



DATE OF MEETING: April 11, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Local Planning Services
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2023.16
Applicant: Alan Maten
Location: 131 Northern Way, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.16 (Maten)

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting of a proposed single family dwelling in the interior side lot line setback.

BACKGROUND

The specific variance is to **the interior side lot line** provisions of the **Rural variant e – R(e)** zone in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB).

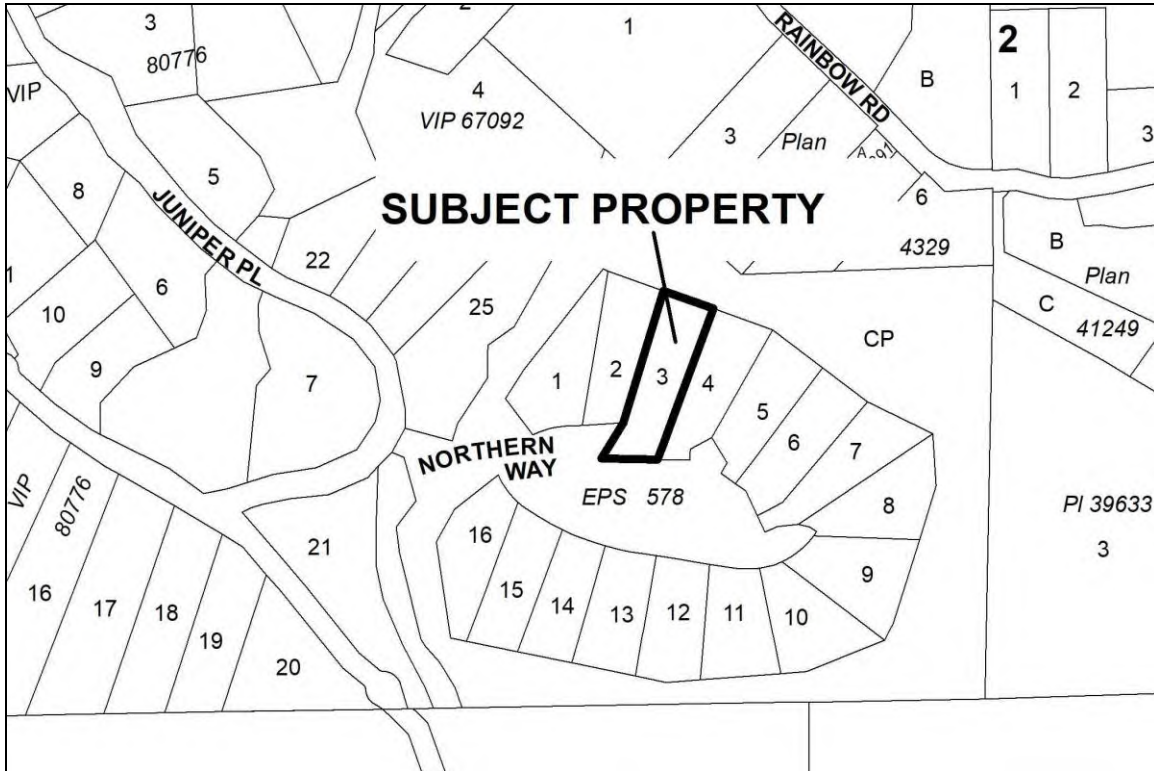
- Section 4.3.1 which states that no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within **3.0 metres** from the interior side lot line is varied to permit a proposed single family dwelling shown as “Cottage”, shown in Figure 2, within 1.5 metres of the interior side lot line.

The 0.71 ha (1.754 ac) subject property is a strata lot located at 131 Northern Way on Mount Erskine, facing north onto Booth Bay. The common property access route through the strata creates a hooked lot on the subject property. The southern section of the property is bound by the roadway to the north and common property strata land to the south, west, and east.

The proposed 55.7 sq m (600 sq ft) dwelling would not require any tree cutting. The design shown in Attachment 2 is a one storey single family residence. The house does not make use of the common property land to the south. No eaves, overhangs, or exterior door access would project into the strata common property. The setback variance request is proposed to reduce the proximity to the rock face hazard, increasing the ability for a deck and use of the outdoor space to the north.

A copy of the notice and proposed permit SS-DVP-2023.16 (Maten) are attached as Attachment 4 and 5. Staff conducted a site visit on March 6th, 2023. Staff observed the proposed building site and confirmed that the proposal appears adequate to facilitate the development. Photos of the property are included as Attachment 2.

Figure 1 – Subject Property Map



ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to siting regulations is being sought.

