



# Committee Report

**Date of Report:** April 3, 2024  
**Date & Type of Meeting:** April 17, 2024 Rural Affairs Committee  
**Author:** Zachari Giacomazzo, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2402A – Campbell  
**Electoral Area/Municipality** A

## 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 ‘A’. The purpose of this application is to allow the applicant to re-build a detached garage on an existing concrete slab that remains from the original structure that was destroyed by a fire.

The DVP would authorize a detached garage to be constructed 1.5 metres from the southern lot line and 0.4 metres from the eastern lot line. Staff recommend that the Board approve the Development Variance Permit.

## SECTION 2: BACKGROUND/ANALYSIS

### GENERAL INFORMATION

**Property Owner(s):** James Campbell and Yvonne Campbell

**Agent:** Jeff Shatzko (Z-ko Construction Ltd.)

**Property Location:** 4481 Highway 3A, Wynndel, Electoral Area ‘A’

**Legal Description:** LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068 (PID: 007-640-510)

**Property Size:** 0.76 hectares (1.87 acres)

**Current Zoning:** Country Residential (R2)

**Current Official Community Plan Designation:** Suburban Residential (RS)

### SURROUNDING LAND USES

**North:** Country Residential (R2)

**East:** Country Residential (R2)

**South:** Country Residential (R2)

**West:** Country Residential (R2)

### Background Information and Subject Property

The subject property is located in Electoral Area ‘A’ on the west side of Highway 3A approximately 7 km north of the Town of Creston.

The property is presently being used for residential purposes and has been improved with a one-family dwelling that is serviced by a private well and on-site wastewater (septic) system. It is surrounded by similarly sized residential properties with individual driveways to access Highway 3A. The original detached garage that was destroyed by a fire was constructed approximately 1.5 metres from the southern lot line and 0.4 metres from the eastern lot line. The applicant is proposing to build a new garage in the same location and on the concrete slab that remains from the original structure.

