

Development Variance Permit Information Package

File Number: 3090-20/20190060

Electoral Area: L

Date of Referral: December 3, 2019

Date of Application: November 14, 2019

Property Owner's Name(s): Jason and Jessica Hinsche

Applicant's Name: Nigel Hemingway – Cariboo Geographic Systems

SECTION 1: Property Summary

Legal Description(s): Lot 1, District Lot 3868, Lillooet District, Plan KAP51244, Except Plan EPP58397

Area of Application: 1.22 ha (3.01 ac)

Location: 6189 Hunt Road

Current Zoning: Lakeshore Residential 2 (RL 2)

Refer to: Adjacent Land Owners, Area "L" APC, MoE, MoTI, CRD Chief Building Official, Interior Health Authority

Variance Requested: The applicant has requested a variance to section 4.2 (c) (ii) of the South Cariboo Area Zoning Bylaw 3501, 1999 as follows:

That the minimum required elevation be reduced from 3 m (9.84 ft) to 1.5 m (4.92 ft) above a watercourse.

And a variance to section 4.14 (e) of the South Cariboo Area Zoning Bylaw 3501, 1999 as follows:

That the gross maximum floor area of ancillary buildings on the property 0.4 ha (0.99 ac) to 2 ha (4.94 ac) be expanded from 300 sqm (3,229 sqft) to 375 sqm (4036 sqft).

Proposal/Reasons in support: To construct a shop for personal storage and allow for the house to be constructed at the 1.5m elevation as defined in the MOTI covenant on title.

Existing Buildings: None

Proposed Buildings: Workshop and House with Attached Garage

SECTION 2: Planning Report

Background:

The applicant has requested that the minimum required elevation be reduced from 3m (9.84 ft) to 1.5 m (4.92 ft) above a watercourse, and the gross maximum floor area of ancillary buildings on property between 0.4 ha (0.99 ac) to 2 ha (4.94 ac) be expanded from 300 sq. m (3,229 sq. ft) to 375 sq. m (4,036 sq. ft) to allow the construction of a shop for personal storage and a residential dwelling to be constructed at the 1.5 m elevation as defined in the flood covenant on title. The requested variance is a relaxation in Section 4.2 (c) (ii), and Section 4.14 (e) respectively of the South Cariboo Area Zoning Bylaw 3501, 1999. The proposal is shown in Appendix B.

The subject property is zoned Lakeshore Residential 2 (RL 2) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is designated Lakeshore Residential in the South Cariboo Area Official Community Plan Bylaw No. 5171, 2018.

Location and Surroundings:

The subject property is 1.22 ha (3.01 ac) in size and is located on Hunt Road adjacent to Horse Lake with 93 Mile Creek to the west of the property as shown in Appendix B. Currently, it is a vacant grassland with moderate tree and bush coverage along the creek. The property is mostly surrounded by single-family dwellings and vacant residential lots.

CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

4.0 GENERAL PROVISIONS AND REGULATIONS

4.2 LAKE/WATERCOURSE SETBACK PROVISIONS

- (c) on ground surface or the underside of the floor system of any building or part thereof, less than 0.6 metre (1.97 feet) above the two-hundred-year flood level where it has been determined, or, where it has not been determined:
 - ii) 3 metres (9.84 feet) above the natural boundary of a watercourse.

4.14 ANCILLARY BUILDINGS, STRUCTURES AND USES

(e) the combined or gross floor area of all ancillary buildings and structures permitted are calculated as follows:

Table 2 Maximum Floor Area

Property Size	Maximum Floor Area
Less Than 0.4 ha (Less Than 0.99 ac)	250 square metres (2,691 square feet)
0.4 ha to Less Than 2.0 ha (0.99 ac to Less Than 4.94 ac)	300 square metres (3,229 square feet)
2.0 ha to Less Than 4.0 ha (4.94 ac to Less Than 9.88 ac)	350 square metres (3,767 square feet)
4.0 ha to Less Than 32.0 ha (9.88 ac to Less Than 79.07 ac)	400 square metres (4,306 square feet)
32.0 ha and Greater (Greater Than 79.07 ac)	450 square metres (4,844 square feet)

Rationale for Recommendations:

There is an existing "No build Sewerage Covenant" from the time of subdivision that restricts any construction within the designated "Disposal Area" reserved for potential sewerage disposal shown as Covenant Plan EPP58398 on site, until alternate area has been identified. As per design and installation of a wastewater system report dated December 17, 2019, the ROWP has identified an alternate location for the adequate septic system that allows for construction of the new shop on its proposed location.

