

SUNSHINE COAST REGIONAL DISTRICT REFERRAL

TO: Planning and Community Development Committee – March 18, 2021

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: Development Variance Permit DVP00069 (5986 Bluff Place)

RECOMMENDATION

THAT the report titled Development Variance Permit DVP00069 (5986 Bluff Place) be received;

AND THAT Development Variance Permit DVP00069 to vary Zoning Bylaw No. 337 Section 515.1(b) to reduce the minimum setback from the natural boundary of Ruby Lake, from 30 m to 15 m for the proposed dwelling and detached garage located at 5986 Bluff Place be issued subject to:

Comments from shíshálh Nation be addressed by the property owner if received within the 60-day referral period.

BACKGROUND

The SCRD received a Development Variance Permit application (DVP00069) to reduce the minimum setback from the natural boundary of Ruby Lake from 30 m to 15 m for a proposed new dwelling and detached garage located at 5986 Bluff Place in Electoral Area A. The proposed development plans are included in Attachment A. Table 1 below provides a summary of the application.

Table 1: Application Summary

Owner/Applicant:	Margaret MacLeod / Walter Powell
Legal Description:	Lot 13 Block 1 District Lot 3989 Plan 12096
PID:	008-961-042
Electoral Area:	Area A
Civic Address:	5986 Bluff Place
Zoning:	RU5 (Rural Watershed Protection)
OCP Land Use:	Rural Residential A
Proposed Use:	Single family dwelling with detached garage

Figure 1 - Location Map



The property is bordered by rural residential properties to the south, east and north and Ruby Lake to the southwest. There is an existing dilapidated building on the property that is proposed to be removed. The purpose of this report is to present this application to the Planning and Community Development Committee for consideration and decision.

DISCUSSION

Zoning Bylaw No. 337

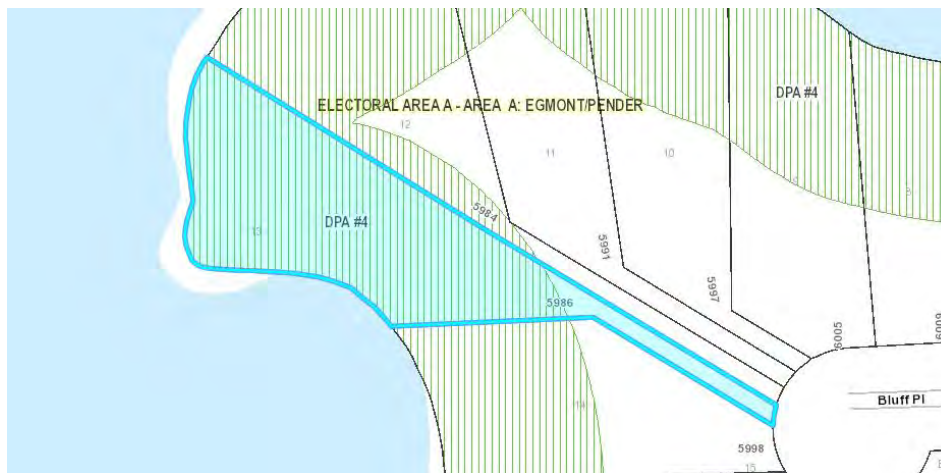
Section 515.1 of the zoning bylaw states (emphasis added) that:

“Notwithstanding any other provision of this bylaw, and for the purpose of flood protection, no building or any part thereof, except a boathouse or wharf located solely on a waterbody, shall be constructed, reconstructed, moved, located or extended within:

(b) 30 metres of the natural boundary of Garden Bay Lake, Hotel Lake, Ruby Lake or Waugh Lake”

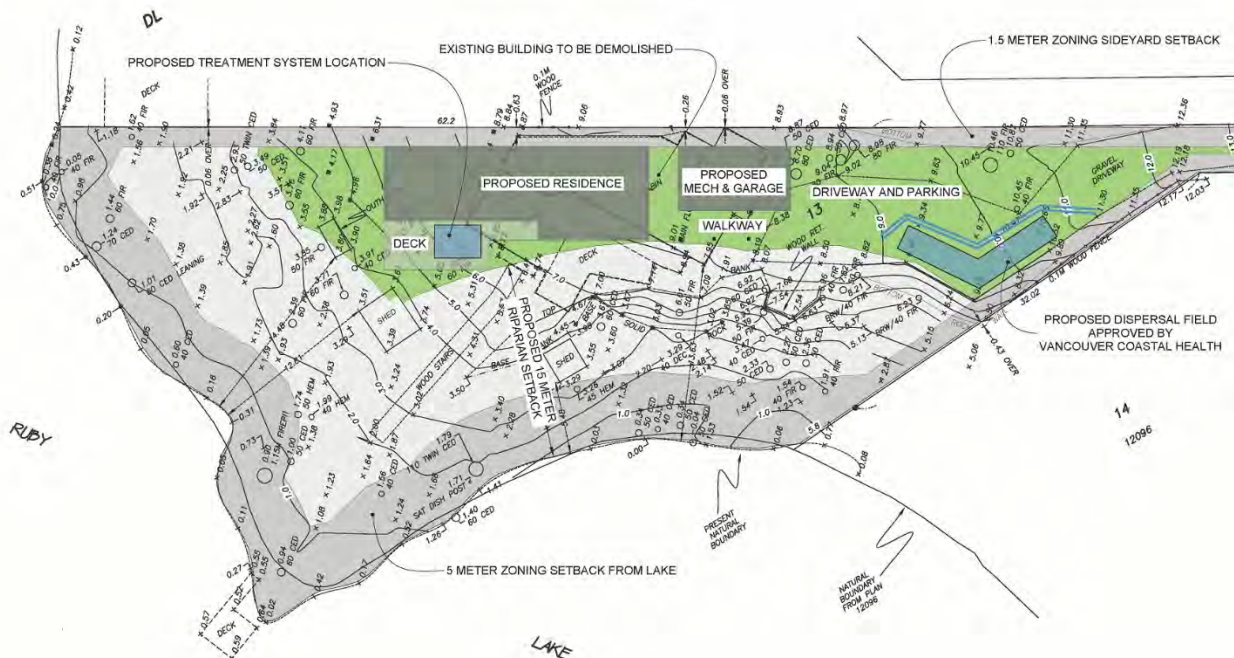
The majority of the subject property, except the panhandle, is bordered by Ruby Lake, and due to its small size of about 0.5 acre, all but the panhandle portion of the parcel is covered by the required 30 m setback areas (Figure 2). This renders the entire parcel undevelopable without a variance to the setback requirement.

