



**16963 OLD RICHTER PASS  
ELECTORAL AREA "A" –  
OSOYOOS RURAL**

August 14<sup>th</sup>, 2023

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To: Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, B.C.

**SUPPLEMENTARY REPORT  
TO DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION**

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Our file: 2451-2085-011

# 1. Application Intent

This application requests a variance to the side yard setback requirement of the SH4 zone for an existing carport. The structure was constructed within the side yard setback area of 4.5 meters and without a building permit. The property owner built the structure to park out of the weather. Because the structure does not have walls or power and only consists of a roof and posts, the owner did not think it required a permit. The property owner built the structure 2m from the property line understanding setbacks exists, believing it to be the minimum distance. The property owner does not wish to remove and relocate the carport 2.49m further as the cost would be as much as it was to construct the carport originally.

The subject property is located on Old Richter Pass Road in the Kilpoola neighborhood approximately 1.2 km west of Highway 3 and 6 km northwest from Osoyoos. The property is within Electoral Area 'A' of the Regional District of Okanagan-Similkameen and its location is noted below in Illustration 1.

*Illustration 1: Location*



## 2. Site Features

The subject property is accessed from Old Richter Pass Road and is 2.02 hectare in size. The easterly and northwest portions of the land have been used for hobby agriculture. Between the driveway to the house on the property and the west fence line exists a natural area that includes sagebrush and other native grasses. The property contains a dwelling, covered storage building, and small structures for hobby agriculture. The south edge of the property sits at the toe of a treed slope. To the west and east of the property are adjacent small holdings properties with single family residences. Site features of the property are noted on Illustrations 2 and 3.

*Illustration 2: Site Features – Ortho Image*





*Illustration 3: Site Features – View from road*



### **3. Carport Structure**

The carport structure is located along the eastern edge of the property and is approximately 27 meters from the rear parcel line to the south and approximately 120 meters from the front parcel line located to the north. The structure is located more than 100m from the east side parcel line. The structure is located 2.0 meters from the western property line. The interior side parcel line stipulates a minimum setback of 4.5 meters. The location of the existing carport is noted on the survey plan prepared by Pendergraft Professional Land Surveyors and is noted below in Illustration 4.

The owner is requesting the minimum interior side parcel line setback be reduced from 4.5 meters to 2.0 meters to allow the carport structure to remain in its present location.

As shown in Illustration 5, the carport structure is built into the ground with seven posts, and includes three beams running between posts, followed by joists running perpendicular to the posts with strapping (again perpendicular), with a metal roof. The carport does not have a concrete floor or any walls and is not considered or classified as a garage.

The carport location does not enable a use that would otherwise not be allowed. The structure provides for the responsible protection of assets from rain, snow, and sun. The structure is functional, aesthetically respectable, and is not out of character with what would be expected in the Kilpoola neighborhood.



