

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: July 20, 2023

RE: Development Variance Permit Application — Electoral Area “H” (H2023.021-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. H2023.021-DVP, to allow for the construction of an accessory building at 144 Lockie Road, be denied.

Legal: Lot 10, Plan KAP44042, District Lot 596, SDYD Folio: H-00744.200

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Variance Requests: to increase the maximum height for an accessory building from 4.5 metres to 6.7 metres.

Proposed Development:

To vary the maximum accessory building height that applies to the property from 4.5 metres to 6.7 metres to undertake construction of a new garage.

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

- *The proposed variance remains consistent with the general purpose and intent of the zone as it is a height constraint and does not challenge usage or any setbacks.*
- *Strict compliance with the zoning regulation may be considered unreasonable or unnecessary as it appears at least 5 of the 17 properties in the development currently have over height accessory buildings so it would not look odd or out of place in the neighbourhood.*
- *The proposed variance should not unduly impact the character of the neighbourhood as the proposed building is designed to match the existing house design with a high roofline consistent with neighbouring properties.*

Site Context:

The property is 2,106 m² in area and is situated on the west side of Otter Lake and on the east side of Lockie Road, approximately 3.5 km north of Tulameen. The property is understood to contain one singled detached dwelling and accessory building. The surrounding pattern of development is generally characterised by similar residential development.

Background:

The property was on November 13, 1990, while available Regional District records indicate that building permits for a single detached dwelling (1992), renovations to the single detached dwelling (1992) and an addition to the single detached dwelling (2005) have previously been issued for this property.

The property is designated Low Density Residential (LR), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. It is zoned Residential Single Family One (RS1) which applies a maximum height of 4.5 metres for accessory buildings and structures.

The property is within the floodplain associated with Otter Lake and the flood construction level is 1.5 metres above the natural boundary of the lake.

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 June 30, 2023. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The intent of accessory building height regulations is generally to reinforce the subordinate and ancillary nature of accessory buildings compared to principal buildings, which are permitted a maximum height of 10 metres.

Building height is also 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 or another dwelling) an excessive height can have adverse impacts..

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

The requested variance represents a 49% increase in what is allowed in the RS1 Zone and it is unclear the extent to which this is consistent with other accessory buildings in the area. Moreover, such an increase in height will allow for the construction of a building that reproduces the form of the principle dwelling.

A request to vary a zoning regulation should only be considered as a last resort to a design challenge and should not arbitrarily circumvent the zoning bylaw. In this instance, administration notes that the proposed development does not address any physical or other constraints on the subject property.

Other options are available to the applicant such as redesigning the structure to comply with the existing 4.5 metre height regulation and expand the floor area on the ground level of the building to make-up the desired floor area (NOTE: this *may* require a variance to parcel coverage).

This property is significantly larger than the minimum parcel size allowed by the RS1 Zone (i.e. 2,106 m² vs. 500 m²) and is more akin to a rural-residential parcel than a low density residential parcel.

The zoning applied to parcels of this size varies and the Small Holdings Five (SH5) Zone allows accessory buildings to be 4.5 metres in height, but the SH4 Zone allows for a 10.0 metre height.

While the applicant is seeking to increase the maximum height by 49% above that allowed by the zoning, a 6.7 metre high accessory building will be shorter than the 10.0 metre maximum permitted

for a principal use building in the RS1 Zone. From this perspective, the requested variance will uphold the general intent of the zoning provision.

Alternative:

1. That Development Variance Permit No. H2023.021-DVP, to allow for the construction of an accessory building at 144 Lockie Road, be approved.

Respectfully submitted

Ben Kent
Ben Kent, Planner I

Endorsed by:


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo (Google Streetview – 2012)
No. 2 – Aerial Photo

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



Attachment No. 2 – Aerial Photo

