

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: August 17, 2022
RE: Development Variance Permit Application — Electoral Area “I”

Purpose: To allow for the construction of three dwellings. Folio: I-01415.000
Legal: Lots 1-3, Block 15, District Lot 105S, SDYD, Plan 763 Civic: 130 Ponderosa Avenue
OCP: Low Density Residential (LR) Zoning: Low Density Residential Two (RS2)
Variance reduce the rear parcel line setbacks from 7.5 metres to 6.0 metres on Lots 1, 2 & 3;
Requests: reduce the interior side parcel line setback from 3.0 metres to 1.2 metres on Lots 1, 2 & 3;
reduce the exterior side parcel line setback from 4.5 metres to 1.2 metres on Lot 1

Proposed Development:

This application is seeking a variance to the interior and exterior side parcel line setbacks that apply to the three legal lots which make up the subject property in order to construct three dwellings.

Specifically, it is being proposed to:

- reduce the rear parcel line setbacks from 7.5 metres to 6.0 metres on Lots 1, 2, & 3;
- reduce the interior side parcel line setbacks from 1.5 metres to 1.2 metres on Lots 1, 2, & 3; and
- reduce the exterior side parcel line setback from 4.5 metres to 1.2 metres on Lot 1.

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

- *the lots in question were established many years ago and new dwellings will not adversely affect the character of the surrounding neighbourhood, as they will be new homes conforming with area dwellings;*
- *in order to maximize the use of the property and to provide more housing opportunity in the area it is more feasible to build three smaller family dwellings on the property(s);*
- *the proposal to build three dwellings would be much more efficient in terms of use of the property, and will not detract from the character of the surrounding area.*

Site Context:

The subject parcel is approximately 835 m² in area and is situated on the corner of Ponderosa Avenue and Third Street in Kaleden. The property is understood to contain one (1) single detached dwelling and garage.

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

Background:

The subject parcel is comprised of three legal lots and their current boundaries were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 4, 1910.

Available Regional District records indicate that a building permit was issued for the installation of a bathtub and toilet to the existing single detached dwelling (2020).

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which permits a "single detached dwelling" as a principal use of the property.

While the three lots are amalgamated into a single parcel for taxation purposes, they remain as three legally separate lots, and zoning provisions such as permitted uses and setback requirements apply to each individual lot.

BC Assessment has classified the property as "Residential" (Class 01) and, on February 11, 2022, the Ministry of Transportation and Infrastructure (MoTI) issued a setback permit to the property owner to allow for the construction of a residence 1.2 metres from the property line to 3rd Street.

At its meeting of August 4, 2022, the Regional District Board resolved to defer consideration of this application and to refer it to the Electoral Area "I" Advisory Planning Commission (APC).

Analysis:

Current regulations contained within the Okanagan Valley Zoning Bylaw render the development of a dwelling unit on either of the three parcels under application very difficult, if not impossible.

For instance, compliance with the setback requirements results in a building envelope of only approximately 4.6 metres in width on Lots 2 & 3 and approximately 1.6 metres in width on Lot 1. Conversely, the minimum building width requirements of the zone require a principal dwelling be not less than 5.0 metres in width and resolving these conflicting requirements in the absence of a variance permit is not possible.

Accordingly, in order to develop these existing legal parcels a variance to either the parcel line setbacks or minimum building widths is going to be required and, in this context, A variance to the parcel line setbacks seems to be preferable to the minimum building width requirements.

This is because a setback variance will result in a more liveable dwelling unit (e.g. floor space allowance) than would a variance to minimum building width.

It is noted that the Zoning Bylaw's use of setback regulations is generally to provide physical separation between neighbouring properties, to influence streetscape design considerations and to ensure adequate sightlines for vehicle traffic movements. Whereas, minimum building width requirements are generally to restrict the ability to place mobile homes (CSA Z240) outside of a manufactured home park.

Furthermore, in reviewing the existing residential development within the general vicinity of the subject property, it is not uncommon to find existing single detached dwellings sited within interior side and exterior side parcel line setbacks. In this context, the applicant's requested variances do not seem to deviate substantially from the current local pattern of development.

The property most likely to be impacted by a reduced side setback is to the north (124 Ponderosa Avenue), but the proposed reduction from 1.5 metres to 1.2 metres is seen to be minor and unlikely to materially affect this property.

