

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 2, 2022
RE: Development Variance Permit Application — Electoral Area “H” (H2022.015-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. H2022.015-DVP to increase the maximum height for an accessory building from 4.5 metres to 8.35 metres to allow for the construction of a garage at 2670 Nicola Avenue in Tulameen, be denied.

Legal: Lot 1, Plan EPP74990, District Lot 128, YDYD Folio: H-00553.030

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Proposed Development:

In support of this request, the applicant has stated that “the garage is not higher than the house, and the property is treed so it will not affect neighbouring properties.”

Site Context:

The subject property is 1,389 m² in area and is situated on the west side of Nicola Avenue, approximately 60 metres south of Otter Lake. The property contains a single detached dwelling.

The surrounding pattern of development is characterised by parks and recreation land and Otter Lake to the north, similar residential development to the east and west and a tourist commercial zoned property to the south.

Background:

It is unclear when the subject property was created by a Plan of Subdivision. Available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated part Parks (P) and part Low Density Residential (LR).

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned part Parks and Recreation (PR) and part Residential Single Family One (RS1) which permits one single detached dwelling and accessory buildings and structures. 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 May 26, 2022. All comments received are included as a separate item on the Board’s Agenda.

File No: H2022.015-DVP

Analysis:

The regulation of building height through the Zoning Bylaw is generally 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 an excessive height can have an impact upon established streetscape characteristics. It can also be used to ensure that accessory structures remain subordinate to the principle use (e.g. residential) and don't become used for other, un-related purposes not permitted by zoning.

When assessing variance request to a building height regulation, 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 plans presented with the variance application may lead one to believe that the intended use of the 2nd storey is a residence. While the application reads garage/quilting studio/storage that may be because the development of an "accessory dwelling" use (i.e. "carriage house") within the proposed structure, is not permitted in the RS1 zoning that applies to the property and is contrary to the requirement that accessory dwellings on parcels less than 1.0 ha in area be connected to a community sewer system (NOTE: there is no community sewer system in Tulameen).

In addition, the proposed increase in height is substantial — from 8.35 metres vs. 4.5 metres which is an increase of 84% — and is not representative of development fronting Nicola Avenue.

Other options are also seen to be available to the property owner, such as building an extension to the existing dwelling unit in order to create the additional floor space they are seeking, and without the need for a height variance as a principal structure in the RS1 Zone can be up to 10.0 metres in height.

Conversely, it is recognised that existing vegetation found on the property may help to mitigate the visual impact on adjacent properties from the increased height of the accessory structure. Further, the location of the old septic tank and field and proposed new septic tank and field somewhat constrain the useable area for development on the property.

Alternative:

- .1 That Development Variance Permit No. H2021.015-DVP be approved.

Respectfully submitted



Fiona Titley, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo

Attachment No. 1 – Site Photo

