

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: August 19, 2021
RE: Development Variance Permit Application — Electoral Area “F”

Administrative Recommendation:

THAT the Board of Directors deny Development Variance Permit No. F2021.026-DVP

Purpose: To construct an over height garage in the front parcel line setback.

Civic: 1135 Jonathon Drive Legal: Lot C, Plan KAP43732, District Lot 5145, ODYD

Folio: F-07465.120 Zone: West Bench Small Holdings (SH6)

Variance To vary the front parcel line setback from 9.0 metres to 3.37 metres; and

Requests: to vary the maximum height for an accessory structure (garage) from 4.5 metres to 7.26 metres.

Proposed Development:

This application is seeking a number variances in order to facilitate the construction of a garage that can accommodate a lifted roof handicap vehicle.

Specifically, it is being proposed to vary the following zoning regulations for an accessory building or structure:

- reduce the minimum front parcel line setback from 9.0 metres to 3.37 metres; and
- increase the maximum height from 4.5 metres to 7.26 metres.

In support of this request, the applicant has stated that “ the requested variance will only minimally be outside of bylaw requirements as it is a garage addition that will match the look of the house.”

They have further advised that the proposed garage is to accommodate a lifted roof handicap vehicle so that it does not have to be stored outside in the winter for wheelchair access as the applicants have indicated that the vehicle would not fit in a standard height garage.

Site Context:

The subject property is situated in a cul-de-sac at the end of Jonathon Drive and is approximately 2089 m². The property currently contains a single family dwelling with an attached garage

Surrounding land uses are predominantly Penticton Indian Band land to the North and West and Administration and Open Space and West Bench Small Holdings properties to the East and South.

Background:

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on September 26, 1990. Available Regional District records indicate

that building permits have previously been issued for a single family dwelling (1991), a house addition (n.d.) and a garage addition (2002).

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790,2018, the property is Small Holdings (SH), and is subject to a Watercourse Development Permit (WDP) Area. A RAPR exemption letter signed and sealed by Karen Grainger, RPBio was provided which states that “there is no watercourse or riparian feature 'upstream' of West Bench Drive or within 30m of 1135 Jonathon Drive.”

Under the Electoral Area “F” Zoning Bylaw No. 2781, 2017, the property is zoned West Bench Small Holdings (SH6), which lists accessory buildings and structures as a permitted accessory use.

BC Assessment has classified the property as Residential (Class O1), and does not possess a geotechnical hazard rating as it is outside the study area of the Klohn Leonoff Report.

At its meeting on July 8, 2021, The Regional District Board resolved to defer the application to the Electoral Area “F” Advisory Planning Commission (APC).

Public Process:

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

At its meeting of July 26, 2021, the Electoral Area “F” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

Setbacks

The purpose of minimum setbacks as set out in the Zoning Bylaw, is to provide a physical separation between the road and a building to manage traffic and pedestrian safety, maintain an attractive streetscape, mitigate overshadowing or loss of privacy of neighbouring properties, encourage open and landscaped areas along roadways, and contain development impacts on the property.

Further, 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.

Additionally, allowing for the development of accessory structures within a front setback is considered to represent poor streetscape design and is generally not representative of other development found on Jonathon Drive.

In this instance, Administration notes that there are no other accessory structures sited within the front setback on this cul-de-sac. Similarly, there are also no over-height as significantly as the one proposed.

The proposed garage will adversely impact the streetscape of this neighbourhood and, given its height (discussed below), may impact the views of adjacent properties.

Building Height

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.

The intent of the lesser height allowance for accessory structures is to ensure they remain subordinate to the principle residential (dwelling) use and don't become used for other, un-related purposes not permitted by zoning (i.e. home industry).

In this instance, Administration notes that the requested height variance represents a significant increase of more than 60% over what is currently permitted (i.e. 7.26 metres vs. 4.5 metres) and its close proximity to Jonathan Drive will make it a prominent feature on the property and the streetscape.

Administration is aware that the outdoor storage of over-sized vehicles is a concern in the West Bench, the development of over-sized accessory structures is an equally important concern that was expressed during the public consultation undertaken in support of the new Official Community Plan Bylaw.

There is also a concern that large accessory buildings, like the one proposed, may be converted to an accessory dwelling or for living/sleeping facilities (bedroom) in the future or for a home industry use, both of which are not permitted in the SH6 Zone.

