

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: April 1, 2021
RE: Development Variance Permit Application — Electoral Area “I”

Administrative Recommendation:

THAT Development Variance Permit No. I2021.005-DVP to allow for an garage/deck addition to a single detached dwelling be denied.

Purpose: To allow for an garage/deck addition to a single detached dwelling

Owners: Donald and Charlene Boyce Agent: n/a Folio: I-01631.110

Civic: 363 Pineview Drive Legal: Lot 2, Plan 34410, District Lot 103s, SDYD

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

Variance Request: to reduce the minimum rear parcel line setback from 7.5 metres to 2.21 metres.

Proposed Development:

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

Specifically, it is being proposed to reduce the minimum rear parcel line setback from 7.5 metres to 2.21 metres.

In support of this request, the applicant has stated that “the placement of our house is not square or parallel to any of our property lines. This placement forces us to have the proximity of the garage to the rear parcel line as our only choice. The existing foliage along the fenceline (my rear parcel line and our neighbours side parcel line) will continue to existing for individual privacy.”

Site Context:

The subject property is approximately 836.5 m² in area and is situated on the west side of Pineview Drive in Kaleden. The property is currently developed to a single detached dwelling.

The surrounding pattern of development is characterised by residential.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 29, 1983, while available Regional District records indicate that a building permit for single detached dwelling (1990) has previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area “1” Zoning Bylaw No. 2457, 2008, the property is currently zoned Residential Single Family One (RS1) which requires a minimum setback to the rear parcel line of 7.5 metres for principal buildings (i.e. single detached dwellings).

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.

At its meeting of March 17, 2021, the Electoral Area “1” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

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.

In this instance, Administration notes that the proposal includes a setback of 3.05 metres to the garage wall (and 2.21 metres to the edge of eave), which exceeds what would be required of the abutting parcel along the same property line.

However, Administration has concerns with providing adequate space between the neighbour’s rear yard and the proposed upper deck.

The proposed deck is seen to directly impact the level of privacy as it would overlook the neighbouring back yard, potentially affecting adjacent lands in an adverse manner.

Further, the upper deck addition is not seen to be strictly necessary for reasonable enjoyment of the lands or to meet the intent of the bylaw which requires additional separation between rear yards to provide a higher level of privacy.

Conversely, the placement of the house is not parallel to the parcel lines. Administration recognizes that that site topography, setbacks, and building orientation does not allow for any practical alternative location for an addition.


It is further noted that the adjacent property owners have indicated that they have no issues with their privacy being impacted, given the current foliage and the repositioning of the shed, and the subject parcel line can be construed as functioning like a side parcel line, which has a lower standard of separation due to the lot configuration and existing access/building orientation.

For the reasons stated above, Administration is not supporting the requested variance and is recommending denial.

Alternative:

1. That the Board approve Development Variance Permit No. I2021.005-DVP.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:

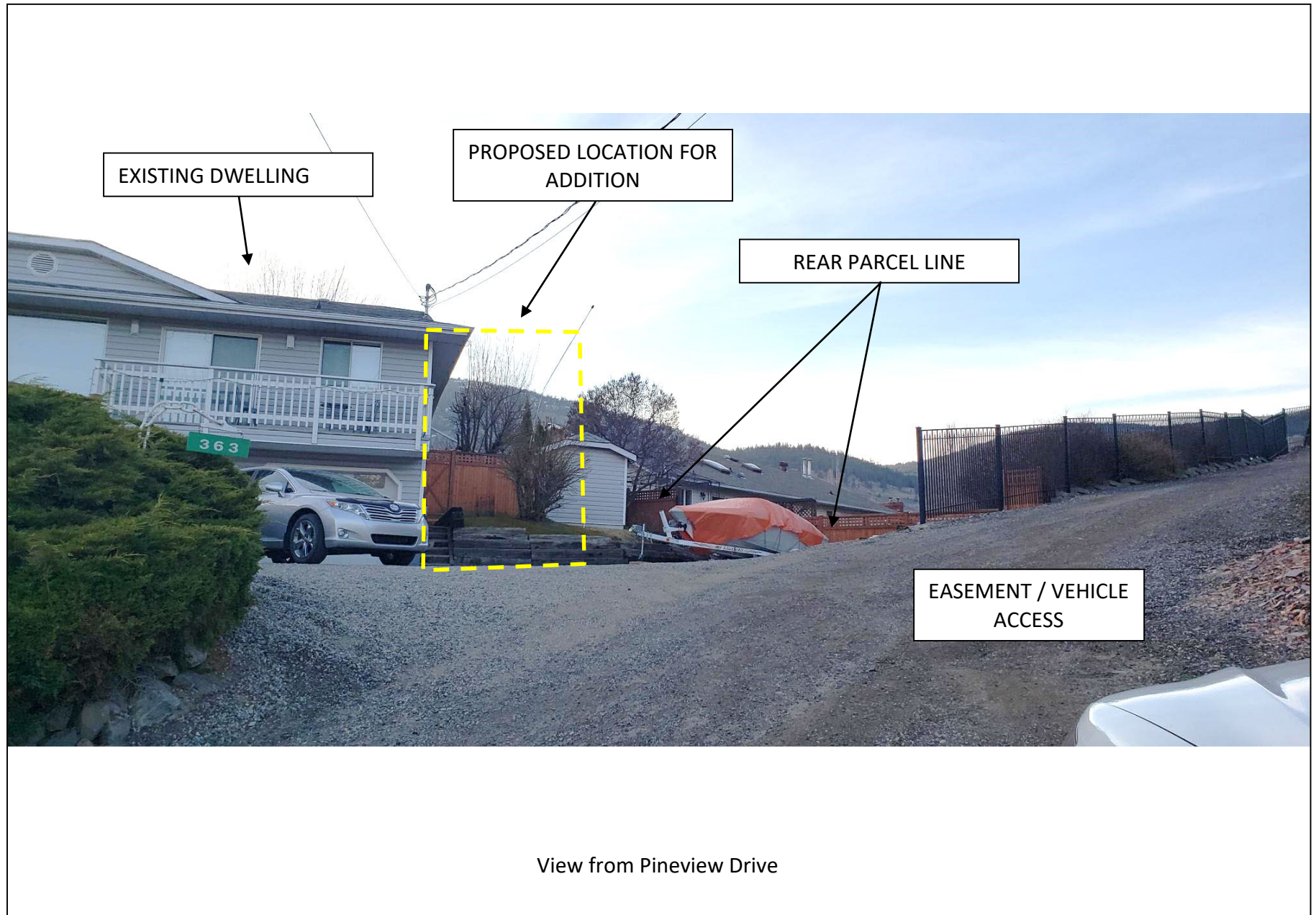


C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (March 2021)

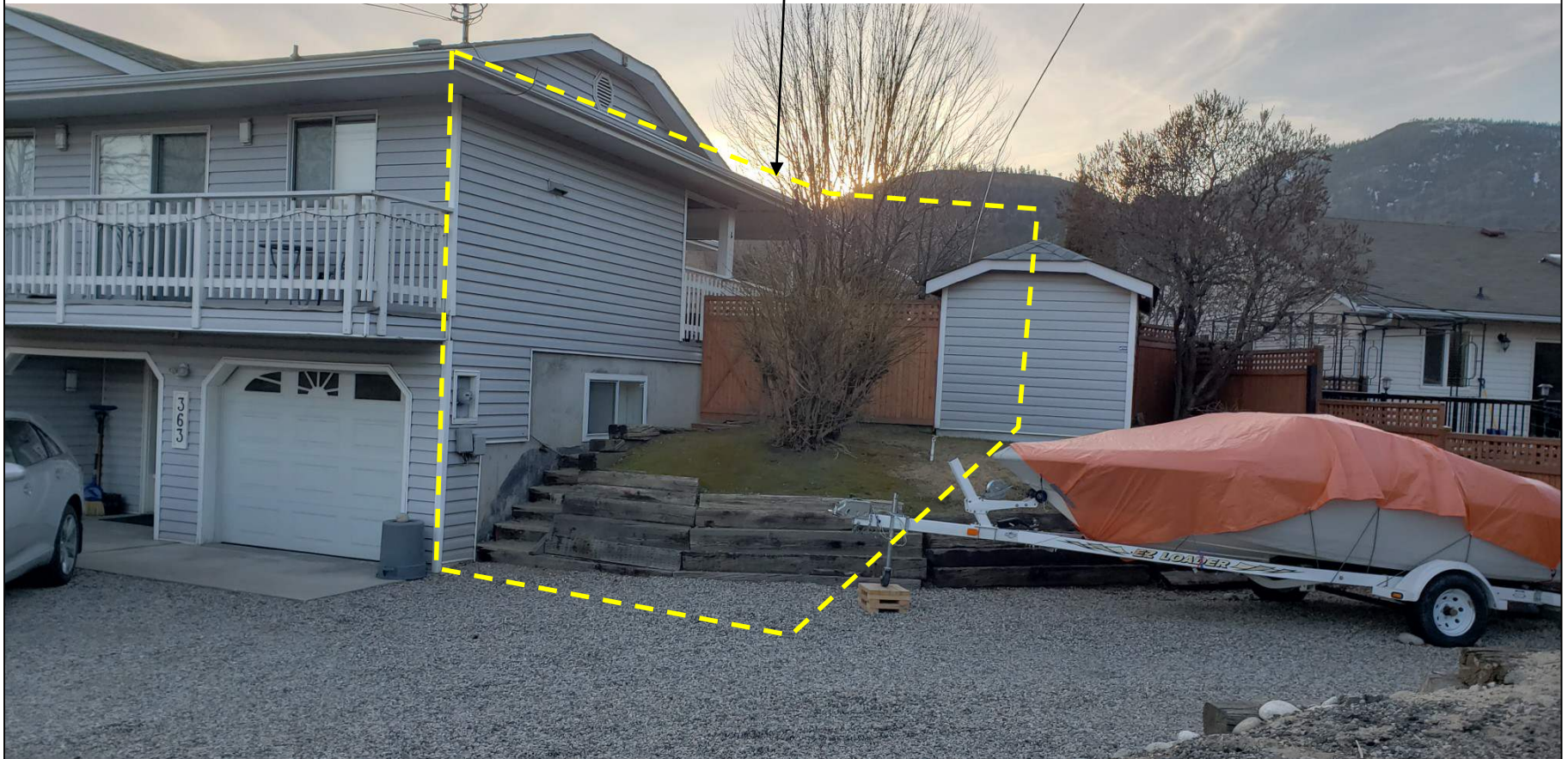
No. 2 – Site Photo (March 2021)

Attachment No. 1 – Site Photo (March 2021)



Attachment No. 2 – Site Photo (March 2021)

AREA OF PROPOSED ADDITION
(APPROXIMATE)



View from Easement