

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 17, 2021

RE: Development Variance Permit Application - Electoral Area "I"
206 Maple Avenue, Kaleden (I-01445.000)

Administrative Recommendation:

THAT Development Variance Permit No. I2021.027-DVP, an application for rear and sideyard setbacks for a new garage, be approved.

Proposed Development:

This application is seeking a number of variances in order to undertake the development of a new accessory building (i.e. garage) on the subject property.

Specifically, it is being proposed to vary the following parcel line setbacks that apply to the Agriculture One (AG1) Zone:

- the rear parcel line setback for a building or structure on a parcel 0.2 ha or greater from 7.5 metres to 0.7 metres, as measured to the outermost projection; and
- the interior side parcel line setback for a building or structure on a parcel 0.2 ha or greater from 4.5 metres to 2.2 metres, as measured to the outermost projection.

In support of this request, the applicant has stated that "nearest neighbour is 40 metres away. A closer setback actually has less impact because not in view by neighbour."

Site Context:

The subject property is approximately 2,023 m² in area and is situated on the north-west side of the intersection of Maple Avenue and Oak Avenue in Kaleden. The property is currently developed to a single detached dwelling, while a previous accessory structure (i.e. garage) was recently demolished.

The surrounding pattern of development is characterised by a mix of rural-residential and agricultural parcels.

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 16, 1967, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2021, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) designation along its boundary with Oak Avenue.

Under the Electoral Area “1” Zoning Bylaw No. 2457, 2021, the property is currently zoned Agriculture One (AG1), which permits for single detached dwellings and accessory buildings and structures as permitted uses.

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (8,080 m²) in area. In this instance, the subject property is 0.5 acres (2,023 m²) in area and was created by subdivision in 1967.

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 until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

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. 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.

In the agricultural zones, setbacks are further used to mitigate the potential for conflict between land uses with the Ministry of Agriculture recommending that setbacks be used to “avoid farming right up to the back wall of [a] residence.”

In this instance, Administration notes that, due to local topography, the reduced setback for the proposed garage is unlikely to impact the privacy or residential use of adjacent properties (i.e. by overshadowing). This is due adjacent dwellings to the north and west being at a much higher elevations and generally separated by 40 metres in distance (as the crow flies).

Due to the location of the garage at the north-west corner of the property, it will generally not be visible from either the Maple Avenue or Oak Avenue road frontage and will not adversely impact streetscape characteristics or sight-lines for vehicles travelling on these roads.

The Kaleden Volunteer Fire Department has advised that they have no concerns with the proposed variances, while the nature of the structure being a garage (i.e. non-habitable) is unlikely to result in conflict with adjacent agricultural uses (NOTE: while the property at 202 Maple Avenue is partially cultivated with fruit trees, the parcel has been classed as “Residential” by BC Assessment).

Finally, it is noted that the proposed new garage is to replace a recently demolished garage that was generally in the same location, that this previous garage does not appear to have been the subject of any previous complaints and that the requested setbacks are consistent with those granted to parcels less than 2,000 m² in area. The subject property is 2,023 m² in area and does not appear to be a

viable agricultural unit, is not currently in agricultural production and appears to have not history of farming use.

Conversely, Administration recognises that there may be other options available to the applicant, such as constructing the proposed garage outside of prescribed setback areas. It is recognized, however, that due to the location of the dwelling as well as local topography that these options are limited and would likely require the garage being placed in front of the dwelling (potentially blocking views from the dwelling).

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

Alternatives:

1. That the Board deny Development Variance Permit No. I2021.027-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "I" Advisory Planning Commission.

Respectfully submitted



C. Garrish, Planning Manager

- Attachments: No. 1 – Aerial Photo
No. 2 – Site Photo
No. 3 - Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo



Attachment No. 3 – Site Photo (Google Streetview)

