

**SUNSHINE COAST REGIONAL DISTRICT**  
**HALFMOON BAY (AREA B)**  
**ADVISORY PLANNING COMMISSION MEETING AGENDA**  
Tuesday, July 23, 2024 at 7:00 p.m.

Meeting will be Held Online via ZOOM

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**CALL TO ORDER**

**AGENDA**

1. Adoption of the Agenda

**DELEGATIONS**

**MINUTES**

- |  |             |
|--|-------------|
| 2. Halfmoon Bay (Area B) APC Minutes of June 25, 2024                | Pages 1 - 3 |
| 3. Egmont/Pender Harbour (Area A) APC Minutes of June 26, 2024       | pp 4 - 6    |
| 4. Roberts Creek (Area D) APC <i>June 17, 2024 Meeting Cancelled</i> |             |
| 5. Elphinstone (Area E) APC Minutes of June 25, 2024                 | pp 7 - 11   |
| 6. West Howe Sound (Area F) APC Minutes of June 25, 2024             | pp 12 - 13  |

**BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS**

**REPORTS**

- |  |            |
|--|------------|
| 7. Development Variance Permit DVP00099 (7531 Cove Beach Road)         | pp 14 - 35 |
| 8. Zoning Amendment Bylaw No. 722.11 for Subdivision of 8000 Birch Way | pp 36 - 45 |

**NEW BUSINESS**

**DIRECTORS REPORT**

**NEXT MEETING**

**ADJOURNMENT**

**SUNSHINE COAST REGIONAL DISTRICT  
HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION**

**June 25, 2024**

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RECOMMENDATIONS FROM THE HALFMOON BAY (AREA B) ADVISORY PLANNING  
COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Nicole Huska
	Members	Len Coombes Bob Baziuk Ellie Lenz Kelsey Oxley Kim Dougherty Suzette Stevenson Alda Grames Barbara Bolding (Recorder)
<b>ALSO PRESENT:</b>	Director, Electoral Area B	Justine Gabias (Non-Voting Board Liaison)
<b>DELEGATION:</b>	Cove Beach Rd. Proponent	Martin & Michelle Gerber (Owners) Eric Pettit (Architect) Jim Green (Consultant)
<b>MEMBERS OF THE PUBLIC:</b>		Darlene Tymo

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**CALL TO ORDER** 7:07 p.m.

**AGENDA** The agenda was adopted as presented.

**MINUTES**

Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of March 24, 2024 were approved as presented.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024
- Roberts Creek (Area D) APC Minutes of March 18, 2024

- Elphinstone (Area E) APC Minutes of March 26, 2024
- West Howe Sound (Area F) APC Minutes of May 28, 2024

## REPORTS

### Advisory Planning Commission Questionnaire Results Summary

Information was received with thanks to Staff for providing the information and feedback to us.

### Development Variance Permit DVP00099 (7531 Cove Beach Road) –Electoral Area B

- Owners and Architect provided background information including:
  - Intent of this project
  - History and chronology of the permitting process for this build, Staff advice received over time, challenges of building through the transition of Bylaws (310 to 722).
  - Provisions made for fire suppression involving a private well and the pool in question.
- APC members' discussed numerous issues related to both variances being considered. Discussion brought us to the point where we agreed that we needed more information before making a recommendation to approve or deny the variances in question. Our main concerns form Recommendation No. 1 (below).

### **Recommendation No.1**     *Development Variance Permit DVP00099 (7531 Cove Beach Road) –Electoral Area B*

The Area B APC recommended that before making a recommendation regarding the DVP further information be provided on at least the following points:

- SCRD's view of the chronology/history of events surrounding the various permit applications—what, who, when (especially as they relate to the transition from Bylaws 310 to 722).
- Explanation of how this subdivision meets the 5 DVP criteria that are listed on page 4 of the Staff Report to the EAS committee that was included in the APC's agenda package.
- How to prevent this DVP from becoming a precedent, both in the local area and throughout the SCRD
- Current reports relevant to this DVP, especially impact from proposed new structures (pool and adu) from qep(s), geotech, fire service. and if qep and geotech reports do not address it, foreshore/ocean impact, storm and flood damage prevention

- Calculation of Maximum Parcel Coverage especially as it relates to the original subdivision of this property. Was there an error or omission made at the time of subdivision by not changing the subdivided lots in the Cove from RU1 to a more suitable zone? Apparently different, yet still appropriate zoning would have allowed a Maximum Coverage of >15%.
- ADU floor area and height. Does it conform to 722 or is a variance part of this DVP application?
- What can and cannot occur on the ocean side of a 7.5 M setback from the natural ocean boundary e.g.
  - Types of structures
  - Types of landscaping
  - Construction access

AND THAT a member of the SCRDP planning staff be present when the Area B APC meets to discuss the information that we receive, to clarify points and answer questions that will surely arise.

#### **DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      July 23, 2024

**ADJOURNMENT**      9.20 p.m.



## SUNSHINE COAST REGIONAL DISTRICT

### EGMONT/PENDER HARBOUR (AREA A) ADVISORY PLANNING COMMISSION

**June 26, 2024**

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RECOMMENDATIONS FROM THE EGMONT/PENDER HARBOUR (AREA A) ADVISORY PLANNING COMMISSION MEETING HELD AT PENDER HARBOUR SATELLITE OFFICE, 12828 LAGOON ROAD, MADEIRA PARK, B.C.

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<b>PRESENT:</b>	Chair	Sean McAllister
	Members	Yovhan Burega
		Gordon Littlejohn
		Bob Fielding
		Catherine McEachern
		Jane McOuat
<b>ALSO PRESENT:</b>	Electoral Area A Director	Leonard Lee
		(Non-Voting Board Liaison)
	Electoral Area A Alternate Director	Christine Alexander
		(Non-Voting Board Liaison)
	Administrative Assistant/Recorder	A. O'Brien
<b>REGRETS:</b>	Members	Alan Skelley
		Dennis Burnham
		Tom Silvey

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**CALL TO ORDER** 7:10 p.m.

**AGENDA** The agenda was adopted as presented.

*Sean McAllister was designated as Chair for this meeting.*

#### **ELECTION OF CHAIR AND VICE CHAIR**

*The Election of Chair and Vice-Chair was deferred to the next meeting.*

#### **MINUTES**

##### Area A Minutes

The Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of March 26, 2024.
- Roberts Creek (Area D) APC Minutes of March 18, 2024.
- Elphinstone (Area E) APC Minutes of March 26, 2024.
- West Howe Sound (Area F) APC Minutes of May 28, 2024.

## REPORTS

### Advisory Planning Commission Questionnaire Results Summary

Points from discussion included:

- The feedback comments lack specificity (ie.how many responding members were in agreement).
- Members feel that their efforts are useless and are not sure why they are here.
- Would like to know Board decisions were made based on following APC recommendations
- Would like clarity about the types of applications and items that are referred to the APC.
- Frustration with the lack of meetings and therefore the type of questions in the survey don't seem to apply to us.
- Would like to request that staff attend meetings to introduce items and answer questions about the application and Planning processes, if requested.
- Would like the following questions to be asked of APC members: What do you feel is the purpose/role of the APC? Where do members feel our knowledge and advice can help our Director with policy and decision-making? Could the Directors provide feedback on that question?
- Feels that the APC could be commenting on more than the very few referrals received.
- Potential topic is the Advisory Board for the Dock Management Plan.
- Would like to see the APC provided with more information on sewer and water updates and what will happen in the future, especially in relation to upcoming increased charges to property owners.
- Can the SCRD request improvements to the roads through MOTI?
- This survey does not help inform changes related to improving how our knowledge and perspective can have maximum effect.

### **Recommendation No. 1**    *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended that the APCs be asked what changes could help improve how our local knowledge and perspective can affect the next steps.

### **Recommendation No. 2**    *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended that the Electoral Area Directors provide feedback on how they would like to use their APCs for advice.

**Recommendation No. 3**    *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended the Electoral Area Directors review the past Board Recommendations that reduced the items which would be referred to the APCs and assess the pros and cons of implementing those changes.

*The Electoral Area A APC would like to extend thanks to the previous Recording Secretary Kelly Kammerle for her assistance and help over many years of service.*

**DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      July 31, 2024

**ADJOURNMENT**      8:58 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

### AREA E – ELPHINSTONE ADVISORY PLANNING COMMISSION

**June 25, 2024**

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RECOMMENDATIONS FROM THE AREA E ADVISORY PLANNING COMMISSION MEETING HELD AT FRANK WEST HALL, 1224 CHASTER ROAD, ELPHINSTONE, BC

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<b>PRESENT:</b>	Chair	Michael Sanderson
	Members	Laura Macdonald Arne Hermann Devin Arndt Clinton McDougall Nara Brenchley (Recorder)
<b>ALSO PRESENT:</b>	Electoral Area E Director	Donna McMahon (Non-Voting Board Liaison)
	SCRD Senior Planner FORTIS BC Delegation	Sven Koberwitz Jason Cochrane
<b>REGRETS:</b>		Anthony Paré Mary Degan

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**CALL TO ORDER**                      7:01 pm

#### **AGENDA**

The agenda was adopted as presented with the rearrangement of items 8 and 9 to allow Jason Cochrane as the FORTIS BC delegation to be heard sooner and therefore able to leave before the meeting was finished.

#### **MINUTES**

The Elphinstone (Area E) APC Minutes of March 26, 2024 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024
- Halfmoon Bay (Area B) APC Minutes of March 26, 2024
- Roberts Creek (Area D) APC Minutes of March 18, 2024
- West Howe Sound (Area F) APC Minutes of March 26 & May 28, 2024

## REPORTS

### Advisory Planning Commission Questionnaire Results Summary

Points of discussion included:

- It was noted that each Electoral Area of the Sunshine Coast and APC is quite different in opinions and priorities.
- A 50% response (22 of 44 APC members) for the questionnaire is quite poor.
- While it would be ideal for a staff member of the SCRD to attend APC meetings, the timings of evening meetings and staff capacity and budgeting constraints make that difficult.
  - We appreciated SCRD Senior Planner, Sven Koberwitz' attendance this evening.
- Would having a staff member dedicated to APC attendance, rather than relying on contractors to take minutes, help streamline meetings and make the APC more effective?
- What if we took our own meeting minutes as we are doing this evening?
- We greatly appreciate when the reports lay out what information / comments / recommendations are being sought in order to facilitate discussion and save time.
  - Distillation of the information provided and what feedback is sought is invaluable.

The Area E APC appreciates the opportunity to be heard and looks forward to seeing what recommendations will be made to the board and therefore what changes may occur. We await our September meeting.

