

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 17, 2022
RE: Development Variance Permit Application — Electoral Area “D” (D2021.061-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2021.061-DVP, to allow for the construction of an addition to an existing residence at 128 Kent Place, be denied.

Legal: Lot 43, District Lot 461, SDYD, Plan 12472 Folio: D-02893.085
OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 3.75 metres.

Proposed Development:

To vary the front parcel line setback from 7.5 metres to 3.75 metres to undertake the construction of an addition (including a secondary suite) to an existing residence.

In support of this request, the applicant has stated that “extending the carport to build a structure above the carport is the only option that is feasible to the existing house because it is the only part of the house where a second storey addition can be added and therefore reducing the amount of addition that would otherwise be made to the front of the house. By utilizing the upper portion of the carport, the footprint of the house will be kept at a minimum.”

Site Context:

The subject property is approximately 1,703 m² in area and is situated towards the end of the cul-de-sac on Kent Place. The property is currently developed to a single detached dwelling with a pool.

The surrounding pattern of development is generally characterised by low density 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 August 14, 1962, while available Regional District records indicate that building permits for a single detached dwelling (1974) and pool enclosure (1977) have been issued for the property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR), and is the subject of Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Low Density Residential Two (RS2) which permits “single detached dwelling” as a principal use, and “secondary suite, subject to Section 7.12”.

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

Approximately 126.5 m² of the subject property is to be acquired by the Ministry of Transportation and Infrastructure (MoTI) and dedicated as public road in order to facilitate the installation of a new culvert on Eastside Road (see Attachment No. 3).

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 February 10, 2022. All comments received are included as a separate item on the Board’s Agenda.

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

A front setback can also influence the perception of a streetscape and establish the character of the street by providing a consistent building line. In residential neighbourhoods, a front parcel line setback can also help provide privacy for the front of a house (i.e. distance is created between the house and passersby on an adjacent sidewalk) as well as space for landscaping.

The construction of garages within a front setback is generally considered to represent poor streetscape design and that this is not a common feature of Kent Place (i.e. development has generally occurred outside of the prescribed front setback area).

Built form should not be dictated by use and while the applicant is seeking a reduced setback to facilitate an alternate, more affordable form of housing unit through the construction of a secondary suite (which is supported by the OCP Bylaw), this should not influence decisions on setbacks.

Other options are also seen to be available to the applicant, such as constructing an extension to the rear of the existing residence. While it is recognised that this area is currently designated as a WDP Area and the OCP Bylaw encourages reductions to zoning setbacks to preserve a Stream Protection and Encroachment Area (SPEA), it is noted that this same area is also the subject of an “enduring area of human disturbance” (i.e. landscaping) and that an assessment to determine a SPEA on the property has not occurred.

Conversely, given the OCP encourages the reduction of zoning setbacks to preserve a SPEA and given the applicant has advised that “extending the house to the east of the pool would be building closer to the watershed and increasing the potential for flood risk and impacts to habitat” a reduced front setback may be supportable.

SPEAs are typically calculated by a Qualified Environmental Professional as part of a Riparian Areas Protection Regulation (RAPR) assessment, which is a required component of a WDP application. The applicant has not submitted a WDP application for the proposed development.

The Board may choose to defer consideration of the application until a RAPR assessment is provided to the Regional District, indicating the SPEA setback associated with McLean Creek.

It is also noted that there is an approximately 13.5 metre gap between the edge of the paved road in the Kent Place road reserve and the front parcel line for the subject property and that the existing dwelling is situated at least a further 7.5 metres from the parcel line, for a total distance of approximately 21.0 metres.

As Kent Place is a cul-de-sac, it is unlikely the paved road will ever be expanded and that there will be a significant gap between the proposed dwelling addition and the road. It is noted, however, this same situation applies to neighbouring parcels and the proposed addition will occur forward of the existing building line.

Alternatives:

1. That the Board approve Development Variance Permit No. D2021.061-DVP;
2. That the Board defer consideration of the application and:
 - a) it be referred to the Electoral Area "D" Advisory Planning Commission; and/or
 - b) the applicant to submit a RAPR assessment from a Qualified Environmental Professional.