Further, the proposed elevation of 1.5 m above the natural boundary of 93 Mile Creek has been recommended safe as per the flood risk investigation report dated November 1, 2019. Therefore, planning staff support the variance proposal. However, the CRD requires a covenant to be registered on title to mention that the regional district is not liable for any future consequences.

Recommendation:

That the application for a Development Variance Permit pertaining to Lot 1, District Lot 3868, Lillooet District, Plan KAP51244, Except Plan EPP58397 be approved to vary:

Section 4.2 (c) (11) of the South Cariboo Area Zoning Bylaw No. 3501, 1999 as follows:

- i) That the minimum required elevation be reduced from 3 m (9.84 ft) to 1.5 m (4.92 ft) above a watercourse.

Section 4.14 (e) of the South Cariboo Area Zoning Bylaw No. 3501, 1999 as follows:

- ii) That the gross maximum floor area of ancillary buildings on property 0.4 ha (0.99 ac) to 2 ha (4.94 ac) be expanded from 300 sqm (3,229 sqft) to 375 sqm (4036 sqft).

Further, that issuance be subject to the applicant offering to enter into and entering into a covenant to ensure that the CRD is not liable for any future consequences with respect to low elevation from the watercourse and alternate septic disposal site/design.

Further, that the cost of registration of the covenant be borne by the applicant

SECTION 3: Referral Comments

Chief Building Official: - January 7, 2020

No issues or comments.

Health Authority: - December 23, 2019

See attached.

Ministry of Transportation and Infrastructure: - December 17, 2019

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed Development Variance application subject to the following conditions:

- All structures must meet the minimum setback from a public road or road right-of-way of 4.5 metres
- Septic field must meet a minimum setback of minimum 3 metres from edge of right-of-way as shown on attached drawing (10'8").

Ministry of Environment: -

Adjacent Property Owners:

Advisory Planning Commission: January 6, 2020

See attached.

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: General Map

Appendix B: Specific Map

Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation

APC Comments

Interior Health Comments



Appendix A: GENERAL MAP



LEGEND

 SUBJECT PROPERTY

0 150 300 600 m

DVP19060

SUBJECT PROPERTY
Lot 1, Plan KAP51244,
DL 3868, LD, Except Plan EPP58397

Appendix B: SPECIFIC MAP



LEGEND



SUBJECT PROPERTY

0 5 10 20
m

ALL MEASUREMENTS
METRIC

DVP19060



HORSE LAKE

PCL A
DDKD69836
PL 21781

L 23
PL 21781

93 MILE CREEK

Lot 1, Plan KAP51244,
DL 3868, LD,
Except Plan EPP58397
1.22 ha

+/-166.5

+/- 49.5 m

That the gross maximum floor area
of ancillary buildings on the property
0.4 ha to 2 ha be expanded from
300 sq m to 375 sq m

That the minimum required
elevation be reduced from
3 m to 1.5 m above a watercourse

DL

3868

+/- 37 m

PLAN EPP58399
COVENANT AREA

DWELLING
LOCATION
(371 sq m)

+/-132.35

+/-59.39

1.6 m

18.29 m 15.24 m
PROPOSED
SHOP
(279 sq m)

1.6 m

LA
PL EPP58397

L 14
PL KAP51244

L 13
PL KAP51244

L 2
PL KAP51244

Hunt Rd

+/-14.52

1.524 m

PROPOSED
SEPTIC FIELD

Appendix C: ORTHOGRAPHIC MAP



LEGEND



SUBJECT PROPERTY

0 150 300 600 m

DVP19080



HORSE LAKE

SUBJECT PROPERTY
Lot 1, Plan KAP51244,
DL 3868, LD, Except Plan EPP58397



Reason of Support

This application is requesting a Development Variance Permit be granted for Lot 1, District Lot 3868, Lillooet District, Plan KAP51244, except Plan EPP58397. The property is located at 6189 Hunt Road and is 1.22 hectares in size. The land is zoned Lakeshore Residential 2 - RL2, is waterfront on Horse Lake and has 93 Mile Creek flowing through the land near the western boundary.

There are two variances requests.

1) Vary Section 4.2 (c)(ii) from 3.0 metres above the natural boundary of a water course to 1.5 metres above the natural boundary of a water course.

