



# City of Salmon Arm **Development and Planning Services Committee**

Monday, August 19, 2024, 8:00 a.m. Council Chambers of City Hall 500 - 2 Avenue NE, Salmon Arm, BC

**Pages** 

#### 1. **CALL TO ORDER**

#### 2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.

#### 3. ADOPTION OF AGENDA

Motion for Consideration

THAT: the Agenda be adopted as presented.

#### **APPROVAL OF MINUTES** 4.

3 - 5

## Motion for Consideration

THAT: the Development and Planning Services Committee Meeting Minutes of August 6, 2024 be approved.

#### 5. **DISCLOSURE OF INTEREST**

#### 6. **REPORTS**

6.1 Development Variance Permit Application No. 602 6 - 18

Legal: Lot 8, Section 8, Township 20, Range 9, W6M, KDYD, Plan 9772

Civic: 6310 10 Avenue SE Owner: Murray Metherell Agent: Loreen Matousek

# Motion for Consideration

THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. 602 be authorized for issuance for Lot 8, Section 8, Township 20, Range 9, W6M, KDYD, Plan 9772, varying Zoning Bylaw No. 2303 Section 35.10.2, reducing the rear parcel line setback from 6.0 m to 1.067 m to facilitate the construction of an accessory building.

Development Variance Permit Application No. 603 6.2

19 - 31

Legal: Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP56083

Civic: 1141 19 Avenue SE

Owner: Jamie Spoletini and Christine Lutzko

# Motion for Consideration

THAT: the Development and Planning Services Committee recommends to

Council that Development Variance Permit No. 603 be authorized for issuance for Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP56083 to vary Zoning Bylaw No.2303 as follows:

Section 4.12.1 (a) Fences and Retaining Walls maximum height increase from 2.00 m (6.5 ft) to 4.27 m (14 ft).

- 7. FOR INFORMATION
- 8. IN-CAMERA
- 9. ADJOURNMENT

# **DEVELOPMENT AND PLANNING SERVICES**

# Minutes of a Meeting of the Development and Planning Services Committee of the City of Salmon Arm

August 6, 2024, 8:00 a.m. Council Chambers of City Hall 500 – 2 Avenue NE, Salmon Arm, BC

COUNCIL PRESENT: Mayor A. Harrison

Councillor T. Lavery

Councillor L. Wallace Richmond

Councillor D. Cannon Councillor S. Lindgren

ABSENT: Councillor K. Flynn

Councillor D. Gonella

STAFF PRESENT: Chief Administrative Officer E. Jackson

Director of Engineering & Public Works R. Niewenhuizen Director of Planning & Community Services G. Buxton

Deputy Corporate Officer B. Puddifant

Corporate Officer R. West Senior Planner C. Larson

Other Staff present: City Engineer J. Wilson

\_\_\_\_\_

# 1. CALL TO ORDER

Mayor Harrison called the meeting to order at 8:00 a.m.

# 2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.

# 3. ADOPTION OF AGENDA

Moved by: Councillor Wallace Richmond

Seconded by: Councillor Lavery

THAT: the Agenda be adopted as presented.

Carried Unanimously

# 4. APPROVAL OF MINUTES

**Moved by:** Councillor Cannon **Seconded by:** Councillor Lindgren

THAT: the Development and Planning Services Committee Meeting Minutes of July 2, 2024 be approved.

**Carried Unanimously** 

#### 5. DISCLOSURE OF INTEREST

## 6. REPORTS

6.1 Zoning Bylaw Amendment Application No. ZON-1284

Legal: Lot 1, Section 15, Township 20, Range 10, W6M, KDYD, Plan EPP10328

Except Plans EPP17085 and EPP18478

Civic: 2991 - 9 Avenue SW

Owner: Salmon Arm Shopping Centres Ltd. And Calloway REIT (Salmon Arm)

Inc.

Agent: SmartCentres Management Services Inc. (Savard, B.)

B. Savard, SmartCentres Management Service Inc., the agent, outlined the application and was available to answer questions from the Committee.

