STAFF REPORT

RE: Development Variance Permit Application – Walls

Date: January 31, 2019    File #: C-3063s-07038.000

To: Chair Russell and members of the Board of Directors

From: Ken Gobeil, Senior Planner

ISSUE INTRODUCTION

We have received an application for a Development Variance Permit to extend the deck and roofline protrusion for a proposed house in Electoral Area ‘C’/Christina Lake (see Attachments).

<table>
<thead>
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<th>Property Information</th>
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<tbody>
<tr>
<td><strong>Owner(s):</strong></td>
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<tr>
<td><strong>Agent</strong></td>
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<td><strong>Location:</strong></td>
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<td><strong>Electoral Area:</strong></td>
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<tr>
<td><strong>Legal Description(s):</strong></td>
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<td><strong>Area:</strong></td>
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<thead>
<tr>
<th>Land Use Bylaws</th>
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<tr>
<td><strong>OCP Bylaw No. 1250</strong></td>
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<td><strong>Development Permit Area</strong></td>
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<td><strong>Service Area</strong></td>
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<td><strong>Zoning Bylaw No. 1300</strong></td>
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<th>Other</th>
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<td><strong>ALR</strong></td>
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<td><strong>Floodplain</strong></td>
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HISTORY / BACKGROUND INFORMATION

The property abuts Christina Lake, north of English Point. The lot is divided by East Lake Drive with the portion between the lake and East Lake Drive being considerably smaller than the portion east of East Lake Drive. Both portions of property are sloped. There is a retaining wall installed along the lakefront portion of the property. This retaining wall was identified as the current natural boundary of Christina Lake in 2011.

Previous Applications for Development Variance Permits

In August 2018 the Board of Directors approved a Development Variance Permit that created a building envelope on the lakefront portion of the property for a house.

The RDKB Board of Directors approved the Development Variance Permit pictured above in 2011, and 2016. The previous permits lapsed because construction did not begin within 2 years of issuance of the permit. When a permit lapses a new permit is required. A permit can be renewed if the application is made 60 days before the permit expires.

The current Development Variance Permit (597-18V) was issued with the condition that the Applicants obtain a permit to build within 4.5 metres of a highway. This condition was met in December 2018.
PROPOSAL

The applicant is applying for a Development Variance Permit to extend the projection of a deck and roofline on the dwelling on lakefront and the north side of the property. There will be no additional footprint of the foundation past the variance approved in August 2018.

The applicant requests the following:

- To increase the maximum projection into the interior side yard from 0.60 metres to 0.76 metres; a 0.16 metre variance.
- To increase the maximum projection into a rear yard from 1.2 metres to 1.52 metres; a 0.32 metre variance.

IMPLICATIONS

In considering applications for Development Variance Permits, the RDKB generally considers whether the proposed variance will:

a) Resolve a hardship;
   b) Improve the development;
   c) Cause negative impacts to the neighbouring properties.

The Applicants has provided the following comments to address the evaluation criteria

a) The size of the parcel is so small that a variance is required in order to have a usable deck space.

b) The Applicant suggested in previous applications that their proposal will be an aesthetically pleasing addition to Christina Lake, and that a stick built home is better than a temporary or makeshift campsite. A dwelling, properly hooked to septic system, would improve the neighbourhood.

c) The potential negative impacts to neighbouring properties are reduced by only asking for a variance to the projection and not a foundation on the ground. The design of the house, and the proposed projection on the north side of the property were designed to reduce conflict with the southern neighbor.

Additional Permits

If this application is approved, the following permits are still required before a building permit can be issued:

- A Site Specific Exemption to the Floodplain Bylaw since the structure would be within the 7.5 metre floodplain setback (the floodplain elevation is 448.2m).
- A Development Permit since the entire property lies within the Environmentally Sensitive Development Permit Area (100 metres from the natural boundary of Christina Lake or a tributary).

