

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: November 7, 2024

RE: Development Variance Permit Application — Electoral Area “A” (A2024.025-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2024.025-DVP, to allow for the construction of an addition to an existing single detached dwelling, be approved.

Legal: Lot 4, District Lot 2709, SDYD, Plan KAP33044 Folio: A-06748.228

OCP: Large Holdings (LH) Zone: Large Holdings One (LH1)

Variance Request: to reduce the minimum interior side parcel line setback from 4.5 metres to 1.75 metres.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to undertake an addition to an existing single family dwelling.

Specifically, it is being proposed that the interior side parcel line setback for a principal building on a parcel greater than 2,500 m² in area be varied from 4.5 metres to 1.75 metres.

In support of this request, the applicant has stated that:

- *...These are large area lots and our existing structure with the addition fits within the area plan.*
- *...these are several acre lots and our addition plan will not impose into [the neighbour's] living space or obstruct his view. Our neighbour is in agreement.*
- *...The [proposed] variance will not impact the character of the streetscape or surrounding neighbourhood as it cannot be seen.*

Site Context:

The subject property is approximately 4.6 ha in area and is bisected by Deerfoot Road, approximately 2.1 km east of the boundary of the Town of Osoyoos. The property is understood to contain one (1) single detached dwelling, one (1) accessory building (shed) and a pool.

The surrounding pattern of development is generally characterised by similar large lot rural residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 24, 1982, while available Regional District records

indicate that building permits have been issued for a single family dwelling (1990), a log cabin (2002) and a swimming pool (2007).

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Large Holdings (LH) and is further subject to a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations (NOTE: neither of these Development Permit Areas are found within the portion of parcel proposed for redevelopment).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Large Holdings One (LH1) which permits “single detached dwelling” as a principal use.

BC Assessment has classified the property as “Residential” (Class 01).

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on July 25, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

On October 1, 2024, the application was updated to clarify the variance request. Subsequently, adjacent residents and property owners were re-notified of the updated DVP application on October 1, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of October 23, 2024, being 15 working days from the date of notification, 4 representations have been received electronically or by submission at the Regional District office, all of which being in support of the proposed development.

Analysis:

The Zoning Bylaw’s use of setback regulations is generally to provide for physical separation and open space between neighbouring properties, ensure consistency in streetscapes, and mitigate potential conflicts between neighbouring land uses. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

In considering this proposal, Administration notes that the proposed addition would be sited 1.75 metres from the northerly adjacent parcel.

Setbacks of this degree are more commonly seen in urban areas wherein land uses are generally restricted to one particular land use, as opposed to rural zones where a mix of residential and rural land uses (e.g., agriculture) may take place. Reduced setbacks in rural zones *may* result in land use conflicts; for example, where a reduced setback would allow for a residential uses to take place in close proximity to incompatible forms of agricultural uses.

In this case, it is noted that the northerly adjacent parcel has been developed for residential purposes. Of note, the existing northerly residence appears to be located well beyond the shared parcel line in question, and at an elevation higher than the residence at the subject property. In this regard, it is unlikely that the siting of the proposed addition within the interior side parcel line setback would result in conflicts with neighbouring land uses.

Additionally, while the construction of buildings within an interior side parcel line setback is not common in the surrounding area, the proposed addition construction is unlikely to negatively impact the character or streetscape of the area. Specifically, it is noted that the addition would not be located closer to the road than the existing single detached dwelling, is only approximately 7.5 metres in length and would not deviate substantially in height from the existing residence.

Conversely, Administration notes that the proposal represents an approximately 61% reduction to the interior side parcel line setback, which is seen to be a substantial in nature.

In light of the comments above, Administration supports the requested variance and is recommending approval.

