

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 23, 2021
RE: Development Variance Permit Application — Electoral Area “A” 4003 37th Street

Administrative Recommendation:

THAT Development Variance Permit No. A2021.036-DVP to allow for a dwelling addition at 4003 37th Street be approved.

Legal: Lot 10, Plan KAP9792, District Lot 42, SDYD

Folio: A-01228.000

OCP: Low Density Residential (LR)

Zone: Residential Single Family One (RS1)

Variance Request: to reduce the minimum rear parcel line setback from 7.5 metres to 2.5 metres

Proposed Development:

This application is seeking a variance to the rear parcel line setback from 7.5 metres to 2.5 metres to undertake the construction of a bathroom addition on the south east corner of the existing dwelling.

In support of this request, the applicant has stated that “there is currently an addition on the existing dwelling. The proposed [new] addition will be on the side and will not encroach the setback any further... The addition will not extend past the main portion of the house ...”

Site Context:

The subject property is 1313 m² in area and is situated on the east side of 37th street approximately 110 metres east from the municipal boundary with the town of Osoyoos and 400 metres east of Osoyoos Lake. The property is currently developed to contain a single detached dwelling, deck and garage.

The surrounding pattern of development is characterised by similar sized residential parcel with larger agriculture parcels to the north east.

Background:

The property was created on July 10, 1959, while available Regional District records indicate that a building permits for a deck and double garage (1999) have previously been issued for this property.

Under the Electoral Area “A” Official Community Plan the property is designated Low Density Residential and zoned Residential Single Family One (RS1) which allows for single detached dwellings as a principle use. BC Assessment has classified the property as “Residential” (Class 01).

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 September 16, 2021. All comments received are included as a separate item on the Board's Agenda.

Analysis:

Setback regulations provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent to 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.

There is already a previous addition on the rear of this house which extends into the rear setback leaving a setback of 2.5 metres from the rear parcel line. It is unclear when this previous addition was built. The proposed new addition will match the existing addition and square off the south east corner of the house.

Given the above, it is not anticipated to adversely impact the established streetscape characteristics or neighbouring uses, and the proposal is seen to be reasonable. Further, the street to the rear of the property is a dead end, ending at the north parcel line of the subject property and so the encroachment into the rear setback is not seen to present any concerns for sightlines for vehicle traffic movement.

The north half of the property is vacant and the applicant could make an addition on the north side of the house without needing to vary setback regulations.

Alternatives:

1. That the Board deny Development Variance Permit No. A2021.036-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "A" Advisory Planning Commission.

Respectfully submitted



Fiona Titley, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments:

No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)



35th Street frontage