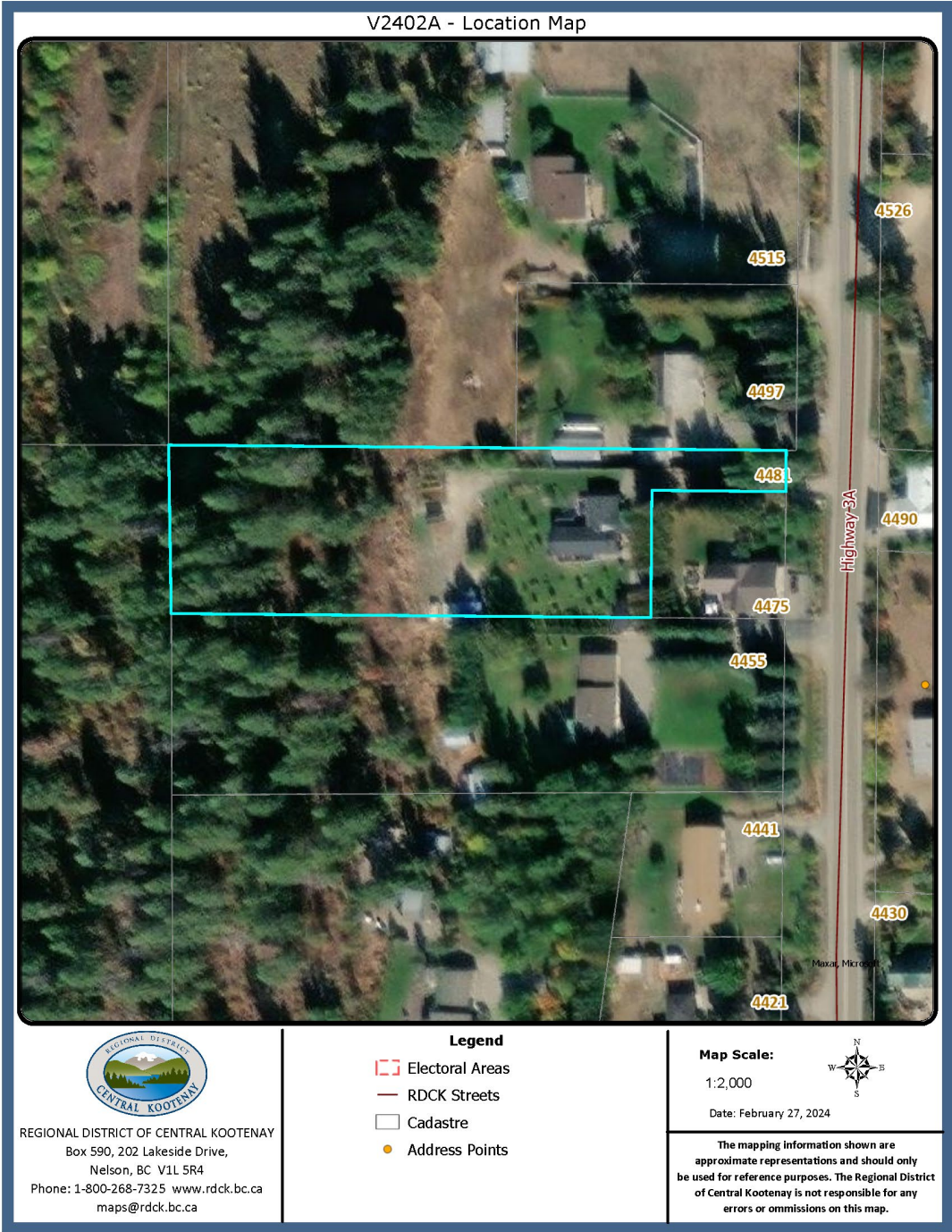


Figure 1 – Overview Map



Figure 2 – Zoning Map



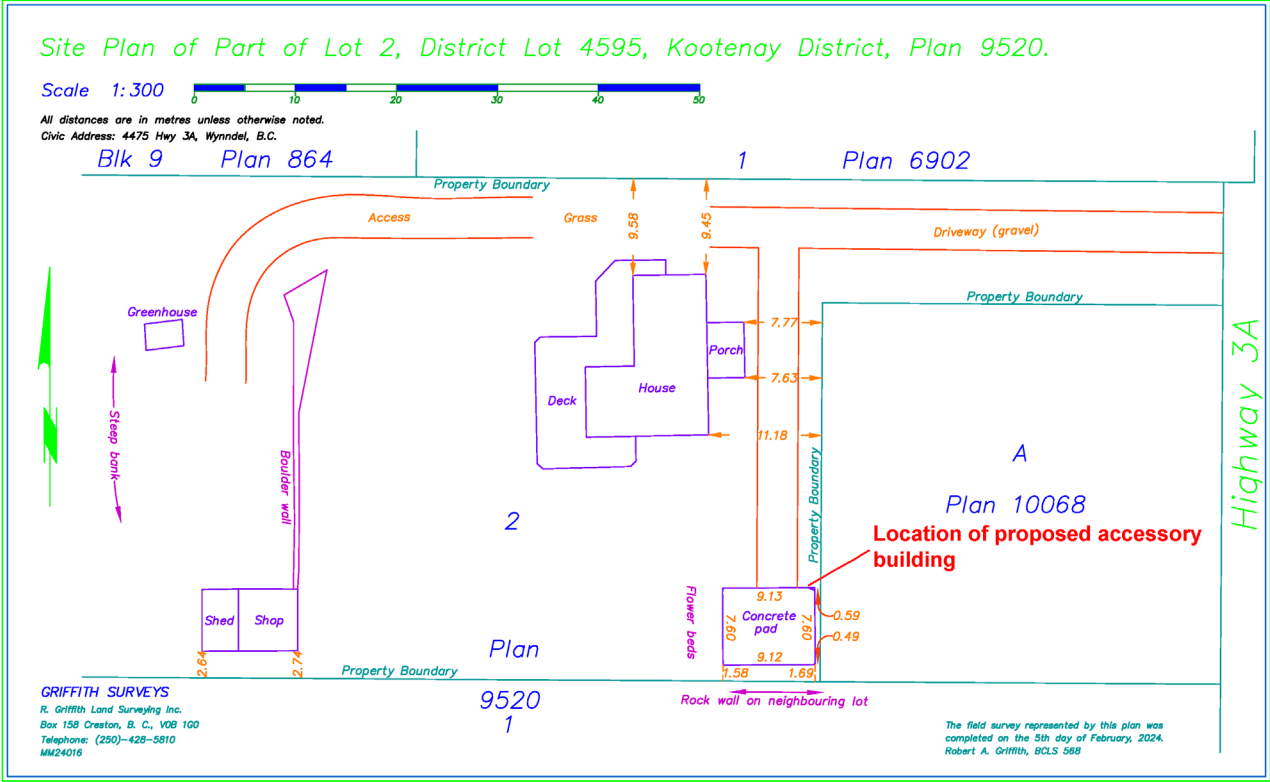
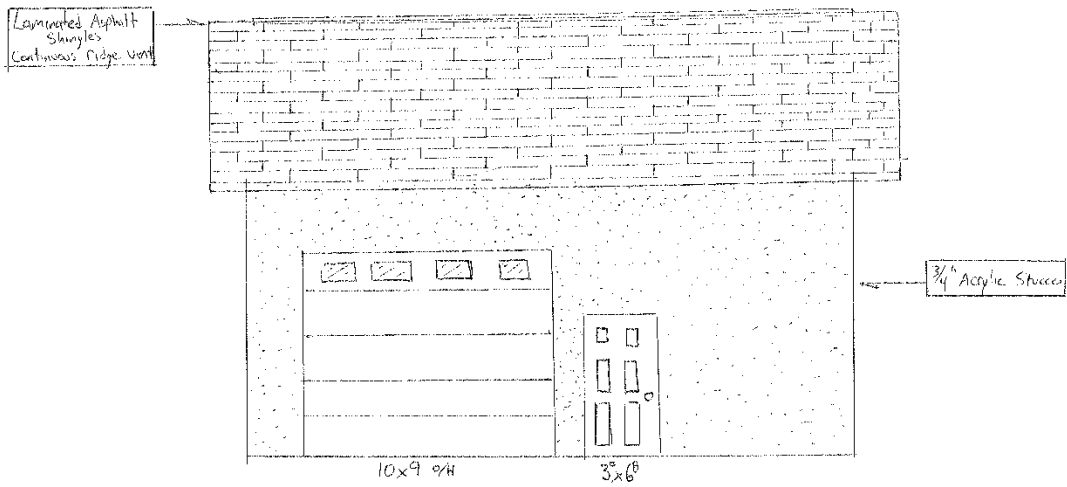


