

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 16, 2021
RE: Development Variance Permit Application — Electoral Area “D” (D2021.050-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2021.050-DVP, to allow for the construction of an accessory structure at 1133 Ash Street, be approved.

Legal: Lot 8, Plan KAP1280, District Lot 374, SDYD Folio: D-00819.017

OCP: Low Density Residential (LR) Zone: Low Density Residential Two Zone (RS2)

Variance to reduce the minimum rear parcel line setback from 1.0 metres to 0.355 metres; and

Requests: to reduce the minimum interior side parcel line setbacks from 1.5 metres to 1.22 metres.

Proposed Development:

This application is seeking a variance to the rear and interior side parcel line setbacks that applies to the subject property in order to undertake the construction of a garage.

Specifically, it is being proposed to vary the minimum rear parcel line setback for an accessory building from 1.0 metres to 0.355 metres to the outermost projection and vary the minimum interior side parcel line setbacks for an accessory building from 1.5 metres to 1.22 metres.

In support of this request, the applicant has stated that “Our property is not very big, so we need to utilize as much as possible for accessible storage. We feel this will still be an acceptable size for our neighbourhood.”

Site Context:

The subject property is approximately 334 m² in area and is situated on the east side of Ash street in Okanagan Falls. The property is currently developed to contain a single detached dwelling and a shed (which will be removed).

The surrounding pattern of development is characterised by similar residential use to the north and south and administrative and institutional land to the east and west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision created by a City of Kelowna BC Land Surveyor on August 23, 1915, while available Regional District records indicate that a building permits for a single family dwelling (2003) and a detached garage (2007).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Medium Density Residential (MR), and is the subject of a Ok Falls Multi Family designation.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Low Density Residential zone (RS2) which permits accessory buildings and structures, subject to section 7.13.

BC Assessment has classified the property as “Residential” (Class 01).

The building is within 4.5 metres of a road right-of-way and a setback permit from the Ministry of Transportation and Infrastructure (MoTI) has issued a permit (Permit No. 2021-06171) to allow the proposed garage to be no closer than 0.355 metres from the lane right-of-way.

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 November 25, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

Rear Setback

The purpose of minimum setbacks is to provide a physical separation between the road and a building to manage traffic and pedestrian safety, maintain an attractive streetscape, mitigate overshadowing or loss of privacy of neighbouring properties, encourage open and landscaped areas along roadways, and contain development impacts on the property. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

The rear parcel line setback abuts a lane. In general, laneways contain buildings and structures closer to the road than other types of streets and have lesser standards applied given that their function is meant for local traffic to gain access to the rear of properties. The proposal is consistent with the neighbouring properties that also have garages and structures close to the laneway (see Attachment No. 2).

There may not be enough space between the building and the lane to provide for safe egress onto the lane. However, MoTI has determined the lane function meets safety requirements and have approved this variance.

Interior Side Setbacks

Minimum setbacks from parcel lines are also 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. Further, use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

The property is quite narrow. There is no alternate location to place a structure of this size on the property without requiring a variance to the interior side setback regulations. The proposed garage is located behind the principal dwelling and will not be visible from Ash Street.

The proposed garage has windows facing the interior side parcel line which may cause a loss of privacy to neighbouring parcels. Further the applicant could construct a garage 0.56 metres narrower, which would not require a variance to the side setback lines.

Alternatives:

1. That the Board deny Development Variance Permit No. D2021.050-DVP.

Respectfully submitted

Fiona Titley

Fiona Titley, Planner I

Endorsed by:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Applicant Site Photo (November 2021)

No. 2 – Aerial Photo

Attachment No. 1 – Applicant Site Photo (November, 2021)



Attachment No. 2 – Aerial Photo

