

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: November 21, 2024
RE: Development Variance Permit Application — Electoral Area “I” (I2024.029-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2024.029-DVP, to allow for the construction of an accessory building at 453 Eastview Road, be approved.

Legal: Lot A, Plan KAP45902, District Lot 280, SDYD Folio: I-02441.010

OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

Variance Request: To reduce the minimum front parcel line setback from 7.5 metres to 3.5 metres

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to undertake a the construction of a garage.

Specifically, it is being proposed to reduce the front parcel line setback for an accessory building from 7.5 metres to 3.5 metres.

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

- The scale of the build would have little impact if it moved 4.5m closer to the property line.
- Granting this variance would avoid filling a large bowl area to create parking and maintains more of the natural character.
- We did carefully consider the location in an attempt to meet the criteria, but it is not feasible.

Site Context:

The subject property is approximately 1.68 ha in area and is situated on the northeast side of Eastview Road, approximately 12 km southwest from the community of Kaleden. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised by similar residential development around the lake and a large agricultural property to the east and south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 10, 1991, while available Regional District records indicate that a building permit for a single family dwelling (2022) has previously been issued for this property.

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings One (SH1) which allows for accessory buildings as a permitted accessory use.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property may be within the floodplain associated with Twin Lakes future development may be required to be consistent with Section 10.0 of the Okanagan Valley Zoning Bylaw.

Under Schedule ‘3’ of the Zoning Bylaw, the subject is shown as being within Radio Frequency Interference (RFI) Area associated with the Dominion Radio Astrophysical Observatory (DRAO). This limits “the minimum parcel size for subdivision to 60.0 ha”.

The property is not within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

Previous Board Consideration

At its meeting of November 7, 2024, the Regional District Board resolved to postpone consideration of the application in order for staff to provide additional information.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on September 29, 2024. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

Administration notes that the Zoning Bylaw’s use of setback regulations is generally varied and can include considerations such streetscape characteristics, physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding and, when a parcel is also adjacent a roadway, the maintenance of adequate sightlines for vehicle traffic movements.

In this instance, the primary considerations in the proposed variance request are considered to be vehicle sightlines and streetscape impacts. Generally speaking, minimum building setbacks to a road can influence how structures align with a street, and impacting how inviting or enclosed a street feels. In more urban, residential areas, a smaller or zero setback can often create more vibrant, pedestrian-friendly streetscapes.

In a more rural setting, however, such as that found in the rural-residential neighbourhood that surrounds Nipit Lake, larger setbacks can be used to help retain the open, rural character of a community and to provide separation from the types of land uses that may occur in these areas (e.g. agriculture and small-scale home industry).

In considering this proposal, it is noted that development in this area has generally been orientated to take advantage of views of Nipit Lake and this was resulted in development being situated to the side

of parcels away from the lake. Accordingly, the placement of structures towards southerly and easterly parcel lines, and within prescribed setbacks is not uncommon in this area.

Administration is further aware that Eastview Road is built to a rural standard and lightly travelled, that the land beyond to the south is owned by a conservation organization and, consequently, that there is unlikely to be future development in this area resulting in increased traffic movements or the establishment of a different streetscape.

The applicant has also stated that there are physical constraints associated with the property in the form of a large slope that exists in the middle of the property behind the proposed structure's location (see Attachment No. 3). If approved, the requested variance will allow the applicant to construct the proposed garage in a location in which this elevation change can be avoided.

Alternative:

Conversely, while it is recognized that the applicant has highlighted a topographical constraint associated with the property to justify the requested variance, it is noted that the subject property exceeds 1.6 ha in area and, it is presumed, there is sufficient land available to place the proposed structure in a location that would not require a setback variance.

To the extent this represents a hardship to the applicant, it may only be a financial one associated with the additional cost to prepare an alternate part of the property for development (e.g. re-grading and elevation changes on the land).

Further to this, granting the requested setback variance when there may be sufficient area to accommodate the structure elsewhere on the property may be perceived as granting special treatment to one property owner over other property owners who may have adhered to setback regulations when developing their own property.

