

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 5, 2023
RE: Development Variance Permit Application — Electoral Area “A” (A2023.035-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2023.035-DVP, to formalize an accessory building at 16963 Old Richter Pass Road, be approved.

Legal: Lot 8, Plan KAP34951, DL 3197, SDYD, Manufactured Home Regulation # 67920 Folio: A-04963.080

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

Variance Requests: to reduce the minimum interior side parcel line setback from 4.5 metres to 2.01 metres.

Proposed Development:

To seek a variance to the interior side parcel line setback from 4.5 metres to 2.01 metres in order to formalize an existing carport.

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

- *The home on the property adjacent to the west side of the subject property is over 120 metres away from the carport and land adjacent to the west side of the subject property is vacant pasture. The proposed variance is to allow the carport to remain in its present location will not negatively impact the use and enjoyment of the adjacent west property.*
- *The existing carport is over 20 m away from the adjacent properties that are south and southwest of the subject property and the requested variance to allow the carport to remain in its current location will not negatively impact the use and enjoyment of those properties.*

Site Context:

The property is 1.9 ha in area and is situated on the south side of Old Richter Pass Road, approximately 5 km northwest from the boundary with Town of Osoyoos. The property contains one (1) mobile home and multiple accessory structures. The surrounding pattern of development is generally characterised by similar rural residential development.

Background:

The property was created on August 31, 1984, while available Regional District records indicate that a building permit for a mobile home (2003) has previously been issued for this property.

The property is designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Submission and approval of subsequent ESDP and WDP applications will be required prior to submission of a building permit application. It is zoned Small Holdings Four (SH4) which lists accessory building or structure as a permitted accessory use and requires an interior side parcel line setback of 4.5 metres.

The property has been the subject of a Stop Work Notice for constructing a carport without a building permit. BC Assessment has classified the property as “Residential” (Class 01).

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 September 15, 2023. 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.

Minimum setbacks from parcel lines are also 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 surrounding area comprises large rural-residential lots with substantial separation between uses on adjoining parcels. The proposed accessory structure is approximately 90 metres from the nearest adjacent dwelling and considering the remote nature of the property and the absence of any adjacent uses or structures, the requested variance will not negatively impact on adjacent or surrounding property owners and would appear to be reasonable.

There is ample space on the subject property to relocate the accessory structure in compliance with the bylaw.

Alternative:

1. That the Board deny Development Variance Permit No. A2023.035-DVP.

Respectfully submitted


Ben Kent, Planner I

Endorsed by:


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo
No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (Google Streetview – 2012)



Attachment No. 2 – Aerial Photo