### Development Permit DP000310 for 1020 Keith Road (FORTIS BC)

Jason Cochrane, of FORTIS BC, addressed the APC and spoke to the application:

- Low pressure issues have been identified within the distribution system on the coast with areas of Redroofs Road and Langdale being at the extreme ends.
- The solution involves high pressure storage tanks filled in the summer when usage is low.
  - Want to get up and running quickly as now is the time to fill the tanks.
- Acknowledgement that work started prior to DP being in place not knowing it was required.
  - Property was logged in end of 2022. Timber was given to Squamish nation.

Key Points of Discussion included:

- If the project was more visible, some variety of colours on the individual buildings would be nice. Something like the wrap at Roberts Creek Road and Highway.
  - This is not actually something we can require, given the current guidelines. There is potential to address this in OCP updates.

- Landscaping is part of the DP. We would like to see Native grasses and pollinator meadow rather than lawn grasses. The application states “Native Hydroseed”, but the Premier Pacific Blend is not comprised of native species.
- Cedar hedging is a fire hazard and requires a lot of irrigation. Time to move on to more drought tolerant plantings.
  - While a “softening” treatment in front of the frost (chain link) fence surrounding the facility is necessary, a deciduous hedgerow is suggested or perhaps a solid fence with a mural to be lower maintenance.
- Application notes “BC Landscape Society Specifications” when there is no such entity, it is the Canadian Landscaping Standards that should be applied.
- Light pollution concerns: a nuisance to neighbours and detrimental to wildlife. Dark skies friendly would be preferred.
  - This site has security concerns requiring permanent lighting, motion sensors are not sufficient. What about low or red lights, only turning brighter when motion is detected?

**Recommendation No. 1**     *Development Permit DP000310 for 1020 Keith Road (FORTIS BC)*

The Area E APC recommended that while the proposal meets the form and character guidelines at a minimum the Area E APC would like to see an increase in the diversity of plants used in the landscaping as follows:

- Native plants and grasses would require less maintenance than lawn grass and support pollinators.
- Drought tolerant alternatives to cedar hedging should be considered.

**Agricultural Land Commission Application ALR00026 (437 Hough Road)**

Key Points of Discussion included:

- Don't all properties need a house to be in place before an auxiliary building?
- What protocols are in place to ensure this land is actually looked after?
- Right to Farm Act can be treated as a loophole. We have very little procedural ability to make someone prove they are indeed farming the land.
- Land clearing is considered part of farming. One can clear right up to and through a stream.
- A Farm plan is a business plan.
- Professional reliance: An agrologist should be retained to assess/confirm that the soil is “poor quality” as stated by the applicant.
- The SCRDP should do due diligence and the Agricultural Land Commission (ALC) should review Regional District comments (regarding both relevant local planning policies and technical considerations) in arriving at a decision by the South Coast Panel.
- Why was the previous owner required to provide more documentation at this stage when that application was ultimately denied?

- A member of the committee, attending a recent conference, heard from ALC representatives that they would love to see regional districts NOT forwarding as many applications that they then have to go and deny.
- Fees for applications received by the SCRD are set and they don't stretch to cover reviewing agrologist reports etc which the SCRD has no expertise to evaluate. That's the ALC's job.
- We, the Area E APC, cannot evaluate this on a speculative or technical merits.
- We recognize the SCRD staff does not have the required expertise to review these types of reports.
- This parcel is adjacent to a riparian area. Huge concern for the salmon bearing stream. This is a key area (i.e. impact on stream Riparian Areas Protection Regulation setbacks and habitat) where the Regional District has certain jurisdiction. As such, potential impacts of proposed fill in the vicinity of watercourses must be addressed and specific concerns forwarded to the Land Commission of consideration in the application.
- This is an incredibly large volume of fill! Without a proposed fill plan it is impossible for the SCRD to adequately address potential impacts on the adjacent watercourse. The referenced Site Plan (Figure.1) included in the Staff Report was inadequate for this purpose.
- A QEP should be involved. An environmental assessment must be undertaken as the basis for a water management plan. What if the fill is freshly dumped and we get another atmospheric river and it all washes into the stream?
- Where is this "quality soil" coming from? Is each load to be analyzed? What makes it "quality"?
- Augmenting soil is a farm use (i.e. manure amendments) fill is not a farm use.
- Contamination of streams should be monitored. Fertilizer is going to run off.
- Does the Right to Farm Act really supersede all riparian protections? The Agricultural Land Reserve (ALR) land does have some protections for watercourses.
- We are especially worried about fertilizer run off.
- Plans for the barn and house should be in place before anything else to hold the owners in place and keep them from flipping the property.
- The SCRD should request the farm plan and further information like the previous application was required to provide.
- Because this is not a farm use, the ALC can and should require stream protection, storm water management plan, a detailed fill plan and riparian assessments before proceeding.
- While it is recognized that much of the noted additional technical information is within the Land Commission's mandate to require and review, at a minimum it is the obligation of the Regional District to support the Commission's application requirements as part of it's review.

**Recommendation No. 2**    *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that the ALC be made aware of the concern about the large volume of fill and the potential for the soil and fertilizers to contaminate the salmon bearing tributary of Chaster Creek

AND THAT a QEP be required to provide an environmental assessment and Storm Water Management Plan to determine and address any potential impacts on the creek.

**Recommendation No. 3**    *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that an agrologist be retained to test the existing soil to confirm it is indeed “poor quality” to justify such a large volume of fill being placed and to recommend the quality of soil to be imported to improve the site soils.

**Recommendation No. 4**    *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that, because fill is not a recognized farm use, the applicant provide more information which needs to be submitted to both the SCRD and Land Commission at an earlier stage in the review process including a detailed topographical survey, a detailed fill plan, and in this case a QEP assessment of where the fill is to go, addressing potential impacts and proposed mitigation measures.

**NEW BUSINESS**

*An item of New Business arose as a result of discussing jurisdictional limitations with our agenda items.*

**Recommendation No. 5**    *OCP and Bylaw updates*

The Area E APC recommended that the following bylaws be introduced as part of the OCP update:

- Dark Sky policy
- Soil and Fill Removal and Deposit
- Noxious weed / invasive species control.

**DIRECTORS REPORT**

The Director’s report was received.

**NEXT MEETING**                      July 23, 2024

**ADJOURNMENT**                    8:58 pm



## SUNSHINE COAST REGIONAL DISTRICT

### AREA F – WEST HOWE SOUND ADVISORY PLANNING COMMISSION

June 25, 2024

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RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING  
COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Susan Fitchell
	Members	Katie Thomas Miyuki Shinkai Jon McMorran Tom Fitzgerald
<b>ALSO PRESENT:</b>	Director, Electoral Area F	Kate-Louise Stamford (Non-Voting Board Liaison)
	Recording Secretary	Diane Corbett
<b>REGRETS:</b>	Member	Marlin Hanson
<b>ABSENT:</b>	Members	Ryan Matthews Vivian McRoberts-Sosnowsk

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**CALL TO ORDER** 7:02 p.m.

**AGENDA** The agenda was adopted as presented.

#### MINUTES

##### West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of May 28, 2024 were approved as presented.

#### REPORTS

##### Advisory Planning Commission Questionnaire Results Summary

*The staff report on the Advisory Planning Commission questionnaire results summary was received for information. Chair Fitchell thanked the SCRD for the opportunity to comment and give feedback.*

Discussion ensued on the summary chart “Question Area” topics. Comments included:

- Meeting location: travel to Area D & E APC meetings seems doable, Areas B and A would be a long drive. Best to meet in the community you live in. Getting to SCRD office

via public transit is not easy in the evening.

- Meeting agendas: want a report back regarding board decisions; want clarification on points in the application; difficult to find minutes on Regional District website.
- Convening monthly: if there are no referred topics to be discussed, as we are a group of volunteers taking time out of our lives to meet, if there is nothing to discuss, don't think APC should meet. Think the community association would be more the spot for general community topics. APC's job is to report on the applications.
- Requests: Staff attending meetings is valuable. Is helpful to know how to follow Roberts Rules of Order, and to keep meetings in scope. Interest in how APCs can provide more actionable and in scope recommendations/comments to the Board. A reference document would be helpful.

## **DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      Tuesday, July 23, 2024

**ADJOURNMENT**      7:40 p.m.

## **SUNSHINE COAST REGIONAL DISTRICT STAFF MEMO**

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**TO:** Halfmoon Bay Advisory Planning Commission – June 25, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) –  
Electoral Area B

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### RECOMMENDATIONS

THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) – Electoral Area B be received;

AND THAT the Halfmoon Bay Advisory Planning Commission review and provide recommendation(s) to SCRD Board.

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On June 20, 2024, the Electoral Area Services Committee recommended to the SCRD Board that Development Variance Permit DVP00099 (7531 Cove Beach Road) – Electoral Area B be referred to the Area B (Halfmoon Bay) Advisory Planning Commission. Given the timing of this memo, the Board adoption of the EAS recommendation (expected to occur on June 27, 2024) had not yet occurred.

Staff are referring the attached staff report to the APC for review and comment. Comments from the APC will be summarized in a future report for the Board's consideration of the application.

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Electoral Area Services Committee – June 20, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B

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### RECOMMENDATION

- (1) **THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B be received;**
  - (2) **AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) to vary Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:**
    - (a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m.**
    - (b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.**
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### BACKGROUND

The SCRD has received a development variance permit application for 7531 Cove Beach Road in Electoral Area B that requests relaxations to Zoning Bylaw No. 722 to allow for the proposed construction of a swimming pool and an auxiliary dwelling unit. The intent of the application is to decrease the setback from the natural boundary of the ocean from 15 m to 7.5 m for the pool structure and increase the maximum allowable parcel coverage from 15% to 20.5% to allow for the pool and auxiliary dwelling unit.

The purpose of this report is to present this application to the Electoral Area Services Committee for consideration and decision.

### DISCUSSION

#### *Analysis*

Zoning Bylaw No. 722 contains the following regulations which the application proposes to vary:

- 5.16.1 No, building or structure or any part thereof, except a boathouse located within an inter-tidal zone or within the I13 Zone, shall be constructed, reconstructed, moved, located or extended within:
- a) 15 m of the natural boundary of the ocean;

## 7.9.3 Parcel Coverage

PARCEL AREA	MAXIMUM PARCEL COVERAGE
≤3500 m <sup>2</sup>	35%
>3500 m <sup>2</sup>	15%

The proposed pool is considered a structure and in order to be constructed at the proposed location, a variance is required to the natural boundary setback from 15 m to 7.5 m.