With regard to the proposed rear parcel line setback, while this is not common within the general vicinity of the subject property, the impacts on adjoining properties is anticipated to be slight given local topography and that the rear parcel line fronts an unconstructed laneway (3rd Avenue) which would act as a spatial buffer between the subject property and the westerly adjacent property.

The community concern that has been generated by this application must be considered, but Ponderosa Avenue is seen to be in the process of a slow transition as older dwellings and vacant lots are slowly redeveloped to larger dwelling units (e.g. similar concerns were raised when 192 Ponderosa Avenue was re-developed around 2017).

Administrative Recommendation:

THAT the APC recommends to the RDOS Board that the subject development application be approved.

Options:

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 — Context Maps

No. 2 — Applicant's Site Plan

No. 3 — Floor Plan (Lower Floor)

No. 4 — Floor Plan (Main Floor)

No. 5 — Floor Plan (Top Floor)

No. 6 — Floor Plan (Rooftop Patio)

No. 7 — North Elevations

No. 8 — East Elevations and 3D Renderings

No. 9 — East Elevations 2

No. 10 — South Elevations

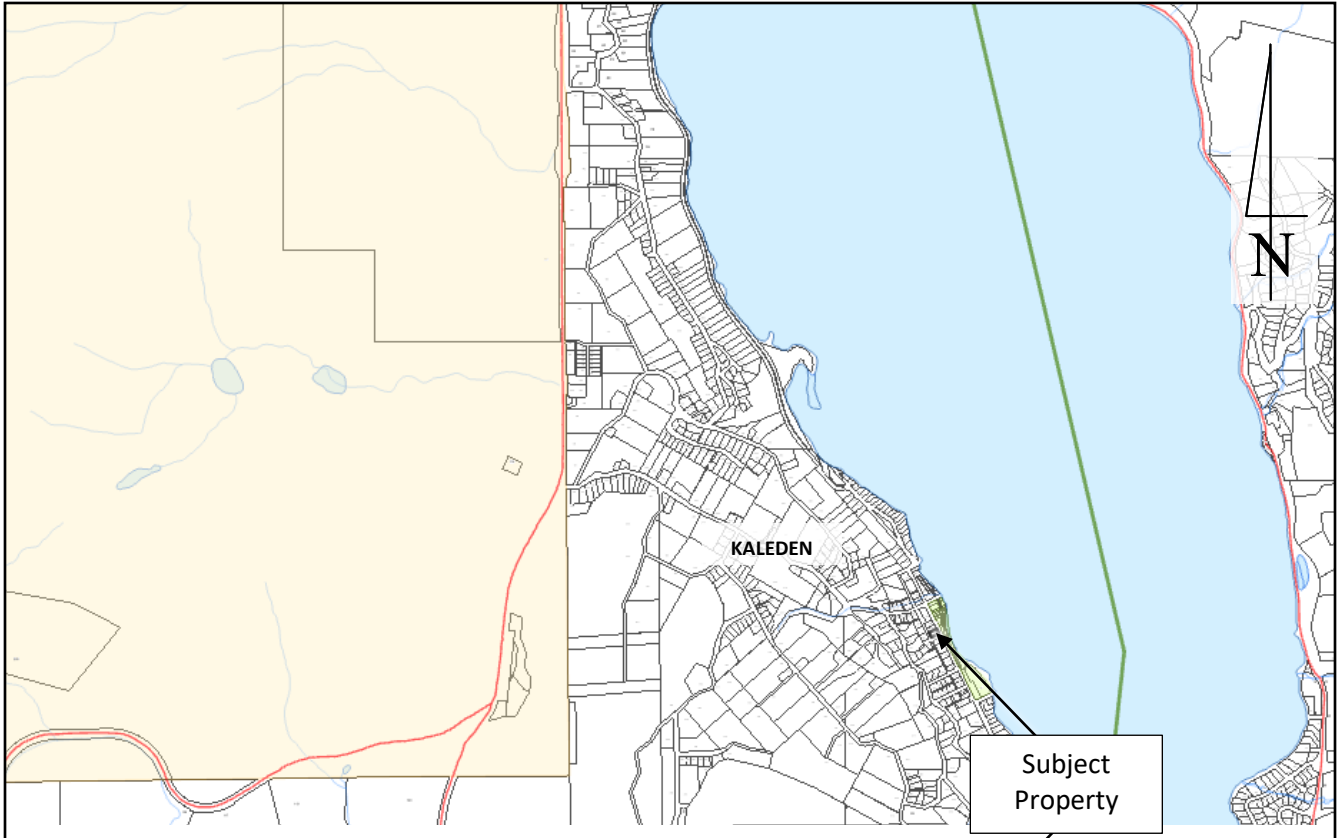
No. 11 — West Elevations and 3D Renderings

