

Supplementary Information to Development Variance Permit Application

LOT 1 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN EPP3717
PID: 028-711-351
13821 148th AVENUE – RURAL OSOYOOS

PURPOSE

The purpose of this Supplementary Information report is to provide information to support a Development Variance Permit application for an interior side-yard setback reduction for the proposed construction of new home on the subject property.

INTRODUCTION AND BACKGROUND

Location

The property is located approximately 5 km north of Osoyoos, BC within Area 'A' of the Regional District Okanagan Similkameen, as shown below in Illustration 1 and 2. The subject property is accessed by 148th Avenue which is adjacent to north side of the property.

Illustration 1: Site Location



Illustration 2: Site Conditions



Property Conditions

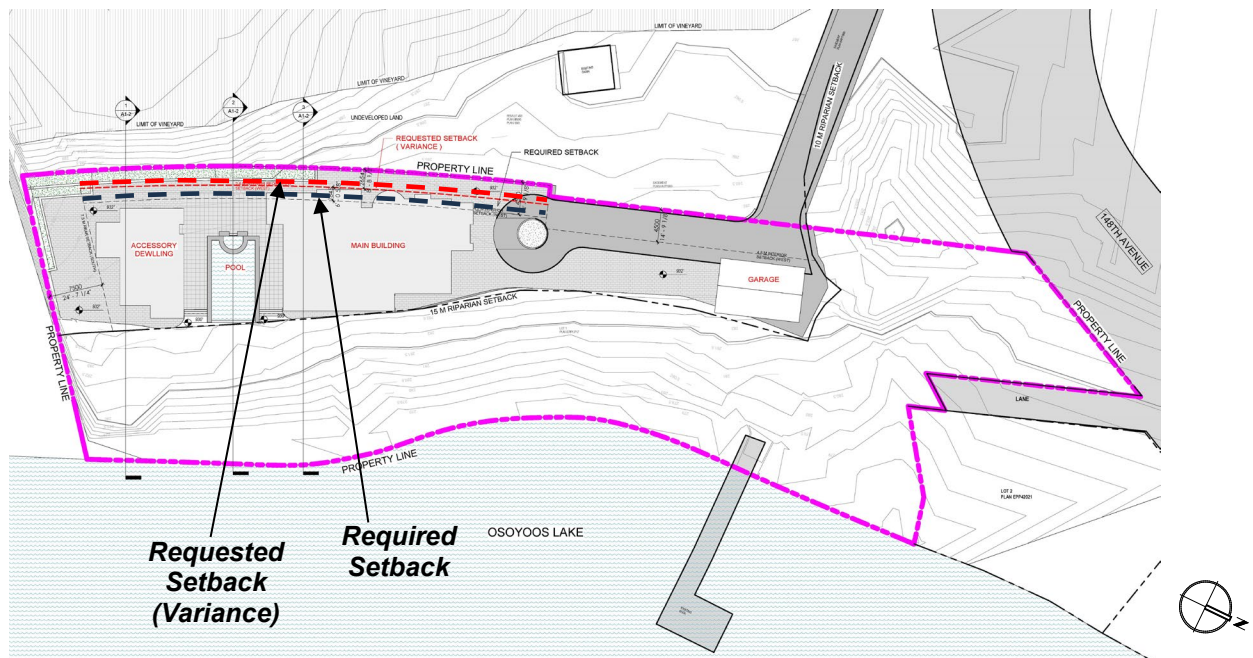
The subject property is long and narrow with approximately 120 meters of Osoyoos Lake frontage with a width of between 30 and 40 metres and with an area of approximately 0.49 ha. The property is currently vacant except for a water pumphouse that is located adjacent to the lake that is used for irrigation for the adjacent vineyards. The property contains a steep bank approximately 6 m in height along the southern portion of its west property line and the property slopes down sharply approximately five meters to Osoyoos Lake on the south portion of the property. The slope on the southwest side of the property is partially on the subject property, with the property line partially up the bank. The steep banks on the east and west sides of the property are the remnants of the former KVR right of way that used to pass over this property. There is a relatively flat building area on the south portion of the property between the toe of the upper slope and the top of the lower slope as shown in illustration 2: Site Conditions.

The subject property is zoned AG1 Agriculture but is not within the Agricultural Land Reserve.

PROPOSED DEVELOPMENT

The owners of the property intend to construct a new home and an accessory dwelling on the relatively flat south portion of the subject property as noted in illustration 3. Due to the 15-meter Streamside Protection and Enhancement Area (SPEA) on the east side of the property and the 6 m slope on the west side of the property, the width of the building envelope on the south portion of the property is quite constrained. As the west bank is partially on the adjacent farm property (which is owned by the owner of the subject property) the owner would like to reduce the interior side setback to allow for slightly more residential building depth. The top of the bank on the west side of the property is between approximately 9 and 15 m from the subject property's west boundary in the location of the proposed setback variance, so there will not be any impact on the adjacent farm operation by reducing the required setback from 4.5 m to 2.6 m.

Illustration 3: Proposed Development



PROPOSED VARIANCE

To allow the proposed principal dwelling to be constructed on the constrained building envelope, the proposed variance is a request to vary the interior parcel line setback outlined in section 13.1.5 a) iii) of RDOS Okanagan Valley Zoning Bylaw No, 2800, from 4.5 m to 2.6 m.

RATIONALE AND JUSTIFICATION

- The subject property was initially created for the KVR right of way and as such it is relatively narrow. The narrowness of the subject property combined with a steep slope on the west side of the property and the Streamside Protection and Enhancement Area on the east side of the property result in the narrow building envelope in the desired location for the proposed dwelling. The proposed 1.9 m meter variance will be sufficient to allow for the construction of the desired residence on the property.

- In most circumstances in the AG1 zone where property is relatively flat, the prescribed interior parcel line setback for a dwelling is deemed to be an adequate separation from the adjacent farmland use to prevent or minimize impacts on both the residence and the farm operation. A farm use could occur up to the parcel line so agriculture could occur within 4.5 m of a dwelling on an adjacent parcel. As the subject property shares a slope with the adjacent west parcel, a 4.5 m parcel line setback would have the dwelling situated between 13 and 19.5 m from the adjacent farm (vineyard operation). The presence of the bank on the west side of the subject property will provide a physical separation of approximately 11 meters between the proposed dwelling and the adjacent west farm operation, far exceeding the accepted normal separation of 4.5 m.
- The requested 1.9-meter reduction in the interior parcel line setback will not have any negative impact on the operation of the adjacent west farm and the requested setback variance will not result in any farm related impacts on the use and enjoyment of the proposed dwelling on the subject property.
- The adjacent west property is owned by the same people that own the subject property, so there will be no legitimate complaints regarding the proposed setback variance.

SUMMARY

The proposed variance request is justified due to the constrained building envelope created by the steep backs on both the west and east sides of the property and by the Streamside Protection and Enhancement Area on the east side of the subject property. The steep bank on the west side of the property in the vicinity of where the variance is requested provides the ideal buffer and separation from the adjacent farm operation, as the requested variance will result in the proposed dwelling being approximately 11 meters from the adjacent farm operation at its closest point, which is more than double the allowable separation if the bank was not present.

Prepared by



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