



TO: Board of Variance
FROM: B. Newell, Chief Administrative Officer
DATE: December 3, 2021
RE: Board of Variance Appeal — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Variance approve the requested variance under Section 540(a) of the *Local Government Act*

Purpose: To allow a reduced setback for a replacement washroom

Civic: 545 5th Street Legal: Parcel A, Block 64, Plan KAP519, District Lot 210, SDYD

OCP: Administrative, Cultural, and Institutional (AI) Zoning: Naramata Centre (NC) Zone

Proposed Development:

The applicant is seeking approval to replace their existing, non-conforming washroom facility. The existing footprint is not feasible for the proposed design, so the new location is proposed to replace the parking lot on the corner of Fifth Street and Ellis Avenue.

Specifically, it is being proposed to have a front parcel line setback of 2.5 metres, which is the same setback of the Orchard Court buildings facing Ellis Avenue on the same lot.

In support of the proposal, the applicants have stated that “If we rebuilt on the existing location we have issues with correcting the grading for good accessibility. The current location is on a slope with mature trees that would be affected by grading changes. ... The current parking lot is level, gravel with no landscaping that would be impacted by the new building”

Site Context:

The subject property is approximately 4457 m² in area and is on the east side of 5th Street and south side of Naramata Creek. The property is one of several parcels belonging to the Naramata Centre Society and contains the washroom facility serving the campsite to the north, the camping dining hall, a covered outdoor kitchen, two accessory dwellings for staff, a parking lot, and two accommodation buildings for guests.

The surrounding pattern of development is characterised by additional Naramata Centre Society properties on all sides, bordering Naramata Village Centre residential to the north, east, and west, and agricultural to the south.

Statutory Requirements:

Under Section 540(a) of the *Local Government Act*, a person may apply to the Board of Variance (BoV) if the person alleges that compliance with a bylaw respecting (i) the siting, size, or dimensions of a

building or other structure would cause the person hardship. In this instance, the applicants are alleging that moving the washrooms to comply with the Electoral Area “E” Zoning Bylaw would conflict with the Naramata Creek Riparian Area and mature trees.

In considering this application, the BoV may order that a minor variance be permitted from the requirements of the applicable Bylaw. The BoV must be satisfied that it has heard the applicant and any notified person, undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and the proposed variances do not:

1. result in inappropriate development of the site;
2. adversely affect the natural environment;
3. substantially affect the use and enjoyment of adjacent land;
4. vary permitted uses and densities under the Zoning Bylaw;
5. defeat the intent of the bylaw; or
6. vary the application of an applicable bylaw in relation to residential rental tenure.

Under the Regional District’s Board of Variance Bylaw No. 2494, 2009, written notice of a Board of Variance appeal shall be mailed or otherwise delivered at least 10 days before the date of the meeting. Owners and tenants of adjacent lands will have been notified of this application and will have the opportunity to comment prior to or during the Board of Variance meeting.

In accordance with Section 5 of Bylaw No. 2494, the Decision of the Board “to either grant or deny an order must be made in the presence of the applicant, and any other persons notified in connection with that application [emphasis added], if in attendance at the meeting.”

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 18, 1998, while available Regional District records indicate that a building permit for the outdoor kitchen (2012) has been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 20008, the subject property is currently designated Administrative, Cultural, and Institutional (AI), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Naramata Centre (NC) which is site specific to allow the Naramata Centre Society to operate their retreat.

The Ministry of Transportation and Infrastructure (MoTI) has issued a permit for the building to be located within 4.5 metres of the property line fronting a public highway on September 29, 2021.

Public Process:

Adjacent property owners will have received notification of this application in accordance with the Regional District’s Board of Variance Bylaw No. 2494, 2009 and may attend the hearing to comment.

Analysis:

In considering this proposal, Administration notes that the adjacent buildings on the parcel are already at the proposed setback of 2.5 metres from the front parcel line, so there is no change in the

development pattern. The Ministry of Transportation and Infrastructure (MoTI), who has jurisdiction within 4.5 metres of public highways, has already issued a permit authorizing this reduced setback.

The proposed new development more closely fits the current look and feel of the surrounding Naramata Centre Society properties and will be an improvement to the area from the vacant parking lot. Further, the applicant is proposing removing the non-conforming cottage and washroom on the rear portion of the parcel and the new washroom will meet the exterior side parcel line setback. This means the new development will more closely meet the setbacks required in the Zoning Bylaw than the current pattern.

Further, relocating the washroom on the rear portion of the parcel would conflict with the riparian area and mature trees. This means that it is more environmentally responsible to relocate the building to the already leveled parking lot, rather than disturb new natural areas that support Naramata Creek.