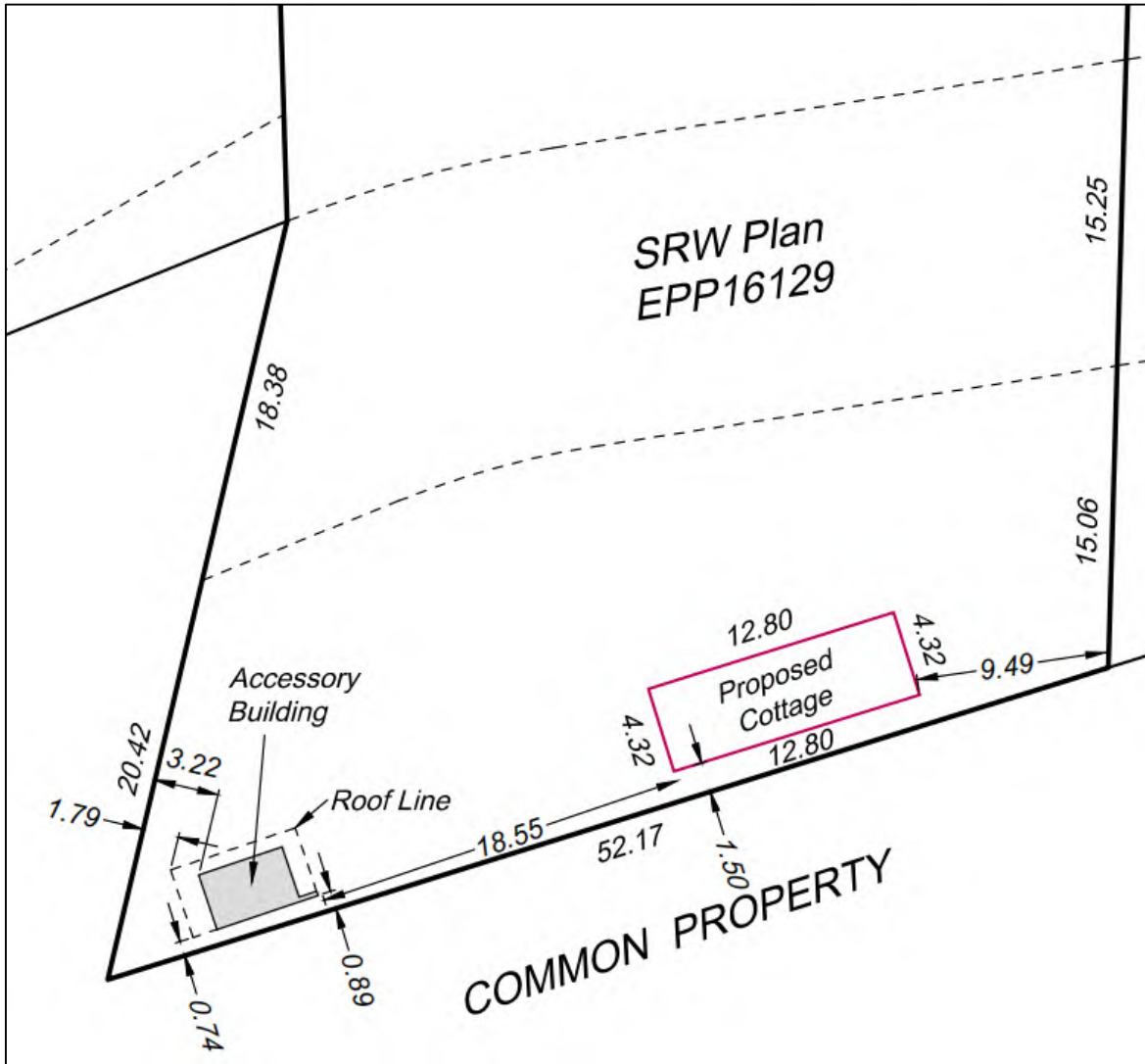
Official Community Plan (OCP)

The property is designated Rural Neighbourhoods (RL) in the Salt Spring Island OCP. There are no development permit areas on the property.

Land Use Bylaw

The property is zoned **Rural variant e – R(e)** in the Salt Spring Island Land Use Bylaw No. 355, 1999. The proposed use is permitted and approval of the variance will bring the property into compliance with the LUB.

Figure 2 – Site Plan



Issues and Opportunities

Rational for Variance

The applicant's rationale for the variances are:

- Increase the distance of the dwelling from the rock face hazard to the north.
- Minimize development on the north section of the property.
- Reduce ground and vegetation disturbance and avoid mature tree removal.

