

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: J. Zaffino, Acting Chief Administrative Officer
DATE: November 14, 2023
RE: Development Variance Permit Application — Electoral Area “E”

Purpose: To allow for the construction of a new single detached dwelling.

Civic: 4545 Mill Road Legal: Lot 22, Plan KAP3889, District Lot 211, SDYD

Folio: E-02283.000 Zone: Residential Single Family One (RS1)

Variance to reduce the minimum front parcel line setback from 6.0 metres to 1.19 metres; and

Requests: to reduce the minimum rear parcel line setback from 6.0 metres to 3.37 metres.

Proposed Development:

This application is seeking a variance to the front and rear parcel line setbacks that apply to the subject property in order to undertake construction of a new single detached dwelling.

Specifically, it is being proposed to vary the front parcel line setback from 6.0 metres to 1.19 metres and to vary the rear parcel line setback from 6.0 metres to 3.37 metres.

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

Due to the existing lot configuration, size and proximity to Okanagan Lake the aforementioned lot falls completely within the Riparian setback. The proposed...setback variances will allow for a new single family dwelling. Proposed dwelling is two stories with a 33'x28' footprint. Main floor is 838ft² & top floor 560ft² or a total of 1398ft². Please see rationale letter for additional comments.

Site Context:

The subject property is approximately 285 m² in area and is situated on the south side of Mill Road, approximately 6 km north from the boundary with City of Penticton. The property is understood to contain one small cabin.

The surrounding pattern of development is generally characterised by similar residential development on larger lakefront parcels to west and large upland agricultural parcels on the opposite side of Mill Road.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 28, 1947, 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), and is located entirely within a Watercourse Development Permit (WDP) area.

The *Riparian Areas Protection Regulation* (RAPR), includes provisions that allow for development within a riparian area, subject to conditions, where a parcel is the subject of “undue hardship”.

In order to apply to the Province for consideration under “undue hardship”, RAPR requires a developer to seek and receive “a decision on every variance that would reduce the legally restricted area of the site”. In this case, a “variance” includes a hardship appeal to a board of variance as well as a development variance permit or a zoning bylaw amendment application to a local government.

Accordingly, the current application to reduce the front and rear parcel line setbacks is being sought to reduce the legally restricted area of the site so that an application for development under “undue hardship” may be submitted to the Province.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential One (RS1) which lists single detached dwelling as a permitted principal use and requires 6.0 metre front and rear parcel line setbacks.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake which requires a flood construction level of 343.66 metres Geodetic Survey of Canada (GSC) datum and a floodplain setback of 7.5 metres from the natural boundary of the lake. For this reason, should the subject variance be approved, issuance of a subsequent floodplain exemption would be required.

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

Board Consideration:

At its meeting of October 5, 2023, the Regional District Board moved to defer consideration of this application and refer it to the Electoral Area “E” APC for a recommendation.

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. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

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

In this instance, the Electoral Area “E” OCP includes policies that speak to encouraging variance applications for the relaxation of parcel line setbacks on existing small lots in order to reduce impacts to the riparian area.

Any new development on this property would require the developer to seek approval for variances under the RAPR “undue hardship” process because the entire property is within the riparian area.

Administration notes that the current setback regulations limit the buildable area of the property to an approximately 35 m² area measuring 17 metres wide by 2 metres deep.

Regarding impacts to adjacent properties, a similar proposal has been submitted by the same agent for the property at 4535 Mill Road, whereas the property at 4555 Mill Road is vacant. For this reason, these properties are unlikely to be affected by reductions to the front or rear parcel line setbacks.

The nearest dwelling on the opposite side of Mill Road is approximately 30 metres from the location of the proposed dwelling and is located on top of a steep, vegetated embankment. For this reason, this property is also unlikely to be affected by the requested variances.

Regarding the character of the streetscape, a single detached dwelling constructed within 1.19 metres of the front parcel line will likely change the appearance of the roadway, however nearby dwellings along the lakefront appear to have also been constructed within the front parcel line setback.

