

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 23, 2021
RE: Development Variance Permit Application — Electoral Area “C” 7335 Tucelnuit Drive

Administrative Recommendation:

THAT Development Variance Permit No. C2021.033-DVP to allow for an accessory structure in an interior side parcel line setback at 7335 Tucelnuit Drive, be approved.

Legal: Lot 1, Plan KAP32084, District Lot 2450S, SDYD

Folio: C-06575.010

OCP: Agriculture (AG)

Zone: Agriculture One Zone (AG1)

Variance Request: to reduce the minimum interior side parcel line setback from 4.5 metres to 0.5 metres.

Proposed Development:

To vary to the interior side setback from 4.5 metres to 0.5 metres to construct an open structure for grape bins and other farm implements.

The proposed structure lines up with existing buildings, is a farm structure on farm land and will not block views.

Site Context:

The subject property is 1.96 ha in area and is situated on the east side of Tucelnuit Drive, abutting Osoyoos Indian Band Lands. The property contains a modular home with attached deck, a pool, two sea cans and accessory farm building and structures.

The surrounding pattern of development is generally characterised as agricultural lands and industrial and agricultural uses within the Osoyoos Indian Band Lands.

Background:

The current boundaries of the subject property were created on June 26, 1981, while available Regional District records indicate that building permits have been issued for the demolition of a modular home (2020), a new mobile home (2020), various accessory structures (2021), and a deck (2021).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw the property is designated Agriculture (AG) and has been zoned Agriculture One (AG1), under the Electoral Area “C” Zoning Bylaw, which permits accessory structures as a secondary use.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01), and part “Farm” (Class 09) by BC Assessment.

A Build Without Permit Notice was sent to the applicant June 29, 2021 notifying the applicant of the minimum side yard setback requirements and indicating the need to obtain a development variance permit and building permit for the open farm storage structure.

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 September 16, 2021. All comments received are included as a separate item on the Board's Agenda.

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.

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.

In the agricultural zones, setbacks are further used to mitigate the potential for conflict between land uses with the Ministry of Agriculture recommending that setbacks be used to "avoid farming right up to the back wall of [a] residence."

In this instance, the applicant is seeking to site the structure on an already disturbed part of the property. Accordingly, there will be no alienation of productive farmland. Additionally the open structure will not block neighbouring views or sunlight.

There are no physical site constraints or other limiting features (i.e. irregular parcel lines) that appear to warrant a variance in this instance and other options are available to the applicant, to construct the structure in a manner that meets the side setback requirement.

However, due to the proposed farm storage structure having already been constructed, this would require it be demolished.

Respectfully submitted:

Endorsed by:

Attachments:



Fiona Titley, Planner I



C. Garrish, Planning Manager

No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)

