

**TO:** Board of Directors

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

**DATE:** August 4, 2022

**RE:** Development Variance Permit Application — Electoral Area “I” (I2022.013-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. I2022.013-DVP, to allow for the construction of three single detached dwellings at 130 Ponderosa Avenue, Kaleden, be approved.**

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Folio: I-01415.000                      Legal: Lots 1-3, Block 15, District Lot 105S, SDYD, Plan 763.

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

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## Proposed Development:

This application is seeking a variance to the interior and exterior side parcel line setbacks that apply to the three legal lots which make up the subject property in order to construct three dwellings.

Specifically, it is being proposed to:

- reduce the rear parcel line setbacks from 7.5 metres to 6.0 metres on Lots 1, 2, & 3;
- reduce the interior side parcel line setbacks from 1.5 metres to 1.2 metres on Lots 1, 2, & 3; and
- reduce the exterior side parcel line setback from 4.5 metres to 1.2 metres on Lot 1.

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

- *the lots in question were established many years ago and new dwellings will not adversely affect the character of the surrounding neighbourhood, as they will be new homes conforming with area dwellings;*
- *in order to maximize the use of the property and to provide more housing opportunity in the area it is more feasible to build three smaller family dwellings on the property(s);*
- *the proposal to build three dwellings would be much more efficient in terms of use of the property, and will not detract from the character of the surrounding area.*

## Site Context:

The subject parcel is approximately 835 m<sup>2</sup> in area and is situated on the corner of Ponderosa Avenue and Third Street in Kaleden. The property is understood to contain one (1) singled detached dwelling and garage.

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

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**Background:**

The subject parcel is comprised of three legal lots and their current boundaries were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 4, 1910.

Available Regional District records indicate that a building permit was issued for the installation of a bathtub and toilet to the existing single detached dwelling (2020).

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which permits a “single detached dwelling” as a principal use of the property.

While the three lots are amalgamated into a single parcel for taxation purposes, they remain as three legally separate lots, and zoning provisions such as permitted uses and setback requirements apply to each individual lot.

BC Assessment has classified the property as “Residential” (Class 01) and, on February 11, 2022, the Ministry of Transportation and Infrastructure (MoTI) issued a setback permit to the property owner to allow for the construction of a residence 1.2 metres from the property line to 3<sup>rd</sup> Street.

**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 June 29, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of July 21, 2022, being 15 working days from the date of notification, approximately fifty-eight (58) representations from forty-nine (49) property owners have been received electronically or by submission at the Regional District office. All comments received are included as a separate item on the Board’s Agenda.

As part of the application process, Administration requested comments from the Kaleden Volunteer Fire Department (KVFD) and Kaleden Irrigation District (KID) in regards to the proposal.

**Kaleden Volunteer Fire Department**

The KVFD has expressed concern that the proposed reduction to the minimum interior side parcel line setback. Specifically, that “response time will exceed 10 minutes in more than 10% of our calls and as such the ‘Limiting Distance and Response Section’ [of the BC Building Code] will need to be considered in this variance which may affect the number of glazed openings and other construction requirements.”

**Kaleden Irrigation District**

The KID has expressed concern regarding the proposed density on the subject properties, particularly as it relates to septic systems and parking. Specifically:

- *with densification, there is increased potential for release of septic effluent into the immediate lake area where our intake is (is there even sufficient lot area for installation of a septic system on a 25 ft lot). Must recognize that the 25 ft lots were created in the early 1900s for small homes with privies out back; in current times, this level of desification (especially for year-round*

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*residences) really requires a community sewer system for proper disposal, which Kaleden doesn't have;*

- the available area for parking would be minimal, especially given the area required for septic systems. This potentially would cause conflicts with additional vehicles parking around and on KID property and RDOS parkland.*

### **Analysis:**

Current regulations contained within the Electoral Area "I" Zoning Bylaw render the development of a dwelling unit on either of the three parcels under application very difficult, if not impossible.

For instance, compliance with the setback requirements results in a building envelope of only approximately 4.6 metres in width on Lots 2 & 3 and approximately 1.6 metres in width on Lot 1. Conversely, the minimum building width requirements of the zone require a principal dwelling be not less than 5.0 metres in width and resolving these conflicting requirements in the absence of a variance permit is not possible.

Accordingly, in order to develop these existing legal parcels a variance to either the parcel line setbacks or minimum building widths is going to be required and, in this context, A variance to the parcel line setbacks seems to be preferable to the minimum building width requirements.

This is because a setback variance will result in a more liveable dwelling unit (e.g. floor space allowance) than would a variance to minimum building width.

It is noted that the Zoning Bylaw's use of setback regulations is generally to provide physical separation between neighbouring properties, to influence streetscape design considerations and to ensure adequate sightlines for vehicle traffic movements. Whereas, minimum building width requirements are generally to restrict the ability to place mobile homes (CSA Z240) outside of a manufactured home park.

Furthermore, in reviewing the existing residential development within the general vicinity of the subject property, it is not uncommon to find existing single detached dwellings sited within interior side and exterior side parcel line setbacks. In this context, the applicant's requested variances do not seem to deviate substantially from the current local pattern of development.

The property most likely to be impacted by a reduced side setback is to the north (124 Ponderosa Avenue), but the proposed reduction from 1.5 metres to 1.2 metres is seen to be minor and unlikely to materially affect this property.

With regard to the proposed rear parcel line setback, while this is not common within the general vicinity of the subject property, the impacts on adjoining properties is anticipated to be slight given local topography and that the rear parcel line fronts an unconstructed laneway (3<sup>rd</sup> Avenue) which would act as a spatial buffer between the subject property and the westerly adjacent property.

The community concern that has been generated by this application must be considered, but Ponderosa Avenue is seen to be in the process of a slow transition as older dwellings and vacant lots are slowly redeveloped to larger dwelling units (e.g. similar concerns were raised when 192 Ponderosa Avenue was re-developed around 2017).

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**Alternative:**

THAT Development Variance Permit No. I2022.013-DVP, to allow for the construction of three single detached dwellings at 130 Ponderosa Avenue, Kaleden, be denied.

**Respectfully submitted**



Shannon Duong, Planner II

**Endorsed by:**



C. Garrish, Planning Manager

Attachments:    No. 1 — Context Maps  
                         No. 2 — Applicant's Site Plan  
                         No. 3 — Site Photo (from Ponderosa Ave - 2012)  
                         No. 4 — Site Photo (from Third St - 2012)

Attachment No. 1 – Context Maps





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Attachment No. 3 – Site Photo (from Ponderosa Ave - 2012)



Subject  
Property



Attachment No. 4 – Site Photo (from Third St - 2012)