With regards to vehicle traffic safety, the Ministry of Transportation and Infrastructure has jurisdiction over the road network and a Highway Use Permit authorizing the reduced setback has been issued by the Ministry.

Alternative:

Conversely, front parcel line setback reductions are seen to be more likely to create visual impacts and for this reason are generally discouraged.

Summary:

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

Administrative Recommendation:

THAT Development Variance Permit No. E2023.032-DVP, to allow for the construction of a single detached dwelling at 4545 Mill Road, be approved.

Options:

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

Respectfully submitted

Ben Kent

Ben Kent, Planner I

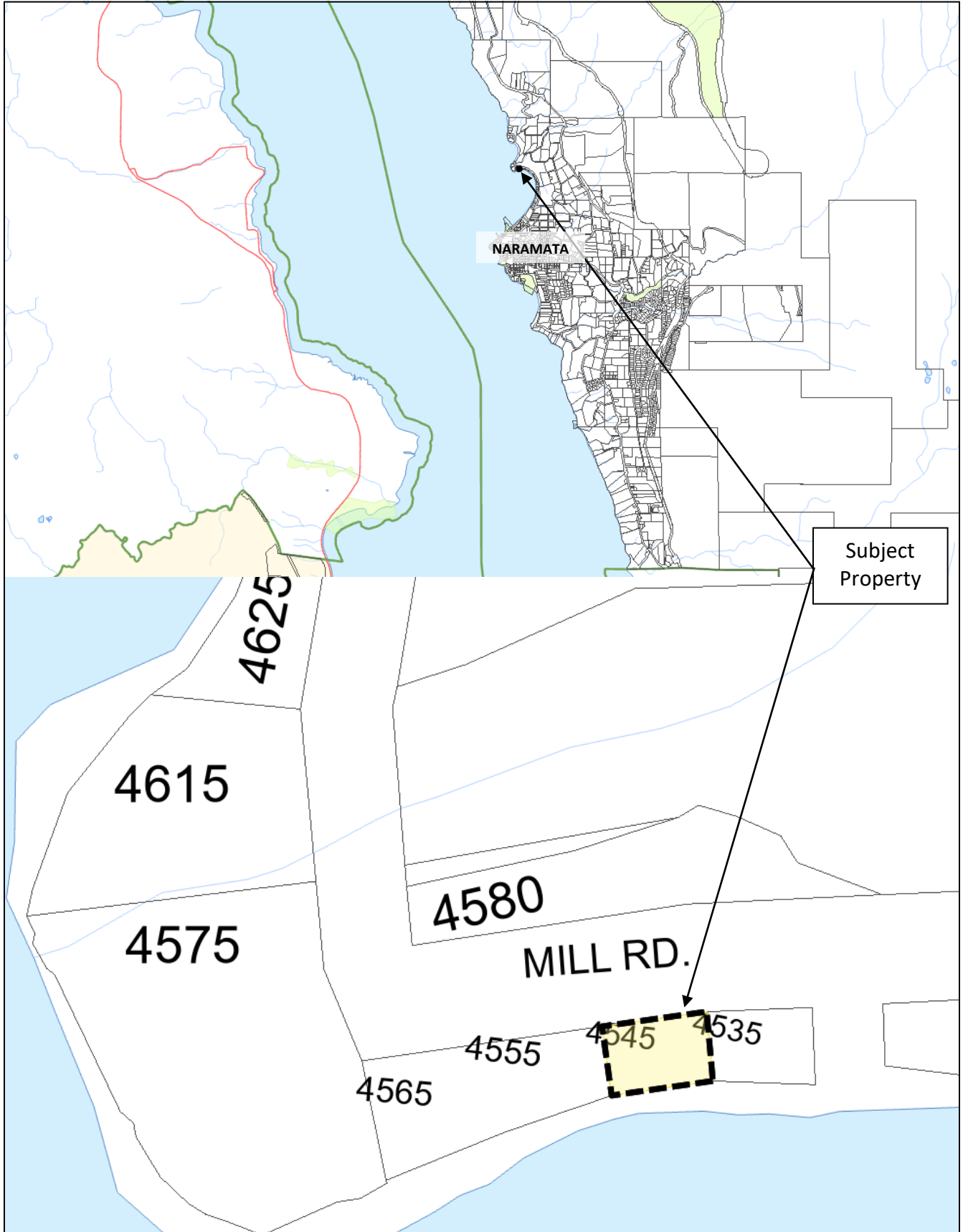
Endorsed by:



