

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2022
RE: Development Variance Permit Application — Electoral Area “A” (A2022.021-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2022.021-DVP, to allow for the construction of a new single family dwelling at 16423 87th Street, be approved.

Legal: Lot B, Plan EPP55486, District Lot 2450S, SDYD

Folio: A-05954.002

OCP: Low Density Residential (LR)

Zone: Low Density Residential Two (RS2)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 1.5 metres.

Proposed Development:

This application requires a variance to the front parcel line setback from 7.5 m to 1.5 m in order to undertake the construction of a single family dwelling.

The applicant has stated that “the intention of this variance is to move the structure further away from the water and to the higher ground”, and that “the current setback covers much of the property leaving virtually no building area.”

Site Context:

The subject property is approximately 495 m² in area, is situated on the north side of 87th street, and abuts Osoyoos Lake. The property is currently vacant.

The surrounding pattern of development is characterized by similar residential development in the immediate vicinity and Osoyoos Lake to the northeast. Much of the lands to the south of 89th St are under agricultural production.

Background:

It is unknown when the current boundaries of the subject property were created. Available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) designation. The proposal will require the issuance of a WDP.

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

The property is within the floodplain associated with Osoyoos Lake.

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

The Ministry of Transportation and Infrastructure (MoTI) requires a minimum setback of 4.5 m from all highway right-of-ways or the issuance of a permit for the construction of structures within the minimum setback. The applicant has been issued a permit by the MoTI for the proposed construction.

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, 2022. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

Available aerial imagery identifies that other parcels along 87th Street are developed with single detached dwellings which appear to be sited within the front parcel line setback. In this regard, the proposal is seen to be consistent with the established streetscape of the neighbourhood.

The property is in a small low density neighbourhood surrounded by agricultural lands which would likely see limited traffic. The setback variance is unlikely to have an impact on traffic flow or safety.

The OCP encourages the reduction of zoning setbacks on existing small lots to reduce the impacts and preserve the Streamside Protection and Enhancement Area (SPEA). The parcel is within the flood plain of Osoyoos Lake and moving the structure to the front of the property will help distance the structure from the floodplain and increase the elevation which may mitigate risk of potential flooding.

A Riparian Areas Protection Regulation (RAPR) Assessment Report has been submitted to the Province by a Qualified Environmental Professional. The Regional District is currently awaiting the Province’s review of the RAPR Assessment and the applicant will need to apply for a WDP upon approval of the assessment by the Province.

Alternatives:

1. That the Board deny Development Variance Permit No. A2022.021-DVP.

Respectfully submitted

Colin Martin

Colin Martin, Planning Services Clerk

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)

