

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 2, 2023

RE: Development Variance Permit Application — Electoral Area “F” (F2022.055-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2022.055-DVP, to allow for the construction of a pool at 1947 Sandstone Drive, be approved.

Legal: Strata Lot 82, District Lot 4947, ODYD, Strata Plan KAS1447, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1

Folio: F-07298.469

OCP: Low Density Residential (LR) Zone: Low Density Residential West Bench (RS5)

Variance to permit a swimming pool in the RS5 Zone; and,

Requests: to increase the maximum parcel coverage from 30% to 31.94%.

Proposed Development:

This application is seeking variances to Section 6.10.5 of the Okanagan Valley Zoning Bylaw No. 2800, 2022, and the maximum parcel coverage that applies to the subject property in order to undertake the construction of an in-ground swimming pool.

Specifically, it is being proposed to:

- vary Section 6.10.5 of the Okanagan Valley Zoning Bylaw to allow a swimming pool in the Low Density Residential West Bench (RS5) Zone; and,
- vary the maximum parcel coverage in the RS5 zone from 30% to 31.94%.

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

- *proposed site has been inspected by an engineer and it has been deemed that a pool may be safely installed on site;*
- *new pool will not be visible from street or surrounding area. Pool will not change the character of the surrounding neighbourhood. Pool will be an asset to the neighbourhood that will increase property values.*

Site Context:

The subject property is approximately 1,187 m² in area and is situated on the east side of Sandstone Drive, approximately 1.6 km west of the boundary of the City of Penticton. The property is understood to contain one (1) single detached dwelling.

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 June 28, 1994, while available Regional District records indicate that a building permit has been issued for a single detached dwelling (1999).

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, 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 West Bench (RS5). Section 6.10.5 of the Zoning Bylaw prohibits the construction of a swimming pool in the RS5 Zone.

In 2021, the *Greater West Bench Geotechnical Review* was completed by Clarke Geoscience Ltd. and Ecora Engineering & Resource Group Ltd. The report built on the Kohn Leonoff report from 1992 and provides an up-to-date assessment of the geotechnical conditions in the Greater West Bench Area.

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

Public Process:

Adjacent residents and 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 28, 2022. All comments received are included as a separate item on the Board’s Agenda.

At its meeting of February 13, 2023, the Electoral Area “F” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

Proposed Variance to Section 6.10.5

The *Greater West Bench Geotechnical Review* indicates that “development-induced trigger mechanisms such as broken pipes, leaking swimming pools and ornamental ponds, and uncontrolled concentration of precipitation runoff are also known to increase the likelihood of subsurface erosion and sinkhole development”.

The report also indicates that the construction of swimming pools has a “potential impact on slope stability and sinkhole development due to introduction of water to soils by leaks and/or overland draining”.

Subsequently, the Regional District adopted an amendment to the Zoning Bylaw to prohibit swimming pools in the West Bench Small Holdings (SH5) and West Bench Low Density Residential (RS5) zones.

In support of their application, the applicant has provided a letter from Valley Geotechnical Engineering Services Ltd. which confirms that “the proposed pool can be safely constructed and will not increase the hazard risk for the subject and surrounding area”.

Proposed Variance to the Maximum Parcel Coverage

The purpose of establishing a maximum parcel coverage is to limit the proportion of any lot that can be built on in order to, amongst other things, provide outdoor space for residents, to protect the amenity and character of neighbourhoods and to leave more open space between buildings.

In this case, Administration notes that the proposed increase in maximum parcel coverage to 31.94% is fairly minor in nature and is unlikely to have substantial negative impacts on the amenity and character of the neighbourhood, nor it is seen to result in the overdevelopment of the site.

For these reasons, Administration supports the requested variances and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. F2022.055-DVP.

