DEVELOPMENT and PLANNING SERVICES COMMITTEE

January 23, 2017

City of Salmon Arm

Council Chamber

City Hall, 500 - 2 Avenue NE

8:00 a.m.

Page #	Section	Item#	
	1.	**CALL TO ORDER**	
	2.	**REVIEW OF THE AGENDA**	
	3.	**DECLARATION OF INTEREST**	
	4.	**REPORTS**	
1 - 10		4.1	VP-439, Norgren, Michael & Eliason, Tracy, 5281 – 75 Avenue NE – Setback Variance
11 - 22		4.2	VP-444, Gowen, Alton & Heidi, 31 – 2 Street SE – Setback Variance
23 - 30		4.3	VP-445, Cumming, Paul & Wagner, Nancy, 4891 – 16 Street NE – Setback Variance
	5.	**PRESENTATION**	n/a
	6.	**CORRESPONDENCE**	
31 - 32		6.1	Correspondence between Corporate Officer and BC Wildfire Service
	7.	**IN CAMERA**	n/a
	8.	**LATE ITEM**	n/a
	9.	**ADJOURNMENT**	

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: December 17, 2016

Subject: Development Variance Permit Application No. VP-439
(Front and Rear Parcel Line Setback)
Legal: Parcel Z, Block 1, Section 5, Township 21, Range 9, W6M, KDYD, Plan 1004
Civic: 5281 75 Avenue NE
Owner / Applicant: Norgren, M. & Eliason, T. / Johnson, J.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-439 be authorized for issuance for Parcel Z, Block 1, Section 5, Township 21, Range 9, W6M, KDYD, Plan 1004, which will vary the provisions of Zoning Bylaw No. 2303 as follows:

1. **Section 6.10.1 – R-1 Single-Family Residential Zone – reduce the minimum building setback from the front parcel line from 6.0 m (19.7 ft) to 3.1 m (10.2 ft) for the existing single-family dwelling, as shown in Schedule A, and;**

2. **Section 6.10.2 – R-1 Single-Family Residential Zone – reduce the minimum building setback from the rear parcel line from 6.0 m (19.7 ft) to 1.3 m (4.3 ft) for the existing single-family dwelling, as shown in Schedule A.**

AND THAT: Issuance of Development Variance Permit No. VP-439 be withheld subject to the registration of a Section 219 *Land Title Act* covenant(s) registered on title ensuring compliance with Riparian Areas Regulation: Assessment Report Number 4062, addressing flood hazard, and saving the city harmless from any liability or damages that may arise in the future.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted;

PROPOSAL

Schedule A referred to in the motion for consideration and attached as Appendix 1 is a site plan illustrating the requested variances. The subject property is a 0.12 acre parcel located at 5281 – 75 Avenue NE, in Canoe, and contains an existing house (see Appendix 2, 3 and 4), which is non-conforming with respect to siting. Directly adjacent to Shuswap Lake, the subject property is entirely within the 30 m streamside protection and enhancement area (SPEA) specified by the Province's Riparian Area Regulations RAR. Site photos are attached as Appendix 5.

This application has been triggered post-development following formal complaints from a nearby property owner. Recent renovations are to previously existing exterior structures (exterior stairs and covered entry decks), including roof additions (permanent covers over entry stairs) visible in the aerial images attached (Appendix 3 and 4), completed without a Building Permit or RAR Assessment report.

These renovations are in non-conformance with respect to front and rear parcel line setback requirements: any addition representing an increase in non-conformance requires a variance application. Specifically, this application seeks to vary the required 6.0 m (19.7 ft) front parcel setback to 3.1 m (10.2

ft) along the southern parcel line adjacent to 75 Avenue NE. This request translates into a variance of 2.9 m (9.5 ft). Additionally, this application seeks to vary the required 6.0 m (19.7 ft) rear parcel setback to 1.3 m (4.3 ft) along the northern parcel line adjacent to Shuswap Lake. This request translates into a variance of 4.7 m (15.4 ft).

Recent renovations also include improvements to an existing rear deck that extends beyond the north parcel line. Staff note that any structures that extend beyond the northern parcel line are beyond the jurisdiction of the City to approve and are not addressed by this variance application.

BACKGROUND

The existing home is considered to be non-conforming with respect to front and rear parcel line setback requirements of the zoning bylaw. The parcel dates back to 1911. The lot faces some level of hardship with respect to the front and rear setback areas, floodplain provisions, as well as Provincial Riparian Area Regulations (RAR), with the majority of the existing home in non-conformance with current regulations.

The subject parcel is zoned R-1 in the Zoning Bylaw and is designated as Low Density in the Official Community Plan. For context, adjacent zoning and land uses include the following:

North:	P-1 (Park and Recreation) Zone	Shuswap Lake
East:	R-1 (Single-Family Residential) Zone	vacant parcel, single-family dwelling
South:	R-1 (Single-Family Residential) Zone	road/lane, CPR Right of Way
West:	R-1 (Single-Family Residential) Zone	single-family dwelling

This lot is subject to standard setback requirements in the zoning bylaw which specify a 6.0 metre setback from both front and rear parcel lines. Given the small size of the parcel, these setback regulations clearly restrict the building envelope of the small subject property, combining to restrict approximately 78% of the entire parcel.

With respect to the rear parcel line adjacent to Shuswap Lake, in the past other property owners have purchased Crown lands between their existing parcels and the lake boundary from the Province (referred to as "historic fills"). Had owners of the subject parcel done so in the past (or if they are able to do so in the future), the concern regarding the rear parcel setback as well as the encroaching deck would be erased. Other options may include a Provincial lease or "license of occupation" to permit the use of the adjacent Crown land. Staff understand that the owner has had ongoing communication with the Province regarding these potential options.

With respect to 75 Avenue NE, which is the boundary of the front parcel line, this is a local road requiring an ultimate setback of 10 metres (ft) from centreline. The width of this road is only approximately 5 m (ft) at this time and is constrained from widening by the CP Rail right-of-way to the south and private development to the north. Staff have taken the position with other proposals that this road will not be widened further, and therefore no variance is required in this regard.

Riparian Areas Regulation

A Riparian Areas Regulation (RAR) Assessment Report (number 4062) has been created for the property outlining how development could align with respect to RAR. The Ministry of Forests, Lands, and Natural Resource Operations has noted that the manner in which development proceeded (the recent renovations) does not meet RAR assessment and reporting standards, as there is no RAR methodology to address development after-the-fact. However, the City has received notification of the creation of the RAR Assessment Report, fulfilling the requirement to proceed with the application process.

Adjacent to Shuswap Lake, the entire lot and all existing structures are within the 30 m streamside protection and enhancement area (SPEA) specified by RAR. Under RAR, the existing development clearly faces a level of hardship, with a strict interpretation rendering the parcel undevelopable. Had the owners employed a QEP to complete a RAR assessment prior to development, the QEP may have been able to establish this hardship in such a manner that aligned the development reporting with RAR methodology. The QEP has suggested restorative plantings over a 76 square metre area of the Shuswap Lake shoreline as a form of habitat enhancement to align with RAR's intent and compensate for the encroachment into the SPEA.

