

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: January 21, 2025
Meeting Type: Regular Council Meeting

Prepared by: Sheeja Vimalan, Planner
Department: Planning and Development

Title: Development Variance Permit | DVP00408 | 13595 Forest Hill Drive
Description: To authorize construction of a proposed secondary suite with variances to site coverage, building height, maximum floor area and total floor area regulations.

RECOMMENDATION

THAT Development Variance Permit DVP00408 and Development Permit DP001066 (Attachment A to the Report to Council dated January 21, 2025) for the property located at 13595 Forest Hill Drive (Roll 3017105; PID: 018-311-644), to vary site coverage, height and floor area provisions of Zoning Bylaw #561, 2007 for the development of a secondary suite, be approved.

EXECUTIVE SUMMARY

The subject property is a previously developed residential lot within the District of Lake Country. The applicant proposes adding a secondary suite to the existing three-storey structure. The proposed addition would remove the accessory garage and attach two storeys (ground floor to grade level and a walkout basement below) to the entire structure on the sloping property.

The subject property is located within the Official Community Plan’s (OCP) Natural Environment, Drainage Hazard and Wildland Fire Development Permit Areas (DPAs). The application is in accordance with the associated guidelines.

The applicant requests variances to the maximum site coverage, building height and secondary suites’ maximum floor area and percentage of the total floor area of the principal building being used for a secondary suite.

Staff supports the proposed Development Variance Permit.

TABLE 1: BACKGROUND

Property Information	
Application Type	Development Variance Permit Application Date: 2024-02-08
Variances	<ul style="list-style-type: none"> ❶ Indicates requested variance to the maximum site coverage from 10% to 11.3%, a variance of 1.3% ❷ Indicates requested variance to the allowable maximum height of the structure from 9.5 m or 2 1/2 storeys to 12.4m or 4 storeys, a variance of 2.9m or 1.5 storeys ❸ Indicates requested variance to the secondary suite floor area from 90m² to 275.7m², a variance of 185.7m² ❹ Indicates requested variance to the total floor area of the principal building from 40% to 42.6%, a variance of 2.6%
Folio/Roll #:	03017.105
PID & Legal Description	018-311-644; LOT 16 SECTION 33 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN KAP50067

Civic Address:	13595 Forest Hill Dr.		
Applicant:	Jade Bay Constructors Ltd.	Owner s):	Alexander Kopp
OCP Designation:	Rural Residential		
Zoning Designation:	RR1– Rural Residential 1		
Land Use Contract	NA		
ALR:	NA		
Parcel Size:	~0.42 ha/1.04 ac		
Development Permit Areas:	<ul style="list-style-type: none"> • Natural Environment Development Permit Area • Drainage Hazard Development Permit Area • Wildland Fire Development Permit Area 		
Water Supply:	Lake intake		
Sewer:	Private		
Site Summary:	Zoning:	Use:	
	<i>North:</i>	RR1 – Rural Residential 1	Residential
	<i>East:</i>	RR1 – Rural Residential 1	Residential
	<i>South:</i>	RR1 – Rural Residential 1	Residential
	<i>West:</i>	RR1 – Rural Residential 1	Residential

ANALYSIS

Project Description

The subject property is located at 13595 Forest Hill Drive (Attachment B). The applicant's concept (Attachment C) is to provide a secondary suite and living areas for their growing family, allowing the home to function comfortably for three generations. The applicant confirmed (Attachment D) that the plan would allow the floorplan of the existing house to remain as is, and the proposed addition would not add height beyond the top of the existing structure. Furthermore, this addition would provide a new principal entry closer to the road which may improve access for emergency responders. Site photos (Attachment E) have been added for context.

Official Community Plan

The subject property is and designated Rural Residential under the District's OCP.

The property is also within the Natural Environment, Drainage Hazard and Wildland Fire Development Permit Areas (DPAs) under the District of Lake Country's Official Community Plan 2018-2038 (OCP). As outlined under Section 21.2 of the OCP the developer has submitted the Geotechnical Report, Wildland Fire Mitigation Report, and Environmental Assessment (Attachments F, G & H) required by the District. The proposed development is in accordance with the associated Development Permit Area (DPAs) guidelines.

Zoning Bylaw 561, 2007

The subject property is zoned RR1 – Rural Residential 1

The development proposal includes variances to the Zoning Bylaw regulations (Table 1) and have been identified in Attachment C.

While the variances request are substantial, it is unlikely that the requests would substantially impact adjacent properties and the request would provide a form of housing appropriate for a multi-generational family. Staff support the proposed variances.

DEVELOPMENT REGULATIONS		
CRITERIA	RR1 Zone	PROPOSAL
Site Coverage	10%	① 11.3%
Height	9.5 metres or 2 1/2 storeys	② 12.4 metres /4 storeys

Min. Front Yard (West)	6.0 metres	6.0 metres
Min. Side Yard (North)	3.0 metres	3.0 metres
Min. Side Yard (South)	3.0 metres	3.0 metres
Min. Rear Yard (East)	10.0 metres	10.0 metres
Secondary Suite -Floor Area	90m ²	③ 275.7m ²
Principal Building - Total Floor Area	40%	④ 42.6%
<p>① Indicates requested variance to site coverage</p> <p>② Indicates requested variance to an allowable maximum height of building over 2 1/2 storeys</p> <p>③ Indicates requested variance to the floor area of the secondary suite</p> <p>④ Indicates requested variance to the total floor area of the principal building</p>		

Future Considerations

Should Council approve the Development Variance Permit, various matters would need to be addressed at the time of development:

- Development Permit (Technical): required for the OCP's Development Permit Areas
 - While this DP type has been delegated to staff, to help ensure efficiencies in file processing it is recommended that Council review and approve the DP in conjunction with the DVP.
- Building Permit(s): to be submitted if DP and DVP requested are approved.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

- As per the Local Government Act, advertisements were posted in the Lake Country Calendar on January 9th and 16th, 2025, notifying the public of this application.
- The Applicant installed a development notice sign on the subject property for at least ten days prior to the Council meeting. Staff notified the properties within 100m with notice letters about this application. This application meets Section 499 of the Local Government Act.
- The Applicant completed the neighbourhood consultation. A summary is to be provided to the District prior to the application being considered by Council on January 21, 2025; this information can be provided to Council at the public meeting.

ALTERNATE RECOMMENDATION(S)

- A. THAT Development Variance Permit DVP00408 and Development Permit DP001066 (Attachment A in the Report to Council dated January 21, 2025) for the property located at 13595 Forest Hill Drive (Roll 3017105; PID: 018-311-644), to vary site coverage, height and floor area provisions of Zoning Bylaw #561, 2007 for the development of a secondary suite, not be approved
- B. THAT Development Variance Permit DVP00408 and Development Permit DP001066 (Attachment A in the Report to Council dated January 21, 2025) for the property located at 13595 Forest Hill Drive (Roll 3017105; PID: 018-311-644), to vary site coverage, height and floor area provisions of Zoning Bylaw #561, 2007 for the development of a secondary suite, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Sheeja Vimalan, Planner

Report Approval Details

Document Title:	Development Variance Permit - DVP00408 - 13595 Forest Hill Drive.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A-DVP00408 and DP001066 -Draft.pdf - Attachment B-DVP00408-Location Map and Orthophoto.pdf - Attachment C-DVP00408-Site - Landscape Plan.pdf - Attachment D-DVP00408-Height Rationale and 3D Renderings.pdf - Attachment E-DVP00408-Site Photos.pdf - Attachment F-DVP00408-Geotechnical Report.pdf - Attachment G-DVP00408-Wildland Fire Mitigation Report.pdf - Attachment H-DVP00408-Environmental Assessment.pdf
Final Approval Date:	Jan 17, 2025

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - Jan 16, 2025 - 4:37 PM

Steven Gubbels, Development Engineering Manager - Jan 17, 2025 - 8:14 AM

Matthew Salmon, Infrastructure & Development Engineering Director - Jan 17, 2025 - 9:42 AM

Jeremy Frick, Director of Development Approvals - Jan 17, 2025 - 10:12 AM

Reyna Seabrook, Director of Corporate Services - Jan 17, 2025 - 10:17 AM

Paul Gipps, Chief Administrative Officer - Jan 17, 2025 - 11:29 AM