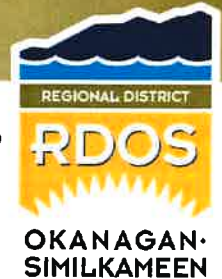


MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



DATE: August 12, 2022

FILE NO.: H2022.028-DVP

TO: Christopher Garrish, Planning Manager

FROM: Shannon Duong, Planner II

RE: Development Variance Permit (DVP) — Electoral Area “H”

Administrative Recommendation:

THAT Development Variance Permit No. H2022.028-DVP, to allow for the construction of an accessory building at 2800 Coalmont Road, be approved.

Owner: Todd & Sherryl Farina

Agent: Todd Farina

Folio: H-00649.075

Civic: 2800 Coalmont Rd

Legal: Lot 3, District Lot 104, YDYG, Plan KAP63676

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to facilitate the construction of a detached garage.

Specifically, it is being proposed to reduce the interior side parcel line setback from 4.5 metres to 1.5 metres.

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

- *the proposed variance will allow for [the] construction of an ancillary building on the flat portion of the lot while avoiding interfering with the current property use, the existing covenant, easements, right of way, and avoiding construction on the hillside slope;*
- *due to the site grading to the east of the property the ancillary building cannot be built to the east and the covenant area KAP63677 to the west does not allow for building west of the proposed location. The existing residence to the north limits the ability to build to the north.*

Site Context:

The subject property is approximately 0.42 ha in area and is situated on the west side of Coalmont Road, approximately 19 km from the boundary of the Town of Princeton. The property is understood to contain a single detached dwelling.

The surrounding pattern of development is generally characterised by similar rural residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 22, 1999, while available Regional District records indicate that a building permit was issued for a single detached dwelling (2002).

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Small Holdings (SH).

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Small Holdings Four (SH4) which permits “accessory buildings and structures, subject to Section 7.12”.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the Tulameen River.

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

Under Section 3.49 of the Regional District’s *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, “the CAO or his designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act* ...”

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on July 4, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of July 22, 2022, being 15 working days from the date of notification, one representation had been received electronically or by submission at the Regional District office.

Delegated Authority:

Under Section 498.1(2) of the *Local Government Act*, a local government that has delegated authority to an officer or employee to issue a development variance permit (DVP) must include “criteria for determining whether a proposed variance is minor.”

Under Section 3.49 of the Regional District’s Chief Administrative Officer Delegation Bylaw No. 2793, 2018, staff are to consider if the variance would be “minor and would have no significant negative impact on the use of immediately adjacent or nearby properties” through the use of the following criteria:

1. *degree or scope of the variance relative to the regulation from which a variance is sought;*
2. *proximity of the building or structure to neighbouring properties; and*
3. *character of development in the vicinity of the subject property.*

With regard to the degree of the requested variance it is considered that an approximately 67% reduction in a setback is fairly large; however, it is noted that the reduction would be to an interior side parcel line setback on a rural residential property which would likely not have a substantial impact on the use of the southerly adjacent property and is therefore considered to be minor.

With regard to the proximity of the proposed detached garage to neighbouring properties, the nearest parcel lines is approximately is 1.5 metres to the south. As previously noted, the requested variance is seen minor and unlikely to adversely impact the use of adjacent properties through loss of privacy or overshadowing.

With regard to the final criteria and the character of development in the vicinity of the subject property, it is noted that properties within the general vicinity are developed for rural residential

purposes, which commonly includes development of properties to a single detached dwelling and associated accessory buildings (e.g., detached garages, shops, sheds etc.). In this regard, the proposed development is generally in keeping with the rural residential character of the surrounding area.

For these reasons, the proposed variance(s) is deemed to be minor, and consideration by staff of whether to issue a development variance permit (DVP) under delegation may proceed.

Analysis:

When considering a “minor” variance request, and in accordance with Section 498.1(2) of the *Local Government Act*, the Regional District Board requires that staff consider the following guidelines when deciding whether to issue a DVP:

1. *is the proposed variance consistent with the general purpose and intent of the zone;*
2. *is the proposed variance addressing a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.);*
3. *is strict compliance with the zoning regulation unreasonable or un-necessary; and*
4. *Would the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood.*

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

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.

In this instance, the property owner is proposing the construction of a detached garage within an interior side parcel line setback. The proposed variance is not seen to impact privacy and traffic sightlines, nor would it create the appearance of overcrowding.

The applicant has submitted that site grading, a restrictive covenant, and an existing residence on the property limit the buildable area on the subject property. In this regard, it is noted that the variance does address both physical and legal constraints associated with the site.

In this instance, strict compliance with the setback provisions are not unreasonable; however, considering the relatively large parcel sizes in the general vicinity.

Lastly, the proposed variance would not have an impact on the character of the streetscape or surrounding neighbourhood considering that the proposed detached garage would be sited towards the rear of the property.

Conversely, it is recognised that the Zoning Bylaw is clear in its regulation that the interior side parcel line setback should be 4.5 metres and that the property owners may have the option to construct the garage as an attached addition to the existing single detached dwelling.

For these reasons, it is recommended that the requested variances be approved.

Respectfully submitted:



Shannon Duong, Planner II

Attachments: No. 1 — Context Maps

Attachment No. 1 – Context Maps

