

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: December 5, 2024
RE: Development Variance Permit Application — Electoral Area “E” (E2024.033-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2024.033-DVP, to allow for the construction of an addition to a principal single detached dwelling at 845 Kinney Road, Naramata, be approved.

Legal: Lot A, Plan EPP, District Lot 210, SDYD Civic: 845 Kinney Road Folio: E-02184.001

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: To reduce the minimum rear parcel line setback from 7.5 metres to 3.81 metres.

Proposed Development:

This application is seeking a variance to the rear parcel line setback that applies to the subject property in order to undertake an addition of a single detached dwelling.

Specifically, it is being proposed to reduce the rear parcel line setback from 7.5 metres to 3.81 metres.

In support of this request, the applicant has stated that “the proposed setback relaxations will allow for the construction of an addition to the existing single family dwelling. Due to the configuration of the existing dwelling and restrictive site conditions we are seeking approval to project into the rear setback.”

Site Context:

The subject property is approximately 1,413 m² in area and is situated on the north side of Kinney Road, approximately within the community of Naramata. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised primarily by similar residential development. There are some medium density residential developments and the Naramata Cemetery in the vicinity.

Background:

Available Regional District records do not include information on the date when the current boundaries of the subject property were created by a Plan of Subdivision. Additionally, Regional District of Okanagan-Similkameen records do not indicate that building permits have previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR), and is not the subject of any development permit area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which allows for single detached dwellings as a permitted principal use.

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 November 15, 2024. 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 and, when a parcel is also adjacent a roadway 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 this instance, it is recognized that both roads providing public access to the subject property are unconstructed (see Attachment No. 2) and, as a result, are presumed to be lightly-travelled – especially the laneway at the rear of the parcel where the variance is being requested – and reducing the setback is unlikely to adversely impact traffic movements on the laneway.

It is further recognized that there are numerous examples of development occurring within the prescribed setback to the unconstructed laneway, including multiple accessory buildings and structures that appear to have been placed with a zero parcel line setback.

While some of these structures are likely to have been sited prior to the introduction of zoning to Naramata in the early 1970s, and that the construction of new development is an appropriate point at which to seek bylaw compliance, it is also recognized that reducing the rear setback is not going to result in a form of development uncharacteristic of the laneway.

Finally, it is understood that the topography of the property rises towards its eastern boundary and that this limits the developable area in which an addition to the existing dwelling can be sited. Accordingly, while a parcel approximately 1,413 m² in area should provide sufficient space to site an addition outside of existing setbacks, physical constraints may exist that limit this.

Alternative:

Conversely, other options are seen to be available to the applicant such as designing the dwelling addition in a way that avoided the need for a parcel line setback variance.

Summary:

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

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board deny Development Variance Permit No. E2024.033-DVP.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Photo

No. 2 - Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)



Subject Property and Existing Dwelling