Moved by: Councillor Cannon Seconded by: Councillor Lavery

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 Section 46 – CD-8 – Comprehensive Development Zone-8 – as follows:

- 1) Section 46.3 add "multiple family dwellings" as a permitted use;
- 2) Section 46.4 increase maximum principle building height from 12 m to 19 m for a residential multiple family dwelling building;
- 3) Section 46.6 reduce minimum parcel size/site area from 5 to 0.5 acres;
- 4) Section 46.8 reduce the minimum setbacks as per the attached site plan:
  - Building P from 6 m to 1.3 m,
  - Building N from 6 m to 2.6 m,
  - Residential Building A from 6 m to 3.2 m, and
  - Residential Building B from 6 m to 0.7 m;
- 5) Parking reduce the residential multiple family parking requirement from 1.25 to 0.82 stalls per dwelling.

AND THAT: Final Reading of the Bylaw be subject to:

 Submission of an updated Traffic Impact Analysis (TIA) completed to the satisfaction of the City Engineer with acknowledgement that the owner/applicant is responsible for any and all off-site improvements recommended by the TIA and the registration of a *Land Title Act*, Section 219 covenant to address the findings and recommendations of the TIA report; and

2. Ministry of Transportation and Infrastructure approval.

Carried Unanimously

# 6.2 Zoning Amendment Application No. ZON-1297

Legal: Strata Lots 1 to 38, Section 13, Township 20, Range 10, W6M, Plan K171 Civic: Units 503 – 599 24 Street NE and 2207 - 2299 5 Avenue NE (Orchard

Grove Gardens)

Applicant: City of Salmon Arm

**Moved by:** Councillor Lindgren **Seconded by:** Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration that would have the effect of rezoning the subject property legally described as Strata Lots 1 to 38, Section 13, Township 20, Range 10, W6M, Plan K171 from R-10 (Residential Zone) to R-14 (Compact/Strata Multi-Family Residential Zone).

Carried Unanimously

# 7. FOR INFORMATION

7.1 Heritage Trail (ALC Application ID 62711)Received for information.

- 8. IN-CAMERA
- 9. ADJOURNMENT

There being no further business on the agenda, the meeting adjourned at 9:16 a.m.

MAYOR. A. HARRISON	_



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Planner I

Title: Development Variance Permit Application No.602

Legal: Lot 8, Section 8, Township 20, Range 9, W6M, KDYD, Plan 9772

Civic: 6310 10 Avenue SE
Owner: Murray Metherell
Agent: Loreen Matousek

Date: August 19, 2024

# **Executive Summary/Purpose:**

The purpose of this application is to reduce the rear parcel line from 6.0 m to 1.067 m in order to construct an accessory building.

# **Motion for Consideration:**

THAT: the Committee recommends to Council that Development Variance Permit No.602 be authorized for issuance for Lot 8, Section 8, Township 20, Range 9, W6M, KDYD, Plan 9772 (6310 10 Avenue SE) varying Zoning Bylaw No. 2303 Section 35.10.2, reducing the rear parcel line setback from 6.0 m to 1.067 m to facilitate the construction of an accessory building.

# **Staff Recommendation:**

That the motion for consideration be adopted.

# Proposal:

The subject parcel is located at 6310 10 Avenue SE (Appendices 1 and 2). The proposal is to construct an accessory pole shed building in place of the existing 52 m² (560 ft²) tent structure on the property (Appendix 3). The proposed location of this building would require a rear parcel line setback variance from 6.0 m to 1.067 m along the south property line.

# **Background:**

The subject property is designated Acreage Reserve (AR) in the Official Community Plan (OCP), and is zoned A2 (Rural Holding) in the Zoning Bylaw (Appendices 4 and 5). This property is also located directly across from Klahani Park. South Canoe Elementary School, City owned gravel pit, and South Canoe Trail system are in the vicinity of the subject property. Land uses adjacent to the subject property include the following:

North: P-1 (Park and Recreation Zone) Klahani Park

South: A-2 (Rural Holding Zone), ALR Single Family Dwelling East: A-2 (Rural Holding Zone), ALR Single Family Dwelling West: A-2 (Rural Holding Zone) Single Family Dwelling

The subject property is approximately 0.20 ha (1,996.4 m2) in area and is comprised of a single family dwelling, shop, and a tent structure. It is located at 6310 10 Avenue SE, at the corner of 10 Avenue SE and 63 Street SE. The property owner is proposing an 83 m² (900 ft²) accessory building (pole barn) to replace the existing tent structure on the property. In addition to the proposed accessory building, staff note that the applicant is also proposing the demolition of a separate accessory building (shop) to be replaced with another accessory building. The proposed structures are under review through a Building Permit application.