Illustration 4: Survey plan Showing Carport Structure

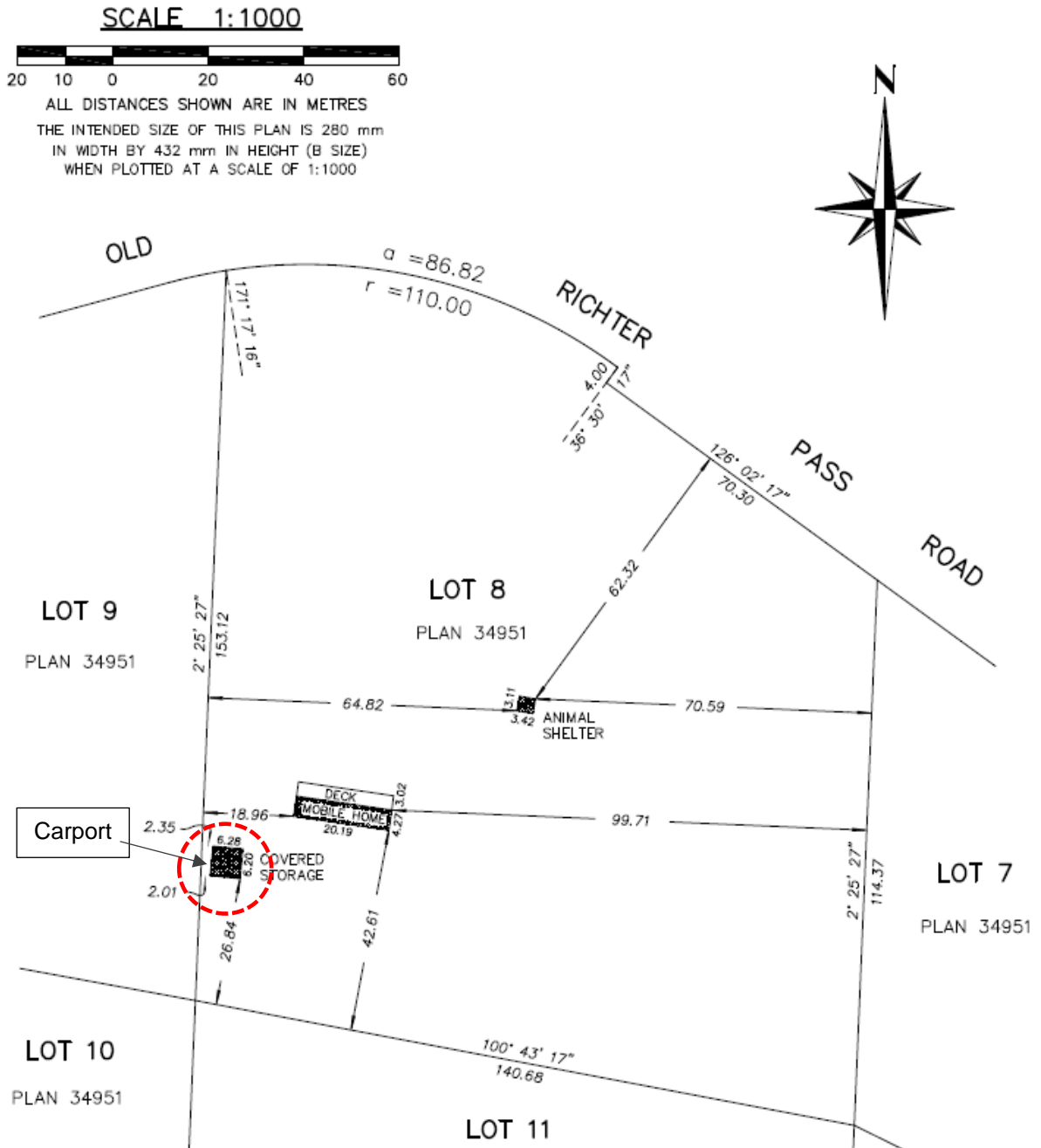


Illustration 4: Carport



## 4. Zoning Regulations

The property is zoned SH4 in the Okanagan Valley Zoning Bylaw No. 2800, 2022. The SH4 zoning of the property permits single detached dwellings along with multiple accessory uses such as accessory building or structure, accessory dwelling, agriculture, bed and breakfast operation, home industry, home occupation, and secondary suite. The minimum interior side parcel line setback in the SH4 zone is 4.5 meters. As the existing structure is situated 2.0 meters from the interior parcel line, the owner is requesting a variance to the interior parcel line setback to 2.0 m to allow the structure to comply with the setback requirements.



## 5. RATIONALE AND JUSTIFICATION FOR REQUESTED VARIANCE

Considering the information contained in this report, we offer the following rationale and justification for the proposed interior side setback variance to 2.0 meters.

- The home on the property adjacent to the west side of the subject property is over 120 meters away from the carport and land adjacent to the west side of the subject property is vacant pasture. The proposed variance to allow the carport to remain in its present location will not negatively impact the use and enjoyment of the adjacent west property.
- The existing carport is over 20 m away from the adjacent properties that are south and southwest of the subject property and the requested variance to allow the carport to remain in its current location will not negatively impact the use and enjoyment of those properties.
- The existing carport is over 120 meters from the front property line adjacent to Old Richter Pass Road, so the variance will not impact on sight lines from motorists on Old Richter Pass Road.
- The land and adjacent and surrounding lands are not within the ALR so ALR buffer setback and buffering requirements do not apply, and the proposed setback variance will not negatively impact ALR land.
- The roof on the existing structure slopes down to the south and this fact combined with the existing 2+ meter setback will result in there being no chance of water flowing off the carport roof onto the adjacent property.
- Considering the remote nature of the property and the absence of any adjacent uses or structures, the requested variance will not negatively impact on adjacent or surrounding property owners and would appear to be reasonable.
- The owner recognizes the mistake he made in not applying for a building permit which would have identified the setback issue, but is requesting that the RDOS Board to grant the setback variance to avoid the cost and effort of dismantling the structure and rebuilding in 2.5 further away from the property line.



## **SUMMARY**

In summary, we request a variance to the side parcel line setback distance from 4.5m to 2.0m. A variance will allow the property owner to proceed with the building permit application process. It will be a considerable effort to deconstruct and move the structure two and a half meters away. Given the lack of notable issues or potential concerns, the present location of the car port 2.0 meters away from the interior side yard setback is reasonable.





