

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 3, 2022
RE: Development Variance Permit Application — Electoral Area “E” (E2021.055-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2021.055-DVP, to allow for the construction of a single detached dwelling at 6851 Indian Rock Road be approved.

Purpose: To allow for the construction of a single detached dwelling. Folio: E-02329.040

Civic: 6851 Indian Rock Road Legal: Lot 8, District Lots 212 and 391, SDYD, Plan 13417

Zone: Residential Single Family One (RS1)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 1.5 metres

Proposed Development:

This application is seeking a variance to the minimum front parcel line setback from 7.5 metres to 1.5 metres to construct a single detached dwelling.

The applicant has stated that “due to the steep slope, it may not be safe to construct the house following the same setback rules as a property on flat and stable land. The hardship is due to the site’s steep slope and more than 10 meter significant drop off at the rear of the property, therefore we need to push the house envelope up closer to the road. Decreasing the front setback will ensure the house does not encroach in the watercourse development guidelines”.

Site Context:

The subject property is 1,315 m² in area and is situated on the south side of Indian Rock Rd. The rear parcel line of the property abuts Okanagan Lake. The property is currently developed to a covered patio and shed. The property also contains a fifth wheel RV.

The surrounding pattern of development is characterised by similar residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision on August 7, 1963, while available Regional District records indicate that building permits have not previously been issued for this property.

The application was originally submitted to the Regional District on November 10, 2021 and was amended on December 7, 2021 to reduce the minimum front parcel line setback from 7.5 metres to 1.5 metres, and the interior side parcel line setback from 3.0 metres to 2.4 metres.

The current RS3 zoning of the subject property permits “single detached dwelling” as a principal use and requires a minimum front parcel line setback of 7.5 metres and a minimum interior side parcel line setback of 1.5 metres.

Based on the zoning change as well as updated building and site plans from the agent, the proposal no longer requires a variance to the interior side parcel line setback.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR) and is the subject of a Watercourse Development Permit (ESDP) Area designation.

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

As part of the application, the agent submitted a permit dated November 9, 2021 which was issued by the Ministry of Transportation and Infrastructure for the construction of a single family dwelling to be located no closer than 1.5 metres from the property line adjacent to Indian Rock Road.

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 December 22, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The property contains a steep slope down to the rear of the parcel and elevation profiles submitted with the application indicate that the front portion of the parcel where the proposed single detached dwelling would be constructed is slightly more level (see Attachment No. 2).

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.


The subject property is set back from Indian Rock Rd. due to the presence of an informal access driveway. It is unlikely the reduced front parcel line setback would have any negative impact on traffic sightlines.

The Zoning Bylaw is clear in its regulation that the front parcel line setback should be 7.5 metres and that the property owners may have the option to decrease the footprint of their proposed dwelling to meet the minimum setback requirement.

Alternatives:

1. That the Board deny Development Variance Permit No. E2021.055-DVP.

Respectfully submitted



Shannon Duong, Planner I

Endorsed by:



C. Garrish, Planning Manager

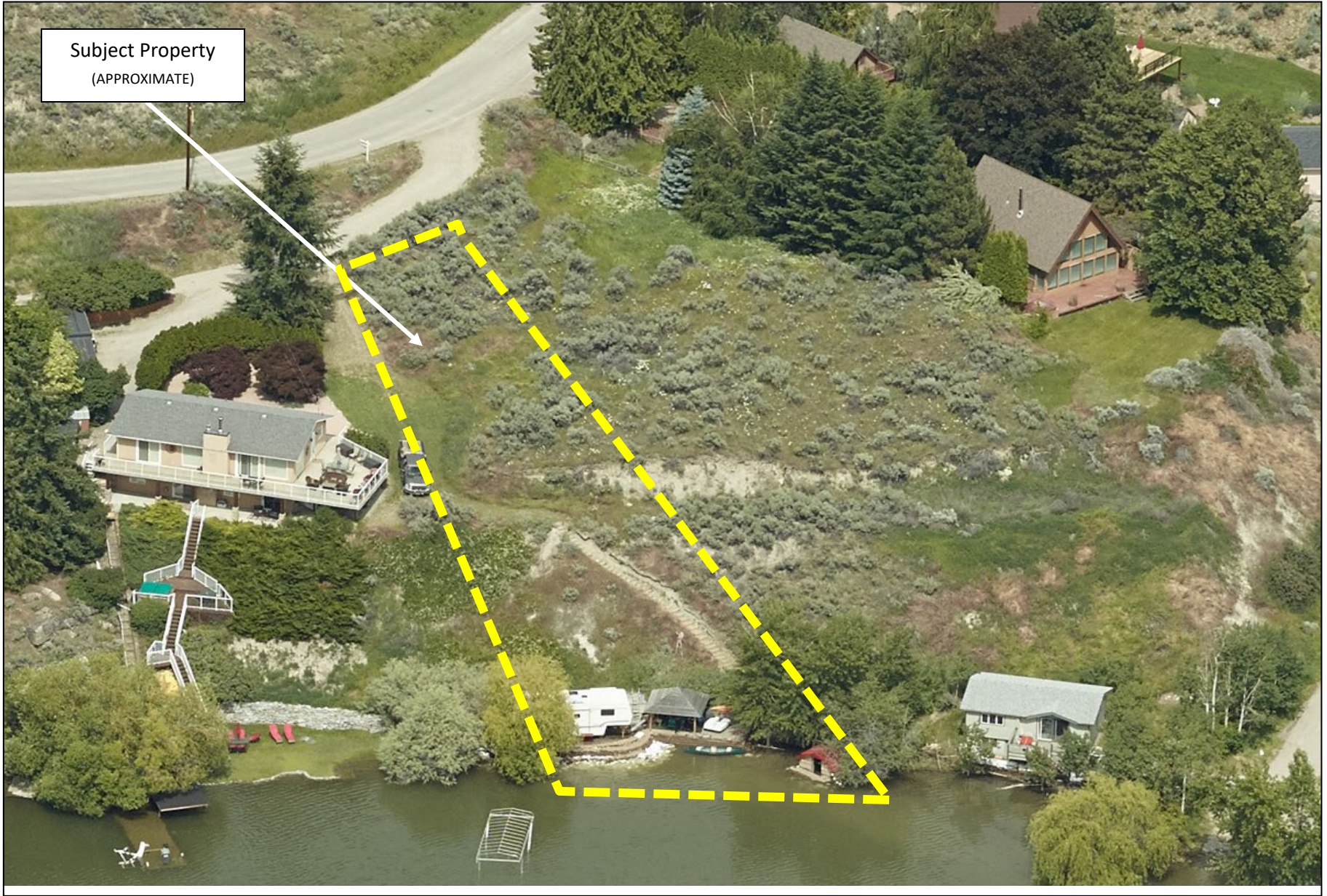
Attachments: No. 1 – Aerial Photo (2017)

No. 2 – Site Photo (Google Streetview)

No. 3 – Aerial Photo

No. 4 – Elevation Profiles

Attachment No. 1 – Aerial Photo (2017)



Attachment No. 2 – Site Photo (Google Streetview)



Attachment No. 3 – Aerial Photo



Attachment No. 4 – Elevation Profiles