Intent of Regulations being varied

The overall purpose of interior side yard siting is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.

- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to development by maintaining consistent siting regulations.

Potential impacts of granting to variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Impact on Neighbouring Properties

The most impacted neighbours by the proposed variance would be lot SL 4 neighbouring the subject property to the east, and the strata lots south of the common property. The common property to the south is densely forested meaning the visual impact of a single storey dwelling would likely be minimal.

Circulation

DVP Notices were circulated to surrounding property owners and residents on March 27, 2024. The notification period will end on April 10, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC meeting will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable.
- Impacts on neighbouring properties from approval of the variance would not be significant.
- The application is being made prior to construction.
- The proposed variance would not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

- 1. Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust

2. Amend and Approve

The LTC may opt to make amendments to the permit as circulated provided the amendments *do not* allow further encroachments. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee amend application SS-DVP-2023.16 (Maten) as follows:
_____ ; and,*

That the Salt Spring Island Local Trust Committee approve application SS-DVP-2023.16 (Maten) as amended.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee refuse application SS-DVP-2023.16 (Maten).

Submitted By:	Bruce Belcher, Planner 1	March 27, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April 3, 2024

ATTACHMENTS

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. Notice
- 4. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
PID	028-882-601
Civic Address	131 NORTHERN WAY SALT SPRING ISLAND BC V8K 2Y1
Lot Size	0.71 ha (1.754 ac)

LAND USE

Current Land Use	Rural Neighbourhoods
Surrounding Land Use	Rural Neighbourhoods

HISTORICAL ACTIVITY

File No.	Purpose
SS-BP-2021.174	Building Permit for new SFD
SS-SUB-2002.7	25 lot subdivision, Juniper Place
SS-RZ-2000.2	Transfer development rezoning from property at Erskine Point to property at Wilkie Way to allow 'rec

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Rural Neighbourhoods
Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Rural variant e
Other Regulations	N/A
Covenants	EM39623, ET100495, FA41421, FA41423, CA2684996
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Species at Risk	N/A
Sensitive Ecosystems	Mature Forest
Hazard Areas	Moderate, Low risk steep slopes
Archaeological Sites	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be

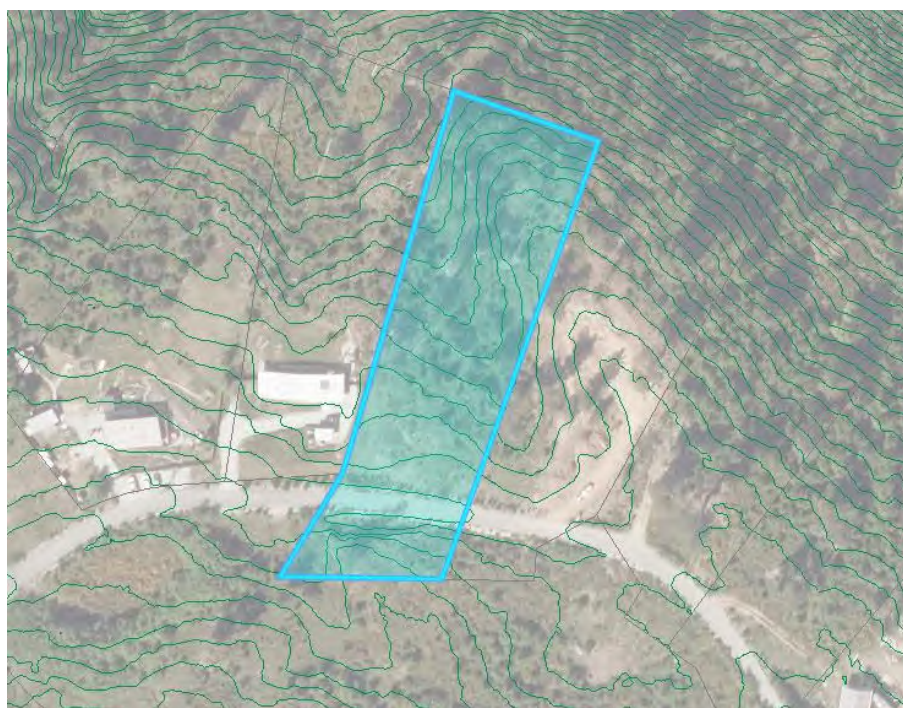
	needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

