

**PROPERTY DESCRIPTION:**

Civic address: 16427 87th Street, Osoyoos, B.C., V0H 1V2

Legal Description (e.g. Lot, Plan No. and District Lot):

Lot A Plan EPP55486 District Lot 2450S

Current land use:

Currently vacant lot, single family home until 2014 when fire destroyed home

Surrounding land uses:

Single Family Homes

**REQUESTED VARIANCE(S):**

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

Zoning Bylaw: Okanagan Valley Zoning Bylaw No. 2800, 2022

Section No.: 16.2.5 a) i)

Current regulation: Front Parcel Line 7.5 metres

Proposed variance: Front Parcel Line 4.5 metres

Section No.:

Current regulation:

Proposed variance:

**DEVELOPMENT INFORMATION:**

Please provide a general description of the proposed development:  
(e.g. "to allow for an addition over an existing garage")

Single Family residence with lot coverage less than 35%

**SUPPORTING RATIONALE:**

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

Property is in an old sub-division (1930 ish) and because of the lot depths and provincial riparian requirements, properties in the neighborhood are very challenged to comply with zoning that was put in place long after the neighbourhood was created

The variance addresses the physical characteristics and constraints provided by the riparian restrictions of the provincial government. As noted above the lot is within an old subdivision and all lots in this area have minimal depth. As a further restriction these lots have riparian restrictions of how close to Osoyoos lake a building can be placed. The riparian permit does relax the requirement of lake setback to 7.5m however in providing that setback the ministry expected that the municipality be approached to reduce the front parcel set back as much as possible. We believe a variance to 4.5m is reasonable given the neighbourhood characteristics and the riparian requirements.

Given the neighbourhood characteristics and the riparian requirements strict compliance is both unreasonable and un-necessary. In providing a relieve to the typical riparian setbacks of 15m the ministry was being reasonable, but they expect that the municipality be approached to provide relieve to the front parcel setback as well. In addition the majority of the homes in this old neighbourhood have buildings constructed within the 7.5m setback and it would be un-necessary for this new home to have to comply to the strict zoning setback.

The majority of homes in this small subdivision have buildings located within the 7.5 m setback. Allowing this home to be constructed with a 4.5m setback would not be against the character of the neighbourhood.

The applicant also wishes to note that the RDOS previously granted a variance to the front yard setback to 3.7 meters. (A2022.022-DVP). Unfortunately the permit lapsed as construction was not commenced within the specified 2 year period from when it was issued. (August 3, 2022)