

See Document Attached

PROPERTY DESCRIPTION:

Civic address:

P.1

Legal Description (e.g. Lot, Plan No. and District Lot):

Current land use:

Surrounding land uses:

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

Zoning Bylaw:

Section No.:

Current regulation:

Proposed variance:

Section No.:

Current regulation:

Proposed variance:

DEVELOPMENT INFORMATION:

Please provide a general description of the proposed development:
(e.g. "to allow for an addition over an existing garage")

See Document attached

P.2

SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

Development Variance Permit Application

Applicants: Curtis Woodkey
Constance Woodkey

Address: 1018 Veteran Drive
West Bench
Penticton, BC
V2A 8Y2

Phone:



Email:



Re: Upper Front Deck Expansion

PROPERTY DESCRIPTION:

Civic Address:

1018 Veteran Drive, Penticton, BC, V2A 8Y2

Legal Description:

Lot B, District Lot 5076, ODYD, Plan 34522
PID 002-939-541

Current Land Use:

Zoning - SH5

AFFECTED BYLAWS:

Zoning Bylaw:

15.5 Small Holdings West Bench (SH-5) Zone

Section No:

15.5.5.iii

Current regulation:

Interior Side Parcel Line minimum setbacks 4.5 metres.

Zoning Bylaw:

Section No:

15.5.7

Current Regulation:

Maximum Parcel Coverage

a) 30%

PROPOSED VARIANCE:

Reduce Interior Side Parcel Line to .612 metres.

Reduce the Interior Side Parcel Line (affecting the Easement Area) to ~~.632~~ metres.
The applicant is the Dominant Tenant (see attached copy of Easement Document)

DEVELOPMENT INFORMATION:

General description of proposed variance

The house on the subject property was built in 2001. The larger landscaping, rock wall, gravel parking and landscaping rock was also added on or about 2001. (see photos) It is the applicants understanding that the current landscaping has been in place for over 20 years. There is no intention by the applicant or the adjacent landowners to make any substantial changes in the landscaping. (see Neighbour's Letter of Agreement-August 12, 2025)

Proximity of the building or structure to neighbouring properties; and

Neighbouring property's nearest structure (residential house) 1014 Veteran Drive, West Bench, Penticton on Lot A, District Lot 5076, ODYD, Plan 34522 is approximately (50.85 ft) 15.5 metres from the proposed setback variance and is (17.5 ft) 5.33 metres from the neighbouring property's fence line.

Character of development in the vicinity of the subject property

Affect on other properties

The change in the set backs of the parcel lines will not affect any of the neighbouring properties except for the subject parcel and the neighbouring parcel at 1014 Veteran Drive, West Bench, Penticton on Lot A, District Lot 5076, ODYD, Plan 34522. The change in the setback will affect no other properties zoned SH5 in West Bench, Area "F" of the Regional District of Okanagan Similkameen.

Lot coverage

The lot coverage will be increased minimally, by 27.578 square metres. (296 square feet)

Current site coverage	6.97%
Proposed site coverage	<u>8.10%</u>
Increase in site coverage	1.13%

Consistent with the general purpose and intent of the zone

The proposed variance can be considered consistent with the general purpose and intent of the zone;

The proposed variance addresses only physical issues associated with the particular site. The subject site has an unusual parcel shape in that the existing house is setback less than currently setback of 4.5 metres, and was approved under the previous regulations (setback of 3.0 metres) when the house was built in 2001.

The area affected by the requested change in setback is of no utility to anyone other than the applicant due to the topography and landscaping of the property.

The adjacent parcels used would be negligibly affected due to the current and future uses of the properties. See letter from neighbouring property owners.

Strict compliance with the zoning regulation is unnecessary in this case as it does not affect the neighbouring properties;

The proposed variance will not have any impact on the character of the street scape and will not unduly impact surrounding neighbourhood.

The requested amendment to the setback:

- does not result in inappropriate development of the site
- does not affect the natural environment
- does not reduce or affect the use and enjoyment of the adjacent land
- does not vary any permitted uses or densities, and
- does not defeat the intent of the bylaw.

The requested amendment to the setback is

- unique to the properties specific characteristics making it challenging to comply with the zoning regulations in this situation with regard to the proposed deck expansion,
- does not affect any of the other properties in the area,
- is site specific while respecting the intent of the zoning regulations (i.e. due to the lot shape and the lands use and topography),
- increases the lot coverage minimally, by 27.578 sq metres.

Current site coverage	6.97%
Proposed site coverage	<u>8.10%</u>
Increase in site coverage	1.13%,
- is reasonable and does not affect the surrounding area,
- is a unique set of circumstances, it is feasible, reasonable, practical and not an inconvenience or a burden to anyone,
- will not negatively impact the neighbourhood,
- and, will not alter the essential character of the land.