



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 2, 2021  
**RE:** Development Variance Permit Application — Electoral Area “H”

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**Administrative Recommendation:**

**THAT Development Variance Permit No. H2021.024-DVP to permit the development of an accessory structure at 2631 Nicola Avenue, be approved.**

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Folio: H-00463.000\_

Legal: Lot 6, Block 19, District Lot 128, YDYD

OCP: Low Density Residential (LR)

Zone: Residential Single Family One (RS1)

Variance to reduce the interior side parcel line setback from 1.0 metre to 0.46 metre; and

Requests: to reduce the minimum distance required between structures from 1.0 metre to 0.0 metre.

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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 the construction of an accessory structure intended for the storage of two boats. The application is also seeking to reduce the minimum distance required between the existing structure on the property and the proposed accessory structure.

Specifically, it is being proposed to:

- i) Reduce the minimum interior side parcel line setback for an accessory building from 1.0 metre to 0.46 metre.
- ii) Reduce the minimum distance required between the accessory building and the existing principal dwelling from 1.0 metre to 0.0 metre.

In support of this request, the applicant has stated that “the variance will not adversely affect the adjacent property...I have two boats that I wish to park on the property. The principal dwelling is right in the middle of the parcel. There is a septic field in the backyard and it is challenging to maneuver the boats into the backyard ... This is really the only location available.”

**Site Context:**

The subject property is approximately 557 m<sup>2</sup> in area and is situated on the east side of Nicola Avenue. The property is currently developed to a single detached dwelling and a shed.

The surrounding pattern of development is characterised by similar single family residential development.

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**Background:**

It is unknown when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area "H" Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which permits accessory buildings and structures, subject to Section 7.12 of the bylaw, and establishes setbacks from the property lines.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Tulameen River.

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

At its meeting of July 22, 2021, the Regional District Board resolved to defer consideration of this application and refer it to the Electoral Area "H" Advisory Planning Commission (APC).

**Public Process:**

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board's regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board's Agenda.

At its meeting of August 17, 2021, the Electoral Area "H" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be denied.

**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.

**Interior parcel line setback:**

In considering this proposal, Administration finds that the variance to reduce the setback by a distance of 0.56 metres is minor in nature. Concerns of overshadowing and loss of privacy to the abutting parcel are somewhat mitigated as the accessory structure is proposed to be open from all four sides. Further, since a flat roof design is proposed, chances of runoff falling onto the neighbouring property are minimal.

Administration also notes that it is not possible to situate the accessory structure in the rear portion of the property as the septic field occupies a large area and the rear laneway is unmaintained and inaccessible.

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Distance required between structures on the property:

Administration finds it reasonable to build the boat storage adjacent to the existing dwelling because the required separation of 1 metre between structures is an outdated zoning provision that has been removed from the other Electoral Area zoning bylaws. Fire separation requirements are further addressed through the BC Building Code.

**Alternatives:**

1. That Development Variance Permit No. H2021.024-DVP be denied.

**Respectfully submitted**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Front)

No. 2 – Site Photo (Rear)

Attachment No. 1 – Site Photo (Front)



Location of the proposed boat storage accessory structure

Attachment No. 2 – Site Photo (Rear)

