

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 22, 2021
RE: Development Variance Permit Application — Electoral Area “I”

Administrative Recommendation:

THAT Development Variance Permit No. I2021.021 -DVP to authorize an existing oversized bathroom in the accessory building at 137 Taggart Crescent in Electoral Area “I” be approved.

Purpose: To authorize an existing oversized bathroom in the accessory building. Folio: I-02779.010

Civic: 137 Taggart Crescent Legal: Lot 2, Plan KAP29328, District Lot 411, SDYD

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

Variance to allow for a bathtub in an accessory building; and

Requests: to vary the maximum floor area for a bathroom in an accessory building from 3.0 m² to 5.86 m².

Proposed Development:

This application is seeking to formalise an existing bathtub and bathroom in an accessory building on the subject property.

Specifically, it is being proposed to:

- i) allow the one (1) existing bathtub to remain in the accessory building; and,
- ii) To increase the maximum permitted floor area for a bathroom in an accessory building from 3.0 m² to 5.86 m².

In support of this request, the applicant has stated that “we are the new owners...We are attempting to make this space compliant without tearing apart and demolishing what is already there.”

Site Context:

The subject property is approximately 4134 m² in area and is situated on the south side of Taggart Crescent. The rear parcel line of the subject property abuts Trout Lake. The property is currently developed to a single detached dwelling, a shed, and a garage.

The surrounding pattern of development is characterised by residential development on Small Holdings and Large Holdings designated parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 06, 1980, while available Regional District records indicate that building permits for a single family dwelling (1980), a hay barn/shed (1994) and a garage (2007) have been issued for this property.

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) designation.

Under the Electoral Area “1” Zoning Bylaw No. 2457, 2008, the property is currently zoned Small Holdings Four (SH4) which allows for single detached dwellings, accessory buildings, accessory dwellings and secondary suites. Section 7.13.3 and 7.13.4 state that “no accessory building or structure shall contain showers and bathtubs” and “The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m².”

In 2016, the Regional District received a complaint regarding a secondary suite on the subject property that had not been approved through a building permit.

On July 6, 2017, the Regional District approved an amendment bylaw that rezoned the property to SH4 in order to allow for an secondary suite.

Following completion of the rezoning, a building permit was never submitted to bring the suite into compliance with the Building Code. Consequently, on October 20, 2017, a Building Without Permit for a secondary suite was issued. On September 20, 2020, the Regional District resolved that a Section 302 Notice be placed on Title.

BC Assessment has classified the property as Residential (Class 01).

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

In considering this proposal, Administration notes that the zoning bylaw’s regulation of bathroom floor area in accessory structures is generally to ensure such building are constructed for non-residential purposes (i.e. storage, garage, shop, etc.) and to support existing zoning regulations governing use and density.

In this instance, it is noted that the bathtub and the oversized bathroom in the accessory structure have long been in existence. Administration also recognises that the Board previously approved the use of part of this structure as a dwelling unit (2017) and since that time, neither has the bathroom increased in area nor have any new fixtures been installed.

The requested variances are required in order to address the zoning changes implemented in 2020 that prohibited secondary suites in accessory buildings and to bring the existing bathroom into compliance with the RDOS zoning bylaws.

Conversely, Administration is concerned that if the requested variance is approved, the accessory structure may be converted to an accessory dwelling in the future which is not a permitted use on the subject property.

For the reasons stated above, Administration supports the requested variances and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. I2021.021-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "I" Advisory Planning Commission.

Respectfully submitted

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Front Street View)

Attachment No. 1 – Site Photo (Front Street View)



Accessory building (garage) with the bathtub and oversized bathroom on the upper level