

ADMINISTRATIVE REPORT



TO: Board of Variance
FROM: J. Zaffino, Chief Administrative Officer
DATE: March 27, 2024
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*.

Legal: Lot A, Block 7, District Lot 210, SDYD, Plan EPP104165 Folio: E-00588.001

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

Variance Request: to increase maximum parcel coverage from 40% to 50.4%

Proposed Development:

The applicant is seeking approval to formalize and facilitate the completion of a portion of a single detached dwelling on the subject property.

Specifically, it is being proposed to increase the maximum parcel coverage that applies to the property from 40% to 50.4%.

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

The development of a single-family, multi-generational home is in keeping with an appropriate to the [Low Density Residential (RS2) Zone] guidelines. The exterior design and massing of the home compliments the neighbourhood and allows for afternoon sun penetration across the 136 Ritchie site to the East neighbor.

The constructed home does not adversely affect the natural environment as the building footprint parcel coverage of 39.3% is less than the 40% currently permitted. Every effort has been made to protect existing vegetation and offer animal habitat refuge through enhanced landscape planting. There are no riparian concerns on this property.

The 136 Ritchie property abuts a lane to the South, a small, undevelopable septic lot [to] the West and a single family home [to] the East. The constructed home does not substantially affect the use and enjoyment of adjacent land as the 136 Ritchie and the adjoining East property are separated by a new fence and an undevelopable 4.5m ‘buffer’ property between the adjacent lot and the 136 Ritchie property. The 136 Ritchie house, as constructed, is designed to create visual interest and not present a tall ‘blank box’ face to the East. Please note that the constructed house height conforms to the current RDOS zoning requirements.

The constructed house does not vary the permitted use or increase the density of the lot. The house contains three bedrooms, an aging-in-place room and a connected guest suite.

Site Context:

The subject property is approximately 590 m² in area and is situated on the south side of Ritchie Avenue. The property is currently being developed to a single detached dwelling, with a majority of the building having been constructed.

The surrounding pattern of development is generally characterised by similarly sized residential parcels.

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 the siting, size or dimensions of a building or other structure would cause the person hardship.

In this instance, the applicant is alleging that the requested variance would prevent the undue hardship of having to demolish the constructed [south] patio, cantilevers and entry roof.

In considering this appeal, the BoV may order that a minor variance be permitted to the requirements of the applicable bylaw. The BoV must be satisfied that it has heard the applicant and any notified person, that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and the proposed variance does 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 delivered to Board of Variance members and all owners and occupiers of neighbouring properties. Owners and occupiers 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 the Board of Variance Bylaw, the deliberations, and 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, if in attendance at the meeting.

Background:

It is unknown when the subject property was created; however, records appear to indicate that the current boundaries of the property are a result of a consolidation which occurred in 2020.

Available Regional District records indicate that a demolition permit was issued to demolish the former single detached dwelling (2022) and a building permit was issued to construct a new single detached dwelling (2022; Building Permit No. 23105).

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR), a policy for which “supports housing for a range of income levels, lifestyles and ages including rental housing and secondary suites where appropriate and feasible.”

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2), which permits “single detached dwelling” as a principal use and stipulates a maximum parcel coverage of 40%.

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

Previous Regional District Board Consideration:

At its meeting of February 17, 2022, the Regional District Board considered the applicant’s request to vary the rear parcel line setback from 7.5 metres to 3.0 metres, and increase the maximum parcel coverage from 35% to 39.3% and subsequently approved the Development Variance Permit application (RDOS File No. E2021.035-DVP).

NOTE: Upon the adoption of the Okanagan Valley Zoning Bylaw No. 2800, 2022, the maximum parcel coverage permitted within the RS2 Zone was increased to 40%.

Further, and in order to ensure compliance with recent changes to the *Local Government Act* in relation to provincial direction on Small-Scale Multi-Unit Housing (SSMUH) the Regional District is reviewing the zoning regulations applied to its low density residential zones. More specifically, and with regard to parcel coverage, it is currently proposed that the following regulation be considered by the Regional District Board:

Maximum Parcel Coverage:

- a) 50% for parcels less than 500 m² in area;
- b) 40% for parcels between 500 m² and 1,000 m² in area; and
- c) 35% for parcels greater than 1,000 m² in area.

Public Process:

Owners and occupiers of neighbouring properties will have received notification of this application in accordance with the requirements of the Regional District’s Board of Variance Bylaw No. 2494, 2009.

Analysis:

In considering this proposal, Administration notes that the purpose of establishing a maximum parcel coverage provision is to limit the proportion of any lot that can be built on in order to, amongst other things, provide outdoor space for residents, to protect the amenity and character of neighbourhoods and to leave more open space between buildings.

