

# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



**DATE:** August 21, 2023 **FILE NO.:** C2023.026-DVP

**TO:** Christopher Garrish, Senior Manager of Planning

**FROM:** Colin Martin, Planning Technician

**RE:** Development Variance Permit (DVP) — Electoral Area “C”

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Owner: Okanagan-Similkameen (Regional District) Agent: N/A Folio: C-07069.000

Civic: 3395 Willowbrook Road Legal: Block C, District Lot 3100, SDYD

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### **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 Willowbrook fire hall.

Specifically, it is being proposed to vary the interior side parcel line setback from 7.5 metres to 3.87 metres.

In support of this request, the applicant has stated that “[t]he variance is being requested to allow for a tools and compressor room addition to be constructed at the Willowbrook fire hall. The addition is necessary to house a compressor (used to fill oxygen tanks) outside of the vehicle bay area, thus complying with legislated health and safety requirements.”

### **Site Context:**

The subject property is approximately 2,746 m<sup>2</sup> in area and is situated on the west side of Willowbrook Road, approximately 8 km northwest from the boundary with Town of Oliver. The property is understood to contain The Willowbrook fire hall and one (1) accessory building.

The surrounding pattern of development is generally characterised by undeveloped Crown land to the west and south, and agricultural and residential development to the north and east.

### **Background:**

Available Regional District records do not indicate when the current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops. Available Regional District records do indicate that building permits for the construction of two (2) additional truck bays (2000) and a fire hall accessory building (1989) have previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Resource Area (RA), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. The works are exempted from a WDP as per Section 21.4.8.2. Additionally, the property is also in a Protection of Farming Development Permit (PFDP) Area.

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Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Resource Area (RA) which does not specifically permit civic buildings; however Section 6.16.5 does state that fire halls are permitted in every zone.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is not within the floodplain.

The property is not within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as "Business and Other" (Class 06).

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 July 25, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 16, 2023, being 15 working days from the date of notification, 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 48% decrease to the interior side parcel line from 7.5 metres to 3.87 metres is not seen to be minor.

With regard to the proximity of the proposed fire hall addition to neighbouring properties, the nearest parcel lines is approximately is 3.87 metres to the south. The property is bordered by a property owned by the Crown and the Regional District of Okanagan-Similkameen. 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 fire hall within 1.0 metre of the rear parcel line setback is common in this area, as the area has limited development.

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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:**

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 surrounding land is primarily zoned as Resource Area (RA), and primarily undeveloped. The existing rural character of the surrounding area will not be affected by the proposed addition in the setback, as limited development and large parcel sizes surrounding the Willowbrook Fire Hall will maintain the rural character. An addition to the fire hall in the interior side parcel line will, therefore, have a negligible effect on surrounding parcels.

Sightlines and shading will not be an issue as there is no development on the parcel abutting the fire hall. Moreover, due to the limited development and size of surrounding properties there is little risk to buildings appearing crowded.

The existing fire hall already sits within the interior side parcel line setback. As there are multiple improvements and additions being proposed to the existing fire hall, there are limited feasible areas

Conversely, it is recognised that, should the parcel surrounding the fire hall be developed in the future, there is the possibility that the close proximity of the addition could have a small affect on privacy, sight lines, and shading on the neighbouring parcel.

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

**Recommendation:**

THAT Development Variance Permit No. C2023.026-DVP, to allow for the construction of an addition to the Willowbrook Fire Hall at 3395 Willowbrook Road, be approved.

