



MEMO

District of Highlands
1980 Millstream Road
Victoria, BC V9B 6H1
Tel: 474-1773 / Fax: 474-3677
LBeckett@highlands.ca

Report To: C. D. Coates, Chief Administrative Officer *File: DP-04-13*
From: Laura Beckett, Planner
Date: May 28, 2013
**SUBJECT: Development Permit with a Variance Application DP-04-13
(5029 Stag Road)**

RECOMMENDATION

THAT Council direct staff to issue notification of Council's consideration for the proposed issuance of Development Permit with a variance DP-04-13 pertaining to 5029 Stag Road

SUMMARY

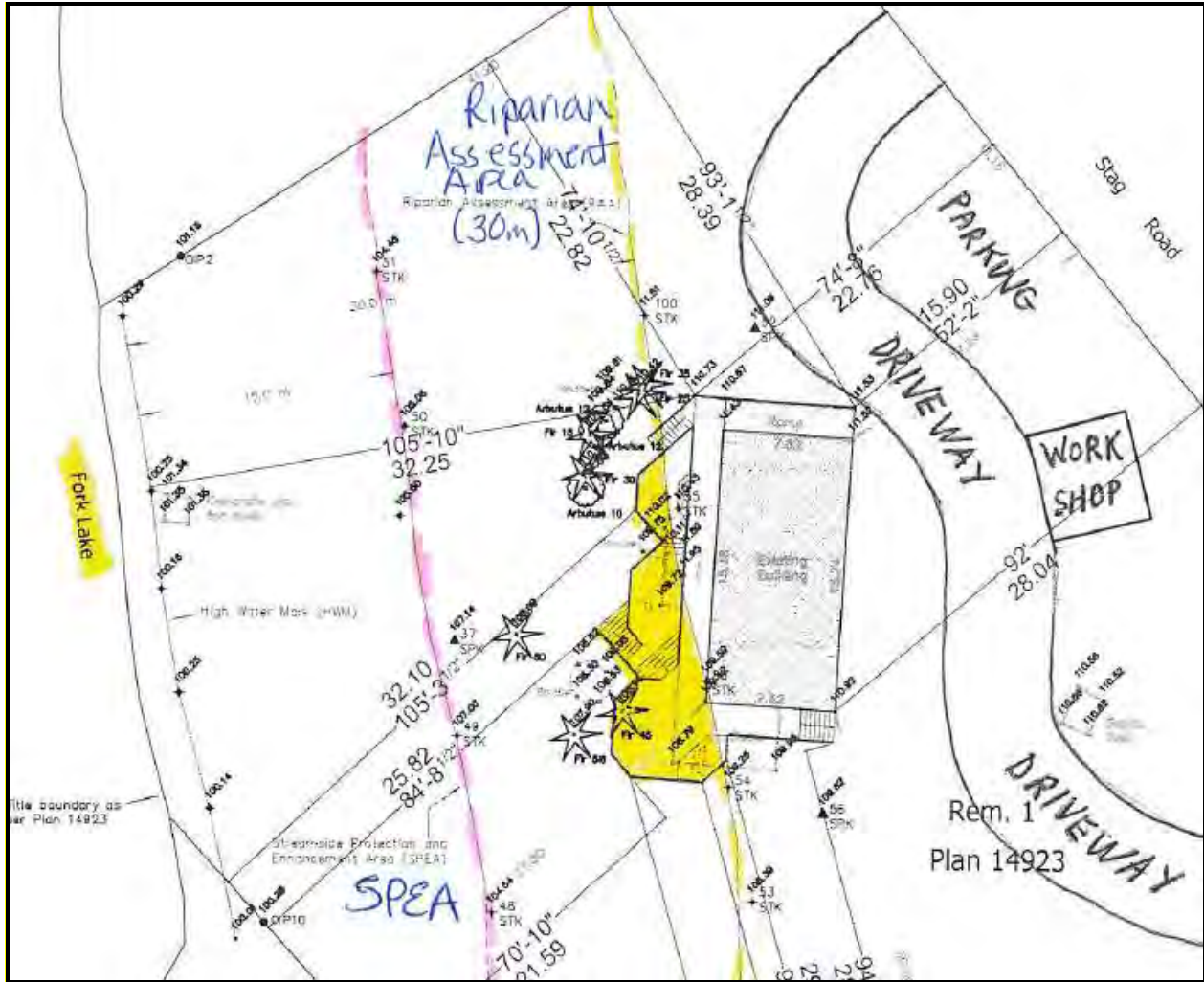
Location:	5029 Stag Road
Legal:	LOT 1, SECTION 78, HIGHLAND DISTRICT, PLAN 14923, EXCEPT THAT PART IN PLAN 18975
Zone:	Rural Residential 3 (RR3)
Development Permit Area:	Water and Riparian Areas (<i>DPA No. 2</i>)
Zoning Bylaw Section to Vary:	3.3 (1) (d) Riparian Regulations
Additional Relevant Regulations:	None
Applicant Requests:	From 30m to 22m
Purpose:	Reconstruct and enlarge aging deck; add stairs

