



Feedback Form

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: E2024.001-BOV

FROM: Name: Schalk van Heerden
(please print)

Street Address: _____

Date: March 15th, 2024

RE: Board of Variance Appeal
136 Ritchie Ave, Electoral Area "E"

My comments / concerns are:

- I do support the proposed variance at **136 Ritchie Ave.**
- I do not support the proposed variance at **136 Ritchie Ave.**

All written submissions will be considered by the Board of Variance

Six months ago the RDOS have been apprised of the variances observed at this property. Since then, the neighbours have attempted in vain to obtain confirmation that the issues will be investigated, and whether any actions will be taken to rectify. The noncommittal responses have been: *"The owners of 136 Ritchie have been working with Planning, Bylaw, and the CAO with regards to their home."*

The rationale for this BOV application, being based upon "undue hardship", has no merit at all. This unfortunate situation is totally self-inflicted. The owners and or their agent either have known, or ought to have known, the parcel coverage requirements. Ignorance of the law is no excuse.

The Board of Variance will receive written and verbal representations at the hearing. Feedback forms must be submitted prior to a decision being made by the Board. All representations will be made public.

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**Board of Variance Appeal : File # E2024.001-BOV
136 Ritchie Ave, Electoral Area “E**

There appears to be three possible remedies:

1) Permanently remove the offending structures

- a) Probably not an option to remain within the 39.3% DVP because the exterior horizontal area of the basic structure of the house is already 44%.

2) Obtain condonation of wrongdoing

- a) RDOS will set a clear precedent: notwithstanding the owners/agents having submitted false information or declarations (intentionally or not), once built any resulting non-conformance will simply be pardoned because of “hardship”?

3) Increase the parcel size

- a) Acquisition of adjacent lot. Neighbour’s house is for sale. Purchase this property, demolish the dwelling, and consolidate the two lots into one.
- b) Proposed septic treatment system location of approximately only 40 m² could be relocated and properly apportioned to the anticipated flow from such a large establishment

Furthermore, from documentation available on RDOS web pages, the following relevant extracts, observations, and comments:

<p>“In considering this appeal, the BoV may order that a minor variance be permitted to the requirements of the applicable bylaw.”</p>	<p>“minor” is not defined, but 44% increase of parcel coverage from the bylaw in place when Development Variance Permit was applied for, or 26% increase over current bylaw, does not appear to fall into the category of “minor”?</p>
<p>“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.”</p>	<p>The relevance hereof is questioned. Per definition: “Small-scale, multi-unit housing describes a range of buildings and housing units that can provide attainable housing for middle-income families.”</p>
<p>“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 neighbourhood. This may lead to a lack of harmony with surrounding structures and a potential loss of an area’s character.”</p>	<p>Precisely! If so expressly stated in the Administrative Report, then why allow this application? (Recent development of the new Area “E” OCP would resonate pretty well with this statement in the Administrative Report.)</p>
<p>“clerical and interpretation oversight”</p>	<p>Admission of professional negligence?</p>

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<p>"The zoning bylaw text description of parcel coverage did not mention inclusion of these items or reference supplemental information and the RDOS staff did not indicate that they would be included."</p>	<p>Admission of ignorance? <u>Electoral Area "E" Zoning Bylaw 2459, 2008</u> superseded with exactly same wording in <u>Okanagan Valley Zoning Bylaw No. 2800, 2022</u> "parcel coverage" means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area; Also, "<u>Parcel Coverage Illustration</u>" in Bylaw 2459 Figure 4.1, and Bylaw 2800 Figure 1, are identical, and quite explicit.</p>
<p>"The constructed house does not adversely affect the natural environment as the building footprint parcel coverage of 39.4% is less than the 40% currently permitted."</p>	<p>The exterior horizontal area of the basic structure of the house is already 44%.</p>
<p>"The constructed home does not substantially affect the use and enjoyment of adjacent land..."</p>	<p>The neighbours obviously don't agree? In fact, they have not agreed from the onset.</p>
<p>"The constructed home does not adversely affect the natural environment..."</p>	<p>All indications are that Naramata has a problem with contaminant concentrations at groundwater sampling locations. An effluent disposal field of only 40 m² for such high volumes and in relatively close proximity to the lake certainly warrants closer scrutiny than accepting a statement like this.</p>
<p>Site plans submitted with dimensions in Imperial units</p>	<p>Board of Variance Bylaw No. 2494, 2009 7 (e) Development Plans (drawn to scale, in metric)</p>
<p>South patio eaves discrepancy on drawings</p>	<p>Architectural Dwg. S-1 indicates this to be on the 3m setback line. Survey Plan shows "Limit of eaves" at 3.89m</p>

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<p>"...proposed variance does not... defeat the intent of the Bylaw"</p>	<p>When "<i>big brother</i>" is watching, the rules are absolutely rigorously applied.</p> <p>Otherwise, bylaws' intent is seemingly often very subjectively manipulated and declared as "minor" in nature, and approvals follow the way of least resistance? See example below.</p>
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TOPIC	E2023.002-ZONE	E2021.035-DVP E2024.001-BOV
Relevance	Accessory Dwelling	Secondary Suite(s)
Address	3205 Rushbury Pl	136 Ritchie Ave
Lot size	6,900 m ² (1.7 acre)	590 m ² (0.15 acre)
± Distance from lake	526 m	80 m
Parcel Coverage	13.9 %	52.4 % **
Bedrooms	(2) + (2) = 4	(3 + 1) + (1) = 5
Kitchens	(1) + (1) = 2	(1) + (1) = 2
Bathrooms	(2½) + (1) = 3½	(3 + 1) + (1) = 5
Toilets	(3) + (1) = 4	(3 + 2) + (1) = 6
Alternative location for effluent ground discharge (septic field)	Two?	Probably zero?!
Status	DENIED	APPROVED?

** most pessimistic view, calculations subject to interpretation & validation

Shannon Duong

Subject: Feedback: E2024.001-BOV : 136 Ritchie

From:
> Gwen & David Rikkinen
> Owners
>
> I DO NOT support the proposed variance at 136 Ritchie.
>
> Comments:
> I did not support the original variance request of 36% to 39% and now we are far beyond that at 36% to 50+%.
> As per the architect rationale letter from Mr.Goddard, the 'discrepancy was due to a clerical and interpretation oversight'.
>
> Is anyone at the RDOS going to confirm that this new variance application is actually 50%? Or is it 60%? Or some other number!
> I feel the RDOS has not done its due diligence up to this point.
>
> Mr.Goddard also mentions in his letter a new fence and enhanced landscaping.
> A new fence and enhanced landscaping DO NOT exist.
> The 'buffer property' he references is owned by me and is not to be used for consideration for the advantage of 136 Ritchie.
> The afternoon sun is also now limited to my property.
> I tried to sell my home last year and received multiple references to 'the monstrosity next door' as a deal breaker.
> I have had numerous residents knock on my door asking how this build was allowed in the first place.
>
> This is setting a precedence of 'build what you want and ask for approval later' and Naramata is becoming a free for all.
>
> Gwen & David Rikkinen
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