Alternative:

1. That the Board deny Development Variance Permit No. A2024.025-DVP.

Respectfully submitted



Shannon Duong, Planner II

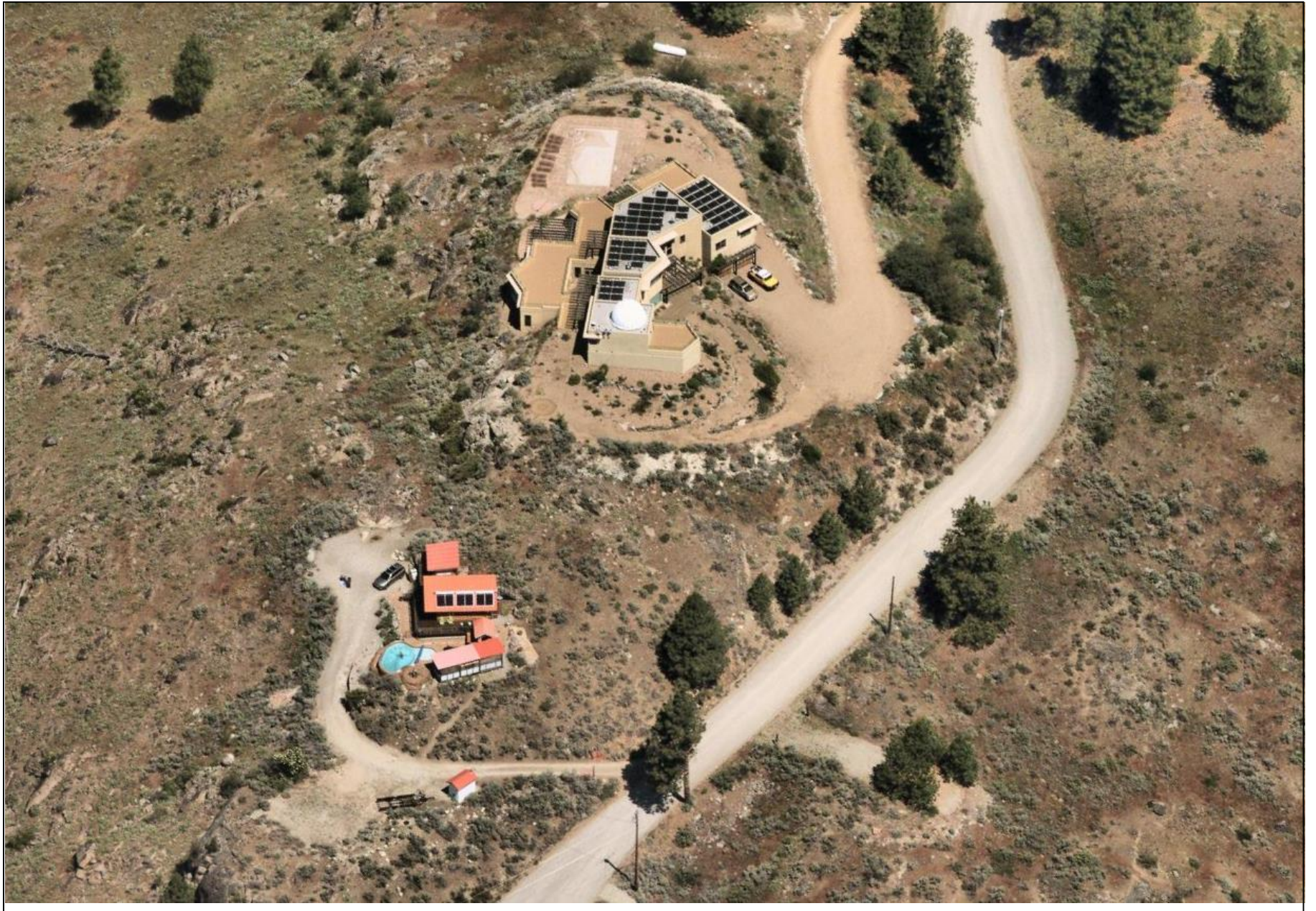
Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Imagery (2024)
No. 2 – Site Photo (Google Streetview from Highway 3)

Attachment No. 1 – Aerial Imagery (2024)



Attachment No. 2 – Site Photo (Google Streetview from Highway 3)

