

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 17, 2021  
**RE:** Development Variance Permit Application — Electoral Area “H”

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**Purpose:** To allow for the development of an accessory structure. **Folio:** H-00463.000

**Civic:** 2631 Nicola Ave **Legal:** Lot 6, Block 19, District Lot 128, YDYG

**OCP:** Low Density Residential (LR) **Zone:** Residential Single Family One (RS1)

**Variance** to reduce the interior side parcel line setback from 1.0 metre to 0.46 metre; and  
**Requests:** to reduce the minimum distance required between structures from 1.0 metre to 0.0 metre.

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### **Proposed Development:**

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to undertake the construction of an accessory structure intended for the storage of two boats. The application is also seeking to reduce the minimum distance required between the existing structure on the property and the proposed accessory structure.

Specifically, it is being proposed to:

- i) Reduce the minimum interior side parcel line setback for an accessory building from 1.0 metre to 0.46 metre.
- ii) Reduce the minimum distance required between the accessory building and the existing principal dwelling from 1.0 metre to 0.0 metre.

In support of this request, the applicant has stated that “the variance will not adversely affect the adjacent property...I have two boats that I wish to park on the property. The principal dwelling is right in the middle of the parcel. There is a septic field in the backyard and it is challenging to maneuver the boats into the backyard ... This is really the only location available.”

### **Site Context:**

The subject property is approximately 557 m<sup>2</sup> in area and is situated on the east side of Nicola Avenue. The property is currently developed to a single detached dwelling and a shed.

The surrounding pattern of development is characterised by similar single family residential development.

### **Background:**

It is unknown when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that building permits have not previously been issued for this property.

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Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which permits accessory buildings and structures, subject to Section 7.12 of the bylaw, and establishes setbacks from the property lines.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Tulameen River.

BC Assessment has classified the property as Residential (Class 01).

[At its meeting of July 22, 2021, the Regional District Board resolved to defer consideration of this application and refer it to the Electoral Area “H” Advisory Planning Commission for a recommendation.](#)

**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.

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.

Interior parcel line setback:

In considering this proposal, Administration finds that the variance to reduce the setback by 0.56 metres is minor in nature. Concerns of overshadowing and loss of privacy to the abutting parcel are somewhat mitigated as the accessory structure is proposed to be open from all four sides. Further, since a flat roof design is proposed, chances of runoff falling onto the neighbouring property are minimal.

Administration also notes that it is not possible to situate the accessory structure in the rear portion of the property as the septic field occupies a large area and the rear laneway is unmaintained and inaccessible.

Distance required between structures on the property:

Administration finds it reasonable to build the boat storage adjacent to the existing dwelling because the required separation of 1 metre between structures is an outdated zoning provision that has been removed from the other Electoral Area zoning bylaws. Fire separation requirements are further addressed through the BC Building Code.

Conversely, Administration recognises that the proposed structure is not temporary and hence, cannot be removed easily. It may be possible to permanently cover the structure after its construction, which may impact the sightlines of the neighbours.

Summary:

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In conclusion, Administration supports the requested variances and is recommending approval.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board that the subject development application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
  - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