A post-construction report from a QEP would be undertaken to ensure alignment of the development with the intent of RAR. It is the City's standard practice to not monitor or enforce RAR, and in particular the recommendations contained in a RAR assessment report. It is the City's view that completion, monitoring, and enforcement are the responsibility of the owner and Province.

Floodplain Provisions
Approximately one-third of the existing home is within 15 metres of the high water mark of Shuswap Lake, non-conforming with respect to the Floodplain Provisions of the Zoning Bylaw, however the renovations meet the exemption provisions.

Shed and Deck Status - Encroachments
The newly constructed deck and the shed in the lakeside, rear-yard are both encroaching beyond the northern parcel line onto Crown foreshore land, and each does not meet the 1.0 m (3.2 ft) setback from the rear parcel line for an accessory structure or building. Furthermore, because of the Crown land foreshore encroachment and the setback, a Building Permit cannot be issued (the shed does not require a Building Permit because it is less than 10 m^2 / 107.6 ft^2).

The property owner's agent has been making attempts over the past year to seek a lease, license of occupation or acquisition of the accreted Crown foreshore land; at least enough area to shift the rear lot line northward so that the two structures are able to meet Zoning Bylaw setbacks (similar to the acquisition of accreted Crown land and amalgamation with the two neighbouring properties to the east). Looking at the lake boundary (Appendix 2), the Province, more specifically at present Land and Water BC and the Ministry of Forests, Lands and Natural Resources, has had an evolving approach to addressing adjacent lands over time. The owner's agent has recently submitted an application for a license of occupation, the outcome of which should be known in the first quarter of 2017.

The RAR Assessment Report addresses the deck and has suggested compensation plantings as a form of habitat enhancement.

Until this matter is resolved, the deck and shed remain illegal and non-conforming with respect to the City's Zoning Bylaw and Building Bylaw requirements. Although not included in the three variances requests in the motion for consideration, this matter is being brought to Council's attention because the original complaint lodged to the City (which triggered this Development Variance Permit application and related RAR Assessment report) speaks to the deck and shed setback encroachments. There are a number of options with respect to the shed and deck should the Province not entertain a lease, license of occupation or acquisition:

- The owner removes the shed and deck entirely out of the SPEA and setback areas of the subject property, which essentially means no deck or shed anywhere on the lot. This action would solve the issue.

- Status quo - the shed and deck remain deemed to be illegal and non-conforming. Note retained in the property file on this matter which would be subject to public enquiries.

- Status quo - Council considers ordering a Notice on the Title of the subject property, which would have the effect of alerting future property owners of the bylaw infractions.

Staff consider the deck and shed encroachments to be a minor issues from a City Bylaw perspective, and definitely not meeting the threshold that would not normally initiate proceedings with a Notice on Title. The Province has yet to express any concerns with the encroachments.

COMMENTS

Engineering Department
No concerns.

Fire Department
No Fire Department concerns.

Building Department
No BC Building Code concerns.

Planning Department
Staff does not condone or encourage building without a Building Permit. After-the-fact review is difficult from a variety of perspectives.

Setback regulations enable adequate separation between buildings and streets for aesthetic, privacy, view preservation, and traffic safety reasons. They also help to ensure that buildings and structures are setback appropriately to facilitate future road and laneway widening. The road, 75 Avenue NE, constructed by CPR to the south of the subject parcel, is not expected to be widened at any point in the near future. Some potential future proposal not presently being contemplated (such as marina expansion to the east) could potentially create a demand for a wider road and improved traffic movements.

In terms of neighbourhood design, the subject property is within an established neighbourhood and is consistent with neighbouring parcels. Staff note that the home has been at its present location for decades without any significant concerns and the recent renovations represent an aesthetic improvement for the structure. The proposal would support non-conformities similar to homes along the length of 75 Street NE. Furthermore, Staff note that the renovations involved rebuilding pre-existing structures. The requested setback reductions will not impact City utilities, pose any BC Building Code concerns, or restrict future development on neighbouring lots.

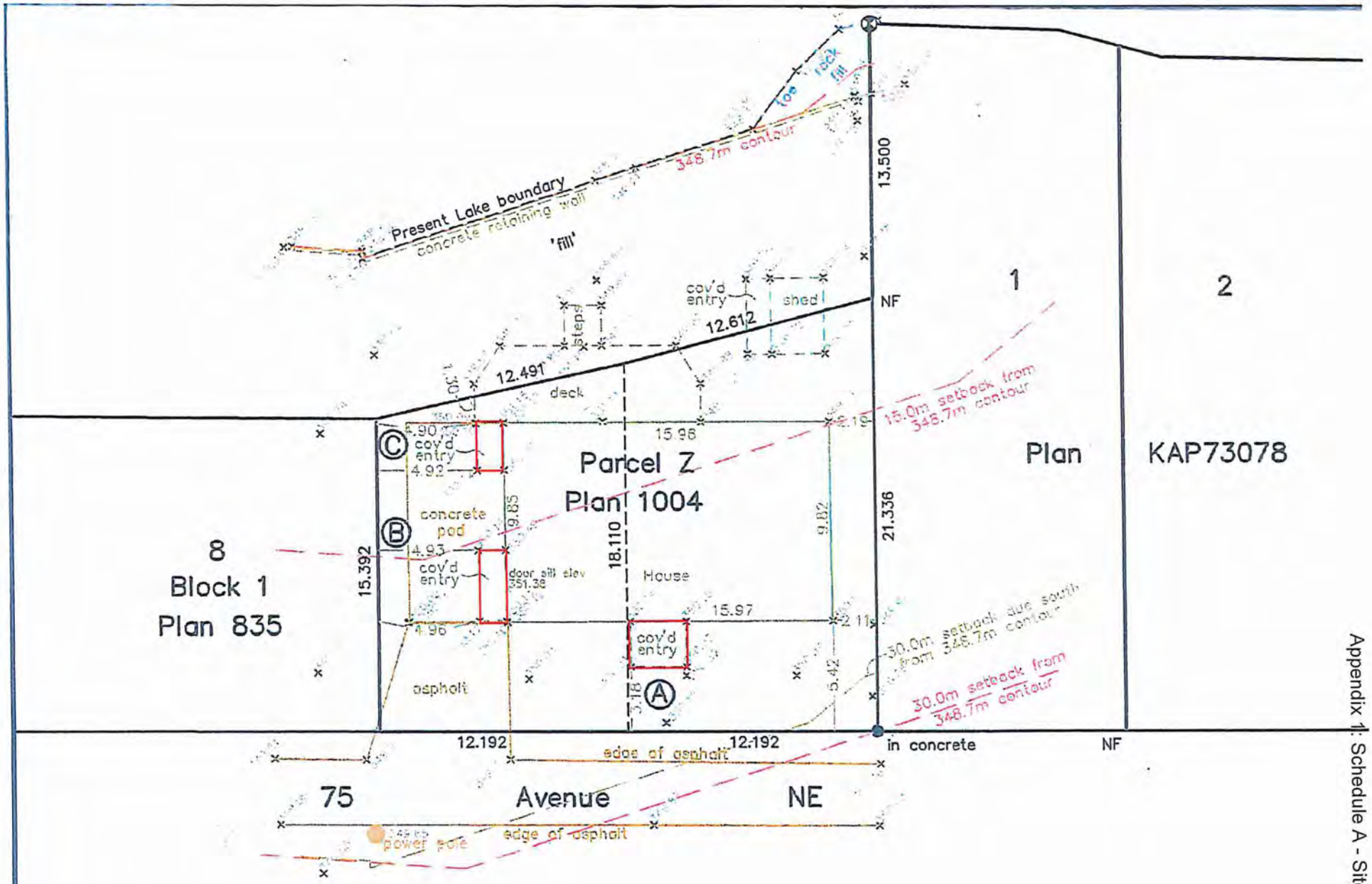
The discrepancies between neighbouring parcels along this portion of Shuswap Lake with respect to northern parcel lines are problematic. The applicant has been in contact with the Province with the intent to acquire the adjacent Crown land as neighbouring parcels have done in the past. Staff note that the Province's evolving approach has created inconsistencies in how development has been addressed on the public/private boundary along the shoreline.

