



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 19, 2021  
**RE:** Development Variance Permit Application — Electoral Area “D”

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**Administrative Recommendation:**

**THAT the Board of Directors approve Development Variance Permit No. D2021.030-DVP**

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Purpose: to allow for the construction of an accessory building (garage). Folio: D-06756.001

Civic: 425 Matheson Road Legal: Plan KAS268, District Lot 2710, SDYD

OCP: Resource Area (RA) Zone: Resource Area (RA)

Variance Request: to reduce the minimum front strata lot line setback from 4.5 metres to 0.0 metres.

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**Proposed Development:**

This application is seeking a variance to the front lot line setback that applies to the subject property in order to undertake the construction of an accessory structure (garage).

Specifically, it is being proposed to reduce the minimum front strata lot line setback from 4.5 metres to 0.0 metres.

In support of this request, the applicant has stated that “there are no traffic concerns ... nearest residence is 400 m away ... lot inside of a bare land strata ... the proposed building is backing on to a bedrock slope and rock removal may propose challenging.”

**Site Context:**

The subject property is approximately 2090 m<sup>2</sup> in area and is situated to the northeast of Matheson Road. The property is currently developed to a single detached dwelling and an accessory structure (art studio and electrical main room).

The surrounding pattern of development is characterised by similar bare land strata lots and crown land (Resource Area).

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 29, 1979, while available Regional District records indicate that a building permit for a single family dwelling (2008) was previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Resource Area (RA), and is zoned Resource Area (RA) under the Electoral Area “D” Zoning Bylaw No. 2455, 2008. The RA Zone permits accessory buildings and structures, subject to Section 7.21 of the bylaw which establishes setbacks for strata subdivisions.

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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 August 12, 2021. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration notes that the subject property is located within a bare land strata with no lots adjacent to it. The closest neighbouring lot is located approximately 65 metres to the southeast. It is also noted that the lot does not abut a highway and is accessed by a service road.

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. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

Minimum setbacks from parcel lines are 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.

In front setback areas, this can include impeding the sightlines of vehicles or creating blind corners at intersections that put pedestrians at risk or degrading the streetscape or impeding surveillance (i.e. crime prevention) by walling off a property and creating a “fortress” appearance.

In this instance, it is noted that there are no concerns of overshadowing and loss of privacy to neighbouring lots. Administration also notes that the main access road to the property is not used by the general public.

Conversely, Administration recognises that this might be an instance of ‘overdeveloping’ the property as there might be a possibility of reducing the scope of the development to accommodate the garage elsewhere on the property.

Since the requested variance is not expected to negatively impact neighbouring landowners or the travelling public, therefore, Administration supports the variance and is recommending approval.

**Alternatives:**

1. That the Board deny Development Variance Permit No. D2021.030-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area “D” Advisory Planning Commission.

**Respectfully submitted**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

Attachment No. 1 – Aerial Imagery

