
Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designations.

On October 19, 2018, a Watercourse Development Permit (WDP) was issued to facilitate the construction of carport on subject property.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the property is currently zoned Residential Single Family One Zone (RS1) which allows for accessory building and structures.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake, and requires all buildings/structures with habitable space be located above 343.66 m Geodetic Survey of Canada datum.

BC Assessment has classified the property as “Residential” (Class 01) and is seen to be in a geotechnical hazard area.

Enforcement:

The subject property has been the subject of enforcement action since August of 2018 in relation to a deck built within a parcel line setback and WDP Area, and a retaining wall also built within a WDP Area. While this enforcement matter remains on-going, no Building Permit applications have been submitted to the Regional District at this time.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

At its meeting of November 23, 2020, the Electoral Area “F” Advisory Planning Commission (APC) resolved to recommend that the applicant work with staff to reduce the extent of variances requested.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure, amongst other things, that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

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.

Accordingly, 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, Administration notes the location of the garage is towards the upper portion of the parcel, with significant distance and grade change between the proposed building and the North Beach Road, where the proposed building will not appear over-height from the road.

Although there is some concern of the proximity of the garage to the western parcel line, the additional height proposed does not facilitate a second storey or any windows over-looking neighbouring parcels that could not otherwise be built under the zoning bylaw.

In response to impact to views, the neighbouring dwellings are located entirely along the lower portion fronting towards Okanagan Lake and the garage is located on the higher elevation far behind the dwellings and further away from the lake.

Administration also recognises that the proposed over-height garage is sited in an area with no neighbouring buildings within 100 meters, thereby eliminating any concerns of blocked views from neighbouring properties.

Conversely, restricting the height of an accessory structure is to discourage the structure from being converted into a stand-alone principal use, such as a separate residential unit or guest suite. Given the extent of the physical separation between the proposed structure and the existing dwelling, Administration is concerned about its future use.

Administration also notes that there are alternatives available to the applicant, such as increasing the footprint horizontally, rather than vertically in order to provide enough space for storage purposes.

Summary:

For the reasons outlined above, Administration supports the requested variances.

Alternative:

1. That the Board deny Development Variance Permit No. F2020.015-DVP.

Respectfully submitted

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2017)

Attachment No. 1 – Aerial Photo (2017)

