

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 18, 2023
RE: Development Variance Permit Application — Electoral Area “I” (I2023.0008-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2023.008-DVP, to allow for the construction of an accessory building at 431 Lakehill Road, be denied.

Legal: Lot A, Plan KAP20027, District Lot 104S, SDYD Folio: I-01551.000

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

Variance Requests: to increase the maximum height of an accessory building from 4.5 metres to 6.73 metres

Proposed Development:

This application is seeking a variance to the maximum height of an accessory building regulation that applies to the subject property in order to undertake a two-storey addition to an existing garage.

Specifically, it is being proposed to increase the maximum height of an accessory building from 4.5 metres to 6.73 metres.

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

- *the proposed variance addresses the physical constraint of flat reasonably accessed area for a garage while also combining with the existing garage. The second floor maximizes the sq ft without its footprint sprawling and impacting old trees on the property.*
- *subject to neighbourhood approval the height zoning regulation may prove to be un-necessary as the existing house is taller than the proposed garage and only slightly adjacent to it.*

Site Context:

The subject property is approximately 2980m² in area and is situated on the north side of Lakehill Road. The property is understood to contain one (1) singled detached dwelling and an accessory building.

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

Background:

The property was created February 26, 1970, while available Regional District records indicate that building permits for a chimney (1987), a garage (1987) and a single detached dwelling (1997) have previously been issued for this property.

The property is designated Low Density Residential (LR) and is currently zoned Low Density Residential Two (RS2) which lists accessory building or structure as a permitted accessory use, subject to a maximum height of 4.5 metres.

Board Consideration:

At its meeting of April 20, 2023, the RDOS Board resolved to defer the application to the Electoral Area "I" Advisory Planning Commission (APC) for a recommendation.

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 April 5, 2023. All comments received are included as a separate item on the Board's Agenda.

At its meeting of May 1, 2023, the Electoral Area "I" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved with the condition that the washroom be removed.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is generally done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties. Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

When assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this instance, there do not appear to be limiting features on the subject property that would unduly restrict the construction of an accessory building. While the applicant has indicated that one reason for requested variance is to retain mature trees on the property, there appears to be adequate space on the parcel to accommodate an accessory building without contravening the height regulation.


The proposed addition would be sited approximately 1.8 metres from the nearest property line. Such an increase in height in this location has greater potential to impact adjacent properties.

The proposed addition is not located between the principal dwelling and the front parcel line, and is therefore unlikely to adversely impact established streetscape characteristics.

Alternative:

1. That the Board approve Development Variance Permit No. I2023.008-DVP.

Respectfully submitted


Ben Kent, Planner I

Endorsed by:


C. Garrish, Planning Manager

Attachments:

- No. 1 – Aerial Photo
- No. 2 – Aerial Photo

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Aerial Photo