**Respectfully submitted**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed by:**



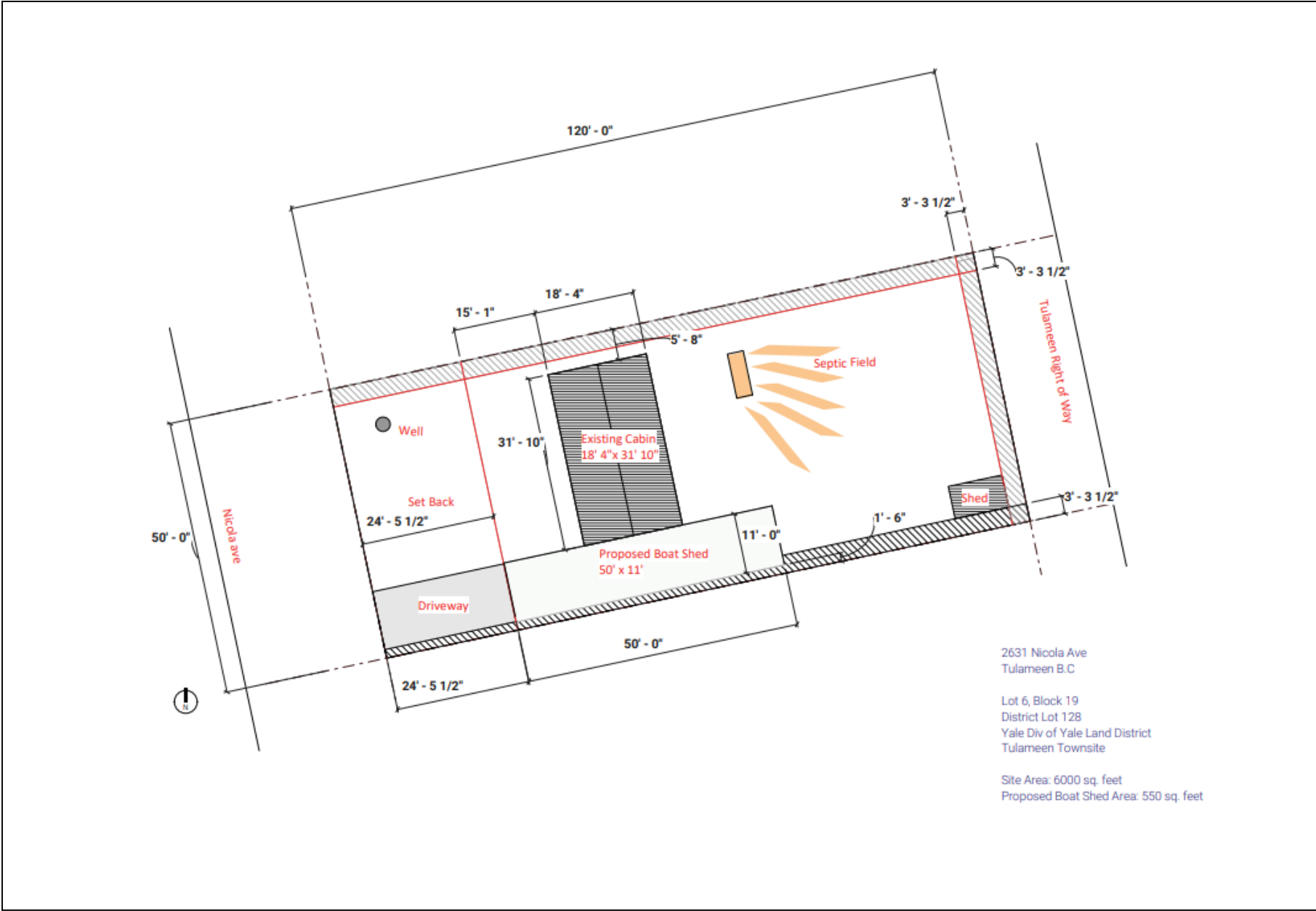
C. Garrish, Planning Manager

- Attachments:
- No. 1 – Context Maps
  - No. 2 – Applicant’s Site Plan
  - No. 3 – Applicant’s Structure Diagram
  - No. 4 – Applicant’s Structure Ground Plan
  - No. 5 – Applicant’s Structure Elevations
  - No. 6 – Site Photo (Front)