No. 12 — 3D Renderings

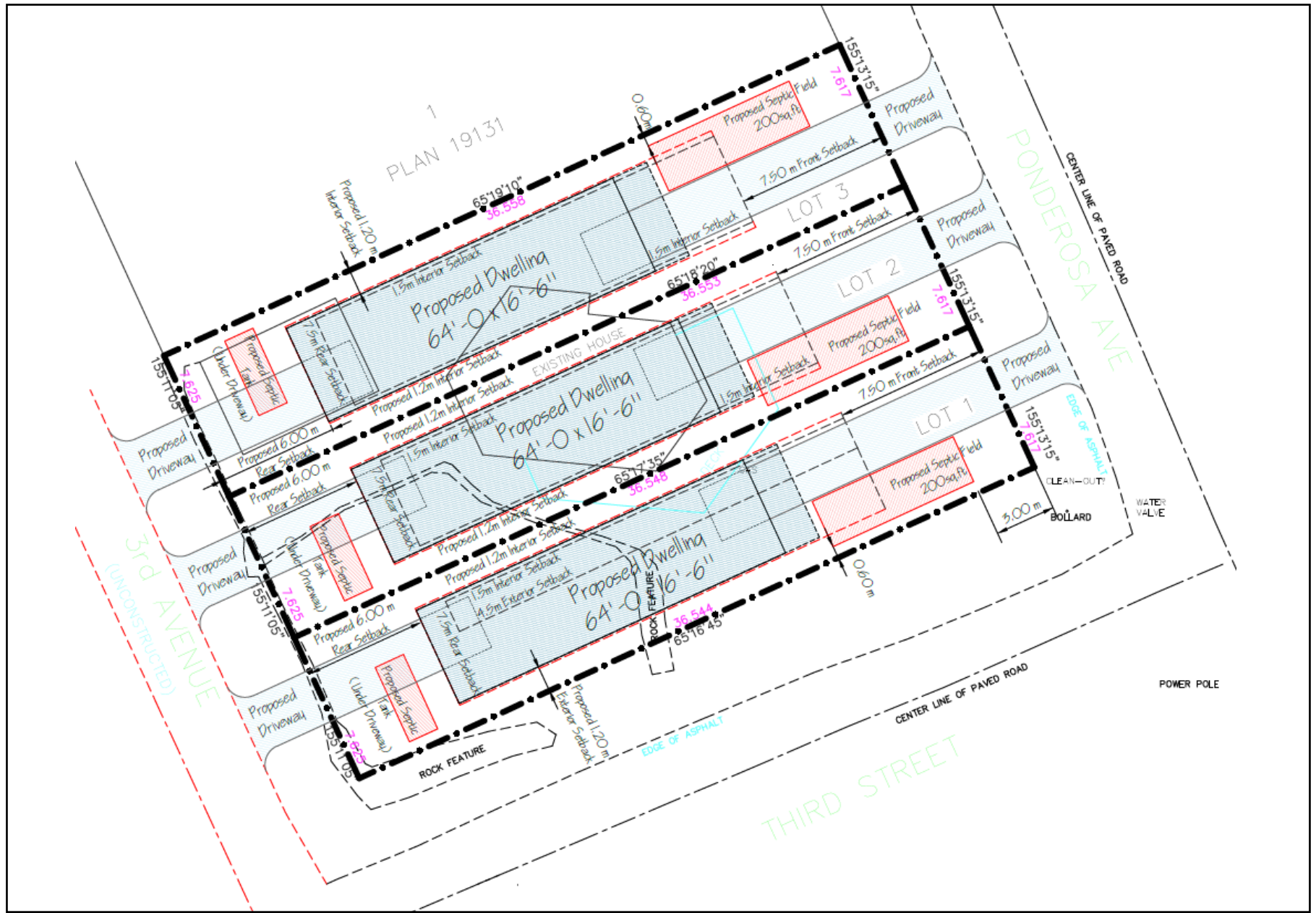
No. 13 — Site Photo (from Ponderosa Ave - 2012)

No. 14 — Site Photo (from Third St - 2012)

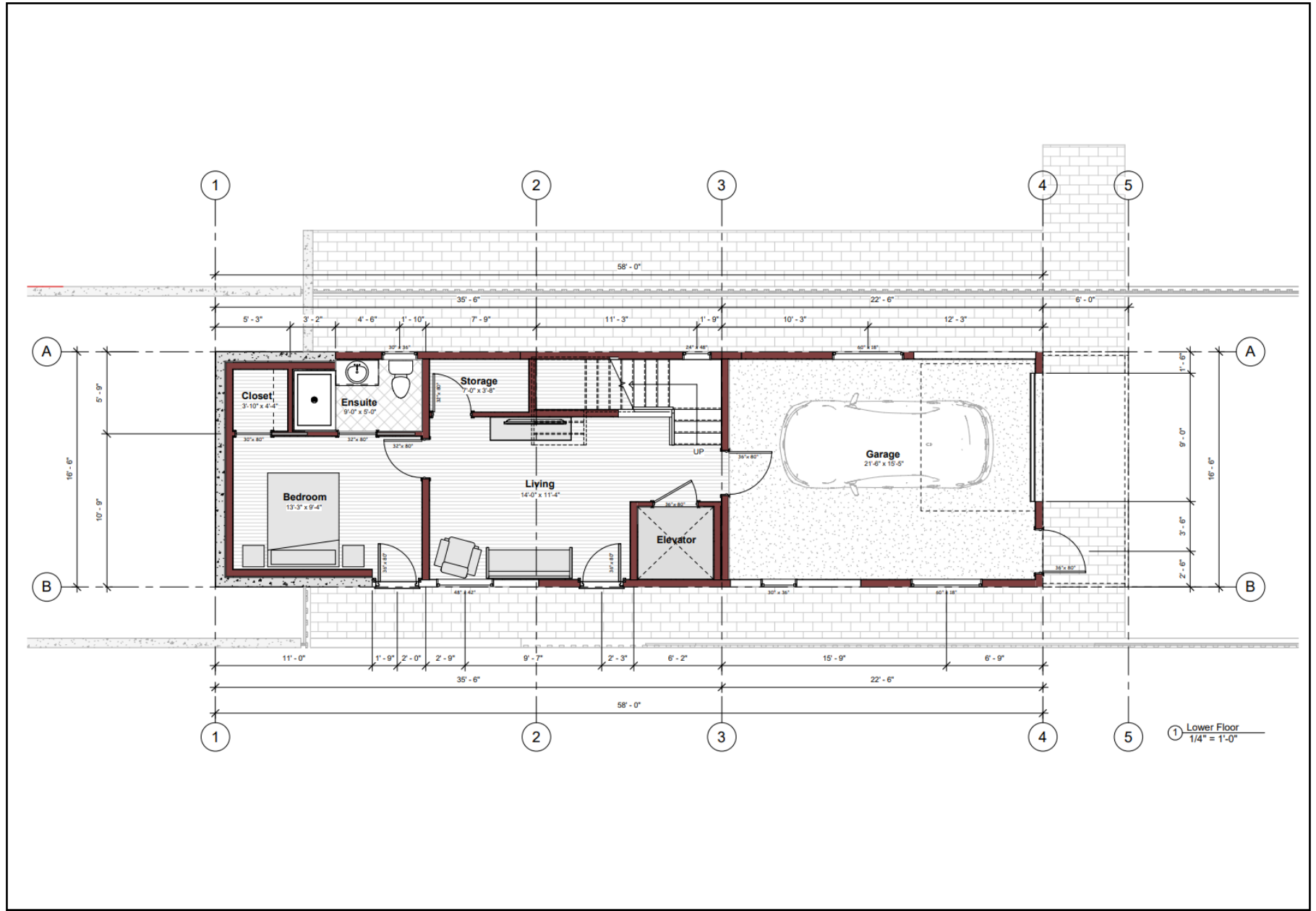
Attachment No. 1 – Context Maps



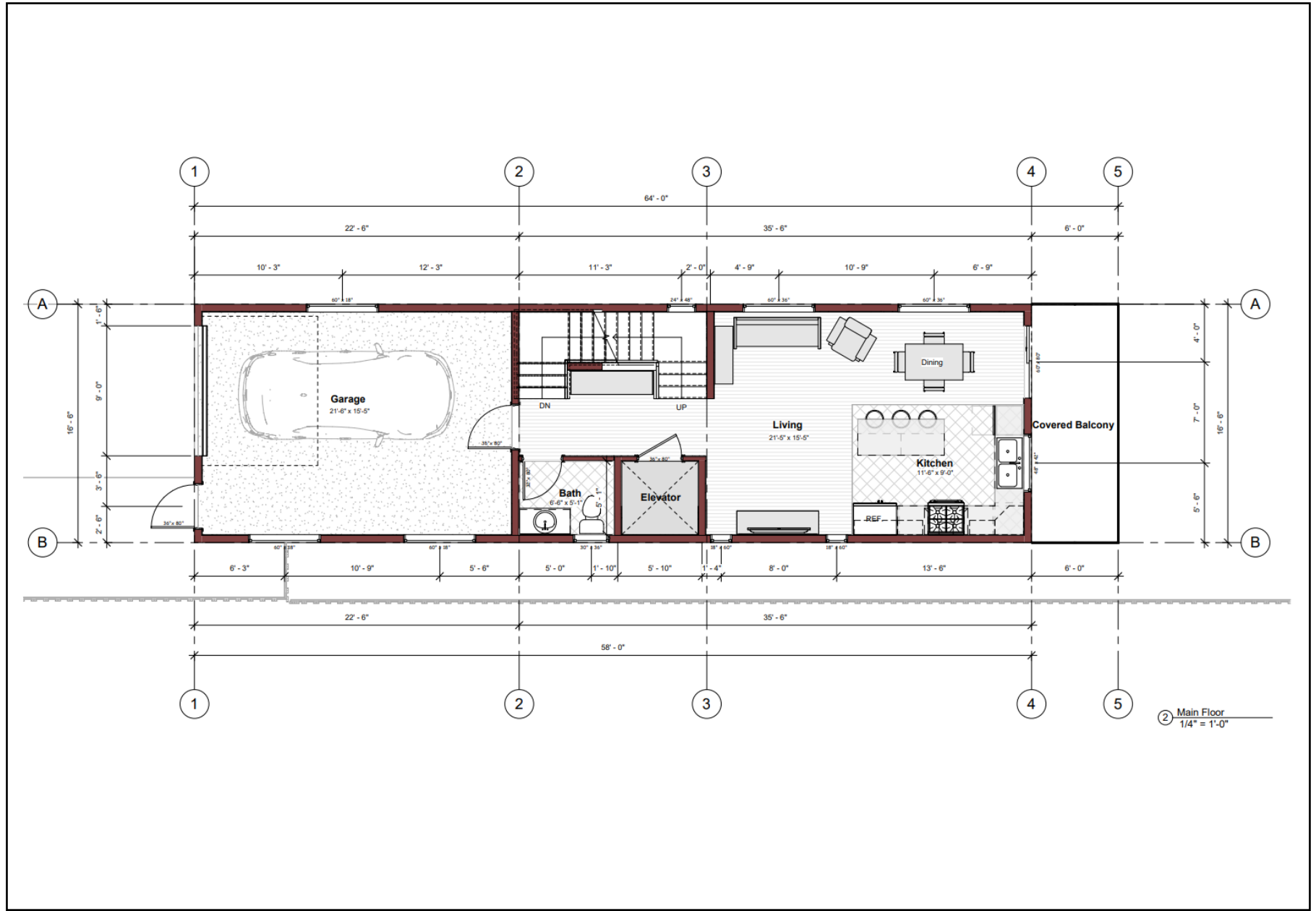
Attachment No. 2 – Applicant's Site Plan