Figure 3 – Site Plan showing location of existing concrete pad and proposed accessory building.

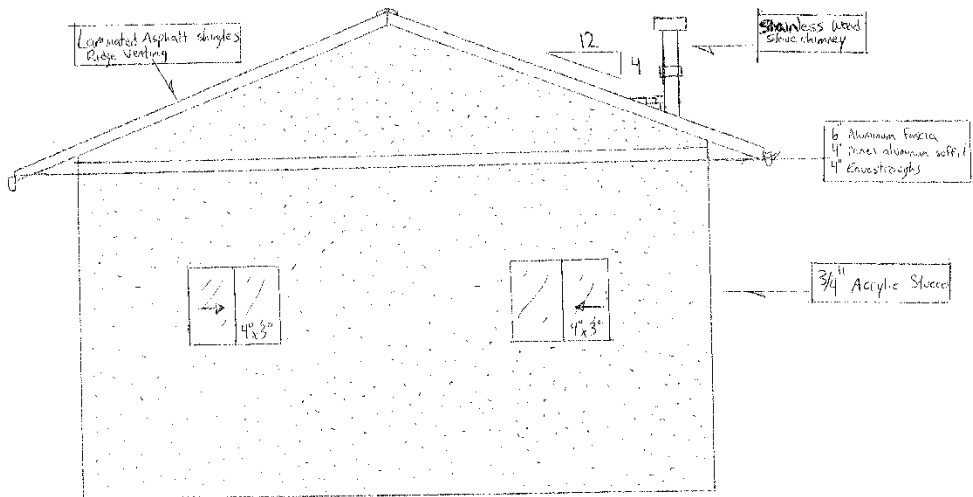
NORTH ELEVATION



James & Yvonne Campbell 4475 Highway 3A Weynodel BC Shop Rebuild	PAGE 3
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Figure 4 – Site plan/floor plan with the proposed emergency exit ramp circled red.

WEST ELEVATION



James & Yvonne Campbell 4475 Highway 3A Weynodel BC Shop Rebuild	PAGE 4
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Figure 5 – Emergency exit ramp details. The proposed 0.2 metre setback measurement is circled in red.





