



REQUEST FOR DECISION

To: Development & Planning Services Committee

Title: Development Variance Permit Application No. VP-609 (Servicing)

Legal: Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 35473

Civic: 541 3 Street SW

Owner: City of Salmon Arm

Agent: Salmon Arm Folk Music Society / Bernd Hermanski Architect Inc.

Date: February 18, 2025

Executive Summary/Purpose:

The applicant is requesting to vary height, setback, and servicing requirements triggered through a Building Permit application for an accessory building.

Motion for Consideration:

THAT: the Committee recommends to Council that Development Variance Permit No. VP-609 be authorized for issuance for Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 35473 (541 3 Street SW) to vary the provisions of Zoning Bylaw No. 2303 as follows:

1. Section 26.5 Maximum Height of Accessory Buildings - increase the maximum permitted height of an accessory building from 6 m (19.7 feet) to 6.8 m (22.3 feet) as per Appendix 7 of the report dated February 18, 2025; and
2. Section 26.9.3 Minimum Interior Side Parcel Line Setback - reduce the minimum permitted interior side parcel line setback for an accessory building from 3 m (9.8 feet) to 0.2 m (0.7 feet) as per Appendix 7 of the report dated February 18, 2025.

AND THAT: the Committee recommends to Council that Development Variance Permit No. VP – 609 be authorized for issuance varying the Subdivision and Development Servicing Bylaw No. 4293, for frontage of Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 35473 (541 3 Street SW) as follows:

1. waive the requirement to upgrade 5 Avenue SW to the RD-3 Road standard; and
2. waive the requirement to upgrade 3 Street SW to the RD-2 Road standard.

Staff Recommendation:

The motion for consideration be defeated.

Proposal:

The applicant intends to construct an accessory building for storage and is requesting to vary the height and setback requirements, as well as waive the service (frontage) upgrades which would be required through a Building Permit application to both 3 Street SW and 5 Avenue SW which front the subject parcel.

Background:

The subject parcel is owned by the City of Salmon Arm and leased by the Salmon Arm Folk Music Society.

The property contains the Salmon Arm Folk Music Society office building and is located on 5 Avenue SW at the northeast corner of the fair grounds. The parcel has two road frontages (3 Street SW and 5 Avenue SW), and is just over 0.44 acres in area (Appendices 1 and 2). The subject property is designated High Density Residential in the City’s Official Community Plan (OCP) and zoned P3 - Institutional Zone in Zoning Bylaw No. 2303 (Appendix 3 and 4).

Adjacent land uses include the following:

North: Salvation Army	Zoned CD-6
South: Fairgrounds and Residential	Zoned P1 and R5
East: Residential	Zoned R5
West: Fairgrounds	Zoned P1

The applicant would be required to make a Building Permit application which would trigger the provisions of the Subdivision and Development Servicing (SDS) Bylaw No 4293 for the completion of frontage and service works.

Through this development, the applicant would be required to complete frontage works including upgrading the existing 5 Avenue SW frontage to the RD-3 standard (including street lighting and multi-use path installation), and upgrading the 3 Street SW frontage to the RD-2 standard (including street light installation). The applicant has provided a letter detailing their request and Engineer’s estimates (Appendix 5) as well as site plans and building elevations (Appendix 6). The cost estimates provided by the applicant totals \$132,000 for these works. This estimate lacks a professional seal, but has been reviewed by City Engineering staff. The City’s Engineering and Public Works Department has commented on this in their review of the proposal (Appendix 7).

Relevant Policy(ies):

OCP Policy

The subject parcel is within the High Density Residential designated area of the OCP. Institutional uses are not out of alignment with and may be found within the various land use designations of the OCP.

Zoning Bylaw

The subject parcel is zoned P3 - Institutional in Zoning Bylaw which permits the current and proposed use and regulates building heights and setback requirements.

Subdivision and Development Servicing Bylaw

The SDS Bylaw details servicing levels required for development. The subject property is within the Urban Development Area; therefore, requires full upgrades for the roads, works, and services along the subject parcel's frontages to the RD-2 and RD-3 standards.

Referral Comments:

Fire Department

No concerns.

Building Department

Based on the proposal, it appears BC Building Code concerns have been addressed:

1. No windows on the side of the building which is 0.2 m from the property line.
2. Wall construction to be non-combustible, 1 hour fire rating and noncombustible cladding.
3. No soffits to project beyond the exterior wall which is 0.2 m from the property line.

These concerns are considered in the architectural plans submitted.

Engineering Department

The Engineering Department has provided comments and alternatives which form the basis for the above staff recommendation to deny the requested variances. The Engineering Department comments are attached as Appendix 7.

As stated in these comments, the subject property is within the Urban Development Area of the Subdivision and Development Servicing Bylaw, which requires full upgrades of the roads, works, and services along the subject parcel's frontages. These upgrades include street lighting on 3 Street SW and multi-use path and street lighting on 5 Avenue SW. The RD-2 and RD-3 standards are attached (Appendix 8).

Staff note that Council was recently considering amendments to the Subdivision and Development Servicing Bylaw which would exempt City owned properties from triggering frontage improvements at the time of Building Permit for infrastructure projects. While this site is City owned property, the leaseholders are responsible for any improvements required as a result of the development of the site.

Other

None

Planning Department

When considering zoning regulation and servicing variances a number of factors are taken into consideration, including physical or legal constraints, scale of proposed development and growth potential in the area. The subject property is within the Urban Containment Boundary and zoned P3 Institutional, which supports the proposed use of the parcel.

Variances – Setback

The applicant has requested a setback variance to the interior side (west) parcel line. Setback regulations on corner parcels enable adequate separation between buildings for aesthetic, privacy, and view preservation reasons.