The registration of a Section 219 Covenant tying the development to the RAR report and addressing potential flood hazard has been recommended to address considerations related to environmental protection and risk management. Current practice has involved wrapping these considerations (RAR and flood) into a single covenant, rather than multiple documents.

Considering the conditions noted above, the variances requested in this proposal (the recent renovations as well as the existing non-conforming home) are viewed as reasonable by staff. If approved, Development Variance Permit No. VP-434 will only be applicable to the structure as shown in Appendix 1: Schedule A (any structure extending over the northern parcel line is beyond the jurisdiction of the City).

Prepared by: Chris Larson, MCP
Planning and Development Officer

Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



Appendix 1: Schedule A - Site Plan


75 AVE. N.E.
75 AVE. N.E.
CANOE BEAC
53 ST. N.E.
73 AVE
72 AVE. N.E.
50 ST. N.E.
71 AVE. N.E.
N
0 20 40 80 120 160
Meters
Subject Parcel
Lake Boundary


5241
6281
534
N
0 4.5 9 18 27 36
Meters
Subject Parcel
Lake Boundary


5241
5281
5301
5321
534
N
0 4.5 9 18 27 36
Meters
Subject Parcel
Lake Boundary

Appendix 5: Site Photos



View north-east of subject parcel, showing renovated front entrance and side entrance structures.



View north-west of subject parcel showing renovated front entrance.

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: December 19, 2016

Subject: Development Variance Permit Application No. VP-444
(Front, Rear and Exterior Side Parcel Line Setback)
Legal: Lot 22, Block 2, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392
Civic: 31 – 2 Street SE
Owner / Applicant: Gowen, A. & H.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-428 be authorized for issuance for Lot 22, Block 2, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392, which will vary the provisions of Zoning Bylaw No. 2303 as follows:

1. **Section 4.12.1(a) – General Regulations – increase the maximum permitted height of a fence in the interior side yard from 2.0 m (6.5 ft) to 2.75 m (9.02 ft) to allow for an existing 5.5 m (18.05 ft) length of privacy fence, as shown in Schedule A;**

2. **Section 6.10.3 – R-1 Single-Family Residential Zone – reduce the minimum setback of the principal building from the south interior parcel line from 1.5 m (4.9 ft) to 0.7 m (2.2 ft) to allow for the existing single family dwelling, as shown in Schedule A;**

3. **Section 6.11.1 – R-1 Single-Family Residential Zone – reduce the minimum setback of an accessory building from the front parcel line from 6.0 m (19.7 ft) to 0 m (0 ft) to allow for an existing "car tent", as shown in Schedule A;**

4. **Section 6.11.1 – R-1 Single-Family Residential Zone – reduce the minimum setback of an accessory building from the front parcel line from 6.0 m (19.7 ft) to 0 m (0 ft) to allow for a future carport, as shown in Schedule A, and;**

5. **Section 6.11.3 – R-1 Single-Family Residential Zone – reduce the minimum setback of an accessory building from the north interior side parcel line from 1.0 m (3.3 ft) to 0 m (0 ft) to allow for an accessory building, an existing "car tent", and a future carport, as shown in Schedule A.**

STAFF RECOMMENDATION

THAT: The Items 4 and 5 in the motion for consideration be defeated.

PROPOSAL

Schedule A referred to in the motion for consideration and attached as Appendix 1 is a site plan illustrating the requested variances. The subject property is a 460 square metre parcel located at 31 – 2 Avenue SE, in the City Centre (see Appendix 2 and 3). A letter describing the applicant's intent is attached as Appendix 4, while site photos are attached as Appendix 5.

This application seeks variances to four requirements of the Zoning Bylaw for multiple structures on the property, both existing and future development:

1. An increase to the maximum permitted height of a fence from 2.0 m (6.5 ft) to 2.75 m (9.02 ft) along the northern parcel line for an existing 5.5 m (18.05 ft) length of fence.

2. A reduction to the required 1.5 m (4.9 ft) interior side parcel setback to 0.7 m (2.2 ft) along the southern parcel line for the existing single family dwelling.

3. A reduction to the required 6.0 m (19.7 ft) front parcel setback to 0 m (0 ft) along the eastern parcel line adjacent to 2 Street SE. This request would accommodate both an existing "car tent" and construction of a future carport.

4. Additionally, the application includes a request to reduce the required 1.0 m (3.3 ft) interior side parcel setback to 0 m (0 ft) along the northern parcel line for three proposed accessory buildings: an existing shed, the existing "car tent", and a future carport.

BACKGROUND

The parcel dates back to 1907, with City building records dating back to 1977. A home-based business has been in operation since 2006, while in 2007 a building permit was issued to allow for construction of an addition to the single-family dwelling at the rear of the existing building.

The subject parcel is zoned R-1 in the Zoning Bylaw and is designated as High Density in the Official Community Plan. For context, adjacent zoning and land uses include the following:

North:	R-1 (Single-Family Residential) Zone	single-family dwelling
East:	C-2 (Town Centre Commercial) Zone	road, single-family dwelling
South:	P-3 (Institutional) Zone	church and parking lot
West:	P-3 (Institutional) Zone	lane, church and parking lot

This lot is subject to standard setback requirements in the zoning bylaw which, for the principle building, specify a 6.0 metre setback from the front and rear parcel lines, and a 1.5 metre setback from the interior side parcel lines. For an accessory building, the requirements for setbacks are relaxed to a 1 m setback from the rear and interior side parcels lines, but the 6 m setback from the front parcel line remains consistent. The requested variances would address the footprint of the existing dwelling, and accessory structures both existing and proposed for future development.

The portion of the home that exists in non-conformance with respect to the south parcel line is above the historic existing footprint, which has been at this location for decades.

COMMENTS

Engineering Department

See Appendix 6. It is recommended that variance requests regarding the front parcel line and north interior side parcel line be denied, while there are no concerns noted with request regarding the fence or the south interior side parcel line. As an option, a lesser reduction of 3 m from the south parcel line is suggested, this being adequate for vehicle parking.

