

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** January 6, 2022

**RE:** Development Variance Permit Application — Electoral Area “I” (I2021.042-DVP)

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. I2021.042-DVP to allow for the construction of an attached garage within the front parcel line setback at 150 Tamarac Avenue, Kaleden, be approved with the following condition:**

**That a geotechnical engineering review is provided to the building inspector for consideration prior to approval of the Building Permit.**

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Legal: Lot 42, Plan KAP719, District Lot 105, SDYD

Folio: I-01474.000

Zone: Residential Single Family Two (RS2)

Variance Requests: to reduce the minimum front parcel line setback from 7.5 metres to 0.9 metres

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## **Proposed Development:**

This application is seeking a variance to the front parcel line setback from 7.5 metres to 0.9 metres to the outermost projection that applies to the subject property in order to undertake the development of an attached garage to the principal single family dwelling in the Residential Single Family Two (RS2) Zone.

In support of this request, the applicant has stated that [it will] “not impede visual aspects for neighbours... visible setback from roadway not visible until at the upper drive area...this structure attached will meld with the current structure seamlessly...[this is the] only option based on house position and main road access.”

## **Site Context:**

The subject property is approximately 7101 m<sup>2</sup> in area and is situated on the west side of Tamarac Ave. The property is currently developed to contain a single family dwelling.

The surrounding pattern of development is characterised by similar residential development to the east and larger agriculture parcels to the west.

## **Background:**

The current boundaries of the subject property were created on March 12, 1910, while available Regional District records indicate that building permits for garage (1982), addition to a single family dwelling (SFD) (1998), addition to SFD (2002), fireplace installation (2003), SWN alterations to single family dwelling and roof over deck (2021) have previously been issued for this property.

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Under the Electoral Area “I” Official Community Plan the subject property is currently designated Low Density Residential (LR) and the property is currently zoned Residential Single Family Two Zone (RS2) which allows for accessory buildings and structures.

BC Assessment has classified the property as “Residential” (Class 01) and the north/north eastern half of the property is identified under the GG Runka Soil Stability report as having hazards of slumps and slides

On September 29, 2021, MoTI issued a permit to reduce building setback less than 4.5 metres from the property line fronting a provincial public highway. The permit allows a 91.23 m<sup>2</sup> garage to be located no closer than 1.5 metres from Tamarac Avenue.

**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 November 11, 2021. All comments received are included as a separate item on the Board’s Agenda.

At its meeting of December 15, 2021, the Electoral Area “I” Advisory Planning Commission (APC) recommended that the application be approved with the following conditions:

1. RDOS is to confirm that the 1.5m setback required by MoTI is the same as the regional district setback of 0.9m,
2. That a geotechnical engineering review is provided to the building inspector.

MoTI staff confirmed that the Ministry measures setbacks from the property line to the side/footing of the structure, and does not include the overhang, whereas RDOS variance measurements is to the outermost projection which includes overhangs. Thus the roof overhang is the difference between the 1.5 metre MoTI setback approval and the 0.9 metres listed in the RDOS variance permit. On December 20, 2021 MoTI staff confirmed that they are ok with the proposed roof overhang.

**Analysis:**

Due to the topography of the area, the dwellings on the abutting parcels are located above or below the location of the proposed garage, therefore it will not negatively impact the privacy, sunlight or views of neighbouring parcels.

Setback regulations are 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.

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.

The parcel is subject to steep slopes on the western portion of the property in addition to challenges related to road alignment and the parcel boundaries. The septic field is located on the north side of the house. These topographical constraints limit the area suitable for construction.

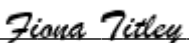
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In the past there was an accessory structure located on the north eastern side of the property. It is possible that the property owner could construct a detached garage in this location that meets zoning regulations, if the location of the septic field allows.

**Alternatives:**

1. That the Board deny Development Variance Permit No. I2021.042-DVP.

**Respectfully submitted**

  
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Fiona Titley, Planner I

**Endorsed by:**

  
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C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (November 2021)



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Attachment No. 1 – Site Photo (November 2021)