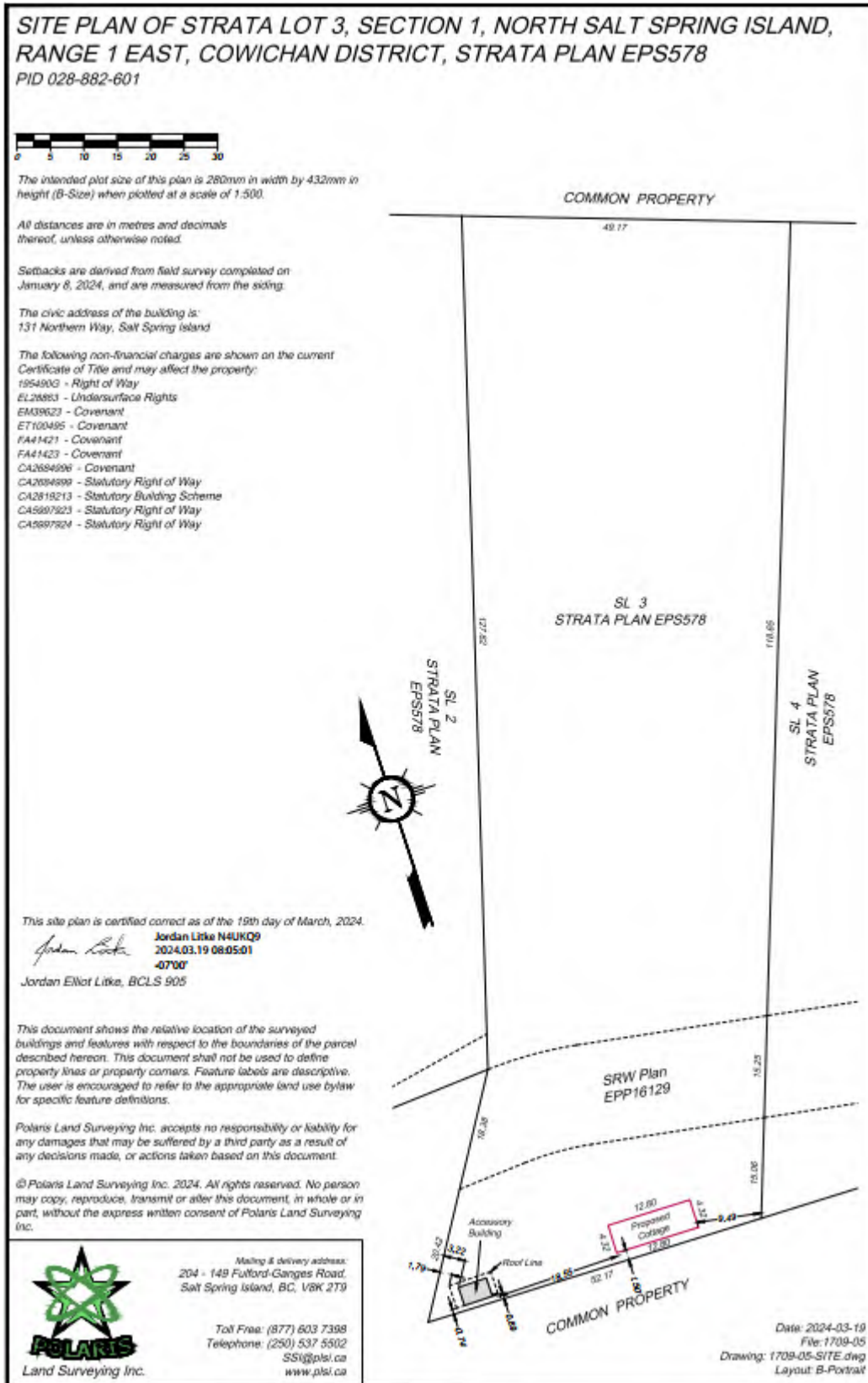
2.1 ORTHOZONING

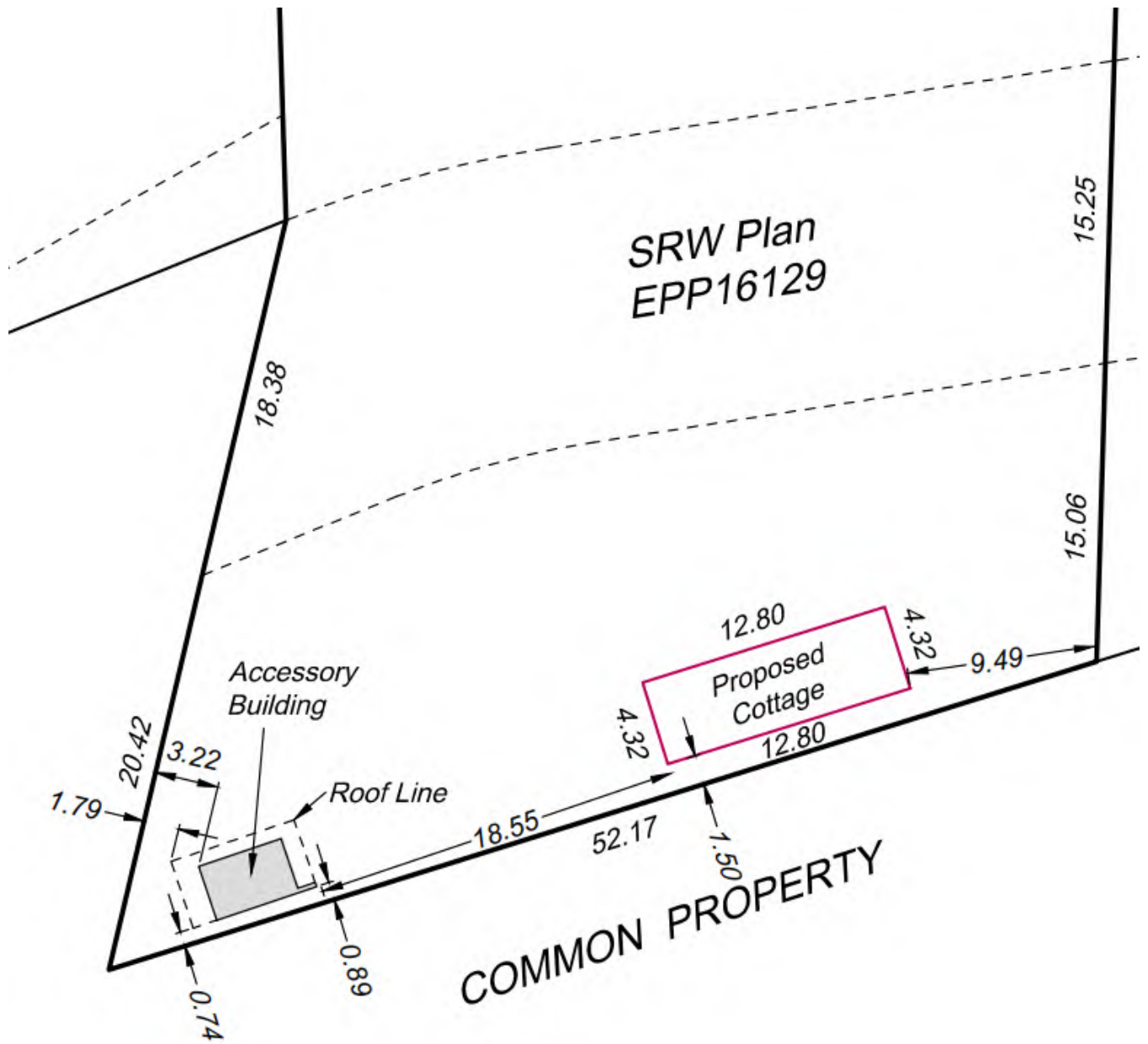


2.2 TWO METRE CONTOURS

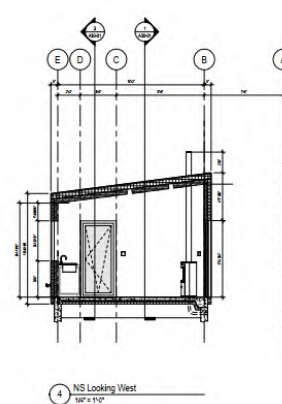
