

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – November 21, 2024

AUTHOR: Devin Rajala, Planning Technician III

SUBJECT: **DEVELOPMENT VARIANCE PERMIT DVP00109 (5317 TAYLOR CRESCENT) – ELECTORAL AREA B**

RECOMMENDATIONS

- (1) **THAT the report titled Development Variance Permit DVP00109 (5317 Taylor Crescent) – Electoral Area B be received for information;**
 - (2) **) AND THAT Development Variance Permit DVP000109, to allow for the reconstruction of a single unit dwelling and attached new deck structure on the property located at 5317 Taylor Crescent, be issued to vary Zoning Bylaw No. 722 as follows:**
 - (a) **Section 5.16.1 (a) to reduce the minimum setback of a building or structure from the natural boundary of the ocean from 15 metres to 12 metres**
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BACKGROUND

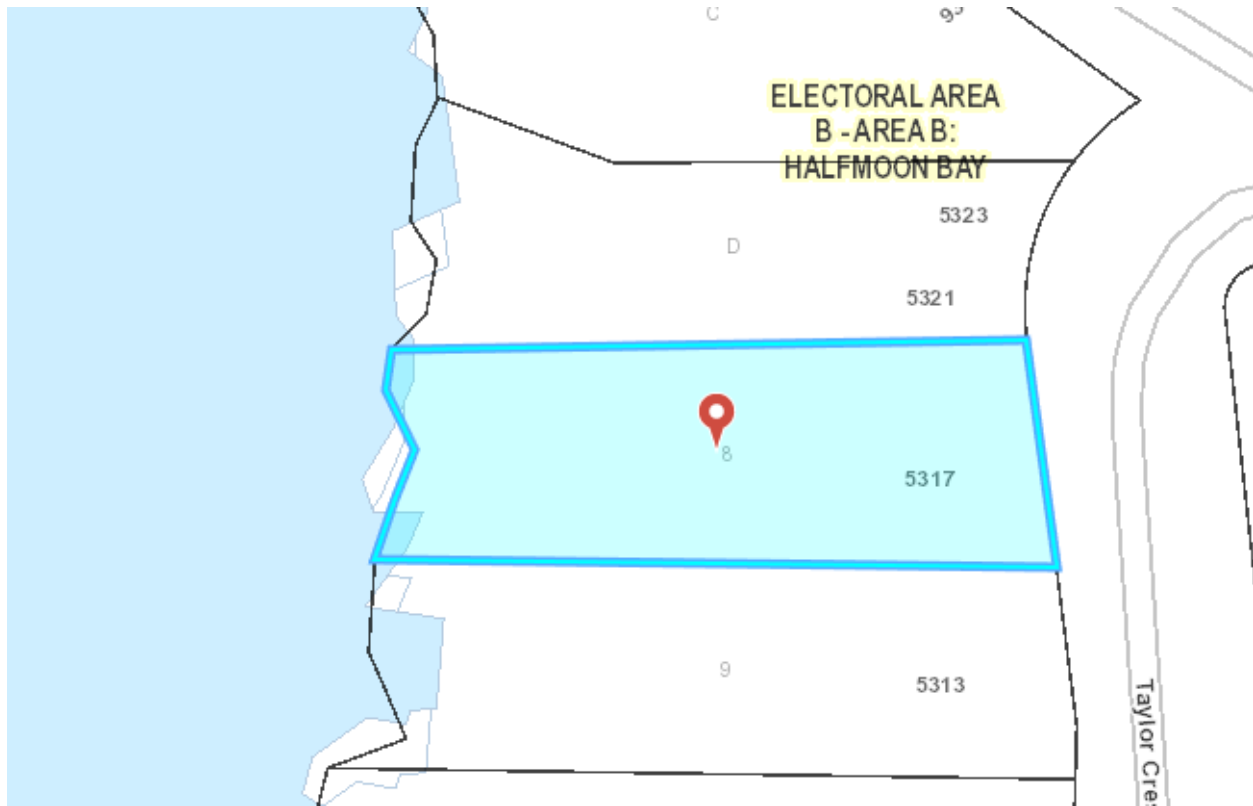
The Sunshine Coast Regional District has received a Development Variance Permit application to vary Zoning Bylaw No. 722, Section 5.16.1 (a) to reduce the minimum setback of a building or structure from 15 m from the natural boundary of the ocean to 12 metres from the natural boundary of the ocean to permit the reconstruction of a single unit dwelling and a new deck.