LOCATION MAP



*Image courtesy of
Swell Environmental
Consulting*

SITE PLAN



PROPOSAL

Please find attached excerpts from the application and draft Development Permit with a Variance DP-04-13. The applicants seek to vary the Riparian Regulations of the Zoning Bylaw in order to replace and enlarge their existing 35-year old deck. The proposal requires a development permit with a variance due to the deck's proximity to Fork Lake, and the required earth works to install the deck's footings, etc. The site plan shows in yellow the area of the proposal that would come into the 30m setback for water and riparian areas.

The applicants request to vary the regulation from 30m to 22m. The proposal is also subject to the Province's Riparian Areas Regulation (RAR). The streamside protection and enhancement area (SPEA) is the area within 15m from Fork Lake. This is the area that is recommended be protected from development in accordance with the prescribed reporting for the RAR. Thus, the proposal is entirely outside of the SPEA (shown by the pink dashed line).

Staff does not foresee any negative ramifications to neighbours, as the subject home is centred on the property and is distant from the neighbouring homes. The property is well-treed, contributing to any privacy or visual issues. The proposal is relatively small.

Staff supports the proposal, and recommends that Council consider issuing notification. Council may wish a site visit. Should Council wish to issue notification, staff will arrange the site visit prior to the subsequent Council meeting.

OPTIONS

1. Council may wish to deny the application.
2. Council may wish to request more information from the applicant. Council should specify what information they are looking for.
3. *(Recommended.)* Council may wish to direct staff to issue notification for their consideration of Development Permit with a variance application DP-04-13 pertaining to 5029 Stag Road.

Respectfully submitted



Laura Beckett, MCIP, RPP

CAO Concurrence



C. D. Coates, CAO

Dave & Linda Webster
5029 Stag Road
Victoria BC V9E 1G7

April 29, 2013

Highlands Municipality
Millstream Road
Victoria BC



Dear Sirs,

Re: Development Variance Application

This application concerns our home and property at 5029 Stag Road. The present and intended use of this property is its continued use as our home and principle residence; as it has been since 1970.

