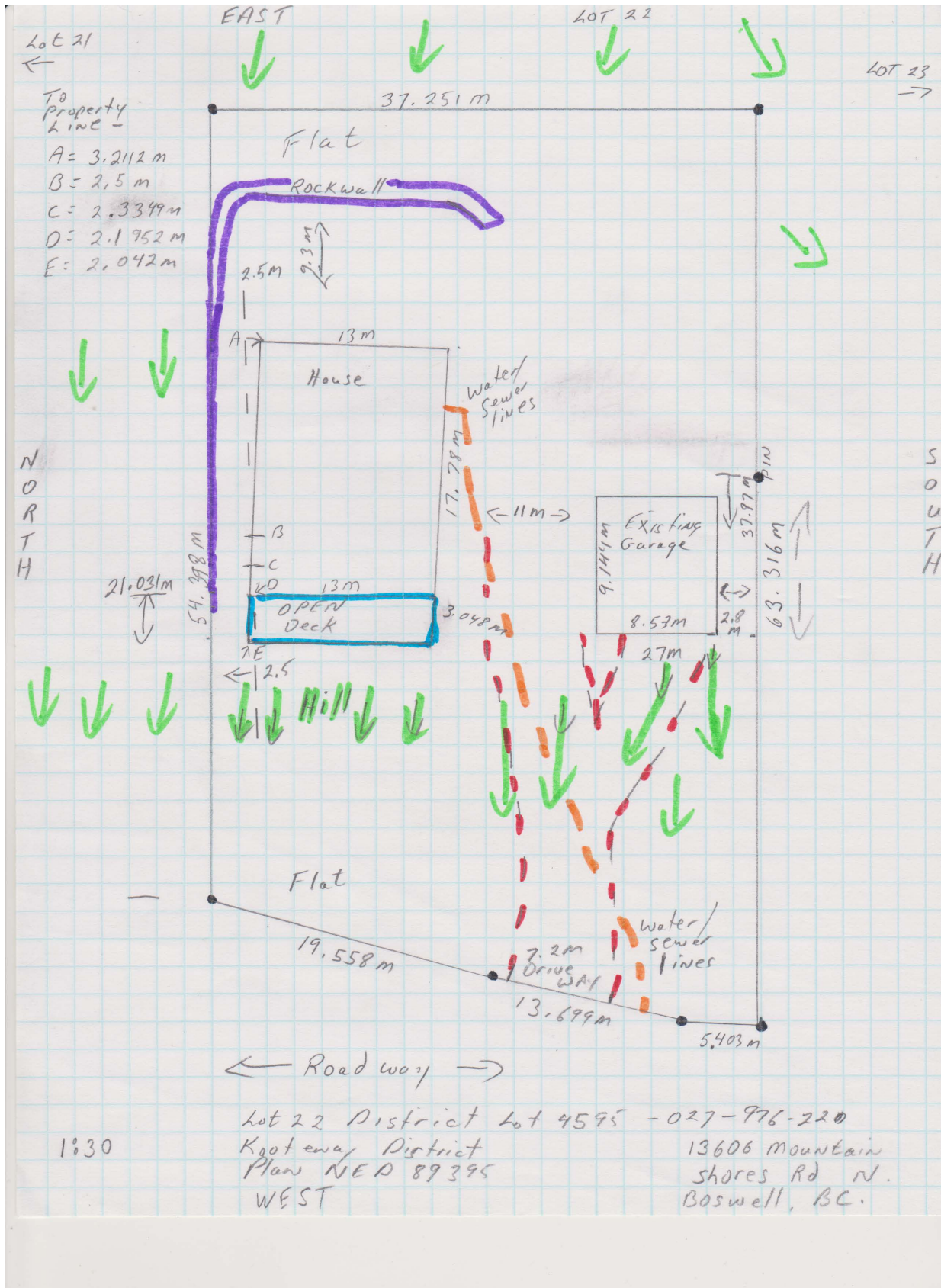
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