Fire Department

No Fire Department concerns.

Building Department

No BC Building Code concerns.

Planning Department

Planning staff are not concerned with the variance associated with the portion of the home that exists in non-conformance with respect to the south parcel line, and furthermore, staff are amendable to the variance for fence height, which will provide privacy between the neighbouring properties.

However, staff have concerns with the variances associated with the accessory buildings. Setback regulations enable adequate separation between buildings and streets for aesthetic, privacy, view preservation, storm water management, and traffic safety reasons. Staff does not recommend approval of the variances requested for accessory buildings, with the main reasons being:

- The extent to which applicable setbacks are reduced (100%);
- The resulting impacts placed upon the parcel to the north, including the implications for storm-water flows from the proposed accessory buildings;
- The limitation for onsite visitor parking within the front yard resulting from a full reduction in the required setback; and,
- The options provided by the remaining available space on the subject parcel related to the rear lane access.

In terms of neighbourhood design, the subject property is situated within an older established residential neighbourhood, with the size and scale of the proposed house relatively consistent with other neighbouring homes. The traditional neighbourhood design in this area of downtown features street and rear lane access and, as most of the homes have utilize parking at the rear of the properties, there is a distinct lack of garage parking structures in the front yards ("side-yard driveway to parking /garage behind house" being a heritage character element). The requested variance to permit a parking structure in the front yard at the front parcel line would run counter to this neighbourhood aesthetic.

Staff recommended that space for parking be considered with respect to requests for reduced setbacks associated with accessory garage buildings, as it is typical for a vehicle to be parked in front of a garage for a variety of reasons (cleaning, maintenance, visitors, etc). In the case of the subject property operating a home based business, on-site visitor parking is potentially more important. As an option, aligned with the Engineering comments attached, planning staff would support a reduced 3 m setback, which would provide an adequate space to park most vehicles. As noted above, the rear lane access presents an additional option not presently utilized for parking.

Staff do not support the requested variance from 1 m to 0 m for the parking structures in the front yard relative the northern interior lot line. Furthermore, while the request is minor, staff do not recommend support for the siting of the existing accessory building (shed) in the rear yard, given the relative ease and range of available options to site such a structure in conformance with the applicable regulation.

Staff note that the applicant has taken positive steps to maintain and upgrade the property, including significant improvements under Building Permit. The small shed and car tent structures do not require a building permit application and the placement of such structures may easily occur without reference to City bylaws or staff.

If approved, Development Variance Permit No. VP-444 will only be applicable to development as shown in Appendix 1: Schedule A.

Prepared by: Chris Larson, MCP
Planning and Development Officer

Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

Appendix 1: Schedule A - Site Plan

BROWNE JOHNSON LAND SURVEYORS

BRITISH COLUMBIA AND CANADA LANDS
Box 362, Salmon Arm, B.C. V1E 4N5 (250)832-9701

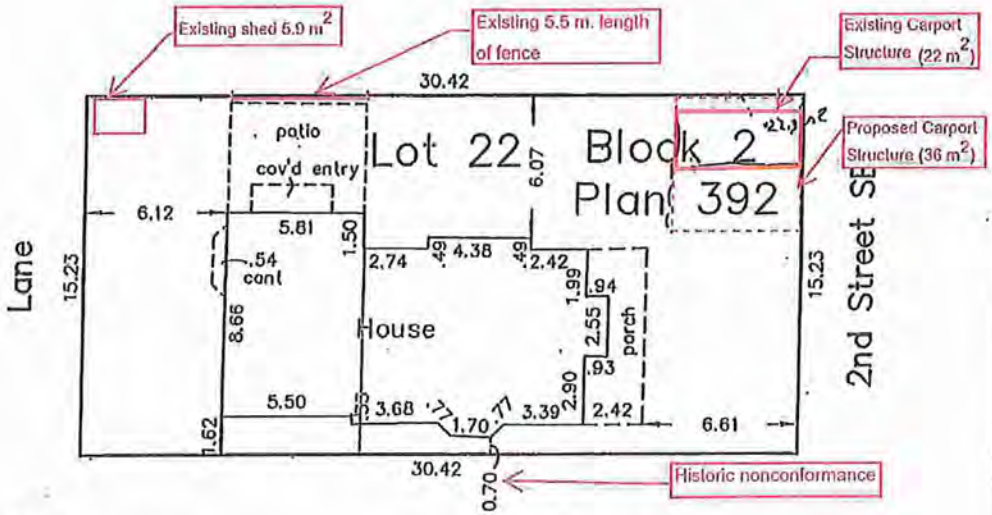
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

To: Alton Gowen,
31-2nd Street SE,
Salmon Arm, BC
V1E 1G8
Your File:

Re: Lot 22, Block 2, Plan 392,
Section 14, Township 20, Range 10,
W6M, KDYD
Parcel Identifier(PID): 004-563-034
Civic Address: 31-2nd Street SE

Requested Variances to Zoning Bylaw 2303:

1. Section 6.11.1 - Reduce front parcel line setback for an accessory building from 6.0 m. to 0 m.
2. Section 6.11.3 - Reduce interior parcel line setback for an accessory building from 1.0 m to 0 m.
3. Section 4.12.1(a) - Increase fence height from 2.0 m. to 2.75 m. along a 5.5 m length of existing fence (north interior parcel line).
4. Section 6.10.3 - R-1 Single-Family Residential Zone - reduce the minimum setback of the principle building from the interior parcel line from 1.5 m (4.9 ft) to 0.7 m (2.2 ft) to allow for the existing single family dwelling, as shown in Schedule A;