Figure 2: Required Setback Area



In order to proceed with the proposed development, the applicant is requesting a variance to reduce the required setback from 30 m to 15 m. This will help to create a small stretch of buildable area along the north boundary of the parcel (green area indicated in Figure 3) for a dwelling, parking, walkway, driveway as well as a sewage treatment system and septic field. The applicant has completed a geo-technical assessment of the property which indicates that the proposed buildable area as shown in Figure 3 is safe for the proposed development from a flood prevention perspective.

Figure 3: Proposed Site Plan



Egmont / Pender Harbour Official Community Plan

Section 3.2.4 (K) of the Egmont / Pender Harbour Official Community Plan (OCP) identifies a 30 m area along the natural boundary of all lakes as Development Permit Area 4 – Riparian Assessment for the purpose of habitat protection, vegetation retention, water quality protection and geo-hazard mitigation. This assessment area coincides with the 30 m setback area of the zoning bylaw; however, its purpose for riparian assessment is different than the purpose of flood protection of the zoning bylaw, and it does not define what setback for building and structure is required in order to protect the riparian area. Such setback has to be determined by a qualified environmental professional (QEP) under the *Riparian Areas Protection Regulation*.

Section (L) further recommends a 20 m setback for new buildings adjacent to all lakes. This is a general policy intended to provide watershed protection for lakes, without taking into account unique conditions or hardship for compliance of individual properties, especially those that existed before the adoption of the current OCP or zoning bylaw. The subdivision of the subject and surrounding parcels in this area was created in 1965. As the zoning bylaw requires a stricter 30 m setback, the variance application addresses both zoning requirement and OCP policies, therefore an OCP amendment is unnecessary.

To address the lakeshore riparian requirements associated with the OCP Development Permit Area, the applicant's QEP has completed a Riparian Area Assessment by which results in a Streamside Protection and Enhancement Area (SPEA) of 15 m from the natural boundary of Ruby Lake. The Assessment concludes that if the development is located outside of the 15 m SPEA setback areas as proposed and the recommended monitoring measures are followed during development, there will be no harmful alteration, disruption or destruction to natural features, functions and conditions of the riparian assessment area. The proposed development area as indicated in Figure 3 is outside of the SPEA.

The SCRDC has received a development permit application for the above noted development permit area. The application will be ready for issuance by the Manager of Planning pending the outcome of the variance application.

The parcel is not within any geo-hazard development permit areas identified in the OCP; however, the applicant has further completed a geo-technical assessment of the property. The assessment indicates that the proposed buildable area as shown in Figure 3 is safe for the proposed development from a geo-technical perspective.

Septic System

The normal minimum distance of a septic system from a drinking water source is 30m as required by Vancouver Coastal Health (VCH). However, VCH accepts locations of less distance with a filing of the system design by certified professionals. The applicant's registered professional engineer has certified and filed the design of the septic system and field (that are entirely outside of the SPEA) with VCH.

Applicant's Rationale

The property is a small, irregular shaped waterfront lot at Ruby Lake that is Zoned RU5 and permits a single-family residence. The required 30-meter Riparian assessment area and the 30-

meter building setback from the Lake extend past the boundaries of the property and prevent any and all development of the property.

The completed Riparian Assessment and Geotechnical Report support a 15-meter setback that would allow a single-family residence, similar in size and style to adjacent properties, to be constructed and allow the protection of the longest stretch of shoreline at the south end of Ruby Lake.

The proposed siting of the dwelling is not anticipated to have a significant impact on adjacent properties and will not affect view or access to sunlight of the neighbouring dwelling to the north. The proposed siting conforms to the side yard setback requirement set in Zoning Bylaw No. 337. The applicant has voluntarily completed a shadow study to confirm limited impact on adjacent property.

Approval of the requested variance is the best solution to provide the owner with a reasonable option for locating a new residence on the property that will address the general intent of the Zoning Bylaw and the OCP.

Consultation

The development variance permit application has been referred to the following agencies for comment:

Referral Agency	Comments
SCRD Building Division	No concerns
Vancouver Coastal Health	The septic system is filed with VCH by a certified professional engineer assuring compliance of the system with the Sewage System Regulation.
shíshálh Nation	Referred on February 22, 2021. No response received to date.
Advisory Planning Commission	The APC recommends approval of the variance subject to reducing the size of the propose dwelling.
Neighbouring Property Owners/Occupiers	Notifications were distributed on March 5, 2021 to owners and occupiers of properties within a 100m radius of the subject property. Comments from one area resident were received.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. One area resident opposes to the application and requests a further shadow study to be based on more accurate survey information.

With respect to APC comments, the requested reduction in dwelling size does not relate to the variance being sought. If the subject variance is granted, the proposed dwelling will comply with all zoning bylaw requirements, including setback, parcel coverage and building height.

The applicant is responsible for ensuring all work undertaken complies with the *Heritage Conservation Act*. The province has approved heritage permits for the site and the applicant's archaeological consultants will continue work on the site to ensure terms and conditions of the permits are met.

Options / Staff Recommendation

Possible options to consider:

Option 1: Issue the permit

This would permit the proposed residential development on the property to proceed.

Planning staff recommend this option.

Option 2: Deny the permit

The zoning bylaw regulation would continue to apply, and no new development would be permitted on the property without a variance. The applicant could, as an alternative option, seek relief through the SCRD Board of Variance.

STRATEGIC PLAN AND RELATED POLICIES

Review of the application for the development variance permit supports the SCRD's strategy for community collaboration.

CONCLUSION

The proposed development variance permit would facilitate the development of a residence in an area at least 15 m away from the natural boundary of Ruby Lake. This area is identified by professional riparian and geo-technical assessments which indicate that development within this area can proceed without negative impact on the lake watershed environment, building safety or adjacent properties.

Staff recommend issuing the development variance permit.