The subject property is 4,050 m<sup>2</sup>, and therefore subject to a maximum 15% parcel coverage. The proposed construction of the pool and auxiliary dwelling unit are counted towards parcel coverage, bringing the proposed requested total parcel coverage to 20.5%, which necessitates the request for a second variance. For parcel coverage, the single-unit dwelling, currently under construction on the property, contributes 603.41 m<sup>2</sup> or 14.92% of lot coverage, with the proposed auxiliary dwelling unit and swimming pool contributing 2.45% (99.46 m<sup>2</sup>) and 2.5% (101.34 m<sup>2</sup>) of additional lot coverage respectively. In total this results in 20.3% of proposed parcel coverage, or 804.21 m<sup>2</sup>. The requested variance is for 20.5% parcel coverage, or an increase of 5.5% and seeks to provide a 0.2% buffer (about 8 square metres) to ensure that if the variance is approved that the constructed buildings and structures will have flexibility for small margins of error or on-site changes.

The superstructure of single-unit dwelling under construction is in place and accounts for all but 0.08% of the permitted parcel coverage. Given the balance of parcel coverage remaining, it is unlikely that construction of the auxiliary dwelling unit or the pool would be possible without a variance to parcel coverage.

The proposed development plans are included in Attachment A.

Table 1 – Application Summary

<b>Applicant:</b>	Eric Pettit, Open Space Architecture
<b>Legal Description:</b>	STRATA LOT 1 DISTRICT LOT 1582 STRATA PLAN EPS5814
<b>PID:</b>	031-056-814
<b>Electoral Area:</b>	Area B
<b>Civic Address:</b>	7531 Cove Beach Road
<b>Property Size:</b>	4,050.80 m <sup>2</sup>
<b>Zoning:</b>	RU1 (Rural Residential 1)
<b>OCP Land Use:</b>	Residential B
<b>Proposed Use:</b>	To vary the setback to the natural boundary of the ocean and the maximum permitted parcel coverage to allow for the construction of a swimming pool and auxiliary dwelling unit.

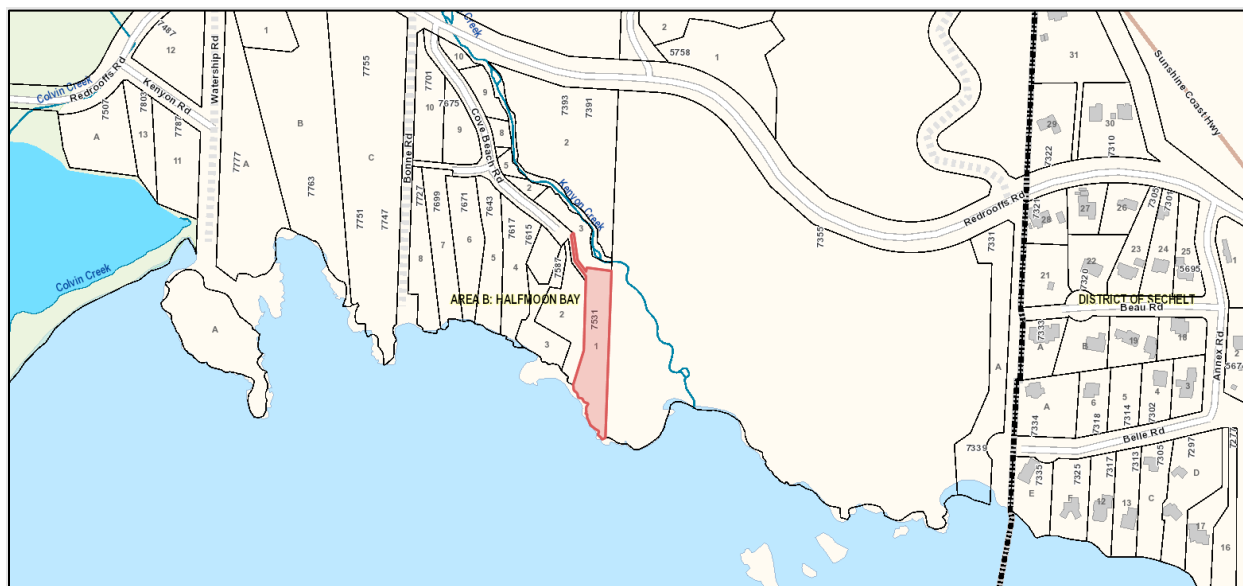


Figure 1 - Location Map

It is noted that in the Halfmoon Bay OCP, a 'Future Waterfront Park Opportunity' is flagged within this general area, though this potential goal was not pursued at the time of the original subdivision.

### Consultation

The development variance permit application has been referred to the following agencies for comment:

Referral Agency	Comments
shíshálh Nation	Comments not received.
Protective Services/HMB Fire	Comments not received.
SCRD Building Division	No concerns with the proposed variance from a BC Building Code perspective.
Neighbouring Property Owners/Occupiers	Notifications were mailed on May 22, 2024, to owners and occupiers of properties within a 100 m radius of the subject property. Comments received prior to the report review deadline are attached for EAS consideration.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. Comments received prior to the report review deadline are attached. Those who consider their interests affected may also attend the Committee of the Whole meeting and speak at the call of the Chair.

### Applicant's Rationale & Planning Analysis

Staff have evaluated this application using SCRD Board Policy 13-6410-6 (Development Variance Permits) as criteria as follows:

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw;
2. The variance should not negatively affect adjacent or nearby properties or public lands;
3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances;
4. The proposed variance represents the best solution for the proposed development after all other options have been considered; and
5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property.

The applicant's response to these criteria and staff analysis are provided below.

### *Applicant Rationale*

#### Parcel Coverage

- Other residential lots allow for 35% parcel coverage, including the R2 zoning, when the lot is under 3,500m<sup>2</sup>,
- While the parent parcel was rezoned to allow for subdivision, the RU1 zoning was not changed (which would allow greater parcel coverage).
- The parcel coverage increase is needed due to large overhangs as part of the architecture. If excluding the overhangs, parcel coverage for the dwelling under construction and proposed ADU is 11% and counting the pool is 13.5%.
- The pool counts towards parcel coverage, but is in place of a plaza, which would not count as parcel coverage.

#### Setback

- An existing hard surfaced plaza is allowed at the 7.5 m setback, adding the pool would not encroach further into the natural boundary setback than the plaza.
- The auxiliary dwelling unit and pool would not have any impact on the neighbouring properties. The ADU is in the middle of the property and the pool would soften the visual impact of the existing plaza.
- The 7.5 m setback was in place under Zoning Bylaw 310, in place at the time of initial discussions for the development of the site, including the proposed swimming pool.

#### General Rationale

- The architecture and layout of the buildings respects natural site characteristics and attempts to blend into the topography (bedrock areas).
- The pool is critical to the functioning of the site, to the following extent:
  - it is part of a geo-thermal ocean loop to provide energy efficient heating and cooling solution for the home and this requires the pool to be close to the ocean to operate the Ocean Thermal Loop.

- it would act as a backup fire suppression system, which would be supplied by an onsite well (not SCRD water). The wildfire suppression system provides benefits and wider protection to the neighbourhood.
  - it would act as a wave break to reduce flooding impact on the home.
- Confusion around application timing and bylaw changes.

#### *Staff Comment*

Staff provide the following comments on the proposed variances and applicant's rationale:

#### Parcel coverage

In the review of the proposed variance of the parcel coverage from 15% to 20.5% it is noted that the applicant has a valid Building Permit for a single-unit dwelling, which is currently under construction, with the superstructure in-place at the time of writing this report. This dwelling, which has a total livable floor area of approximately 510 m<sup>2</sup>, was proposed with a parcel coverage of 603.41 m<sup>2</sup> or 14.92%,

Though there were site design options available to the property owner prior to the design and construction commencement of the 510 m<sup>2</sup> single-unit dwelling that would have allowed for a lesser parcel coverage, staff are cautiously supportive of the proposed variance to lot coverage based on the unique situational context as outlined below:

- Topographic challenges of site, including steep slopes, bedrock and high-water mark and flood construction levels, which governed the design and layout of the under-construction single-unit dwelling. Rather than designing within a three-storey stacked floor plan, which would have a greater massing and visual impact, the dwelling has been designed such that it is tiered to blend with the natural topography of the site, meaning that it has limited visual impact both from the shore and neighbouring properties, which is seen as a positive element (see page 4 of Attachment A). It would be fair to say that this tiered design has resulted in a higher lot coverage for the single-unit dwelling in comparison to a more traditional three-storey stacked floor plan.
- The architectural design includes significant overhangs, which for the single-unit dwelling and ADU total 7% of the parcel coverage. Though this is an architectural choice, such overhangs are in excess of that seen on typical buildings and do not contribute to the livable indoor floor area proposed. Larger overhangs can also provide benefits in terms of cooling for dwellings during summer months.
- The swimming pool is counted as part the parcel coverage as it is considered a structure and contributes 2.45% (99.46 m<sup>2</sup>) towards the proposed parcel coverage. The pool is proposed in place of a plaza on the site, which would not count as parcel coverage. From a massing impact perspective it is considered that there is no tangible difference whether this portion of the site has a swimming pool located in this space or a plaza and the inclusion of the pool includes some positive components, as noted in the applicant's rationale.
- The RU1 zoning allows for parcel coverages of up to 35% for lots up to 3,500 m<sup>2</sup>, with lots over that size being restricted to 15%. Though this is a requirement in the Zoning Bylaw to ensure larger lots in general have lower lot coverages, it is noted that, for example a 2,500 m<sup>2</sup> lot would allow for a parcel coverage of 875 m<sup>2</sup>, whereas the subject lot of 4,050 m<sup>2</sup> (550 m<sup>2</sup> over the 3,500 m<sup>2</sup> cutoff), is limited to 607.5 m<sup>2</sup>. In this case the applicant proposes parcel coverage of 830.25 m<sup>2</sup>. Given the size of the lot,



being 550 m<sup>2</sup> over the size at which parcel coverage decreases to 15%, staff feel the requested variance is reasonable. It is noted that outside of this specific application this element of the Zoning Bylaw may require further consideration as part of a review of parcel coverage requirements within zones.

#### **Setback**

The proposed setback variance from 15 m to 7.5 m is for the construction of the swimming pool. There is a plaza being constructed in the area where the pool is proposed, which was included as part of the Building Permit plans for the single-unit dwelling. The Building Permit was approved under Zoning Bylaw 310, which only required a 7.5 m setback. As the pool was not part of the original Building Permit, it is now subject to Zoning Bylaw 722, which requires a 15 m setback resulting in the request for a variance. As noted, in relation to the parcel coverage above, the location of a swimming pool has no further tangible impact or encroachment than the construction of a plaza would, so staff are supportive of the proposed variance given this context.

#### **Summary**

Staff are broadly supportive of the variance application as proposed. The proposal has also garnered support from the Cove Beach neighbourhood as noted in the attached comments.

