



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 12, 2022

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 4, 2022

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. DVP21B07 (2109 Sarita Road, PID: 007-181-493/007-181-523)

FILE: DVP21B07

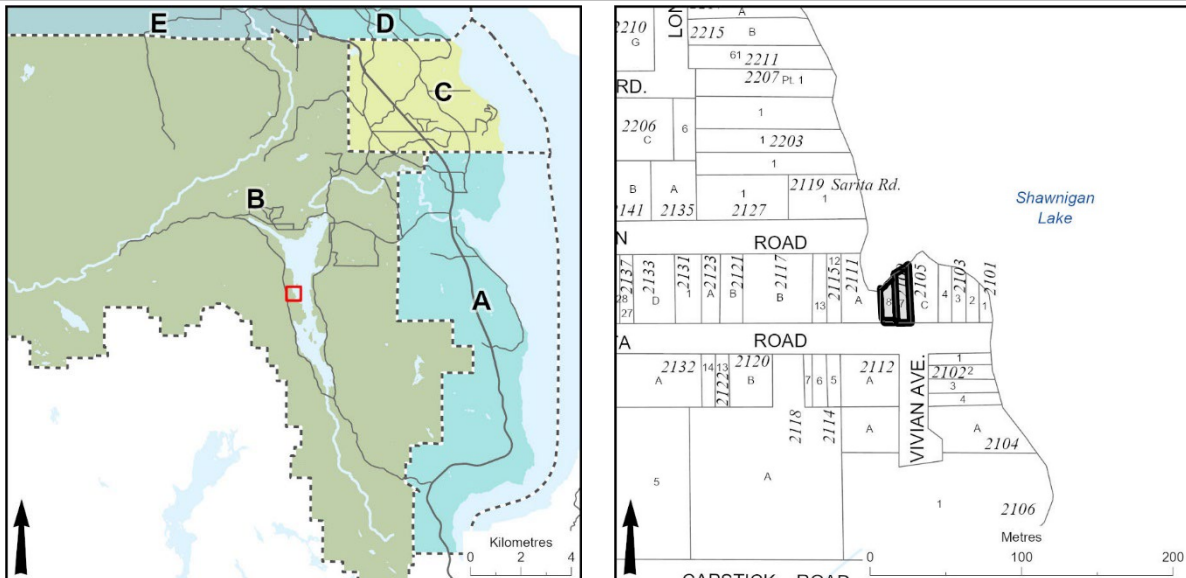
PURPOSE/INTRODUCTION

The purpose of this report is to present an application for a Development Variance Permit to vary Section 5.14(a) to reduce the setback from a watercourse from 15 m to 11.8 m for the enclosing of an existing deck to create a storage area below and sunroom above.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit No. DVP21B07 (2109 Sarita Road, PID: 007-181-493/007-181-523) be issued, subject to the consolidation of Lots 7 & 8, Block 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 1587.

LOCATION MAP



BACKGROUND

The subject property is comprised of two parcels, Lots 7 & 8, Block 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 1587, with the existing dwelling straddling the property line between Lot 7 and Lot 8. The lots are located on Sarita Road and front onto Shawnigan Lake. Photos from a staff site visit on February 23, 2022, are attached.

The existing dwelling was constructed prior to the enactment of *Riparian Areas Regulations*, with the most recent record of permit issued in 1993 for a residential renovation. Further, BC Assessment indicates that the house was constructed in 1968, prior to the adoption of a zoning

bylaw in Electoral Area B (the first zoning bylaw in Area B was adopted in 1975, Bylaw No. 162). There is no evidence that a Variance Permit has previously been issued.

The subject property is located in a residential area with R-2 – Suburban Residential zoning and Rural Residential designation. The area is outside of all containment boundaries.

For more information, please see:

- Attachment A – Background Table
- Attachment B – Site Photos

APPLICATION SUMMARY

The applicant is proposing to enclose below and above an existing deck to create a storage room on the lower level and sunroom on the upper level. Replacement of the existing stairs to meet *BC Building Code* specifications is also proposed. The deck is located 11.8 metres away from the high-water mark of Shawnigan Lake, within the 15-metre setback to a watercourse. This project will not cause any further encroachment into the setback as all work will take place in the existing footprint. As this project is within the Riparian Assessment Area (30 metres landward from the high-water mark of any watercourse, as per the [Riparian Areas Protection Regulations](#)), a Qualified Environmental Professional has conducted an assessment which can be viewed in Attachment C – RAPR Letter. The applicant has also submitted a site plan showing the location of the dwelling and deck in support of this application (see Attachment D – Site Plan).

