

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 23, 2025
RE: Development Variance Permit Application — Electoral Area “D” (D2024.030-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2024.030-DVP, to allow for the placement of a manufactured home and construction of a carport at 4838 Bassett Avenue, be approved.

Legal: Lot 6, District Lot 6374, SDYD, Plan EPP69000 Folio: D-00989.030

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: to reduce minimum front parcel line setback from 7.5 metres to 5.0 metres.

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to facilitate the placement of a manufactured home and the construction of an associated carport.

Specifically, it is being proposed to vary the minimum front parcel line setback from 7.5 metres to 5.0 metres.

In support of this request, the applicant has stated, amongst other things, that:

- *The rear of the property line borders a sloped area and the sloped area fills a majority of the rear setback, and is not suitable for development.*
- *...it may be unlikely that my request for a setback variance would cause an unusual street scape. My land parcel is somewhat oddly shaped, thus the front and rear setbacks oddly impact the building footprint.*
- *A revision to the front setback would allow for a comfortable addition of a deck to the rear of the house and avoid any disturbance to the rear slope. This would also help avoid any prohibitive engineering costs.*

Site Context:

The subject property is approximately 753 m² in area and is situated on the north side of Bassett Avenue, approximately 9 km from the boundary with the City of Penticton. The property is understood to be vacant.

Bassett Avenue is partially built out, with a number of vacant lots along the cul-de-sac. The surrounding pattern of existing 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 June 29, 2017, while available Regional District records indicate that a permit was issued for the demolition of a single detached dwelling on the parent parcel of the property (2015). BC Assessment has classified the property as “Residential” (Class 01).

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 an Okanagan Falls Multiple Family Development Permit Area.

The guidelines of the Okanagan Falls Multiple Family Development Permit Area only apply to multiple family residential developments. As the proposal is for a single detached dwelling (i.e., low density residential development), an Okanagan Falls Multiple Family Development Permit is not required.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which permits “single detached dwelling” as a principal use.

Board Consideration:

At its meeting of December 5, 2024, the Regional District Board resolved to refer the subject application to the Electoral Area “D” Advisory Planning Commission (APC).

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 September 26, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of October 21, 2024, being 15 working days from the date of notification, approximately two (2) representations have been received electronically or by submission at the Regional District office.

At its meeting of January 13, 2025, the Electoral Area “D” APC resolved to recommend to the RDOS Board that the subject application be approved.

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.

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.

Setback variances may be utilized as a means of addressing site constraints which limit the development of a property. Such constraints can be physical in nature (e.g., topography) or legal (e.g., restrictive covenants).

In considering this proposal, it is noted that the property contains relatively steep slopes at the rear of the property (see Attachment Nos. 1, 2 & 3). In this regard, the property is seen to contain topographic constraints.

The applicant's site plan submitted in support of this application (see Schedule 'B' of Draft Permit No. D2024.030-DVP) delineates the minimum parcel line setbacks applicable to the property. In reviewing this plan, it is noted that the developable area (i.e., the land area outside of setback areas) is somewhat limited as a result of the configuration of the property and the applicable 7.5 metre front and rear parcel line setback requirements.

In this regard, the options available to the applicant to develop the property absent of a setback variance are seen to be limited as a result of topographical constraints and the parcel's configuration.

Administrative notes that the proposed siting of the manufactured home and carport would otherwise meet the rear and interior side parcel line setback requirements, and is generally not seen to negatively impact the use of adjacent properties.

Alternative:

Conversely, Administration recognises that a 33.3% reduction to the minimum front parcel line setback requirement reflects a significant deviation from the established bylaw regulation.

Despite this, Administration notes that, in relation to the newly introduced Provincial requirements respecting the provision of Small-Scale Multi-Unit Housing under the *Local Government Act*, the Provincial Policy Manual and Site Standards generally recommends a minimum front parcel line setback of 5-6 metres in areas requiring a minimum of 2 dwelling units.

It should be noted that parcels within Okanagan Falls, being a Primary Growth Area with servicing provided by the Regional District, must permit a minimum of 3-4 dwelling units; however, the Regional District was granted an extension to December 30, 2030 to comply with the new Small-Scale Multi-Unit Housing requirements. The Provincial Policy Manual and Site Standards recommends a minimum 2 metre front parcel line setback for lots requiring a minimum of 3-4 units on parcels less than 1,215 m² in area, though 4-6 metre front parcel line setbacks may be warranted where there are no sidewalks or public boulevards.

As such, Administration notes that the proposed setback variance is generally consistent with Provincial recommendations regarding setback requirements for the provision of Small-Scale Multi-Unit Housing.

Summary:

For the reasons outlined above, Administration supports the requested variance and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

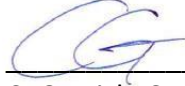
1. That the Board deny Development Variance Permit No. D2024.030-DVP.

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments:

No. 1 – Site Photos

No. 2 – Site Photos

No. 3 – Aerial Imagery (2024)

Attachment No. 1 – Site Photos



Attachment No. 2 – Site Photos



Attachment No. 3 – Aerial Imagery (2024)