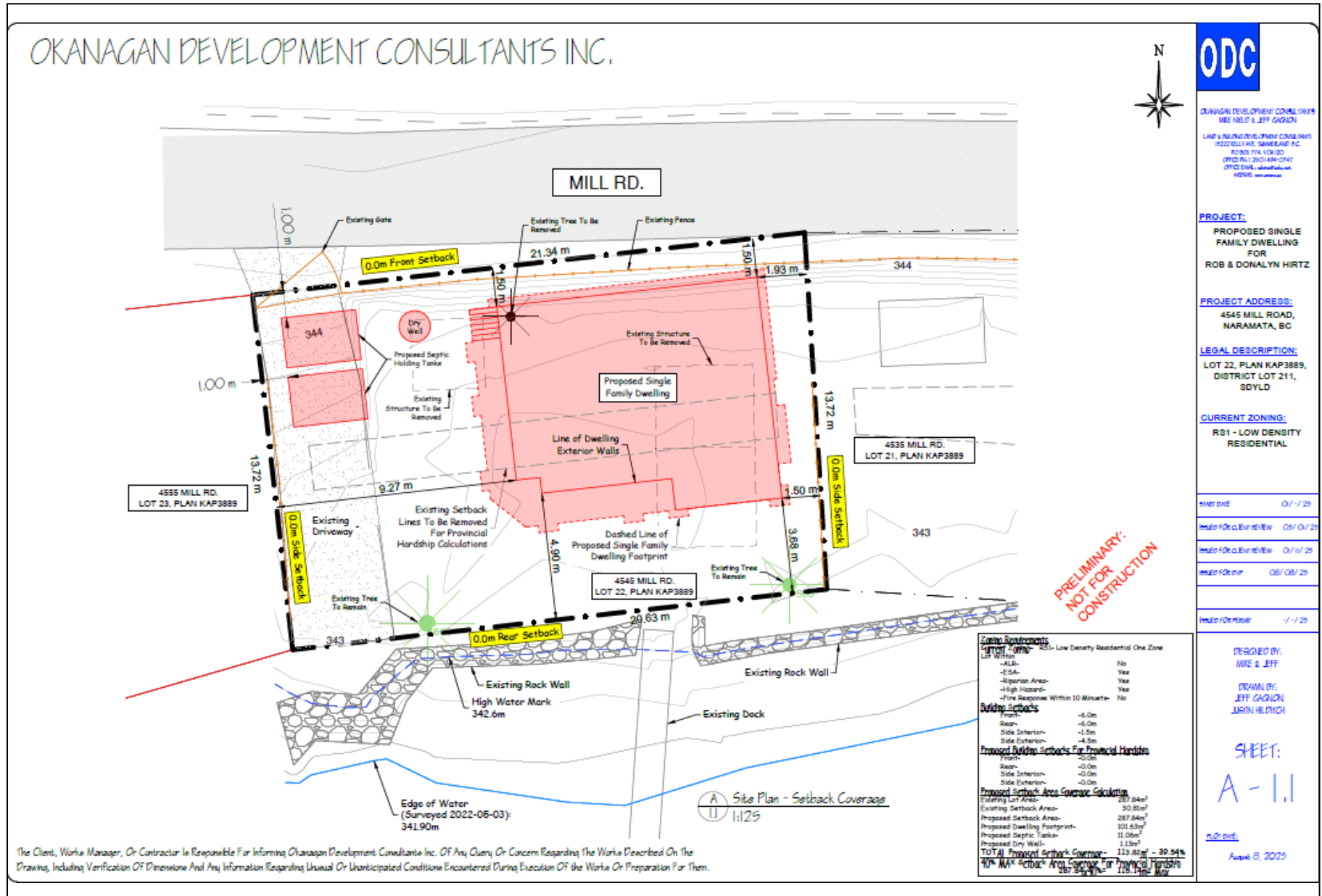
C. Garrish, Senior Manager of Planning

- Attachments:
- | | |
|----------------------|----------------------|
| No. 1 – Context Maps | No. 6 – Elevations |
| No. 2 – Site Plan | No. 7 – Elevations |
| No. 3 – Site Plan | No. 8 – Site Photo |
| No. 4 – Floor Plan | No. 9 – Aerial Photo |
| No. 5 – Site Plan | |