Existing
Parcel Coverage is 37%
Parcel Coverage for Accessory Buildings is 6%

Shed	5.9 m²
Parking Structure	22.3 m²
House	143.8 m²
Total	172 m²

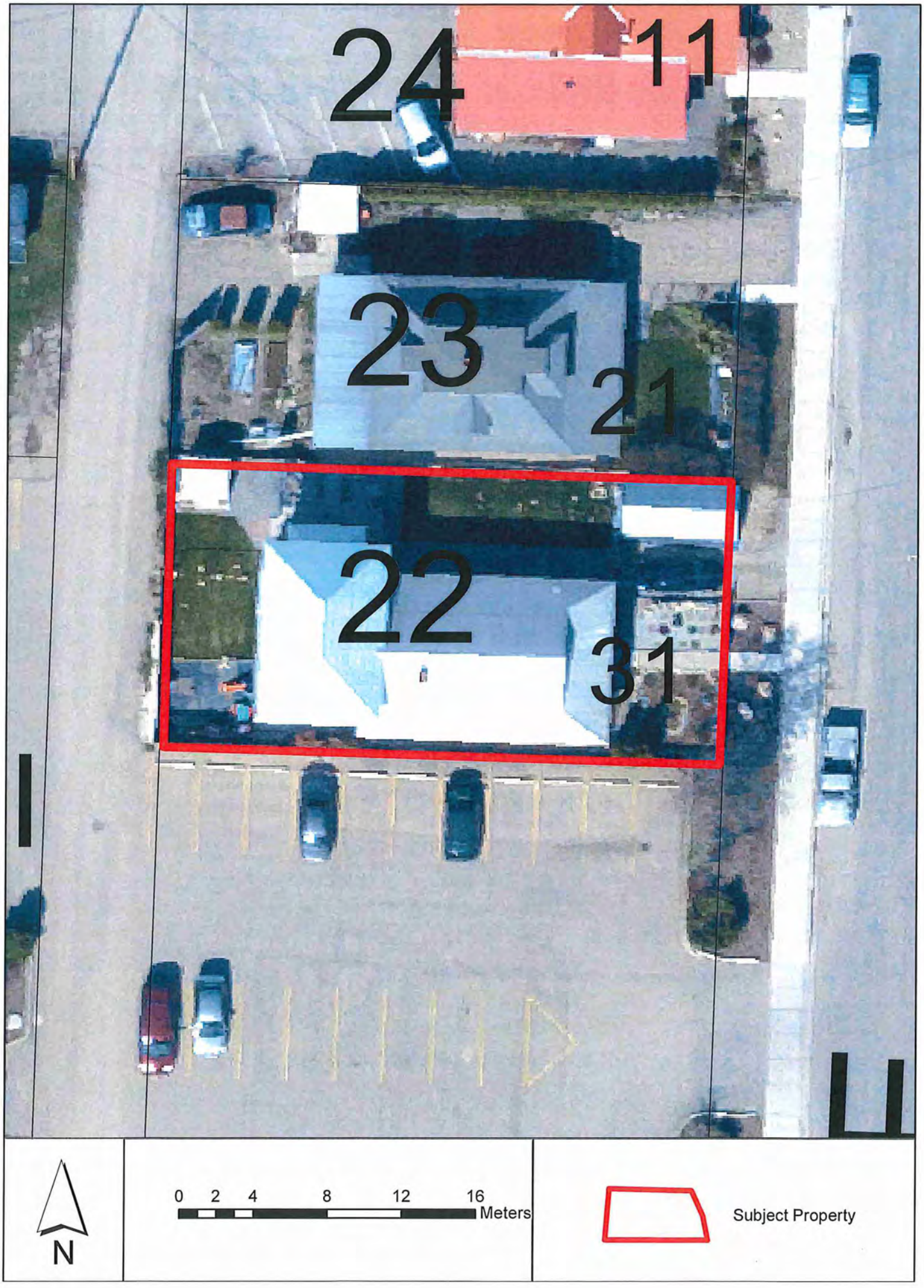
Proposed
Parcel Coverage is 40%
Parcel Coverage for Accessory Buildings is 9%

Shed	5.9 m²
Parking Structure	36 m²
House	143.8 m²
Total	185 m²

N

Scale 1: 250


McLEOD ST.
TRANS CA
PLAN 40637
PLAN 58433
KAP71857
KAP74223
KAP79701
PLAN 5915
PLAN 53954
PLAN 27830
PLAN 28506
PLAN 392
PLAN 11284
PLAN 45013
PLAN 53012
BLOCK II
BLOCK III
1ST. S.E.
2 ST. S.E.
3 ST. S.E.
2 AVE S.E.
0 10 20 40 60 80
Meters
N
Subject Property


24
11
23
21
22
31
N
0 2 4 8 12 16
Meters
Subject Property

October 5, 2016

Re: 31 - 2nd Street S.E.

To whom it may concern:

Our names are Heidi and Alton Gowen and we are writing this letter as part of our application for three variances needed for the above mentioned property. These variances are summarized as follows.

1. **Accessory Structure/Building Setback variance - Front Yard**

   Reduce the front yard setback for the existing 3.3 m / 6.0 m tent structure and for a future a 6.0 m / 6.0 m carport from 6.0 m to 0 m and from 1.0 m to 0 m along the interior lot line.

2. **Accessory Building Setback Variance - Rear and Interior Yards**

   Reduce the minimum (north) parcel line setbacks from 1.0 m to 0.0 m

3. **Fence Height Variance**

   Increase the maximum fence height along an interior parcel line from 2.0 m to 2.75 m along a 5.5 m length of existing fence.

<u>Rationale</u>

1. There is a driveway in the north east corner of our property. This driveway is suitable to hold two vehicles. And for the past 9 years we have had a removable single car garage on that space. It has been brought to our attention that there have been complaints regarding the position of the removable garage. Since being given notice of the complaints, we have conceded to move the garage to the requested setback. Now doing this has forced us to park one of our vehicles on the congested road that we currently live on.
2. The access provided when the City re-constructed 2nd Street is 16 ft wide and leads to the foot print of 20x20 of where we want our new carport.

   We are hoping for the variance in order to move the removable garage back to where it was originally placed in order to have the ability to park both vehicles on our property and not the road. As well, with this variance, we are hoping to erect a carport over our driveway. Included with this letter is a design for an open concept carport (not garage) that could be possibly added to our property in the near future. We understand that a building permit will be required for a carport along with a connection of that structure to the City's storm sewer system (see Point 4.).

3. This request is regarding a variance for a 2.4 m / 2.4 m shed that sits on the northwest corner of said property. For the past 15 years this shed has been in the same location. It was updated with a cement pad 9 years ago. We would like to keep the shed where it currently sits.

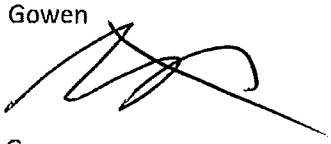
4. We are requesting a fence height variance for the fence that sits on the north side of our property. The current height of the fence was designed to eliminate the ability of our property from looking down onto our neighbouring property.

5. In regard to 1. and our intent to construct a new carport in the front yard if this variance is approved, we also commit to connecting our property to the City's storm sewer system. The City has offered to install a storm connection at our rear / lane property line as an attempt to assist in alleviating some of the drainage issues not only emanating from our property but from the surrounding lands and street. We appreciate this offer from the City and we understand the City has also offered our direct neighbour to the north a storm water service connection.

We thank you for taking time to consider our application and look forward to hearing from you in a timely manner.

Sincerely:

Alton Gowen



Heidi Gowen



Appendix 5: Site Photos



View of subject parcel and neighbouring parcels looking south-west from Okanagan Avenue.



View west from 2 Street SE showing subject property and accessory structures in front and rear yards.

Appendix 5: Site Photos



View looking north-east showing house in relation to south parcel line, as well as shed and fence.



View south-east along lane with tops of fence and shed visible.

