ADMINISTRATIVE REPORT

TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: March 8, 2022

RE: Development Variance Permit Application — Electoral Area "D" (D2021.061-DVP)

<u>Legal</u>:   Lot 43, District Lot 461, SDYD, Plan 12472 <u>Folio</u>: D-02893.085

<u>OCP</u>:   Low Density Residential (LR)   <u>Zone</u>: Low Density Residential Two (RS2)

<u>Variance Requests</u>: to reduce the minimum front parcel line setback from 7.5 metres to 3.75 metres.

Proposed Development:

This application is seeking a variance to the minimum front parcel line setback that applies to the subject property in order to undertake the construction of an addition (including a secondary suite) to an existing residence.

Specifically, it is being proposed to reduce the minimum front parcel line setback from 7.5 metres to 3.75 metres.

In support of this request, the applicant has stated that "extending on the carport to build a structure above the carport is the only options that is feasible to the existing house because it is the only part of the house where a second storey addition can be added and therefore reducing the amount of addition that would otherwise be made to the front of the house. By utilizing the upper portion of the carport, the footprint of the house will be kept at a minimum."

The applicant has also noted that "… the addition and suite to the top of the carport will be used to house aging parents".

Site Context:

The subject property is approximately 1,703 m^2 in area and is situated towards the end of the cul-de-sac on Kent Place. The property is currently developed to a single detached dwelling with a pool.

The surrounding pattern of development is generally characterised by low density residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 14, 1962, while available Regional District records indicate that building permits for a single detached dwelling (1974) and pool enclosure (1977) have been issued for the property.

Under the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR), and is the subject of Watercourse Development Permit (WDP) and Important Ecosystem Area designations.

Under the Electoral Area "D" Zoning Bylaw No. 2455, 2008, the property is currently zoned Low Density Residential Two (RS2) which permits "single detached dwelling" as a principal use, and "secondary suite, subject to Section 7.12".

The Regional District has previously received a written complaint regarding recreational vehicles that may be occupied or stored on the property; however, the file has since been closed.

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

Administration confirmed with Ministry of Transportation and Infrastructure (MoTI) staff that the rear of the parcel, following the registration of an associated acquisition site plan, would be affected by both a Temporary License to Construct (which would remain part of the property following culvert installation) and right-of-way. A reference plan from December 2021 provided by the applicant (Attachment No. 2) indicates that the right-of-way area would be 126.5 m^2, which would be removed from the property.

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 February 10, 2022. All comments received are included as a separate item on the Board's Agenda.

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.

A front setback can also influence the perception of a streetscape and establish the character of the street by providing a consistent building line. In residential neighbourhoods, a front parcel line setback can also help provide privacy for the front of a house (i.e. distance is created between the house and passersby on an adjacent sidewalk) as well as space for landscaping.

The construction of garages within a front setback is generally considered to represent poor streetscape design and that this is not a common feature of Kent Place (i.e. development has generally occurred outside of the prescribed front setback area).

Finally, Administration considers that built form should not be dictated by use and while the applicant is seeking a reduced setback to facilitate an alternate, more affordable form of housing unit through the construction of a secondary suite (which is supported by the OCP Bylaw), this should not influence decisions on setbacks.

Other options are also seen to be available to the applicant, such as constructing an extension to the rear of the existing residence. While it is recognised that this area is currently designated as a WDP Area and the OCP Bylaw encourages reductions to zoning setbacks to preserve a Stream Protection and Encroachment Area (SPEA), it is noted that this same area is also the subject of an "enduring area of human disturbance" (i.e. landscaping) and that an assessment to determine a SPEA on the property has not occurred.

For these reasons, Adminstration is generally not supportive of the requested variance and is recommending denial.

Conversely, given the OCP encourages the reduction of zoning setbacks to preserve a SPEA and given the applicant has advised that "extending the house to the east of the pool would be building closer to the watershed and increasing the potential for flood risk and impacts to habitat" a reduced front setback may be supportable.

SPEAs are typically calculated by a Qualified Environmental Professional as part of a Riparian Areas Protection Regulation (RAPR) assessment, which is a required component of a WDP application. The applicant has not submitted a WDP application for the proposed development.

The Board may choose to defer consideration of the application until a RAPR assessment is provided to the Regional District, indicating the SPEA setback associatedwi th McLean Creek.

It is also noted that there is an approximately 13.5 metre gap between the edge of the paved road in the Kent Place road reserve and the front parcel line for the subject property and that the existing dwelling is situated at least a further 7.5 metres from the parcel line, for a total distance of approximately 21.0 metres.

As Kent Place is a cul-de-sac, it is unlikely the paved road will ever be expanded and that there will be a significant gap between the proposed dwelling addition and the road. It is noted, however, this same situation applies to neighbouring parcels and the proposed addition will occur forward of the existing building line.