In 2021 Council issued a Development Variance Permit (No. 538) for a similar building and location on the subject property. However, the variance expired and the owner did not construct that building. The current proposal differs from that application in location and that the proposed building closer to the property line, 1.067 m as opposed to 1.50 m.

# Relevant Policy(ies):

N/A

## **Referral Comments:**

# Fire Department

No concerns.

# **Building Department**

No concerns. Accessory use buildings larger then 10 x 10 feet require a Building Permit.

## Engineering Department

No concerns.

## Other

N/A

## Planning Department

Development Variance Permits are considered on a case-by-case basis and in doing so a number of factors are taken into consideration when reviewing a request. These factors include site-specific conditions such as lot configuration and existing structures, negative impact to general form and character of the surrounding neighbourhood and, potential negative impact(s) on adjacent properties.

The proposed building location shown on the site plan (Appendix 7) is in the same location as the existing tent structure and would pose no more impact to the adjacent properties. The proposed pole shed would mirror the adjacent southern property. The proposed location of the accessory building would allow the existing stand of trees to be retained. The subject property is a corner lot which makes the placement of an accessory building in a different location difficult without removing the existing landscaping.

The property to the south has an accessory building along the shared property line. Staff note that the location of the accessory building on the lot to the south complies with side parcel line setback requirements. Whereas, the proposed building, and configuration of the lot, requires the proposed accessory building to be located compliant with rear parcel line setback. In the A-2 zone the minimum side parcel line setback is 3.00 m and the rear parcel line setback is 6.00 m. The subject property is a corner parcel with an exterior, front, and rear parcel line all being 6.00m. Staff note that this limits the available building area on the subject property.

Minimum setback requirements in the Zoning Bylaw are in place to ensure minimum distances between buildings across parcel lines and to ensure continuity of development amongst multiple parcels in a given area of similar zoning. In considering the factors noted above, staff are not concerned with variance request.

# **Financial Considerations:**

N/A

#### **Committee Recommendations:**

N/A

# **Public Consultation:**

Pursuant to the *Local Government Act* and City of Salmon Arm Development Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that Council will consider issuance of this Development Variance Permit on August 26, 2024.

# **Alternatives & Implications:**

N/A

Prepared by: Planner I

Reviewed by: Manager of Planning and Building Approved by: Chief Administrative Officer

#### Attachments:

- Appendix 1 Subject Property map
- Appendix 2 Ortho Maps
- Appendix 3 OCP Map
- Appendix 4 Zoning Map
- Appendix 5 Site Photos
- Appendix 6 Letter of purpose
- Appendix 7 Site Plan







75 Page 10 of 31 50 12.5 25

Parcels

Subject Property





0 5 10 20 30 Page 11 of 31

Parcels

Subject Property







• View from the front property line (10 Avenue SE), looking south.





• View from the exterior parcel line (63 Street SE), looking west.



• Looking east towards 63 Street SE.

# To Whom it may Concern

I am applying for a variance on my property at 6310 10 Ave SE Salmon Arm. I want a pole shed at the back of the property for my camper and there is a row of mature trees that would prevent me from putting it the required distance from the property line. If I was to move it inside the row of trees that would make a huge part of the lot useless.

I have spoken with the neighbour on that side and she is agreeable to what I am proposing.

The previous owner had a variance from the city for a similar project which was never completed.

Thank you for your consideration

--

Murray Metherell

10th Ave SE HOUSE 39 Ft 1515.5 Not to scale DECK 16 1 X 141 EXISTING SHED 10'X43' (to be removed) CARPORT 20 X 241 PROPOSED SEPTIC FIELD KSHOP 9.81 TREES 24' X24' 22 321 18' X50' EXISTING TENT 14'x 40' to remove 281 22" 32! 3.5 3.5' Amended PROPOSED POLE BARN scale 14 = 4 FT. Address: 6310 10th Ave SE. Murray Metherrell PINK to remove BLUE proposed

Page 17 of 31

# **Barb Puddifant**

From:

Sent:

Thursday, August 15, 2024 6:54 PM

To:

Barb Puddifant

Subject:

[External] Development Variance Permit No. Vp-602

To The Planning and Community Services Department of Salmon Arm,

I would like to offer my opinion on the proposed variance on property 6310 10th Ave SE. I am a neighbor, owning and residing at 6220 10th Ave SE, and I support the applicants proposal. If the bordering neighbors are supportive I see no reason to deny the application. I would hope that if we proposed a similar project, our neighbors would be agreeable towards reasonable improvements in the area.

