

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 1, 2022
RE: Development Variance Permit Application — Electoral Area “E” (E2022.042-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2022.042-DVP, to allow for the construction of an accessory dwelling at 2415 Kettle Ridge Way, be approved.

Legal: Lot 20, Plan EPP71589, District Lot 206, SDYD Folio: E-02025.290

OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

Variance Requests: to increase the maximum height for an accessory building or from 4.5 m to 8.41 m.

Proposed Development:

This application is seeking a variance to the maximum height for an accessory building or structure that applies to the subject property in order to construct an accessory dwelling.

Specifically, it is being proposed to increase the maximum height for an accessory building or structure in the Low Density Residential Three (RS3) Zone from 4.5 metres to 8.41 metres.

In support of this request, the applicant has stated that “in its proposed location the impact of increasing the allowed height of the accessory dwelling as sited is negligible on surrounding...sites, and will not have an impact on the character of the streetscape, as the top of the accessory dwelling sits below the grade of the access lane....The proposed design seeks a creative solution to building on an incredibly steep slope through the use of a bridge to minimize disturbance of an otherwise beautiful rocky site...”

Site Context:

The subject property is approximately 1,826 m² in area and is situated at the south end of Kettle Ridge Way, on the east side of Workman Place, approximately 900 metres east of Okanagan Lake. The property is understood to be vacant, with building permits in process for a single family dwelling and pool.

The surrounding pattern of development is generally characterised by similar residential development, with rocky, steep resource area land to the east

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 3, 2017 while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, 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 Three (RS3) which permits an accessory dwelling as an accessory use, with a maximum floor area of 125 m², and community sewer connection.

BC Assessment has classified the property as “Residential” (Class 01) and it is serviced by the Naramata Community Water System and a private community sewer system.

The community sewer system was designed to a certain capacity that *may* not have contemplated having the additional flow demands of accessory dwellings. Confirmation of sewer system capacity will be required at the building permit stage for the proposed accessory dwelling.

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 August 26, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of September 19, 2022, being 15 working days from the date of notification, approximately three (3) representations have been received electronically or by submission at the Regional District office.

At its meeting of October 6, 2022, the Board resolved to defer consideration of this application and refer it to the Electoral Area “E” Advisory Planning Commission (APC) for consideration.

The Electoral Area “E” APC’s term ended with that of the previous Board on November 10, 2022, and a new APC has not yet been appointed.

Moreover, as the structure and meeting schedule for the electoral area APCs in 2023 remains on-going with no timeframe for resolution, this matter is referred back to the Board to reconsider this application in the absence of a recommendation from the Electoral Area “E” APC.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

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.

Further, the intent of the regulation is to ensure that the accessory building appears secondary in nature to the principal building. While the proposed accessory dwelling will be a similar height to the dwelling, given the steep topography of the property, and its placement on a lower section of the

property, the accessory dwelling will be largely invisible from Kettle Ridge Way and will not obstruct the view of properties to the east.

Additionally, the lot physically fronts onto Workman Place but does not have access to the roadway. Due to the steep terrain, Workman Place is located several metres below the proposed accessory dwelling. As the proposed accessory dwelling will be set back more than 7.5 metres from the property line fronting Workman Place, it is not anticipated that the height of the structure will negatively impact access to sunlight, shade or privacy for the properties on the west side of Workman place.

Further, the development is proposed on the south side of the property which borders an exterior side parcel line and roadway which provides for additional separation between the proposed accessory dwelling and parcels to the south (approximately 14.5 metres).

The property is accessed off of Kettle Ridge Way by a private reciprocal driveway easement crossing over twelve subdivided lots. The easement restricts development on much of the accessible benchland on the east side of the property (9.0 metres) and curves on the south side, restricting use of the south east corner of the site for potential development. The proposed design of the accessory dwelling represents a creative solution to development on steep, rocky terrain.

