

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 06, 2022  
**RE:** Development Variance Permit Application — Electoral Area “I” (I2022.036-DVP)

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. I2022.036-DVP, to allow for the construction of an accessory dwelling at 380 White Lake Road, be approved.**

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Legal: 380 White Lake Road Folio: I-06582.050  
OCP: Small Holdings (SH) Zone: Small Holdings Three (SH3)  
Variance Request: to reduce the minimum interior side parcel line setback from 4.5m to 1.07m.

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## **Proposed Development:**

This application is seeking a variance to the interior side parcel line setback from 4.5 metres to 1.07 metres in order to undertake the construction of an accessory dwelling.

The applicant has stated that “I am requesting a variance to allow for construction of an accessory dwelling and avoid the constraint of a low area wetland on the north side of the building site. By moving the location of the building from 4.5 metres to 1.5 metres of the property line on the south side, we are able to avoid this wetland area. This variance would have minimal impact to others in the area as there is only a driveway on that side of the property then forested Crown Land for approximately 1 kilometre”.

## **Site Context:**

The subject property is approximately 1.06 ha in area and is situated on the west side of White Lake Road, approximately 1.16 km southwest of the boundary of the City of Penticton. The property is understood to contain one (1) singled detached dwelling and a detached garage.

The surrounding pattern of development is generally characterised by similar rural residential development and lands within the Agricultural Land Reserve to the east and south.

## **Background:**

The property was created on April 9, 1997, while available Regional District records indicate that a building permit was issued for a single detached dwelling and detached garage (2003).

The property is designated Small Holdings (SH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation. An ESDP was issued for the construction of a garage and the placement of a modular home on December 20, 2021, which requires the substantial commencement of construction within two years.

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The property is currently zoned Small Holdings Three (SH3) which permits “accessory dwelling, subject to Section 7.2”. BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

Adjacent residents and property owners were notified of this DVP application on August 10th, 2022 and again on August 25th, 2022 following an update to the proposed variance, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As part of the application process, Administration requested comments from the Kaleden Volunteer Fire Department (KVFD) in regards to the proposal, with their response as follows:

*My only concern is [the proposed accessory dwelling] being so tight to the back with only 3’6” to the property line. We cant even set up a ladder properly to get to the roof from that side which could be a concern if there was a chimney fire ...*

**Analysis:**

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.

The subject property is located within a rural residential neighbourhood, where property owners often enjoy the benefits of relatively large parcel sizes which may provide for larger physical distances between neighbouring land uses. While the application requests a 76.2% reduction to the interior side setback, negative impacts of the proposed variance may be mitigated by the rural residential nature of the surrounding neighbourhood.

The proposed siting of the accessory dwelling would be located along a panhandle driveway access to the southerly parcel and as such, is unlikely to adversely impact the use of the adjacent property through loss of privacy or overshadowing.

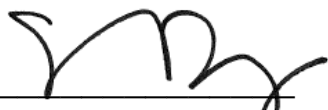
The variance would allow for the siting of a chimney within 1.07 metres of the interior side parcel line. There is existing fencing on the southerly adjacent property which runs parallel to the interior side parcel line of interest; however, the fencing appears to be setback from the property line.

A 1.5 metre setback is applied within residential neighbourhoods and has not previously been identified as an impediment to fire fighting practices.

**Alternative:**

That the Board deny Development Variance Permit No. I2022.036-DVP.

