

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: March 15, 2022
RE: Development Variance Permit Application — Electoral Area “C” (C2022.006-DVP)

Purpose: to allow for the replacement of a carport attached to a principle building

Civic: 364 Orchard Grove Lane Legal: Lot 1, Plan KAP61985, District Lot 2450S, SDYD

Folio: C-06507.010 Zone: Agriculture One (AG1)

Variance Requests: to reduce the minimum front parcel line setback from 7.5 metres to 2.5 metres

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to replace the existing attached carport that is dilapidated and dangerous.

Specifically, it is being proposed to to reduce the minimum front parcel line setback from 7.5 metres to 2.5 metres.

In support of this request, the applicant has stated that “variance will provide support to move forward with getting carport/storage area up to needed standard set out in bylaws and building permit... [the siting] matches the existing home with support from Ministry of Transportation.”

Site Context:

The subject property is approximately 2020 m² in area and is situated on the north side of Orchard Grove Lane. The property is currently developed to contain a single detached dwelling and accessory building.

The surrounding pattern of development is characterised by large agriculture parcels (AG1).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 4, 1998, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), and is not the subject of any development permit designations.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture One (AG1) which allows a single detached dwelling and accessory buildings and structures.

The property has been the subject of a Stop Work Notice for constructing the subject carport without a building permit.

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

Analysis:

In considering this proposal, Administration notes that the Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

Minimum setbacks from parcel lines are 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 this instance, Administration notes that the accessory structure in question (carport) is under enforcement action for being built without a permit. The structure was placed in line with the existing principle dwelling and in the footprint of the previous carport that was removed due to safety hazards. The neighbour to the east closest to the carport is also non-conforming to the front parcel line setback and should have their view improved by replacing the old, dangerous carport.

The Ministry of Transportation and Infrastructure support the reduced front parcel line setback and have issued a permit to reduce the building setback from the road right of way. Further, the front parcel line appears to be subject to a larger road right of way than the neighbouring property to the west. The front parcel line of the front parcel line is approximately 9.0 metres from the existing road.

Conversely, Administration recognises that the option to enforce removal of the building remains. For these reasons, Administration supports the requested variances and is recommending approval.

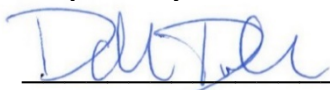
Administrative Recommendation:

THAT the APC recommends to the RDOS Board that the subject development application be approved.

Options:

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

Respectfully submitted



Danielle DeVries, Planner 1

Endorsed by:

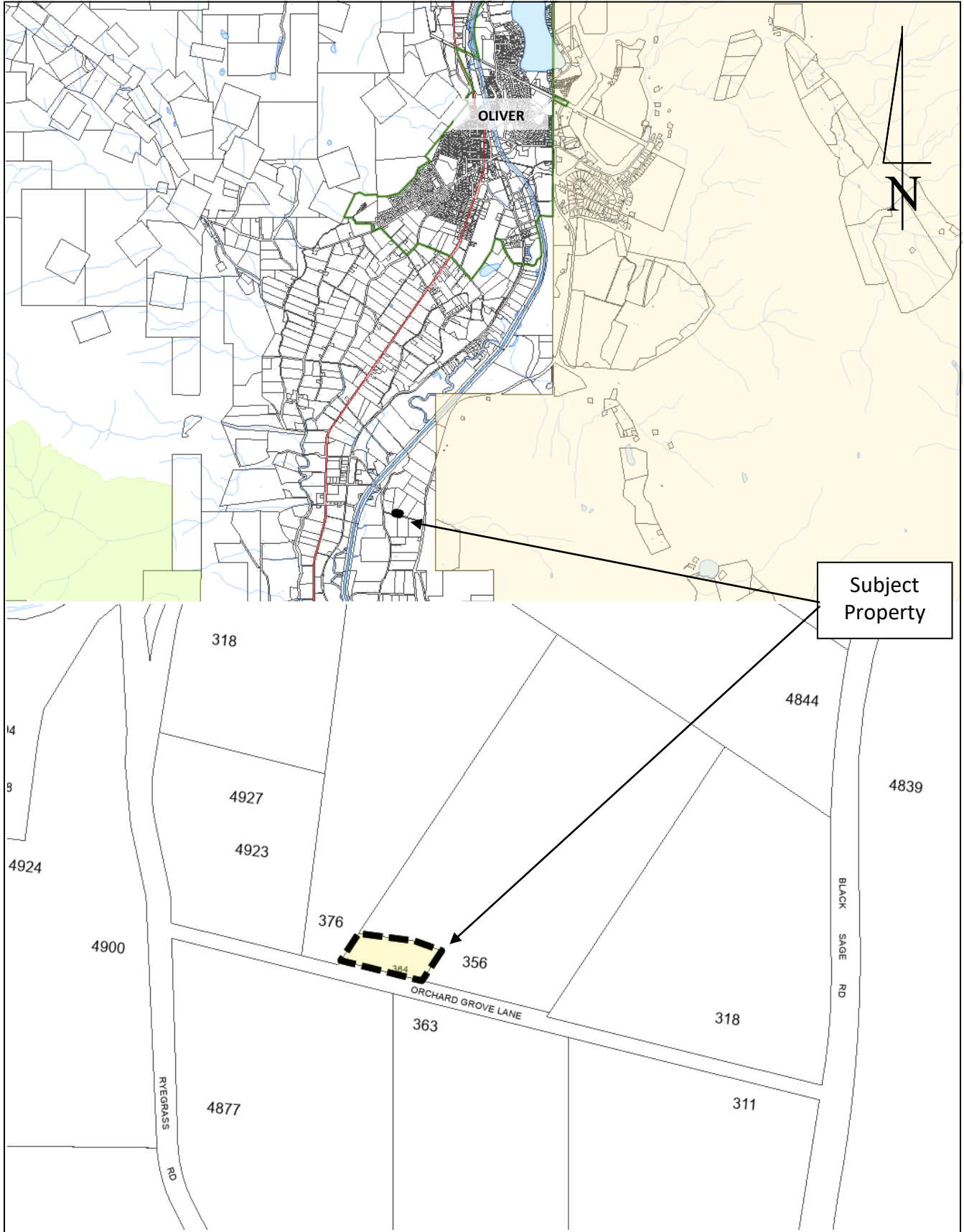


C. Garrish, Planning Manager

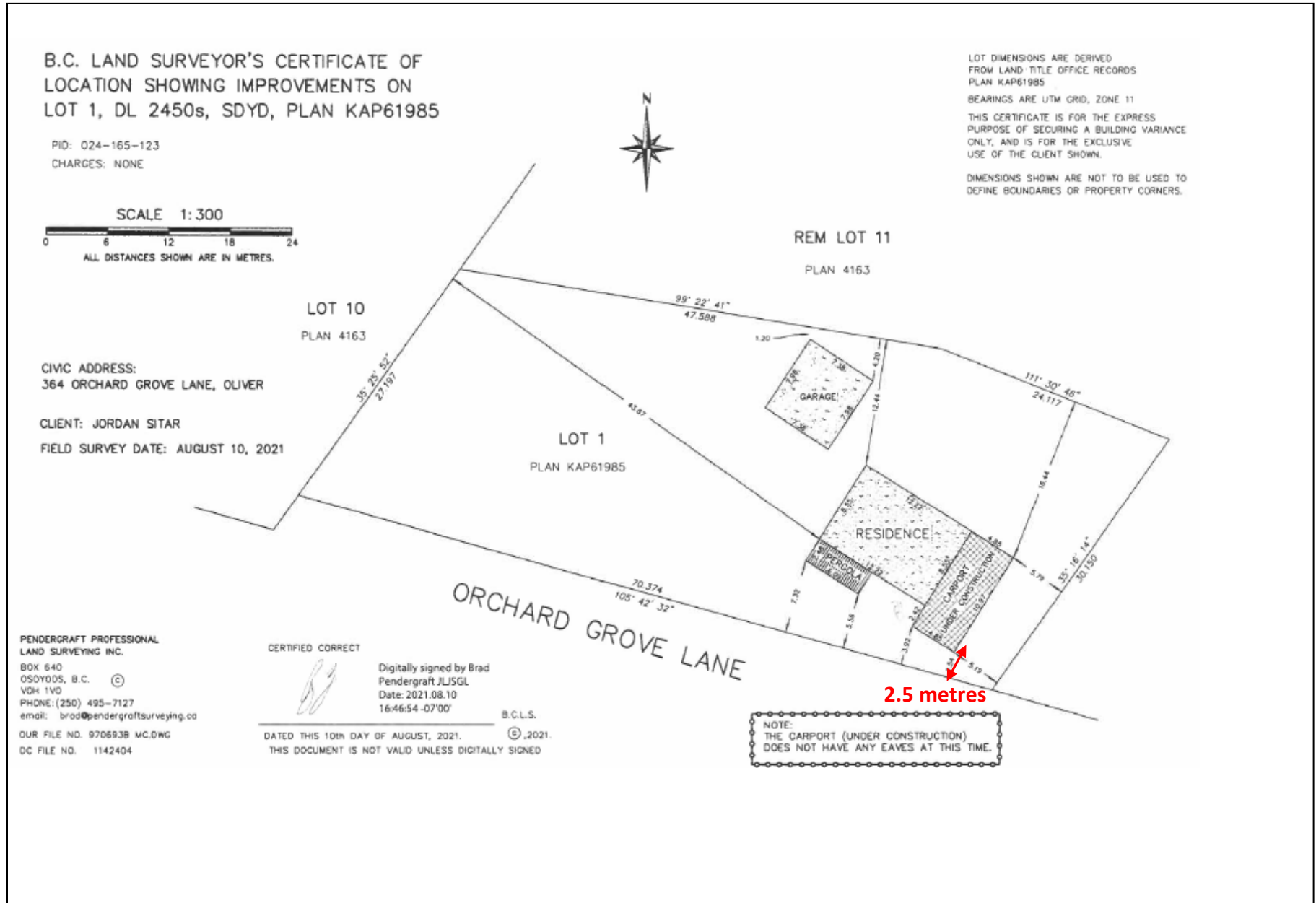
Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant’s Site Plan
- No. 3 – Applicant’s Building Elevations
- No. 4 – Applicant’s Floor Plan
- No. 5 – Site Photo

