

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 16, 2023
RE: Development Variance Permit Application — Electoral Area “D” (D2023.001-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2023.001-DVP, to allow for a 32-unit townhouse development at 960 Cedar Street, Okanagan Falls, be approved.

Legal: Lot A, District Lot 2883S, SDYD, Plan KAP51714 Folio: D-00891.001

OCP: Okanagan Falls Town Centre (OFTC) Zone: Okanagan Falls Town Centre (OFTC)

Variance Request: to reduce the minimum setback which applies to the parcel line adjacent to Highway 97.

Proposed Development:

This application proposes to reduce the northerly parcel line setback which is adjacent to Highway 97 from 4.5 metres to 2.4 metres in order to undertake the development of 32 townhouses.

In support of this request, the applicant has stated that “[the] proposed variance is consistent with the several purpose[s] of the zone, not a legal constraint, is not an unreasonable request as reviewed by [the Ministry of Transportation and Infrastructure, and will improve the streetscape of surrounding neighbourhood”.

Site Context:

The subject property is approximately 5,651 m² in area and is situated on the south side of Highway 97, approximately 1.2 km south of the boundary of the City of Penticton. The property is vacant. The surrounding pattern of development is varied, consisting of commercial uses as well as low and medium residential development.

Background:

The boundaries of the property were created on March 14, 1994, while available Regional District records indicate that a building permit has been issued for a commercial sales lot.

The property is designated Town Centre (TC), and is the subject of an Okanagan Falls Town Centre Development Permit (OFTCDP) Area. It is zoned Okanagan Falls Town Centre (OFTC), which permits “townhouses as a principal use.

The Regional District has received written complaints regarding the length of grasses/weeds on the property, and placement of a sign contrary to zoning. Both contraventions occurred under prior ownership and have been rectified. BC Assessment has classified the property as “Business and Other” (Class 06).

Public Process:

Adjacent residents and property owners were notified of this DVP application on January 12, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District. 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 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.

The subject parcel line is adjacent to Highway 97 and development along this corridor will heavily impact the streetscape of the area. This is reflected in the Board's previous addition of the Okanagan Falls Town Centre (OFTC) Official Community Plan designation, which purports to "ensure that developments in the Town Centre contribute to a unique sense of place and identity, and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake" and to "create an attractive and more walkable Okanagan Falls Town Centre area".

Further to this, lands within the OFTC area have been designated as Okanagan Falls Town Centre Development Permit (OFTCDP) Area to "ensure consistent, high-quality design for all new developments in the Town Centre that respects the local context, supports the creation of a more pedestrian-friendly Town Centre, and optimizes views of and access to the lakefront".

The OFTCDP provides form and character guidelines for the construction of any new commercial or multi-family residential buildings, which the applicant must address prior to the issuance of a permit.

The subject property line is set back approximately 6 metres from the existing roadway and the proposed setback reduction would account for the development of the north facing balconies while the rest of the building wall would meet the minimum 4.5 metre setback requirement. With these site- and development-specific factors in mind, the proposed setback reduction is unlikely to detrimentally impact the surrounding streetscape.

Alternative:

1. That the Board deny Development Variance Permit No. D2023.001-DVP.

Respectfully submitted


Shannon Duong, Planner II

Endorsed by:


C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview – 2014)

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