

Request for Decision Development Variance Permit Application

File No: P 725 536
Reference: DVP No. 10-25
Date: May 1, 2025

Subject: DVP No. 10-25 (Windermere North / Weisshaar)
Applicant: Anthony Weisshaar
Location: 1090 Timber Court, Windermere North
Legal: Lot 24 District Lot 4596 Kootenay District Plan 12730 (PID: 011-858-753)

Proposal: Application to vary the zoning bylaw to accommodate a proposed carport addition including allowance for eave projections by reducing the following:

- 1) front parcel line setback from 7.5 m to 4.1 m,
- 2) exterior side parcel line setback from 4.5 m to 0 m for a 6 m section directly in front of the existing driveway, and
- 3) exterior side parcel line setback from 4.5 m to 2.0 m for the remaining 9 m for construction of the carport addition.

Options:

1. THAT Development Variance Permit No. 10-25 (Windermere North / Weisshaar) be granted.
2. THAT Development Variance Permit No. 10-25 (Windermere North / Weisshaar) be refused.

Recommendation: **Option 2**

The addition is quite large and should be designed in a way that allows for some setback from the parcel boundary. While there is some distance between the parcel boundary and the constructed road, the parcel is at an intersection and consideration needs to be made to ensure sightlines are preserved for vehicle traffic. Further, the Ministry of Transportation and Transit have stated that they will not be issuing a setback relaxation permit for the proposal and therefore a building permit can not be issued for the proposal as submitted.

Property Information: **OCP Designation:** R-SF, Residential Low Density which supports single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Objectives and Policies:

- Support a range of housing types and densities within the plan area reflective of the diverse needs of both resident and non-resident homeowners that make up the plan area.
- Provide opportunities for a diverse range of residential development for resident and non-resident homeowners, including infill development within existing residential areas and new rural residential development by identifying areas appropriate for these types of development.

**Property
Information -
cont'd:**

- Maintain the rural character of land by only considering residential development proposals if they are located in such a way that they minimize impacts to views, do not hinder access to recreational areas, consider impacts to traffic volumes and make improvements based on the scale of impact, and do not compromise environmental or natural resource values identified elsewhere in this plan.
- A mix of residential densities is supported within the plan area.

Zone Designation: R-1, Single Family Residential

Parcel Size: 0.1 ha (0.25 ac)

Density: One single family dwelling and one secondary suite within the single family dwelling is permitted per parcel

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low and high, within the Windermere Fire Protection Area

BC Assessment: Residential (SFD)

Water and Sewer Services: East Side Lake Windermere Community Water System and onsite individual sewerage disposal system.

Flood Hazard Rating: Not within a hazard rating area.

**Professional
Studies:**

None

**Additional
Information:**

- The application states that the proposed carport addition is to be built within the existing trees on the property. The carport is designed to not obstruct any sightlines from the cul de sac road.
- The applicant has indicated that no trees will need to be removed.

Consultation:

APC Area F: Recommends that the application be supported.

Ministry of Transportation & Transit Referral: The Ministry is not willing to reduce the setback.

Response(s) to Notice: 74 notices were mailed on April 2, 2025 to all property owners within 100 m. One notice was returned as undeliverable and one response has been received expressing opposition for the proposal as it is not in keeping with the nature of the neighbourhood, other setbacks from Timber Way are required to be 7.5 m, and because there seems to be ample room to the south or east of the dwelling for the proposed addition.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Zone Designation Map

**Documents
Attached -
cont'd:**

- Site Plan
- Building Elevations
- Site Photos
- Aerial Photo
- Notice Response

**RDEK
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