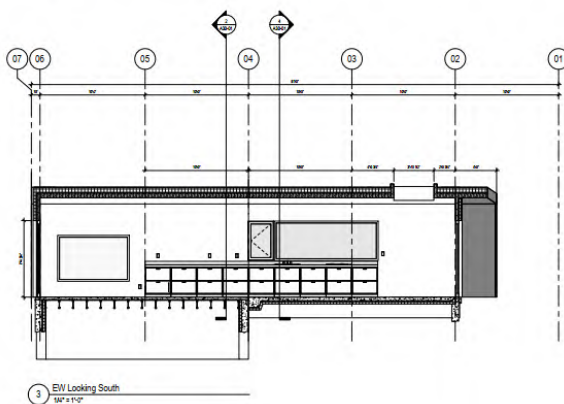
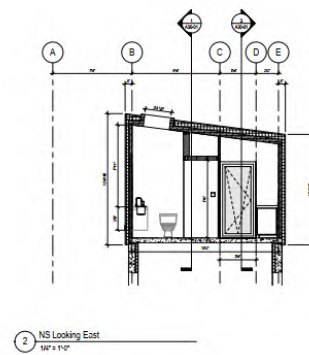
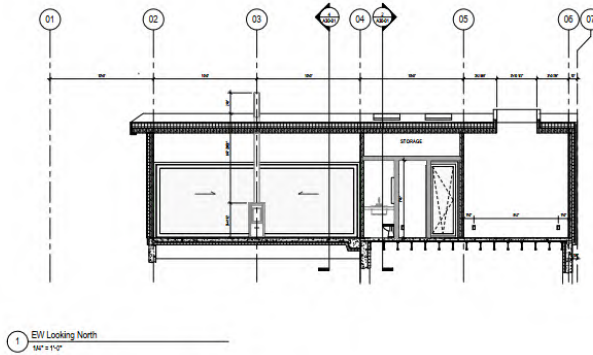