ATTACHMENTS

Attachment A – Proposed development plans

Reviewed by:			
Manager	X - D. Pady	Finance	
GM	X – I. Hall	Legislative	
CAO	X – D. McKinley	Other	

PID 008-961-042
 ADDRESS 5986 Bluff Place, Ruby Lake BC
 LEGAL Lot 13, Block 1, District 3989, Plan VAP 12096

ZONING RU-5

PENDER HARBOUR - EGMONT (ELECTORAL AREA A) ZONING BYLAW	SQUARE METERS	SQUARE FEET
ZONING CALLS FOR MINIMUM USEABLE LOT AREA OF	640.00	6,889.00
AVAILABLE USEABLE AREA WITH WITH PROPOSED 15 METER SETBACK	521.00	5,607.00

LOT COVERAGE	SQUARE METERS	SQUARE FEET
TOTAL LOT AREA	2,062.00	22,197.00
ALLOWABLE PERCENT OF LOT COVERAGE	15%	15%
TOTAL ALLOWABLE LOT COVERAGE	309.30	3,329.55
PROPOSED LOT COVERAGE	296.00	3,194.00

FLOOR AREAS	SQUARE METERS	SQUARE FEET
MAIN FLOOR AREA	126.90	1,366.00
GARAGE AND MECHANICAL	41.62	448.00
UPPER FLOOR AREA	83.06	894.00
TOTAL FLOOR AREA	251.58	2,708.00

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 FOR
 DP & DPV APPLICATION
 REVISION 1

PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

COVER PAGE

DRAWING NUMBER AND REVISION:

A0.0

ISSUES AND REVISIONS:

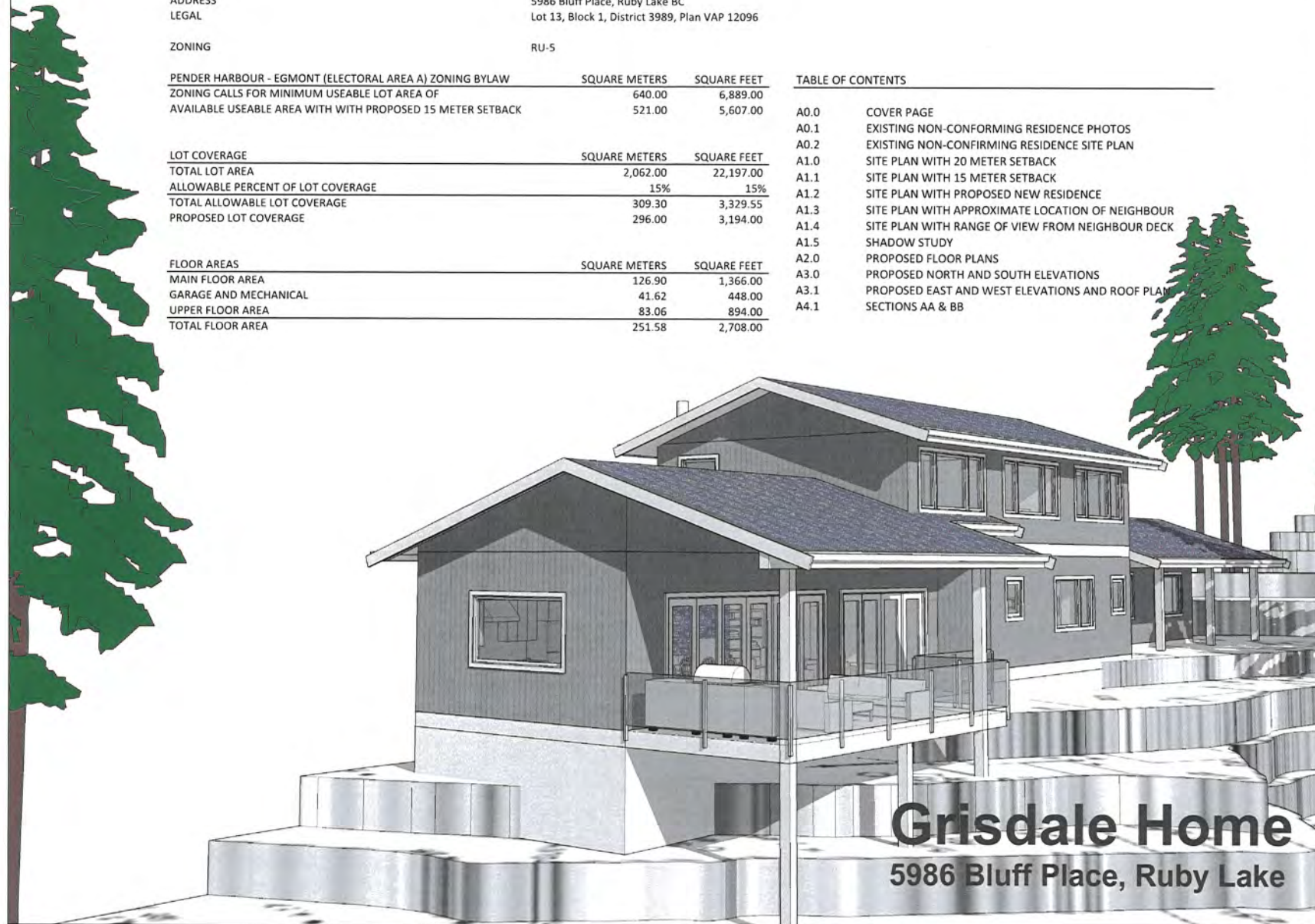
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PROJECT NAME:

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DRAWING TITLE:

**EXISTING
NON-CONFORMING
RESIDENCE PHOTOS**

DRAWING NUMBER AND REVISION:

A0.1

ISSUES AND REVISIONS:

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SCALE:

NA

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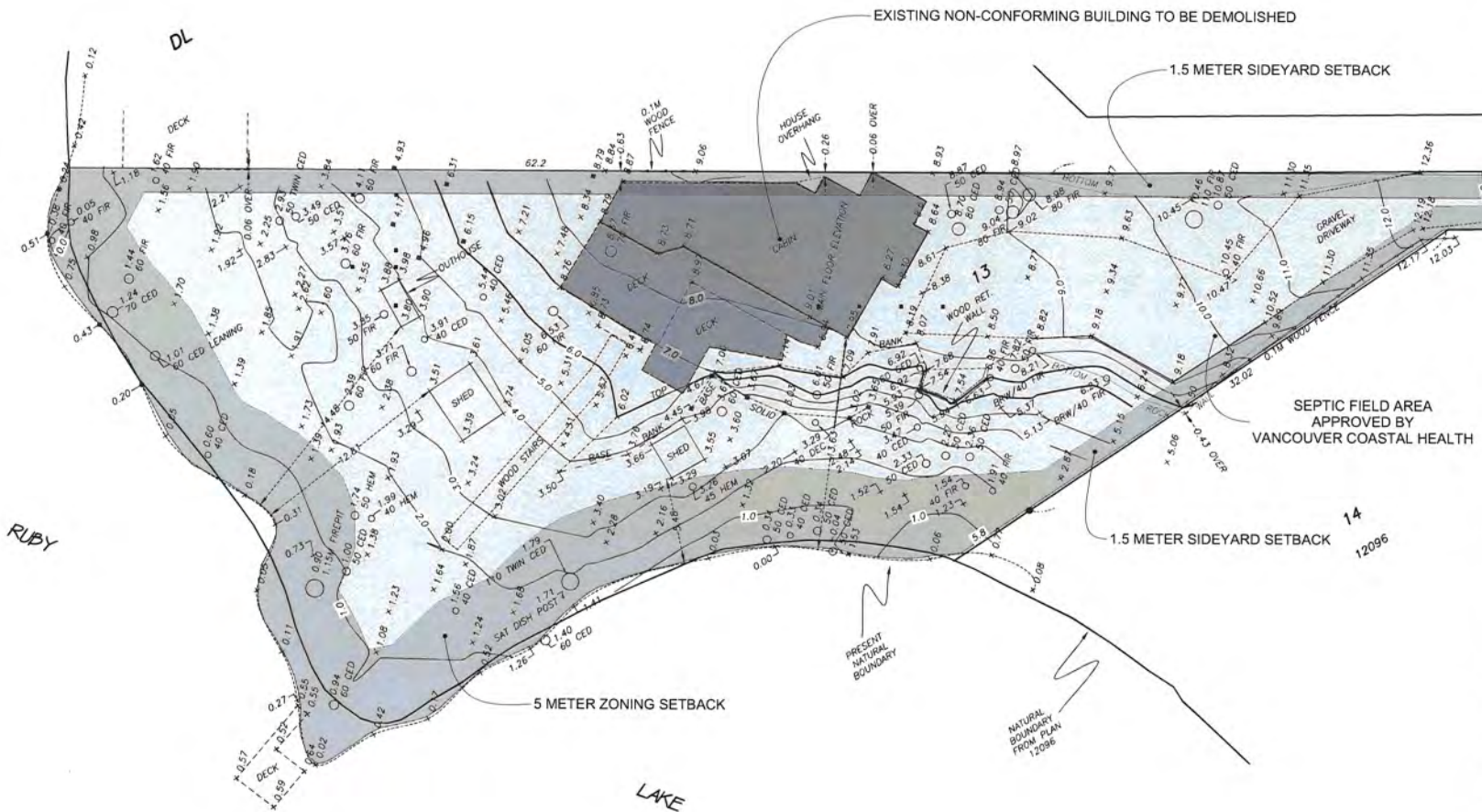
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PROJECT NAME:
GRISDALE HOME

DRAWING TITLE:
**EXISTING
NON-CONFORMING
RESIDENCE SITE PLAN**

DRAWING NUMBER AND REVISION:
A0.2

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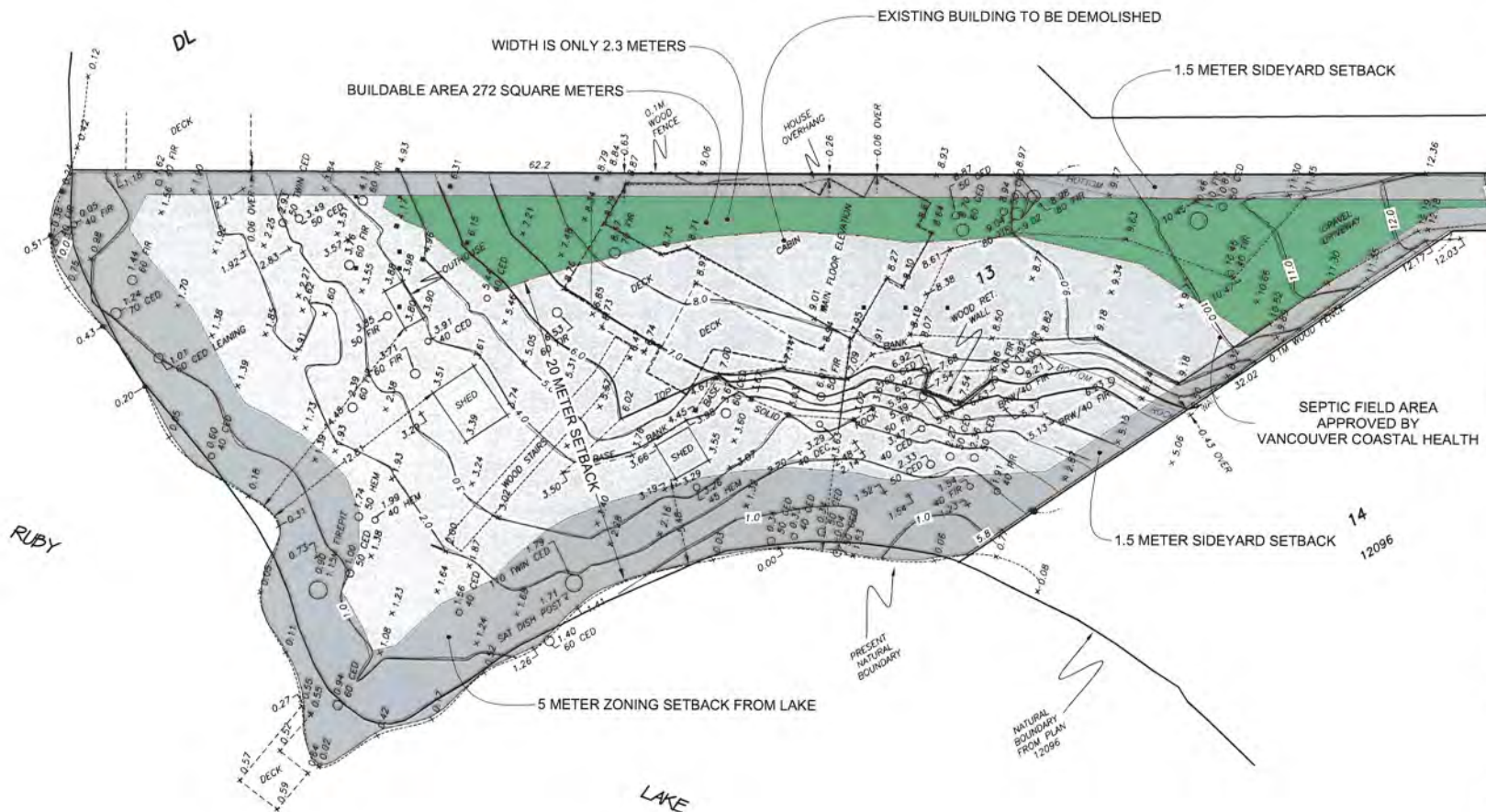
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THE PROPOSED 15 METER SETBACK RESULTS IN A USEABLE AREA OF 272 SQUARE METERS
(THE MINIMUM USEABLE AREA ESTABLISHED BY ITEM 403 (1) OF THE ZONING BYLAW IS 640 SQUARE METERS)



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PROJECT NAME:
GRISDALE HOME

DRAWING TITLE:
**SITE PLAN WITH
20 METER SETBACK**

DRAWING NUMBER AND REVISION:

A1.0

ISSUES AND REVISIONS:

REV	DATE	ISSUE

SCALE:
3/32" = 1'-0"

ISSUE DATE:
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T 3989 PLAN 12096.