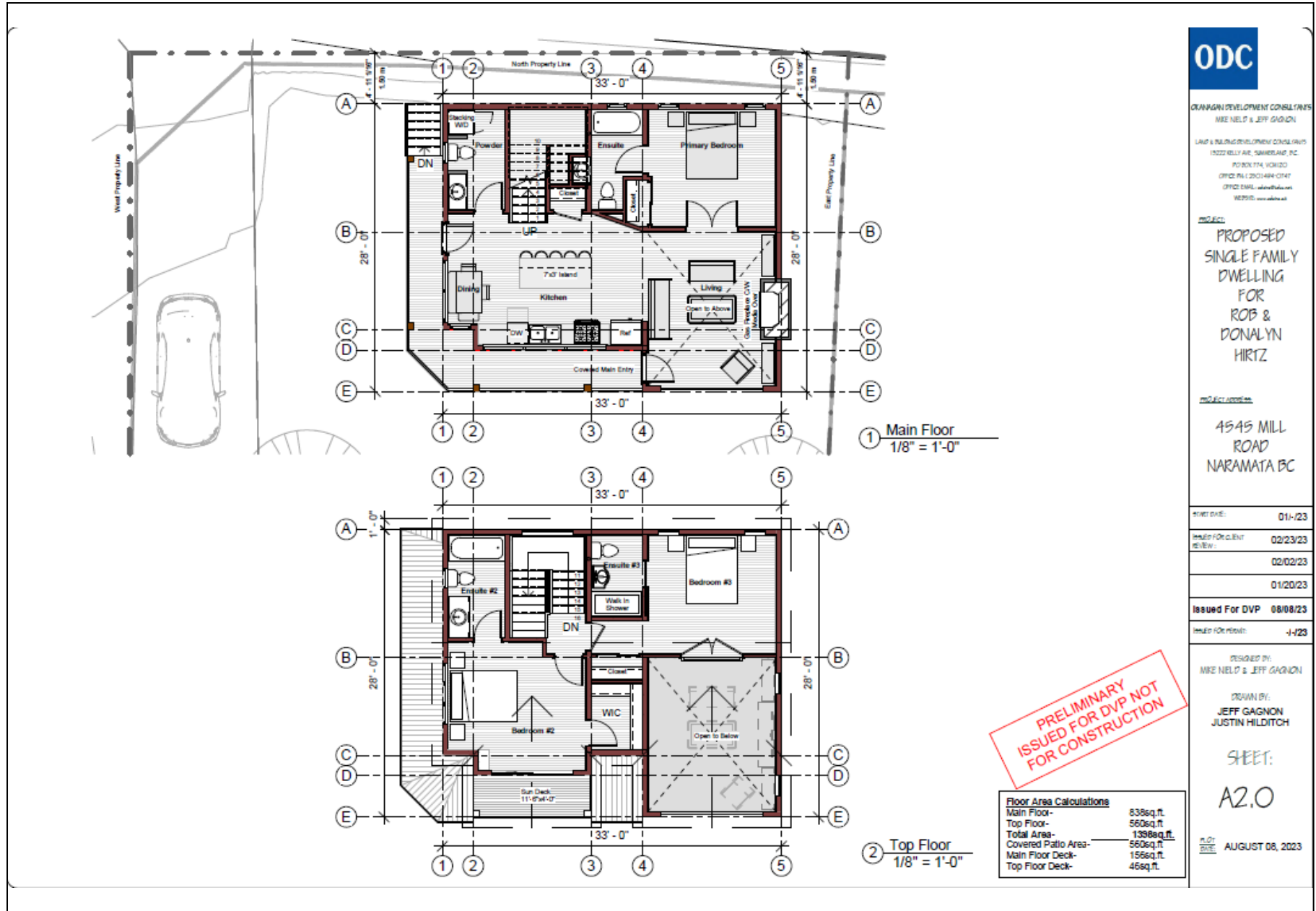
Attachment No. 1 – Context Maps



Attachment No. 3 – Site Plan



Attachment No. 4 – Floor Plan



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PROPOSED SINGLE FAMILY DWELLING FOR ROB & DONALYN HIRTZ

4545 MILL ROAD
NARAMATA BC

