

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** April 18, 2024  
**RE:** Development Variance Permit Application — Electoral Area “C” (C2024.012-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. C2024.012-DVP, to allow for the construction of an over-height accessory building at 7619 Wheatgrass Place, be approved.**

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Legal: Lot 1, District Lot 2450S, SDYD, Plan 11800 Folio: C-05321.000

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance to increase the maximum height for an accessory building on a parcel less than 2,500 m<sup>2</sup> from  
Requests: 4.5 metres to 6.05 metres.

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## Proposed Development:

This application is seeking a variance to the maximum accessory building height provision that applies to the subject property in order to construct an accessory building (i.e., a detached garage/storage building).

Specifically, it is being proposed to vary the maximum height for an accessory building on a parcel less than 2,500 m<sup>2</sup> in area within the Agriculture One (AG1) Zone from 4.5 metres to 6.05 metres.

It is understood that the detached garage would be used for personal storage of farm equipment and fruits. In support of this request, the applicant has stated that “the property is surrounded by orchards and farm land (ALR), the neighbours across the road built [a garage] about the same size, there are no [neighbours] close to the building, to work on tractor & jerret off a hoist and no more crawling on my bum, knees & back.”

## Site Context:

The subject property is approximately 2,282 m<sup>2</sup> in area and is situated on the east side of Wheatgrass Place, approximately 2.4 km north of the boundary of the Town of Oliver. The property is understood to contain a single detached dwelling and an accessory building (i.e., a shed).

The surrounding pattern of development is generally characterised by agricultural uses, with some similarly sized residential lots to the west of the property, on the western side of Island Road.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 2, 1961, while available Regional District records

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indicate that building permits have been issued for an addition/renovation to a single detached dwelling (1976), another addition to a single detached dwelling and extension of that permit (1990, 1994), and a repair to a single detached dwelling (2011).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits “accessory building or structure, subject to Section 7.1” as an accessory use.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Park Rill and the Okanagan River.

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

The applicant has not provided confirmation from the Agricultural Land Commission (ALC) that the property meets the Section 23(1) exemption criteria.

BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on March 11, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of March 29, 2024, being 15 working days from the date of notification, one representation has been received electronically or by submission at the Regional District office.

**Analysis:**

In considering this proposal, Administration notes that regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties.

Particularly as it relates to the development of smaller agricultural parcels (i.e., those under 2,500 m<sup>2</sup> in area), accessory buildings are allotted a reduced height allowance in recognition that such parcels tend to be used predominantly for residential purposes (i.e., homesite severance parcels) which generally do not have the same equipment/farm product storage requirements as larger agricultural parcels.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this instance, Administration notes that the Electoral Area “C” Official Community Plan encourages the agricultural use of all existing farm parcels, regardless of size and the applicant is indicating that

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they have a small orchard (consisting of approximately 60 fruit trees) which is typically used for “U-pick” services and the variance will allow for the storage of farm equipment and fruit storage.

It is also noted that the construction of an over-height accessory building is unlikely to have a substantial negative impact on the rural character of the area.

**Alternative:**

Conversely, and as previously noted, the rationale for establishing a reduced accessory building height allowance for smaller agricultural parcels is that these parcels are often more residential in nature and do not typically support agricultural endeavours which would otherwise require taller accessory buildings.

Despite this, it is understood that the proposed variance would support agricultural uses on the property, despite its smaller size.

**Summary:**

For these reasons, Administration supports the requested variances and is recommending approval.

**Financial Implications:**

Financial implications have been considered and none were found.

**Alternative:**

1. That the Board deny Development Variance Permit No. C2024.012-DVP.

**Respectfully submitted**



Shannon Duong, Planner II

**Endorsed by:**



C. Garrish, Senior Manager of Planning

**Attachments:** No. 1 – Aerial Imagery (2023)

Attachment No. 1 – Aerial Imagery (2023)

