

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



DATE: December 8, 2022 **FILE NO.:** H2022.049-DVP
TO: Christopher Garrish, Planning Manager
FROM: Colin Martin, Planning Technician
RE: Development Variance Permit (DVP) — Electoral Area “H”

Owner: Anita & Ken Klatt Agent: Doug Burdge Folio: H-01111.245
Civic: 4067 Lakesyde Road Legal: Lot 30, Plan KAP16638, District Lot 2086, SDYD

Proposed Development:

This application is seeking a variance to the maximum height for accessory buildings that applies to the subject property for a garage that has already been constructed.

Specifically, it is being proposed to increase the maximum height of an accessory building (garage) from 4.5 metres to 4.9 metres.

In support of this request, the applicant has stated that “the garage was built and is only inches too tall. The building is up against the bank on 2 sides and does not affect the surrounding properties.”

Site Context:

The subject property is approximately 1,389 m² in area and is situated on the south side of Lakesyde Road, approximately 30 km northeast from the boundary with the Town of Princeton. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised by similar 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 October 2, 1966, while available Regional District records indicate that a building permit for an accessory building (2022) has previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP).

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which allows accessory buildings with a maximum height of 4.5 metres.

BC Assessment has classified the property “Residential” (Class 01).

Under Section 3.49 of the Regional District’s *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, “the CAO or his designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act* ...”

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 October 31, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of November 22, 2022, being 15 working days from the date of notification, approximately no representations have been received electronically or by submission at the Regional District office.

Delegated Authority:

Under Section 498.1(2) of the *Local Government Act*, a local government that has delegated authority to an officer or employee to issue a development variance permit (DVP) must include "criteria for determining whether a proposed variance is minor."

Under Section 3.49 of the Regional District's Chief Administrative Officer Delegation Bylaw No. 2793, 2018, staff are to consider if the variance would be "minor and would have no significant negative impact on the use of immediately adjacent or nearby properties" through the use of the following criteria:

1. *degree or scope of the variance relative to the regulation from which a variance is sought;*
2. *proximity of the building or structure to neighbouring properties; and*
3. *character of development in the vicinity of the subject property.*

With regard to the degree/scope of the requested variance it is considered that a 5% increase in the maximum height of an accessory building from 4.5 metres to 4.9 metres is minor due to the small increase requested.

With regard to the proximity of the proposed accessory building to neighbouring properties, the nearest parcel lines is approximately is 1.54 metres to the east. For this reason, the requested variance is seen minor and unlikely to adversely impact the use of adjacent properties through loss of privacy or overshadowing.

With regard to the final criteria and the character of development in the vicinity of the subject property, as there are other parcels in the area with legally non-conforming accessory buildings over 4.5 metres in this area.

For these reasons, the proposed variance is deemed to be minor, and consideration by staff of whether to issue a development variance permit (DVP) under delegation may proceed.

Analysis:

When considering a "minor" variance request, and in accordance with Section 498.1(2) of the *Local Government Act*, the Regional District Board requires that staff consider the following guidelines when deciding whether to issue a DVP:

1. *is the proposed variance consistent with the general purpose and intent of the zone;*
2. *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.);*

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3. *is strict compliance with the zoning regulation unreasonable or un-necessary; and*
 4. *Would the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood.*

In this instance, regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this instance, Administration acknowledges that the height of the garage is a minor increase and is not likely to obstruct the views of neighbours, as many of the parcels in the neighbourhood are oriented toward the lake. Therefore, straight lines of the lake will not be obstructed.

The characteristics of the surrounding area are similar and many contain accessory buildings in the form of garages. Additionally, there are other properties that have legally non conforming accessory buildings. A variance of this scope, therefore, will fit in with the existing form and character of the area.

The structure was originally approved for a height of 4.5 meters in height. However, upon completion the structure is now 4.9 meters. If approved this would allow the structure to be brought into a legally non-conforming status, and therefore compliant.

The lots are quite long and narrow in shape which does limit the space available to build within interior side parcel line set backs. Increasing the height of the structure may help alleviate the space constraints of the narrow parcel.

Conversely, it is recognised that the structure was built over the original size permitted. Additionally, it is noted that increasing heights has the possibility to create shading and obstruct views.

For these reasons, it is recommended that the requested variances be approved.

Recommendation:

THAT Development Variance Permit No. H2022.049-DVP, to allow the construction of an accessory building at 4067 Lakesyde Road, be approved.

