

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: April 7, 2022
RE: Development Variance Permit Application — Electoral Area “D” (D2022.008-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2022.008-DVP, to allow for a deck on an accessory building at 3010 Carmi Road, be denied.

Legal: Lot 1, Plan KAP51494, Sublot 17, District Lot 2710, SDYD Folio: D-06788.810

OCP: Large Holdings (LH) Zone: Large Holdings One Site Specific (LH1s)

Variance Request: to increase the maximum number of decks in an accessory building from zero (0) to one (1)

Proposed Development:

This application is seeking a variance to the restriction on balconies and decks in an accessory building that applies to the subject property in order to construct a new accessory building with a garage, workshop, storage, and deck.

Specifically, it is being proposed to increase the maximum number of decks in an accessory building from zero (0) to one (1).

In support of this request, the applicant has stated that “the type of work (saddle making & leather craft) to be done will have fumes & odors which the variance will remedy the health issues... the variance request is for health of the artist & inspirational benefit.”

Site Context:

The subject property is approximately 4.0 ha in area and is situated on the west side of Carmi Street/Road/Avenue, approximately 1.8 km east of from the boundary with the City of Penticton and 15.7 km north from the Okanagan Falls town centre. The property is understood to contain a single detached dwelling, a greenhouse, a hay barn, and several small accessory structures.

The surrounding pattern of development is generally characterised by similar large holdings (LH1s) parcels containing residential uses on all sides.

Background:

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on February 15, 1994. Available Regional District records indicate that building permits have previously been issued for a single detached dwelling (2007), a hay barn (2010), and a greenhouse (2021).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the property is designated Large Holdings (LH), and is subject to an Environmentally Sensitive Development Permit and Hillside Development Permit (HDP) Area.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is zoned Large Holdings One Site Specific (LH1s), which lists accessory buildings as a permitted secondary use.

BC Assessment has classified the property as part “Residential” (Class 01) and part “Farm” (Class 09).

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 March 31, 2022. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The intent of prohibiting the installation of decks and balconies on accessory buildings – as these are normally associated with a residential occupation of a building – is to discourage their conversion to an accessory dwelling.

This is of concern where accessory dwellings may not be permitted by zoning (e.g. absence of a community sewer connection on parcels less than 1.0 ha in area) or have not been properly permitted (e.g. constructed in accordance with BC Building Code requirements, or connected to a properly designed septic, etc.).

The proposed structure has external elevations and floor plan characteristics normally associated with a dwelling unit and the addition of a deck speaks to a potential future residential use.

Other options are available to the applicant such as designing the structure without a deck, or constructing an “accessory dwelling”, which is permitted under the LH1s zoning that applies to the property and would allow for the inclusion of a deck.

This latter option would require designing the structure to be habitable in accordance with the requirements of the building code and necessitate the inclusion of plumbing, a water connection and septic system as well as making the building subject to new home warranty. The end result would, however, be a multi-purpose structure that could either be used as a dwelling unit, storage building or for the applicant’s stated purpose of craftwork.

The floor plans for the proposed building are not currently indicating the installation of facilities associated with a dwelling unit such as a washroom, a kitchen, or laundry facilities, and the addition of a deck at the construction stage is not going to immediately result in the conversion of the building to a dwelling unit.

Moreover, the current zoning allows for one (1) “accessory dwelling” on the property and any future conversion of the structure is supported by the OCP and Zoning bylaws.

Alternatives:

1. That the Board approve Development Variance Permit No. D2022.008-DVP.

Respectfully submitted



Danielle DeVries, Planner 1

Endorsed by:

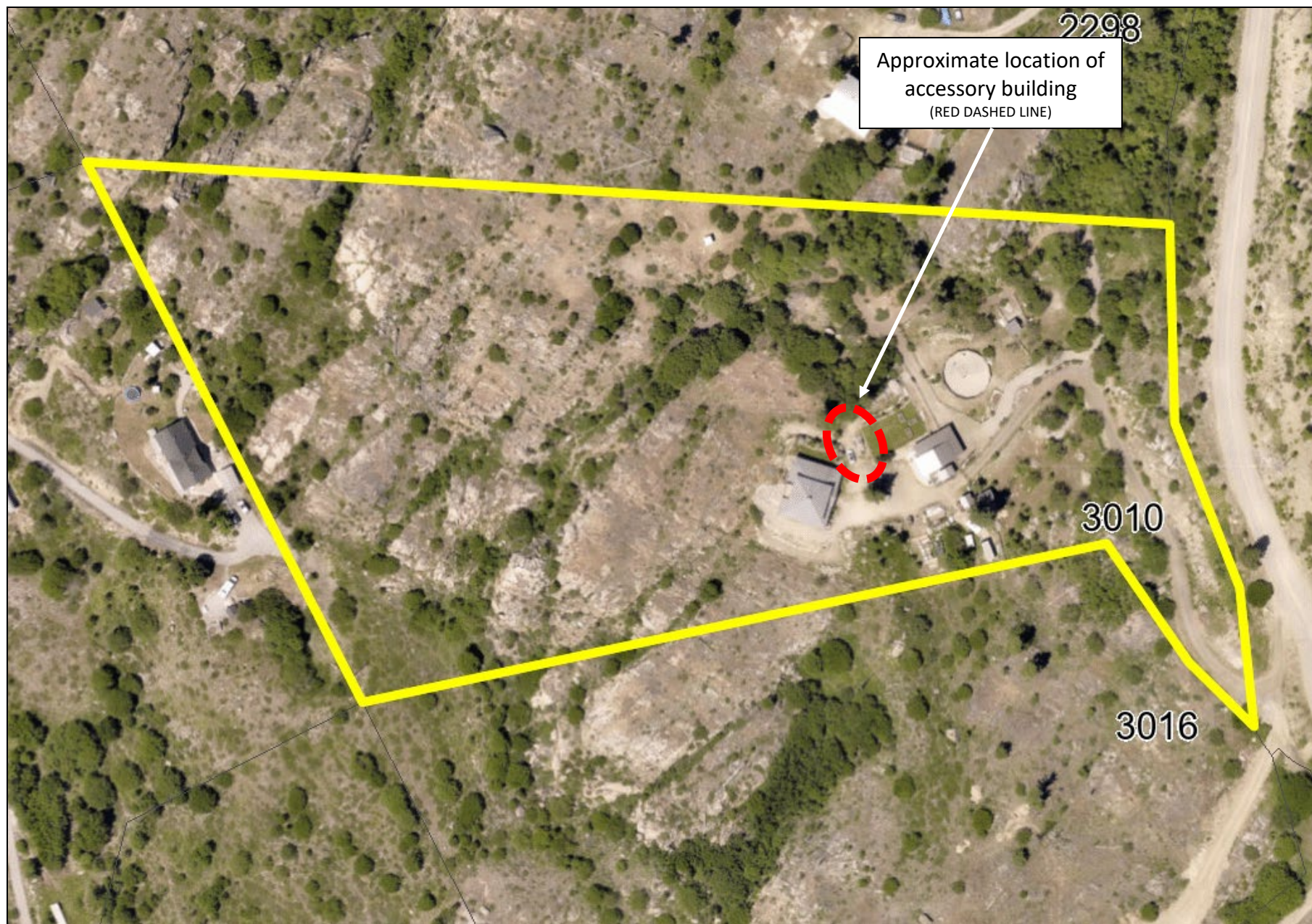


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (November 2021)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (November 2021)

Date & Time: Mon, Nov 22, 2021, 11:31:16 PST
Position: 11 N 318195 5484372 ($\pm 5.0\text{m}$)
Altitude: 1024m ($\pm 8.0\text{m}$)
Datum: WGS-84
Azimuth/Bearing: 261° S81W 4640mils Magnetic ($\pm 20^\circ$)
Elevation Grade: -019%
Horizon Grade: +003%
Zoom: 1.0X
west facing

Approximate location of accessory building
PROPOSED TO CONTAIN DECK

