



Planning Application Information Sheet

Application Type: Development Variance Permit

File Number: 3090-20/20230036

Electoral Area: L

Date of Referral: August 30, 2023

Date of Application: July 14, 2023

Property Owner's Name(s): STEVEN R GIBSON
ANNEMARIE K HOFFMANN

SECTION 1: Property Summary

Legal Description(s): Lot 9, District Lot 4050, Lillooet District, Plan 32810

Property Size(s): 4.05 ha (10.01 ac)

Area of Application: 4.05 ha (10.01 ac)

Location: 6116 Marlborough Road

Current Designation:

Rural Residential

Min. Lot Size Permitted:

4 ha (9.88 ac.)

Current Zoning:

Rural 1 (RR 1)

Min. Lot Size Permitted:

4 ha (9.88 ac.)

Variance Requested: The applicants have requested a variance to 5.18.2 (b) (iii) of the South Cariboo Area Zoning Bylaw No. 3501, 1999 as follows:

To reduce the minimum interior side yard setback from 7.6 m (24.9 ft.) to 5.49 m (18.01 ft.) to legalize the existing deck.

Proposal: To legalize existing deck attached to the dwelling by reducing the side yard setback from 7.6 m to 5.49 m.

Previous DVP application 4270-20-212 for deck was rejected May 9, 2001. CRD Board resolved: applicant has other options available, the applicant is a contractor in the area who knows the

rules and could have avoided the situation, and anything built within the requested variance would detract from the use and enjoyment of the neighbouring property

Previous DVP application 4720-20-251 for same deck was rejected September 5, 2003. CRD Board rejected for "a variety of reasons, the principal being the property owner build the dwelling on one side of the property by choice, being a contractor, should have been aware of the limitations that this would impose on future additions."

Previous BP S09596 specifically states it does not cover the deck and a separate building permit for the deck will be required. There is no building permit on record for the deck.

Existing Buildings: Dwelling 326.4 sq. m (3513.4 sq. ft.)

Wood shed 42.5 sq. m (457.47 sq. ft.)

Tractor shed 50 sq. m (538.2 sq. ft.)

Horse shelter 48 sq. m (516.67 sq. ft.)

Trailer shed 37.5 sq. m (403.65 sq. ft.)

Proposed Buildings: None

Services Available: Hydro, Sewage Disposal System, and Well.

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: N/A

Name of Lake/Contributing River: N/A

Lake Classification: N/A

Within Development Permit Area: No

Adjoining Properties: (Source: B.C.A.A.)

	Land Use:	Lot Sizes:
(a) North	2 Acres Or More (Single Family Dwelling, Duplex)	4.11 ha (10.15 ac.)
(b) South	2 Acres Or More (Single Family Dwelling, Duplex)	4.05 ha (10 ac)
(c) East	2 Acres Or More (Single Family Dwelling, Duplex)	7.81 ha (19.3 ac.)
(d) West	2 Acres Or More (Single Family Dwelling, Duplex)	4.05 ha (10.01 ac.)

PLANNING COMMENTS

Background:

The applicants have requested a variance to reduce the interior side yard setback to legalize the existing attached deck placed 5.49 m (18.01 ft.) from the property line. The requested variance from 7.6 m (24.9 ft.) to 5.49 m (18.01 ft.) is a relaxation of Section 5.18.2 (b) (iii) of the South Cariboo Area Zoning Bylaw No. 3501, 1999.

The subject property is 4.05 ha (10.01 ac.) and is zoned Rural 1 (RR 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999. It is designated Rural Residential in the South Cariboo Area Official Community Plan Bylaw No. 5171, 2018. The property contains a 326.4 sq. m (3513.4 sq. ft.) residential dwelling with an attached deck, a 42.5 sq. m (457.5 sq. ft.) woodshed, a 50 sq. m (538.2) tractor shed, a 48 sq. m (516.67 sq. ft.) horse shelter, and a 37.5 sq. m (403.65 sq. ft.) trailer shed. The attached deck is partially located within the setback area.

The property was subject to two previous Development Variance Permit (DVP) applications to allow for the construction of a deck. The first application 4270-20/212 was rejected by the board on May 9, 2001. Planning staff recommended the application for approval. The reasons for rejection given were that the applicant had other options available, the applicant was a contractor in the area who knew the rules and could have avoided the situation when locating the house, and anything built within the requested variance would detract from the use and enjoyment of the adjacent property. A second application was made by the same applicant and was rejected on September 5, 2003 for the same reasons (File 4270-20/251).

The current applicants purchased the property with the deck having already been constructed without a building permit or development variance permit. They have already received a building permit for the house that was completed without a building permit. The deck is the only remaining structure without a permit.

Location and Surroundings:

The subject property is located at 6116 Marlborough Road as shown in Appendix A, 2.5 km south of Horse Lake. The property is currently a treed lot with clearings around the buildings.

