

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J, Zaffino, Interim Chief Administrative Officer
DATE: November 16, 2023
RE: Development Variance Permit Application — Electoral Area “C” (C2023.036-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. C2023.036-DVP, to allow for the formalization of an accessory building at 204 Greaswood Avenue, be approved.

Legal: Lot 1, Plan KAP18738, District Lot 2450S, SDYD Folio: C-06574.280

OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

Variance to reduce the minimum interior side parcel line setback from 1.5 metres to 1.1 metres; and

Requests: to increase the maximum height for an accessory building from 4.5 metres to 5.79 metres.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback and the maximum height for an accessory building that applies to the subject property in order to formalize the construction of an accessory building in the form of a pole barn/workshop

Specifically, it is being proposed to reduce the interior side parcel line setback for an accessory building from 1.5 metres to 1.1 metres and increase the maximum height for an accessory building from 4.5 metres to 5.79 metres.

In support of this request, the applicant has stated that “Pole barn height allows one to have a car hoist (to store car) and still have room underneath t work on projects.”

Site Context:

The subject property is approximately 4,732 m² in area and is situated on the northwest side of Greasewood Avenue, approximately 1.25 km north from the boundary with the Town of Oliver. The property is understood to contain one (1) singled detached dwelling and two accessory buildings and the subject pole barn.

The surrounding pattern of development is generally characterised by agricultural zoned parcels and land.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 20, 1968, and is currently classified as “Residential” (Class 01) by BC Assessment.

Available Regional District records indicate that building permits for a basement addition & Installation of solar panels to the single detached dwelling (2010), an addition to the single detached dwelling (1990), a single detached dwelling (1984), and a single detached dwelling (1976) have been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) and Protection of Farming Development Permit Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings One (SH1) which permits “accessory buildings or structures” and is also indicated as within the floodplain associated with the Okanagan River.

Bylaw Enforcement:

The property has been the subject of a Stop Work Notice for constructing the subject accessory building without a building permit.

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 September 27, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of October 20, 2023, being 15 working days from the date of notification, approximately one (1) representation has been received electronically or by submission at the Regional District office.

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.

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.”

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not adversely impact the use of adjacent properties.

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; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In considering this proposal, Administration notes that the distance between the subject accessory building, while near the parcel line, is more than 50 metres away from the nearest neighbouring dwelling. This distance will mitigate common issues related to over height structures and structures built in setbacks, including sightlines and shading.

It is also noted that this parcel is somewhat irregular in shape (i.e. it is long and narrow) and while there may be options to site the structure without the need for a setback variance, these options are seen to be limited.

It is also noted that the surrounding area is characterized by large agricultural properties which allow for accessory buildings up to 10 metres in height and, within this context, the proposed variance to increase the height would not be unusual for what might be found elsewhere in the surrounding area. Additionally, the structure is near the rear of the property and more than 100 metres from the street; therefore, the increased height will have a limited impact to the streetscape.

Alternative:

Conversely, Administration recognises that there *may* be other options available to site the structure on the property further from the parcel lines.

Summary:

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

Alternative:


1. That the Board deny Development Variance Permit No. C2023.036-DVP.

Respectfully submitted

Colin Martin

Colin Martin, Planning Technician

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Photo

Attachment No. 1 – Aerial Photo



Subject
Accessory
Building

204

200