City of Salmon Arm
Memorandum from the Engineering and Public Works Department

TO:	Kevin Pearson, Director of Development Services
DATE:	14 November 2016
OWNER:	**Alton & Heidi Gowan**, 31 – 2 Street SE, Salmon Arm, BC V1E 1G8
APPLICANT:	Owner
SUBJECT:	**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP-444**
LEGAL:	Lot 22, Block, 2, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392
CIVIC:	**31 – 2 Street SE**
ASSOCIATED:	n/a
PREVIOUS:	n/a

Further to the request for variance dated October 18, 2016; the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variances requested:

The applicant is requesting to vary the following sections of Zoning Bylaw No. 2303:

1. Section 6.11.1 – Reduce front parcel line setback for an accessory building from 6.0m to 0m.

The owner is requesting a reduced front setback to allow the existing "car tent" to remain in its current location and to allow for the future construction of a carport. Adequate front setbacks are required from parking structures to allow a vehicle to be stopped / parked in front of the structure without blocking pedestrian / vehicular traffic. This is particularly important for this lot as three parking spaces are required to accommodate the home-based business.

The Engineering Department recommends that the request to reduce front parcel line setback for a permanent accessory building from 6.0m to 0m be denied. However, we would support the reduction of the front setback from 6m to 3m which provides 6m clearance from the sidewalk to the structure, this being adequate to park most vehicles without overhanging the sidewalk.

2. Section 6.11.3 – Reduce interior parcel line setback for an accessory building from 1.0m to 0m.

The interior side setback provides sufficient room between the accessory building and the property line for future maintenance of the structure. It also prevents stormwater from the accessory building discharging onto the neighbouring property, causing a nuisance. Reducing the setback to 0m is likely to cause issues with both maintenance and stormwater discharge in the future.

The Engineering Department recommends that the request to reduce interior parcel line setback for an accessory building from 1.0m to 0m be denied.

3. Section 4.12.1(a) – Increase fence height from 2.0m to 2.75m along a 5.5m length of existing fence (north interior parcel line).

The Engineering Department has no concerns with this request.

Chris Moore
Engineering Assistant

Jenn Wilson, P.Eng., LEED® AP
City Engineer

Salmon Arm

City of Salmon Arm
Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Council

FROM: Development Services Department

DATE: January 13, 2017

SUBJECT: Development Variance Permit Application No. VP-445
Lot 2, Plan 34059, Sec. 25, Tp. 20, R. 10, W6M, KDYD
4891 - 16 Street NE
Owners/Applicants: P. Cumming & N. Wagner

Motion for Consideration

THAT: Development Variance Permit No. VP-445 be issued for Lot 2, Plan 34059, Sec. 25, Tp. 20, R. 10, W6M, KDYD to vary the provisions of Zoning Bylaw No. 2303 as follows:

1. **Section 6.11.4** - decrease the minimum setback of an accessory building from the front parcel line from 6.0 metres to 1.84 metres for the proposed garage building shown on Appendix 3.

Staff Recommendation

THAT: The Motion for Consideration be adopted.

Proposal

The subject property is located in the Raven Subdivision at 4891 - 16 Street NE. The property is approximately 990 square metres in size and contains the owner's residence. The owners would like to construct a garage that will not meet the minimum setback requirement from the front parcel line. A location map, ortho photo, site plan and outline of the proposal from the owners are attached as Appendices 1 through 4.

Background

The property is designated Low Density Residential in the Official Community Plan and is zoned R-1 (Single Family Residential). In the R-1 Zone, the minimum setback requirement for an accessory building from the front parcel line is 6.0 metres. As shown on Appendix 2 and as outlined by the owners in Appendix 4, one of the front corners of the proposed garage will be located 1.84 metres from the the front parcel line and the other front corner will be 5.37 metres.

Due to the location of the existing residence, the proposed garage needs to be located on the northern portion of the property which is relatively narrow. The southern portion of the property is approximately 30 metres wide while the northern portion is approximately 20 metres wide The topography also limits siting options for the garage as the property slopes east to west.

.../2

Site Context

Adjacent land uses include the following:

North: Residential parcel zoned R-1
South: Residential parcel zoned R-1
East: 16 Street NE; then residential parcels zoned R-1
West: Residential parcels zoned R-1

Staff have reviewed the proposal and provide the following:

Fire Department

No concerns.

Building Department

No concerns.

Engineering Department

See Appendix 5.

Planning Department

Setback requirements prevent owners from crowding neighbouring properties, ensure fire separation distances are maintained and provide clear site lines along roadways.

In most situations, staff do not support variances that result in garages being located closer than 5 metres to the front parcel line as vehicles parked in front of the garage are more likely to extend beyond the front property line and interfere with pedestrian and/or vehicular traffic.

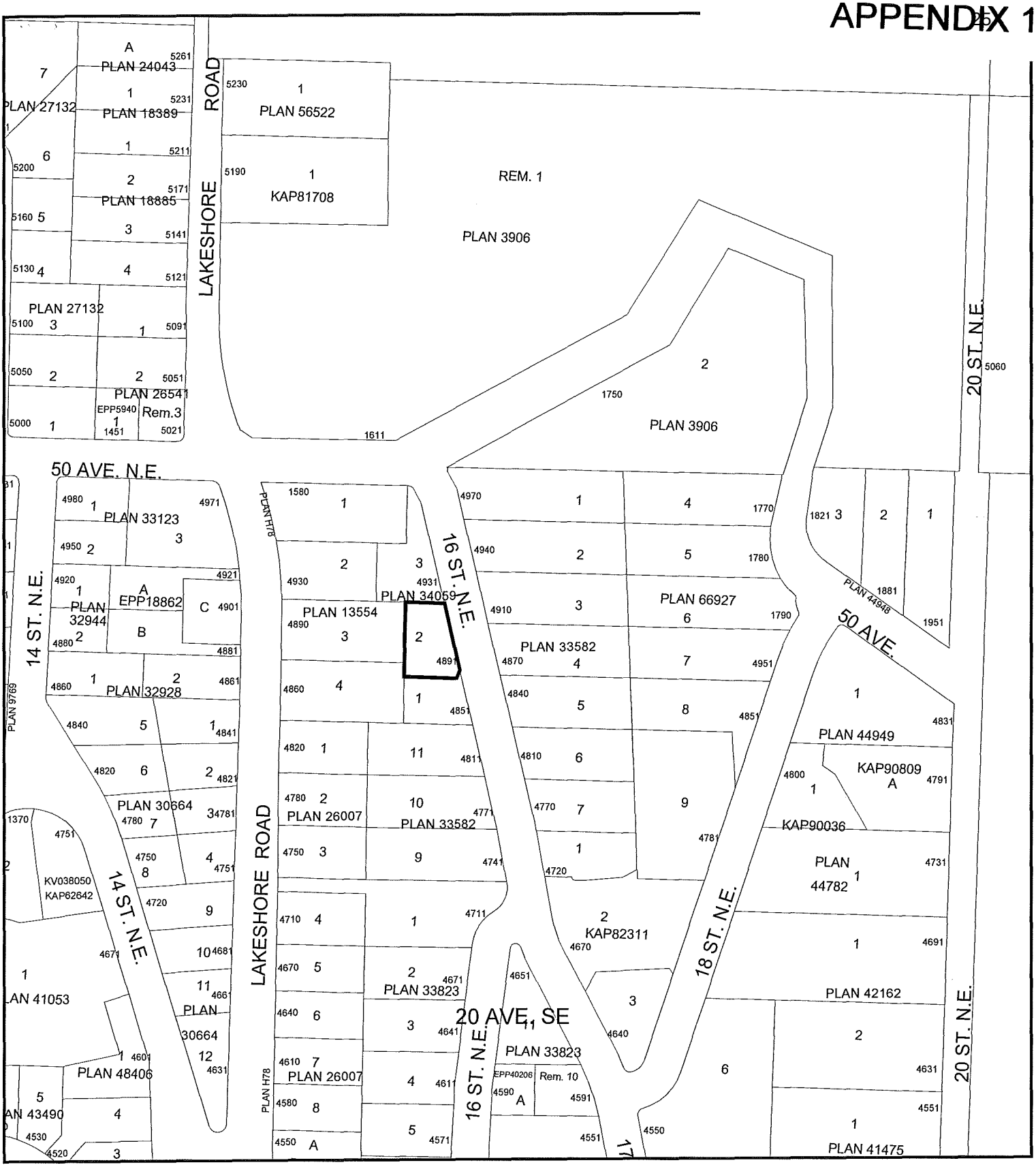
With this proposal, the requested variance will not impact traffic site lines on 16 Street NE and should have little, if any impact on neighbouring properties. The reduced setback does not extend the full width of the garage and the property fronts a relatively wide boulevard without a sidewalk. Staff support the requesed variance.

