

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 5, 2023
RE: Development Variance Permit Application — Electoral Area “E” (E2022.053-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2022.053-DVP, to allow construction of a new accessory building at 2975 Gammon Road, be approved.

Legal: Lot 5, Plan KAP576, District Lot 207, SDYD Folio: E-02078.000

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance Requests: to reduce the minimum front parcel line setback from 7.5 metres to 4.03 metres.

Proposed Development:

This application is to vary the front parcel line setback from 7.5 metres to 4.03 metres to construct a new accessory building.

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

- The proposed variance is being requested in an attempt to save as many recently planted peach trees as possible.
- The proposal will not negatively impact the area as it is proposed to be built into the slope of Gammon Road to minimize building mass.
- The proposed variance is consistent with the general purpose of the zone as it is being made to maximize the production of the agricultural use of the land.

Site Context:

The property is 2.18 ha in area and is situated on the west side of Gammon Road, approximately 3.5 km north from the boundary with City of Penticton. The property is understood to contain a single detached dwelling and a fruit orchard. The surrounding pattern of development is generally characterised by agriculture.

Background:

The property was created in March, 1909, while available Regional District records indicate that building permits for a single detached dwelling (1976), a fireplace repair (1985) and demolition of a single detached dwelling and garage (2014) have previously been issued for this property.

The property is currently designated Agriculture (AG) and zoned Agriculture One (AG1) which requires a front parcel line setback of 7.5 metres.

The property is within the Agricultural Land Reserve (ALR) and is classified as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

The outermost wall of the accessory building is proposed to be 4.6 metres from the front parcel line and therefore the variance request does not require a Highway Use Permit from MoTI. The requested 4.03 metre setback variance is to accommodate an additional 0.57 metre roofline projection from the outermost wall.

Public Process:

Adjacent residents and property owners were notified of this DVP application on November 18, 2022, and as of December 9, 2022, being 15 working days from the date of notification, no representations have been received electronically or by submission at the Regional District office.

Analysis:

Setback regulations provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding, but are less significant in agricultural zones than in residential zones due to the large parcel sizes. Instead, the Ministry of Agriculture states that “appropriate setbacks in agricultural zones can help prevent nuisance conflicts, protect natural resources, and safeguard human health but advise that “excessive setbacks can present serious challenges to farming operations”. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

The reduction of a front parcel line setback to facilitate an accessory building is unlikely to contribute to nuisance conflicts between parcels, because the distance to the nearest parcel line is unaffected. The proposed accessory building is unlikely to impact privacy or contribute to overcrowding because it will be 4.5 metres from the nearest parcel line and approximately 50 metres from the nearest neighbouring residence.


This alternative reduces impacts to the farm operation and is broadly consistent with the intent of the agricultural zone. The Ministry of Agriculture recommends a minimum setback distance of 4.5 metres for accessory buildings that are low risk for being potential sources of pollution. The outermost wall of the proposed accessory building would be 4.6 metres from the parcel line.

Because the requested variance is consistent with the intent of the zone and is unlikely to adversely impact adjacent uses, strict compliance with the zoning regulation is unnecessary in this case.

Alternatives:

1. That the Board deny Development Variance Permit No. E2022.053-DVP.

Respectfully submitted


Ben Kent, Planner I

Endorsed by:


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo
No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)

