

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: March 17, 2022
RE: Development Variance Permit Application — Electoral Area “E” (E2021.056-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2021.056-DVP, to allow for the construction of an in ground pool and uncovered deck at 2565 Kettle Ridge Way, be approved.

Legal: Lot 26, Plan XEPP88322, District Lot 207, SDYD

Folio: E-02025.350

Zone: Residential Single Family One (RS1)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 3.2 m and 5.5. m

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to undertake a the construction of an in ground pool and uncovered deck.

Specifically, it is being proposed to vary the front parcel line setback from 7.5 metres to 3.2 metres (swimming pool) and to vary the front parcel line setback from 7.5 metres to 5.5 metres (uncovered deck).

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

The unusual situation in this instance is that both front and back property lines are adjacent to two separate streets with the "front yard" designation being given to the western yard space. The western yard space is adjacent Workman place that is located 11 m below the proposed elevation of the pool. The residence is addressed and entered from the upper roadway kettle Ridge way... The properties in the Kettle Ridge development boast some of the most spectacular views in the valley with the presumed intention of having pools and entertaining areas on the view side (west side) of the property. The unusual instance of having [the west side] of the property deemed to be the "front yard" along with the challenging topography and an easement running through the street side yard (back yard) make this variance the only solution.

Site Context:

The subject property is approximately 1,110 m² in area and is situated on the west side of Kettle Ridge Way approximately 1 km east of Okanagan Lake. The property is currently vacant land, but the property owners are in the permitting process to construct a single family dwelling and retaining wall.

The surrounding pattern of development is characterised by similar residential parcels to the north, south and west, and resource area land to the east.

Background:

It is unclear when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that building permit(s) have not previously been issued for this property, however, two are in process.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One Zone (RS1) which lists accessory structures as a permitted secondary use.

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

Ministry of Transportation and Infrastructure (MoTI) issued a setback permit on March 3, 2022 to permit a setback of 3.2 metres from Workman Place for a proposed swimming pool.

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 January 13, 2022. All comments received are included as a separate item on the Board's Agenda.

Analysis:Swimming Pool

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.

The subject parcel is accessed from the rear lane and there is no access to the building (vehicle or pedestrian) provided within the proposed reduced setback. Due to the topography of the area which features a rock wall on the eastern side of Workman Place, the roadway is located several metres below the proposed elevation of the pool. There are grounds to support setbacks in situations where there is a significant difference in elevation between the road and the proposed building or structure.

There is an Easement which effectively imposes a 9.0 metre setback on the east side of the property to allow for an access road to the properties to the south which limits the space for the placement of structures on the property.

Conversely, the parcels on this section of Kettle Ridge Way are largely undeveloped and establishing a reduced setback at this stage could create an expectation that the Regional District supports this setback for all proposed new dwellings on Kettle Ridge Way.

Further, while the current proposal is an in ground pool, the reduced setback has the potential to negatively impact sight lines to adjacent parcels if a precedence is set and in the future the setback is applied for above ground structures.

Deck

Typically, uncovered decks are allowed to project 1.5 metres into the front setback under the general regulations. The applicants are requesting an additional 0.5 metre projection into the setback. This variance is minor in nature and is reasonable given difference in elevation with the roadway below (referenced above).

Coversely, the proposed deck is not an essential structure and could be reduced in size to fit within the established regulations.

Alternatives:

1. That the Board deny Development Variance Permit No. E2021.056-DVP.

Respectfully submitted

Fiona Titley

Fiona Titley, Planner I

Endorsed by:

CG

C. Garrish, Planning Manager

Attachments: Attachment No. 1 – Site Photo (January 4, 2022)
Attachment No. 2 – Site Photo (January 4, 2022)

Attachment No. 1 – Site Photo (January 4, 2022)



Attachment No. 2 – Site Photo (January 4, 2022)