3501 South Cariboo Area Zoning Bylaw, 1999

5.18 RURAL 1 (RR 1) ZONE

5.18.2 ZONE PROVISIONS

(b) REQUIRED YARDS (minimum):

iii) Interior Side Yard – Setback = 7.6 metres (24.9 feet)

Rationale for Recommendations:

Staff have no objections to this proposal as the new owners are applying for permits and working to legalize the existing structure. Planning staff would like to ensure this application does not set a precedence for Development Variance Permit applications that are rejected, constructed without the required permits, and then request approval after completion. Staff have no objections to this as the new owners are applying for permits and legalizing the existing structure.

The subject property is located within the CRD Building Inspection Service Area. The CRD Chief Building Official has stated that the deck was built without permits or inspection and a building permit will be required if the DVP is approved. It will also require a code compliance assessment from a structural engineer as a part of the building permit process.

The Ministry of Transportation and Infrastructure (MOTI) has no objection to the proposed interior side yard setback reduction.

The Interior Health Authority has completed their initial review and have identified no health impacts associated with the proposal. As such, their interests are unaffected by the proposal.

The Area 'L' Advisory Planning Commission (APC) has also responded with no objection to the approval of the setback relaxation. The APC states their reasons for support as being there is still a substantial setback from the property line, there would be a substantial financial implication if the structure was to be removed or modified, and at the time of their decision there have been no complaints from the neighbour about the deck.

At the time of drafting, no public comments were received.

In summary, planning staff are supportive of the proposed Development Variance Permit application. The proposed interior side yard setback is not likely to impact the use or enjoyment of the neighbouring property.

Recommendation:

That the application for a Development Variance Permit pertaining to Lot 9, District Lot 4050, Lillooet District, Plan 32810 be approved. Further, that a Development Variance Permit be issued to vary Section 5.18.2 (b) (iii) of the South Cariboo Area Bylaw No. 3501, 1999 as follows:

That the minimum interior side yard setback be reduced from 7.6 metres (24.9 feet) to 5.49 m (18.01 ft.) to legalize the existing attached deck.

REFERRAL COMMENTS

Health Authority: September 1, 2023

Thank you for the opportunity to provide comments. Interior Health interests are not affected.

Ministry of Transportation and Infrastructure: September 19, 2023

EDAS# 2023-04147

The Ministry of Transportation and Infrastructure has no objection in principle to the proposed side yard variance from 7.6 meters to 5.49 to legalize an existing deck.

Advisory Planning Commission: September 11, 2023

See attached.

Ministry of Environment and Climate Change Strategy: Terrestrial, Aquatic Habitat and Wildlife:
September 22, 2023

Terrestrial ecosystems has no comments on this referral.

CRD Chief Building Official: October 24, 2023

Deck built without permits and inspections. Building permit required if DVP approved. Code compliance assessment from structural engineering will be required for the building permit application.

