

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 16, 2021
RE: Development Variance Permit Application — Electoral Area “D” (D2021.051-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2021.051-DVP, to allow for the placement of a metal storage container at 4629 Peach Crescent, Okanagan Falls be approved.

Legal: Lot 12, District Lot 374, SDYD, Plan 167460 Folio: D-00998.067

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

Variance Request: to reduce the interior side parcel line setback for an accessory structure from 1.5 m to 0.24 m

Proposed Development:

This application is seeking a variance to the interior side parcel line setback to retain an existing metal storage container. While the metal storage container currently extends into the front and eastern interior side parcel line setbacks on the subject property, the applicant has indicated that they plan to “move the Sea Can back into the property 8’ to comply with the front setback requirement”.

As such, it is being proposed to reduce the minimum interior side parcel line setback from 1.5 metres to 0.24 m.

In support of this request, the applicant has stated that their brother “occupies the property, is an independent General Contractor, and plans to wind down his business within the next few years. The Sea Can is required to store miscellaneous items and his tools for his current activities. Once he retires the Sea Can will no longer be required but, at present, it is necessary in order for him to continue earning his livelihood.”

Site Context:

The subject property is approximately 920 m² in area and is situated on the south side of Peach Cres. The property is currently developed to a mobile home. The surrounding pattern of development is characterised by similar residential development.

Background:

The current boundaries of the subject property were created on July 22, 1966, while available Regional District records indicate that a building permit was issued for a mobile home (1974).

Under the Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP).

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

The placement of the metal storage container within the interior side setback of the property was the subject of a formal complaint submitted to the Regional District. No building or siting permits have been previously issued for this container. Should the application be approved by the Board, the issuance of a siting permit will be required in order to retain the container in its proposed location.

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, 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 December 9, 2021. 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.

Minimum setbacks from parcel lines are also used to maintain a minimum space between structures in a residential neighbourhood in order to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

A reduced setback is unlikely to adversely impact on the residential amenity of the adjacent property. The proposed variance, while significant in terms of overall reduction of the setback (i.e. 84%), is also seen to be minor in that compliance with the setback is unlikely to materially mitigate any adverse impacts associated with the placement of the container.

Conversely, Administration considers that other options are available to the applicant, such as relocating the container so that it is 1.5 metres from the interior side parcel line.

While it is understood that this may impact on an existing driveway, the applicant also has the option to relocate the container closer to the rear of the property in order to provide a vehicle parking space at the front of the property.

From a streetscape perspective, the placement of a metal storage container in such a visually prominent location on a property is generally considered to represent poor urban design. The proposed zoning regulations for metal storage containers contained in Amendment Bylaw No. 2895, 2020, seek to address this by proposing to prohibit the placement of a container between the front parcel line and a principal dwelling in a Low Density Residential zone (i.e. RS2). (NOTE: these regulations are currently being notified for additional community feedback and have not been adopted by the Board.)

Alternatives:

1. THAT Development Variance Permit No. D2021.051-DVP, to allow for the placement of a metal storage container at 4629 Peach Crescent, be denied; or

Respectfully submitted



Shannon Duong, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (July 2021)

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (July 2021)



Attachment No. 2 – Site Photo (Google Streetview)



Subject
Property
(circa 2012)

Proposed Location of
Container
(APPROXIMATE)