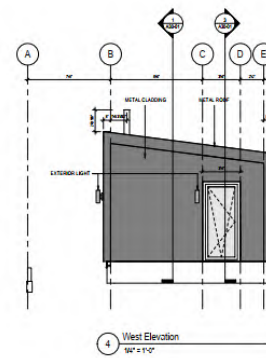
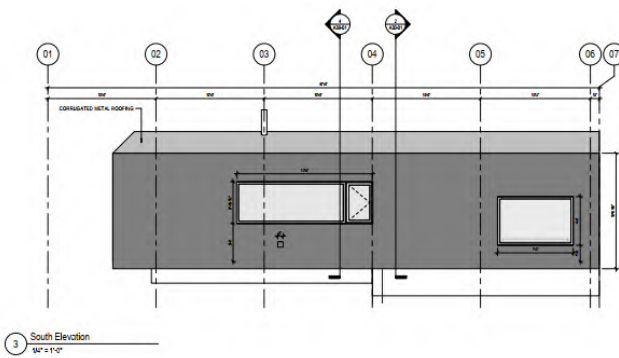
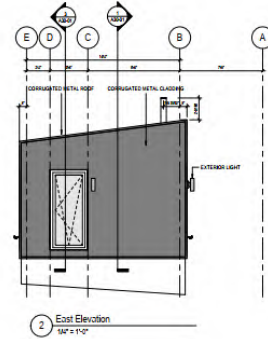
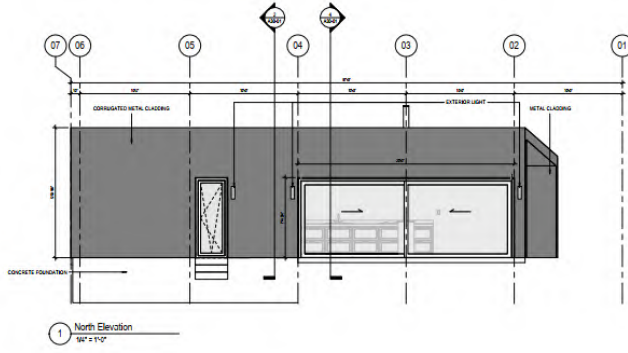