Conversely, Administration recognises that the intent of the front parcel line setback in the Zoning Bylaw is to protect access to public roads without feeling overcrowded. The applicant could change the design or the location of the washrooms to more closely meet the setbacks. However, a new location is likely to conflict with mature vegetation and the riparian area on the subject property.

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

Alternative:

1. THAT the Board of Variance deny the requested variance under Section 540(a) of the *Local Government Act*.

Respectfully submitted



Danielle DeVries, Planner 1

Endorsed by:

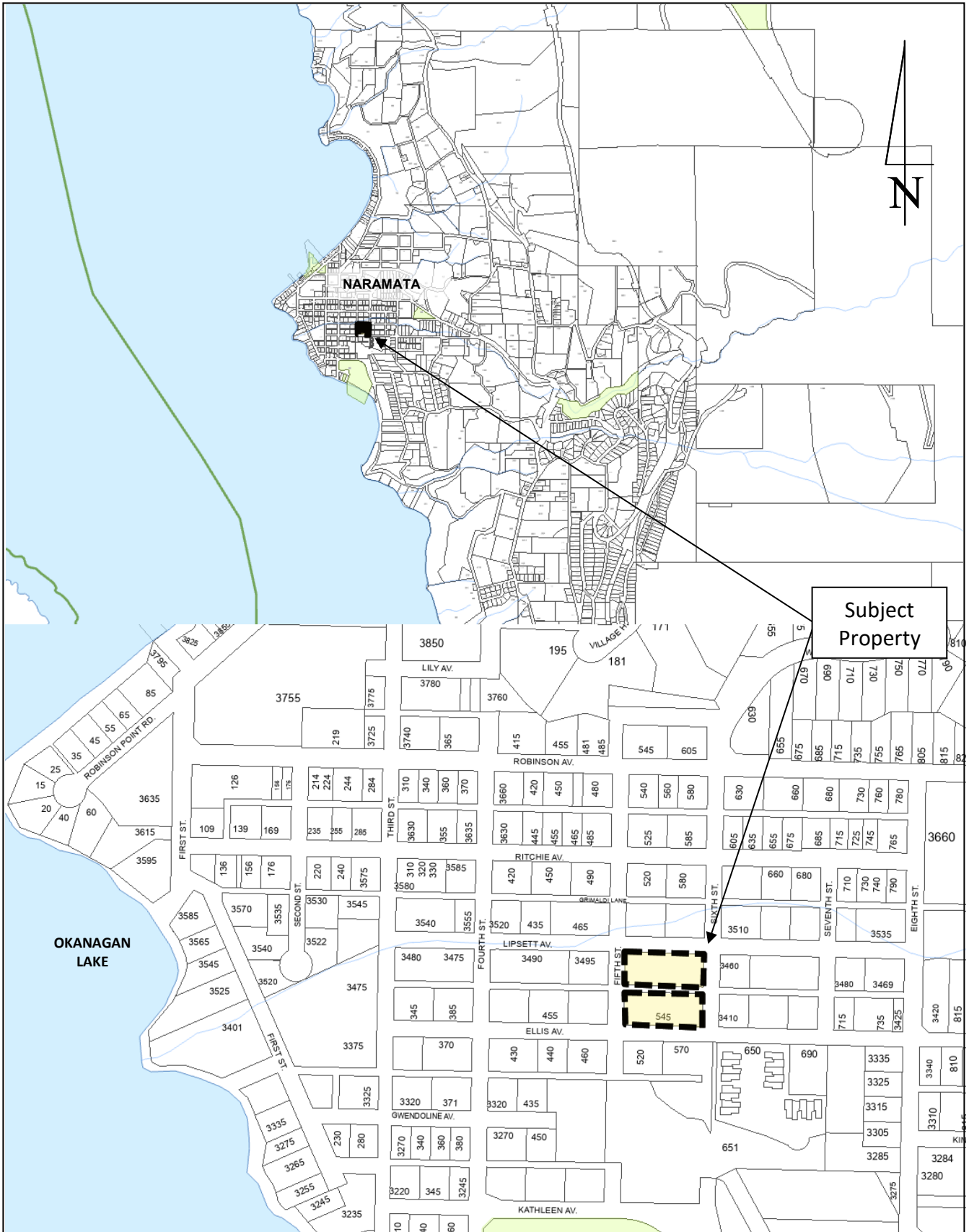


C. Garrish, Planning Manager

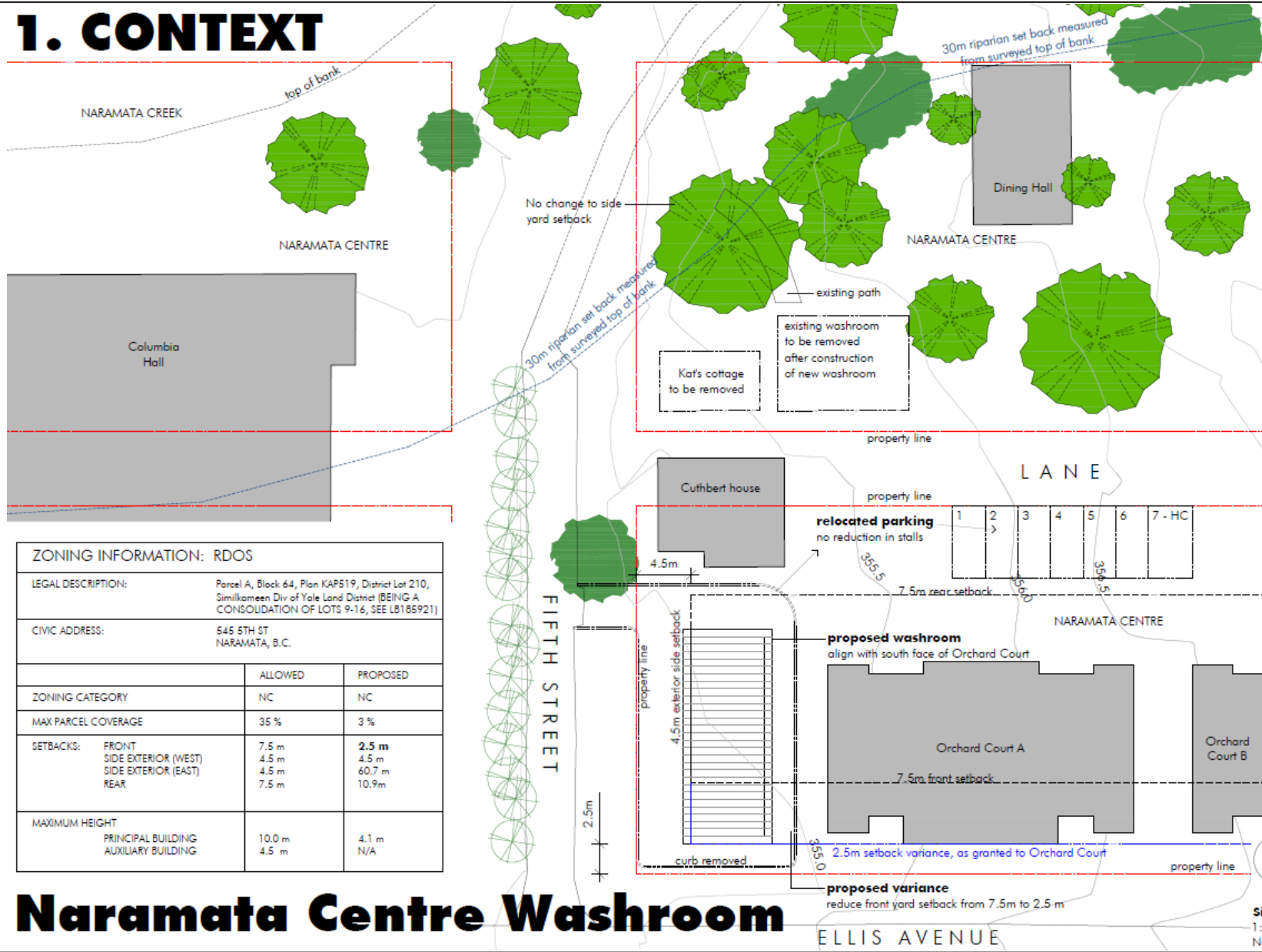
Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant’s Site Plan
- No. 3 – Applicant’s Building Elevations
- No. 4 – Site Photo (Google Street View 2012)