Allow a building or structure to exceed a permitted parcel coverage allowance can result in a built form that dominates a site, negatively impacting the visual aesthetics and scale of the neighborhood. This may lead to a lack of harmony with surrounding structures and a potential loss of an area’s character.

In this instance, it is recognized that the established built form on this particular section of Ritchie Avenue is generally comprised of “low-slung” dwellings (e.g. houses that have a low profile and a

horizontal orientation) that are generally single story and constructed many decades ago (i.e. before the creation of the Regional District in 1966) and do not reflect current zoning regulations (i.e. 10 metre height allowance).

It is recognized, however, that there are some properties beyond this block of Ritchie Avenue that have been developed to two-storey dwellings and that the character of the Naramata village area is one that is in transition and that the older dwelling stock is beginning to be replaced by new homes.

Moreover, recent provincial direction provided on Small-Scale Multi-Unit Housing (SSMUH) development is encouraging larger building envelopes be provided for dwelling units (i.e. greater height allowance and reduced setback and parking requirements, etc.) in order to allow for more housing units (i.e. secondary suites, duplexes, etc.) to be constructed on a single parcel.

In this context, the applicant's request is not seen to be unreasonable as it is understood that the design of the dwelling is intended to provide for multi-generational housing. Moreover, the requested variance is required in order to allow for the completion of a partially constructed covered patio and covered walkway at the rear of the property, and to account for cantilevered portions of the building and a covered entry way.

Administration notes that, with the exception of the inclusion of a chimney "bump-out", the overall building footprint has not deviated from the plans associated with previously issued DVP No. E2021.035-DVP.

In light of the comments above, Administration is recommending that the variance be approved.

Alternative:

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

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:

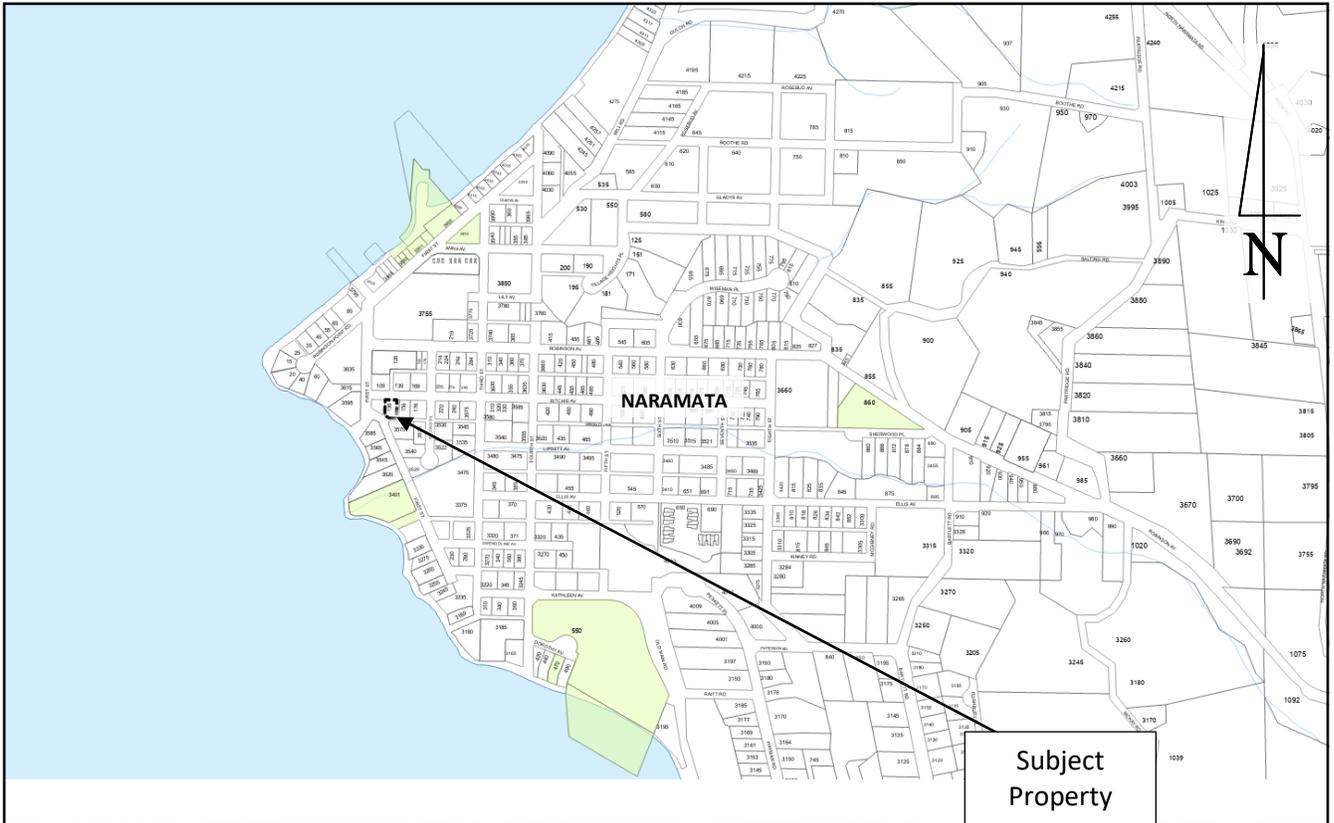


C. Garrish, Senior Manager of Planning

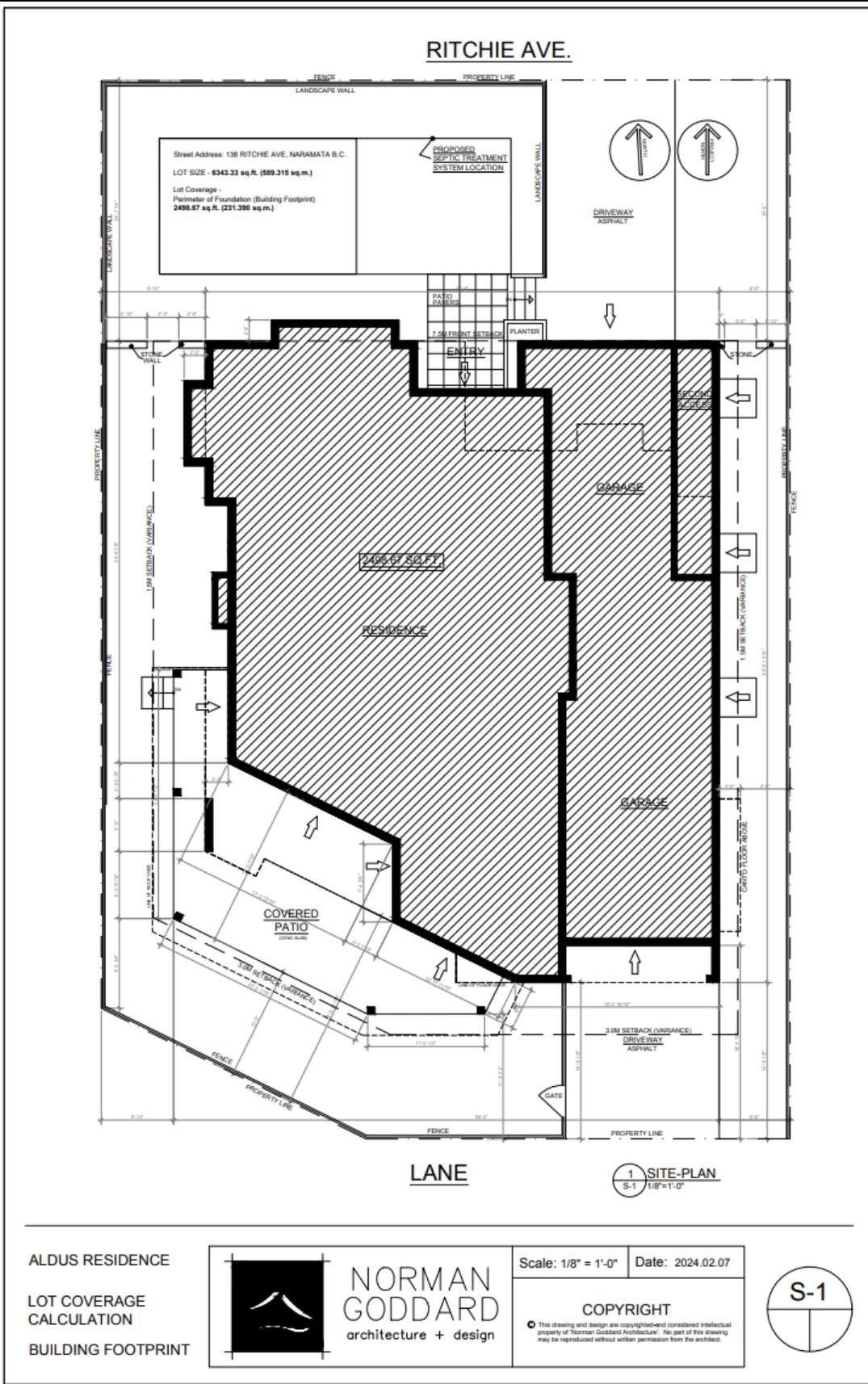
Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant's Survey Plan (Building Foundation)
- No. 3 – Applicant's Site Plan (Building Footprint)
- No. 4 – Applicant's Site Plan (Building Footprint, Covered Entry, Patio, & Walkway Areas, and Cantilevered Areas)
- No. 5 – Previous Site Plan for DVP No. E2021.035-DVP (2022)
- No. 6 – Aerial Photo (2023)
- No. 7 – Site Photo 1
- No. 8 – Site Photo 2
- No. 9 – Site Photo 3
- No. 10 – Site Photo 4

