

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** March 3, 2022  
**RE:** Development Variance Permit Application — Electoral Area “F” (F2022.004-DVP)

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. F2022.004-DVP, to allow for the construction of an accessory building at 7 Agur Court, be approved.**

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Legal: Lot 5, Plan KAP31188, District Lot 2893 ODYD Folio: F-06941.340

OCP: Small Holdings (SH) Zone: Small Holdings Three (SH3)

Variance Requests: to reduce the minimum interior side parcel line setback from 4.5 metres to 3.0 metres to construct a carport.

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## **Site Context:**

The subject property is 4186 m<sup>2</sup> in area and is situated on the south side of Agur Court. The property is currently developed to contain a single detached dwelling, accessory building (detached garage), and a deck.

The surrounding pattern of development is characterised by similar residential small holdings parcels.

## **Background:**

The current boundaries of the subject property were created on August 28, 1980, while available Regional District records indicate that a building permits for the single family dwelling (1992), the garage (2015), and to repair the deck (2021) have previously been issued for this property.

Under the Official Community Plan, the subject property is designated Small Holdings (SH), and is not the subject of any Development Permit designations.

Under the Zoning Bylaw the property is zoned Small Holdings Three (SH3) which allows accessory structures with a 4.5 meter interior side parcel line setback. Prior to 2017, the zoning bylaw did allow a 3.0 meter setback for this property.

The property has been the subject of a Stop Work Notice for constructing the subject carport without a building permit.

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

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Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on February 24, 2022. All comments received are included as a separate item on the Board's Agenda.

**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 this instance, the accessory structure in question (carport) is under enforcement action for being built without a permit. The structure was placed in line with the existing garage and within the 3.0 metre interior side parcel line setback that previously applied to the property until 2017. Both structures are bordered by trees on the neighbouring property.

**Alternatives:**

1. That Development Variance Permit No. F2022.004-DVP be denied.

**Respectfully submitted**



Danielle DeVries, Planner 1

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (from Fish Lake Road looking west)

No. 2 – Site Photo (from Agur Court looking south)



Attachment No. 1 – Site Photo (from Fish Lake Road looking west)





Attachment No. 2 – Site Photo (from Agur Court looking south)

