

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: December 21, 2023

RE: Development Variance Permit Application — Electoral Area “H” (H2024.036-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. H2024.036-DVP, to allow for the construction of an accessory building at 2255 Old Hedley Road, be approved.

Legal: Lot 9, Plan KAP20194, District Lot 2855S, SDYD Folio: H-01264.535

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Variance To reduce the minimum exterior side yard setback from 3.0 metres to 0.85 metres.

Proposed Development:

This application is seeking a variance to the exterior side parcel line setback that applies to the subject property in order to formalize an existing carport.

Specifically, it is being proposed to vary the minimum exterior side parcel line setback for an accessory building and structure from 3.0 metres to 0.85 metres.

In support of this request, the applicant has stated that “this is the only possible location but there is a large rock on westside. This is why I am applying for variance.”

Site Context:

The subject property is approximately 2,047 m² in area and is situated on the west corner of Old Hedley Road and Bromley Crescent, approximately 17 km east from the boundary with Town of Princeton. The property is understood to contain one (1) single detached dwelling, two (2) accessory buildings (sheds) and one (1) carport.

The surrounding pattern of development is generally characterised by similar 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 April 22, 1970, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that building permit(s) and their respective dates of issuance have been issued for an insulated-unheated storage shed (2023); landing and stair addition to dwelling (2020); and an accessory building (1995).

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2024, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area “H” Zoning Bylaw No. 3065, 2024, the property is currently zoned Low Density Residential One (RS1) which lists accessory buildings and structures as a permitted accessory use.

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

When a proposed development is to be sited closer than 4.5 metres to a public road (e.g. road right-of-way), approval from the Ministry of Transportation and Infrastructure (MoTI) for a reduced setback is required. Under the Regional District’s Development Procedures Bylaw, this MoTI approval is to be obtained prior to consideration of a DVP application by the Board. In this instance, MoTI approved the reduced setback on August 19, 2024.

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 3, 2024. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

Minimum setbacks from parcel lines are used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

In this instance, it is understood the exsisting structure is compliant with the rear parcel line setback, and the next closest property (to the southwest of the subject property, see Attachment 1) is currently undeveloped, and reducing the setback is unlikely to adversely impact adjacent property owners.

It is further recognized that while the subject property is found on a corner site, the subject carport is not expected to impede the sightlines road users.

Finally, it is understood that there is a large boulder present on the site, which would prevent the caport from being moved further away from the exterior side yard parcel line. Accordingly, while a site approximately 2,047 m² in area should provide sufficient space to site an accessory building or structure outside of exsisting setbacks, physical constraints may exist that limit this.

Alternative:

Conversely, other options are seen to be available to the applicant such as relocating the carport to an alternative location on the property that would avoid the need for a parcel line setback variance.

Summary:

For these reasons, 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(s) have 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. H2024.036-DVP.

Respectfully submitted:

Jerritt Cloney

Jerritt Cloney, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Photo

No. 2 - Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 Site Photo (Google Streetview)

