

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: March 17, 2022
RE: Development Variance Permit Application — Electoral Area “C” (C2022.006-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. C2022.006-DVP, to allow for the replacement of a carport attached to a principle building at 364 Orchard Grove Lane, be approved.

Legal: Lot 1, Plan KAP61985, District Lot 2450S, SDYD Folio: C-06507.010

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance Requests: to reduce the minimum front parcel line setback from 7.5 metres to 2.5 metres.

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to replace the existing attached carport that is dilapidated and dangerous.

Specifically, it is being proposed to to reduce the minimum front parcel line setback from 7.5 metres to 2.5 metres.

In support of this request, the applicant has stated that “variance will provide support to move forward with getting a carport/storage area up to a needed standard set out in bylaws and building permit... [the siting] matches the existing home with support from Ministry of Transportation.”

Site Context:

The subject property is approximately 2,020 m² in area and is situated on the north side of Orchard Grove Lane. The property is currently developed to contain a single detached dwelling and accessory building. The surrounding pattern of development is characterised by large agriculture parcels (AG1).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 4, 1998, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG).

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture One (AG1) which allows a single detached dwelling and accessory buildings and structures.

The property has been the subject of a Stop Work Notice for constructing the subject carport without a building permit, is within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

At its meeting of March 3, 2022, the Board resolved to defer consideration of this application and referred it to the Electoral Area “C” Advisory Planning Commission (APC).

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 February 24, 2022. All comments received are included as a separate item on the Board’s Agenda.

The Electoral Area “C” Advisory Planning Commission (APC) is scheduled to consider this application at their meeting of March 15, 2022. Due to the proximity of this meeting to the Board’s meeting, a verbal update of the APC recommendation will be provided.

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.

The accessory structure in question (carport) is under enforcement action for being built without a permit. The structure was placed in line with the existing principle dwelling and in the footprint of the previous carport that was removed due to safety hazards. The neighbour to the east closest to the carport is also non-conforming to the front parcel line setback and should have their view improved by replacing the old, dangerous carport.

The Ministry of Transportation and Infrastructure support the reduced front parcel line setback and have issued a permit to reduce the building setback from the road right of way. Further, the front parcel line appears to be subject to a larger road right of way than the neighbouring property to the west. The front parcel line of the front parcel line is approximately 9.0 metres from the existing road.

Conversely, Administration recognises that the option to enforce removal of the building remains.

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

Alternative:

That the Board deny Development Variance Permit No. C2022.006-DVP.

Respectfully submitted



Danielle DeVries, Planner 1

Endorsed by:



C. Garrish, Planning Manager

Attachments:

No. 1 – Site Photo (Google Streetview)

No. 2 – Site Photo

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Site Photo