Summary:

In summary, and for these reasons outlined above, Administration supports the requested variance and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board deny Development Variance Permit No. I2024.029-DVP.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments:

No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

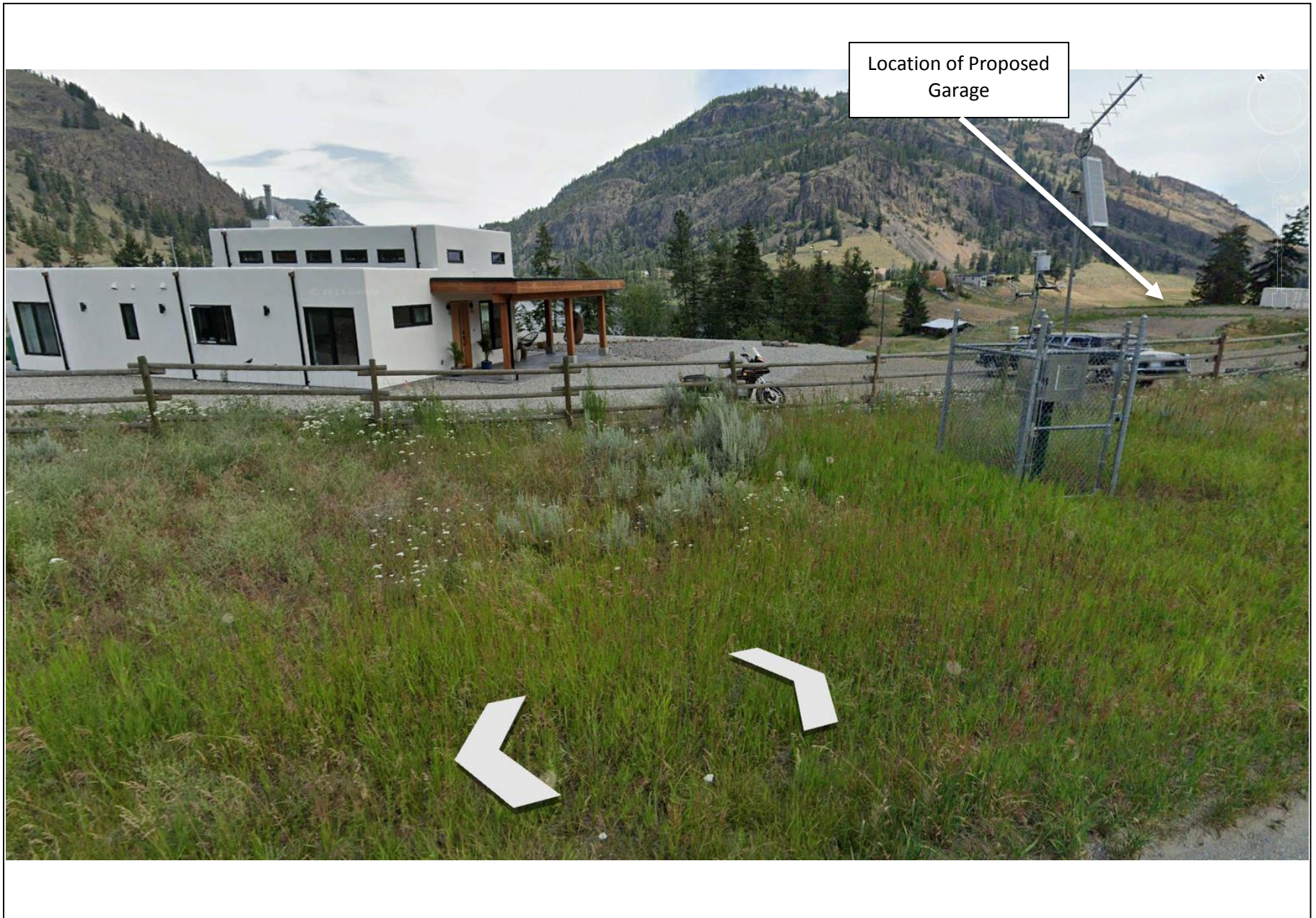
No. 3 – Site Photo of Slope (Google Streetview)

Attachment No. 1 – Aerial Photo



Approximate Location of
Proposed Garage
(RED DASHED LINE)

Attachment No. 2 – Site Photo (Google Streetview)



Location of Proposed
Garage

Attachment No. 3 – Site Photo of Slope (Google Streetview)

