

# ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** September 1, 2022

**RE:** Development Variance Permit Application — Electoral Area “A” (2022.034-DVP)

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. A2022.034-DVP, to reduce the minimum building width from 5.0 metres to 4.27 metres for a principal building (dwelling) at 121 Wapiti Court, be approved.**

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## **Proposed Development:**

This application is seeking a variance to the minimum building width from 5.0 metres to 4.27 metres in order to undertake the siting of a modular home (CSA A277) on the property. The applicant has stated that “the proposed home is not a mobile home, it is a modular home which is consistent and meets all building codes for structure and snow load requirements.”

## **Site Context:**

The subject property is approximately 1.25 ha in area and is situated on the south side of Wapiti Court, approximately 7.2km east from the boundary with Osoyoos. The property is undeveloped and the surrounding pattern of development is generally characterised by similar residential development.

## **Background:**

The property was created on August 1, 2008, while available Regional District records indicate that building permits have not previously been issued for this property. The property is designated Small Holdings (SH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area. It is zoned Small Holdings Three (SH3) which allows for “single detached dwellings” (which is defined as including modular homes) as a permitted use, subject to meeting a minimum building width requirement of 5.0 metres.

The property is not within the Agricultural Land Reserve (ALR) and has been classified as Residential (Class 01) by BC Assessment.

## **Delegated Authority (minor variances):**

Under Section 3.49 of the Regional District’s *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, the CAO or his designate has authority to issue a development variance permit if:

*... in the opinion of the Chief Administrative Officer (CAO), or their delegate, the development to be authorized by the variance would, relative to development in accordance with the bylaw, be minor ...*

In this instance, it was determined that the requested variance was not minor as it would allow a shape of dwelling unit that the Board previously resolved to exclude from parcels less than 4.0 ha in area when it undertook a zoning review of manufactured homes in 2016.

## **Public Process:**

Adjacent residents and 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

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Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on August 22, 2022. All comments received are included as a separate item on the Board's Agenda.

**Analysis:**

The use of minimum building width requirements in the Electoral Area zoning bylaws has historically been related to a desire to exclude certain forms of dwelling units from residential neighbourhoods.

Specifically, mobile homes (CSA Z240), particularly when these types of homes more closely resembled contemporary motorhomes in their size and level of amenity. Many communities determined the installation of these types of "manufactured homes" in residential neighbourhoods was undesirable.

When the Regional District completed the manufactured home zone review in 2016, it was determined to amend the zoning bylaws in order to allow mobile homes on parcels greater than 4.0 ha in area, being the Resource Area (RA), Agriculture (AG) and Large Holdings (LH) zones but to continue to exclude them in the Small Holdings (SH) and Low Density Residential (RS) zones due to the smaller lot sizes and conflicts that might occur from the placement of mobile homes in higher density neighborhoods.

In this instance, it is understood that the applicant has acquired a "modular home" (CSA A277) that happens to closely resemble a "mobile home" (CSA Z240) in appearance (e.g. same narrow width) and, while the requested variance to allow for the placement of this dwelling is minor, it would allow result in the placement of a narrow home in contravention of the strategic land use direction set by the Board in 2016.

While the width of the proposed dwelling will not be consistent with the current and developing form of the local neighbourhood, Administration also recognises that the current cost of housing makes such dwellings a feasible way to develop a property.

It is also understood that the house will not be in a highly visible part of the property and should not adversely impact adjacent properties.

Alternative:

Conversely, other options are available to the property owner, such as placing a dwelling unit on the property that complies with the 5.0 metre minimum building width requirement.

Summary:

For these reasons outlined above, Administration supports the requested variances and is recommending approval.

**Alternative:**

1. That Development Variance Permit No. A2022.034-DVP be denied.

**Respectfully submitted**

*Colin Martin*

Colin Martin, Planning Services Clerk

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. – Site Photo (Google Streetview)