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

Table 1 Application Summary

Applicant:	Louis Vignal
Civic Address:	5317 Taylor Crescent
Legal Description:	LOT 8 DISTRICT LOT 2394 PLAN 13040
Electoral Area:	B – Halfmoon Bay
Parcel Area:	1,437 m ²
OCP Land Use:	Residential A
Land Use Zone:	R1 (Residential One)
Application Intent:	To vary a zoning bylaw setback to accommodate the reconstruction of a dwelling on an existing foundation and a new deck.

Figure 1 Location Map



DISCUSSION

The applicant is seeking to reconstruct a single-unit dwelling, with a total floor area of approximately 340 m² and a parcel coverage of approximately 15%. The reconstruction proposes using an existing foundation and subfloor for the house and reconstruction of a new deck on posts.

Zoning Bylaw No. 722 contains the following regulation:

5.16.1 No, building or structure or any part thereof, except a boathouse located within an intertidal 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

The setback requirement from the natural boundary of the ocean is intended to address matters associated with sea-level rise and the environmental interface with the shoreline.

Figure 2: Aerial Photo



Analysis

The applicant is seeking approval to vary a bylaw which states that no building or structure shall be constructed within 15 m of the natural boundary of the ocean, to accommodate the reconstruction of a single unit dwelling using an existing foundation and subfloor and a new deck.

The subject parcel is located within the Development Permit Area 1A Coastal Flooding and 1B: Coastal Slopes, therefore a development permit is required for the construction of the single-unit dwelling. A development permit application has been received and will be issued under delegated authority pending the outcome of this development variance permit application process.

The Site Plan (Figure 3/Attachment 1) shows the existing dwelling and deck locations, those proposed to remain and proposed new construction. Further, Figure 4/Attachment 1 shows the total area of 11.28 m² subject to variance (hatched area grey and red; area shaded red; and hatched area red and blue), with the three shaded areas illustrating the following:

- the 0.67 m² area hatched grey and red shows the location/footprint of the existing building and proposed replacement building;

- the 8.92 m² area shaded red shows the location of the existing and proposed deck; and
- the 1.69 m² area shaded hatched red and blue shows the portion of the proposed deck which exceeds the footprint of the pre-existing building and deck.

