

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 15, 2023
RE: Development Variance Permit Application — Electoral Area “I” (I2023.044-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2023.044-DVP, to allow for the construction of a metal storage container at 159 Alder Avenue, Kaleden, be approved.

Legal: Lot 9, Plan EPP74523, District Lot 105S, SDYD Folio: I-01523.660

OCP: Low Density Residential (LR) Zone: Residential Single Family Two (RS2)

Variance to reduce the minimum exterior side parcel line setback from 4.5 metres to 0.12 metres; and

Requests: to allow a metal storage container between a principal building and an exterior side parcel line.

Proposed Development:

This application is seeking a variance to the exterior side parcel line setback and metal storage container general regulation that applies to the subject property in order to formalize the placement of a metal storage container.

Specifically, it is being proposed to vary the exterior side parcel line setback from 4.5 metres to 0.12 metres and to vary the metal storage container general regulation by allowing a metal storage container in a low density residential zone to be placed between a principal building and an exterior side parcel line.

In support of this request, the applicant has stated that:

- *The structure was designed and built with the same material (cedar beams) and painted to match the house.*
- *I have spoken to neighbours and received emails confirming that they do not object to this structure.*
- *It is not adjacent to a neighbour property line, it borders 1st Street which is an undeveloped roadway.*

Site Context:

The subject property is approximately 1139m² in area and is situated on the west side of Alder Avenue, in Kaleden. The property is understood to contain one (1) singled detached dwelling and one accessory building (carport) that has been constructed using a metal storage container.

The surrounding pattern of development is generally characterised by similar residential development.

Background:

The property was created on October 24, 2017, while available Regional District records indicate that a building permit for a single detached dwelling (2019) has previously been issued for this property. The property is currently designated Low Density Residential (LR) and zoned Low Density Residential Two (RS2) which lists accessory building or structure as a permitted accessory use.

The property has been the subject of a Stop Work Notice for constructing a metal storage container with a carport addition on the property without a building permit. The applicant has provided an approved Highway Use Permit from MoTI authorizing a setback distance of 0.12 metres from the provincial highway (First Street).

The property is subject to a restrictive covenant under s. 219 of the *Land Title Act*, due to potential geohazard danger. The covenant requires a set forward distance of 8 metres from the toe of the slope at the rear of the property.

In support of the placement of the metal storage container, the applicant has submitted a geotechnical assessment prepared by Shane Greene, M.Sc., P.Eng. (Tetra Tech) and dated May 9, 2023, stating that “it is our assessment that the structure is not in opposition to the geotechnical intent of the set-forward distance and can be safely placed in the specified location without interfering with the intent of the Covenant Area”.

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on September 9, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

Comments regarding the proposal were accepted until 4:30 p.m. on September 29, 2022. All comments received are included as a separate item on the Board’s Agenda.

Under the Regional District’s Development Procedures Bylaw No. 2500, 2011, DVP applications that are determined to be ‘not minor’ and therefore require consideration by the Regional District Board do not require additional notification of the Board meeting date once the 15 working day period has lapsed.

Analysis:

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

The Zoning Bylaw’s prohibition on the placement of metal storage containers between a principal building and an exterior side parcel line in the Low Density Residential zones is generally to avoid visual impacts to the streetscape and prevent the ‘industrialization’ of residential neighbourhoods.

In this instance, potential impacts to adjacent properties are limited because the exterior side parcel line of the subject property abuts an unconstructed road and the nearest adjacent property is approximately 22 metres from the metal storage container.

Potential visual impacts to the streetscape are also limited because the metal storage container is partly screened from the roadway by an embankment along First Street.

Alternative locations appear to be available on the property that would allow the structure to be sited in compliance with the zoning bylaw, but are not the preferred location for the applicant.

Alternatives:

1. That the Board deny Development Variance Permit No. I2022.044-DVP.

Respectfully submitted

Ben Kent
Ben Kent, Planner I

Endorsed by:


C. Garrish
C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview)

No. 2 – Site Photo (Aerial Photo)

Attachment No. 1 – Site Photo



Attachment No. 2 – Aerial Photo