DATE DATE:	01-/23
ISSUED FOR O.C. REVIEW:	02/23/23
REVIEW:	02/02/23
	01/20/23
ISSUED FOR DVP:	08/08/23
ISSUED FOR REVIEW:	-J-23

DESIGNED BY:
MIKE NELP & JEFF GAGNON

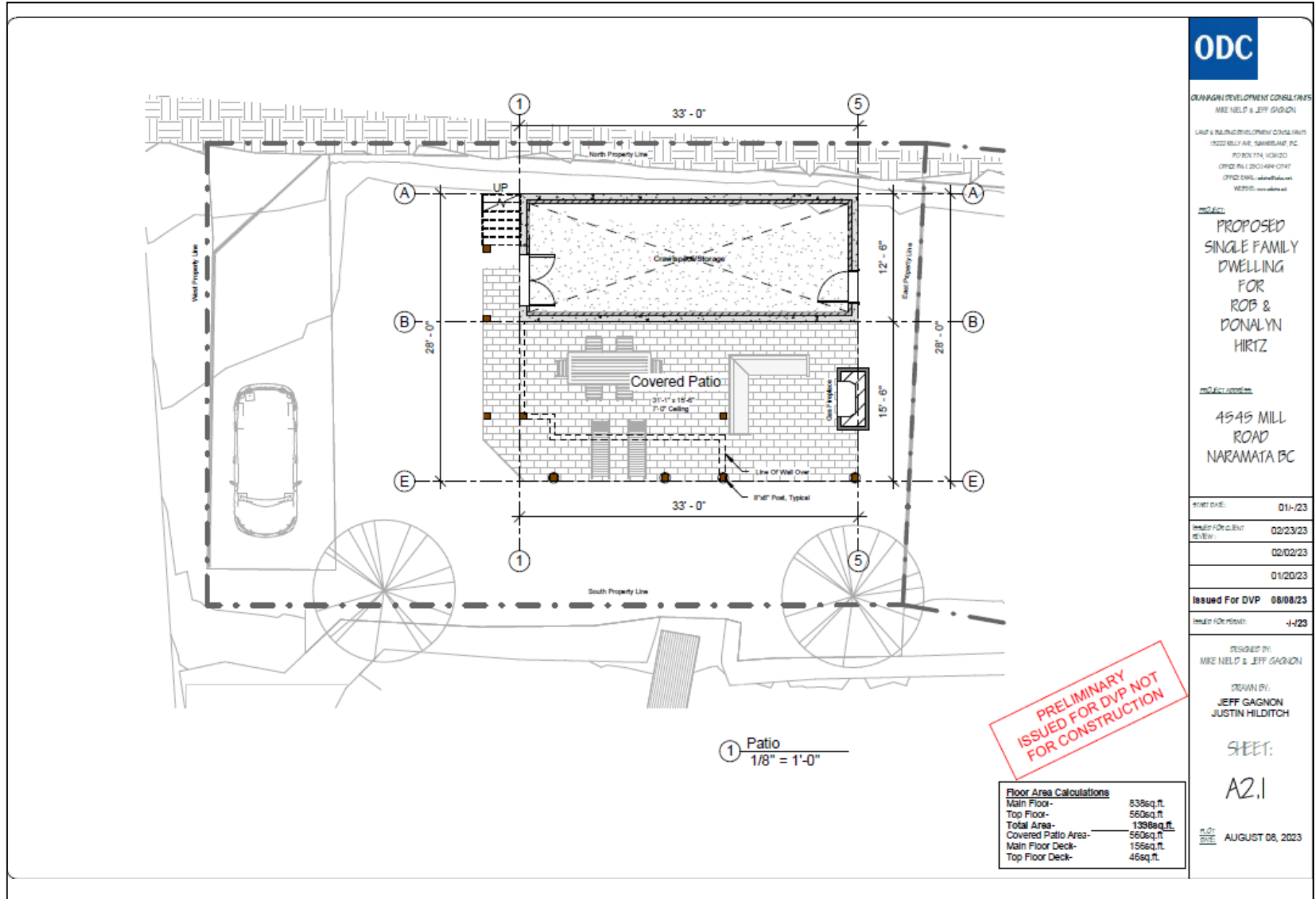
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JEFF GAGNON
JUSTIN HILDITCH