A development permit has been applied for which will address matters associated with the Development Permit Areas present on the site and which will ensure that the proposed development (site plan) is safe for intended use.

#### **Options / Staff Recommendation**

Possible options to consider:

**Option 1: Issue the permit (staff recommendation)**

This would permit the proposed construction of the pool and auxiliary dwelling unit on the property to proceed.

**Option 2: Refer the application to the Area B APC**

The APC would discuss the proposed variance in consideration of the Board's DVP policy and provide a recommendation to the EAS. Further notification is not required with this option.

**Option 3: Issue the permit for aspects of the proposed variance**

This may include support for the setback variance or parcel coverage variance, (or for certain aspects of the proposed parcel coverage variance).

**Option 4: Deny the permit**

The zoning bylaw regulation would continue to apply, and the construction of the structures would not be permitted as proposed.

## STRATEGIC PLAN AND RELATED POLICIES

The Governance Excellence Lens within the SCRD's Strategic Plan supports effective, efficient and informed decision-making.

The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

## CONCLUSION

The proposed development variance permit to vary the setback and parcel coverage would facilitate the construction of a swimming pool and an auxiliary dwelling unit. As set out above, staff are broadly supportive of the application and recommend issuing the development variance permit. If approved, the applicant would be able to proceed to the building permit stage.

## ATTACHMENTS

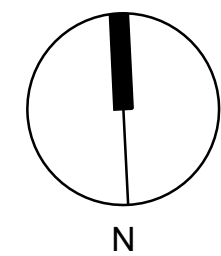
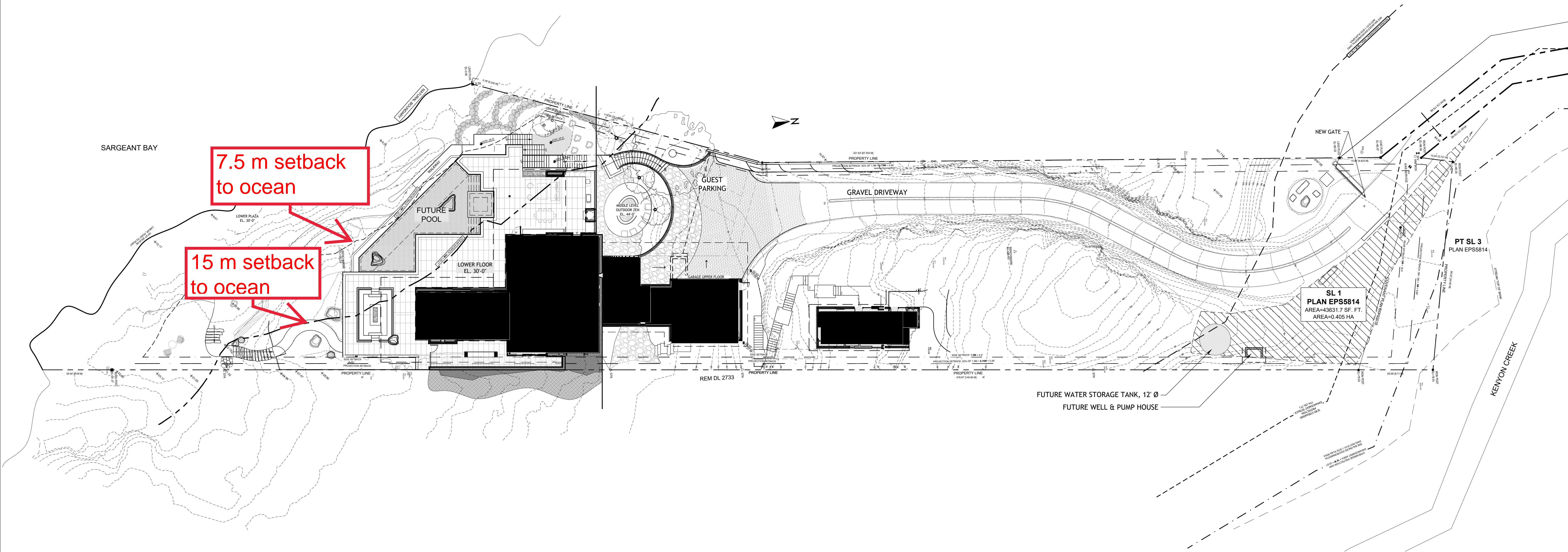
Attachment A – Site Plans and Renderings

Attachment B – Comments Received

Reviewed by:			
Manager	X – J. Jackson	Finance	
GM	X - I. Hall	Legislative	X – S. Reid
A/CAO	X – T. Perreault	Assistant Manager	X – K. Jones



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT
21 MAR 2022	BP ADDITIONAL ITEMS
16 OCT 2023	DEVELOPMENT PERMIT



THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.  
SEAL

PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER  
ARCH E1

**A-1.02**

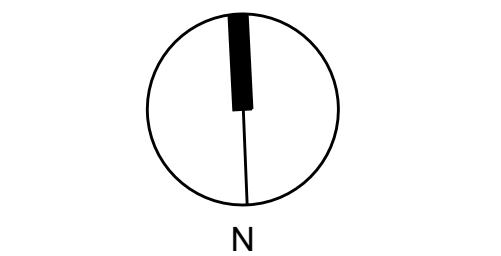
CIVIC ADDRESS:  
**7531 COVE BEACH ROAD**  
**HALFMOON BAY, BC V0N 1Y0**

LEGAL DESCRIPTION:  
**P.I.D. 031-056-814**  
**LOT 1**  
**PLAN EPS5814**  
**DISTRICT LOT 1582**

CODE EDITION: **BCBC 2018 (PART 9)**  
CLASSIFICATION: **GROUP C RESIDENTIAL**  
ZONING: **RU1 (SUBDIVISION D), W1**  
DEVELOPMENT PERMIT AREAS:  
**DPA 1A COASTAL FLOODING**  
**DPA 2A CREEK/RIVER CORRIDOR**  
**DPA 1B COASTAL SLOPES**

1 | PROPOSED SITE PLAN  
SCALE: 1/16" = 1'-0"





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SEAL

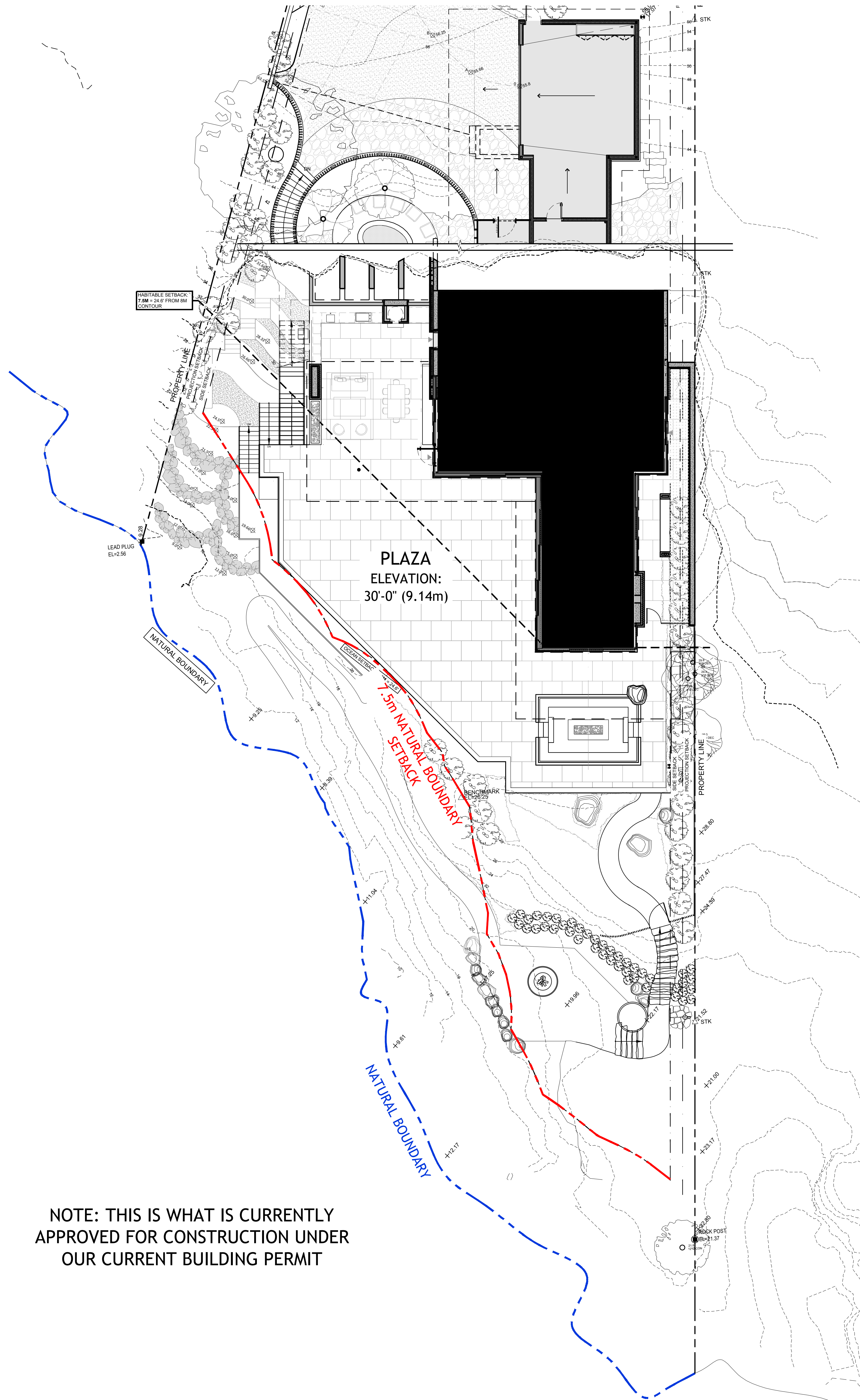
PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN-POOL  
DESIGN**

