

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** December 19, 2024  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2024.0035-DVP)

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. E2024.035-DVP, to allow for the construction of an accessory building at 845 Kinney Road, be denied.**

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Legal: Lot A, Plan EPP139704, District Lot 210, SDYD Folio: E-02184.001

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: To increase the maximum height of an accessory building from 4.5 metres to 6.88 metre

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## **Proposed Development:**

This application is seeking a variance to the maximum height for an accessory building or structure that applies to the subject property in order to undertake the construction of a garage.

Specifically, it is being proposed to increase the maximum height for an accessory building or structure in the Low Density Residential Two (RS2) Zone, as prescribed in Section 16.2.6(b) from 4.5 metres to 6.88 metres.

In support of this request, the applicant has stated that “[t]he proposed height relaxations will allow for the construction of a second storey to a proposed garage. The second storey is proposed as an artisan studio/ workshop while also providing complementary storage for the single family dwelling on site. Due to the configuration of the existing dwelling, proposed dwelling addition and restrictive site conditions we are seeking approval for this additional height.”

## **Site Context:**

The subject property is approximately 1,413 m<sup>2</sup> in area and is situated on the north side of Kinney Road, approximately within the community of Naramata. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised primarily by similar residential development. There are some medium density residential developments and the Naramata Cemetery in the vicinity.

## **Background:**

Available Regional District records do not include information on the date when the current boundaries of the subject property were created by a Plan of Subdivision. Additionally, Regional District of Okanagan-Similkameen records do not indicate that building permits have previously been issued for this property.

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Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR), and is not the subject of any development permit area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which allows for accessory buildings as a permitted accessory use.

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

**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 December 2, 2024. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration notes that regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

While the proposed garage and workshop uses are seen to be consistent with the RS2 zone, an accessory building that is 6.88 metres tall is not. Furthermore, an accessory building intended to be subordinate to the principal building.

There is slope on the eastern half of the property, and while this may create some construction challenges, it also provides an advantage for the owners. Despite the western elevation of the structure being over 8 metres tall, building into the hill reduced the average height to the proposed 6.88 metres. Therefore, given that the variance is related to height, the topography is not seen to be a constraint.

Moreover, as the proposed addition to the house has not started, it is possible that alterations could be made to facilitate a situation that allows for the addition and the garage to be constructed on the flatter eastern portion of the parcel.

In this case the parcel coverage for the RS2 zone is 40% and the proposed accessory structure and the dwelling addition will only amount to 19.68% allowing for lots of room to reduce the height of the structure by increasing the footprint of the proposed structure.

Alternative:

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Conversely, Administration recognises that, a garage and workshop may be consistent with the low density residential use of the property. Additionally, the RS2 zone does permit “home occupations”. Should the workshop be used in this manner it could still be consistent with the intent of the zone.

The property does have a slope on the eastern half of the property, which could be seen to create a challenge to the construction of a building in this area.

The location of the proposed structure is at the rear of the property, and built into the slope of the property limiting the visibility from Kinney Road and reducing the impact on the character of the streetscape an neighbourhood.

**Summary:**

For these reasons, Administration does not support the requested variances and is recommending denial.

**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 approve Development Variance Permit No. E2024.035-DVP.

**Respectfully submitted**

Colin Martin

Colin Martin, Planner I

**Endorsed by:**



C. Garrish, Senior Manager of Planning

**Attachments:** No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo

