



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 2, 2022
RE: Development Variance Permit Application — Electoral Area “I” (I2022.017-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2022.017-DVP, to allow for the construction of a deck at 331 Oak Avenue in Kaleden, be approved.

Legal: Lot A, Plan KAP44885, District Lot 105S, SDYD Folio: I-01456.900

OCP: Low Density Residential (LR) Zone: Low Density Residential Single Family Two (RS2)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 2.0 metres.

Proposed Development:

To vary the front parcel line setback to develop a deck for a principal structure from 7.5 metres to 2.0 metres.

The applicant has stated that “when the lot was divided into the lot it is now, highways moved the front lot line back, that in turn made my existing house well inside the front setbacks. This has limited my use of property and the ability to have an exit or entrance to the existing deck ...”

Site Context:

The property is 1,934 m² in area and is situated on the east side of Oak Avenue. The property is currently developed with a single detached dwelling.

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

Background:

The boundaries of the property were created by a Plan of Subdivision on April 11, 1991 while available Regional District records indicate that a building permit for the alteration to the foundation of a single detached dwelling (2004) has previously been issued for this property.

Under the Okanagan Valley Zoning Bylaw, the property is zoned Low Density Residential Two (RS2) which allows for a single detached dwellings and accessory structures.

The subject property may be within the floodplain associated with Skaha Lake. 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 until 4:30 p.m. on May 26, 2022. All comments received are included as a separate item on the Board's Agenda.

Analysis:

The property is subject to steep slopes in the rear portion, which reduces the area available to site a deck. Further, the property's front parcel line was altered after the single detached dwelling was already constructed and deck is proposed to be placed in line with the existing dwelling.

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.

The proposed deck will not impact impact vehicle traffic sightlines or the privacy of neighbouring parcels as the property is screened by landscaping and is adjacent a large agricultural parcel. The adjustment of the front parcel line increases the road right of way in front of the property.

Additionally, the Ministry of Transportation and Infrastructure has no objection to the reduced front parcel line setback and has issued a permit to reduce building setback from the road right of way.

The applicant could amend the design of the proposed deck so that it is built only on the rear end of the existing dwelling and does not encroach in the front setback.

Alternative:

1. That the Board deny Development Variance Permit No. I2022.017-DVP.

Respectfully submitted

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed by:

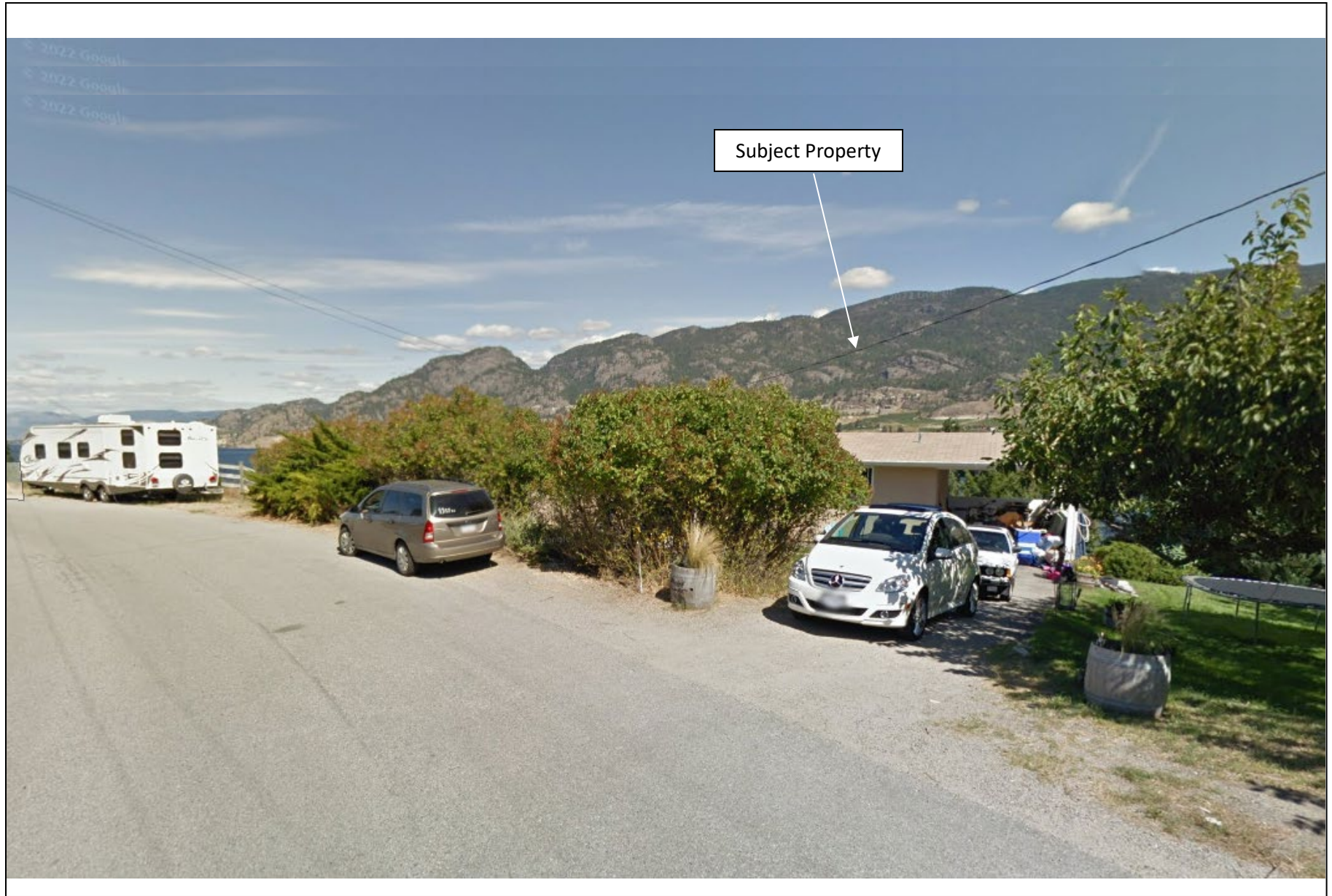


C. Garrish, Planning Manager

Attachments:

- No. 1 – Site Photo (Google Streetview)
- No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Aerial Photo

