

PROPERTY DESCRIPTION:	
Civic address:	Lot 5 4650 North Naramata Road
Legal Description (e.g. Lot, Plan No. and District Lot):	Strata Lot 8, Plan EPS8308, District Lot 211 031-829-058
Current land use:	vacant lot, zoned for SH3
Surrounding land uses:	residential, agricultural

REQUESTED VARIANCE(S):	
List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.	
<u>Zoning Bylaw:</u>	Okanagan Valley Zoning Bylaw No. 2800, 2022
<u>Section No.:</u>	7.1.1 i) Accessory Buildings and Structures
<u>Current regulation:</u>	the building or structure shares a common wall with the principal building, where the common wall constitutes at least 50% or 5.0 metres, whichever is lesser, of the vertical and adjacent plane of the principal building; and
<u>Proposed variance:</u>	the building or structure shares a common wall with the principal building, where the common wall constitutes at least 50% or 1.8 metres, whichever is lesser, of the vertical and adjacent plane of the principal building; and
<u>Section No.:</u>	
<u>Current regulation:</u>	
<u>Proposed variance:</u>	

DEVELOPMENT INFORMATION:
Please provide a general description of the proposed development: (e.g. "to allow for an addition over an existing garage")
<p>The proposed development is for a modest 2800 square foot single family home to be built. There are no planned secondary suites or accessory dwellings as part of this application, nor are there any planned for the future. In fact, by situating the house between the side yard and an ESA zone, we are effectively blocking future development on the lower half of the site, preserving it in its natural state.</p>

SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *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.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

The proposed variance is being made because strict compliance with the zoning regulation is unreasonable. According to the RDOS, Section 7.1.1 i) was written "to address secondary suites in accessory buildings". While the intent of the bylaw may be useful in helping prevent developments having secondary suites in accessory dwellings, it has unintentionally and unreasonably limited the ability of architects and designers to provide sustainable and beautiful home designs for their clients.

In this case, a cursory review of the floors plans reveals that on one side of the hallway in question we have living spaces with no bedrooms, nor any ability to add bedrooms in the future, and on the other side of the hallway we have no cooking facilities. It is therefore very reasonable to assume that there are no secondary suites or accessory dwellings being proposed - thus the intention behind Section 7.1.1 i) isn't applicable nor is it appropriate to apply in this situation.

As a side note, both secondary suites or accessory dwellings are permitted on this property, yet neither are being pursued.