**Respectfully submitted**



Shannon Duong, Planner II

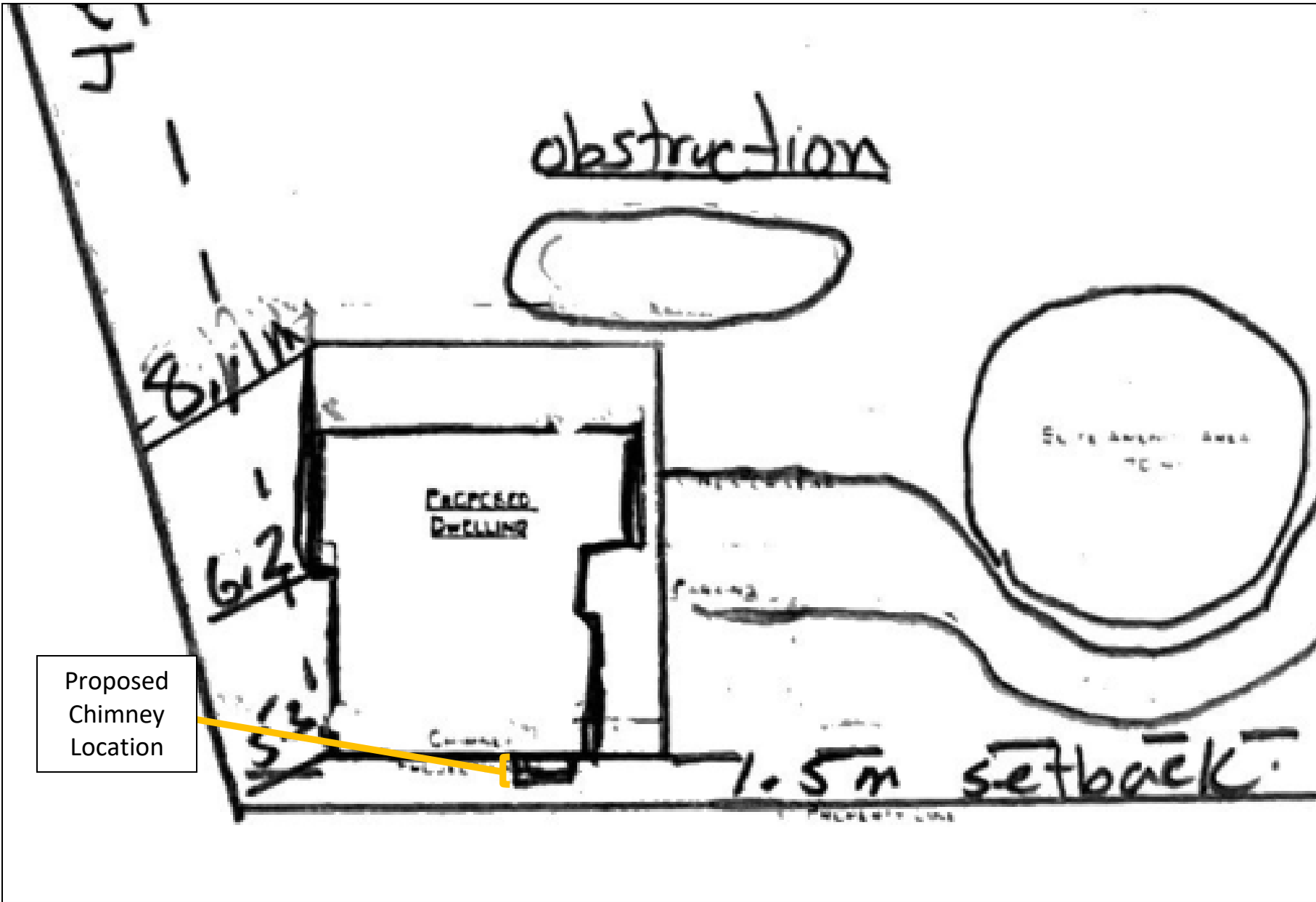
**Endorsed by:**



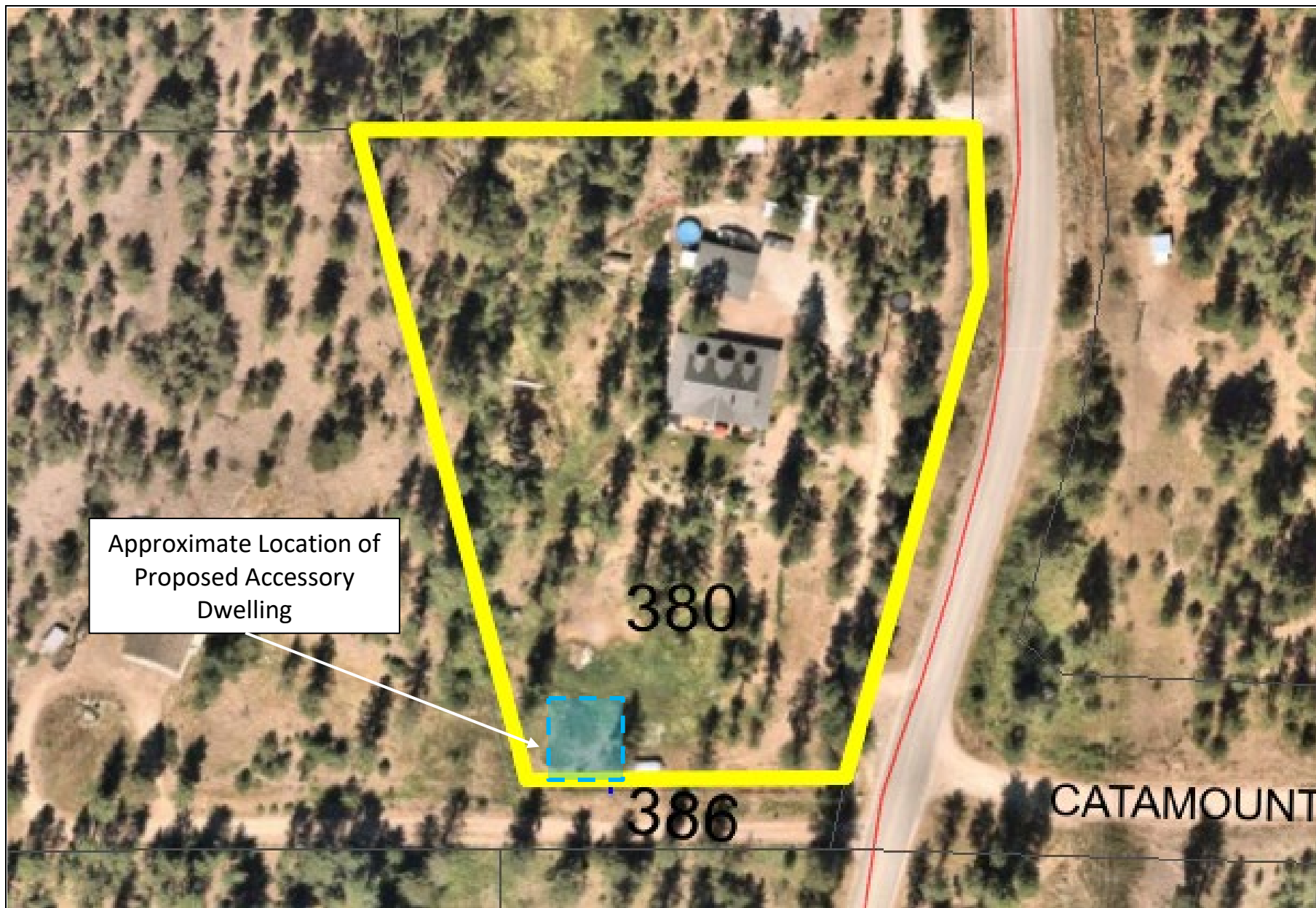
C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan  
No. 2 – Aerial Photo

Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Aerial Photo



Approximate Location of  
Proposed Accessory  
Dwelling

380

386

CATAMOUNT