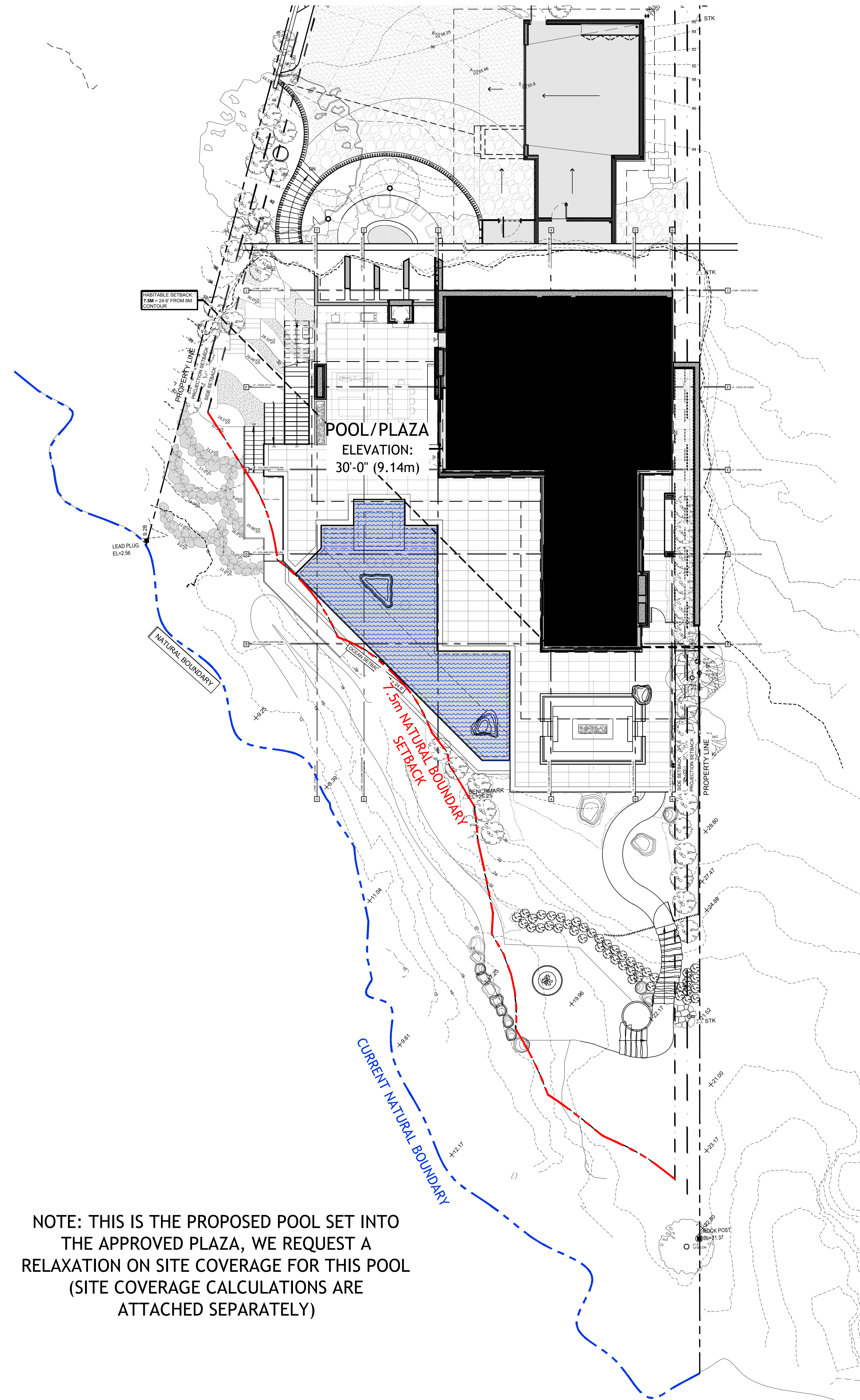
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20-07  
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SHEET SIZE  
ARCH E1  
SHEET NUMBER

**A-1.02.1**

ISSUED FOR DEVELOPMENT PERMIT - 16 OCTOBER, 2023



1 | APPROVED BP DESIGN (NO POOL)  
SCALE: 1:125



2 | PROPOSED PLAZA DESIGN (WITH POOL)  
SCALE: 1:125





1 | SOUTH WEST CORNER



2 | SOUTH EAST CORNER



3 | NORTH WEST CORNER

Date	Issue / Revisions
14 FEB 2024	ISSUED FOR DVP

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

Seal

Project

**ECHO BEACH**  
**ACCESSORY**  
**DWELLING UNIT**  
 7531 COVE BEACH ROAD  
 HALFMOON BAY, BC  
 V0N 1Y0 CANADA

Sheet Title

IMAGES

Project Number

20-07

Scale (Sheet Size Arch C)

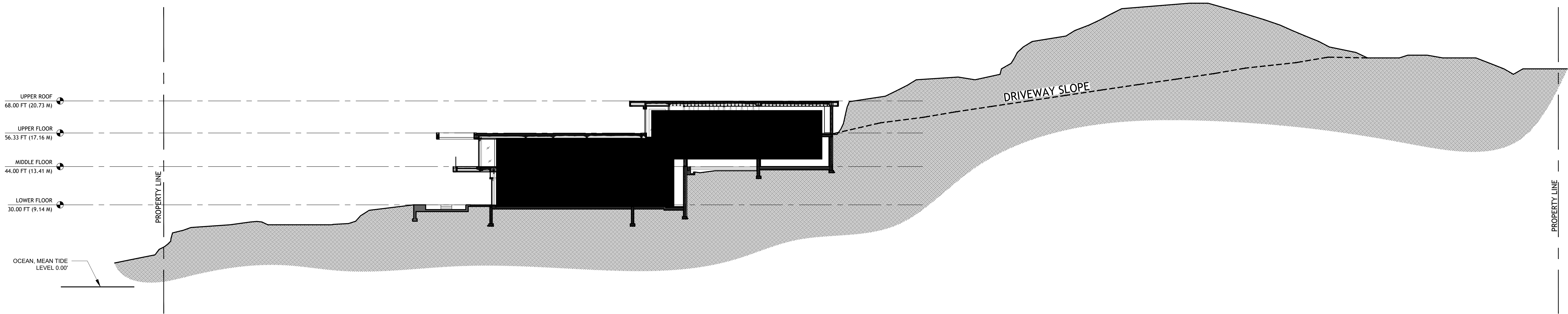
N/A

Sheet Number

**A0.04**



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT



1 | SITE SECTION  
SCALE: 1/16" = 1'-0"

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

PROJECT  
**ECHO BEACH**  
**MAIN HOUSE**  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**SITE SECTION**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER

SHEET SIZE  
ARCH E1

**A-1.03**

## Comments for DVP00099

1.

I am writing this letter of support for 7531 Cove Beach Road and their Development Variance Permit application DVP000999 to vary Zoning Bylaw No. 722. I live in the same Cove Beach subdivision, at [REDACTED] Cove Beach Road (Strata Lot [REDACTED]), nearby this property (Strata Lot 1).

These requested variances do not present any material adverse conditions for us at [REDACTED] Cove Road and the construction is otherwise very orderly, tidy, and the house is of high quality and will be a nice addition to the Sunshine Coast and our neighbourhood.

Sincerely,

Michael Ward

2.

Good morning,

We are the owners of [REDACTED] Cove Beach Road, Halfmoon Bay (Lot [REDACTED]), in the Cove Beach strata development. We have learned that one of our fellow Cove Beach owners (Lot 1) is seeking a variance permit (#DVP00099), which will be reviewed on June 20. We wish to express our support for this variance permit in its entirety. The owners of Lot 1 have proven not only to be conscientious neighbours during their build, but their variance request will also benefit the strata community as a whole given their plans to enable water storage and forest fire fighting capabilities, particularly given the water shortage realities we experience in Halfmoon Bay and in light of the location of our homes surrounded by forests. Further, given the secluded location of their lot compared to the rest of the strata community, in our opinion, increasing their parcel coverage limit will have no negative impact on any of the other homes in the strata (or other neighbouring properties) and will not impede any views.

Best,

Tammy Shoranick and Dayton Turner

[REDACTED] Cove Beach Road, Halfmoon Bay

3.

We are Cove Beach residents living at [REDACTED] Cove Beach Lane.

We support the proposed Development Variance Permit # DVP00099 application.

Sincerely,

Sandra Trujillo

Ross Russell

4.

Dear members of the Variance Board,

This is to express my support of our neighbour's application for their new house at 7531 COVE BEACH RD HALFMOON BAY.

All Cove Beach properties present design challenges due to the land's rugged topography which includes steep cliffs, rock outcrops and difficult access. We are struggling with our own lot where a tall rock face is squeezing our building envelope along a very narrow corridor. Through ongoing consultation with neighbours, Cove Beach owners are creating a stunning community nestled in this difficult terrain.

We agree with the addition of a well and pool at 7531 Cove Beach. As a forest interface neighbourhood adjacent to a vacant lot on the East side of Cove Beach, fire is a big concern for us. We appreciate our neighbours' efforts to protect our small community, essentially building a reservoir as part of a well thought-out site plan.

We also support the site coverage variance requested for 7531 Cove Beach. Our neighbours' rationale for asking for an extra 5.5% site coverage is sound. We also appreciate that they chose to add ground floor area rather than adding the extra space on an upper floor: this gives their home a lower profile.

I am a Cove Beach Resident living at [REDACTED] Cove Beach Rd, Halfmoon Bay and a planning professional. I support the proposed Development Variance Permit #DVP00099 application.

Gaetan Royer, BArch, MPI, MEng

5.

Re: Statutory Notification for Development Variance Permit #DVP00099 (7531 Cove Beach Road)

We are neighbours living adjacent to the Cove Beach Subdivision at [REDACTED] Kenyon Rd, Halfmoon Bay, BC. We support the proposed Development Variance Permit #DVP00099 application to permit the construction of an auxiliary dwelling unit and pool on the subject parcel, located at 7531 Cove Beach Road.

Sincerely, Heather and Bob

Heather and Robert Newman

6.

We are Cove Beach Residents living at [REDACTED] Cove Beach Lane in Halfmoon Bay.

We have received and reviewed the Statutory Notification for Development Variance Permit # DVP00099 issued by the SCRD on May 22, 2024.

Be advised, we are in support of this application.

Joseph and Patricia Finn



7.

I have concerns about both parts of this Variance application and believe they contravene many of the Goals of the Halfmoon Bay "OCP". Since your committee focuses on the zoning by-laws I will try to direct my thoughts there.

The existing By-law setback for a structure adjacent to the natural boundary is intended to reduce visual trespass, increase natural open spaces, provide an adequate buffer zone to the tidal area, free public waterfront access and this Lot is designated in the OCP as a Future Waterfront Park opportunity. Reducing the setback requirement will infringe on these objectives.

Increasing max parcel coverage is problematic in several ways. Strata Lot 1 has minimal soil over slow rain water infiltration granite rock and limited vegetation coverage. This increases potential for environmental contamination from storm water run-off into the ocean. The Cove Beach strata development has a limited community septic system in close proximity to the ocean. Additional coverage may over extend the septic system and will increase demand for the Regional District's fresh water supply.

The By-laws were in place prior to the design of the development of Strata Lot 1 and its owner would have considered them prior to the design of the property. Instead this application, both for parts a) and b) are attempting to end run the By-laws and there is no necessity to provide variances. With Lot 1 being part of a gated strata development, it can not be argued that an auxiliary dwelling unit is even intended for housing intensification.

