

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 17, 2022  
**RE:** Development Variance Permit Application — Electoral Area “A” (A2022.018-DVP)

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## **Administrative Recommendation:**

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

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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 4.27 metres

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## **Proposed Development:**

This application is seeking a variance to the front parcel line setback from 7.5 metres to 4.27 metres to construct a swimming pool.

The reason for this application is the septic system is in the backyard and the property has a hill at the rear of the property which lessens the useable area. The application includes landscaping surrounding the pool and fencing to code. There is a large boulevard between the front lot line and the road and the ministry of transportation has no objection to a reduced setback.

## **Site Context:**

The property is approximately 1080 m<sup>2</sup> in area and is situated on the west side of 85<sup>th</sup> 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 property was created 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 Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is zoned Low Density Residential Three (RS3) which allows for a single detached dwelling and accessory residential structures.

The property is within the floodplain associated with Osoyoos Lake, is within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as “Residential” (Class 01).

**June 16, 2022** - the Regional District referred the application to the Electoral Area “A” Advisory Planning Commission (APC).

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**July 11, 2022** - the Electoral Area “A” APC considered this proposal, however, the minutes submitted by the Commission do not record a resolution being passed.

**September 21, 2022** - the applicant submitted an updated variance request which reduced the requested variance to the front parcel line setback from 7.5 metres to 1.82 metres (original request), to a variance from 7.5 metres to 4.27 metres.

**Public Process:**

Adjacent property owners will have received notification of this updated variance application with written comments regarding the proposal being accepted until 4:30 p.m. on November 9, 2022. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

Zoning setbacks 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.

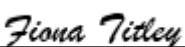
The placement of a swimming pool in a front setback area is not characteristic of the neighbourhood and pools within 100 metres of the subject property have been sited to the rear of existing dwellings. Further, the development of the site would be inconsistent with surrounding residential parcels which all provide open, landscaped front yards or driveways along 58th Street.

Other options are 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**

  
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Fiona Titley, Planner II

**Endorsed by:**

  
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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