THE PROPOSED 15 METER SETBACK RESULTS IN A USEABLE AREA OF 573 SQUARE METERS
(THE MINIMUM USEABLE AREA ESTABLISHED BY ITEM 403 (1) OF THE ZONING BYLAW IS 640 SQUARE METERS)



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PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

**SITE PLAN WITH
15 METER SETBACK**

DRAWING NUMBER AND REVISION:

A1.1

ISSUES AND REVISIONS:

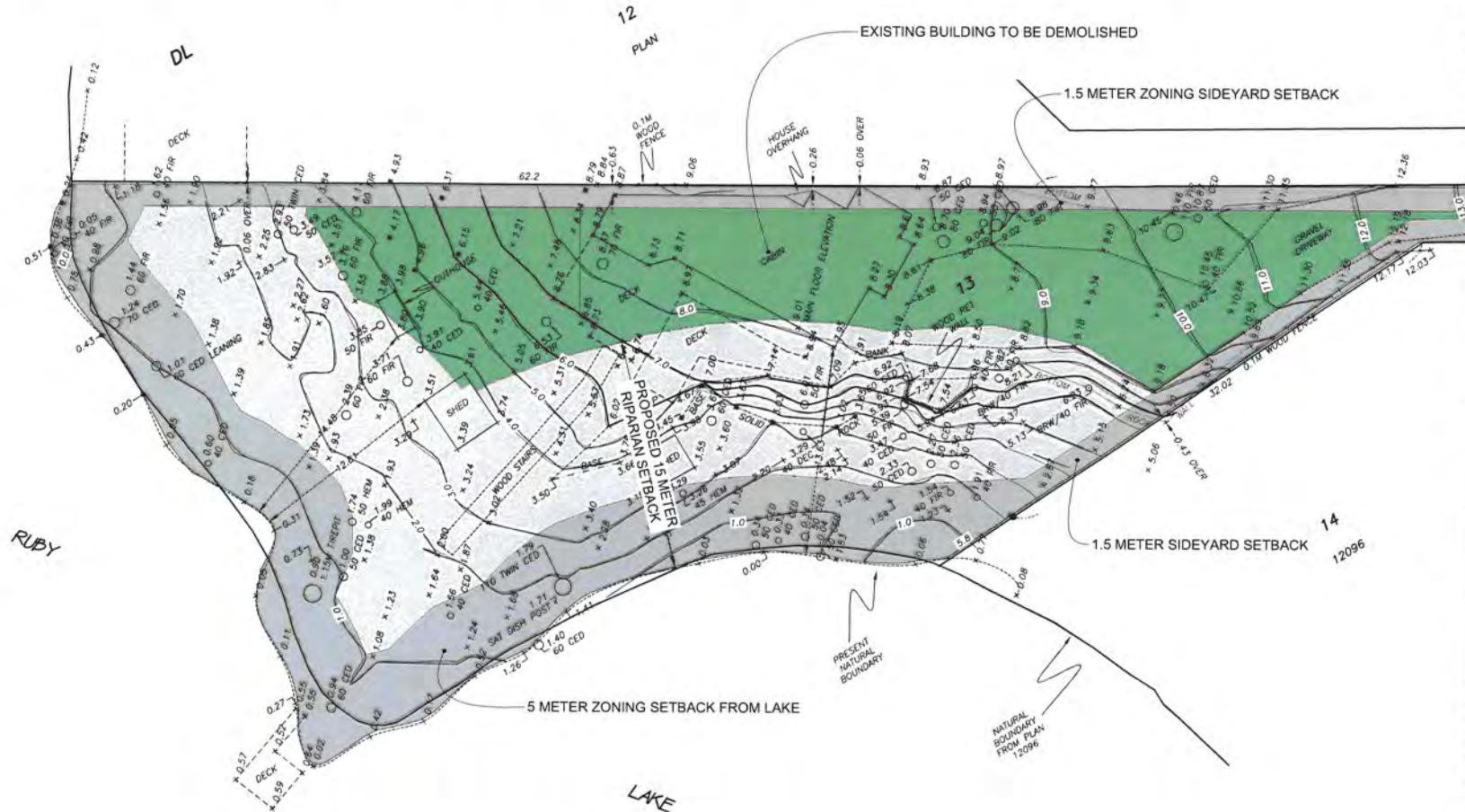
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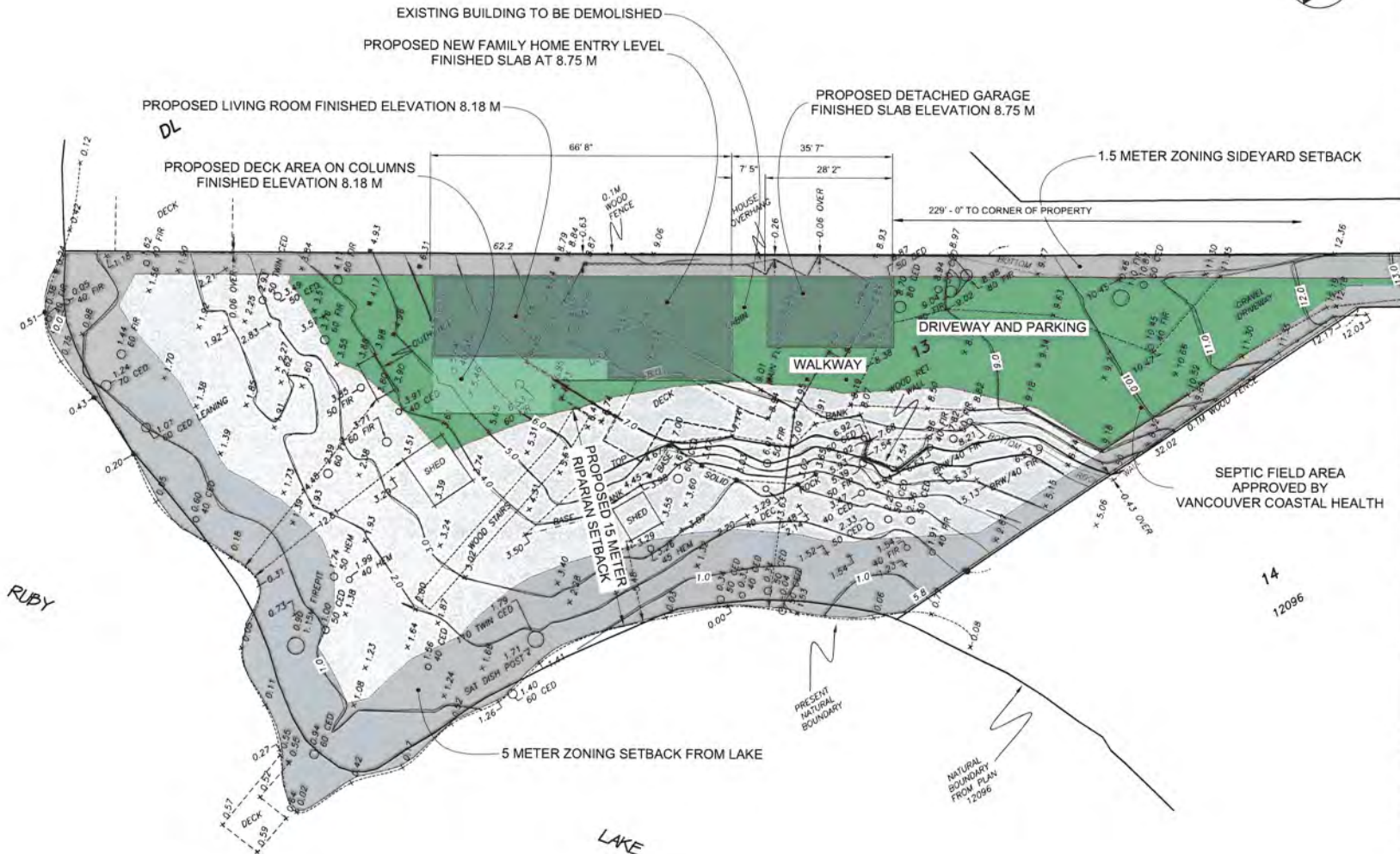
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PROJECT NAME:
GRISDALE HOME