SHEET:
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AUGUST 08, 2023

**PRELIMINARY
ISSUED FOR DVP NOT
FOR CONSTRUCTION**

Attachment No. 5 – Site Plan



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**PROPOSED
 SINGLE FAMILY
 DWELLING
 FOR
 ROB &
 DONALYN
 HIRTZ**

4545 MILL
 ROAD
 NARAMATA B.C.

DATE:	01-/23
DESIGNED FOR CLIENT:	02/23/23
REVIEW:	02/02/23
	01/20/23
ISSUED FOR DVP:	08/08/23
REVISIONS:	-1-23

DESIGNED BY:
 MIKE NELLO & JEFF GAGNON
 DRAWN BY:
 JEFF GAGNON
 JUSTIN HILDITCH

SHEET:
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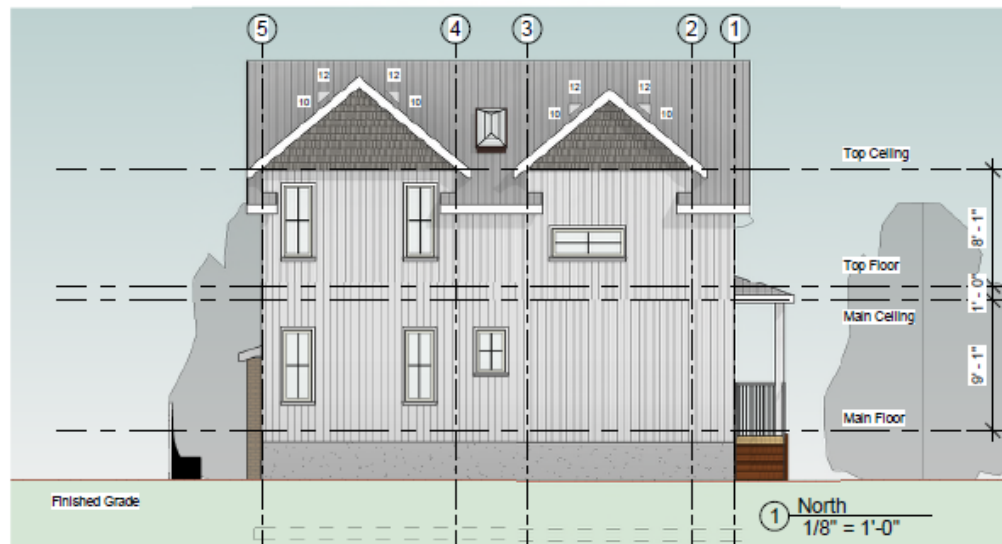