Attachment No. 1 – Context Maps

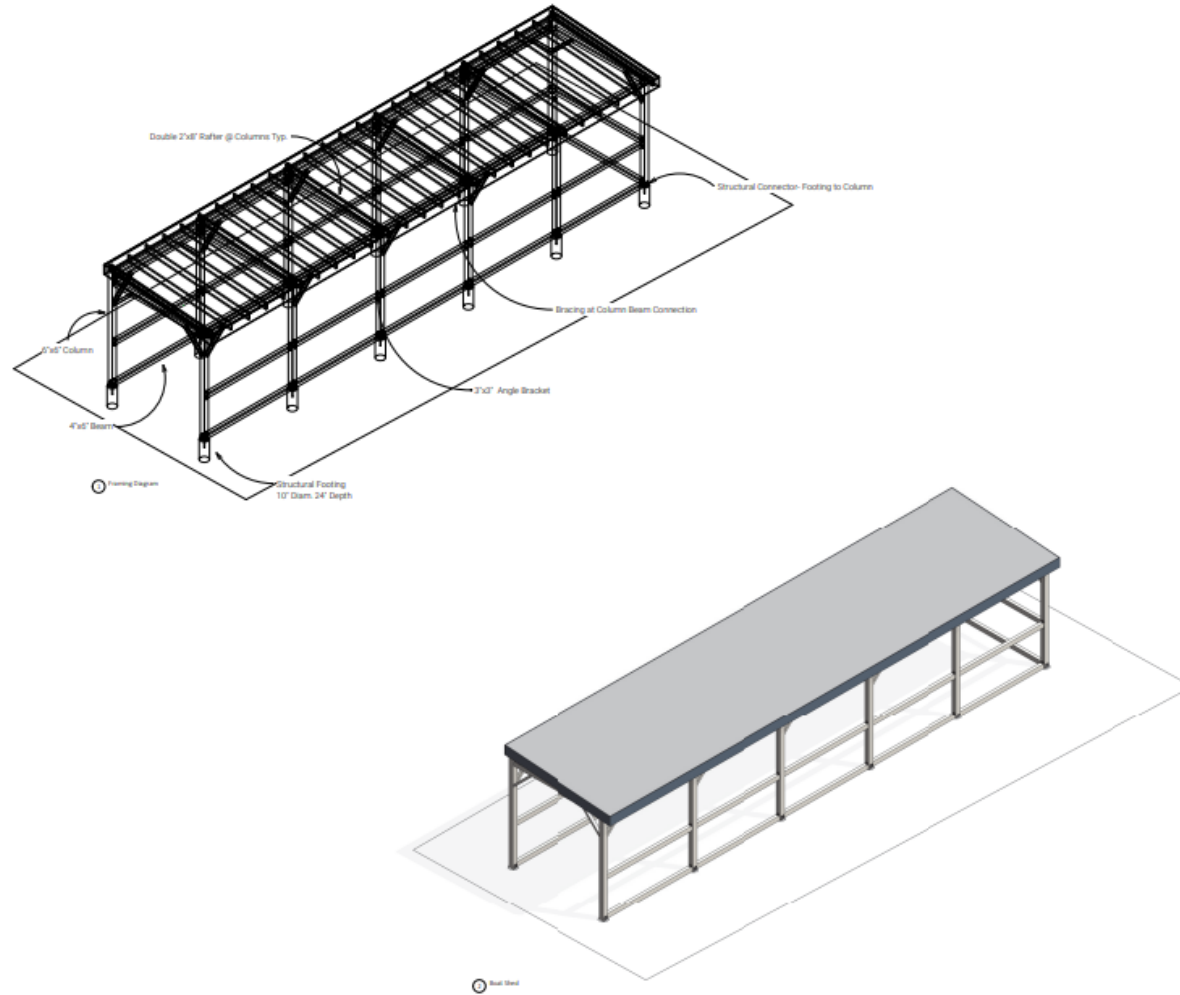


Attachment No. 2 – Applicant’s Site Plan

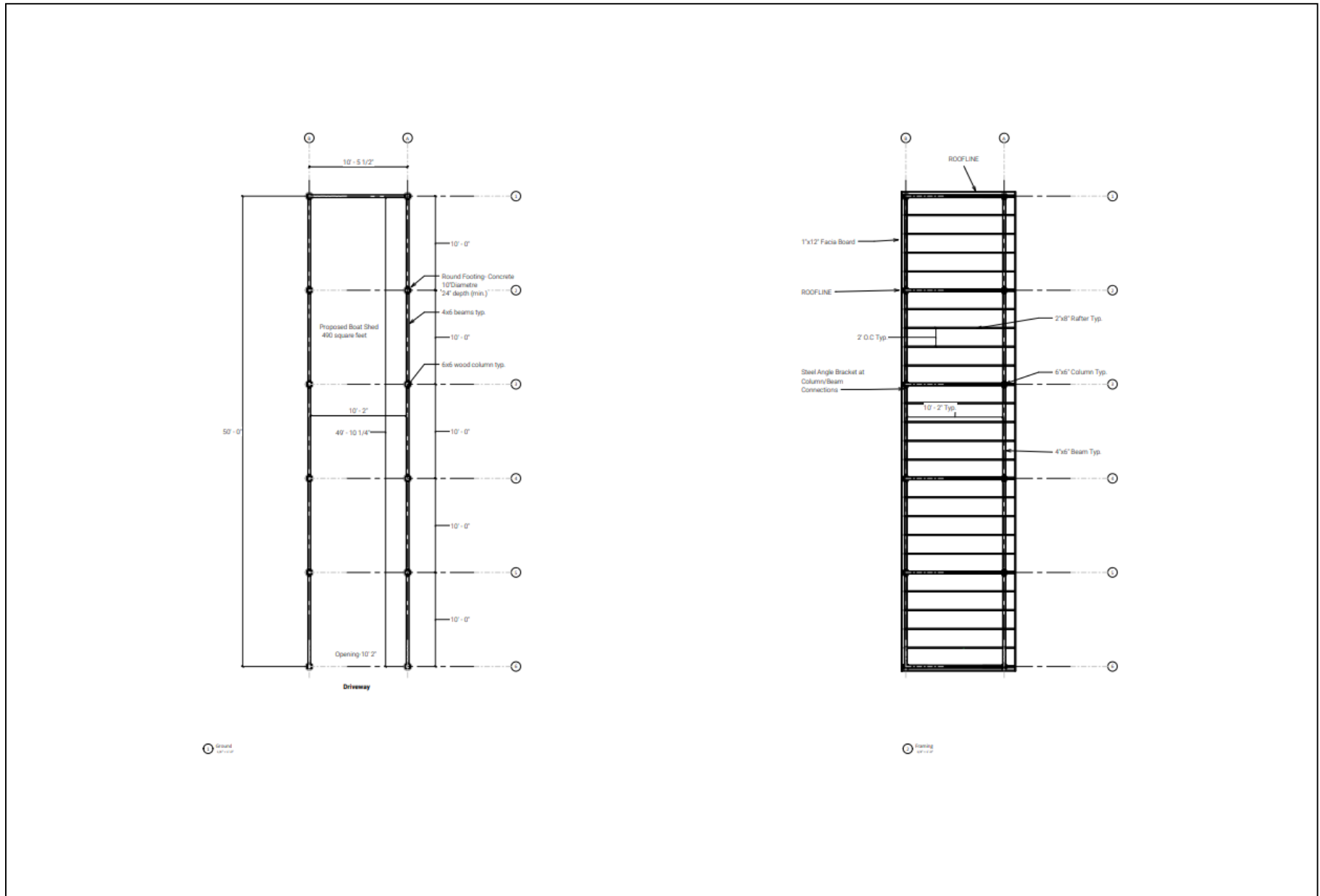


2631 Nicola Ave  
 Tulameen B.C.  
 Lot 6, Block 19  
 District Lot 128  
 Yale Div of Yale Land District  
 Tulameen Townsite  
 Site Area: 6000 sq. feet  
 Proposed Boat Shed Area: 550 sq. feet

