

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** December 16, 2021  
**RE:** Development Variance Permit Application — Electoral Area “H” (H2021.052-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. H2021.052-DVP, to allow for the construction of an accessory structure at 2620 Nicola Avenue, Tulameen, be denied.**

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Legal: Parcel A (KJ30021), Block 17, District Lot 128, YDYD

Folio: H-00442.500

OCP: Low Density Residential (LR)

Zone: Residential Single Family One (RS1)

Variance to reduce the minimum front parcel line setback from 7.5 metres to 3.04 metres; and

Requests: to increase the maximum height for an accessory building from 4.5 m to 6.76 m.

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## Proposed Development:

This application is seeking a variance to the front parcel line setback from 7.5 metres to 3.04 metres and maximum building height for an accessory building from 4.5 metres to 6.76 metres to construct a garage.

In support of this request, the applicant has stated that the requested variances would allow the property owners “to keep the esthetics of the buildings cohesive to the property” and that the “garage roof height is required in order to match the house design”. The applicant also noted that “...reducing the road setback...allows for a buffer to the septic field”.

## Site Context:

The property is 924 m<sup>2</sup> in area and is situated on the east side of Nicola Ave, and north side of Fourth St. It contains a single detached dwelling and detached garage. The surrounding pattern of development is characterised by similar residential development.

## Background:

It is unknown when the current boundaries of the subject property were created . Available Regional District records indicate that building permits were issued for a single family dwelling (1995), garage (2000) and the placement, extension, and covering of decks of the single family dwelling (2014).

Under the Area “H” Official Community Plan the subject property is currently designated Low Density Residential (LR). Zoning is Residential Single Family One (RS1) which permits accessory buildings and structures, subject to Section 7.12.

The property has been the subject of a Stop Work Notice for the construction of a separate accessory building (vehicle shelter) without the issuance of a valid building permit sited at the Fourth Street

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frontage and in the exterior side parcel line setback. A Notice was placed on the Certificate of Title of the subject property in 2020. BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on December 9<sup>th</sup>, 2021. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

The proposed garage would be sited in approximately the same location as the existing garage to be demolished although it would be approximately 71.7 m<sup>2</sup> larger than the existing garage.

An existing garden shed would also be removed from the property in order to facilitate the construction of the proposed garage.

Setback Variance

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy, prevent the appearance of overcrowding, allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

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

Development of the property has been oriented towards Fourth Street with the frontage to Nicola Avenue considered the secondary road access, despite the zoning bylaw classifying it as the principal frontage.

Development along Nicola Avenue is varied and it is not uncommon to find both principal and accessory structures having been constructed closer than 7.5 metres to the street.

An un-made laneway also exists between the subject property and the adjacent property to the north, which would be most likely to be impacted by the reduced setback.

In this context, the applicant’s request to vary the front setback is not seen to be unreasonable.

Conversely, other options are seen to be available to the applicant such as re-designing the proposed structure so that it does not intrude into the setback.

There is seen to be sufficient land area available on the property to accommodate such a redesign, but this may result in a loss of amenity at the existing dwelling due to loss of views to Nicola Avenue and possible shadowing.

Height Variance

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.

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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 or another dwelling) an excessive height can have adverse impacts.

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.

The requested variance represents an 50% increase in what is allowed in the RS1 Zone and such an increase appears to be generally without precedent within the surrounding neighbourhood. Such an increase in height will allow for the construction of a building that reproduces the form of the principle dwelling.

The request for a reduced setback may have a negative impact on the streetscape and create an appearance of over-development on the subject property.

Other options are available to the applicant such as redesigning the structure to comply with the existing 4.5 metre height regulation and expand the floor area on the ground level of the building to make-up the desired floor area (NOTE: this may require a variance to parcel coverage).

**Alternatives:**

1. THAT Development Variance Permit No. H2021.052-DVP, to allow for the construction of an accessory structure at 2620 Nicola Avenue, Tulameen, be approved.

**Respectfully submitted**



Shannon Duong, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo from Nicola Ave (2021)

No. 2 – Site Photo from Fourth St (2021)

Attachment No. 1 – Site Photo from Nicola Ave (2021)



Vehicle Shelter that is the subject of the 2020 Notice on title

Existing Garage to be Demolished

Attachment No. 2 – Site Photo from Fourth Street (2021)



Existing Garage to be Demolished

Wood Shed to be Removed