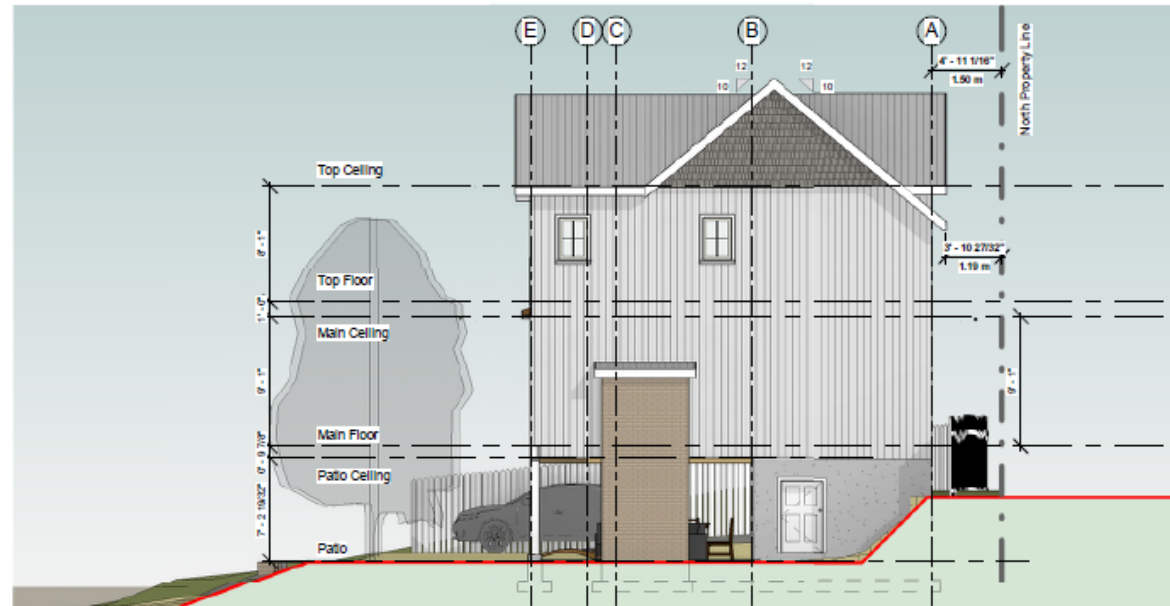
PLotted DATE: AUGUST 08, 2023

**PRELIMINARY
 ISSUED FOR DVP NOT
 FOR CONSTRUCTION**

1 Patio
 1/8" = 1'-0"

Floor Area Calculations	
Main Floor-	838sq.ft.
Top Floor-	560sq.ft.
Total Area-	1398sq.ft.
Covered Patio Area-	560sq.ft.
Main Floor Deck-	156sq.ft.
Top Floor Deck-	46sq.ft.

Attachment No. 6 – Elevations



② East
1/8" = 1'-0"

① North
1/8" = 1'-0"

Average Grade Calculation

North Wall Height	8.91m
East Wall Height	10.29m
South Wall Height	10.29m
West Wall Height	10.29m
Average Finished Grade	$10.29 \times 3 + 8.91 / 4 = 39.78$ = 9.94m (10m MAX)

