



Committee Report

Date of Report: July 7, 2022
Date & Type of Meeting: July 20, 2022, Rural Affairs Committee Meeting
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2205J-07288.062-MCINTOSH-DVP000226
Electoral Area/Municipality: Area 'J'

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Development Variance Permit (DVP) application to increase the maximum height and to reduce the interior side (southern) setback for an accessory structure to construct a building for storage use at 815 Columbia Road in Ootischenia, Electoral Area 'J'.

An existing residence with an attached garage currently occupies the site.

Staff recommend that the Board approve the issuance of this DVP.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	Scott McIntosh and Ryanna McIntosh
Property Location:	815 Columbia Road, Ootischenia
Legal Description:	LOT 3 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP98537 (PID: 031-146-236)
Property Size:	0.24 hectares (ha)
Zoning Designation:	Ootischenia Suburban Residential (R1A)
OCP Designation:	Suburban Residential One (SR1)

ORIENTATION	ZONING	LAND USE
North	Ootischenia Suburban Residential (R1A)	Single family residential uses
East	Ootischenia Suburban Residential (R1A)	Single family residential uses and Columbia Road
South	Ootischenia Suburban Residential (R1A)	Single family residential uses
West	Ootischenia Suburban Residential (R1A)	Single family residential uses

Site Context

The property is bounded by residential uses to the north, south and west, and Columbia Road to the east. An existing residence with an attached garage currently occupies the site.



Figure 1: Zoning Overview Map



Sources: Eri, Airbus DS,
USGS, NGA, NASA, CGUI,
N Robinson, NCSAS, NLS,
OS, NMA,
Geodanbyreson.



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
- Civic Address

Map Scale:

1:2,257

Date: May 30, 2022



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: Air Photo Subject Property Overview

Development Proposal

This DVP application seeks to vary Sections 605.1 and 801.7 of RDCK Zoning Bylaw No. 1675, 2004. The applicant is requesting to:

- reduce the interior side (southern) setback from 2.5 metres to 1.5 metres; and
- increase the maximum height of an accessory building from 6.0 metres to 6.6 metres.

The variances for this proposed 83 m² in size accessory structure are to allow for better parking maneuverability to accommodate a recreational vehicle and or boat, and to match the existing the roofline of the existing residence on the subject property.

Table 1: Relevant Development Regulations under the Suburban Residential (R1A) Zone

Development Regulation	Maximum Allowable in R1A Zone	Proposed
Maximum height	6.0 m	6.6 m
Maximum gross floor area for any accessory building	100 m ²	83 m ²
Maximum cumulative gross floor area (GFA) of all accessory buildings <i>*The existing <u>accessory structure</u> (i.e. wood shed) 20 m² in size is not considered under the GFA calculation because it is unenclosed.</i>	200 m ²	83 m ²
Maximum site coverage	50%	13% (approx.) <i>*including the proposed accessory structure</i>
Minimum setbacks:		
Front	4.5 m	92 m (approx.)
Rear	2.5 m	32 m (approx.)
Exterior Side	4.5 m	N/A
Interior Side	2.5 m	1.5 m

