

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 19, 2023  
**RE:** Development Variance Permit Application — Electoral Area “D” (D2022.056-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. D2022.056-DVP, to allow for the construction of an overheight accessory building at 188 Eastside Road, be approved.**

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Legal: Lot 2, Plan KAP34192, District Lot 2710, SDYD Folio: D-03629.210

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

Variance Requests: to increase the maximum height of an accessory building from 4.5 metres to 6.56 metres.

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## Proposed Development:

This application is seeking a variance to the maximum accessory building height that applies to the subject property in order to undertake construction of a new garage.

Specifically, it is being proposed to vary the maximum height of an accessory building from 4.5 metres to 6.56 metres.

In support of this request, the applicant has stated that:

*Due to the nature and specifically the extreme grade of the lot sloping front to back, the location of the septic as well as the purpose of the building, we are challenged in locating the building to comply with existing height bylaws ... We believe the design and location of the building on the lot will add value to the neighbourhood and not detract from the neighbours' enjoyment of their properties.*

## Site Context:

The subject property is approximately 1285/m<sup>2</sup> in area and is situated on the west side of Eastside Road, approximately 5.5 km south from the boundary with City of Penticton. The property is understood to contain one single detached dwelling and one accessory building.

The surrounding pattern of development is generally characterised by similar residential development.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 8, 1983, while available Regional District records indicate that a building permits for a single detached dwelling (1988) and a deck (2018) have previously been issued for this property.

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Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which requires a maximum height of 4.5 metres for accessory buildings. Under the Zoning Bylaw, height is measured using the average finished grade.

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

**Public Process:**

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on December 2, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of December 23, 2022, being 15 working days from the date of notification, approximately one (1) representation has been received electronically or by submission at the Regional District office.

**Analysis:**

In considering this proposal, Administration notes that regulating the height of accessory structures through the Zoning Bylaw is generally done to ensure that a building does not impact the shade and outdoor amenity areas of adjacent properties.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this instance, the height of the proposed garage along the street frontage will be approximately 4.65 metres. For this reason, it is unlikely to impact established streetscape characteristics.

The proposed garage is unlikely to significantly impact the amenity of the adjacent property because there is already an existing garage in this location and the increase in height results primarily from the use of the high foundation wall.

Administration notes that the average height of the proposed garage results from the implementation of an approximately 4 metre high rear foundation wall to address the steep slope of the lot towards Sovereign Road. The applicant has indicated that due to this steep slope and the location of the septic tank, there are no alternative building locations that could avoid the use of a high foundation wall.

Alternative:

Conversely, Administration recognises that height is measured from the average finished grade and the applicant may be able to comply with the bylaw by backfilling the exposed foundation wall.

The use of high foundation walls on hillsides is generally seen to be poor building design. However, no bylaws have been adopted in this area regulating the form and character of hillside development to reduce visual impacts.

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Summary:

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

**Alternatives:**

1. That the Board deny Development Variance Permit No. D2022.056-DVP.

**Respectfully submitted**

Ben Kent

Ben Kent, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo from Eastside Road (Google Streetview - 2022)

No. 2 – Site Photo from Sovereign Road (Google Streetview - 2022)

Attachment No. 1 – Site Photo from Eastside Road (Google Streetview - 2022)



Attachment No. 2 – Site Photo from Sovereign Road (Google Streetview - 2022)