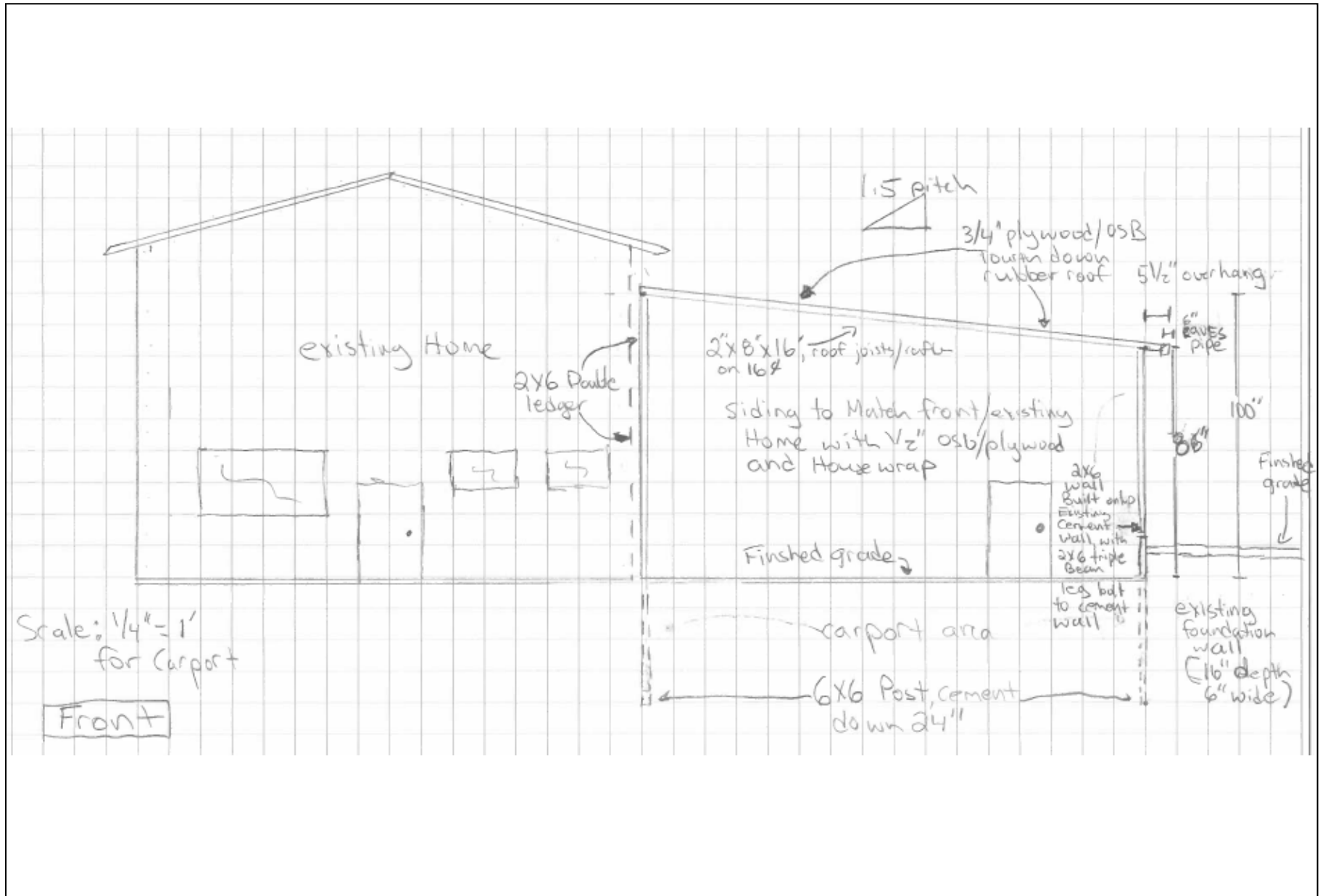
Attachment No. 1 – Context Maps



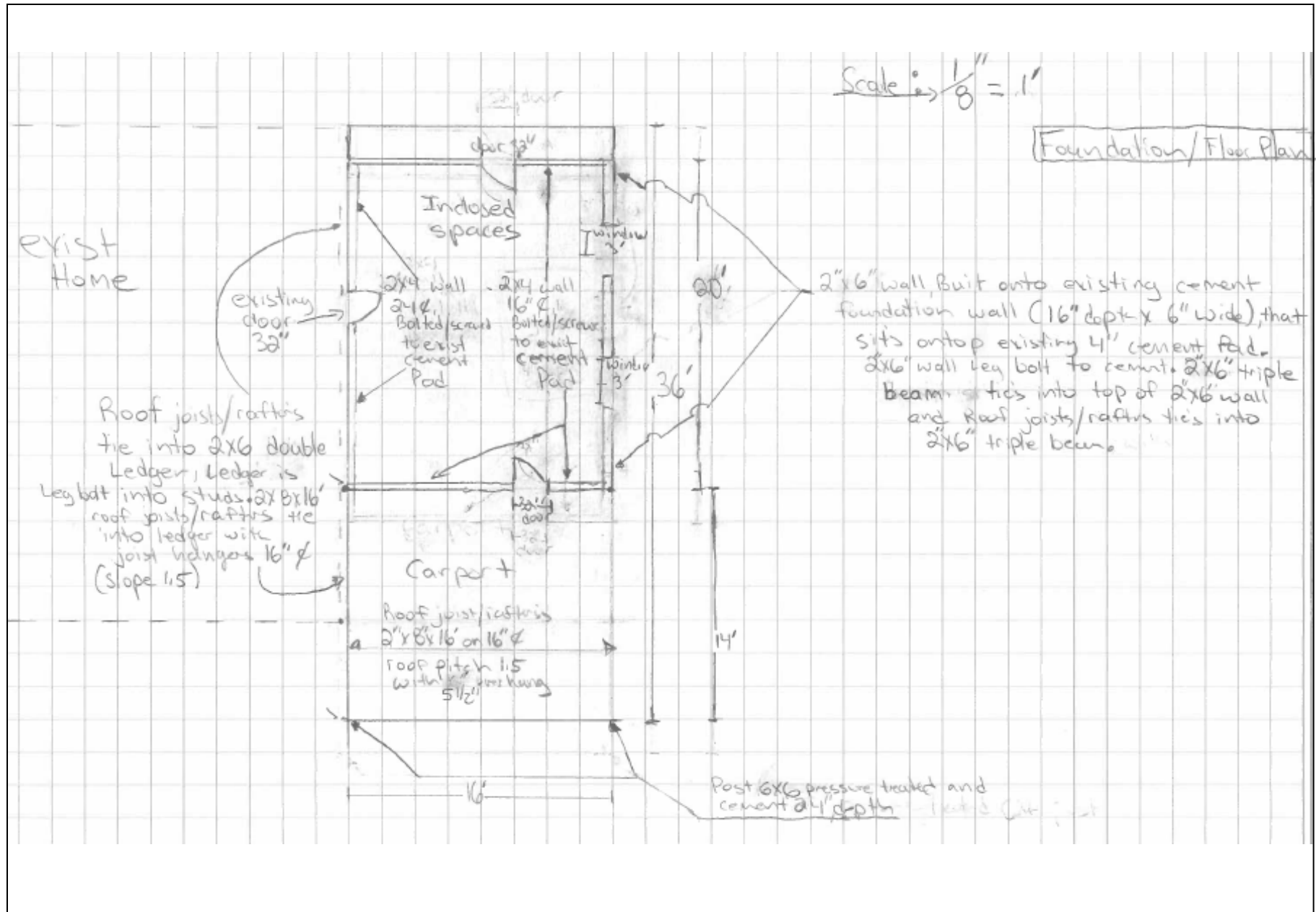
Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant's Building Elevations



Attachment No. 4 – Applicant's Floor Plan



Attachment No. 5 – Site Photo (Google Streetview)

