



Committee Report

Date of Report: 05, 03,2022
Date & Type of Meeting: 05,18. 2022, Rural Affairs Committee
Author: Eileen Senyk, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2202I-07319.050-TAIT_&_MITCHELL-DVP00223
Electoral Area/Municipality |

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee to consider an application for a Development Variance Permit in Electoral Area I. Through this application the proponent is seeking relief from the following development regulations that would otherwise apply to the construction of an accessory building for RV/boat storage on the subject property: (a) increasing the maximum size 100 m² to 164 m², (b) increasing the maximum building height from 6.0 m to 7.4 m, and reducing the front lot line setback to Kalesnikoff Road from 7.5 m to 4.5 m. Staff recommend that the Board approve the variance.

SECTION 2: BACKGROUND/ANALYSIS

Background Information and Site Context

Table 1: General Information

GENERAL INFORMATION
Property Owner: Jason Tait and Julie Mitchell
Property Location: 1915 Kalesnikoff Road, Brilliant
Legal Description: LOT 1, BLOCK 1, PLAN NEP2938, DISTRICT LOT 9, KOOTENAY LAND DISTRICT (PID 015-111-725)
Property Size: 0.33 hectares (0.82 acres)
Zoning: Suburban Residential (R1)
OCP: Suburban Residential (SR)

Table 2: Surrounding Land Uses

SURROUNDING LAND USES
North: Suburban Residential (R1)
South: Suburban Residential (R1)
East: Suburban Residential (R1)
West: Columbia River – Parks and Recreation (PR)

The subject property is located in Electoral Area 'I' and is zoned Suburban Residential (R1). It is located in the unincorporated community of Brilliant and is adjacent to the Columbia River. The R1 zone allows for a maximum accessory building size of 100 m² and a maximum building height of 6 m. The property is connected to the Brilliant Improvement District water system and is serviced by on-site septic disposal. There is a single family dwelling on the property, a small outbuilding and some gardens.

The applicant has proposed to build an accessory building that is 164 m² and a height of 7.4 m. The purpose of the building is for Recreational Vehicle and Boat storage. In order to minimize the length of the driveway, the applicant proposes to reduce the setback distance to Kalesnikoff Road from 7.5m to 4.5m.

The location for the proposed building is adjacent to the east property line near Kalesnikoff Road. This portion of the property is flat and well away from the slope leading down to the Columbia River.

Table 3: Development Regulations

Development Regulation	Maximum Allowable in R1 Zone	Proposed
Maximum height for accessory structure	6 m	7.4 m
Maximum gross floor area for any accessory building	100 m ²	164 m ²
Maximum cumulative gross floor area of all accessory buildings	200 m ²	194 m ²
Maximum site coverage	50%	15%
Maximum area that buildings and structures will cover	33%	11%
Setback from front or exterior side lot line	7.5m	4.5m
Setback from interior lot line	2.5m	6 m