Attachment No. 1 – Context Maps



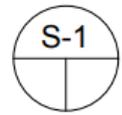
Attachment No. 3 – Applicant’s Site Plan (Building Footprint)



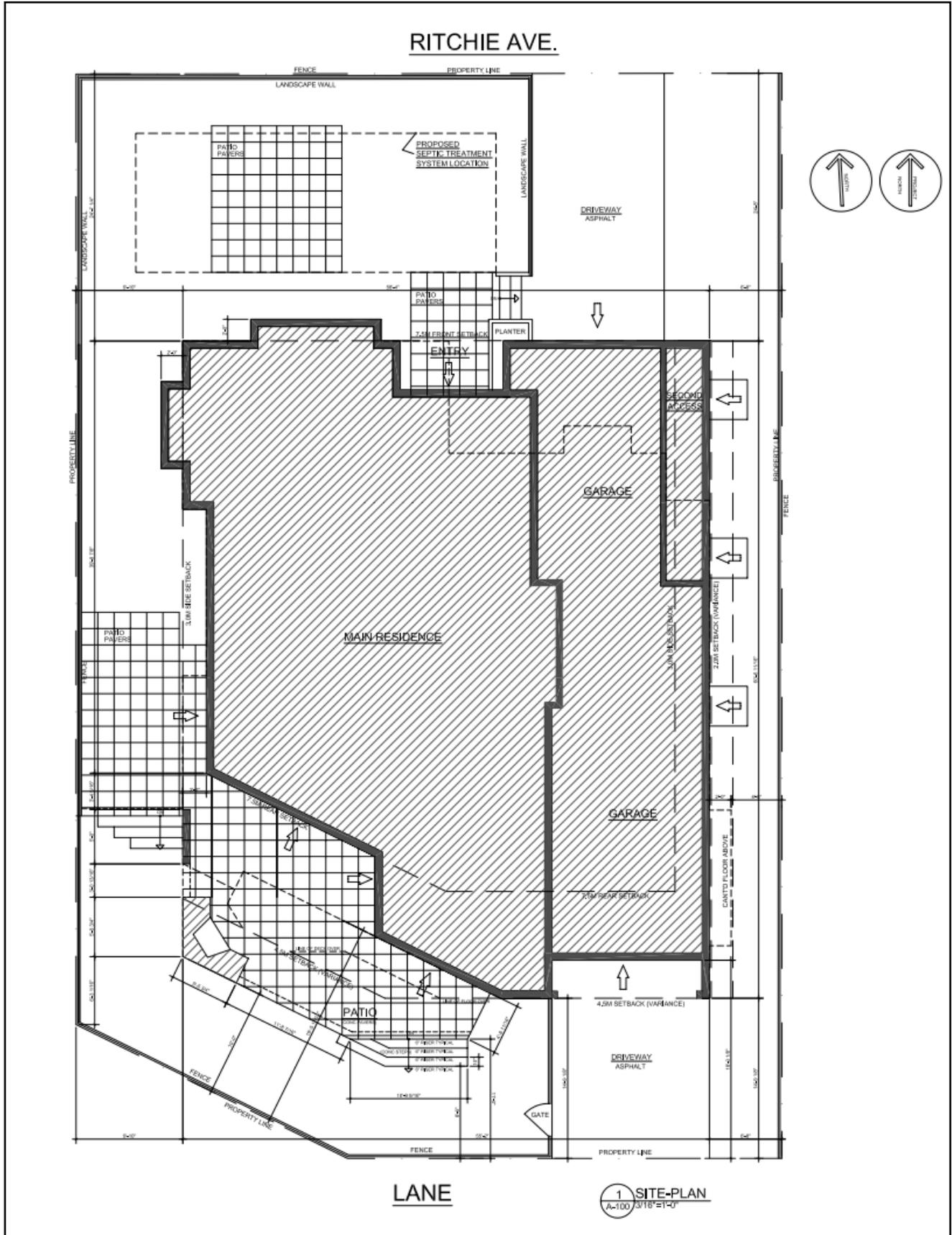
ALDUS RESIDENCE
 LOT COVERAGE
 CALCULATION
 BUILDING FOOTPRINT



Scale: 1/8" = 1'-0" Date: 2024.02.07
COPYRIGHT
 © This drawing and design are copyrighted and considered intellectual property of Norman Goddard Architecture. No part of this drawing may be reproduced without written permission from the architect.



Attachment No. 5 – Previous Site Plan for DVP No. E2021.035-DVP (2022)



Attachment No. 6 – Aerial Photo (2023)



Attachment No. 7 – Site Photo 1



Attachment No. 8 – Site Photo 2



Attachment No. 9 – Site Photo 3



Attachment No. 10 – Site Photo 4

