

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 3, 2024
RE: Development Variance Permit Application — Electoral Area “A” (A2024.024-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2024.024-DVP, to allow for the construction of a single detached dwelling at 13821 148th Avenue, be approved.

Legal: Lot 1, Plan EPP13717, District Lot 2450S, SDYD Folio: A-06011.105

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

Variance to reduce the minimum interior side parcel line setback from 4.5 metres to 2.6 metres.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to undertake the construction of a single detached dwelling.

Specifically, it is being proposed to vary the interior parcel line setback for buildings and structures on parcels 2,500 m² or greater from 4.5 metres to 2.6 metres.

In support of this request, the applicant has stated that “the narrowness of the subject property combined with a steep slope on the west side of the property and the Streamside Protection and Enhancement Area on the east side of the property result in the narrow building envelope in the desired location for the proposed dwelling. The proposed 1.9 metre variance will be sufficient to allow for the construction of the desired residence on the property.”

Site Context:

The subject property is approximately 4958 m² in area and is situated on the east side of 148th Avenue, approximately 1.3 km north from the boundary with the Town of Osoyoos. The property is understood to be vacant.

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 July 19, 2011, while available Regional District records indicate that no building permits have 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 Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which lists “single detached dwelling” and “mobile home” as a permitted principal uses.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Osoyoos Lake and may be required to meet floodplain regulations at the building permit stage.

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

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 August 2, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 26, 2024, being 15 working days from the date of notification, no representations have been received electronically or by submission at the Regional District office.

Analysis:

In considering this proposal, Administration notes that the Zoning Bylaw’s use of setback regulations is generally to provide physical separation between structures and land uses on adjoining parcels.

In the agricultural zones, setbacks are further used to mitigate the potential for conflict between land uses with the Ministry of Agriculture recommending that setbacks be used to “avoid farming right up to the back wall of [a] residence.”

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; and whether the proposed development would have a detrimental impact upon adjoining uses.

In this instance, the proposed setback reduction aligns with established setbacks on residential properties to the north, is unlikely to *unduly impact surrounding uses*.

It is further recognized that the subject property comprises some physical constraints such as its shape, which is long and narrow, limiting the space available to site a building.

More importantly, however; the parcel adjoins Osoyoos Lake and the Board has adopted a policy of supporting variance applications that seek “the relaxation of zoning (parcel line) setbacks on existing small lots to reduce impacts and preserve the SPEA.”

Accordingly, as the proposed variance would allow for the proposed dwelling to be moved further from the lake and reducing the footprint in the riparian floodplain areas Administration supports the request and is recommending approval.

Conversely other options are seen to be available to the applicant, such as pursuing a dwelling design that does not require an encroachment into any prescribed setbacks.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That Development Variance Permit No. A2024.024-DVP be denied.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo (Google Earth)

Attachment No. 1 – Site Photo (Google Earth)