2.3 SURVEY PLAN





2.4 BUILDING PLANS



2.5 PHOTOGRAPHS



PROPOSED BUILDING SITE LOOKING WEST AND NORTH





PROPERTY LINE LOOKING WEST AND SOUTH





SHED/PARKING AREA AND COMMON PROPERTY LOOKING SOUTH





COMMON PROPERTY LOOKING SOUTH





BUILDING SITE LOOKING NORTH, AND EAST





ROCK HAZARD ALONG HIGHWAY BOUNDARY





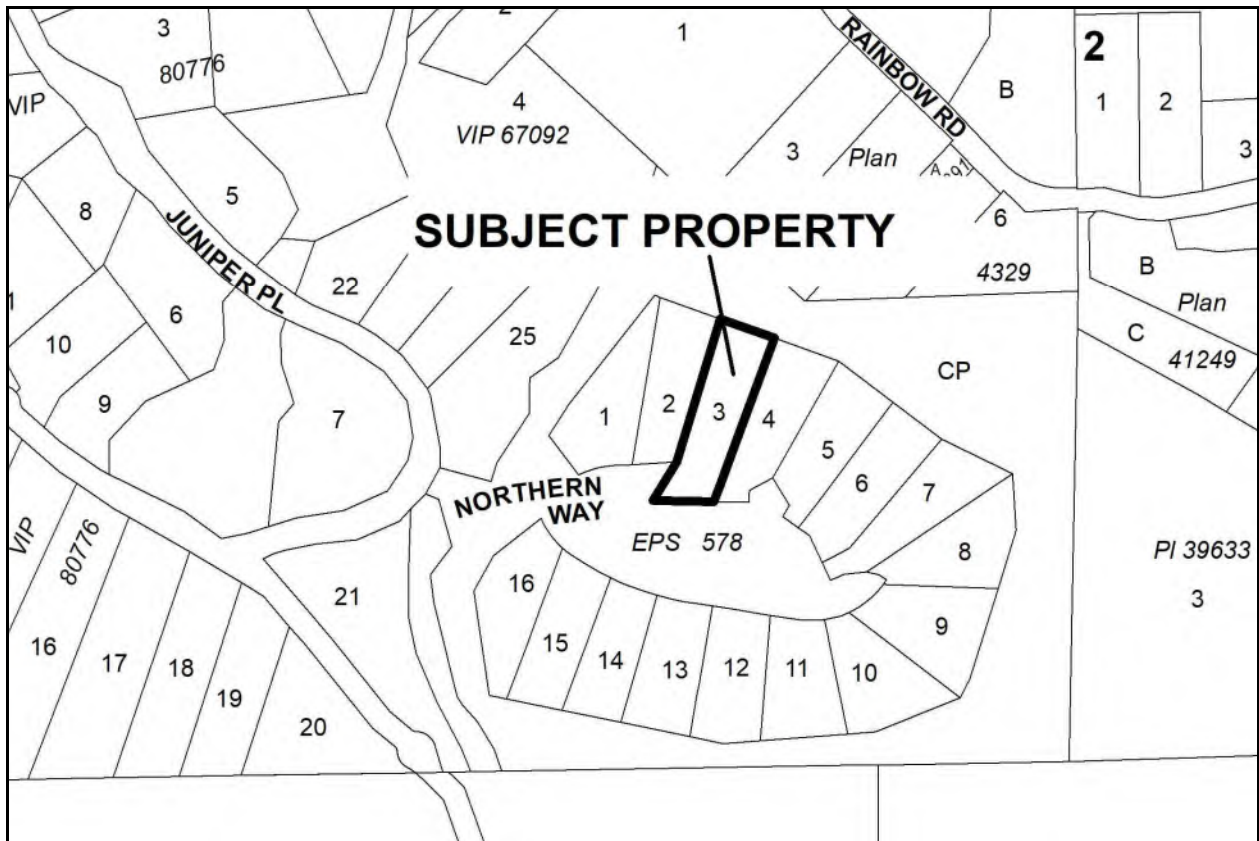
NOTICE
SS-DVP-2023.16
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355, 1999 by:

- A variance to reduce the 3 m setback from the interior side lot to permit the siting of a proposed single family dwelling within 1.5 m of the interior side lot line.

The property is located at **131 Northern Way** and is legally described as STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 028-882-601).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 26, 2024** and continuing up to and including **April 10, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Salt Spring Island.

Enquiries or comments should be directed to Bruce Belcher, Planner 1 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: ssiinfo@islandstrust.bc.ca before 4:30 pm, **April 10, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **April 11, 2024** starting at 9:30 am at the Salt Spring Legion, Meaden Hall, 120 Blain Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Rob Pingle, Deputy Secretary



PROPOSED

ATTACHMENT 4

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.16

To: Qing Zhong
c/o Alan Maten

1. This Development Variance Permit applies to the land described below:

STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 028-882-601)

2. Salt Spring Island Land Use Bylaw 355, 1999 is varied as follows:

- a) Subsection 4.3.1 which states that *no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within 3.0 m from the interior side lot line* is varied to permit a proposed siting of a single family dwelling ("Cottage") to be sited 1.5 m from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR] (2 YEARS FROM DATE OF ISSUANCE) THIS PERMIT AUTOMATICALLY LAPSES.

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
SS-DVP-2023.16**

SCHEDULE 'A'

**SITE PLAN OF STRATA LOT 3, SECTION 1, NORTH SALT SPRING ISLAND,
RANGE 1 EAST, COWICHAN DISTRICT, STRATA PLAN EPS578
PID 028-882-601**



The intended plot size of this plan is 280mm in width by 432mm in height (B-Size) when plotted at a scale of 1:500.

