

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: June 13, 2024
RE: Development Variance Permit Application — Electoral Area “F” (F2024.004-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2024.004-DVP, to allow for the construction of an over-height accessory building at 1204 Veteran Drive, be approved.

Legal: Lot 2, Plan KAP25776, District Lot 5076, SDYD Folio: F-07367.010

OCP: Small Holdings (SH) Zone: Small Holdings Five (SH5)

Variance Requests: to increase the maximum height of an accessory building from 4.5 metres to 5.74 metres.

Proposed Development:

This application is seeking a variance to the accessory building height regulation that applies to the subject property in order to construct a steel engineered building on the property at 1204 Veteran Drive.

Specifically, it is being proposed to vary the maximum height of an accessory building from 4.5 metres to 5.74 metres.

In support of this request, the applicant has stated that the purpose of the variance is “to allow for a steel engineered building to put up as a shop which I have already purchased ... The extra height will not affect anyone’s view above the site”.

Site Context:

The subject property is approximately 2416 m² in area and is situated on the west side of Veteran Drive in Greater West Bench, approximately 780 metres west from the boundary with City of Penticton. The property is understood to contain a singled detached dwelling and an accessory building.

The surrounding pattern of development is generally characterised by similar 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 February 17, 1975, while available Regional District records indicate that building permits for a single detached dwelling and a garage (1976) have previously been issued for this property, and a building permit for a retaining wall is currently active on the property.

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

Official Community Plan (OCP) Bylaw:

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area designation.

The applicant has submitted a letter from a Qualified Environmental Professional indicating that the area indicated as a WDP Area “is not a watercourse and is not connected to a stream or watercourse as defined by the RAPR” (*Riparian Areas Protection Regulation*).

Under Schedule ‘D’ (Hazard Lands – Geotechnical) of the OCP Bylaw, the subject property is shown as being within “Constraint Zone B”, which has a “Moderate” rating.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings West Bench (SH5) which lists single detached dwelling as a permitted principal use and accessory building or structure as a permitted accessory use.

While “home occupation” is listed as a permitted accessory use in the SH5 zone, “home industry” is not listed as a permitted use.

Under the zoning bylaw, a “home occupation” is defined as “an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses”.

Under the zoning bylaw, a “home industry” is defined as “an occupation or a commercial use that is accessory to the principal residential use of a parcel and may include manufacturing, processing, fabricating, assembling, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops and other similar uses”.

In 2018, resident concerns about the number of over-sized garages and workshops being constructed in West Bench prompted a review of accessory building height regulations and accordingly, accessory building heights were restricted to 4.5 metres.

Previous Board Consideration:

At its regular meeting of April 18, 2024, the Regional District Board considered this application and moved to notify neighbours within a 100m radius of the subject property and to reconsider the matter after the period of time allowed for comment.

Public Process:

Adjacent property owners within a 60 metre radius of the subject property 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 March 7, 2024. All comments received are included as a separate item on the Board’s Agenda.

Adjacent property owners within a 100 metre radius received additional notification of this application at the direction of the Regional District Board, with written comments regarding the proposal being accepted until 4:30 p.m. on May 13, 2024. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that height regulations are generally used to ensure that a building does not adversely impact the use of adjacent properties.

Building height can also be an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height may impact established streetscape characteristics.

In this instance, the requested variance represents an approximately 27.5% (1.24 metre) increase above the bylaw regulation. However, the actual height of the building ranges from 5.2 metres at its lowest point, to 5.74 metres at its highest point.

The proposed location of the accessory building is approximately 1.53 metres from the nearest parcel line. However, the nearest adjacent dwelling is approximately 20 metres to the south. For this reason, the proposed building is unlikely to adversely impact the use of adjacent properties.

The accessory building is located at the rear of the property, and for this reason, is unlikely to impact the streetscape or the established character of the neighbourhood.

Alternative

Conversely, the subject property does not appear to be subject to topographical constraints that necessitate the construction of an over-height building. Accordingly, alternative options are seen to be available to the property owner.

Administration also recognizes that historically, large accessory buildings in the West Bench area have facilitated, or have been subsequently converted to facilitate, uses that are not permitted in the SH5 zone (i.e. home industry uses).

However, the applicant has indicated the building is intended to be used as a “shop”, which is not prohibited in the SH5 zone, provided that the building is used in accordance with accessory building or home occupation use regulations.

Administration also recognises that the proposed accessory building will be visible from adjacent properties.

Summary

In summary, the requested variance represents a small increase above the bylaw regulation and the proposed structure is in a location that is unlikely to impact adjacent properties.

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

Alternative:

1. That the Board deny Development Variance Permit No. F2024.004-DVP.

Respectfully submitted*Ben Kent*

Ben Kent, Planner II**Endorsed by:**

C. Garrish, Senior Manager of Planning**Attachments:**

No. 1 – Aerial Photo

Attachment No. 1 – Aerial Photo