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PROJECT:
PROPOSED SINGLE FAMILY DWELLING FOR ROB & DONALYN HIRTZ

PROJECT LOCATION:
4545 MILL ROAD
NARAMATA BC

REVISED: 01-1-23
ISSUED FOR REVIEW: 02/23/23
REVIEW: 02/02/23
01/20/23
Issued For DVP: 08/08/23
ISSUED FOR REVIEW: -J-23

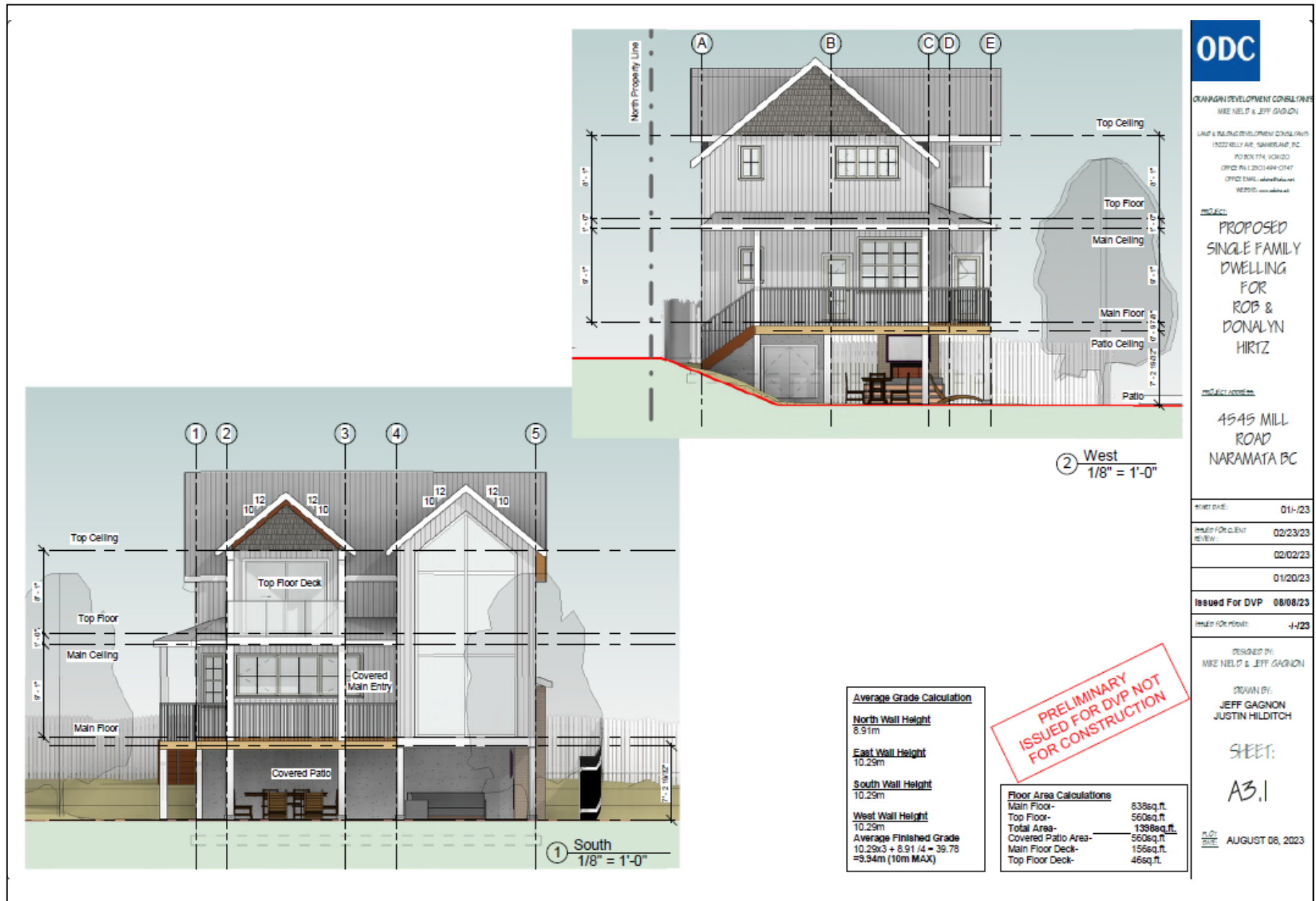
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JEFF GAGNON
JUSTIN HILDITCH

SHEET:
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DATE: AUGUST 08, 2023

Attachment No. 7 – Elevations



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PROPOSED SINGLE FAMILY DWELLING FOR ROB & DONALYN HIRTZ

4545 MILL ROAD
 NARAMATA BC

DATE: 01-/23
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 01/20/23
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 ISSUED FOR REVIEW: 1-23

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SHEET:
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DATE: AUGUST 08, 2023

Attachment No. 8 – Site Photo



Attachment No. 9 – Aerial Photo