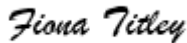
Alternative:

1. Deny the application

Alternative:

1. That the Board deny Development Variance Permit No. E2022.042-DVP.

Respectfully submitted



Fiona Titley, Planner II

Endorsed by:

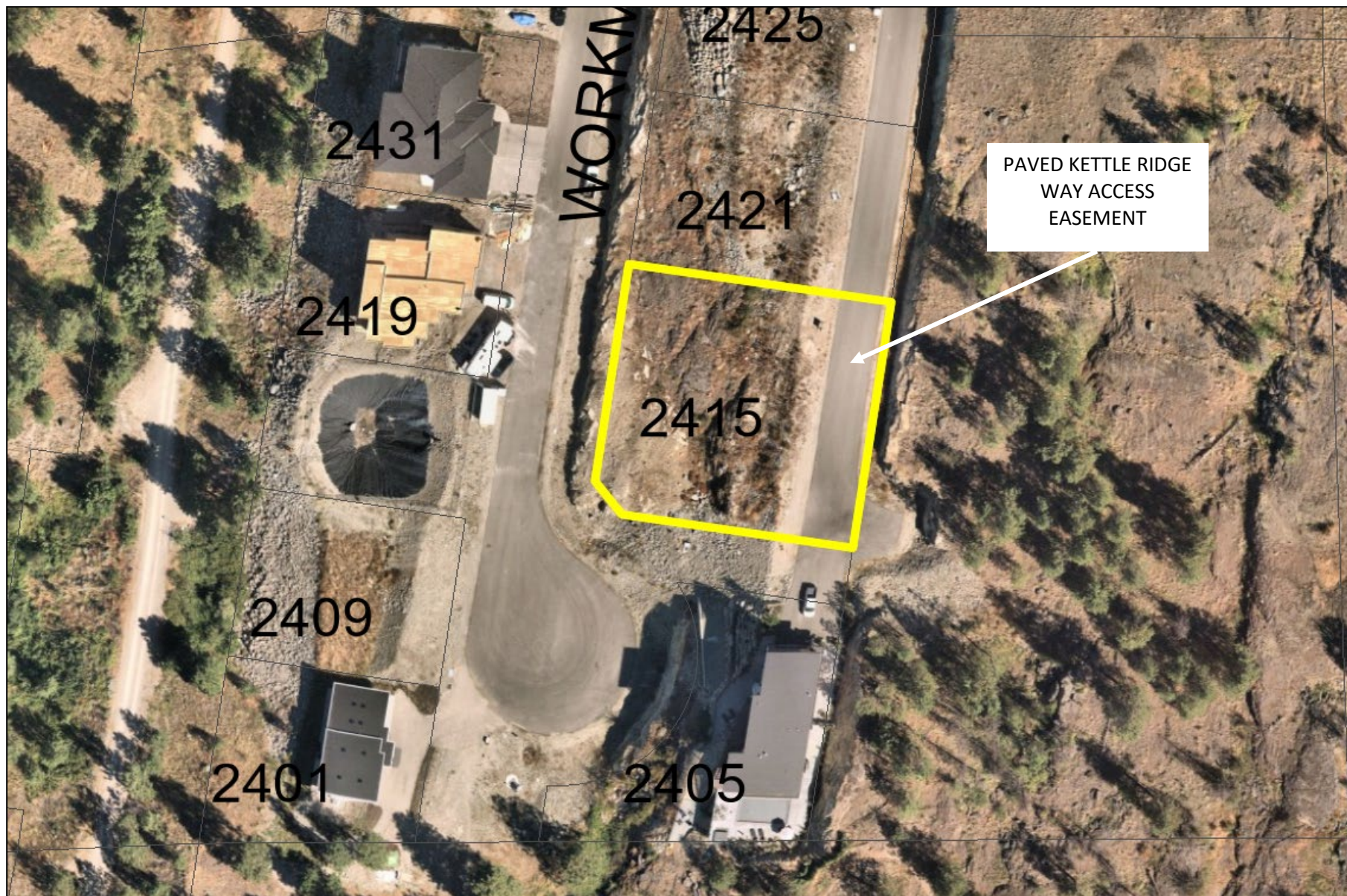


C. Garrish, Planning Manager

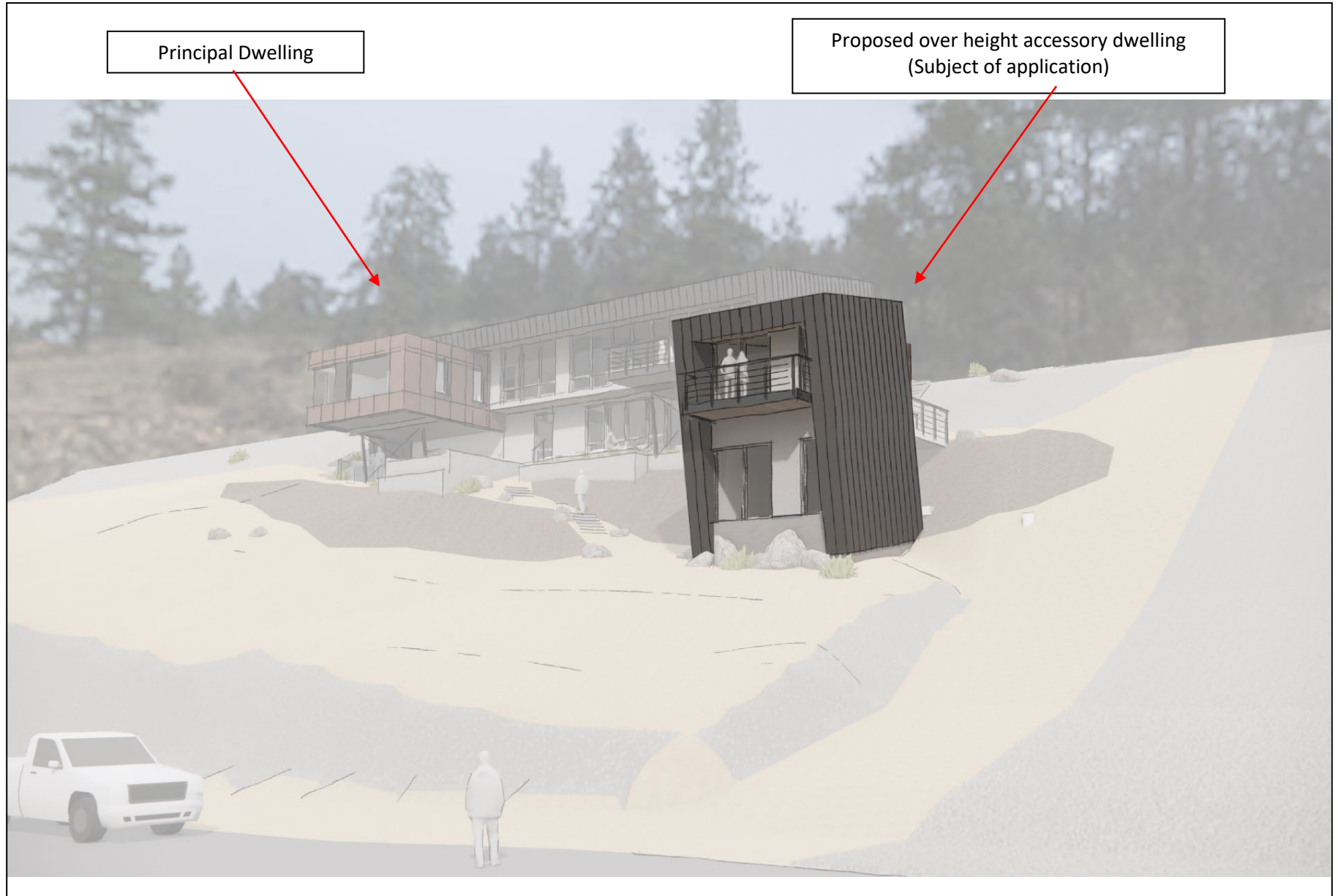
Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Rendering of proposed Accessory Dwelling



Attachment No. 3 – Site Photo

