

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 4, 2024
RE: Development Variance Permit Application — Electoral Area “A” (A2023.045-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2023.045-DVP, to allow for the construction of a single detached dwelling at 75 Blacktail Road, be approved.

Legal: Lot 7, Plan KAP78794, District Lot 2709, SDYD Folio: A-06752.030

OCP: Small Holdings (SH) Zone: Small Holdings Three (SH3)

Variance Requests: to reduce the minimum width for a principal dwelling from 5.0 metres to 4.368 metres.

Proposed Development:

This application is seeking a variance to the minimum building width regulation that applies to the subject property in order to undertake construction of a small house.

Specifically, it is being proposed to vary the minimum width of a principal dwelling unit from 5.0 metres to 4.638 metres.

In support of this request, the applicant has stated that “Smaller Homes are the way of the future - easier to heat and cool therefore easier on the environment.”

Site Context:

The subject property is approximately 1.29 ha in area and is situated on the east and west sides of Blacktail Road, approximately 4.2 km east from the boundary with Town of Osoyoos. The property is understood to be vacant.

The surrounding pattern of development is generally characterised by residential development and undeveloped Small Holdings parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 17, 2005, while available Regional District records indicate that a building permit has not previously been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Small Holdings (SH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings Three (SH3) which lists single detached dwelling as a principal permitted use.

While the Okanagan Valley Zoning Bylaw includes regulations related to the placement and siting of metal storage containers that are used as accessory buildings, the use of metal storage containers as a construction material for a principal dwelling is not regulated by the zoning bylaw.

The Regional District previously received written complaints regarding “the placement of metal storage container on the property without a building permit”. A building permit application was subsequently submitted and this enforcement file was closed.

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 November 20, 2023. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The use of minimum building width requirements in the Regional District’s zoning bylaws has historically been linked to a desire to exclude certain forms of dwelling units, specifically, mobile homes (i.e. CSA Z240 standard manufactured home) from residential neighbourhoods.

At the time these regulations were introduced, this type of structure more closely resembled a contemporary motorhome in terms of size and level of amenity, and many communities deemed this type of use undesirable.

In this context, the use of minimum building width regulations is seen to be related to aesthetic considerations regarding the character of residential neighbourhoods.

In this instance, administration understands that the applicant is proposing to construct a small home measuring 44.45m² using metal storage containers as a construction material.

Despite the small floor area, the proposed house includes the required facilities for a single detached dwelling including one or more habitable rooms, a separate entrance, washroom facilities, cooking facilities and habitable area designed to be used for living and sleeping purposes.

The nearest adjacent dwelling is approximately 170 metres from the location of the proposed house and for this reason a 36.2 cm deficiency in the width of a principal dwelling is not seen to impact neighbouring properties.

Surrounding parcels in this area comprise large, heavily forested rural-residential parcels. For this reason, a small principal dwelling is not seen to be intrusive or to impact the character of the surrounding neighbourhood.

Alternative

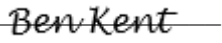
Conversely, other options are available to the property owner, such as implementing additional metal storage containers to comply with the 5.0 metre minimum building width.

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

Alternatives:

1. That the Board deny Development Variance Permit No. A2023.045-DVP.

Respectfully submitted


Ben Kent, Planner I

Endorsed by:


C. Garrish, Senior Manager of Planning

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

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 –Aerial Photo

