

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 18, 2023  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2023.011-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2023.011-DVP, to allow for a deck addition to an accessory building at 815 Boothe Road, be approved.**

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Legal: Block 143, Plan KAP575, District Lot 210, SDYD Folio: E-02236.000

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance Requests: to vary the specific use regulation prohibiting the placement of a deck on an accessory structure by allowing a deck.

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## Proposed Development:

This application is seeking a variance to the accessory building regulations on subject property in order to undertake a deck addition to an existing accessory building.

Specifically, it is being proposed to vary the specific use regulation that prohibits the placement of a deck on an accessory structure by allowing a deck.

In support of this request, the applicant has stated that:

- *Our workshop requires a larger deck for the safety of our workers carrying materials to and from the upper floor of our workshop.*
- *Since this is our only access upstairs we need a safe landing to set down materials and open the door.*
- *The deck already exists so it would just extend outwards and not affect the neighbours or streetscape in any way and look consistent with the design of the building.*
- *The building is also set back far on our property and the deck extends towards our vineyard.*

## Site Context:

The subject property is approximately 2.0 ha in area and is situated on the north side of Boothe Road, Naramata. The property is understood to contain one (1) singled detached dwelling and an accessory building.

The surrounding pattern of development is generally characterised by agriculture.

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**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February, 1909, while available Regional District records indicate that a building permits for a farm storage structure demolition (2020) and a workshop (2021) have previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which lists accessory building or structure and home occupation as permitted accessory uses.

The property is within the Agricultural Land Reserve (ALR) and has been classed as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

**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 April 12, 2023. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

Decks are generally associated with residential uses and for this reason, the Zoning Bylaw prohibits deck additions to accessory buildings (and farm buildings) in order to forestall the conversion of these structures to unauthorized residential use.

In this case, the accessory building is understood to be a workshop with a second storey storage space that is accessed via an external staircase and approximately 0.9m wide platform.

The conversion of the existing staircase platform into a deck, to improve worker safety when storing materials associated with the workshop, is not seen to result in the conversion of this building to a residential use.

The nearest adjacent property is approximately 15m from the accessory building, and the orientation of the building minimizes visibility of the staircase from the roadway or from adjacent parcels. For this reason, the requested variance is unlikely to impact the streetscape or adjacent properties.

Administration considers that the requested variance upholds the intent of the zoning bylaw and for this reason is recommending approval.

**Alternative:**

1. That the Board deny Development Variance Permit No. E2023.011-DVP.

**Respectfully submitted**

Ben Kent

Ben Kent, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

**Attachments:**

- No. 1 – Site Photo (Google Streetview)
- No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Aerial Photo