For these reasons outlined above, Administration does not support the requested variances

Alternative:

1. That the Board approve Development Variance Permit No. F2021.026-DVP.

Respectfully submitted

Fiona Titley

Fiona Titley, Planner I

Endorsed by:

CG

C. Garrish, Planning Manager

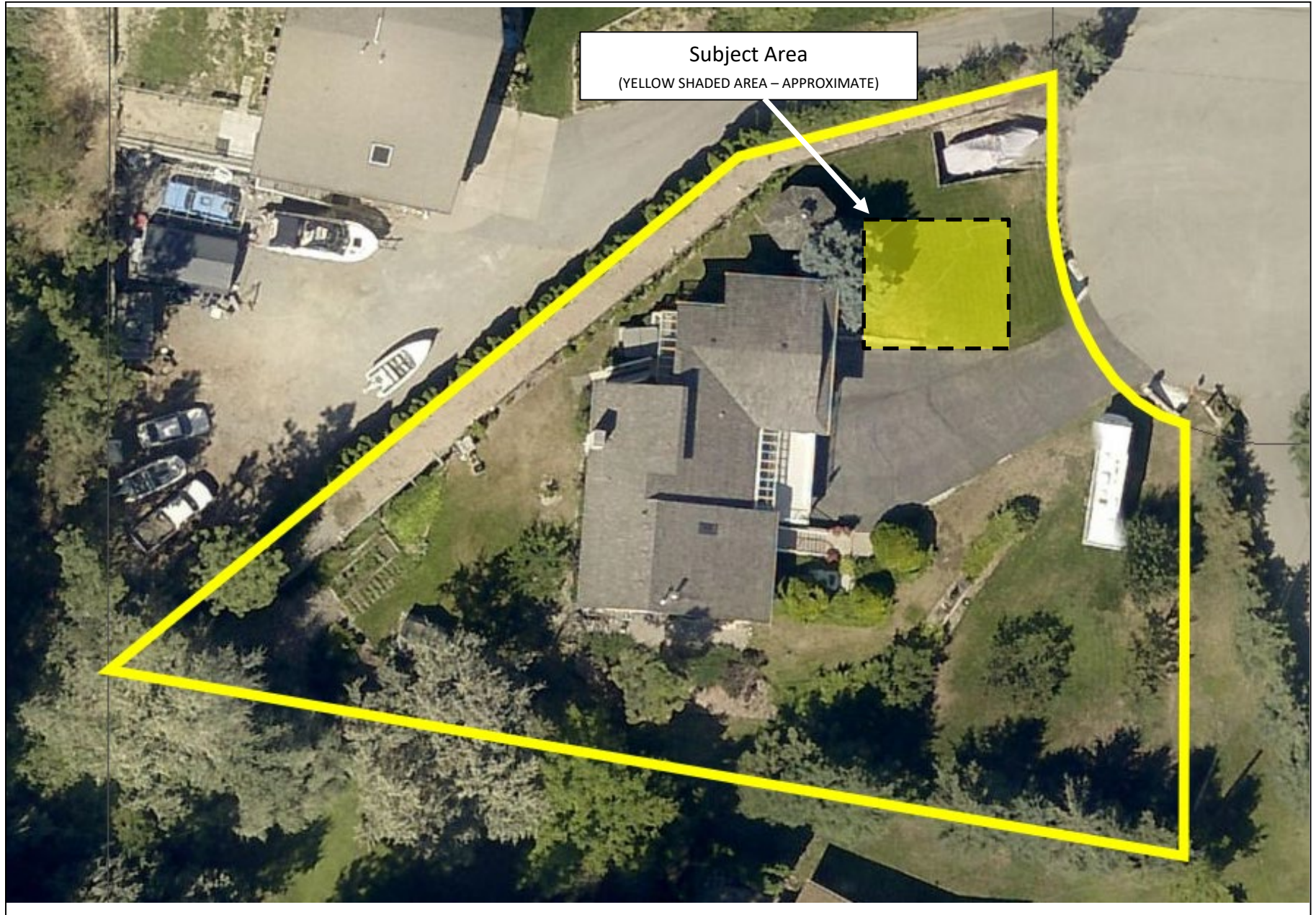
Attachments: No. 1 – Site Photo (Google Streetview)

No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Aerial Photo



Subject Area
(YELLOW SHADED AREA – APPROXIMATE)