

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 2, 2022

RE: Development Variance Permit Application — Electoral Area “E” (E2022.016-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2022.016-DVP, to reduce the minimum rear parcel line setback from 4.5 metres to 2.91 metres at 4855 Mill Road in Naramata, to allow for the construction of a second storey addition on an existing single detached dwelling be approved.

Legal: Strata Lot 5, Plan KAS644, District Lot 211, SDYD

Folio: E-02291.050

OCP: Small Holdings (SH)

Zone: Small Holdings One (SH1)

Proposed Development:

In support of this request, the applicant has stated that “we are proposing a second storey addition over the existing constructed dwelling. The existing dwelling had an approved setback varied to the same distance to facilitate the dwelling.”

Site Context:

The subject property is approximately 2,003 m² in area and is situated on the north side of Mill Road and fronting Okanagan Lake. The property is currently developed to contain a single detached dwelling and accessory building (carport).

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

Background:

The current boundaries of the subject property were created on January 19, 1987, while available Regional District records indicate that a building permits for single detached dwelling (2017) and an accessory building (carport, 2018) have previously been issued for this property.

The property is designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area designation. A WDP was approved for the development of the dwelling in 2017, which established a streamside protection and enhancement area (SPEA) of 15 metres from the lake.

The property is zoned Small Holdings One (SH1), which allows a single detached dwelling as a principle use.

A DVP was previously approved for the development of the dwelling which established a rear parcel line setback of 2.91 metres to the furthest extent of the roof overhang.

The property is within the floodplain associated with Okanagan Lake and is unaffected by the current proposal. 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, in accordance with Section 2.10 of Schedule ‘4’ of the Development Procedures Bylaw, until 4:30 p.m. on May 26, 2022. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

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 property has two competing setback requirements on its northern parcel line due to being a strata. The SH1 zoning applies a 4.5 metre setback to this parcel line as a rear setback for the parent parcel, while an exemption within the zoning bylaw considers this same line to be an interior side setback area of 1.5 metres for the strata lot.

This presents a challenge for the property as the orientation of development on the parcel being towards the strata road to the east and lake to the west with the northern parcel line predominantly forming an interior side setback.

In light of the previous variance approved at the property in 2017 that allowed the existing dwelling and garage to be constructed to within 2.91 metres of the northern parcel line, the applicant’s current request is not seen to be unreasonable.

The proposed addition will utilize the same footprint of the existing dwelling and, due to local topography and the surrounding pattern of development — the nearest neighbour to the north is approximately 18.5 metres from the parcel line and at a higher elevation (see Attachment No. 3) — it is not anticipated that the requested variance will adversely impact the use of an adjoining property.

The property is constrained by a 15.0 meter SPEA associated with Okanagan Lake and a right-of-way for the shared strata access road to the east.

The applicant has the option to move the staircase to the east side of the building towards the shared roadway, in which case a development variance permit would not be required.

Alternatives:

1. That the Board deny Development Variance Permit No. E2022.016-DVP.

Respectfully submitted



Danielle DeVries, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments:

- No. 1 – Site Photo (2017)
- No. 2 – Aerial Photo
- No. 3 – Aerial Photo (2017)

Attachment No. 1 – Site Photo (2017)



Proposed addition above
garage

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Aerial Photo (2017)



Approximate location of requested setback variance (RED DASHED LINE)

Subject Property (APPROXIMATE)