Respectfully submitted



Shannon Duong, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview - 2012)

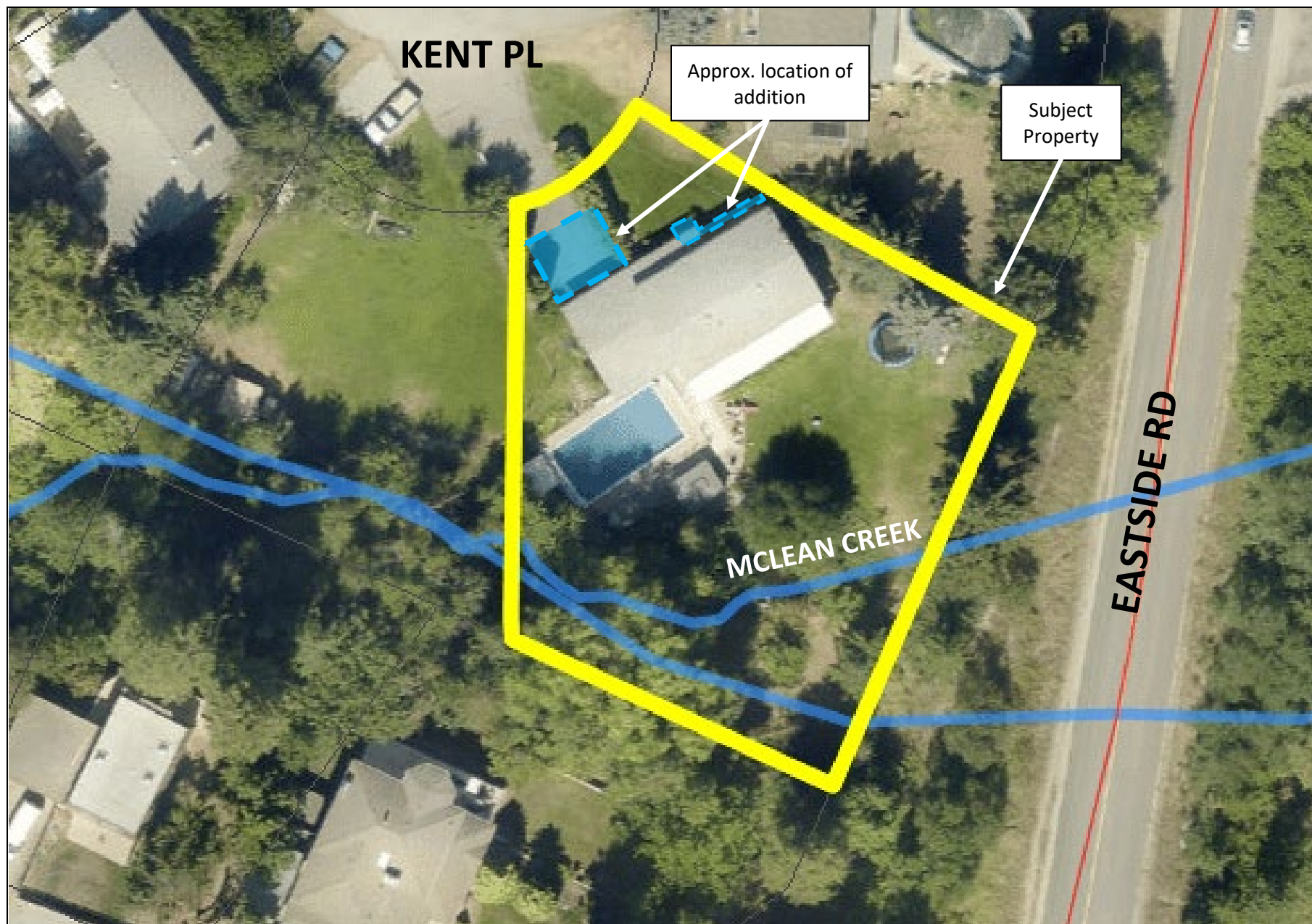
No. 2 – Aerial Photo

No. 3 – Reference Plan of Right-of-Way

Attachment No. 1 – Site Photo (Google Streetview - 2012)



Attachment No. 2 – Aerial Photo



Attachment No. 3 – Reference Plan of Right-of-Way

