

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 1, 2022

RE: Development Variance Permit Application — Electoral Area “E” (E2022.027-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2022.027-DVP, to reduce the minimum front parcel line setback from 7.5 metres to 1.5 metres to allow for the construction of a new single detached house at 3180 3rd Street, Naramata, be approved.

Legal: Lot 1, Plan KAP49178, District Lot 210, SDYD Folio: E-00746.001

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

Proposed Development:

The applicant has stated that “the road right of way is an unconstructed road, which is covered in mature vegetation, and serves as a buffer to the neighbouring property. The variance allows for the existing form and character of the neighbourhood to be preserved ... [and] would allow for greater separation from the neighbour to the east. This variance stems entirely from a desire to protect the riparian habitat on the property. The proposed variance allows for the new house to stay completely within the existing developed landscape of the property, and maintain the maximum setback from the natural boundary.”

Site Context:

The property is 1,924 m² in area and is situated on the south end of Third Street, approximately 450 metres from the Naramata Village Centre. The property is understood to contain one (1) singled detached dwelling and two accessory buildings (sheds). The surrounding pattern of development is generally characterised by similar residential development.

Background:

The property was created on March 8, 1991 and building permits for renovations to the existing single detached dwelling (1995, 1996) have previously been issued for this property.

The property is designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation. It is zoned Low Density Residential Two (RS2) which allows a single detached dwelling with secondary suite as long as both dwelling units are on the same septic system.

The property is within the floodplain associated with Okanagan Lake, BC Assessment has classified the property as “Residential” (Class 01); and, on August, 8, 2022, the Ministry of Transportation and

Infrastructure (MoTI) approved a permit varying the front setback from a public road from 4.5 metres to 1.5 metres.

Public Process:

Adjacent residents and property owners received notification of this application with written comments regarding the proposal being accepted, until 4:30 p.m. on July 27, 2022.

Due to the submission of negative representations from adjacent property owners, this application was refused under delegated authority, thereby requiring re-consideration by the Board in accordance with the Development Procedures Bylaw.

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. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

A front setback can influence the perception of a streetscape and establish the character of the street by providing a consistent building line for adjacent buildings to align with. It can also help provide privacy for the front of a house (i.e. distance is created between the house and passersby on an adjacent sidewalk) as well as space for landscaping.

This particular section of 3rd Street is comprised of lake access and vehicle traffic movements are unlikely to ever be adversely affected as a result of a reduced building setback at this location.

Residential development occurring in close proximity to lake access may blur the line between public and private lands, discouraging public use. It is thought that there may be existing fencing along this particular property line as well as mature vegetation which should help ensure the public access is not incorrectly construed as private land.

Reducing the front setback will help preserve the Streamside Protection and Enhancement Area (SPEA) associated with this parcel's frontage to Okanagan Lake, and which is encouraged by the OCP.

Alternative:

1. That the Board deny Development Variance Permit No. E2022.027-DVP.

Respectfully submitted

Ben Kent
Ben Kent, Planner I

Endorsed by:

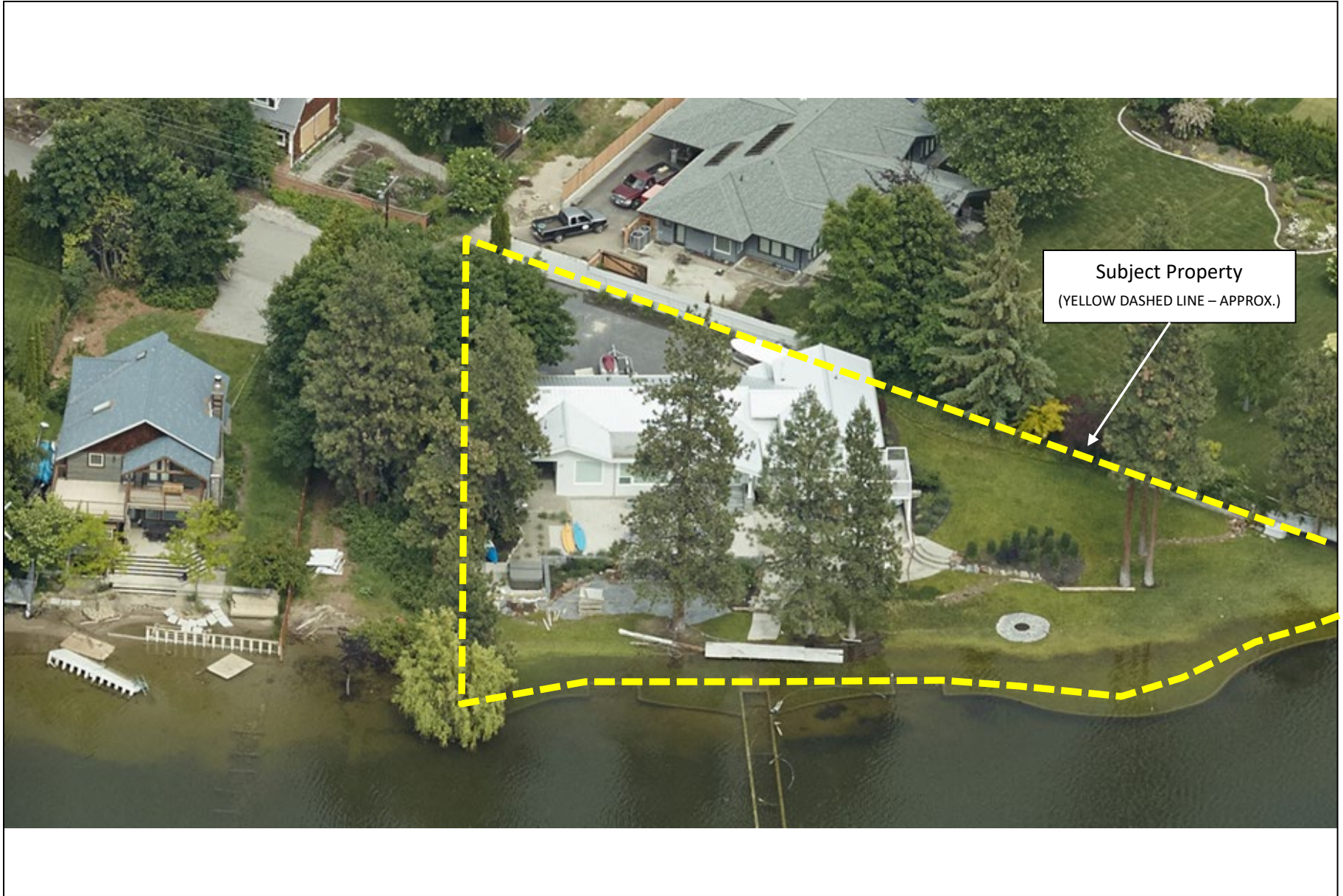

C. Garrish, Planning Manager

- Attachments:** No. 1 – Aerial Photo
No. 2 – Aerial Photo (2017)
No. 3 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Aerial Photo (2017)



Attachment No. 3 – Site Photo (Google Streetview)