*Figure 6 – View looking east towards the existing concrete slab that remains from the original building that burnt down.*



*Figure 7 – View looking east that shows the 1.5 metre distance from the existing concrete slab to the property line.*





Figure 8 – View looking south that shows the 0.4 metre setback from the eastern property line.

## **Planning Policy**

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

#### **General Residential Objectives**

4. To minimize conflict between housing and other adjacent non-residential land uses.
8. To encourage residential development that is compatible with neighbouring properties.

#### **General Residential Policies**

The Regional Board:

13. Recognizes that existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation provided all other regulations are met.

#### **Suburban Residential (RS) Policies**

The Regional Board:

20. Directs that the principal use shall be one-family or two-family dwellings.

24. Directs that building heights may be regulated where new construction may obstruct views on neighbouring properties.

### 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 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 indicates that 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.

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:

Two letters of support were received from adjacent landowners, and no expressions of concern or opposition were received.

#### 3.5 Economic Considerations:

None anticipated.

#### 3.6 Communication Considerations:

The application was referred to internal departments, other government agencies and 13 surrounding property owners. No responses were received from the surrounding property owners. The following responses were received from government agencies.

##### RDCK Building Services

*In accordance with the BC Building Code please be advised of the following requirements:*

- *Non-vented soffits facing the nearest property lines*
- *Non combustible siding pursuant to Section 9.10 of BC Building Code*
- *45 minute fire rated wall assemblies*
- *No openings on either side facing nearest property lines*
- *Existing slab will need to be reviewed by engineer pursuant to Section 9.15 of BC Building Code*

##### Area 'A' APHC (comments from the approved minutes of March 7, 2024 meeting)

*Director Jackman and staff provided a brief overview of the application and relevant setback regulations. The commission discussed the following: the history of the property including extent of the fire and the remaining slab, the potential fire concerns and possibility of building measures to mitigate risk, concern about current and future neighbours and the development variance permit application process generally.*



**Moved** and seconded,

AND Resolved that it be recommended to the Board:

That the Area A Advisory Planning Commission **SUPPORT** the Development Variance Permit Application to Jeff Shatzko for the property located 4481 Highway 3A, Wynndel and legally described as LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068

Interior Health Authority – Team Leader: Healthy Community Development

No comments provided.

**Staff Note:** The construction plans for the proposed building do not show a washroom or any plumbing fixtures.

Ministry of Transportation and Infrastructure – Development Officer

Thank you for the opportunity to comment on the above noted file.

The subject property is located along Highway 3A, which requires issuance of an access permit from the Ministry.

Application can be made at the following link: <https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits>. Should the owners have any questions regarding the permit, they can reach out to [BCMOT.WKD@gov.bc.ca](mailto:BCMOT.WKD@gov.bc.ca).

Fortis BC

*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 Highway 3A.
- 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 approve 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 prior to constructing the accessory structure.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

## SECTION 4: OPTIONS

### Planning Discussion

Planning staff support the issuance of this DVP since:

- The variance would reduce the required setback for the reconstruction of a building that previously existed in that location, making use of the existing concrete foundation.
- The form and character of the surrounding residential area is not impacted by the request to reduce the setback from the northern interior lot line and the footprint of the building is not changing.
- The proposal is consistent with all other applicable zoning regulations in Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013
- There has been no opposition or feedback from surrounding landowners in response to the notice of proposal sign posted on the subject property or the notice of application that was sent by mail.
- Two letters of support were provided by the applicant that were signed by the adjacent landowners that would be most affected by the reduced setback.

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 V2402A to Jeff Shatzko for the property located at 4481 Highway 3A and legally described as LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068 (PID: 007-640-510) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 1.5 metre setback from the southern interior lot line and a 0.4 metre setback from the eastern lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

#### Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2402A to Jeff Shatzko for the property located at 4481 Highway 3A and legally described as LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068 (PID: 007-640-510) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 1.5 metre setback from the southern interior lot line and a 0.4 metre setback from the eastern lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2402A to Jeff Shatzko for the property located at 4481 Highway 3A and legally described as LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068 (PID: 007-640-510) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 1.5 metre setback from the southern interior lot line and a 0.4 metre setback from the eastern lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

Respectfully submitted,

Zachari Giacomazzo

## CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager Development & Sustainability – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

### ATTACHMENTS:

**Attachment A – Development Variance Permit**

**Attachment B – Excerpt from *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013***

**Attachment C – Letters of Support**