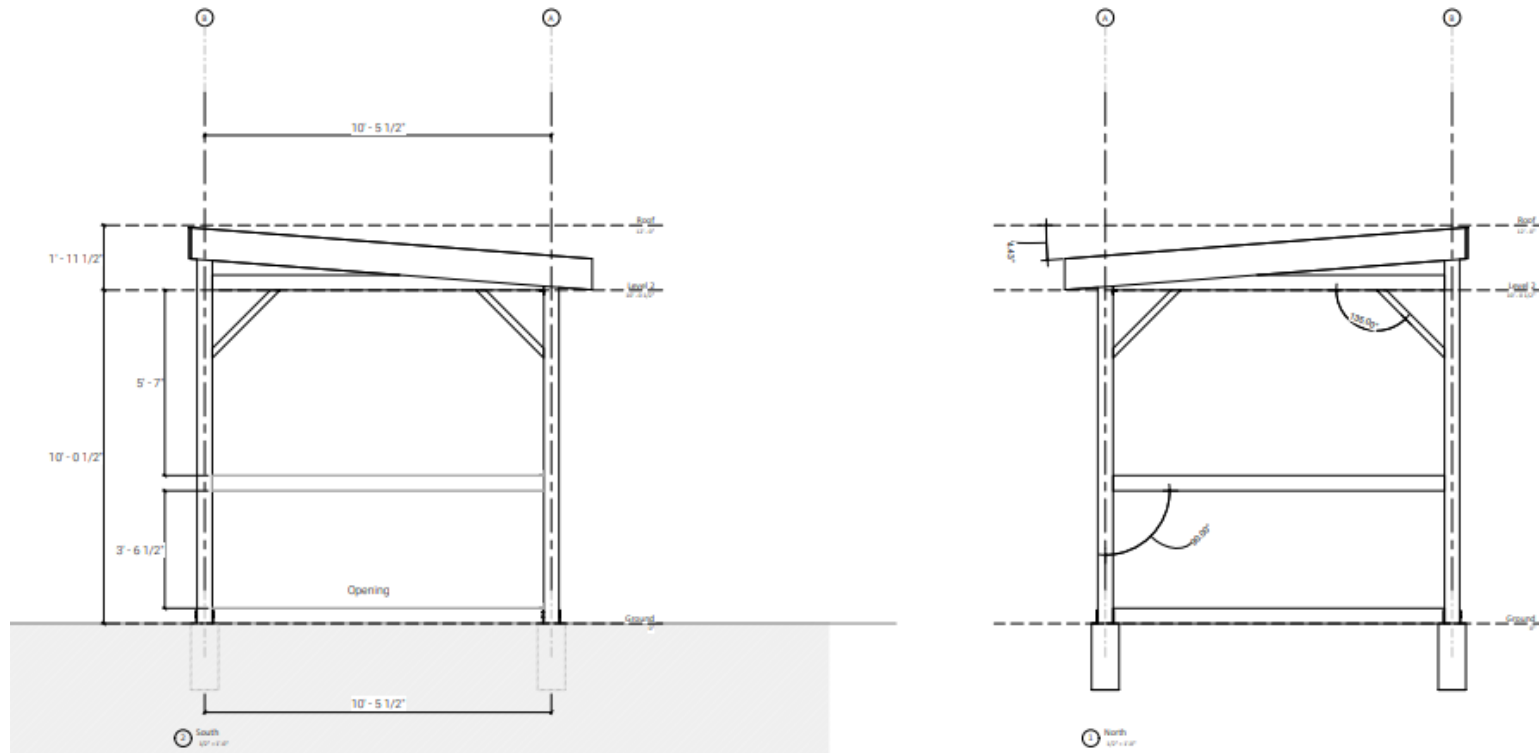
Attachment No. 3 – Applicant’s Structure Diagram



Attachment No. 4 – Applicant’s Structure Ground Plan



Attachment No. 5 – Applicant's Elevations





Attachment No. 6 – Site Photo (Front)