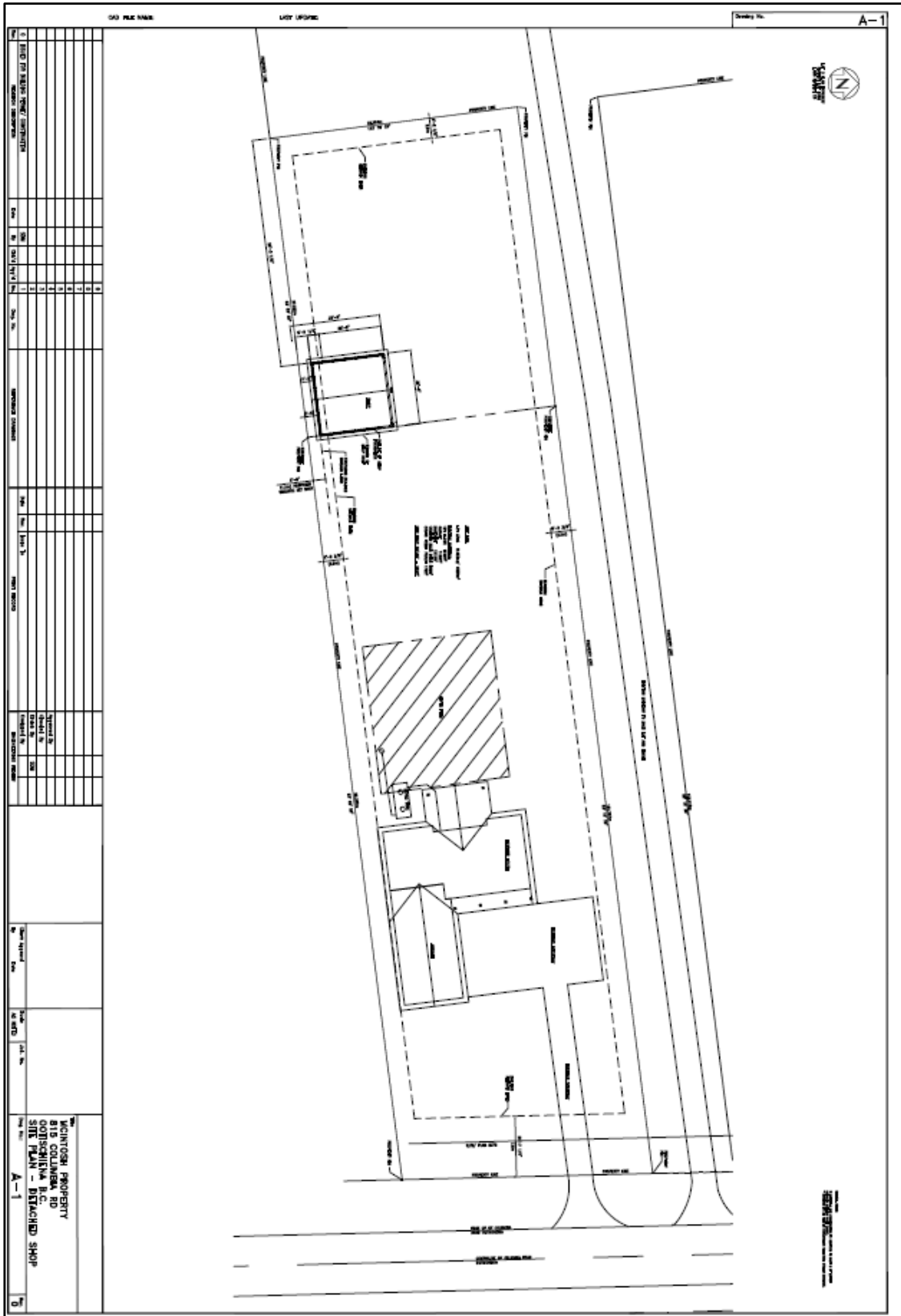


Figure 4: Site Plan

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 fee for a DVP was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 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 DVP.

3.3 Environmental Considerations

No negative environmental considerations are anticipated should this DVP application be approved.

3.4 Social Considerations:

No negative social considerations are anticipated from this DVP application.

3.5 Economic Considerations:

No economic considerations are anticipated from this DVP application.

3.6 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 May 30, 2022. To date, no correspondence has been received in response to the above notification and or notice sign posted.

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

The Ministry of Transportation and Infrastructure (MOTI)

The "interests of the MOTI are unaffected by the proposed bylaw variance[s]".

Interior Health

The IH Healthy Community Development Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#). An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal".

Ootischenia Improvement District (OID)

"The [OID] Board has no comment" in response to this referral.

Ministry of Forest Lands Natural Resource Operations & Rural Development (FLNROD)

"This project should not create significant adverse environmental impacts if the proponent follows Section 34 of the Wildlife Act regarding tree removal and implements measures to prevent introduction and/or reduce the spread or establishment of invasive plants on site" as outlined below.

Concern	Details
<i>Invasive Species</i>	<p>Practices should prevent introduction and reduce spread/establishment of invasive plants on site. To control invasive plants:</p> <ul style="list-style-type: none"> • Treat invasive plants prior to any activities (preferably using a qualified professional). • Ensure that equipment brought onto site is free of soil and plant material to reduce the possibility of invasive plant species spread/establishment. <p>The proponent should maintain records of herbicide treatments, and should report invasive plants using the Report-A-Weed program (https://www.reportaweedbc.ca/)</p> <p>The primary risk of concern from the proposed activities is introduction and spread of invasive plants. Invasive plants are typically introduced to British Columbia through human activities. These invasive plants lack natural predators and pathogens that would otherwise keep their populations in check. Invasive plants often establish themselves in soils disturbed from development of roads, utility lines, trails, commercial recreation sites, agriculture, etc. Once established, invasive plants have a tremendous capacity to invade adjacent, undisturbed natural plant communities displace wildlife and disrupt natural ecosystem functions.</p>
<i>Migratory Bird Window</i>	<p>If works will occur within the breeding bird window (generally April 15 to August 15) the applicant should be aware of requirements under the Migratory Bird Convention Act for addressing incidental take. More information can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html</p>

