



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 19, 2020
RE: Development Variance Permit Application — Electoral Area “H”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. H2020.005-DVP

Purpose: To allow for a new single detached dwelling.

Owner: Dean Pickering Agent: Gordon Mackinnon Folio: H-01361.260

Civic: Link Lake Road (no address) Legal: Lot 13, Plan 25638, District Lot 4166, KDYD

OCP: Small Holdings (SH) Zone: Residential Single Family One (RS1)

Variance Request: to reduce the minimum rear parcel line setback from 7.5 metres to 4.0 metres.

Proposed Development:

This application is seeking a variance to the minimum rear parcel line setback that applies to the subject property in order to undertake a new single detached dwelling.

Specifically, it is being proposed to reduce the minimum rear parcel line setback from 7.5 metres to 4.0 metres.

In support of this request, the applicant has stated that “in order to accommodate a modest sized residence and to minimize infringement into the “SPEA” a variance is required.”

Site Context:

The subject property is approximately 1,676 m² in area and is situated on the west side of Link Lake Road. The property is currently undeveloped.

The surrounding pattern of development is characterised by residential development near Link and Osprey Lake.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 19, 1974, while available Regional District records indicate that no building permits have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) designation.

Under Section 17.0 Environment and Conservation, it is Board policy to co-operate with senior governments to provide a coordinated strategy for the stewardship of “riparian assessment areas”, in keeping with the general intent of the Riparian Areas Regulation (Section 17.3.11).

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which permits a single detached dwelling as a principal use.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the natural boundary of the watercourse and the flood construction level is 1.5 metres above the natural boundary for the floodplain.

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 until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

This item was referred to the Electoral Area “H” Advisory Planning Commission (APC) in the October 20, 2020 meeting agenda; however, the Electoral Area “H” APC did not provide a formal recommendation due to lack of quorum.

Analysis:

In considering this proposal, Administration notes that the subject parcel contains a creek on the northern portion of the parcel, and a Qualified Environmental Professional (QEP) has submitted a report identifying the Streamside Protection and Enhancement Area (SPEA).

The building envelope available outside of the SPEA, parcel line setbacks and separation distance from the septic system is limited. The proposed variance is intended to increase the buildable area outside of the Streamside Protection and Enhancement Area (SPEA) by reducing the rear parcel line setback.

In the spirit of supporting senior government’s objective to ensure habitat protection for streamside areas, Administration acknowledges that the parcel is encumbered by the SPEA and that a reduction to the rear yard setback would allow for a greater buildable area outside of the protection area.

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 this instance, the rear parcel line abuts one Large Holdings parcel with no development in the immediate vicinity.

Conversely, Administration recognises that the proposed development may be seen as over-development of the parcel. Without variances, the parcel could accommodate a single detached dwelling or mobile home with a smaller building footprint.

Further, the SPEA disturbance area is primarily for the accommodation of a second-storey deck, which is not integral to the building design nor strictly necessary for reasonable enjoyment of the parcel.

However, the “hardship” request to allow for development within the SPEA will be evaluated by the Province.

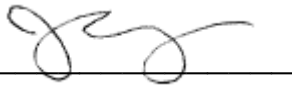
The reduction of the rear yard setback allows for a building area that is primarily outside of the SPEA and is considered the best alternative to other building locations that would require further encroachment into the SPEA.

For these reasons, Administration supports the requested variance and is recommending approval.

Alternative:

1. That the Board deny Development Variance Permit No. H2020.005-DVP.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Assessment Report)

Attachment No. 1 – Site Photo (Assessment Report)