The purpose of this application is to consider issuance of a Development Variance Permit to vary Section 5.14(a) to reduce the setback from a watercourse from 15 m to 11.8 m.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Advisory Planning Commission

As per Section 5(c) of CVRD Bylaw No. 4267 – Development Application Procedures and Fees Bylaw, 2019, this application has not been referred to the Area B – Shawnigan Lake Advisory Planning Commission (APC).

Adjacent Property Owner Notification

Letters were mailed out, or hand delivered, to property owners and occupants within 60 metres of the subject property. The notification letter described the purpose of the application and how to submit written comments.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

South Cowichan Official Community Plan No. 3510

The subject property is designated RR – Rural Residential and is outside of the Shawnigan Village Containment Boundary. This application was submitted prior to the adoption of the Official Community Plan for Electoral Area Bylaw No. 4270 and is, therefore, subject to the South Cowichan Rural Development Permit Area (DPA). As development which will increase the building volume is proposed within 30 m of the highwater mark of a watercourse, the Riparian Protection (freshwater) guidelines are triggered. A Development Permit application has been submitted with authority delegated to the General Manager. Issuance of a Development Permit will be considered upon the outcome of the requested variances.

Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985

The subject property is zoned R-2 – Suburban Residential. The parcel coverage of all buildings and structures must not be more than 30%. Setbacks of 7.5 m from the front parcel line fronting

on Sarita Road, 3 m from the interior side parcel lines and 15 m from the high-water mark of a watercourse, in this case, Shawnigan Lake, must be complied with. Height restrictions of principal buildings are 10 m and 7.5 m for accessory buildings.

This application seeks variances from the setback to a watercourse from 15 m to 11.8 m. All other zoning regulations have been complied with.

PLANNING ANALYSIS

As noted earlier in this report, the dwelling and deck currently straddle the property line of Lots 7 and 8, Block 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 1587. Although both properties are owned by the same owner, consolidation of the lots will be required prior to issuance of any permits. The owner has been in contact with a surveyor who is prepared to move forward with the lot consolidation and is aware that this step will be required before the CVRD can officially issue permits.

The development will take place within 30 metres of the high-water mark of a watercourse and therefore a Qualified Environmental Profession (QEP) has assessed the project. As noted in Attachment C, the QEP determined that the works will be taking place on top of the existing footprint and therefore does not trigger [Riparian Areas Protection Regulation](#). This does not, however, exempt it from the Riparian Protection development permit guidelines laid out in the South Cowichan Rural Development Permit Area. A renovation or alteration which increases building volume is required to obtain a development permit. An application has been made for the Riparian Protection Development Permit and will be submitted to the General Manager for consideration upon approval of this development variance permit.

There will be no further extension into the setback from a watercourse. The project will see the area above and below the deck enclosed and replacement of the existing staircase. The area below the deck will be used for storage of materials not susceptible to damage by flood waters and will not contain any habitable floor area. The applicant has indicated that construction materials used below the 120 m elevation include a concrete floor and foundation with steel doors. The deck itself is located above the 120 m elevation and will be enclosed to form a sunroom, providing additional habitable floor area. A building permit has been submitted for this project and a site visit was conducted by Development Services staff and a Building Inspector.

Based on the information provided above, it is the opinion of the Development Services staff that granting this variance permit will have minimal, if any, negative impact on surrounding areas. Staff are thereby recommending issuance of this development variance permit to grant a relaxation of the setback from a watercourse from 15 m to 11.8 m.

OPTIONS

Option 1: (Recommended)

That it be recommended to the Board that Development Variance Permit No. DVP21B07 (2109 Sarita Road, PID: 007-181-493/007-181-523) be issued, subject to the consolidation of Lots 7 and 8, Block 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 1587.

Option 2:


That it be recommended to the Board that Development Variance Permit No. DVP21B07 (2109 Sarita Road, PID: 007-181-493/007-181-523), be denied.

Prepared by:



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Planner I

Reviewed by:



Mike Tippett, RPP, MCIP
Manager



Ann Kjerulf, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – Background Table

Attachment B – Site Photos

Attachment C – RAPR Letter

Attachment D – Site Plan

Attachment E – Building Drawings

Attachment F – Draft Development Variance Permit