

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 3, 2024
RE: Development Variance Permit Application — Electoral Area “H” (H2024.0028-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. H2024.028-DVP, for one single detached dwelling, one greenhouse and four accessory building at 1245 Baker Hill Road, be approved.

Legal: District Lot 1192, KDYD Folio: H-00916.000

OCP: Agriculture (AG) Zone: Agriculture Three (SH3)

Variance to reduce the minimum exterior side parcel line setback from 7.5 metres to 1.5 metres; and
Requests: to reduce the minimum exterior side parcel line setback from 15.0 metres to 1.05 metres.

Proposed Development:

This application is seeking a variance to the exterior side parcel line setback that applies to the subject property in order to undertake a two lot subdivision.

Specifically, it is being proposed to Vary the minimum exterior side parcel line setback for a buildings and structures on parcels 2,500 m² or greater from 7.5 metres to 1.5 metres and to vary the minimum exterior side parcel line setback for live stock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses, and cannabis production indoor from 15.0 metres to 1.05 metres.

In support of this request, the applicant has stated that “The Ministry of Transportation requested a significant dedication of Baker Hill Road, which runs very close to the structures on proposed Lot 2. We were able to design the road dedication in such a way as to keep the structures themselves from encroaching into the road, but it was not possible to dedicate the road in the travelled location and maintain the zoning setbacks.”

Site Context:

The subject property is approximately 129.4 ha in area and is situated on the south side of Baker Hill Road, which continues through the property, approximately 7 km northeast from the boundary with Town of Princeton. The property is understood to contain one (1) singled detached dwelling, one (1) accessory dwelling, one (1) greenhouse, and approximately four (4) accessory buildings.

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

Background:

Available Regional District records do not include information of a Plan of Subdivision for the current boundaries of the subject property. Available Regional District records do indicate that building

permits for an accessory dwelling (2013) and an addition to the single detached dwelling (1989) have 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 Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Electoral Area “H” Zoning Bylaw No. 3065, 2024, the property is currently zoned Agriculture Three (AG3) which allows for a minimum parcel size of 20.0 ha.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Hayes Creek and future development may be required to meet floodplain regulations.

The property is within the Agricultural Land Reserve (ALR). The property was recently the subject of Agricultural Land Commission (ALC) Application 70258 related to the proposed subdivision. The application resulted in Resolution #440/2024 in which the ALC approved the proposal to adjust the boundary between Property 1 and Property 2 to create one ~ 104 ha lot and one ~ 48 ha parcel, as well as dedicate a portion of Baker Hill Road, subject to conditions.

BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

On October 21, 2022, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 2 lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

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 September 16, 2024. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that 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 the agricultural zones, setbacks are further used to mitigate the potential for conflict between land uses with the Ministry of Agriculture recommending that setbacks be used to “avoid farming right up to the back wall of [a] residence.”

The variance is consistent with the Agriculture Three (AG3) zoning of the property, as it relates both the agricultural use, in the form of a greenhouse, sheds, and barns, and single detached dwelling use of the property, both of which are permitted principal uses.

A road dedication is required by the Ministry of Transportation and Infrastructure (MoTI) in order to facilitate the proposed two lot subdivision, which has prompted the variance request. Administration recognizes that the existence of the structures and the road dedication do create a legal and physical constraint which the proposed variances would address.

Because the structures are existing, there is no alternative option to site the structures outside of the proposed setback.

The property is surrounded by other large rural residential properties and the nearest neighbouring property is over 100 metres from the existing structures. The proposed variances are along the parcel line created by the road dedication, which only runs through the subject property. Therefore, the proposed variance is unlikely to negatively affect any nearby neighbours.

While MoTI was unable to provide approval, as the road is not yet dedicated, an email was provided stating that MoTI would be supportive of a potential setback request.

Alternative:

Conversely, Administration recognises that structures built in the exterior parcel line setback could affect sightlines for vehicles.

Summary:

For these reasons, Administration supports the requested variances and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variances have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternatives:

1. That Development Variance Permit No. H2024.028-DVP be denied.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

Endorsed by:



C. Garrish, Senior Manager of Planning

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

Attachment No. 1 – Site Photo (Google Earth)