Prepared by: Jon Turlock
Planning & Development Officer

Reviewed by: Kevin Pearson, MCIP
Director of Development Services

Appendices

1. Location map
2. Ortho photo
3. Site plan
4. Applicant's letter dated Jan. 1/17
5. Engineering Dept. comments.

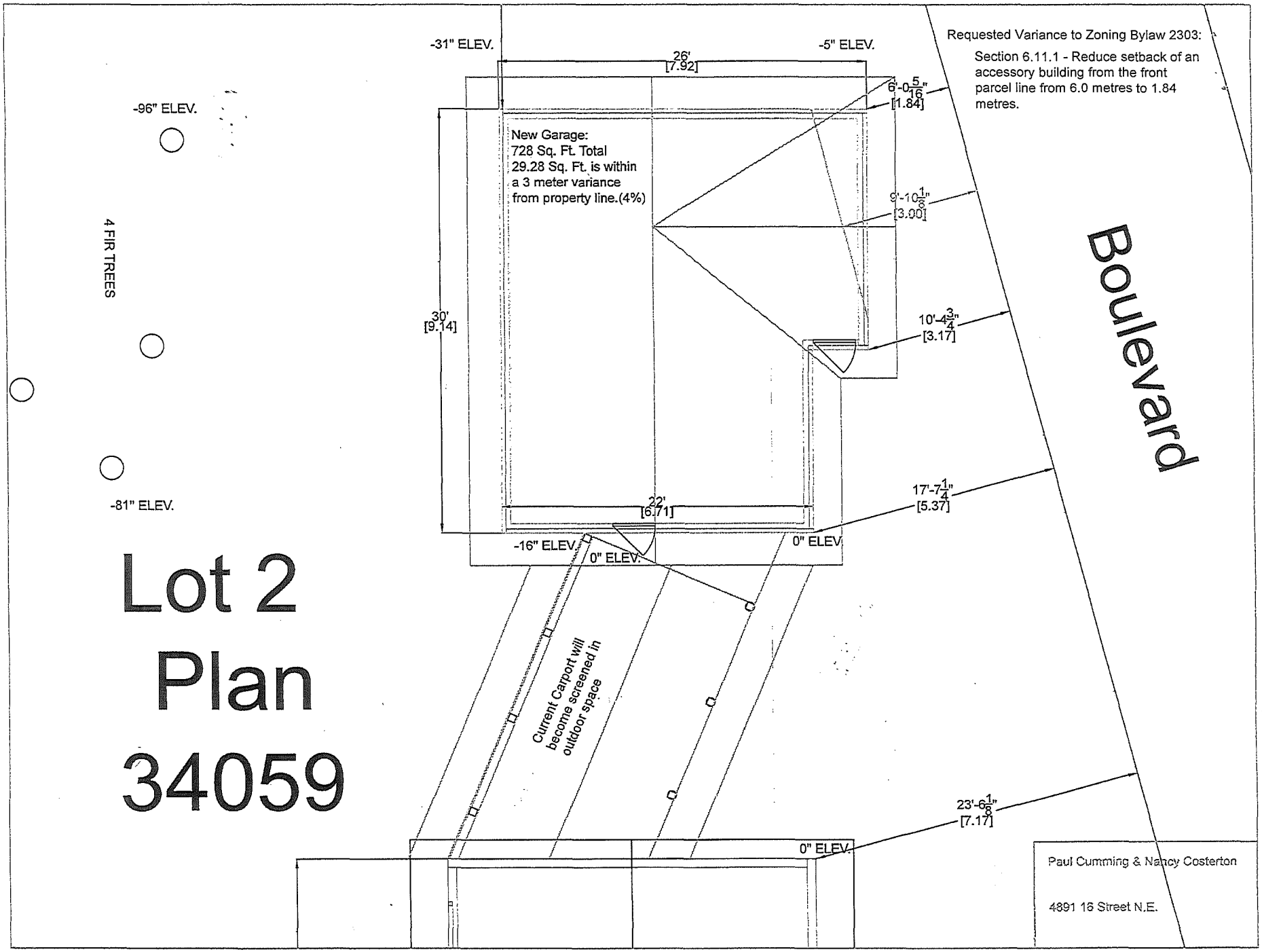

LAKESHORE ROAD
50 AVE. N.E.
14 ST. N.E.
16 ST. N.E.
18 ST. N.E.
20 ST. N.E.
20 AVE. SE
50 AVE.
PLAN 24043
PLAN 27132
PLAN 18389
PLAN 18885
PLAN 56522
KAP81708
REM. 1
PLAN 3906
PLAN 26541
EPP5940
Rem.3
PLAN 33123
PLAN 32944
EPP18862
PLAN 32928
PLAN 30664
KV038050
KAP62642
PLAN 48406
PLAN 43490
PLAN 13554
PLAN 34059
PLAN 26007
PLAN 33582
PLAN 33823
PLAN 66927
PLAN 44948
PLAN 44949
KAP90809
KAP90036
PLAN 44782
KAP82311
PLAN 42162
PLAN 41475
EPP40206
Rem. 10
PLAN H78
PLAN 9769
N
Subject Property

APPENDIX 2



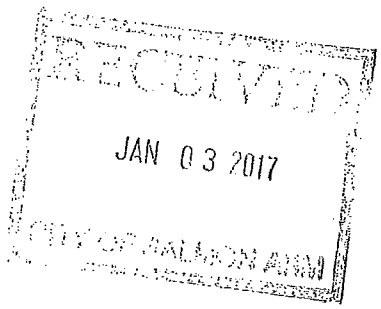
N

Subject Property


Requested Variance to Zoning Bylaw 2303:
Section 6.11.1 - Reduce setback of an accessory building from the front parcel line from 6.0 metres to 1.84 metres.
-31" ELEV.
-5" ELEV.
26'
[7.92]
6'-0 5/16"
[1.84]
-96" ELEV.
New Garage:
728 Sq. Ft. Total
29.28 Sq. Ft. is within
a 3 meter variance
from property line.(4%)
9'-10 1/8"
[3.00]
4 FIR TREES
30'
[9.14]
10'-4 3/4"
[3.17]
Boulevard
-81" ELEV.
22'
[6.71]
17'-7 1/4"
[5.37]
-16" ELEV.
0" ELEV.
0" ELEV.
Lot 2
Plan
34059
Current Carport will become screened in outdoor space
23'-6 1/8"
[7.17]
0" ELEV.
Paul Cumming & Nancy Costerton
4891 16 Street N.E.