Thank you,

Corinne Christie



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Planner I

Title: Development Variance Permit No. 603

Legal: Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP56083

Civic: 1141 19 Avenue SE

Owner: Jamie Spoletini and Christine Lutzko

Agent: N/A

Date: August 19, 2024

# **Executive Summary/Purpose:**

The purpose of this application is to increase the maximum allowable height for a retaining wall from 2.00 m to 4.27 m.

# **Motion for Consideration:**

THAT: the Committee recommends to Council that Development Variance Permit No.603 be authorized for issuance for Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP56083 to vary Zoning Bylaw No.2303 as follows:

Section 4.12.1 (a) Fences and Retaining Walls maximum height increase from 2.00 m (6.5 ft) to 4.27 m (14 ft).

#### Staff Recommendation:

That the motion for consideration be adopted.

# Proposal:

The subject property is located at 1141 19 Avenue SE. The purpose of this application is to build a retaining wall across the 22.86 m rear (north) parcel line. The proposed site of the retaining wall and the site photos are shown in Appendix 5 and 6. A contour map is attached as Appendix 8.

# **Background:**

The subject property is located at 1141 19 Avenue SE and is designated for Low Density Residential in the Official Community Plan (OCP) and is zoned R-10 (Residential Zone) in the City's Zoning Bylaw (Appendix 3 and 4). The subject property is within the "Byersview" subdivision, where there are significant slopes north of 19 Avenue SE. The proposed 4.27 m retaining wall would be located at the north (rear) end of the property.

North:	R-10 (Residential Zone)	Single Family Dwelling
South:	R-10 (Residential Zone)	Single Family Dwelling
East:	R-10 (Residential Zone)	Single Family Dwelling
West:	R-10 (Residential Zone)	Single Family Dwelling

# Relevant Policy(ies):

N/A

## **Referral Comments:**

# Fire Department

No concerns.

# **Building Department**

No concerns. Retaining walls require a building permit when over the 2.00 m height.

# **Engineering Department**

No concerns

## Other

N/A

# Planning Department

Development Variance Permits are considered on a case-by-case basis and in doing so a number of factors are taken into consideration when reviewing a request. These factors include site-specific conditions such as lot configuration and existing structures, negative impact to general form and character of the surrounding neighbourhood and, potential negative impact(s) on adjacent properties.

The applicant is requesting to increase the maximum height of a retaining wall from the maximum of 2.00 m in the rear and interior side yards to a proposed combined height of 4.27 m (a 14 foot high retaining wall). This proposal aligns with the two adjacent properties existing retaining walls. The purpose of the retaining wall is to raise the original grade to allow for a level back yard on a steep slope and to align with development that has occurred on the adjacent parcels.

Staff have concerns regarding the requested variance considering the following:

- 1. The 4.27 m height requested is relatively large with respect to the 2.00 m maximum, which should be considered in combination with the proposed length of the wall (23.00 m) relative to the subject property.
- 2. The base of the proposed retaining wall is positioned on or relatively close to shared parcel lines, potentially having a negative visual affect for adjacent properties.
- 3. The combination of the proposed retaining wall and the associated future home (a 10 m / 32.8 foot maximum height is permitted) could create an overall visually imposing structure.

Additional factors also affect this parcel that should be considered with the requested variance - primarily the steep terrain and existing retaining walls on adjacent parcels. Further, staff note that the setbacks for the proposed wall present an opportunity for landscaping to mitigate the visual impact of the proposed retaining wall (although such landscaping would be up to the homeowner).

Thus, in support of the requested variance, staff note the following:

- 1. The proposed wall is set back from property lines and there is an opportunity (at the homeowner's discretion) for landscaping to mitigate visual impacts.
- 2. The wall is a continuation, consistent with and proposed to tie into existing walls on adjacent parcels.
- 3. The steep sloping terrain provides a reasonable rationale for some form of retaining wall to create level yard areas across this development, and is a common approach for single family developments in Salmon Arm.