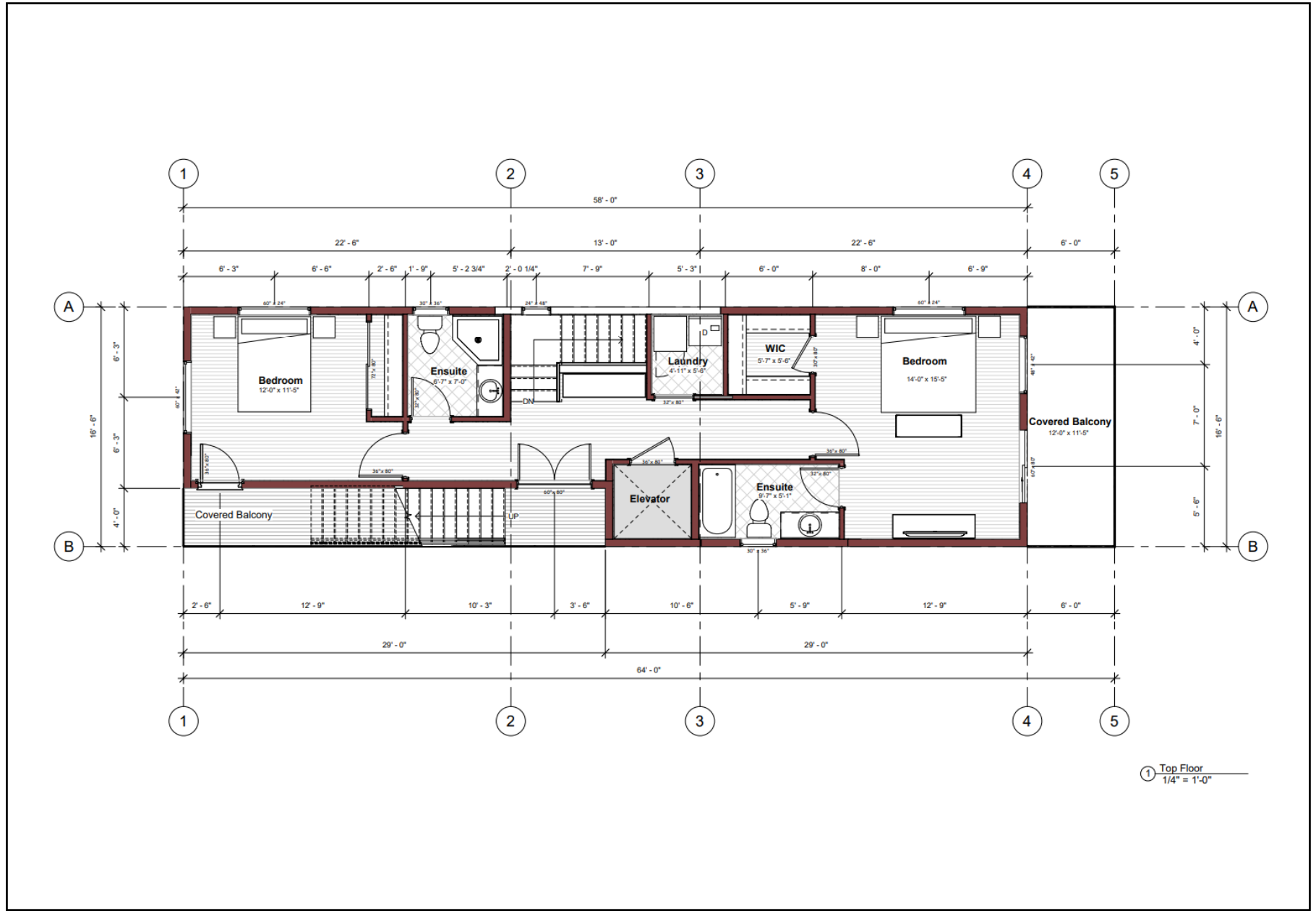
Attachment No. 3 – Floor Plan (Lower Floor)



