

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** March 3, 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 to replace an existing carport.

---

## Proposed Development:

In support of this request, the applicant has stated that the “variance will provide support to move forward with getting the carport/storage area up to the 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 2020 m<sup>2</sup> 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 boundaries of the subject property were created 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), and is not the subject of any development permit designations.

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.

---

---

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

**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.

**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 have no objection to 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.

**Alternatives:**

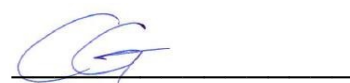
1. That Development Variance Permit No. C2022.006-DVP be denied

**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