Attachment No. 1 – Context Maps



1. CONTEXT



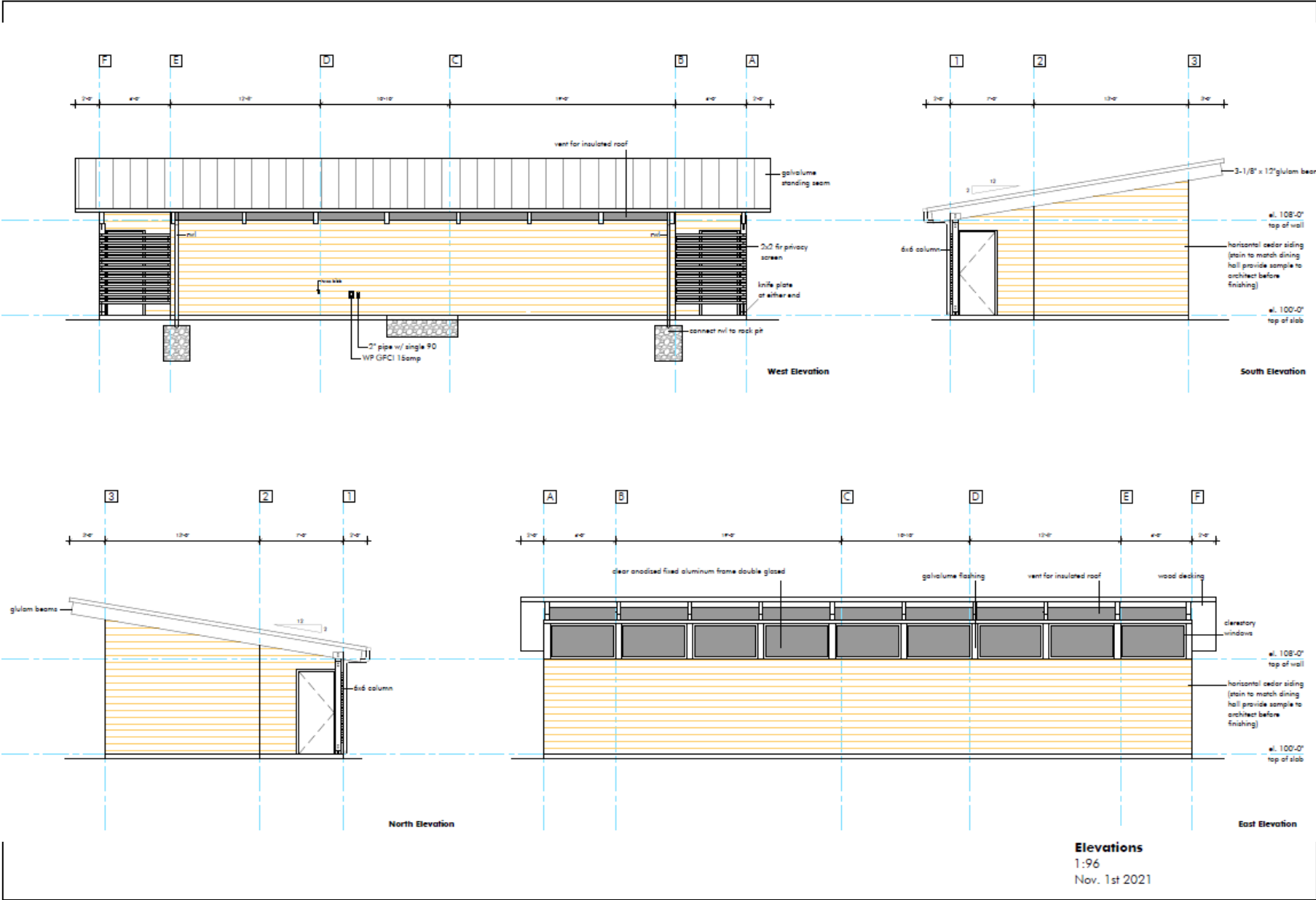
ZONING INFORMATION: RDOS		
LEGAL DESCRIPTION:	Parcel A, Block 64, Plan KAP519, District Lot 210, Similkameen Div of Yale Land District (BEING A CONSOLIDATION OF LOTS 9-16, SEE LB185921)	
CIVIC ADDRESS:	545 5TH ST NARAMATA, B.C.	
	ALLOWED	PROPOSED
ZONING CATEGORY	NC	NC
MAX PARCEL COVERAGE	35 %	3 %
SETBACKS:		
FRONT	7.5 m	2.5 m
SIDE EXTERIOR (WEST)	4.5 m	4.5 m
SIDE EXTERIOR (EAST)	4.5 m	60.7 m
REAR	7.5 m	10.9m
MAXIMUM HEIGHT		
PRINCIPAL BUILDING	10.0 m	4.1 m
AUXILIARY BUILDING	4.5 m	N/A

Naramata Centre Washroom

proposed variance
reduce front yard setback from 7.5m to 2.5 m

Site Plan
1:300
Nov. 1st 2021

Attachment No. 3 – Applicant’s Building Elevations



Attachment No. 4 – Site Photo (Google Street View 2012)