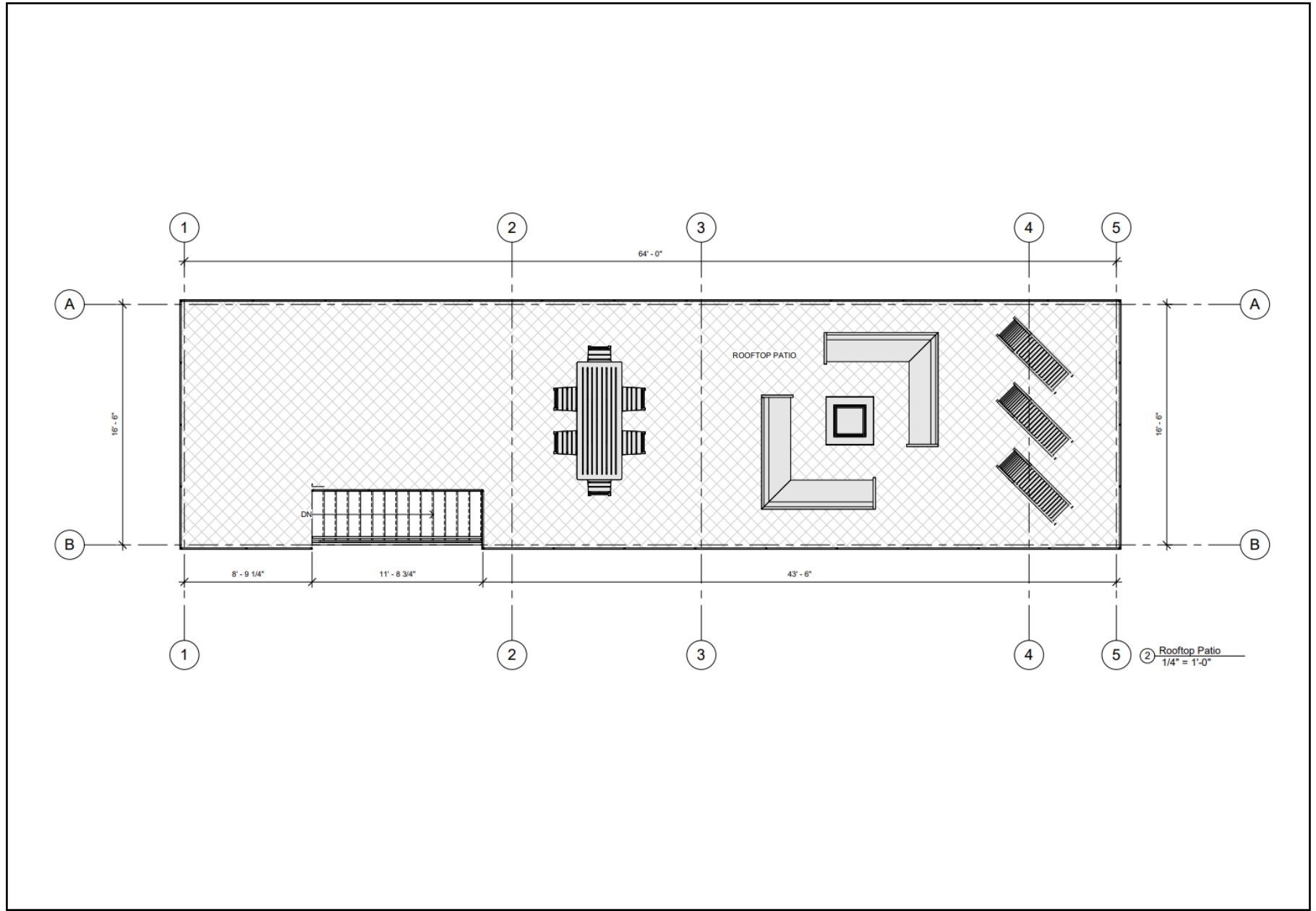
Attachment No. 4 – Floor Plan (Main Floor)



Attachment No. 5 – Floor Plan (Top Floor)



Attachment No. 6 – Floor Plan (Rooftop Patio)



Attachment No. 7 – North Elevations



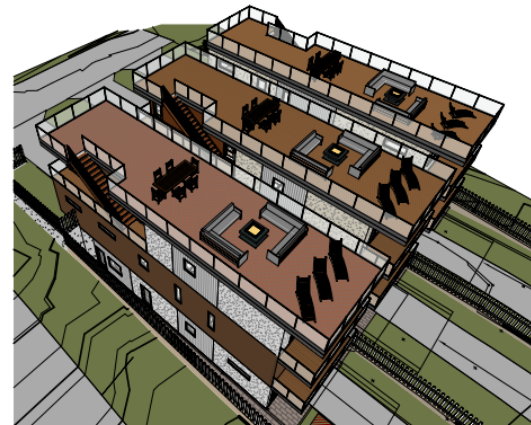
Attachment No. 8 – East Elevations and 3D Renderings



② East
1/4" = 1'-0"



③ 3D View 3



④ 3D View 4

Attachment No. 9 – East Elevations 2



Attachment No. 10 – South Elevations



Attachment No. 11 – West Elevations and 3D Renderings



Attachment No. 12 – 3D Renderings



① North East



③ East Elevation



② South East



④ South West



⑤ West Elevation

Attachment No. 13 – Site Photo (from Ponderosa Ave - 2012)



Attachment No. 14 – Site Photo (from Third St - 2012)