OCP Policy 8.3.22 suggests minimizing cut, fill and retaining walls on hillside areas, as well as the preparation of grading plans prior to servicing and construction. As noted in the OCP, such a grading plan undertaken in advance of development (subdivision) can help ensure consistency between neighbouring parcels.

Considering the steep slopes affecting this development, staff generally encourage this approach for consistency across neighbouring parcels.

Typically, staff would not support a variance of this scale and recognize that the Council is not obligated to follow any precedents in considering this proposal. Given that this request aligns with the existing retaining walls on the adjacent parcels, addresses the steep slopes and allows for maintenance and potential landscaping with the proposed retaining wall's placement, staff support the requested variance.

# **Financial Considerations:**

N/A

#### **Committee Recommendations:**

N/A

# **Public Consultation:**

Pursuant to the *Local Government Act* and the City of Salmon Arm Development Procedures Bylaw notices are mailed to land owners within a 30 m radius of the application. The notice outlines the proposal, advises those with an interest in the proposal to provide a written submission prior to the Hearing, and provides information regarding attending the Hearing. It is expected that the Hearing will be held on August 26, 2024.

# **Alternatives & Implications:**

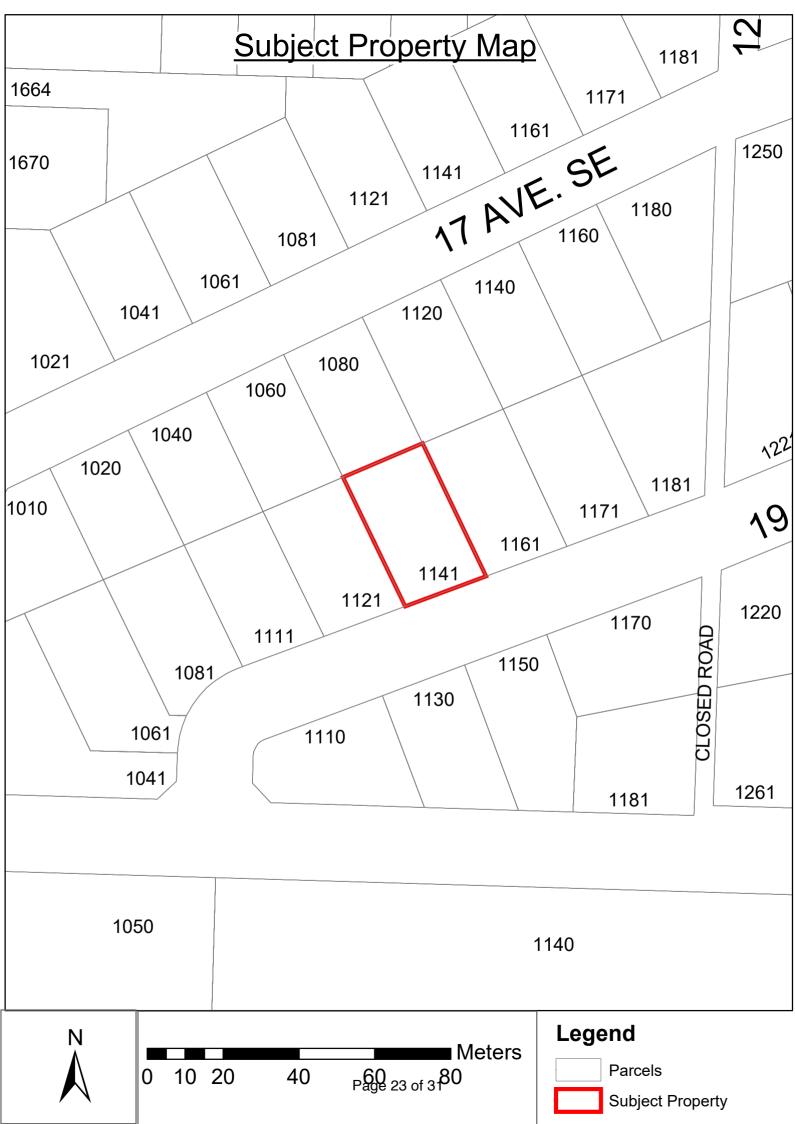
N/A

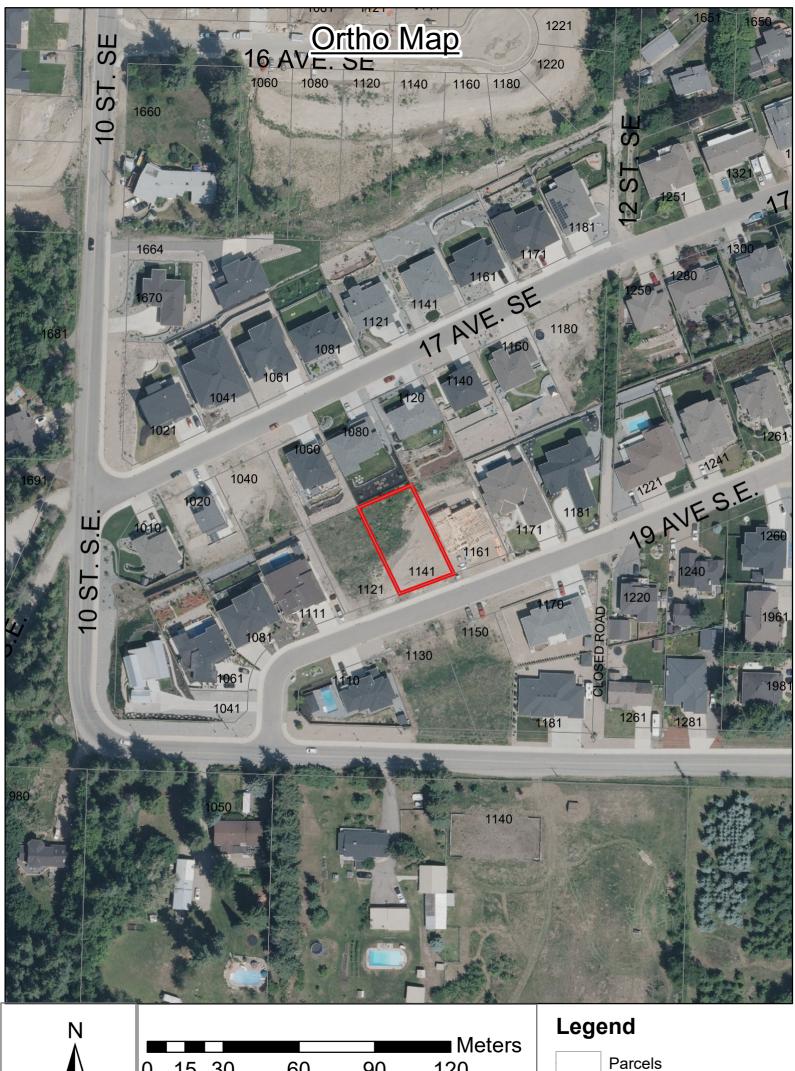
Prepared by: Planner I

Reviewed by: Manager of Planning & Building

Approved by: Chief Administrative Officer Attachments:

- Appendix 1 Subject Property Map
- Appendix 2 Ortho Maps
- Appendix 3 OCP Map
- Appendix 4 Zoning Map
- Appendix 5 Site Plan
- Appendix 6 Site Photos
- Appendix 7 Letter of purpose
- Appendix 8 Contour Map

