

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 15, 2022
RE: Development Variance Permit Application — Electoral Area “I” (I2022.050-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2022.050-DVP, to formalize an over-height accessory structure at 450 Eastview Road in Area “I”, be approved.

Legal: Lot 6, Plan KAP11043, District Lot 280, SDYD Folio: I-02471.000

OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

Variance Request: to increase the maximum height for an accessory structure from 4.5 metres to 8.5 metres

Proposed Development:

This application is seeking a variance to the maximum height for accessory structures that applies to the subject property in order to formalize an over-height solar tree.

Specifically, it is being proposed to increase the maximum height for an accessory structure from 4.5 metres to 8.55 metres to the outermost projection.

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

- Swiss Solar Tech made the error of installing a pole higher than 4.5m but feel we also have justification for installing the pole at the height.
- Without the 0.95m of concrete foundation the pole will only be 1.8m from the ground.
- Manufacture recommends more clearance under pole.
- The pole is at the rear setback and does not block anyone’s view.
- We did get structural engineering approval prior to installation.

Site Context:

The property is 0.32ha in area and is situated on the west side of Eastview Road, approximately 13km northeast from the boundary with Village of Keremeos. The property contains a singled detached dwelling, an accessory building and an accessory structure (solar tree).

The surrounding pattern of development is characterised by similar residential development.

Background:

The property was on May 13, 1960, while available Regional District records indicate that building permits for a single detached dwelling (2004), and a deck addition (2011) have previously been issued for this property.

The property is designated Small Holdings (SH) and zoned Small Holdings One (SH1), which requires a maximum height of 4.5 metres for accessory buildings and structures, and a maximum height of 10.0 metres for principle uses. BC Assessment has classified the property as “Residential” (Class 01) and the Regional District has received written complaints regarding an over-height solar tree.

Public Process:

Adjacent residents and property owners were notified of this DVP application on November 8, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of November 30, 2022, being 15 working days from the date of notification, three (3) representations have been received electronically or by submission at the Regional District office.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done primarily to ensure that a building does not result in undue impacts to adjacent properties. Building height is 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.

With respect to the streetscape of the surrounding area, the solar tree is located between the house and the rear parcel line, minimizing its visibility from neighbouring parcels along the street frontage. The solar tree is also adjacent to an exterior side parcel line, however, with the exception of the neighbouring parcel at 451 Sagewood Lane, the parcels immediately adjacent to this parcel line are predominantly undeveloped small holdings and agricultural lands.

The nearest parcel line is approximately 9 metres southwest of the solar tree and is situated atop a small embankment. For this reason, the requested variance is seen to not unduly impact the adjacent property such as through loss of outdoor amenity space.

In considering that the purpose of the requested variance is to facilitate a solar energy system, the Electoral Area “I” Official Community Plan contains policies encouraging the use of renewable energy to achieve emission reduction targets and energy conservation goals.

Alternative:

1. That the Board deny Development Variance Permit No. I2022.050-DVP.

Respectfully submitted

Ben Kent

Ben Kent, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachment No. 1 – Site Photo



Attachment No. 2 – Site Photo