APPENDIX 3

Paul Cumming and Nancy Costerton/Wagner
4891 16 St NE
Salmon Arm, BC
V1E 1E1



Jon Turlock
Planning and Development Officer
City of Salmon Arm
250-803-4010

January 2, 2017

Regarding: Variance Application 4891 16 St NE

Following our conversations of last month, we respectfully submit an altered variance application. Please note that the proposed garage is angled in respect to the roadway and boulevard. A variance from the front set back is necessary in order to create a safe, visually pleasing, and environmentally respectful entrance to our home.

- One front corner of the structure would be 1.84 metres from the near point of the boulevard. The other front corner of the garage would be 5.37 metres from the boulevard. Please see detailed drawing.
- Less than 30 sq ft of the proposed structure lies within 3 metres of the boulevard (4% of building).
- The City of Salmon Arm has an unimpeded 6 metre boulevard in front of our home before the roadway starts
- There is no sidewalk on the boulevard. There is no street light on our side of the road.
- Our building proposal allows for plenty of space on the side of the yard (more than required) which gives easy access to adjacent fire hydrant.
- The roadway is sloped and our proposed garage means that the driveway will be relatively level which allows for safe access and visibility of vehicles in the roadway. If we move farther back on the lot (significant elevation change- please see drawing), the driveway will become steep and difficult to see vehicles on 16 St.
- Our proposed location of the garage allows the well-established trees to remain which benefits wildlife and the community. If we move farther back on the lot, removal of the 4 large fir trees will be necessary.
- The location presents no visual impediment from the roadway to the neighbouring homes or driveways.
- The new driveway will be at a more suitable angle to the road compared with our existing driveway which is at an acute angle.

Thank you for your consideration of the proposed garage.

Paul and Nancy

City of Salmon Arm
Memorandum from the Engineering and Public Works Department

To:	Kevin Pearson, Director of Development Services
Date:	January 10, 2017
Prepared by:	Darin Gerow, Engineering Assistant
SUBJECT:	**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP- 445E**
LEGAL:	Lot 2, Section 25, Township 20, Range 10, W6M, KDYD, Plan 34059
CIVIC:	4891 – 16 Street NE
Owner:	Paul Cummings & Nancy Wagner, 4891 – 16 Street NE, Salmon Arm, BC, V1E 1E1
Applicant:	Owner

Further to your referral dated January 5, 2017, the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variances requested:

The applicant is requesting to vary the City of Salmon Arm Zoning Bylaw No. 2303, Section 6.11.1 – Reduce setback of an accessory building from the front parcel line from 6.0 meters to 1.84 meters.

The Engineering Department has no objection to the proposed variance to reduce set back to 1.84 meters.

Darin Gerow, A.Sc.T
Engineering Assistant

Jennifer Wilson, P.Eng, LEED® AP
City Engineer

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Kevin Pearson

From: Erin Jackson
Sent: January 16, 2017 8:55 AM
To: Kevin Pearson
Subject: FW: Accomodation statistics for Salmon Arm

This is what could go on the Agenda for Monday.

From: Maley, Madeline L FLNR:EX [mailto:Madeline.Maley@gov.bc.ca]
Sent: Friday, January 13, 2017 5:08 PM
To: Erin Jackson
Cc: Mayor_and_Council; Schweitzer, Rob W FLNR:EX
Subject: RE: Accomodation statistics for Salmon Arm

Hi Erin

Thank-you very much for providing this information.

Madeline

Madeline L. Maley, RPF
Executive Director | BC Wildfire Service
Office: 250 312-3032 | Cell: 250 318-8441
REPORT WILDFIRES: 1 800 663-5555 / *5555
www.bcwildfire.ca | FireSmart Canada
(click on icons)

From: Erin Jackson [mailto:ejackson@salmonarm.ca]
Sent: Friday, January 13, 2017 2:20 PM
To: Maley, Madeline L FLNR:EX
Cc: Mayor_and_Council
Subject: Accomodation statistics for Salmon Arm

Good afternoon Ms. Maley,

Further to Minister Thomson's request for rental vacancy information, I wish to advise that Lana Fitt, Economic Development Manager for Salmon Arm has been working on gathering this data.

Lana contacted CMHC to ask if they collect community level rental housing vacancy data inclusive of private dwellings (single family detached homes) available for rent for Salmon Arm in particular. She found a "secondary data collection" level from CMHC which does include "rental housing that was not originally purpose built for rental market" however, the data only seems to be available for Vancouver, Kelowna, Abbotsford and Victoria in BC. She suspects this level of data is not available for our smaller communities but is still awaiting a response and if there is additional information to share we will certainly forward it to you.

In addition, Lana surveyed local property management firms requesting any available data on the "secondary market". Information provided by the property management firms indicates that collectively, they manage up

to 77 rental homes and currently 1 is available. This equates to a 1% vacancy rate, which aligns with CMHC data for Salmon Arm primary market (.8%).

Some of the highlights from the recently released (November 28, 2016) 2016 edition of *CMHC's Rental Market Provincial Highlights - British Columbia.* http://www.cmhc-schl.gc.ca/odpub/esub/64487/64487_2016_A01.pdf are included below:

- Average Provincial rental market vacancy rate is 1.3% at Oct 2016.
- Salmon Arm apartment rental vacancy rate is listed at .5% at Oct 2016. This is down from 2.5% at Oct 2015. This is among the lowest vacancy rates in the Province (only communities over 10,000 population reported)
- When you include townhouses (Salmon Arm shows 23 townhouse rental units) the total rental vacancy rate collectively for rental apartments and townhouses in Salmon Arm increases to .8% at Oct 2016.
- Apartment turnover rates for Salmon Arm are listed at 17.8%, slightly higher than provincial average of 17.2%. This speaks to how often rental apartments become available.
- A quote from the principal market analyst with CMHC states "Demand for rental housing has increasing in southern BC due to higher levels of migration and employment, while increased supply has led to higher vacancy levels in some northern areas".

Please don't hesitate to contact me if you have any questions relating to this information. I will be in touch if we are able to capture any data relating to the privately owned (not purpose built rentals) / privately rented properties in the area.

Regards,

Erin Jackson | Corporate Officer | City of Salmon Arm
Box 40, 500 - 2 Avenue NE, Salmon Arm BC V1E 4N2 | **P** 250.803.4029 | **F** 250.803.4041
E ejackson@salmonarm.ca | **W** www.salmonarm.ca