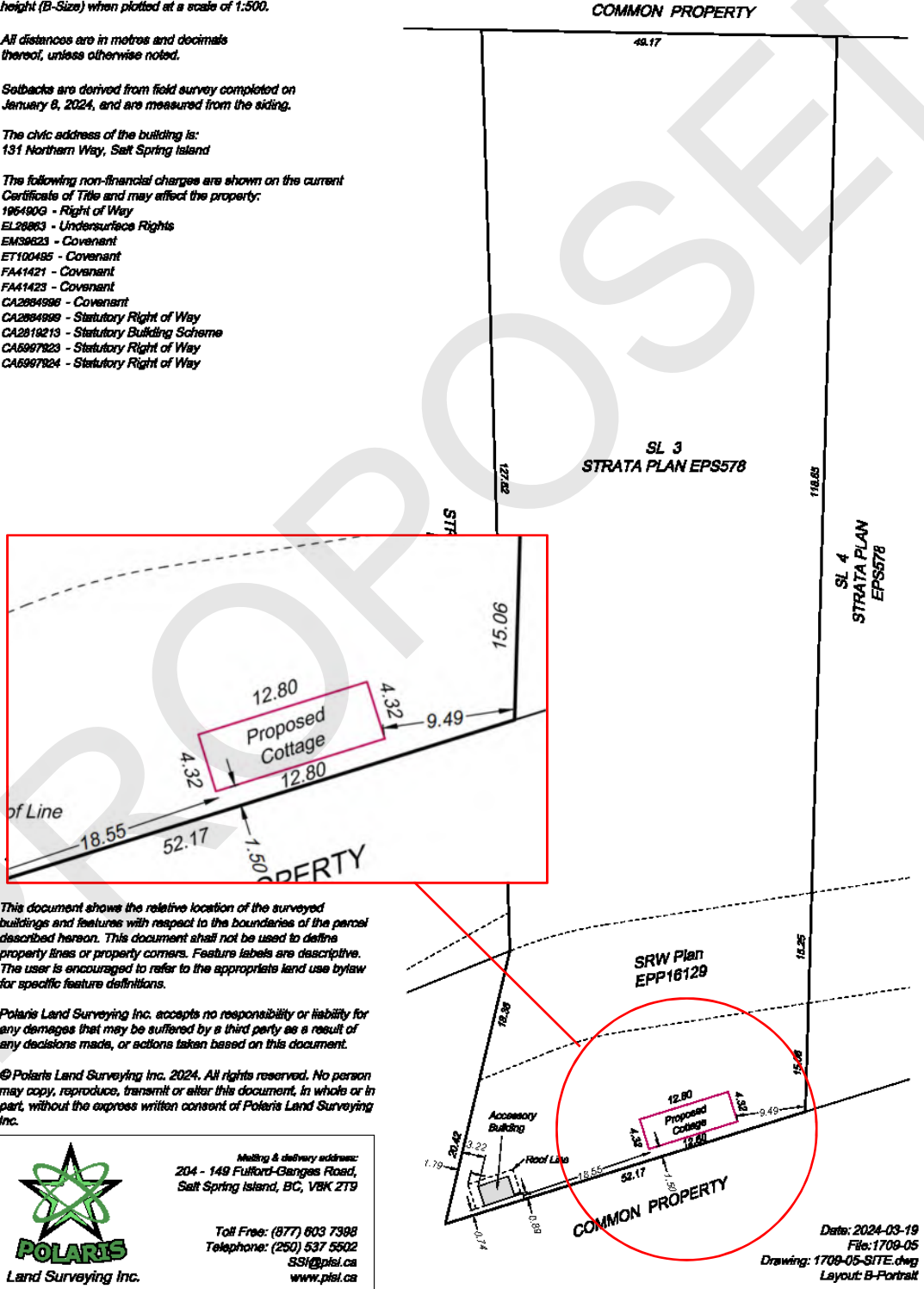
All distances are in metres and decimals thereof, unless otherwise noted.

Setbacks are derived from field survey completed on January 8, 2024, and are measured from the siding.

The civic address of the building is:
131 Northern Way, Salt Spring Island

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

- 1964909 - Right of Way
- EL28863 - Undersurface Rights
- EM39823 - Covenant
- ET100485 - Covenant
- FAA1421 - Covenant
- FAA1423 - Covenant
- CA2884886 - Covenant
- CA2884888 - Statutory Right of Way
- CA2818213 - Statutory Building Scheme
- CA8897823 - Statutory Right of Way
- CA8897824 - Statutory Right of Way



This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described herein. This document shall not be used to define property lines or property corners. Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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Telephone: (250) 537 5902
SSI@plsi.ca
www.plsi.ca

Date: 2024-03-19
File: 1709-05
Drawing: 1709-05-SITE.dwg
Layout: B-Portrait