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:

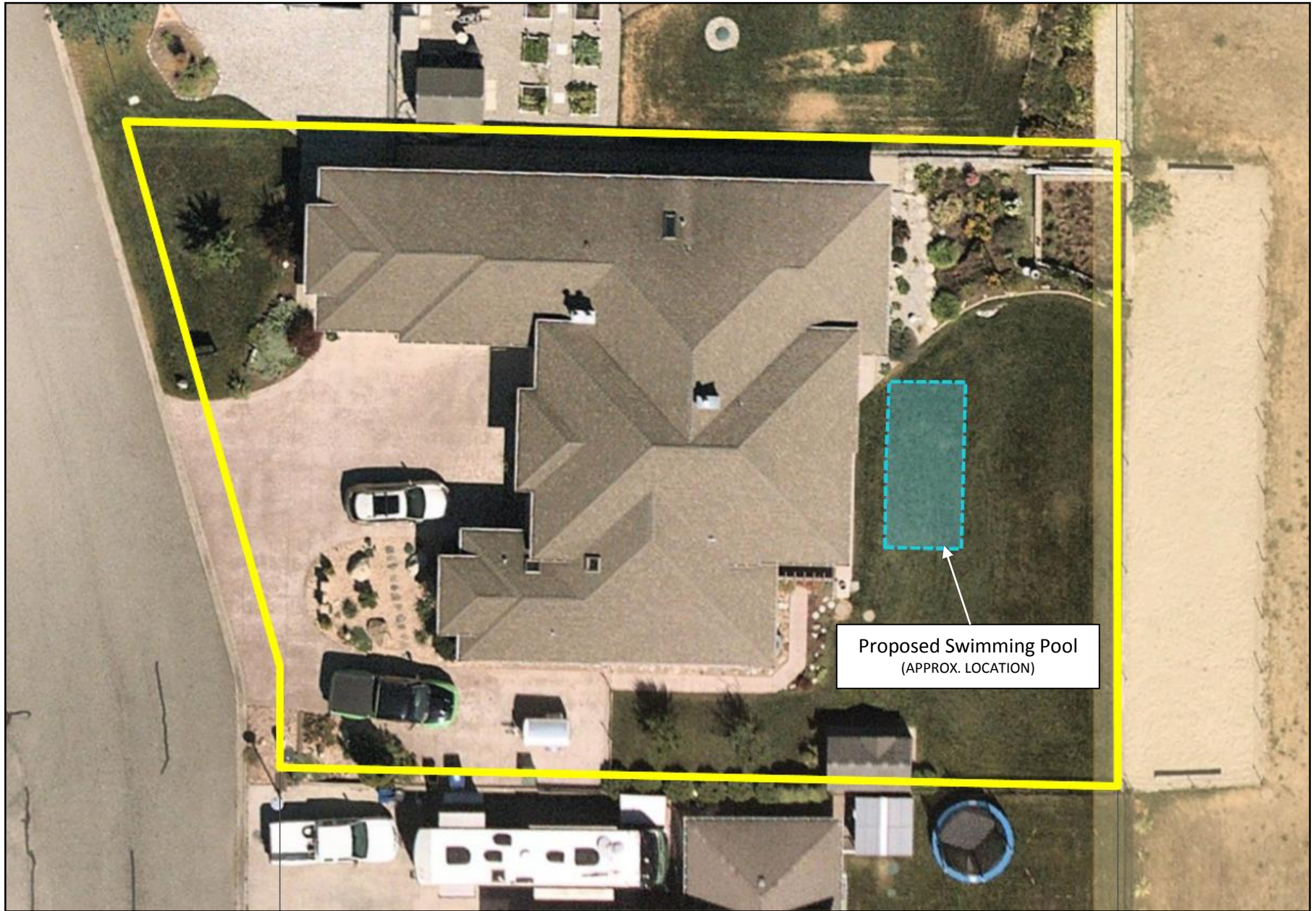


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview - 2012)

Attachment No. 1 – Aerial Photo



Proposed Swimming Pool
(APPROX. LOCATION)

Attachment No. 2 – Site Photo (Google Streetview - 2012)