Figure 1: Overview Map

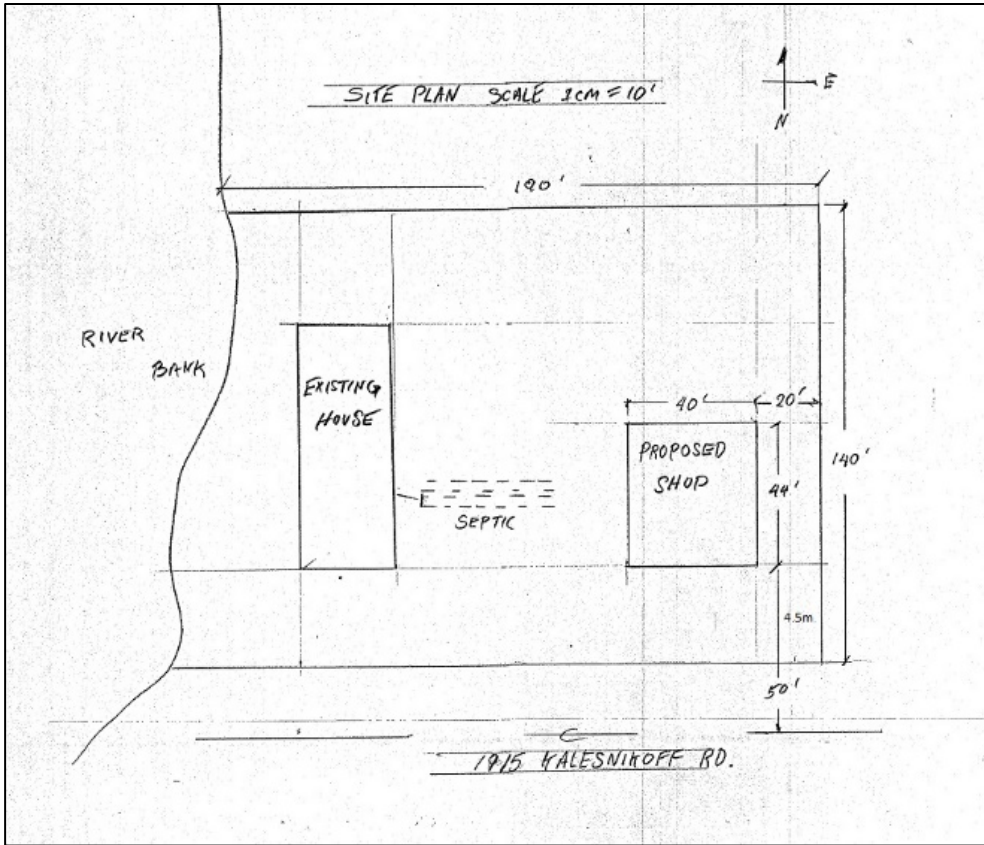


Figure 2: Proposed Site Plan



Figure 3: Artistic rendering of proposed accessory building



Figure 4: Proposed location of accessory building, facing neighbor to the east



Figure 5: Proposed accessory building location relative to Kalesnikoff Road



Figure 6: Existing house on subject property - facing north

Planning Policy

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

3.2.2 Suburban Residential Policies (As shown on Schedule 'B' - Land Use Designations)

3.2.2.1 The principal use shall be residential.

3.2.2.2 The minimum lot size shall be 2000 square metres.

3.2.2.3 One dwelling unit shall be permitted per 2000 square metres of site area.

3.2.2.4 Shall be serviced by a community water system.

3.2.2.5 In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.

Community Specific Policies Relative to this Application:

3.10.4 Brilliant

3.10.4.1 Existing residential lots serviced by the community water system operated by the Brilliant Improvement District shall have a minimum lot size of 2000 square metres and shall be designated as Suburban Residential as shown on Schedule 'B'.

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 application fee was paid in full by the applicant subject 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 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:

There were no responses from neighboring property owners and staff have not identified any negative social consequences associated with the development.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to 17 neighboring land owners as well as relevant government agencies. The following comments were received:

Ministry of Transportation and Infrastructure – Assistant Development Technician – March 30, 2022

MoTI has no objections as long as 4.5 m setbacks from Kalesnikoff Road are maintained and the use is as stated in the application (i.e., non-commercial). All associated parking with the building will need to be contained on the applicant's own property. If the use should change in the future, an access permit may be required.

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 proceed with the building permit process.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

The applicant seeks to build an accessory building that is 64 m² over the allowable gross floor area for the R1 zone. At 0.33 hectares, the property is larger than the minimum 0.2 hectares for the zone, but not large enough to be subdivided. A larger accessory building will therefore not affect the maximum site coverage of future lots, as future lots are not possible. The Ministry of Transportation and Infrastructure was the only agency to

respond, and noted that as long as the accessory building is located outside of the 4.5m setback they have no concerns. The owner does not intend to use the building for any purpose other than storage. Neighboring property owners were informed of the proposal, but none responded. Staff recommend that the Board approve the permit.

Option 1

That the Board APPROVE the issuance of a Development Permit V22021 to Jason Tait and Julie Mitchell for the property located at 1915 Kalesnikoff Road and legally described as Lot 1, Block 1, Plan NEP2938, District Lot 9, Kootenay Land District.

Option 2

That the Board NOT APPROVE the issuance of a Development Permit V22021 to Jason Tait and Julie Mitchell for the property located at 1915 Kalesnikoff Road and legally described as Lot 1, Block 1, Plan NEP2938, District Lot 9, Kootenay Land District.

Option 3

That the Rural Affairs Committee refer the application to the June 2022 Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of a Development Permit V22021 to Jason Tait and Julie Mitchell for the property located at 1915 Kalesnikoff Road and legally described as Lot 1, Block 1, Plan NEP2938, District Lot 9, Kootenay Land District.

Respectfully submitted,
Eileen Senyk - Planner

CONCURRENCE

Planning Manager – Nelson Wight	Approved	
General Manager of Sustainability and Community Development – Sangita Sudan		Approved
Chief Administrative Officer – Stuart Horn	Approved	

ATTACHMENTS:
Attachment A – Draft Development Variance Permit