

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 22, 2022
RE: Development Variance Permit Application — Electoral Area “A” (A2022.029-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2022.029-DVP, to allow for the construction of a single detached house at #1-8401 120th Street, be approved.

Legal: Strata Lot 1, Plan EPS2860, District Lot 2450S, SDYD, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.

Folio: A-06024.501

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

Variance Requests: to reduce the minimum rear parcel line setback from 7.5 metres to 1.5 metres

Proposed Development:

This application requires a variance to the rear parcel line setback from 7.5 metres to 1.5 metres in order to undertake construction of a new house.

In support of this request, the applicant has stated that:

- Requesting this variance will not change the streetscape or affect other properties.
- Strict compliance with zoning regulation is unreasonable as the south east side is limited by a steep slope and can not be built to 1.5 m and the south west side has a current by law of 7.5M inconsistent with adjacent properties. The property has an odd shape with a hammerhead driveway steep slope and the SPEA line.

Site Context:

The property is 1,320m² in area, is situated on the east side of 120th Avenue and is bounded to the north by Osoyoos Lake. The property is approximately 1 km west from the boundary with Town of Osoyoos and is currently vacant. The surrounding pattern of development is characterised by similar strata residential development and agricultural land.

Background:

The property was created on June 15 2015, while available Regional District records indicate that a building permit has not previously been issued for this property.

The property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation.

It is currently zoned Low Density Residential Three (RS3), which requires a minimum rear parcel line setback of 7.5 metres for principal use buildings. The property is within the floodplain associated with Osoyoos Lake and the proposed development will not be lower than the associated flood construction level (280.70 metres GSC datum). BC Assessment has not classified the property.

Under Section 3.49 of the Regional District's *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, "the CAO or his designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act ...*"

Due to a negative representation received from an adjacent property owner, this application was refused delegated authority on September 2, 2022, and scheduled for reconsideration by the Board in accordance with the Regional District's Development Procedures Bylaw No. 2500, 2011.

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District's Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on August 9, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 30, 2022, being 15 working days from the date of notification, approximately one (1) representation has been received electronically or by submission at the Regional District office.

Analysis:

This proposal requests an 80% reduction to the minimum rear parcel line setback. A significant portion of the parcel is within a designated WDP area and Section 23.3.6 of the OCP encourages the reduction of zoning setbacks on existing smaller lots to preserve the Streamside Protection and Enhancement Area (SPEA).

The property is on the edge of the parent strata lot and therefore a larger rear parcel line setback (7.5m) applies compared to the refused adjacent strata properties (1.5m).

Alternatives:

1. That the Board deny Development Variance Permit No. A2022.029-DVP.

Respectfully submitted

Ben Kent

Ben Kent, Planner I

Endorsed by:

CG

C. Garrish, Planning Manager

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

Attachment No. 1 – Aerial Photo