The requested reduction to the interior side parcel line setback requirement from 3.0 m to 0.2 m affects the long west-facing wall of the proposed accessory building along the west parcel line of the property, and is in part a response to the existing development on the site (the position of the office building). The building would serve to screen the stored materials on the site, and may improve the aesthetic condition of the parcel. The adjacent parcel to the west is the fairgrounds, with the directly adjacent area serving as a secondary access route with a barn building beyond.

The requested variance would not impact City utilities, pose any traffic safety or BC Building Code concerns, nor restrict future development on neighbouring lots. Articulation between the buildings is a goal of the OCP guidelines, and the increased distance between buildings on this site (and neighbouring sites) should serve to limit the impact of the development on adjacent parcels and the streetscape. Staff have no concerns with this request.

Variances – Height

With respect to building height and the request to increase the maximum height of an accessory building, staff note that the increase from 6.0 metres to 6.8 metres equates to an approximately 13% increase and is by definition “minor” (less than 15% as per the Development Procedures Bylaw). Furthermore, the proximity of the proposed building to the existing adjacent uses (i.e. the adjacent residential buildings and the buildings on the fairgrounds) help to isolate the impact of the proposed building from different potentially more sensitive uses (i.e. residential neighbourhood to the east). Staff have no concerns with this request.

Variances – Servicing

Staff note that the subject parcel is situated close to a number of community facilities including churches, recreation facilities, and parks, as well as downtown. The location is also at a prominent position within the City’s transportation network between commercial areas, residential areas, recreation facilities and event sites. 5 Avenue SW was identified in the City’s Active Transportation Plan as a portion of the “Long-Term Active Transportation Network” for investment in new infrastructure.

Staff recognize that scope of requisite improvements is large relative to the proposed project; however, completely offsetting the cost of upgrading and constructing frontage works onto the City is problematic. Waiving the requirements places additional financial burden on the City for the improvements in the future and increased costs on future developers of adjacent properties. Servicing requirements are in place to support the parcels being developed and the population growth in an area, which increases the need for safety improvements. As such, staff do not support the servicing variances as requested by the applicant be granted.

While staff recommend to not issue the servicing variance requests, an alternative for consideration to support limited variances has been suggested, with support for:

- The request to waive the street lighting on 3 Street SW as the existing lighting on the east side of the road serves to achieve the requirements; and
- The request to vary the height and setback requirements.

Should Council wish to advance in alignment with these suggestions in whole or in part, staff recommend the following conditions be applied:

- That street lighting on 5 Avenue SW be required to address gaps in coverage. As this is a safety-related requirement, staff do not support waiving this requirement;
- That the multi-use path of 5 Avenue SW be required; and
- That any requisite right-of-way or dedication for future improvements along frontages be provided to the City.

Financial Considerations:

Waiving servicing requirements places potential increased financial burden on the City in the completion of the improvements in the future.

Committee Recommendations:

N/A

Public Consultation:

Pursuant to the *Local Government Act* and City of Salmon Arm Development Variance Permit 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 the Hearing for this application will be held on February 24, 2025 at 7:00pm.

Alternatives & Implications:

Should Council wish to advance in alignment with the staff recommendations above, staff propose the following Motion for Consideration:

THAT: the Committee recommends to Council that Development Variance Permit No. VP-609 be authorized for issuance for Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 35473 (541 3 Street SW) to vary the provisions of Zoning Bylaw No. 2303 as follows:

1. Section 26.5 Maximum Height of Accessory Buildings - increase the maximum permitted height of an accessory building from 6 m (19.7 feet) to 6.8 m (22.3 feet) as per Appendix 7 of this staff report dated February 17, 2025; and
2. Section 26.9.3 Minimum Interior Side Parcel Line Setback - reduce the minimum permitted interior side parcel line setback for an accessory building from 3.0 m (9.8 feet) to 0.2 m (0.7 feet) as per Appendix 7 of this staff report dated February 17, 2025.

AND THAT: the Committee recommends to Council that Development Variance Permit No. VP – 609 be authorized for issuance to vary the Subdivision and Development Servicing Bylaw No. 4293, for frontage of Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 35473 (541 3 Street SW) as follows:

1. waive the requirement to upgrade 3 Street SW to the RD-2 Road standard.

The alternative motion above assumes all other upgrades to the applicable standards are completed, including the 5 Avenue SW lighting and multi-use path upgrades.

In considering the above motion, staff recognize that scope of requisite improvements in this case is still large relative to the proposed project. Should Council wish to advance any alternative option with further decreased service levels more supportive of the applicant's proposal, staff recommend that the provision of dedication to support the 5 Avenue SW multi use path and any other road dedication to be determined be required.

Table 1: DVP-604 – Applicant’s Proposal, Alternate and Staff Recommendations

SDS Bylaw Requirements	Applicant’s Proposal	Staff Alternate Recommendation	Minimum Suggested Requirements
5 Avenue SW – RD-3 Standard -road widening and boulevard / Multi-Use Path -street-lighting	Waive frontage upgrade requirements.	Deny request to all waive requirements. Note need for improved street-lighting. Note that MUP is identified in AT Plan.	Recommend all road dedications be required.
3 Street SW – RD-2 Standard	Waive frontage upgrade requirements.	Support the request.	Recommend all road dedications be required.

Prepared by: Senior Planner
 Reviewed by: Manager of Planning & Building
 Reviewed by: Director of Planning & Community Services
 Approved by: Chief Administrative Officer

Attachments:

- Appendix 1 – Location
- Appendix 2 – Ortho Map
- Appendix 3 – OCP
- Appendix 4 – Zoning
- Appendix 5 – Applicant’s Letter
- Appendix 6 – Site Plan and Elevations
- Appendix 7 – Engineering Report
- Appendix 8 – Road Standards