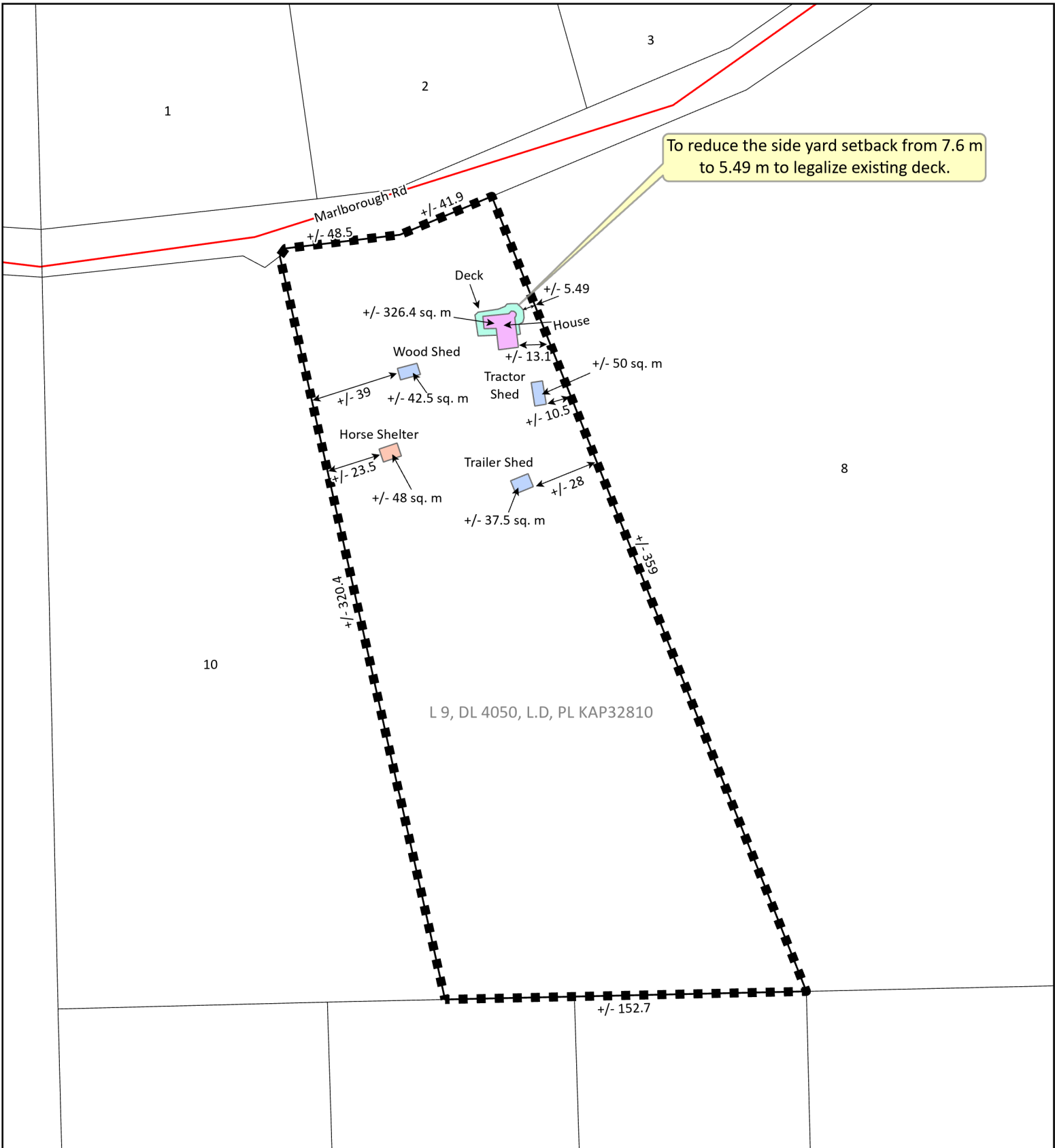
ATTACHMENTS

Appendix A: General Map

Appendix B: Specific Map

Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation
Advisory Planning Commission Comments



Appendix B: SPECIFIC MAP



LEGEND



Subject Property



0 20 40 80
m

MEASUREMENTS
ARE METRIC

DVP2336 2023-08-30

Disclaimer: Structure size and location is a graphical representation of information provided by the applicant and may not necessarily be drawn to scale.



SUBJECT PROPERTY
L 9, DL 4050, L.D, PL KAP32810

Appendix C: GENERAL MAP ORTHO

LEGEND

 Subject Property



Describe the existing use of the subject property and all buildings: Personal residence

Describe the proposed use of the subject property and all buildings: _____

No change - personal residence

Describe the reasons in support for the application: Deck (built in 2002)

encroaches on setback by 2.11 metres. We bought the property in 2022, and want to legalize the encroachment.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): _____

Treed lot with clearings around buildings

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): _____

No lakes, streams, or ponds on property.

Services Currently Existing or Readily Available to the Property (check applicable area)

* Readily Available means existing services can be easily extended to the subject property.

Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewage Disposal System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Planning Application Advisory Planning Commission Comment Form

Date of Meeting: Sept. 11 2023
Location of Meeting: Interlakes - Brown's house.
File Number: 3090-20/20230036
Application Type: Development Variance Permit
Electoral Area: L
Legal Description: Lot 9, District Lot 4050, Lillooet District, Plan 32810
Property Location: 6116 Marlborough Road

ATTENDANCE

Present:
Chair: Sharon Woloshyn
Members: Ursula Hart, Barb Mattin, Gordon Ross,
Manuela Betschart, Dori Dennison,
Glen Clark, Steve Brown.

Recording Secretary: Sharon Woloshyn
Owners/Agent: Steve Gibson & Annemarie Hoffman
☐ Contacted but declined to attend

Absent: Greg Alberton

Also Present:
Electoral Area Director: Eric deVries
Staff Support: N/A

Motion by Barb Matfin, seconded by Glen Clark to support the application.

RESOLUTION

THAT application with File Number 3090-20/20230036 be SUPPORTED / REJECTED for the following reasons:

1) There is still a substantial setback. The encroachment is only 6 feet, 11 inches.

2. A financial implication ^{to make} significant changes to the structure to modify the deck to meet the existing zoning.

3) No complaint ^{has been} made by the affected adjacent owner and ^{the encroachment will} be disclosed at the ^{time of} future sales of ^{the} adjacent property.

Suggestion by APC...

The first sale by the builder ^{or the denial of the first sale} by the CRD, should trigger a "notice on title" and some consequence to the property owner at the time.

For: 7 Against: 1

CARRIED / DEFEATED

Termination:

That the meeting terminate.

Moved: Steve Brown

Seconded: Glen Clark

CARRIED

Time: 7:37 pm

Sharon Holoshyn

Recording Secretary

Sharon Holoshyn

Chair