

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 16, 2022
RE: Development Variance Permit Application — Electoral Area “A” (A2022.018-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2022.018-DVP, to allow for the construction of a swimming pool at 2002 85th Street, be denied.

Legal: Lot 6, Plan KAP10623, District Lot 2450S, SDYD, Portion L 634 Folio: A-06337.000

OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 1.82 metres

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to construct a swimming pool.

Specifically, it is being proposed to vary the front parcel line setback for an accessory structure from 7.5 metres to 1.82 metres.

In support of this request, the applicant has stated that “the reason for this is the septic system is in the backyard. This property also has a hill at the rear of the property which lessens the useable area. The location of the pool proposed would have little or no impact on surrounding neighbours. [There will be] Landscap[ing] surrounding [the] pool [and] fencing to code.”

Site Context:

The subject property is approximately 1,080 m² in area and is situated on the west side of 85th Street and is approximately 60m west of Osoyoos Lake. The property is currently vacant.

The surrounding pattern of development is characterised by similar sized residential parcels with Osoyoos Lake to the west and Conservation Area land abutting the western side of the subject parcel.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 30, 1960, while available Regional District records indicate that building permits for a single family dwelling (2022) and a garage (2022) are in process.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which allows for a single detached dwelling and accessory residential structures.

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

The property is within the Agricultural Land Reserve (ALR) and 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 June 9, 2022. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The Zoning Bylaw’s use of setback regulations are varied and, in this instance, are used in conjunction with existing limitations on fence heights in front setback areas to protect existing rural streetscape characteristics and preventing streets from becoming “walled, inactive and uninviting spaces”.

Preventing the development of swimming pools within a front setback area is a common zoning regulation and one intended to forestall the issues outlined above. When pools are permitted in a front setback area, they are generally accompanied by requests for over-height fencing to provide privacy, amenity space and safety by blocking out visual access from the street.

This, in turn, can result in dwellings being turned in on themselves rather than contributing to the visual appearance of a street, impeding passive surveillance and neighbourhood security while also potentially contributing to inadequate sight lines for vehicle traffic movements and pedestrian movements.

The placement of a swimming pool in a front setback area is not characteristic of the neighbourhood and pools within 100 metres of the subject property have been sited to the rear of existing dwellings.

The applicant’s variance request of 7.5 metres to 1.82 metres is significant, representing a 75% reduction to the setback regulation. More importantly, the development of the site would be inconsistent with surrounding residential parcels which all provide open, landscaped front yards or driveways along 58th Street.

Other options are seen to be available to the applicant, such as constructing the pool to the rear of the existing dwelling. While the applicant has indicated that there is a “hill” to the rear of the property, it is understood that there is approximately 20 metres (+/-) between the existing dwelling and the rear parcel line and that the use of retaining walls could result in a sufficient useable area for a pool.

Alternatives:

1. That the Board approve Development Variance Permit No. A2022.018-DVP.

Respectfully submitted

Fiona Titley
Fiona Titley, Planner II

Endorsed by:


C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Photo

Attachment No. 1 – Applicant's Site Photo

2002 85th Street
Osoyoos

Septic Field



* And fencing as per
Canadian Safety Code

Pool Location