When the owner purchased this property there was a covenant registered on title (covenant CA 5766742) with Her Majesty the Queen and the Cariboo Regional District. This covenant was entered into during the subdivision process and established a vertical setback above the natural boundary of 93 Mile Creek of 1.5 metres. Based on the covenant they proceeded with their building plans. It was during the building permit process that they were informed that the covenant setback was incorrect, and the bylaw requires a 3.0 metres vertical setback.

The owners had completed all their design work including geo-technical assessments for constructions of the home in the proposed location. When they were informed the bylaw, vertical setback was double the covenant height they asked Mr. Scott Wilson, Peng to investigate the flood level determination specific to this location and in preparation for this application. Mr. Wilson has determined based on a watershed analysis that there is an estimated 200-year flood magnitude at this location of 12.2 metres cubed per second. Double what the upstream culvert can accommodate. Based on his findings he is recommending that the vertical setback of 1.5 metres is appropriate in this location.

This property like many along Hunt Road is open land, highly visible from the road and does not have much vegetative screening. While part of the home will be screened by the shop most of the home will not be. Elevating this home an extra 1.5 metres (4.9 feet) when others in the immediate neighbourhood aren't will have an impact on the character. The homes either side of this property are not elevated and all but one other property along Hunt Road are not subject to a vertical setback of more that 1.5 metres. That property is vacant, subject to the watercourse setback but has terrain that accommodates the elevation above the creek.

This part of the variance has been certified safe by an engineer. The owners are prepared to offer a covenant absolving the Regional District of any liability if they accept the engineer's assessment and agree to the variance.

2) Vary Section 4.14 (e)
Maximum floor area ancillary building
From 300 square metres
To 375 square metres

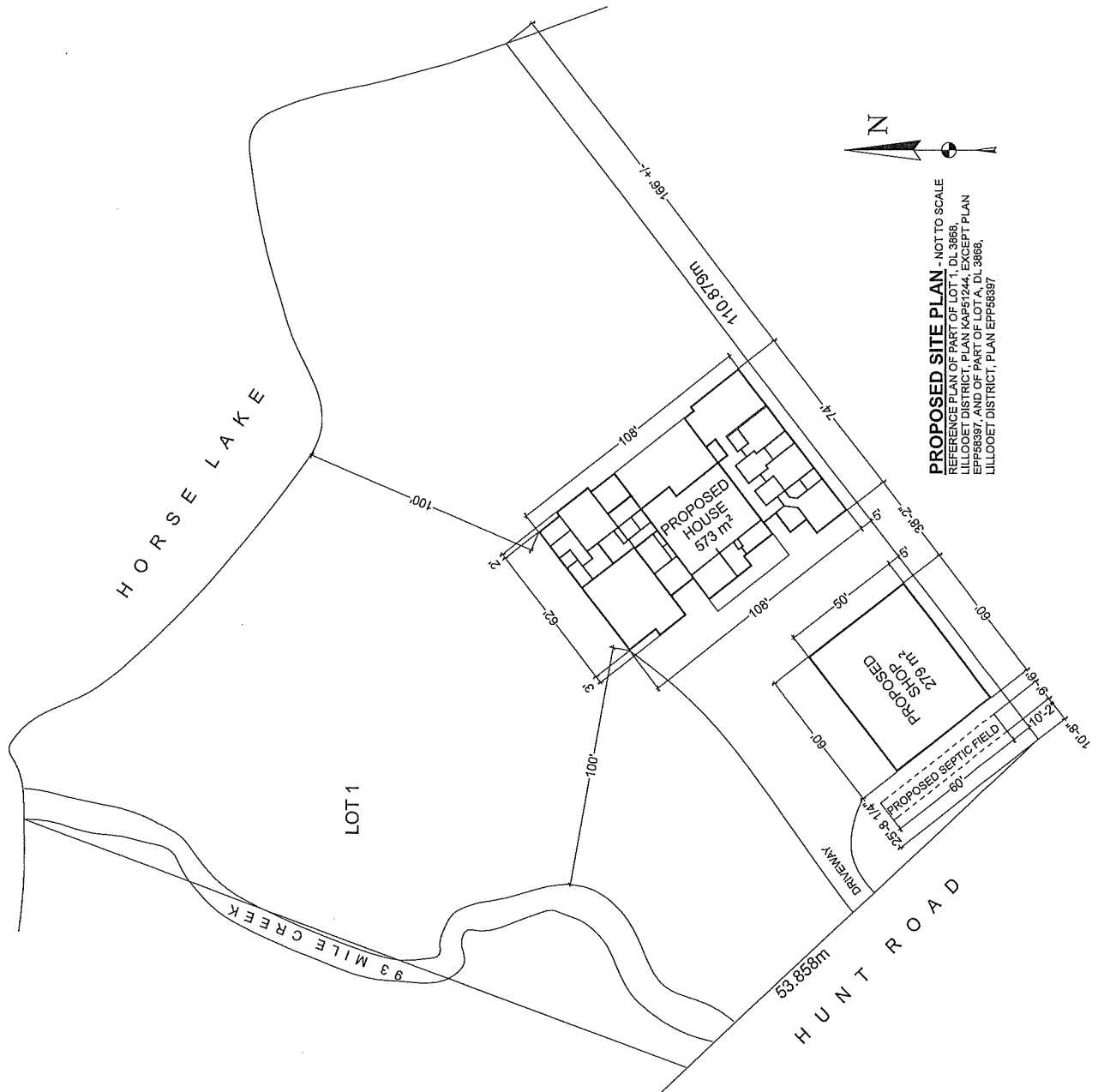
The zoning bylaw defines garages as an ancillary building whether they are attached or detached. This part of the application is to allow an attached double garage on the residence along with a proposed shop.