Figure 3: Variance Plan

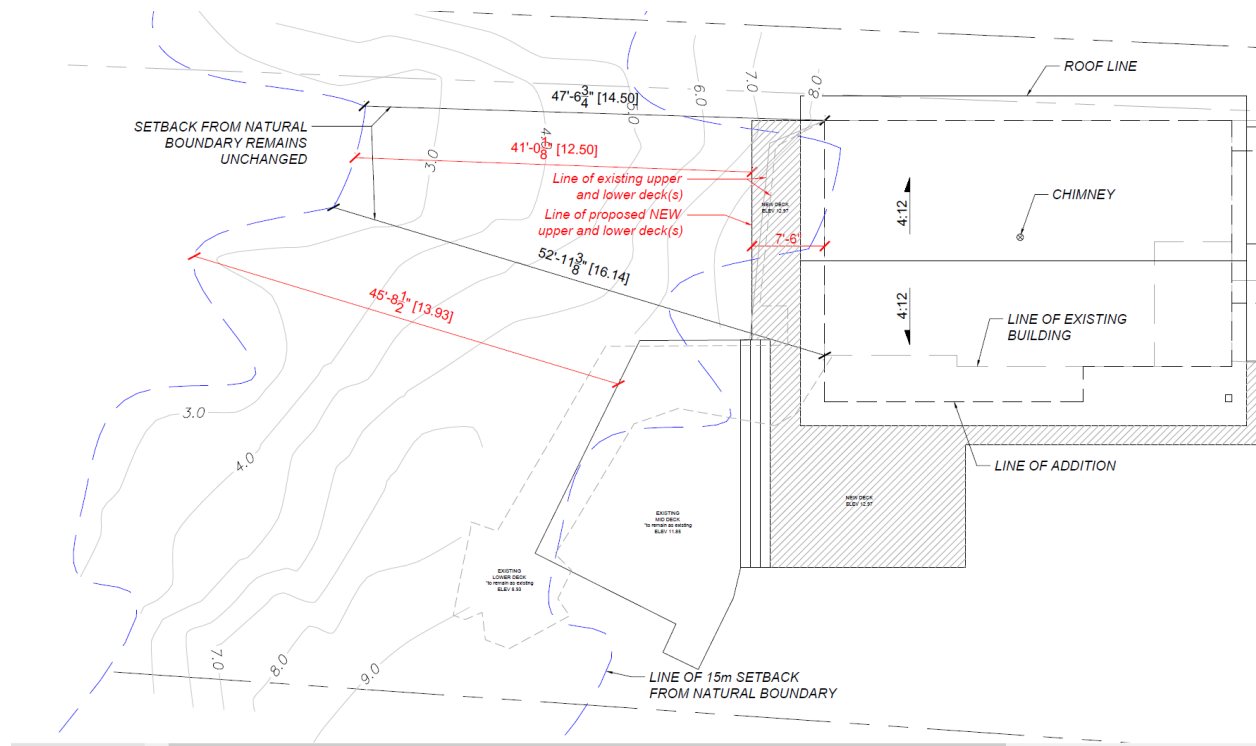
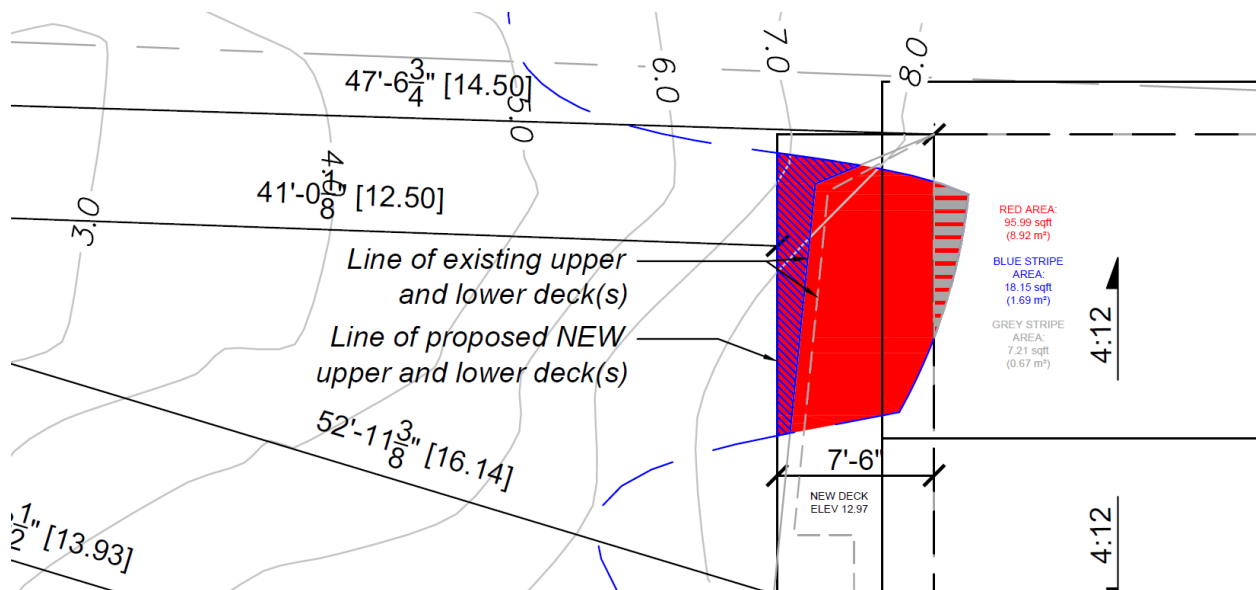


Figure 4: Total Area requiring Variance



Applicant Rationale

The applicant provided the following rationale in support of their variance request:

- The proposed development utilizes an existing foundation and subfloor and would have the least amount of environmental impact on the natural site characteristics.
- The deck that is proposed to be reconstructed currently provides access to the existing dwelling.

Variance Criteria

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;*

The intent of the 15-metre setback from the natural boundary of the ocean is to address sea level rise based on Provincial guidelines, as well as to enhance environmental protection.

The lot is in Development Permit Area #1A Coastal Flooding and #1B – Coastal Slopes. Provided the recommendations in the applicant's geotechnical report with respect to the design level oceanic flood hazard and design level events for rockslide and rock fall the subject site can be considered "safe" for the proposed use. A Development Permit will be required as part of this project and a covenant will be registered on title which will include a liability release for the SCRD.

Using existing foundations and subfloor, and thereby minimizing disturbance or development of previously undeveloped portions of a property can be advantageous. The total area of the variance for the reconstruction of the dwelling and deck is 11.28m², with the proposed portion of deck that exceeds the current footprint of the existing dwelling and deck is approximately 1.69m². In this context, the proposed variance does not depart significantly from the intent and principle of the bylaw.

2. *The variance should not negatively affect adjacent or nearby properties or public lands;*

The addition is proposed to match or exceed the setback of the existing structure from the present natural boundary, with the exception of 1.69 m² portion of the new deck in the northwest will be closer to the ocean (12.5 metres from the natural boundary), as such, this would have minimal impact on neighbouring properties.