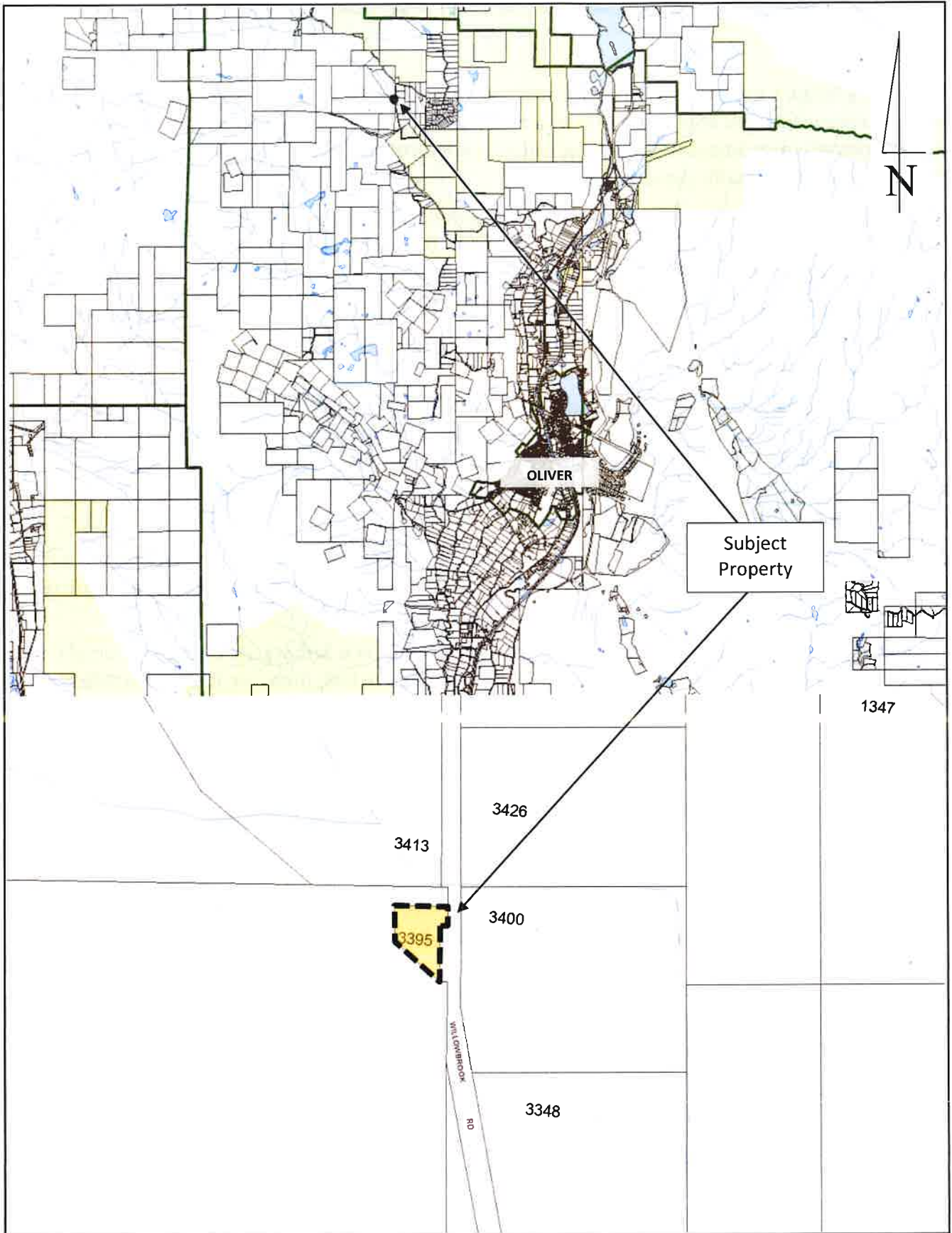
**Respectfully submitted:**

*Colin Martin*

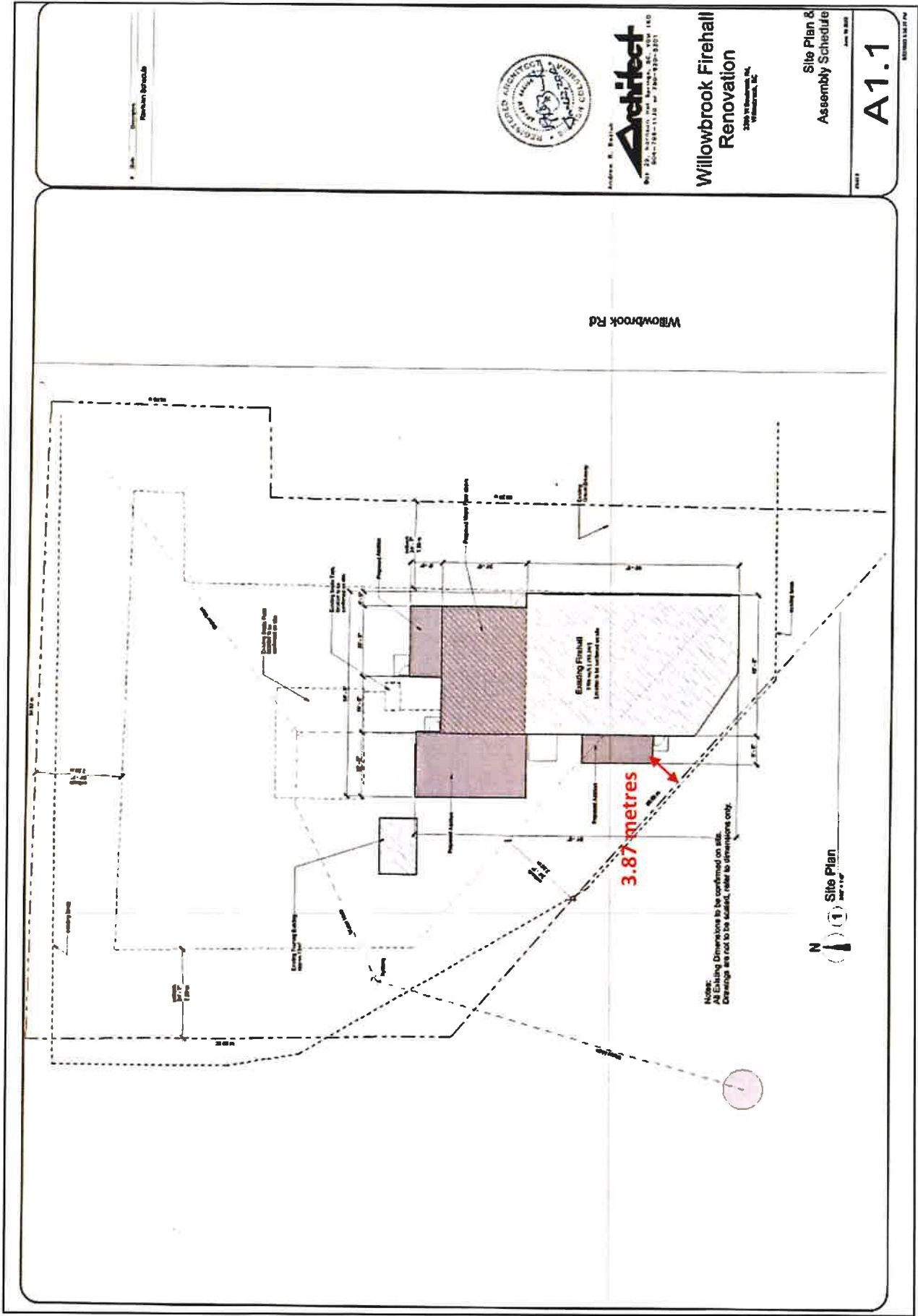
Colin Martin, Planning Technician

**Attachments:** No. 1 — Context Maps  
No. 2 — Applicant's Site Plan  
No. 3 — Street View (Google Earth, 2023)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



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 Willowbrook, NC  
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**Willowbrook Firehall  
 Renovation**  
 2000 Willowbrook Rd.  
 Willowbrook, NC

Site Plan &  
 Assembly Schedule

**A1.1**

Attachment No. 3 – Street View (Google Earth, 2023)