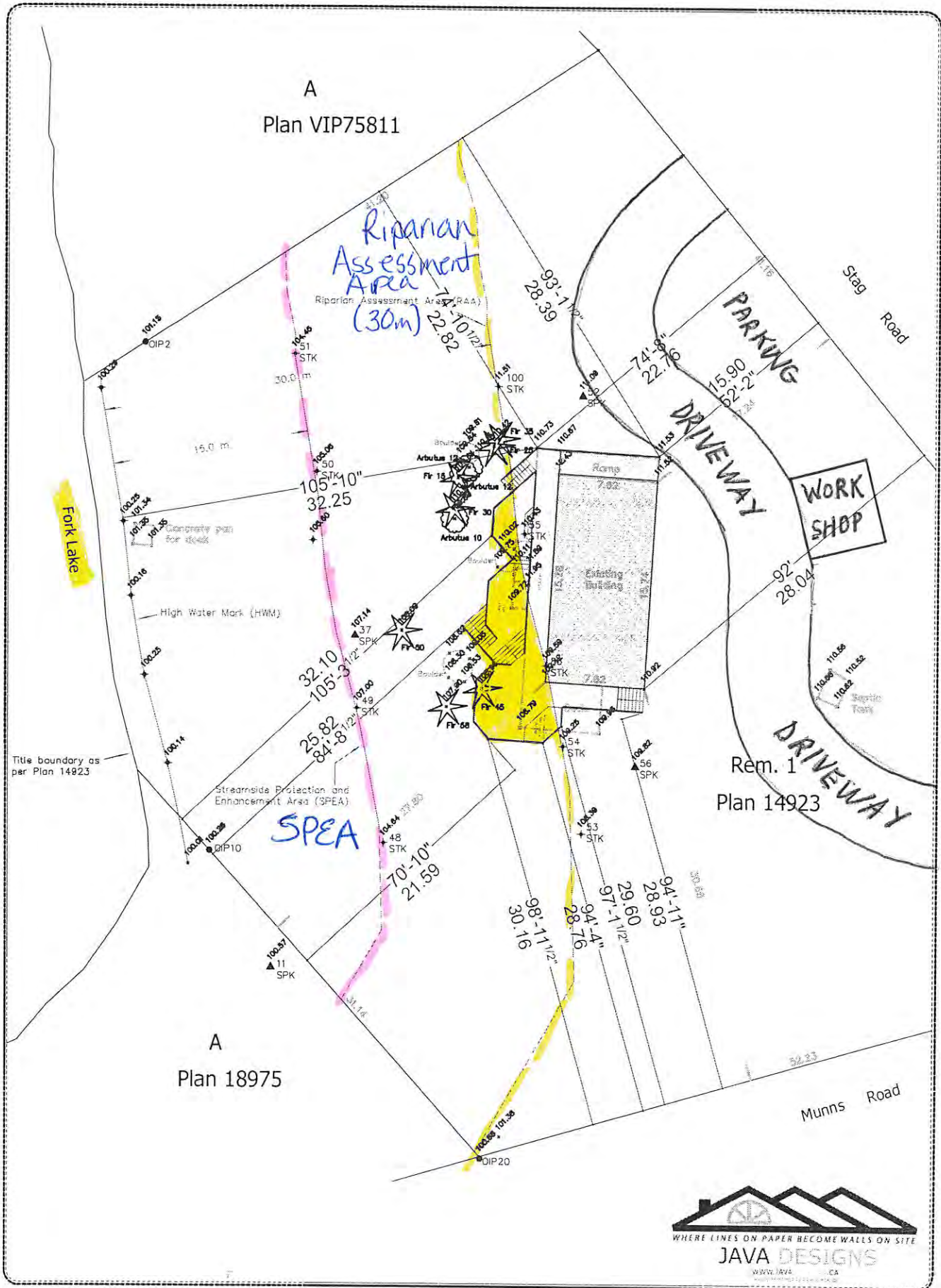
We are seeking the Development Variance Permit in order to rebuild our 35 year old deck, enlarge it and carry its walkway around to the front of the house. The deck area is intended only for our use and enjoyment of our property.

The existing deck protrudes upwards of 3 meters into the Riparian Assessment Area (RAA). Our plans for the replacement deck will have it protrude upwards of 8 meters into the RAA; the average incursion will be 5 meters or less.

Additional information concerning the intrusion into the RAA zone can be found in the attached report from Swell Environmental Consulting Limited. Also attached is the completed Development Variance Application.

Sincerely,

Dave Webster





DISTRICT OF HIGHLANDS
DEVELOPMENT PERMIT WITH A VARIANCE
NO. DP-04-13

ISSUED TO: David and Linda Webster

MAILING ADDRESS: 5029 Stag Road
Victoria BC V9E 1G7

1. The "Lands" are:
**LOT 1, SECTION 78, HIGHLAND DISTRICT, PLAN 14923,
EXCEPT THAT PART IN PLAN 18975
PID# 004-311-558 (5029 Stag Road)**
2. This Development Permit shall be solely to authorize:
 - A. *Within the lands included in Development Permit Area 2 (Water and Riparian Areas):* Site preparation and deck construction: vegetation removal, site grading, deck and stairs construction (attached to house)
 - B. *Highlands Zoning Bylaw No. 100, 1998 is varied as follows:*
Section 3.3 (1):
Despite any other provisions of this Bylaw, no part of any building or structure shall be constructed, reconstructed, moved or extended nor shall any part of any mobile home or unit, modular home or structure be located:
b) ...within **22 m** of the natural boundary of...**Fork Lake**...
3. The Lands described herein shall be developed strictly in accordance with the terms, conditions, and provisions of this permit. This includes specifically:
 - **Attachment 1: Site Plan – 5029 Stag Road, May 2013**
 - **Attachment 2: Riparian Areas Assessment Report, by Swell Environmental Consulting Ltd., dated April 22, 2013.**
4. This Permit is issued subject to compliance with all the Bylaws of the District applicable thereto, except as specifically varied or supplemented by this Permit.
5. If the Permittee does not substantially commence the development permitted by this Permit within **24** months of the date of this Permit, the Permit shall lapse.

**RESOLUTION PASSED BY THE COUNCIL OF THE DISTRICT OF HIGHLANDS
THE XX DAY OF XXX 2013.**

AUTHORIZED THIS XX DAY OF XXX, 2013

**Christopher D. Coates
Chief Administrative Officer**