DRAWING TITLE:
**SITE PLAN WITH
PROPOSED NEW
RESIDENCE**

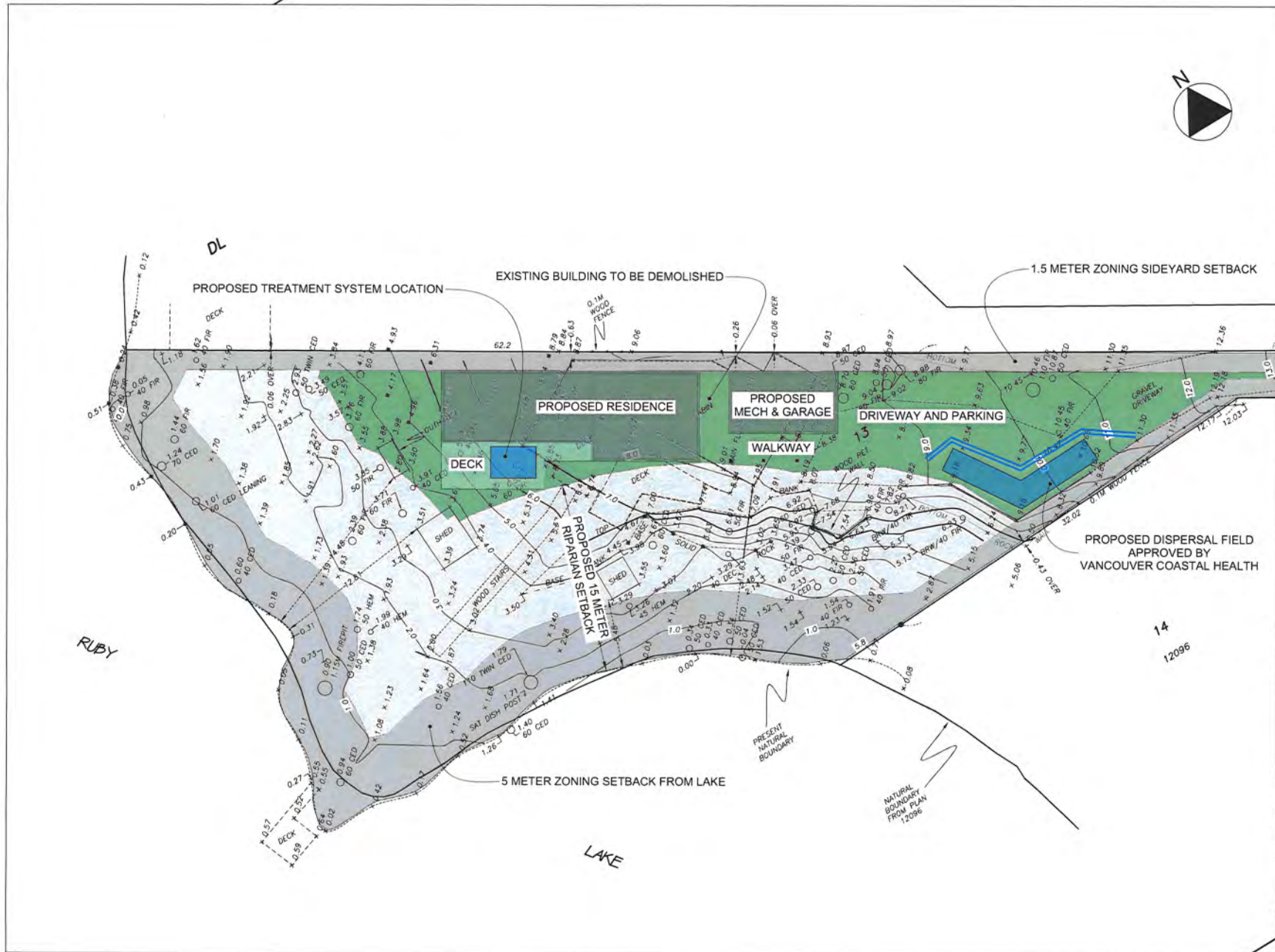
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A1.2

ISSUES AND REVISIONS:

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FOR SEWAGE TREATMENT
SYSTEM REVISION

PROJECT NAME:
GRISDALE HOME

DRAWING TITLE:
**SITE PLAN WITH
SEWAGE TREATMENT
SYSTEM**

DRAWING NUMBER AND REVISION:

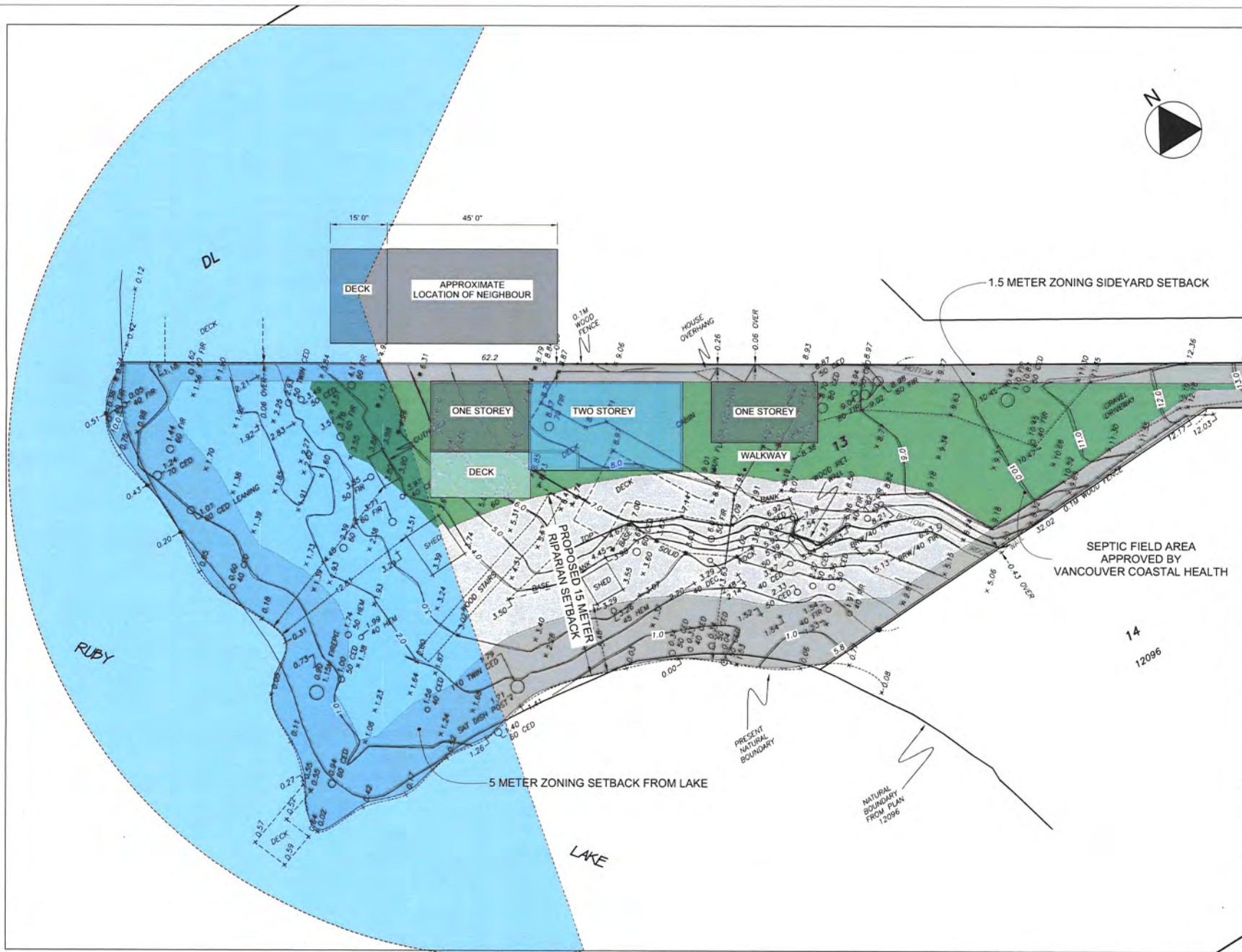
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ISSUES AND REVISIONS:

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PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:
SITE PLAN WITH
RANGE OF VIEW
FROM NEIGHBOUR DECK

DRAWING NUMBER AND REVISION:

A1.4

ISSUES AND REVISIONS:

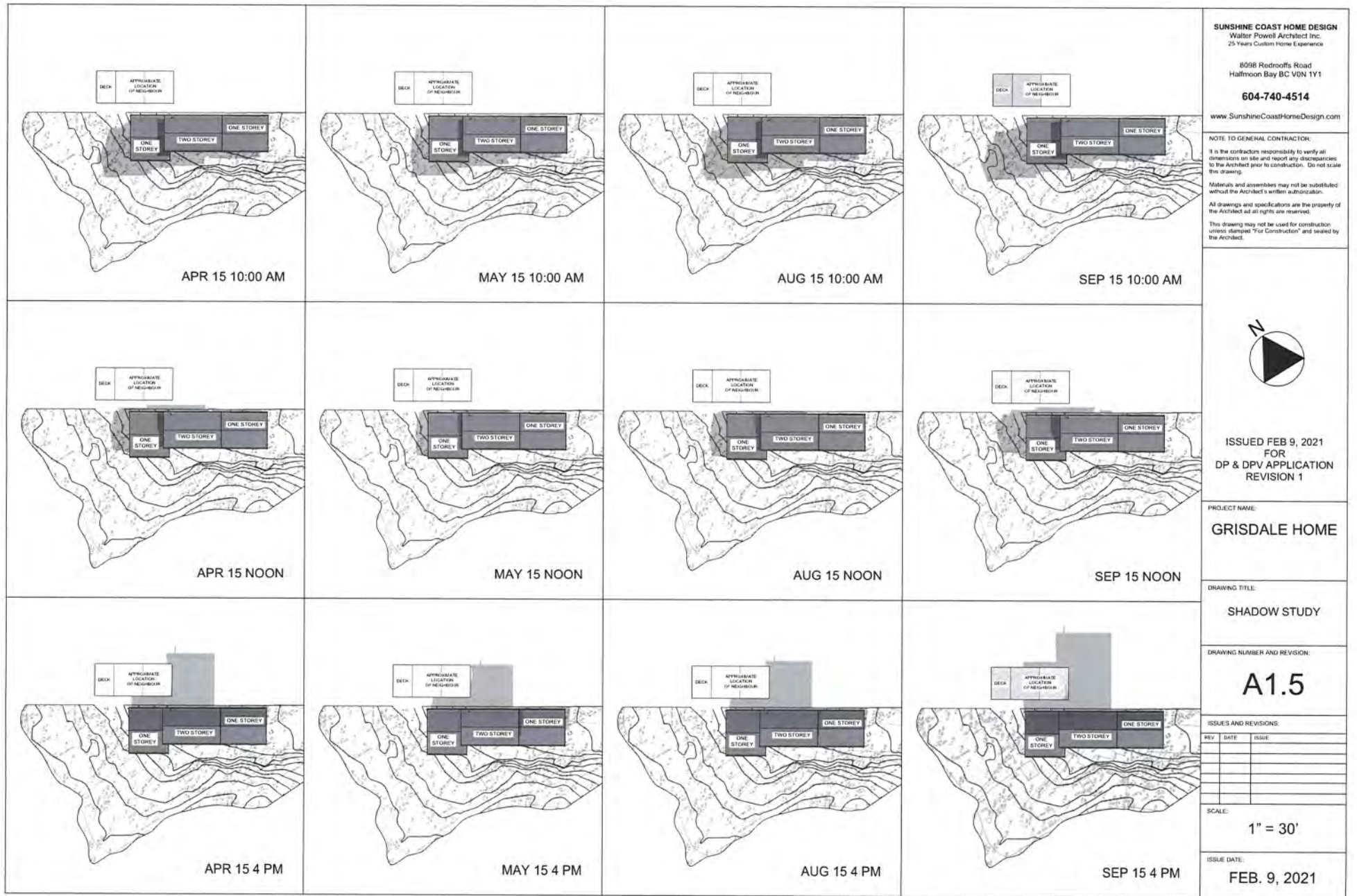
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MAIN FLOOR PLAN