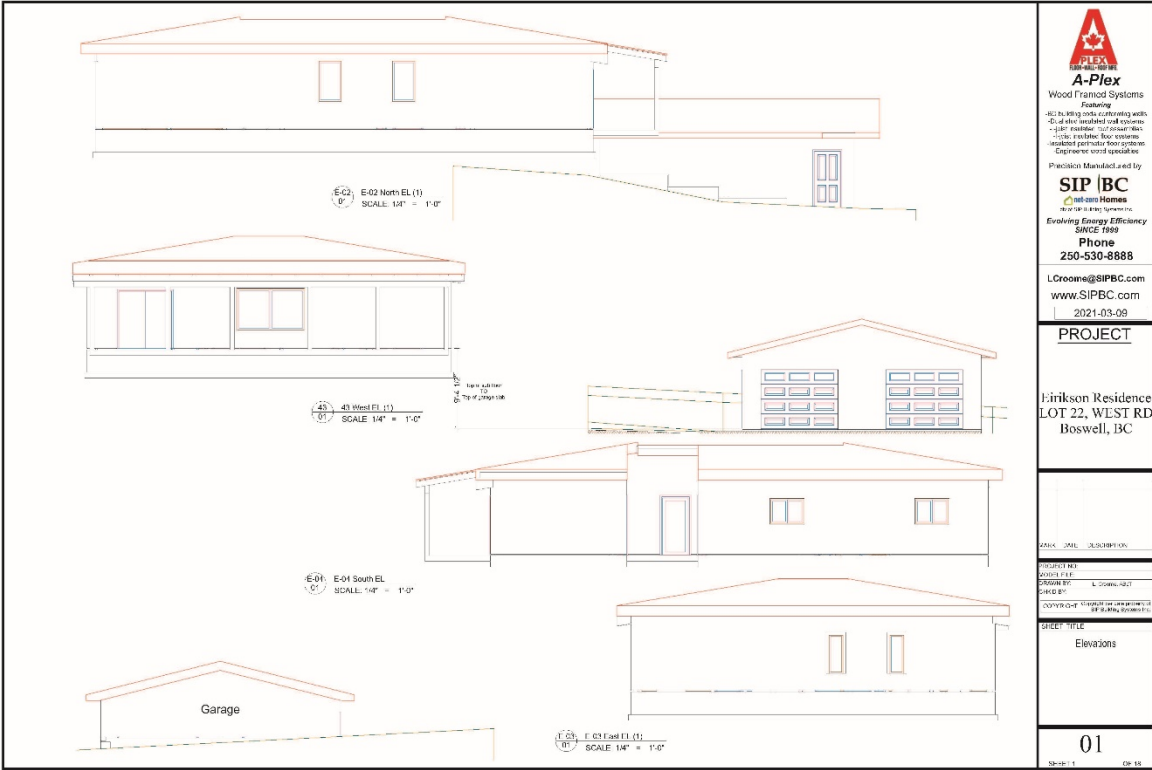
Schedule 1: Subject Property



Schedule 2: Site Plan



Schedule 3: Building Plans




Generic Perspective (79)
SCALE: 1/4" = 1'-0"

Generic Perspective (76)
SCALE: 1/65.51

Generic Perspective (80)
SCALE: 1/22.57

Perspective - Standing at garage side door
Generic Perspective (75)
SCALE: 1/1" = 1'-0"

Generic Perspective (73)
SCALE: 1/30.43



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2021-03-09

PROJECT

Hrikson Residence
LOT 22, WEST RD
Boswell, BC

PROJECT NO:
PROJECT FILE:
DRAWN BY: L. COOMES
DATE: 03/09/21
CHECKED BY: M. BROWN
DATE: 03/09/21

SHEET TITLE
PERSPECTIVES

07

Sheet 7 of 15