Tom Phillips

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Electoral Area Services Committee – June 20, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B

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### RECOMMENDATION

- (1) **THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B be received;**
  - (2) **AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) to vary Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:**
    - (a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m.**
    - (b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.**
- 

### BACKGROUND

The SCRD has received a development variance permit application for 7531 Cove Beach Road in Electoral Area B that requests relaxations to Zoning Bylaw No. 722 to allow for the proposed construction of a swimming pool and an auxiliary dwelling unit. The intent of the application is to decrease the setback from the natural boundary of the ocean from 15 m to 7.5 m for the pool structure and increase the maximum allowable parcel coverage from 15% to 20.5% to allow for the pool and auxiliary dwelling unit.

The purpose of this report is to present this application to the Electoral Area Services Committee for consideration and decision.

### DISCUSSION

#### *Analysis*

Zoning Bylaw No. 722 contains the following regulations which the application proposes to vary:

- 5.16.1 No, building or structure or any part thereof, except a boathouse located within an inter-tidal zone or within the I13 Zone, shall be constructed, reconstructed, moved, located or extended within:

- a) 15 m of the natural boundary of the ocean;

#### 7.9.3 Parcel Coverage

PARCEL AREA	MAXIMUM PARCEL COVERAGE
≤3500 m <sup>2</sup>	35%
>3500 m <sup>2</sup>	15%

The proposed pool is considered a structure and in order to be constructed at the proposed location, a variance is required to the natural boundary setback from 15 m to 7.5 m.

The subject property is 4,050 m<sup>2</sup>, and therefore subject to a maximum 15% parcel coverage. The proposed construction of the pool and auxiliary dwelling unit are counted towards parcel coverage, bringing the proposed requested total parcel coverage to 20.5%, which necessitates the request for a second variance. For parcel coverage, the single-unit dwelling, currently under construction on the property, contributes 603.41 m<sup>2</sup> or 14.92% of lot coverage, with the proposed auxiliary dwelling unit and swimming pool contributing 2.45% (99.46 m<sup>2</sup>) and 2.5% (101.34 m<sup>2</sup>) of additional lot coverage respectively. In total this results in 20.3% of proposed parcel coverage, or 804.21 m<sup>2</sup>. The requested variance is for 20.5% parcel coverage, or an increase of 5.5% and seeks to provide a 0.2% buffer (about 8 square metres) to ensure that if the variance is approved that the constructed buildings and structures will have flexibility for small margins of error or on-site changes.

The superstructure of single-unit dwelling under construction is in place and accounts for all but 0.08% of the permitted parcel coverage. Given the balance of parcel coverage remaining, it is unlikely that construction of the auxiliary dwelling unit or the pool would be possible without a variance to parcel coverage.

The proposed development plans are included in Attachment A.

Table 1 – Application Summary

<b>Applicant:</b>	Eric Pettit, Open Space Architecture
<b>Legal Description:</b>	STRATA LOT 1 DISTRICT LOT 1582 STRATA PLAN EPS5814
<b>PID:</b>	031-056-814
<b>Electoral Area:</b>	Area B
<b>Civic Address:</b>	7531 Cove Beach Road
<b>Property Size:</b>	4,050.80 m <sup>2</sup>
<b>Zoning:</b>	RU1 (Rural Residential 1)
<b>OCP Land Use:</b>	Residential B
<b>Proposed Use:</b>	To vary the setback to the natural boundary of the ocean and the maximum permitted parcel coverage to allow for the construction of a swimming pool and auxiliary dwelling unit.

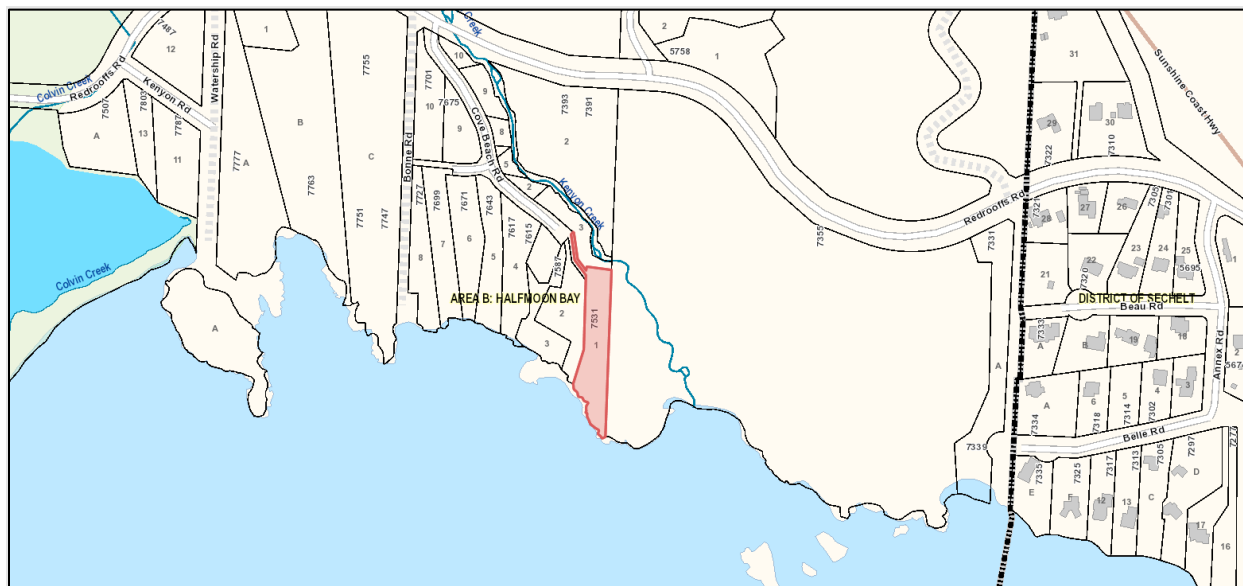


Figure 1 - Location Map

It is noted that in the Halfmoon Bay OCP, a 'Future Waterfront Park Opportunity' is flagged within this general area, though this potential goal was not pursued at the time of the original subdivision.

### Consultation

The development variance permit application has been referred to the following agencies for comment:

Referral Agency	Comments
shíshálh Nation	Comments not received.
Protective Services/HMB Fire	Comments not received.
SCRD Building Division	No concerns with the proposed variance from a BC Building Code perspective.
Neighbouring Property Owners/Occupiers	Notifications were mailed on May 22, 2024, to owners and occupiers of properties within a 100 m radius of the subject property. Comments received prior to the report review deadline are attached for EAS consideration.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. Comments received prior to the report review deadline are attached. Those who consider their interests affected may also attend the Committee of the Whole meeting and speak at the call of the Chair.

### Applicant's Rationale & Planning Analysis

Staff have evaluated this application using SCRD Board Policy 13-6410-6 (Development Variance Permits) as criteria as follows:

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw;
2. The variance should not negatively affect adjacent or nearby properties or public lands;
3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances;
4. The proposed variance represents the best solution for the proposed development after all other options have been considered; and
5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property.

The applicant's response to these criteria and staff analysis are provided below.

#### *Applicant Rationale*

##### Parcel Coverage

- Other residential lots allow for 35% parcel coverage, including the R2 zoning, when the lot is under 3,500m<sup>2</sup>,
- While the parent parcel was rezoned to allow for subdivision, the RU1 zoning was not changed (which would allow greater parcel coverage).
- The parcel coverage increase is needed due to large overhangs as part of the architecture. If excluding the overhangs, parcel coverage for the dwelling under construction and proposed ADU is 11% and counting the pool is 13.5%.
- The pool counts towards parcel coverage, but is in place of a plaza, which would not count as parcel coverage.

##### Setback

- An existing hard surfaced plaza is allowed at the 7.5 m setback, adding the pool would not encroach further into the natural boundary setback than the plaza.
- The auxiliary dwelling unit and pool would not have any impact on the neighbouring properties. The ADU is in the middle of the property and the pool would soften the visual impact of the existing plaza.
- The 7.5 m setback was in place under Zoning Bylaw 310, in place at the time of initial discussions for the development of the site, including the proposed swimming pool.

##### General Rationale

- The architecture and layout of the buildings respects natural site characteristics and attempts to blend into the topography (bedrock areas).
- The pool is critical to the functioning of the site, to the following extent:
  - it is part of a geo-thermal ocean loop to provide energy efficient heating and cooling solution for the home and this requires the pool to be close to the ocean to operate the Ocean Thermal Loop.
  - it would act as a backup fire suppression system, which would be supplied by an onsite well (not SCRD water). The wildfire suppression system provides benefits and wider protection to the neighbourhood.

- it would act as a wave break to reduce flooding impact on the home.
- Confusion around application timing and bylaw changes.

*Staff Comment*

Staff provide the following comments on the proposed variances and applicant's rationale:

Parcel coverage

In the review of the proposed variance of the parcel coverage from 15% to 20.5% it is noted that the applicant has a valid Building Permit for a single-unit dwelling, which is currently under construction, with the superstructure in-place at the time of writing this report. This dwelling, which has a total livable floor area of approximately 510 m<sup>2</sup>, was proposed with a parcel coverage of 603.41 m<sup>2</sup> or 14.92%,

Though there were site design options available to the property owner prior to the design and construction commencement of the 510 m<sup>2</sup> single-unit dwelling that would have allowed for a lesser parcel coverage, staff are cautiously supportive of the proposed variance to lot coverage based on the unique situational context as outlined below:

- Topographic challenges of site, including steep slopes, bedrock and high-water mark and flood construction levels, which governed the design and layout of the under-construction single-unit dwelling. Rather than designing within a three-storey stacked floor plan, which would have a greater massing and visual impact, the dwelling has been designed such that it is tiered to blend with the natural topography of the site, meaning that it has limited visual impact both from the shore and neighbouring properties, which is seen as a positive element (see page 4 of Attachment A). It would be fair to say that this tiered design has resulted in a higher lot coverage for the single-unit dwelling in comparison to a more traditional three-storey stacked floor plan.
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- The swimming pool is counted as part the parcel coverage as it is considered a structure and contributes 2.45% (99.46 m<sup>2</sup>) towards the proposed parcel coverage. The pool is proposed in place of a plaza on the site, which would not count as parcel coverage. From a massing impact perspective it is considered that there is no tangible difference whether this portion of the site has a swimming pool located in this space or a plaza and the inclusion of the pool includes some positive components, as noted in the applicant's rationale.
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## Setback

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## Summary

Staff are broadly supportive of the variance application as proposed. The proposal has also garnered support from the Cove Beach neighbourhood as noted in the attached comments.

A development permit has been applied for which will address matters associated with the Development Permit Areas present on the site and which will ensure that the proposed development (site plan) is safe for intended use.