Administrative Recommendation:

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

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:

    a. TBD
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

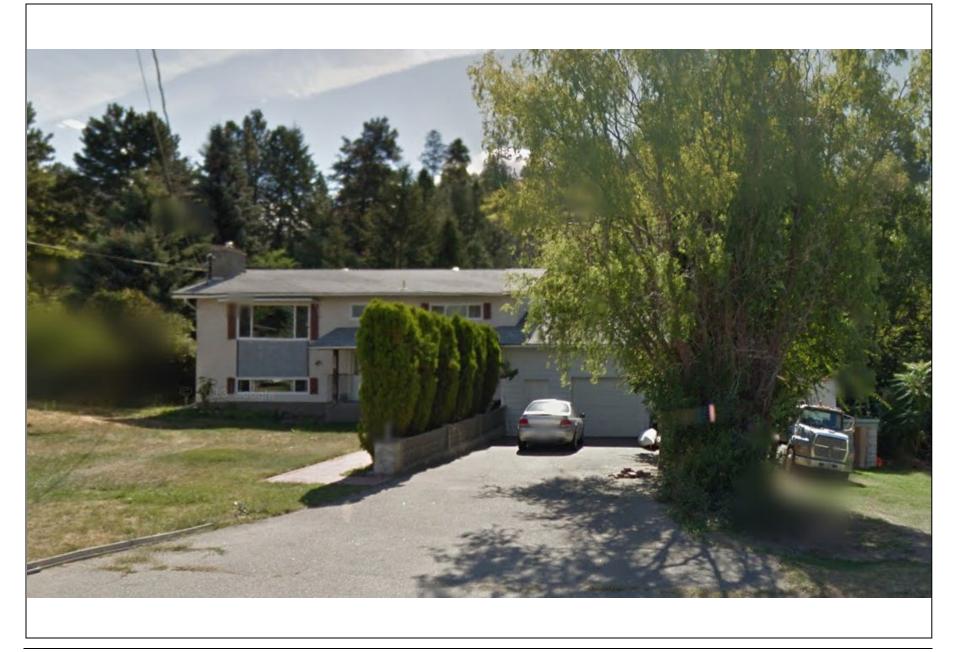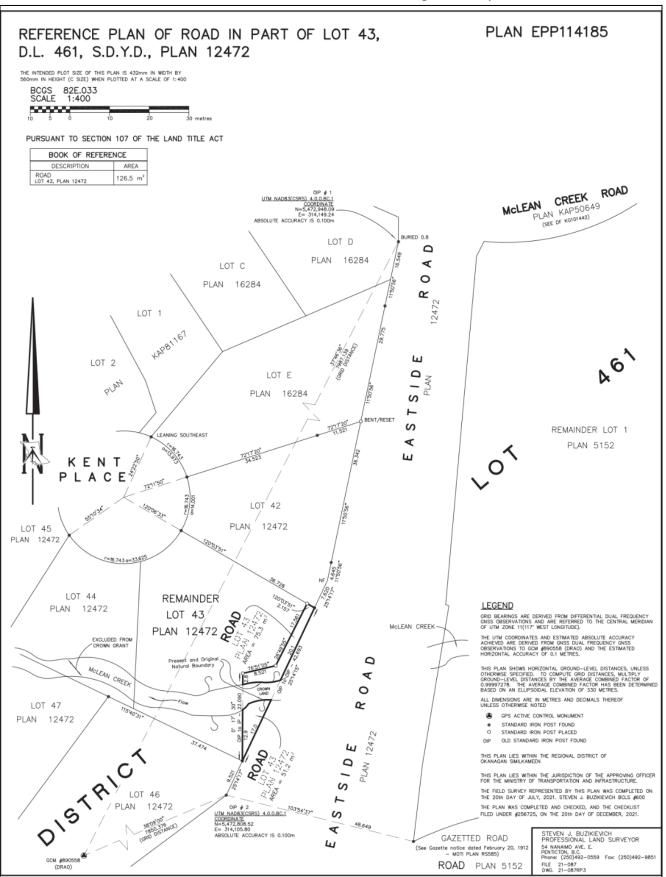**Respectfully submitted**

Shannon Duong, Planner I

Endorsed by:

C. Garrish, Planning Manager

Attachments:
No. 1 – Site Photo (Google Streetview)
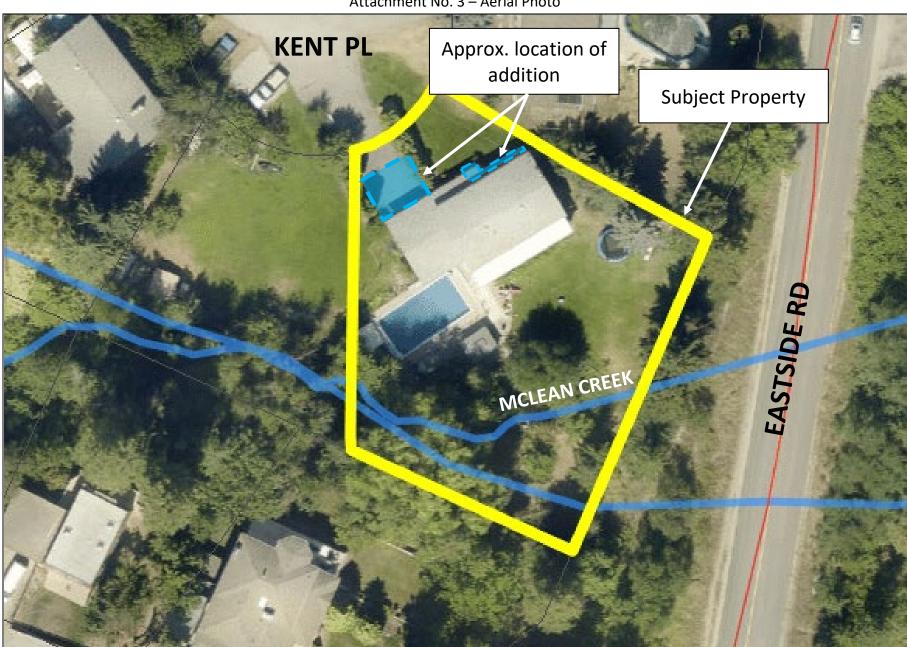No. 2 – Reference Plan of Right-of-Way
No. 3 – Aerial Photo

File No: D2021.061-DVP

KENT PL

Approx. location of addition

Subject Property

MCLEAN CREEK

EASTSIDE RD

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