The applicants have submitted concurrent applications for a Site Specific Exemption from the Floodplain Bylaw and a Development Permit for the proposed house. These
applications will be presented in separate reports once the required professional reports have been received.

Approval of this application does not guarantee the approval of any other permit.

**ADVISORY PLANNING COMMISSION (APC)**

The APC supported this application. There were no other comments regarding this application.

**ELECTORAL AREA SERVICES**

During the January 24, 2019 EAS meeting the following resolution was made:

> That the Development Variance Permit application submitted by Justin Tanguay of DJM Contracting on behalf of Patrick and Sharon Walls to increase the maximum projection into the interior side setback of a projection from 0.6 metres to 0.76 metres - a 0.16 metre variance; and to increase the maximum projection into the rear setback of a projection from 1.2 metres to 1.52 metres - a 0.32 metre variance to construct a single family dwelling on the property legally described as Lot 3, DL 3063s, SDYD, Plan 10615, Electoral Area 'C'/Christina Lake be presented to the Regional District of Kootenay Boundary Board of Directors, with a recommendation of support.

**RECOMMENDATION**

That the Regional District of Kootenay Boundary Board of Directors approves the Development Variance Permit application submitted by Justin Tanguay of DJM Contracting on behalf of Patrick and Sharon Walls to increase the maximum projection into the interior side setback of a projection from 0.6 metres to 0.76 metres - a 0.16 metre variance; and to increase the maximum projection into the rear setback of a projection from 1.2 metres to 1.52 metres - a 0.32 metre variance to construct a single family dwelling on the property legally described as Lot 3, DL 3063s, SDYD, Plan 10615, Electoral Area 'C'/Christina Lake.

**ATTACHMENTS**

Site Location Map
Subject Property Map
Applicant Submission
Subject Property
3173 East Lake Drive

Lic. No. 404911
Private moorage purposes

Christina Lake
Subject Property Map
Lot 3, Plan KAP10615
District Lot 3063S
Similkameen Div of Yale Land District

Date: 2018-08-13

Subject Property
3173 East Lake Drive

Christina Lake

Document Path: P:\PD\EA\_C\C-3063s-07038.000 Walls\2018-09-DVP\FabFour\2018-08-13_SPM_C-3063s-07038.800_Walls.mxd
The space below is provided to describe the proposed development. Additional pages may be attached.

New SFD on lakeside of property.

Bylaw reference: RDKB Zoning Bylaw No. 1300

Variance Request: To vary the maximum projection into the interior setback per Section 304.a)ii) of the zoning bylaw from 0.6 meters to 1.52 meters, a variance of 0.92 meters, as per drawings attached.

This change proposed is to resolve hardship of construction due to small available footprint. This variance is to permit a usable deck area and proper roof coverage on the NE corner of the property.
REQUESTED DISTANCE FROM NATURAL BOUNDARY (PLAN 1919) TO FACE OF DECK
REQUESTED DISTANCE FROM NATURAL BOUNDARY (RETAINING WALL) TO FACE OF DECK

VARIANCE REQUEST 1
- TO VARY THE MAXIMUM PROJECTION INTO THE INTERIOR SETBACK PER SECTION 304(a)(3) OF THE ZONING BY-LAW FROM 0.6 METRES TO 0.76 METRES: A VARIANCE OF 0.16 METRES.

VARIANCE REQUEST 2
- TO VARY THE MAXIMUM PROJECTION INTO THE REAR SETBACK PER SECTION 304(a)(3) OF THE ZONING BY-LAW FROM 1.2 METRES TO 1.52 METRES: A VARIANCE OF 0.32 METRES.

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Building Design and Drafting
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CONSULTANT/CONTRACTOR

WALLS RESIDENCE
3173 EAST LAKE ROAD

MAIN FLOOR PLAN

NOT FOR CONSTRUCTION
DESIGN DEVELOPMENT
WALLS RESIDENCE

BUILDING ELEVATIONS

A2.1

NOT FOR CONSTRUCTION
DESIGN DEVELOPMENT

Applicant Submission