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;*

The proposed development can be considered as something of a unique solution given the undulating nature of the natural boundary from the ocean on the property and the desire to use the existing foundation and footprint of existing construction. The squaring off of the deck results in the additional encroachment beyond the existing footprint of the deck by a minimal amount (1.69 m²).

The variance proposes to utilize an existing foundation that has been endorsed for future use by the structural consultants

4. *The proposed variance represents the best solution for the proposed development after all other options have been considered; and*

Staff note there are other design solutions available as part of the reconstruction of a single unit dwelling, including potentially having the house meet setback requirements by locating the new construction to the south portion of the parcel. However, there are benefits to using existing foundations and building footprints at the time of reconstruction. The total area of construction within the 15m setback area is relatively limited at 11.28 m² and the encroachment beyond the existing footprint of development at 1.69 m² is negligible. The deck area, which totals 10.61 m² of the total 11.28 m² variance, is cantilevered on the second storey and in the case of the lower deck is supported via posts directly into the bedrock. As such, using the existing building foundation and with the deck being supported by posts, mean this design solution will see minimal land alteration compared to constructing on previously undeveloped portions of the property.

5. *The variance should not negatively affect the natural site characteristics or environmental qualities of the property.*

By limiting the expansion of the current structure's footprint, the variance should limit any negative impacts on natural site characteristics or environmental qualities than other proposed designs. As mentioned under criteria 4 above, using the existing foundation for the house and that the deck is supported by posts directly supported by the bedrock - meaning there will be limited environmental impact.

Summary

In summary, staff are supportive of the variance for the following reasons:

- matters related to flood construction and geotechnical matters have been addressed by the submission of a relevant related professional report, and will be further addressed via the issuance of a Development Permit, should the variance be approved;
- the extent of the variance is relatively limited in being a total of 11.28 m²;

- the reconstructed building would be on the existing foundation, with this area only being 0.67 m² of the proposed variance;
- the variance for the deck area totals 10.61 m², with this area on the first storey being proposed to be constructed on posts/piles supported by existing bedrock, thereby having minimal impact on the surface of the land;
- the extent of the variance that is beyond the current encroachment is only 1.69 m² and relates to squaring off the deck compared to the current deck in this location.
- using the existing footprint rather than building in other locations on the property, has less impact on the natural site characteristics; and
- the variance reflects the unique nature of the property, including in particular the undulating nature of the natural boundary of the ocean, and as such does not represent a precedent.

Options

Possible options to consider:

Option 1: Issue the permit.

(Staff Recommendation)

This would permit the proposed development on the property to proceed.

Option 2: Deny the permit.

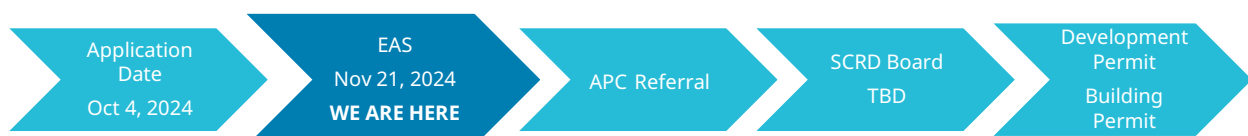
The zoning bylaw regulation would continue to apply, and the proposed development would be required to comply with the required setback.

Option 3: 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. As part of this option the Board may wish to request an environmental assessment of the terrestrial environment that addresses the consideration of mitigation measures and opportunities for restoration within the shoreline setback area

Timeline for next steps or estimated completion date

Figure 4 Application Timeline



Communications Strategy

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

Table 2 Referral Comments

Referral Agency	Comments
SCRD Building Division	There is an active Building Permit for the development. Building-related comments will be communicated through the Building Permit application review.
Halfmoon Bay Fire Department	Comments not received at time of report writing.
shíshálh Nation	Comments not received at time of report writing.
Neighbouring Property Owners/Occupiers	Notifications were mailed on October 30, 2024, to owners and occupiers of properties within a 100 m radius of the subject property. No comments were received prior to the deadline of November 14 th at 12pm.

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.

Those who consider their interests affected may attend the Electoral Area Services Committee meeting and speak at the call of the Chair.

STRATEGIC PLAN AND RELATED POLICIES

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 would facilitate the reconstruction of an existing single unit dwelling utilizing an existing foundation and subfloor and an attached deck. Staff support the proposed variance request, as allowing for reconstruction of an existing structure on the existing foundation and footprint, with only a small further encroachment to square off the deck, is seen as a reasonable request to a site specific circumstance.

ATTACHMENTS

Attachment A – Site Plan
 Attachment B – Context Photos

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