Building Services

The following comments were received from Building Services:

“Regarding the South facing setback;

1) Where the limiting distance is equal to or greater than 0.6 m and less than 1.2 m, the exposing building face and any exterior wall located above the exposing building face that encloses an attic or roof space shall have a fire-resistance rating of not less than 45 min, and

a) the cladding shall be metal or noncombustible cladding installed in accordance with Section 9.20., 9.27. or 9.28. (see Note A-9.10.14.5.(1)),

b) the cladding shall

i) conform to Subsection 9.27.6., 9.27.7., 9.27.8., 9.27.9., or 9.27.10.,

ii) be installed without furring members, or on furring not more than 25 mm thick, over gypsum sheathing at least 12.7 mm thick or over masonry, and

iii) after conditioning in conformance with ASTM D 2898, “Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing,” have a flame-spread rating not greater than 25 when tested in accordance with Sentence 3.1.12.1.(2),

c) the cladding shall

i) conform to Subsection 9.27.12.,

ii) be installed with or without furring members over gypsum sheathing at least 12.7 mm thick or over masonry,

iii) have a flame-spread rating not greater than 25 when tested in accordance with Sentence 3.1.12.1.(2), and

iv) not exceed 2 mm in thickness exclusive of fasteners, joints and local reinforcements, or
d) the wall assembly shall comply with Clause 3.1.5.5.(1)(b) when tested in conformance with CAN/ULC-S134, "Fire Test of Exterior Wall Assemblies."

2) Have no glazed openings on the south wall

3) Roof soffits to have no openings and be protected

Regarding the building height;

Studs shown *do not* exceed part 9 of the building code. Does not affect building requirements."

FortisBC

"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. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities on Columbia Road.

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. All costs and land right requirements associated with changes to the subject property's existing service are the responsibility of the applicant. Furthermore, 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.

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>

Otherwise, FBC(E) has no concerns with this circulation".

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 building.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Planning staff support the issuance of this DVP since:

- The proposal is consistent with the relevant suburban residential objectives and policies in *Electoral Area 'J' Official Community Plan Bylaw No. 1157, 1996*, and all other zoning regulations within the *RDCK's Zoning Bylaw No. 1675, 2004*.
- The proposed size and scale of the accessory structure would also be subordinate to the existing residential primary use established on site, especially given is proposed siting in the rear yard.
- No neighbourhood feedback in response to the development notice sign posted on the subject property and or notices mailed to adjacent property residents about the proposed variances was received. The variances requested are 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 in the rear yard behind the existing residence.
- The proposed roof line requiring the height variance is consistent with the form and character of the existing dwelling.
- Should the variances not be approved and the owners build within the zoning regulations (i.e. 2.5 metres setback) for an accessory structure, the visual impact on the adjacent property to the south would be similar in nature.

It is for the above reasons that staff recommend that the Board proceed with the issuance of the DVP.

Options

Option 1: That the Board APPROVE the issuance of Development Variance Permit V2205J-07288.062 to Scott and Ryanna McIntosh for the property located at 815 Columbia Road and legally described as LOT 3 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP98537 (PID: 031-146-236) to vary Sections 605.1 and 801.7 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

1. reduce the internal side setback from 2.5 metres to 1.5 metres for the proposed workshop accessory building; and
2. increase the maximum height of a proposed workshop accessory building from 6.0 metres to 6.6 metres.

Option 2: That the Board NOT APPROVE the issuance of Development Variance Permit V2205J-07288.062 to Scott and Ryanna McIntosh for the property located at 815 Columbia Road and legally described as LOT 3 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP98537 (PID: 031-146-236) to vary Sections 605.1 and 801.7 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

1. reduce the internal side setback from 2.5 metres to 1.5 metres for the proposed workshop accessory building; and
2. increase the maximum height of a proposed workshop accessory building from 6.0 metres to 6.6 metres.

SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of Development Variance Permit V2205J-07288.062 to Scott and Ryanna McIntosh for the property located at 815 Columbia Road and legally described as LOT 3 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP98537 (PID: 031-146-236) to vary Sections 605.1 and 801.7 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

1. reduce the internal side setback from 2.5 metres to 1.5 metres for the proposed workshop accessory building; and
2. increase the maximum height of a proposed workshop accessory building from 6.0 metres to 6.6 metres.

Respectfully submitted,

“Submitted electronically”

Stephanie Johnson

CONCURRENCE

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 from *RDCK Zoning Bylaw No. 1675, 2004*