

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: February 8, 2024
RE: Development Variance Permit Application — Electoral Area “F” (F2023.039-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2023.039-DVP, to formalize interior renovations to an accessory building at 2218, be denied.

Legal: Lot 53, Plan KAS1447, District Lot 4947, ODYD **Folio:** F-07298.411

OCP: Low Density Residential (LR) **Zone:** Low Density Residential West Bench (RS5)

Variance Requests: to vary the specific use regulation prohibiting the placement of a shower in an accessory building in a Low Density Residential Zone by allowing a shower, and;
to increase the maximum size of a bathroom in an accessory building in a Low Density Residential Zone from 3.0m² to 4.53m².

Proposed Development:

This application is seeking a variance to the accessory building regulations that apply to the subject property in order to formalize internal renovations to an accessory building.

Specifically, it is being proposed to vary the specific use regulation prohibiting the placement of a shower in an accessory building in a Low Density Residential Zone by allowing a shower, and to vary the specific use regulation that restricts the maximum size of a bathroom in an accessory building in a Low Density Residential Zone to 3.0m², by allowing an accessory building to include a shower and a bathroom 4.53m² in area.

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

The variance on accessory buildings speaks to dwellings for people to live in. This is strictly a recreational use building with the intent of use while working out and during social gatherings at our pool. This helps due to having a shower/ change room for people using the pool.

Site Context:

The subject property is approximately 1568m² in area and is situated on the north side of Sandstone Drive, approximately 1.8 km from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling, an in-ground swimming pool and multiple accessory buildings.

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

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 28, 1994, while available Regional District records indicate that building permits for a single detached dwelling (2000), a detached garage (2002), a pool (2022) have previously been issued for this property.

Building permits for two accessory buildings (a “pool house” and a “garden shed”)(2023) and plumbing additions to the pool house (2023) remain active on the property.

BC Assessment has classified the property as “Residential” (Class 01).

Application History

On October 24, 2023 the property owner submitted a development variance permit application requesting three variances:

- 1) to allow a shower in an accessory building,
- 2) to allow a bathroom greater than 3.0m² in an accessory building, and;
- 3) to allow a wet bar in an accessory building.

On December 5, 2023 the applicant formally requested that the variance to allow a wet bar be withdrawn and submitted revised development plans.

On January 3, 2024, adjacent property owners were notified of the changes to this application and were provided with an additional 15 working day period (i.e. until January 24, 2024) to submit written comments on the revised proposal.

Official Community Plan

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Low Density Residential (LR), and is within a Low Constraint Zone “A” Geotechnical Hazard area.

The Electoral Area “F” OCP includes policies that support restricting densities in the Greater West Bench area due to geotechnical hazards by prohibiting accessory dwellings, secondary suites and the subdivision of land.

Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential West Bench (RS5) which lists accessory building or structure as a permitted accessory use.

The RS5 Zone does not list secondary suite or accessory dwelling as permitted uses due to the presence of geotechnical hazards in the Greater West Bench area.

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 January 24, 2024. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that in Residential zones, showers and washrooms greater than 3.0 m² in area are generally associated with residential use of a structure and for this reason, the electoral area zoning bylaws restrict these additions to accessory buildings.

The intent of these regulations is to prevent the unauthorized conversion of accessory buildings to residential use.

In this case, the accessory building is also within the Greater West Bench area, which restricts accessory residential uses on properties due to the presence of geotechnical hazards.

For these reasons, administration is concerned that the proposed structure is intended to be used in a capacity not contemplated by the zoning bylaw (i.e. for residential purposes) in an area where accessory residential uses present inherent risk due to geotechnical hazards.

Alternative

Conversely, other options are seen to be available to the applicant, such as constructing an addition to the existing principal dwelling, in which case the shower and 4.53 m² bathroom would be permitted. This would require the addition to share a common wall, roof and/or foundation with the principal structure.

Alternately, if the Board feels this proposal has merit, Administration recognizes that the proposed additions are contained within an existing building and are unlikely to adversely impact neighbouring properties.

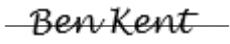
Similarly, administration recognises that the small size of the accessory building (approximately 36m²) may not be conducive to use as a dwelling.

For these reasons, Administration does not support the requested variances and is recommending denial.

Alternatives:

1. That the Board approve Development Variance Permit No. F2023.039-DVP.

Respectfully submitted


Ben Kent, Planner II

Endorsed by:


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo (Google Streetview)

No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Aerial Photo (May 2023)

