

MEMORANDUM
DEVELOPMENT SERVICES DEPARTMENT



DATE: December 8, 2023
TO: Christopher Garrish, Senior Manager of Planning
FROM: Colin Martin, Planning Technician
RE: Development Variance Permit (DVP) — Electoral Area “H”

FILE NO.: H2023.044-DVP

Owner: Terry Mckenzie & William Davis Agent: N/A Folio: H-01169.040
Civic: 178 Skye Blue Loop Legal: Lot 3, Plan KAP40878, District Lot2467 4767, KDYD

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to undertake an addition to the principal dwelling on the property.

Specifically, it is being proposed to reduce the minimum interior side parcel line setback from 1.5 metres to 1.38 metres.

In support of this request, the applicant has stated that “[w]e have applied for a permit to add an addition on, so we can have a master bedroom and a laundry room to make it livable as our permeant residence.”

Site Context:

The subject property is approximately 1,926 m² in area and is situated on the southwest side of Skye Blue Loop, approximately 25.5 km north from the boundary with the Town of Princeton. The property is understood to contain one (1) singled detached dwelling.

The surrounding pattern of development is generally characterised by similar residential development, unsurveyed crown land, and Allison Lake to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 18, 1989, while available Regional District records indicate that a building permits for a Summer Home (1995) and a bedroom addition (2021) have 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) Area designation. However, the proposed development is to take place beyond the WDP Area.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family Two (RS2) which under Section 12.2.1(a) permits single detached dwellings as a principal use.

The property is not within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

Under Section 3.21 of the Regional District’s *Chief Administrative Officer Delegation Bylaw No. 3033, 2023*, “the CAO or their 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 November 15, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of December 16, 2023, being 15 working days from the date of notification, approximately XX 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 3.22 of the Regional District’s Chief Administrative Officer Delegation Bylaw No. 3033, 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 scope of the requested variance it is considered that an 8% reduction to the interior side parcel line setback from 1.5 metres to 1.38 metres is minor due to the short distance of 0.12 metres being requested.

With regard to the proximity of the proposed dwelling addition to neighbouring properties, the nearest parcel lines is approximately is 1.38 metres to the east. Moreover, the nearest neighbouring dwelling is approximately 10 metres from the proposed addition. 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, the placement of a single detached dwelling within 1.5 metres of the interior side parcel line setback, based on satellite imagery appears to be common in this area.

For these reasons, the proposed variances 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.);*
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, 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.

In the agricultural zones, setbacks are further used to mitigate the potential for conflict between land uses with the Ministry of Agriculture recommending that setbacks be used to “avoid farming right up to the back wall of [a] residence.”

The proposed variance is to facilitate the expansion of the permitted single detached dwelling on the property and is therefore consistent with the intent of the RS2 zone.

The character of the neighbourhood is unlikely to be negatively affected by a variance to the interior side parcel line setback, as many of the properties in the neighbourhood are a fair size. The larger sized lots help to reduce the risk of overcrowding. Additionally, the nearest neighbour’s dwelling to the proposed addition to the single detached dwelling is approximately 10 metres away. This limits the potential concern for shadowing and privacy.

The neighbourhood does include other parcels where structures, including dwellings, are built close to parcel lines. This means that the proposed variance is consistent with the character of the neighbourhood.

Conversely, it is recognised that the parcel does have space south of the dwelling where an addition could be constructed without requiring a variance.

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

Recommendation:

THAT Development Variance Permit No. H2023.044-DVP, to allow for the construction of an addition to a single detached dwelling at 178 Skye Blue Loop, be approved.

Respectfully submitted:

Colin Martin

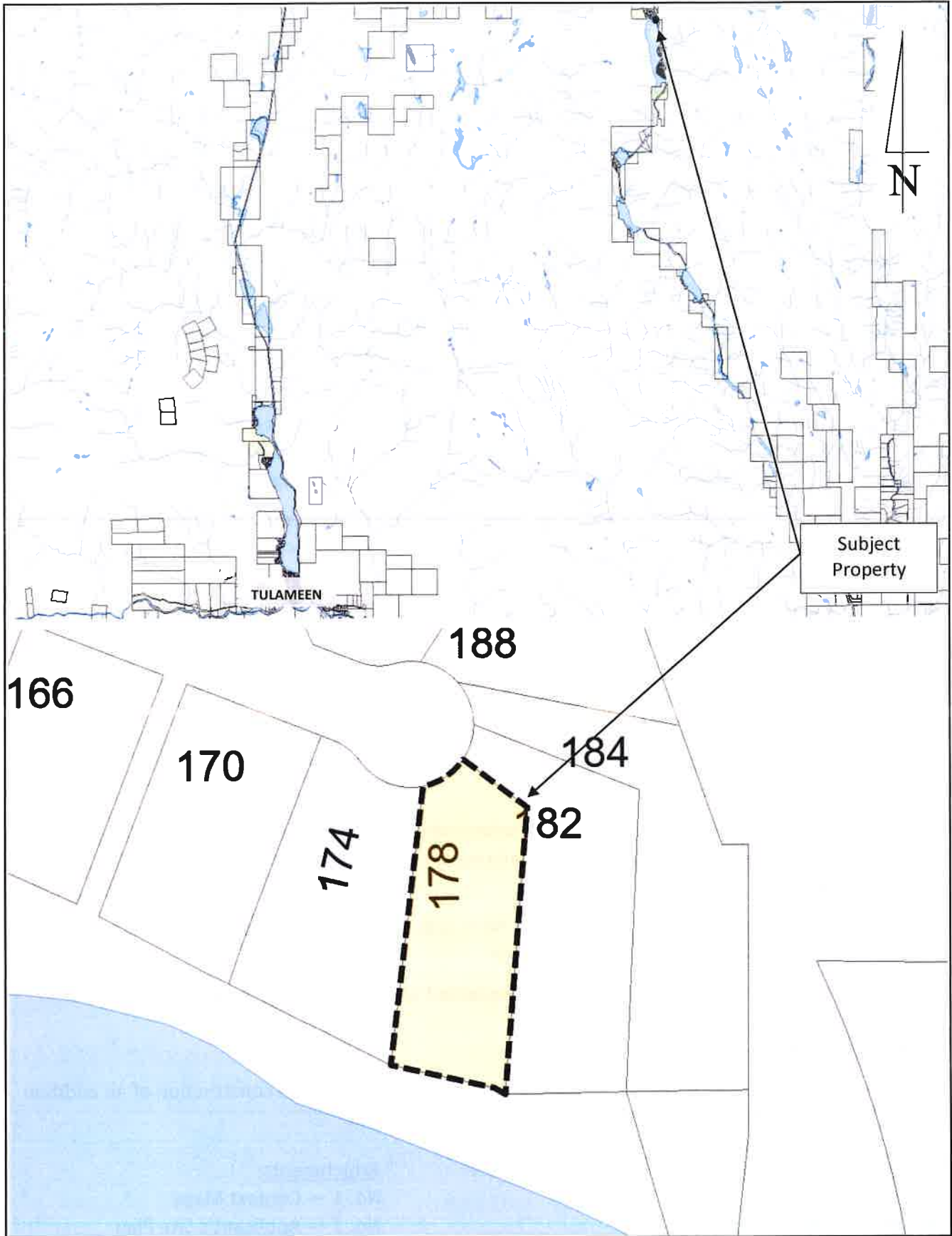
Colin Martin, Planning Technician

Attachments:

No. 1 — Context Maps

No. 2 — Applicant’s Site Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan

