

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 22, 2021
RE: Development Variance Permit Application — Electoral Area “C”

Administrative Recommendation:

THAT Development Variance Permit No. C2021.019-DVP to allow for an expansion of an accessory structure at 337 Road 11 in Electoral Area “C” be approved.

Purpose: To allow for an expansion of an accessory structure Folio: C-05706.000
Legal: Lot 1, Plan KAP10786, District Lot 2450S, SDYD, Portion L 273 Civic: 337 Road 11
OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)
Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 2.4 metres

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to undertake the development of a “lean to” structure adjacent to an existing garage.

Specifically, it is being proposed to reduce the minimum front parcel line setback from 7.5 metres to 2.4 metres in the Residential Single Family One (RS1) zone.

In support of this request, the applicant has stated that “the structure is hidden behind a large tree line and is further from the front parcel line than other structures built on separate lots on R11. The variance represents the best solution to safely construct without affecting nearby residents, traffic or facilities.”

Site Context:

The subject property is approximately 1,703 m² in area and is situated on the south side of Road 11, about 200 metres east of Highway 97. The property is currently developed with a single detached dwelling and garage.

The surrounding pattern of development is characterised by agricultural lands to the south, east and west, and similar residential development on RS1 parcels to the north.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 8, 1960, while available Regional District records indicate that building permits were issued for a porch (1983) and a swimming pool (1977).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Low Density Residential (LR) and is the subject of a Protection of Farming Development Permit Area (PFDP).

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Residential Single Family One (RS1) which permits accessory buildings and structures, subject to Section 7.13 of the bylaw, and establishes setbacks from property lines.

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act (1960), less than 2.0 acres (0.81 ha) in area.

The property has been the subject of a Stop Work Notice (November 9, 2020) for the construction of an addition (lean-to) to the garage without a building permit, and has been classed as “Residential” (Class 01) by BC Assessment.

On June 15, 2021, the Ministry of Transportation and Infrastructure (MoTI) approved a reduced setback from Road 11 for the proposed structure.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

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 also 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 considering this proposal, Administration notes that the subject property is located in a rural area and on a dead-end road that would experience minimal through traffic. It is also noted that there are accessory structures sited within the front setback of other neighbouring properties on this cul-de-sac.

Concerns of maintaining adequate sightlines for vehicle traffic are mitigated as the structure is proposed to be open on three sides. Also, the proposed variance has no impact on parking or vehicle maneuvering on the property.

Further, there are no immediate neighbouring properties that will have concerns of overshadowing or loss of privacy if the proposed variance is approved.

Conversely, Administration notes that the proposed “lean-to” could possibly be constructed on the east side of the garage, which would meet the zoning bylaw requirements.

Moreover, there is extensive vegetation in the front portion of the subject property that will potentially hide the “lean-to” from the view of the passing traffic. However, Administration recognizes that the vegetation is temporary and can be easily removed in the future.

In conclusion, Administration supports the requested variance and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. C2021.019-DVP; or
2. That the Board defer consideration of the application and it be referred to the Electoral Area “C” Advisory Planning Commission.

Respectfully submitted

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed by:

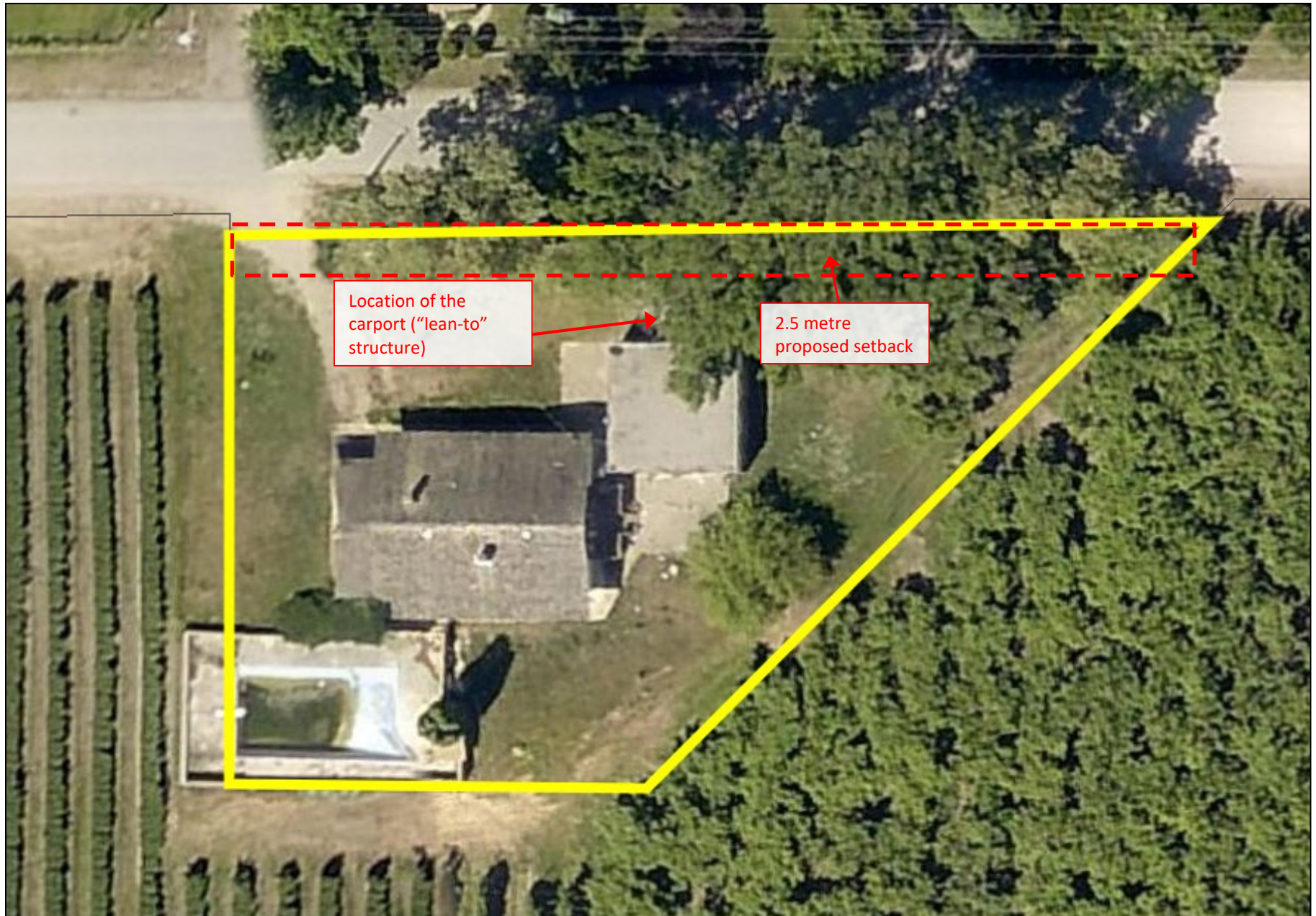


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (July 06, 2021)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (July 06, 2021)