## Options / Staff Recommendation

Possible options to consider:

### **Option 1: Issue the permit (staff recommendation)**

This would permit the proposed construction of the pool and auxiliary dwelling unit on the property to proceed.

### **Option 2: Refer the application to the Area B APC**

The APC would discuss the proposed variance in consideration of the Board's DVP policy and provide a recommendation to the EAS. Further notification is not required with this option.

### **Option 3: Issue the permit for aspects of the proposed variance**

This may include support for the setback variance or parcel coverage variance, (or for certain aspects of the proposed parcel coverage variance).

### **Option 4: Deny the permit**

The zoning bylaw regulation would continue to apply, and the construction of the structures would not be permitted as proposed.

## STRATEGIC PLAN AND RELATED POLICIES

The Governance Excellence Lens within the SCRD's Strategic Plan supports effective, efficient and informed decision-making.

The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

### **CONCLUSION**

The proposed development variance permit to vary the setback and parcel coverage would facilitate the construction of a swimming pool and an auxiliary dwelling unit. As set out above, staff are broadly supportive of the application and recommend issuing the development variance permit. If approved, the applicant would be able to proceed to the building permit stage.

### **ATTACHMENTS**

Attachment A – Site Plans and Renderings

Attachment B – Comments Received

Reviewed by:			
Manager	X – J. Jackson	Finance	
GM	X - I. Hall	Legislative	X – S. Reid
A/CAO	X – T. Perreault	Assistant Manager	X – K. Jones



## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Halfmoon Bay Advisory Planning Commission – July 23, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** ZONING AMENDMENT BYLAW NO. 722.11 FOR SUBDIVISION OF 8000 BIRCH WAY

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### RECOMMENDATIONS

**THAT the Halfmoon Bay APC provides comments and makes recommendations for consideration by the SCRD Board.**

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### BACKGROUND

An application was received to amend Zoning Bylaw 722 to change the subdivision district of the subject lot from "G" to "F" to facilitate a proposal to subdivide the lot into two parcels with respective proposed parcel areas of 1.144 ha and 1.097 ha.

Preliminary public consultation was conducted by the applicant in coordination with the SCRD during June of 2024. The purpose of this referral is to provide information and analysis of the application and obtain comments from the APC prior to presenting the bylaw to the Board for consideration of first and second readings.

*Table 1 - Application Summary*

<b>Owner / Applicant:</b>	Konstantin Vassev
<b>Legal Description:</b>	Lot 7 District Lots 1582 and 4663 Group 1 New Westminster District Plan LMP36842
<b>Electoral Area:</b>	B – Halfmoon Bay
<b>Parcel Area:</b>	2.241 HA
<b>OCP Land Use:</b>	Rural Residential
<b>Zoning:</b>	RU2 (Rural Residential Two)
<b>Subdivision District:</b>	Existing - G (min. 1.75 HA) Proposed – F (min. 0.8 HA, avg. 1 HA)
<b>Application Intent:</b>	To subdivide one parcel into two parcels.

### CURRENT CONDITIONS AND PROPOSED USES

The subject property is in the Leaning Tree neighbourhood at 8000 Birch Way and currently contains two homes. proposed subdivision conforms with the existing RU2 (Rural Residential Two) zoning and OCP land use designations; however, a zoning amendment is requested to the

subdivision district from "G" to "F" to permit the 1 HA average lot sizes necessary to allow this application to proceed. If approved, the applicant would be required to make a subsequent subdivision application with SCRD and MOTI to allow formal review of the proposed subdivision.



Figure 1 – Location Map

## **DISCUSSION**

### *Analysis*

#### Halfmoon Bay Official Community Plan

The parcel is within the Rural Residential land use designation (Figure 3). Parcels to the east are designated as Resource and parcels to the west are designated as Rural Residential.

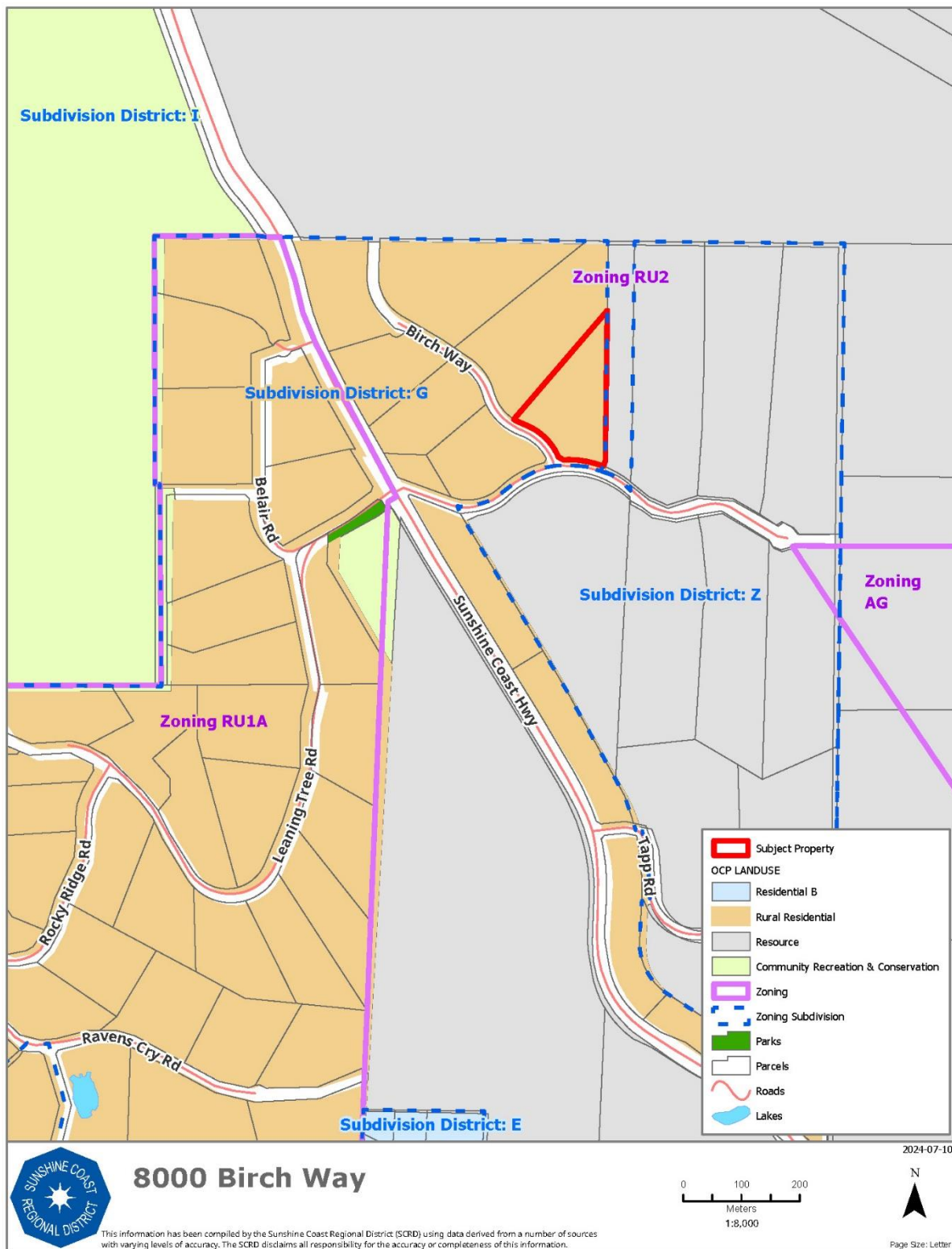


Figure 3 – OCP Land Use, Zoning and Subdivision District Map

Objectives of this designation include maintaining the rural residential properties for an increased flexibility in use, permitting agriculture with an emphasis on local food production, permitting tourist accommodations and allowing home occupations.

The following policies are noted and are relevant to this application:

*10.5 Properties within the Rural Residential designation shall have a 1.75 hectare minimum or average parcel size for subdivision purpose. Properties within this designation may be considered for a 1 hectare parcel size provided the following:*

- (a) Sensitive ecosystems such as wetlands, intertidal areas and stream corridors are not impacted and are restricted by covenant;*
- (b) Extensive road construction on the subject property is not required;*
- (c) No additional highway driveway accesses are created;*
- (d) Safe building sites can be achieved;*
- (e) Consideration is given to community amenities, such as waterfront accesses or trail dedications;*
- (f) Site specific rezoning applications are required to consider proposed change in density.*

While the parent parcel could not be subdivided into two 1.75 HA parcels, the proposal meets the criteria for consideration of a 1-hectare parcel size:

- There are no riparian areas that affect the parcel. Although the Sensitive Ecosystems Inventory identifies small areas of wetland and woodland areas, these would not affect the usable area. The woodland area is contained within the existing covenanted area. The wetland area appears to be incorrectly identified based on the air photo and existing site conditions.
- The property is already developed and each proposed parcel contains an existing home, road construction or extensive development would not be required.
- Given the size of the proposed parcels and the lack of development permit areas, additional safe building sites can be achieved for future development.
- While proposed lot 2 contains a no-build covenant area in the north, there is still sufficient developable area to meet zoning requirements.
- Specific community amenities have not yet been identified as the parcel is not near the water or any existing trails. Any opportunity for community amenity contribution will be presented to the SCRD Board for consideration.
- The applicant has applied for a site-specific rezoning application to change the subdivision district to consider allowing 1-hectare parcels.

Zoning Bylaw No. 722

The subject parcel is currently zoned RU2 (Rural Residential Two) which allows for agriculture and a variety of related uses, such as garden nursery, keeping of livestock and certain light industrial uses. In Electoral Area B, 2 single-unit dwellings are permitted on parcels between 1 and 4 ha in size.

The subject parcel is currently 2.241 ha with two single-unit dwellings. The applicant does not plan to construct any additional dwellings at this time. As each new parcel would be over 1 ha, an additional single-unit dwelling would be permitted on each new parcel in the future.

The subject parcel is currently in subdivision district G, which has a 1.75 ha minimum parcel size requirement. The applicant proposes to change to subdivision district F, which has an 8000 m<sup>2</sup> minimum and 1 ha average parcel size requirement, in order to facilitate subdivision. Should the subdivision district be changed to F, the applicant's proposal would still be in conformance with RU2 zoning regulations and the lots could not be further subdivided under this subdivision district.

*Agency Referrals*

The application has been referred to shíshálh Nation, Ministry of Transportation and Infrastructure (MOTI), Vancouver Coastal Health (VCH), Parks department, Halfmoon Bay Fire Department, Building department and Infrastructure department.

MOTI	Interests unaffected by the proposal. <i>MOTI approval is needed prior to adoption of bylaws within 800 m of a controlled access highway.</i>
VCH	No comments received to date.
HMB Fire Dpt.	No comments received to date.
shíshálh Nation	No comments received to date.
Building	No comments received to date.
Infrastructure	No comments received to date.
Parks	No comments received to date.

*Preliminary Public Consultation Summary*

Preliminary public consultation was conducted by the applicant in coordination with SCRD staff. Notifications were mailed to neighbouring residents and an advertisement was placed in the newspaper. One comment was received. An information sign is posted on the property and residents are welcome to submit comments or questions during the application process.

*Timeline for Next Steps*

Comments received from the preliminary public consultation (prior to EAS report) and agency referral process will be incorporated into a staff report to the Electoral Area Services Committee (EAS) with recommendations for proceeding with readings of the bylaw.

The SCRD Board may elect to hold a public hearing, however as this application is consistent with the Official Community Plan a public hearing is not required. In either case, notice will be given in accordance with Section 466 of the *Local Government Act*.

## **CONCLUSION**

The applicant's proposal to change the subdivision district conforms with the Halfmoon Bay OCP policies and zoning bylaw regulations.

This report provides an evaluation of the application based on preliminary public consultation, and the specific site context. No comments in relation to the application have been received to date.

## **ATTACHMENTS**

Attachment A - Proposed Subdivision Plan

Attachment B – Comment Received

Attachment C - Zoning Amendment Bylaw No. 722.11

**SUNSHINE COAST REGIONAL DISTRICT**  
**BYLAW NO. 722.11**

A bylaw to amend the *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019*.

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

**PART A – CITATION**

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Amendment Bylaw No. 722.11, 2024*.

**PART B – AMENDMENT**

2. *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019* is hereby amended as follows:  
*Schedule B* is amended by changing Subdivision District G to Subdivision District F for Lot 7 District Lots 1582 and 4663 Group 1 New Westminster District Plan LMP36842 (PID 024-054-275 ).

**PART C – ADOPTION**

READ A FIRST TIME this ##### DAY OF MONTH , YEAR

READ A SECOND TIME this ##### DAY OF MONTH , YEAR

PUBLIC HEARING HELD PURSUANT TO THE *LOCAL GOVERNMENT ACT* this ##### DAY OF MONTH , YEAR

READ A THIRD TIME this ##### DAY OF MONTH , YEAR

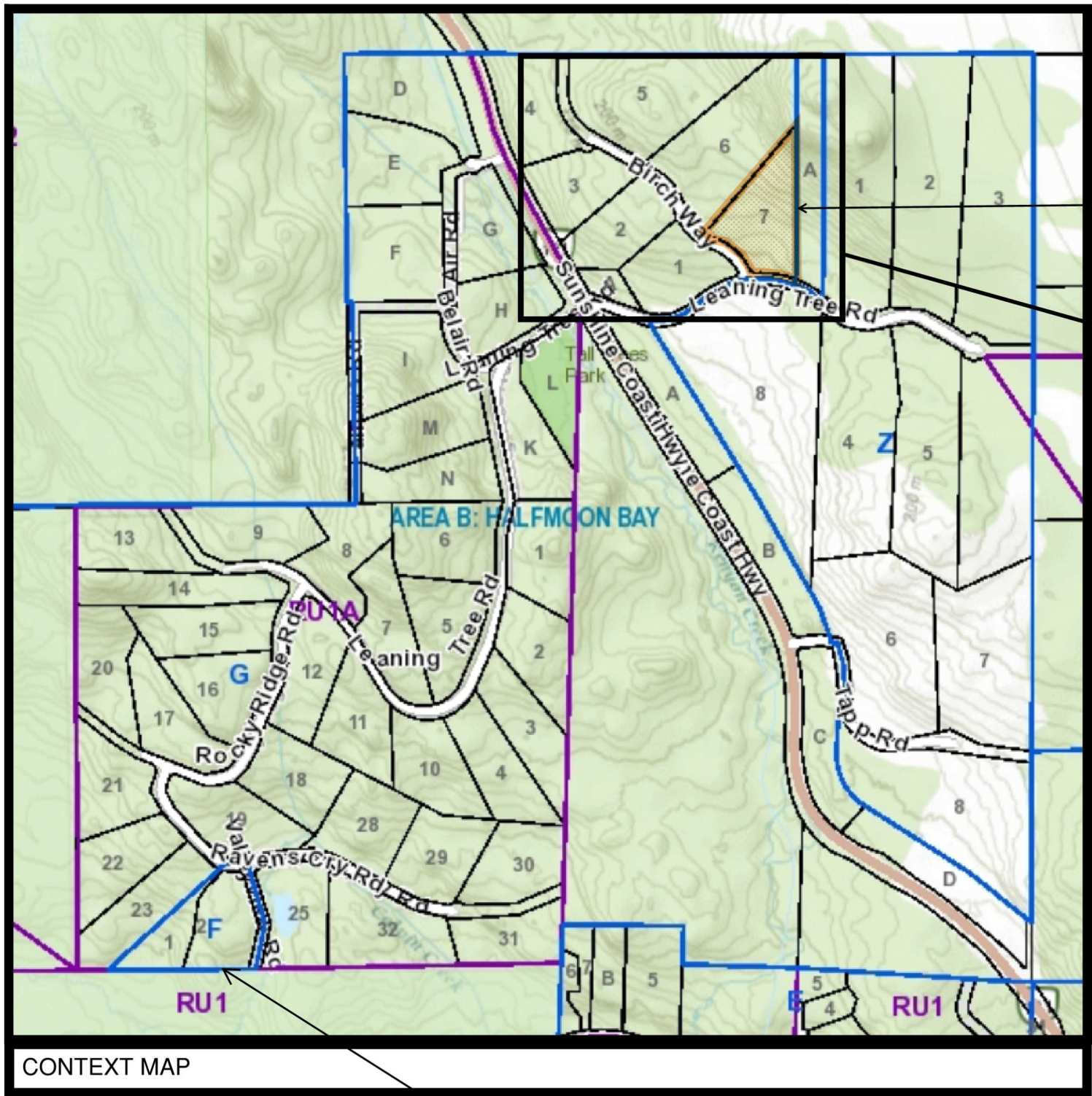
APPROVED PURSUANT TO SECTION 52 OF THE *TRANSPORTATION ACT* this ##### DAY OF, YEAR

ADOPTED this ##### DAY OF MONTH , YEAR

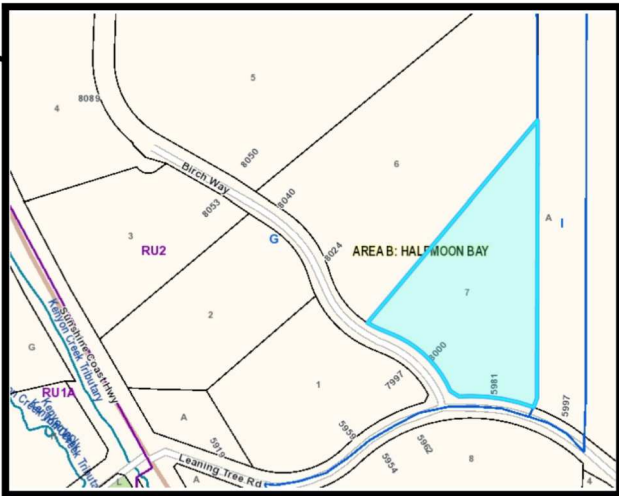
\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Chair





PROPOSED LOT.  
CURRENTLY A SUBDIVISION DISTRICT  
G IN THE RURAL RESIDENTIAL ZONING.  
PROPOSAL IS TO CONVERT LOT TO  
SUBDIVISION DISTRICT F AND  
SUBDIVIDE INTO TWO LOTS WITH  
EXISTING SINGLE FAMILY DWELLINGS.



CONTEXT MAP

EXISTING LOTS ON RAVENS CRY  
RD THAT HAVE BEEN CHANGED  
TO A SUBDIVISION DISTRICT F.

LOT 6

PLAN LMP36842

LOT A

PLAN BCP29528

PARENT PARCEL INFORMATION

PID: 024-054-275

Folio: 746.06478.017

Lot: 7

Block:

District Lot: 1582

Plan: LMP36842

SITE PLAN FOR REZONING AND SUBDIVISION APPLICATION  
AT 8000 BIRCHWAY/ 5981 LEANING TREE ROAD



DRAWING TITLE  
PROPOSED SUBDIVISION PLAN

DATE: MARCH 19, 2024

SCALE: 1:400

DRAWN BY: KV



Dear Members of the Planning Council,

I am writing to express my concern regarding the rezoning application to subdivide the rural property located at 8000 Birch Way. (Legal Description Lot 7 District Lots 1582 and 4663 Group 1 New Westminster District Plan LMP36842)

As a resident of this community, I believe it is crucial to address the potential impact that future development could have on our environment and local wildlife.

My specific concerns are as follows:

**Water Resources:** The proposed subdivision could significantly strain our local water resources. We have a massive water shortage. Recurring droughts, severe heat waves are effecting the natural water systems and increased demand from new developments could deplete these resources. Moreover, construction and increased human activity could lead to contamination of water supplies, affecting both residents and the natural ecosystem. It is essential to thoroughly assess the impact on water availability and quality before proceeding with any rezoning decisions.

**Preservation of the Natural Setting:** One of the most significant attributes of our community is its pristine natural environment. The open spaces, forests contribute to the rural character and provide residents with a high quality of life. Rezoning and subdividing this property could set a precedent for further development, gradually eroding the natural landscape that we value so highly. It is imperative to consider the long-term impact on the character of our community and the preservation of our natural surroundings.

**Wildlife:** Our rural area is home to a diverse range of wildlife species, many of which could be adversely affected by increased human activity and habitat fragmentation. Subdividing the property may lead to the destruction of vital habitats, forcing animals to relocate or, worse, leading to a decline in local wildlife populations. Protecting these habitats is not only crucial for the animals themselves but also for maintaining the ecological balance and natural beauty of our region.

To address these concerns, I suggest that if the subdivision is approved, it should include restrictions or covenants prohibiting additional building on the newly subdivided parcels, particularly since this property already has 2 large principle dwellings, occupied by two unrelated families. This would help mitigate the impact on water resources and wildlife, while preserving the natural setting that defines our community. Implementing such restrictions would balance development needs with environmental protection and ensure the long-term sustainability of our region.

In conclusion, I urge the Planning Council to carefully consider these concerns and the potential long-term consequences of approving the rezoning application. Protecting our

water resources should be a top priority! In addition, wildlife and natural setting should be given high importance, to ensure the sustainability and quality of life for current and future residents.

I ask to please be notified of the date and time the APC meeting is to take place, as I wish to participate in future discussion.

Kind regards,

**Ilana Schonwetter, PFP, CPCA, CIM, FCSI**