UPPER FLOOR PLAN

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PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

**PROPOSED
FLOOR PLANS**

DRAWING NUMBER AND REVISION:

A2.0

ISSUES AND REVISIONS:

REV	DATE	ISSUE

SCALE:

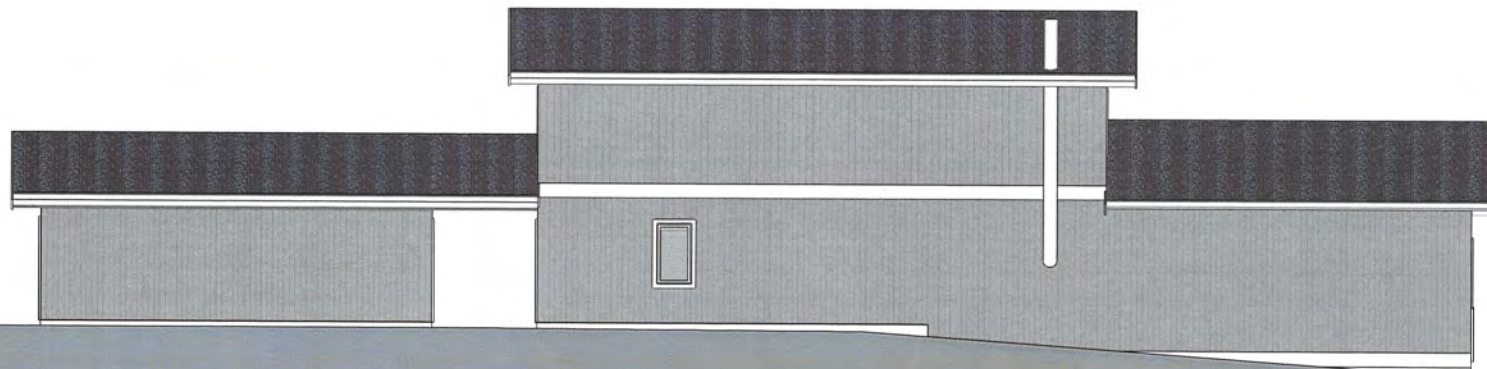
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SOUTH ELEVATION



NORTH ELEVATION

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REVISION 1

PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

**PROPOSED NORTH &
SOUTH
ELEVATIONS**

DRAWING NUMBER AND REVISION:

A3.0

ISSUES AND REVISIONS:

REV	DATE	ISSUE

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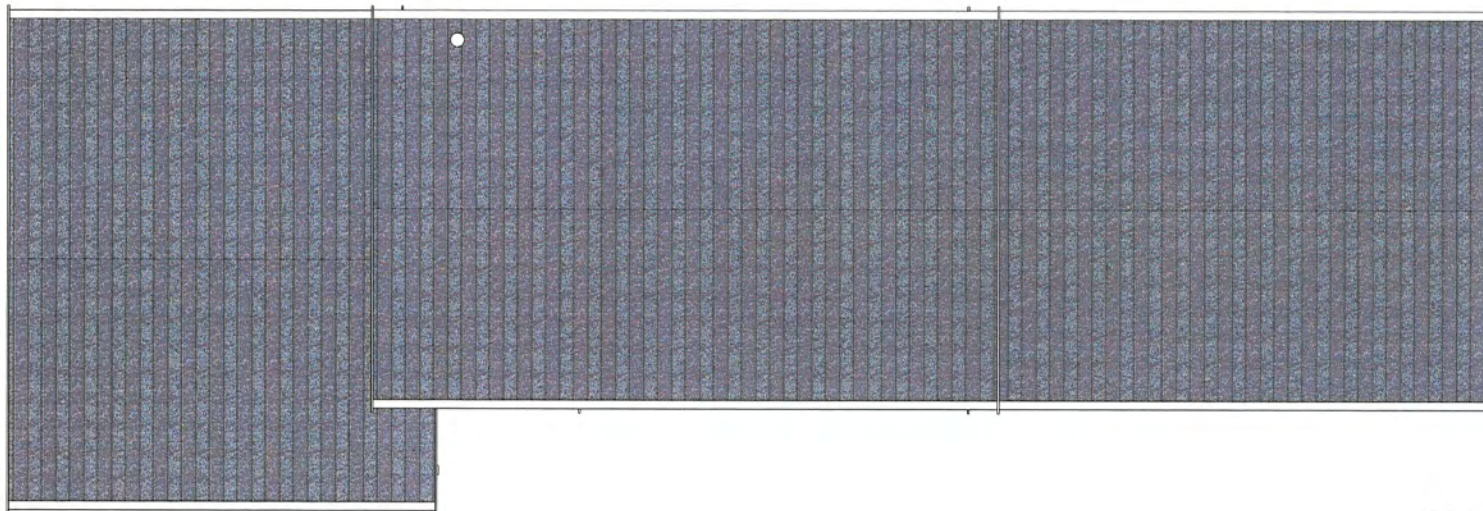
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EAST ELEVATION

WEST ELEVATION



ROOF PLAN

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FOR
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REVISION 1

PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

**WEST & EAST
ELEVATIONS
& ROOF PLAN**

DRAWING NUMBER AND REVISION:

A3.1

ISSUES AND REVISIONS:

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SECTION AA

SECTION BB

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REVISION 1

PROJECT NAME:

GRISDALE HOME

DRAWING TITLE:

**SECTIONS
AA & BB**

DRAWING NUMBER AND REVISION:

A4.1

ISSUES AND REVISIONS:

REV	DATE	ISSUE

SCALE:

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ISSUE DATE:

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