

Request for Decision Development Variance Permit Application

File No: P 719 221
Reference: DVP 47-19
Date: February 24, 2020

Subject: DVP No. 47-19 (Tie Lake / Fenwick)
Applicant: Thomas and Brenda Fenwick
Agent: Haworth Development Consulting
Location: 1524 Thistle Road, Tie Lake
Legal: Lot 27, District Lot 4590, Kootenay District, Plan 4883

Proposal: Reduce the Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw minimum usable site area requirement to 1500 m², waive the Subdivision Servicing Bylaw requirement for water and sewer servicing for proposed Lot 2, and waive the requirement for water servicing for proposed Lot 1 to permit the use of an existing cistern. The owner is willing to register a Section 219 covenant on title to restrict future development of the property.

Options:

1. THAT Development Variance Permit No. 47-19 (Tie Lake / Fenwick) be granted subject to registration of a restrictive covenant on proposed Lot 2 prohibiting renovations, additions or other construction until proof of servicing is provided in accordance with the Subdivision Servicing Bylaw.
2. THAT Development Variance Permit No. 47-19 (Tie Lake / Fenwick) be refused.

Recommendation: **Option #1**
The proposal is an opportunity to correct historical and problematic development and ownership decisions, but is otherwise not sustainable. This an example of multiple dwellings/development proceeding without zoning regulations in place, and eventually leading to an application to further subdivide property which is too small to support the required infrastructure. The servicing options become substandard, difficult and expensive.

Property Information: **Land Use Designation:** RS-1(A), Single Family Residential (A) zone; minimum parcel size is 0.3 ha.

Land Use Objectives and Policies:

- To provide for a range of housing opportunities for both permanent and seasonal residents.
- Board policy supports a pattern of low density residential development consisting of single family dwellings, two family dwellings and single family dwellings with a secondary suite on parcels not fronting the lakes. Higher density residential developments is not supported at this time.

**Property
Information -
cont'd:**

However, in recognition of the need to provide a range of housing options for an aging population and a range of income groups, this policy will be reviewed periodically.

Should the need for a broader range of housing options be identified, an amendment to this plan will be required. The amendment may be initiated by the Regional District or by an owner requesting the change.

Parcel Area: 0.31 ha (0.78 ac)

Density: There are two existing single family dwellings on the subject property. One single family dwelling is permitted per parcel. The proposed reduction in parcel size would allow for the creation of two parcels with one dwelling on each parcel.

ALR Status: Not within the ALR

BC Assessment: Residential (SFD)

Flood Hazard Rating: The subject property is located approximately 100 m from Tie Lake and is not identified as being within a flood hazard area.

Water and Sewer Services: One dwelling has an existing septic field and uses a cistern for water (proposed Lot 1) and the other dwelling has no potable water and utilizes an outhouse for septic (proposed Lot 2).

Interface Fire Hazard Rating: High, within the Jaffray fire protection area.

**Additional
Information:**

- Bylaw 2956 was adopted on January 10, 2020 which amended the zone designation of the subject property to RS-1(A), Single Family Residential (A) Zone, which does not allow a secondary suite and amended the text of the land use bylaw to allow a minimum parcel size of 1500 m².
- A two-lot subdivision has been proposed which will create two parcels with one dwelling on each.
- The applicants request to waive the servicing requirements for subdivision of proposed Lot 2 until such time as a building permit is obtained for any addition or construction of a new residence on the property due to the minimal nature of the seasonal cabin
- The subdivision of the property is being undertaken as a result of a court order to allow the various property owners to settle their differences.

Consultation:

Advisory Commissions:

APC Area B: Support, subject to registration of a section 219 covenant on title to restrict future development of the property prior to permit approval.

Response(s) to Notice: 13 notices were mailed on February 5, 2020 to all property owners within 100 m of the subject property. One notice was returned as undeliverable and no responses have been received.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Proposal

**RDEK
Contact:**

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