The owner wants a 15.24 m (50 foot) x 18.28 m (60 foot) shop. This is necessary so that future storage will be inside a structure and not outside in the yard areas. The home is on a crawl space and does not have storage in a basement. Their original plans also had a two-car garage attached to the home, but one was removed because of the maximum ancillary size of the bylaw. A change to the footprint was made to remove a 1 metre (3 foot) jog in the garage wall and this change meant the total floor area was about 25 metres over the maximum size requiring a Development Variance Application to be made. Because of this we are requesting the variance to be enough to allow for the one metre jog and the double garage to be put back into the plans. What is shown as a mud room on the house plans submitted would be the second garage if this is approved.

The proposed ancillary floor areas are:

1)	Shop	279 square metres
2)	First garage	46 square metres
3)	Second garage	46 square metres
	Total	371 square metres

The shop is below the maximum allowable size for the property and the owners believe this is necessary to avoid outside storage of their possessions. The variance is being made to accommodate this 3-foot change to the building footprint and to allow for the original plan of having a two-car attached garage for the family, with direct access into the residence.











ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'L' advisory planning commission held on Jan 6/19
in the Firehall, located at Love Boat, BC, commencing at 7.03

PRESENT:

Chair Jon grieves

Members

Chris Lance

Peter Bonter

Justin Guimond

Recording Secretary

Art Guimond

Owners/Agent, or

☐ Contacted but declined to attend

ABSENT:

ALSO PRESENT: Electoral Area Director Willow Macdonald
Staff support (if present)

Agenda Items

DVP APPLICATION – 3090-20/20190060 (LOT 1, DISTRICT LOT 3868, LILLOOET DISTRICT, PLAN KAP51244, EXCEPT PLAN EPP58397)

/ : "THAT the application to vary the required elevation above a watercourse for property located at 6189 HUNT ROAD be supported/rejected for the following reasons:

Variance i) is fine since an engineer deemed it safe and the surrounding homes are not elevated more than 1.5m provided that a covenant is signed ii) allowing for Cariboo Rd of Liability should a flood occur.

For

Against

Variance 2/ Support - Because the shops below the allowable size, and the Proponent's Proposal seems Reasonable.

CARRIED/DEFEATED

Termination

/ : That the meeting terminate.

Time:

Recording Secretary

Chair

CARRIED



December 23, 2019

Shivani Sajwan
Cariboo Regional District
Suite D, 180 N Third Avenue,
Williams Lake, BC V2G 2A4

ssajwan@cariboord.ca

Dear Ms. Sajwan

Re: File # 3090-20/20190060; DVP Lot 1, DL 3868, LD., Plan KAP51244, Except Plan EPPP58397

Interior Health welcomes the opportunity to further support the Cariboo Regional District with actions arising from this development variance permit and future planning endeavors.

The parcel is located on Horse Lake, a lake that has a high sensitivity within the Shoreland Management Policy. Interior Health concerns with the sustainability of the parcel resulted in the establishment of a land title covenant to protect suitable area for onsite sewerage disposal.

The applicant will be required to alter the land title covenant to allow for development within the covenant area.

We have a number of portfolios with specific content expertise and resources in the form of staff, health evidence and data, community health profiles and examples of case studies, to help support you in creating a healthier community.

Interior Health endorses the concept of creating development where the easy choice is the healthy choice, which helps to improve population health.

Yours Sincerely

Clare Audet
Population Health
Environmental Health Officer – Healthy Communities