

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 7, 2021
RE: Development Variance Permit Application — Electoral Area “C” (C2021.037-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. C2021.037-DVP to formalize the placement of seven metal storage containers at 5481 Sawmill Road be approved, on the condition that storage on top of the containers be prohibited.

Legal: Lot 328, Plan KAP1862, District Lot 2450S, SDYD Folio: C-05782.000

Zone: part Site Specific General Industrial (I1s) and part Residential Single Family One (RS1)

Variance Request: to reduce the minimum interior side parcel line setback from 4.5 metres to 0.0 metres.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback from 4.5 metres to 0.0 metres to formalize seven (7) existing shipping containers.

In support of this request, the applicant has stated that the “containers have been there for 15 years or more and do not block the view.”

Site Context:

The subject property is approximately 1.4 ha in area and is situated on the south side of Sawmill Road and abutting Reed Creek (often referred to as Oxbow) on the south side of the property. The property is currently developed to include a single-detached dwelling, a workshop, several accessory structures (shipping containers), and a car salvage business.

The surrounding pattern of development is characterised by residential uses to the east and west on Small Holdings (SH3) and Low Density Residential (RS2) zoned parcels and Agriculture (AG1) to the north and south.

Background:

The current boundaries of the subject property were created on February 18, 1998, while available Regional District records indicate that building permits for the workshop (1978), manufactured home (2011), and additions to the manufactured home (2013) have previously been issued for this property. Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is zoned part Site Specific General Industrial (I1s) and part Residential Single Family (RS1) which allows for the operation of the car salvage business on the industrial portion of the property with an interior parcel line setback of 4.5 metres.

The property is within the floodplain associated with Reed Creek and Okanagan River.

The Regional District has received written complaints regarding a dilapidated fence (2013) and the safety and setbacks of the metal storage containers (2019) that are the subject of this application.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01) and part “Business and Other” (Class 06) by BC Assessment.

Public Process:

Adjacent 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 Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on September 29, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties to protect privacy and prevent the appearance of overcrowding. Minimum setbacks from parcel lines are also used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety, or to mitigate nuisances (like noise) that might come from an adjacent building.

In the case of the subject property, the metal storage containers are being used as a visual barrier between an existing industrial use and the adjacent residential use. A reduced setback will allow for the metal storage containers to remain in place and continue to provide a physical separation between the two properties.

Further, the property owners use the containers to provide dry storage space for their salvage business. The owners stated moving the containers away from the property line would be onerous and that they “need all the space [they] can get for their parts”.

The storage of materials (i.e. derelict cars) on top of the metal containers does not seem appropriate and is the subject of complaints. Removal of the containers would open the industrial use to adjacent residential properties and would benefit neither the applicant or the neighbours.

The Zoning Bylaw suggests a solid screen of at least 2.4 metres in height is required as a visual barrier for the neighbour to enjoy residential use of their property when bordering an industrial salvage yard, which could be achieved with a fence.

Alternatives:

1. That the Board deny Development Variance Permit No. C2021.037-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area “C” Advisory Planning Commission.

Respectfully submitted

D. DeVries

Danielle DeVries, Planner 1

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview 2012)

Attachment No. 1 – Site Photo (Google Streetview 2012)