Respectfully submitted:

Colin Martin

Colin Martin, Planning Technician

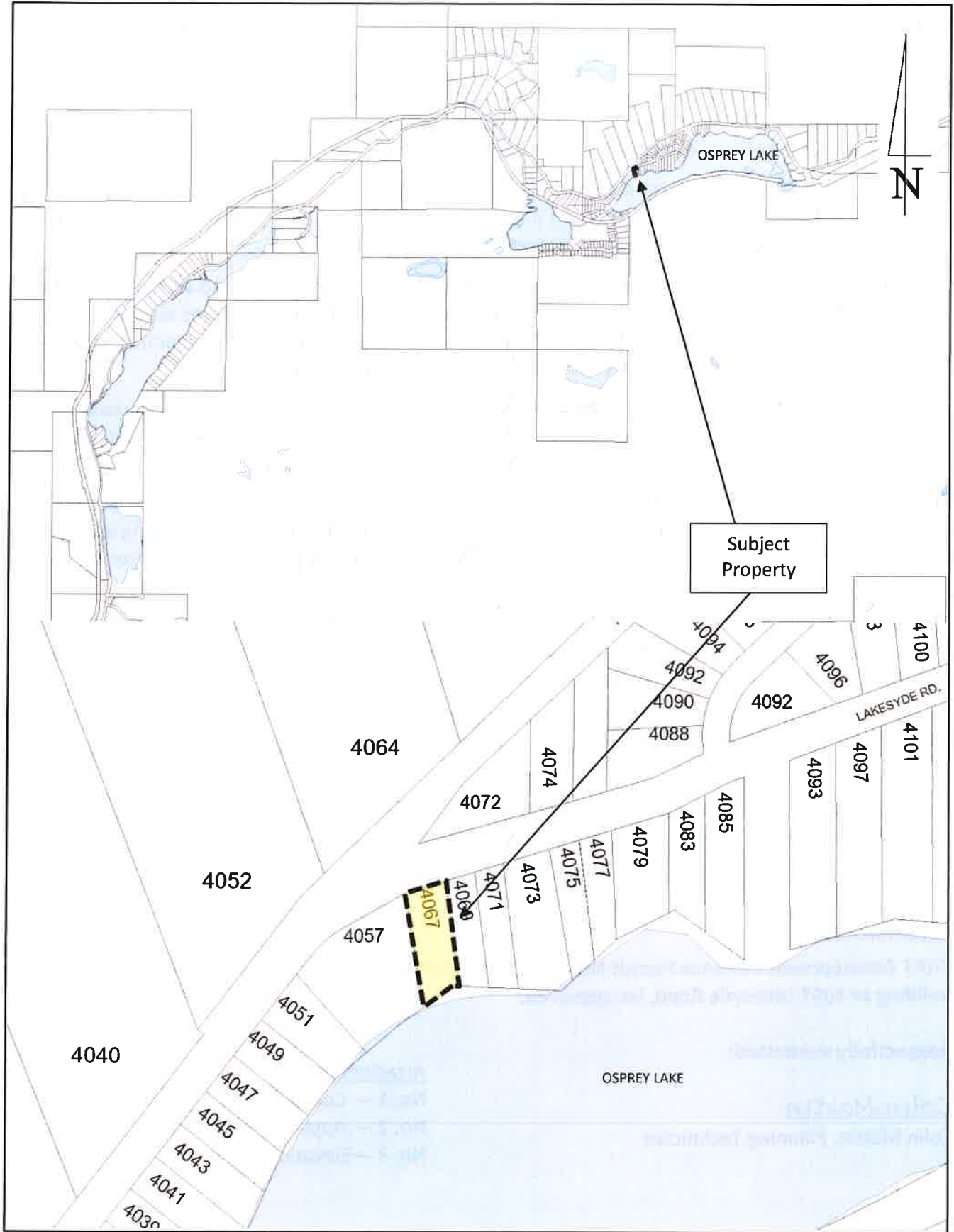
Attachments:

No. 1 — Context Maps

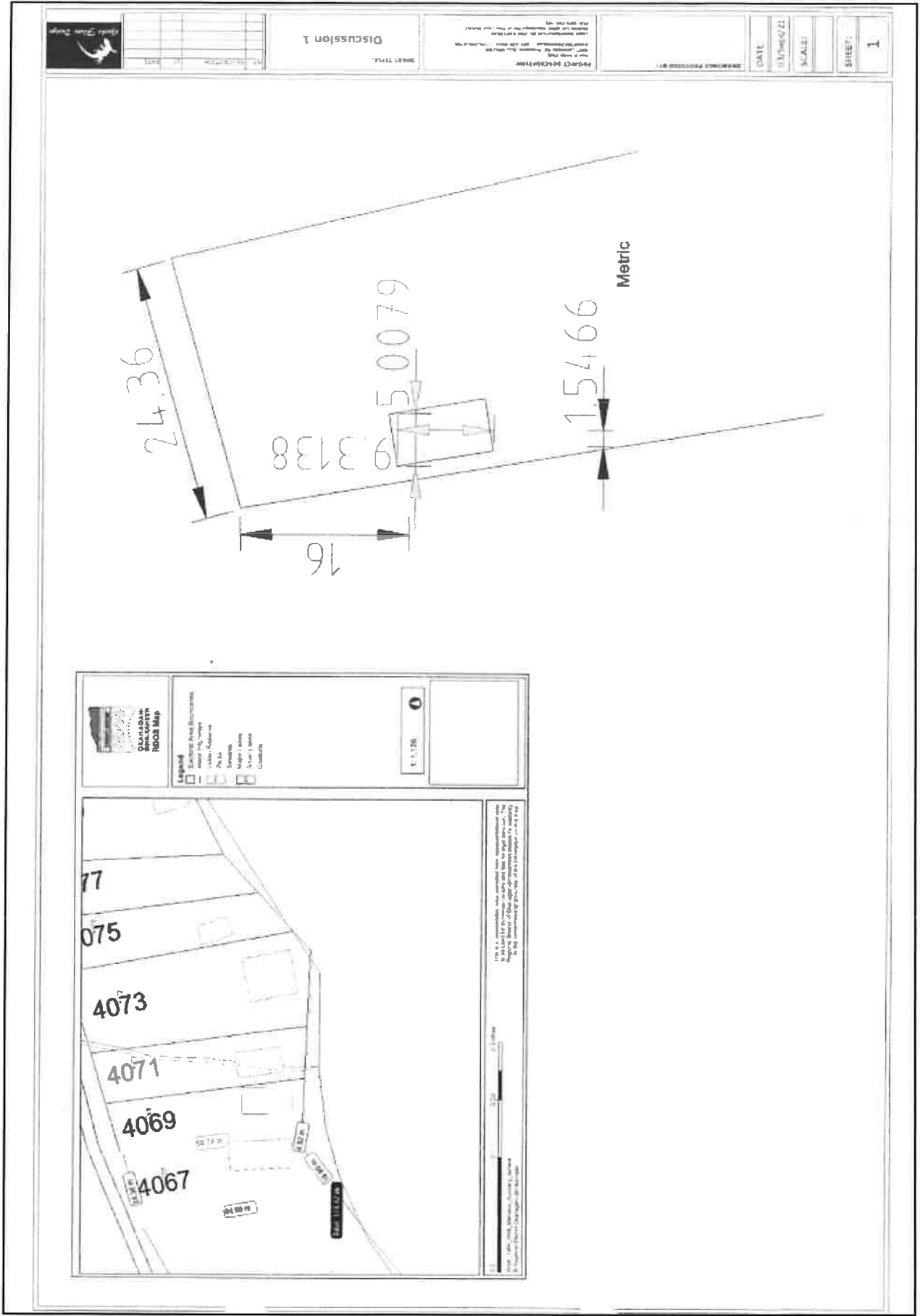
No. 2 — Applicant's Site Plan

No. 3 — Elevations

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 –Elevations

4.9m

Garage / Storage Unit

PROJECT DESCRIPTION:
 The client has requested a design for a new garage and storage unit to be attached to the rear of the existing house. The unit is to be used for parking a car and storing various items. The design should be functional, practical, and aesthetically pleasing, blending with the existing house. The unit should be constructed of high-quality materials and be durable and long-lasting. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

DESIGN OBJECTIVES:
 The design objectives for this project are to create a functional, practical, and aesthetically pleasing garage and storage unit that meets the client's requirements and expectations. The unit should be designed to be easy to maintain and repair. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

DESIGN SOLUTIONS:
 The design solutions for this project include a white garage and storage unit with a gabled roof, a central door, and two windows on either side. The unit is designed to be functional, practical, and aesthetically pleasing, blending with the existing house. The unit is constructed of high-quality materials and is durable and long-lasting. The design also takes into account the local climate and weather conditions. The unit is designed to be easy to maintain and repair. The design also takes into account the local council requirements and regulations. The design is completed within the specified budget and timeline.

CONSTRUCTION SPECIFICATIONS:
 The construction specifications for this project include the use of high-quality materials, such as concrete, brick, and timber. The unit should be constructed to be durable and long-lasting. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

FINISHES:
 The finishes for this project include a white paint finish for the walls and ceiling, and a dark wood finish for the door and windows. The unit should be finished to a high standard, matching the existing house. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

LANDSCAPING:
 The landscaping for this project includes the installation of a concrete driveway and a concrete path leading to the unit. The unit should be landscaped to blend with the existing house. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

CONTRACT DOCUMENTS:
 The contract documents for this project include the contract of sale, the contract of construction, and the contract of completion. The unit should be constructed in accordance with the contract documents. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

PERMITS:
 The permits for this project include the building permit, the plumbing permit, and the electrical permit. The unit should be constructed in accordance with the permit requirements. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.

COMPLETION:
 The completion of this project includes the final inspection, the handover of the unit, and the payment of the final invoice. The unit should be completed in accordance with the contract documents. The design should also take into account the local climate and weather conditions. The unit should be designed to be easy to maintain and repair. The design should also take into account the local council requirements and regulations. The design should be completed within the specified budget and timeline.