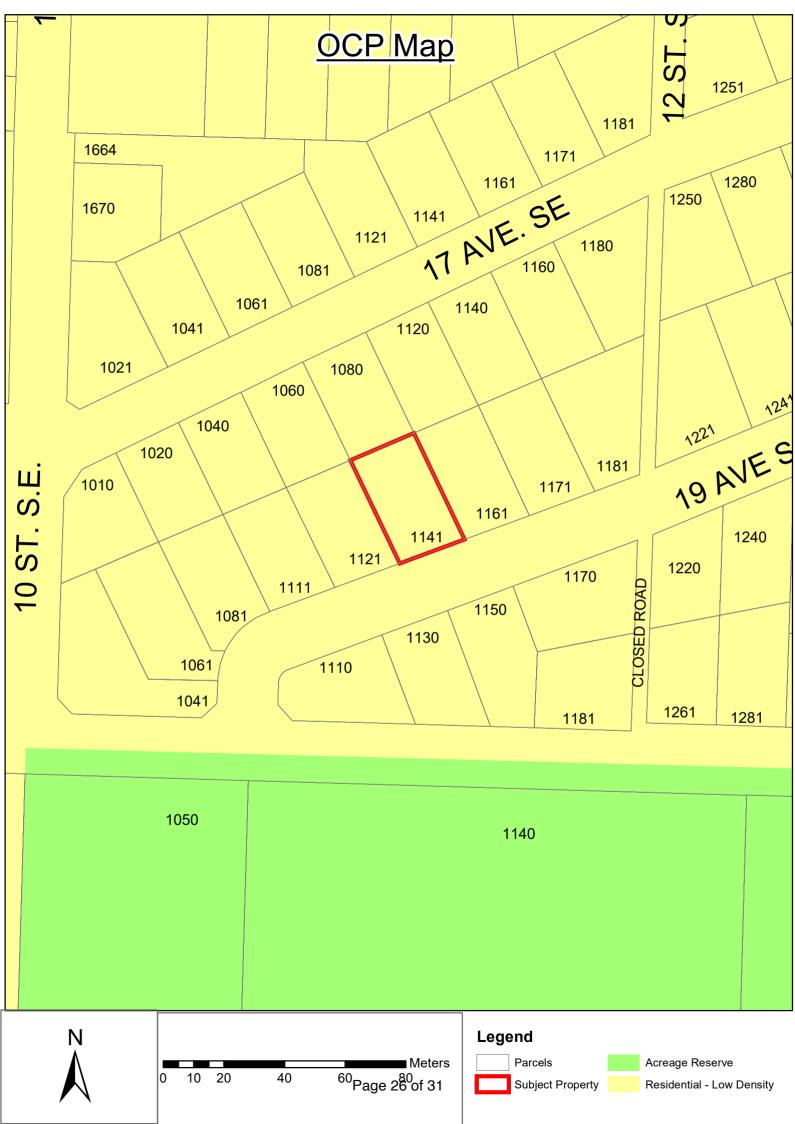


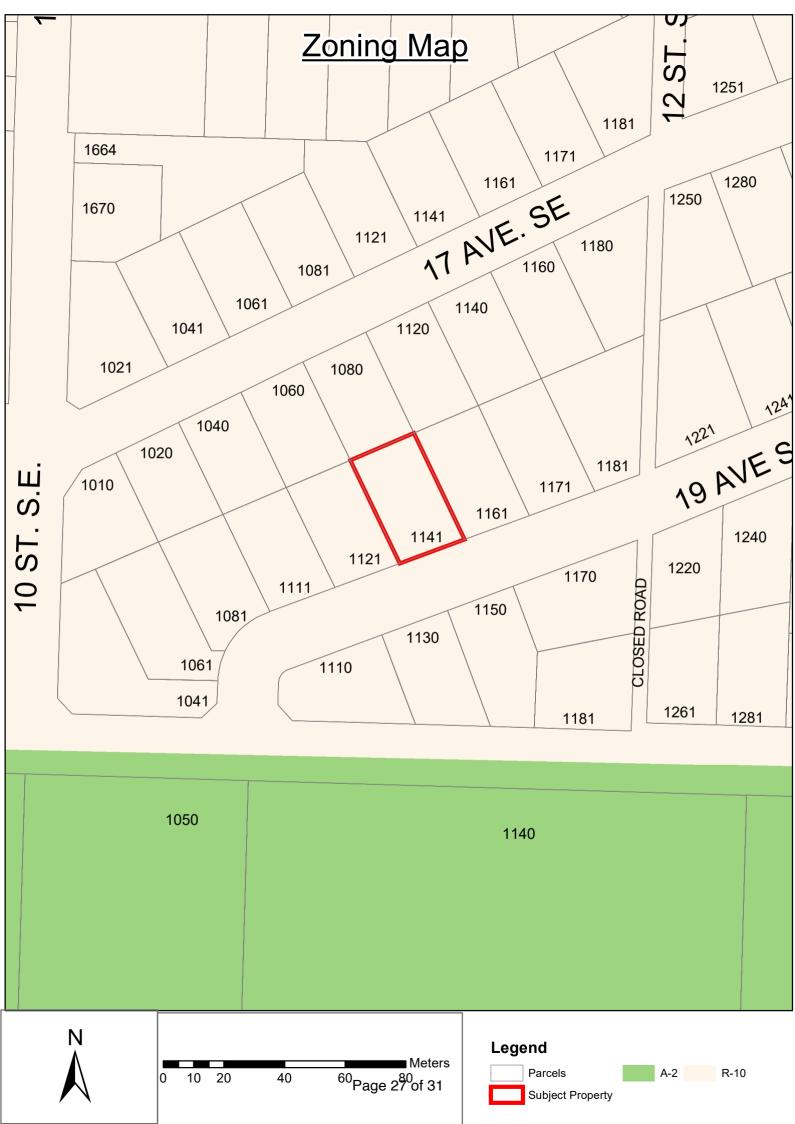


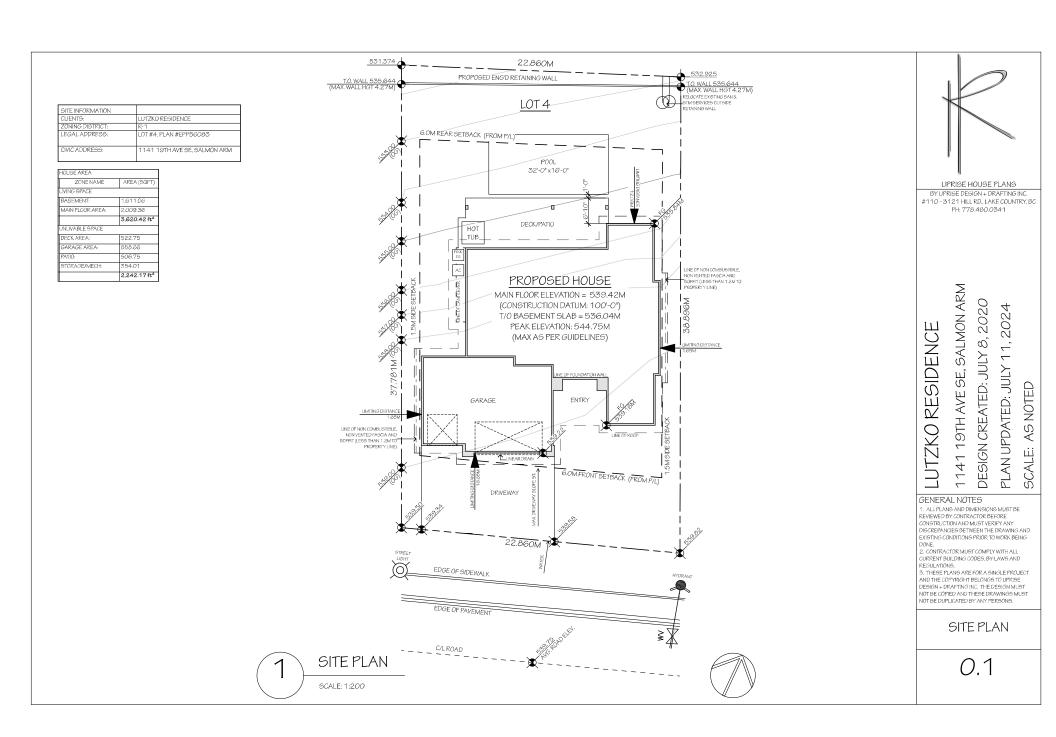
15 30 90 <sub>24 of 3</sub>120 60

Subject Property











• View from 17 Avenue SE. Looking southwest towards subject property.



• View from 19 Avenue SE. Looking north at the subject property.

June 25, 2024

Dear Mayor, Councilors and City of Salmon Arm Staff:

RE: Variance application - retaining wall height

We (Jamie Spoletini and Christine Lutzko) are seeking a height variance for a proposed retaining wall for a new single family residence to be built at 1141 – 19 Avenue SE in the community of Byer's View.

Current zoning by laws state that a variance is required if a retaining wall exceeds 2.0 meters (6', 6"). We respectfully request a retaining wall height of up to 4.27 meters (14').

Due to the grade/slope of the property, we require a height of 4.27 meters (14'). The proposed retaining wall would be constructed at the rear of the property in an east / west direction.

This proposal aligns with the homes on either side of this property as they are on the same bench which has quite a steep slope. To maintain continuity and a cohesive appearance, the wall we would construct would be of similar appearance, design and style to the adjoining properties. The building lot in question is the last remaining lot on the north side of 19<sup>th</sup> Avenue SE. Construction of a retaining wall will provide greater use of the property, be easier to maintain and align with the retaining walls on neighboring properties.

We sincerely hope that you agree with our request,

Sincerely,

Jamie Spoletini and Christine Lutzko

