

PROPERTY DESCRIPTION:

Civic address: 158 Sundial Road, Oliver, BC

Legal Description (e.g. Lot, Plan No. and District Lot):
Lot B, Plan EPP108699, DL 158, SDYD

Current land use:
vacant lot

Surrounding land uses:
residential

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

Zoning Bylaw: Okanagan Valley Zoning Bylaw No. 2800, 2022

Section No.: 16.2.5 RS2 Zone Minimum Setbacks

Current regulation: Front Parcel Line 7.5 metres

Proposed variance: Front Parcel Line 6.0 metres

Section No.:

Current regulation:

Proposed variance:

DEVELOPMENT INFORMATION:

Please provide a general description of the proposed development:
(e.g. "to allow for an addition over an existing garage")

New single detached dwelling on a vacant, waterfront lot. Riparian Assessment required to complete Watercourse Development Permit. Riparian assessment submitted to province in April of 2022. Province responded in November that a variance to the front yard setback must be pursued, to "allow more room for the proposed development to be sited toward Sundial Road and away from the Lake".

SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

The zoning on this property required a 6.0 m front yard setback, until the new Okanagan Valley Zoning Bylaw was adopted in 2022. In the new bylaw the front setback was changed to 7.5m. The house was relocated to conform to this standard, and submitted for riparian assessment.

The response from the province was that a variance needed to be pursued on the front yard setback, to increase the SPEA area. It would appear reasonable to vary this setback to 6.0 m, for several reasons:

- the riparian assessment has been in progress for 10 months now, and the province is insisting that a variance must be pursued
- the neighbouring homes were developed with a 6.0m front yard setback requirement, so the proposed variance would correspond to existing form and character
- 6.0 m allows for cars to be parked fully on the property in front of the garage