

TO: His Worship Mayor Harrison and Members of Council

DATE: September 19, 2023

SUBJECT: Variance Permit Application File No. VP-592 (Rear Setback)  
Legal: Lot 1, Section 4, Township 20, Range 10, W6M, KDYD, Plan 38048  
Civic Address: 3931 Foothill Road SW  
Owner/Applicant: D. Speed & K. Bergen

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**MOTION FOR CONSIDERATION**

**THAT: Development Variance Permit No. VP-592 be authorized for issuance for Lot 1, Section 4, Township 20, Range 10, W6M, KDYD, Plan 38048, which will vary Zoning Bylaw No. 2303, as shown in Appendix 5 of the staff report dated September 19, 2023 and as follows:**

**Section 34.11.2 – Minimum Setback of an Accessory Building Intended to Accommodate Non-Agricultural Uses – Reduce the rear parcel line setback from 6.0 m (19.7 ft) to 2.0 m (6.5 ft).**

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**STAFF RECOMMENDATION**

**THAT: The motion for consideration be adopted.**

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**PROPOSAL**

The subject property is located at 3931 Foothill Road SW (Appendix 1 & 2). The request is for a variance to decrease the 6 m (19.7 ft.) minimum rear parcel line setback to 2.0 m (6.5 ft.) in order to construct a shop and maintain distance from the existing residential building and existing large tree.

**BACKGROUND**

The subject property is designated Salmon Valley Agriculture (SVA) in the City's Official Community Plan (OCP) and zoned A-1 (Agriculture) in the City's Zoning Bylaw (Appendix 3 & 4).

The property is 0.3 ha (0.7 ac) in area and within the Agricultural Land Reserve. The subject property has a smaller area than permitted in the A-1 Zone. The lot was created in 1987 and was likely a Home Site Severance Subdivision, hence the undersized lot.

A site plan and building drawings are attached as Appendix 5. The applicant has provided a letter of rationale, attached as Appendix 6. Site photos are attached as Appendix 7.

Adjacent land uses include the following:

|        |                                 |           |
|--------|---------------------------------|-----------|
| North: | Farm                            | Zoned A-1 |
| South: | Farm and Single-family dwelling | Zoned A-1 |
| East:  | Farm                            | Zoned A-1 |
| West:  | Farm and Single-family dwelling | Zoned A-1 |

## COMMENTS

### Fire Department

No Fire Dept. concerns.

### Building Department

No concerns with variance. The retaining wall, as shown on the site plan, will need to move away from the property line to allow for work and cribbing to be done without encroachment onto the adjacent property.

### Engineering Department

As Foothill Road SW is designated as an Arterial Road, accesses shall be designed by keeping to a minimum number. Only one driveway access will be permitted onto Foothill Road SW. All unused driveways shall be removed. Owner / Developer responsible for all associated costs.

### Public Consultation

Pursuant to the Local Government Act and the City of Salmon Arm Development Variance Permit Procedures Bylaw notices are mailed to land owners within a 30 m 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 the Hearing for this application will be held on October 10, 2023.

### Planning Department

Due to the small lot area, there are limited locations for an accessory building, especially without interfering with the existing residential building and tree. The proposed accessory building would provide screening from the principal dwelling to adjacent uses, particularly the barn on the property to the rear. The subject property is surrounded by farm buildings and therefore no residential buildings would be impacted by the reduced setback. For these reasons staff support the variance request.

The proposed accessory building is described as a shop but looks very similar to a detached suite. Either a shop or a rural detached suite would be permitted on this parcel and the same variance would be required for either. If at the time of application for a Building Permit the applicant wishes to construct a detached suite instead of a shop it will need to comply with the Zoning Bylaw and BC Building Code, and Development Cost Charges would be applicable. Additional Zoning Bylaw regulations would include a maximum floor area of 90 m<sup>2</sup> for the suite, a maximum residential building area of 500 m<sup>2</sup> (including the existing single-family dwelling), a 6 m setback from all parcel lines, and a maximum height of 10 m. Another element to note is the property is assessed as residential and therefore the building cannot be used for farm use of any kind.

## CONCLUSION

Considering the relatively minor nature of the variance requested, site location, and adjacent development, staff are not concerned with the variance request.

*Morgan Paiement*

Prepared by: Morgan Paiement  
Planner I

*G. Buxton*

Reviewed by: Gary Buxton, MCIP, RPP  
Director of Planning & Community Services

### Appendices:

- Appendix 1 – Location Map
- Appendix 2 – Ortho Map
- Appendix 3 – OCP Map
- Appendix 4 – Zoning Map
- Appendix 5 – Site Plan & Building Drawings
- Appendix 6 – Letter of Rationale
- Appendix 7 – Site Photos