

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



DATE: December 4, 2024

FILE NO.: H2024.036-DVP

TO: Christopher Garrish, Senior Manager of Planning

FROM: Jerritt Cloney, Planner I

RE: Development Variance Permit (DVP) — Electoral Area “H”

Owner: Ritchie Hill

Agent: James Bond

Folio: H-01264.535

Civic: 2255 Old Hedley Road

Legal: Lot 9, Plan KAP20194, District Lot 2855S, SDYD

Proposed Development:

This application is seeking a variance to the exterior side parcel line setback that applies to the subject property in order to permit an existing carport.

Specifically, it is being proposed to vary the minimum exterior side parcel line setback for an accessory building and structure from 3.0 metres to 0.85 metres.

In support of this request, the applicant has stated that “this is the only possible location but there is a large rock on westside. This is why I am applying for variance.”

Site Context:

The subject property is approximately 2,047 m² in area and is situated on the west corner of Old Hedley Road and Bromley Crescent, approximately 17 km east from the boundary with Town of Princeton. The property is understood to contain one (1) single detached dwelling, two (2) accessory buildings (sheds) and one (1) carport.

The surrounding pattern of development is generally characterised by similar residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on April 22, 1970, while available Regional District records indicate that building permit(s) and their respective dates of issuance have been issued for the following buildings: Insulated-unheated storage shed (2023); landing and stair addition to dwelling (2020); and an accessory building (1995).

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2024, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area “H” Zoning Bylaw No. 3065, 2024, the property is currently zoned Low Density Residential One (RS1) which lists accessory buildings and structures as a permitted accessory use.

The Regional District not received written complaints against the subject property and BC Assessment has classified the property as “Residential” (Class 01).

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

Under Section 3.21 of the Regional District's *Chief Administrative Officer Delegation Bylaw No. 3033, 2023*, "the CAO or their designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act* ..."

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District's Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on November 13, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of December 4, 2024, being 22 working days from the date of notification, no representations have been received electronically or by submission at the Regional District office.

Delegated Authority:

Under Section 498.1(2) of the *Local Government Act*, a local government that has delegated authority to an officer or employee to issue a development variance permit (DVP) must include "criteria for determining whether a proposed variance is minor."

Under Section 3.22 of the Regional District's Chief Administrative Officer Delegation Bylaw No. 3033, 2023, staff are to consider if the variance would be "minor and would have no significant negative impact on the use of immediately adjacent or nearby properties" through the following criteria:

1. *degree or scope of the variance relative to the regulation from which a variance is sought;*
2. *proximity of the building or structure to neighbouring properties; and*
3. *character of development in the vicinity of the subject property.*

With regard to the degree of the requested variance, it is considered that a 72% decrease to the exterior side yard setback is not minor.

With regard to the proximity of the proposed carport to neighbouring properties, the nearest parcel line is approximately 4.9 metres to the south-west. This criteria is deemed to be minor, as the location of the carport is compliant with the rear yard setback, and the next closest property (to the southwest of the subject property) is currently undeveloped.

With regard to the final criteria and the character of development in the vicinity of the subject property, the placement of an accessory building within 1.0 metre of the external side parcel line does not appear to be common on nearby properties, based on satellite imaging, and a review of issued permits of nearby properties.

For these reasons, the proposed variance is deemed to be not minor and consideration of the requested variances must be undertaken by the Regional District Board.

Respectfully submitted:

Jerritt Cloney

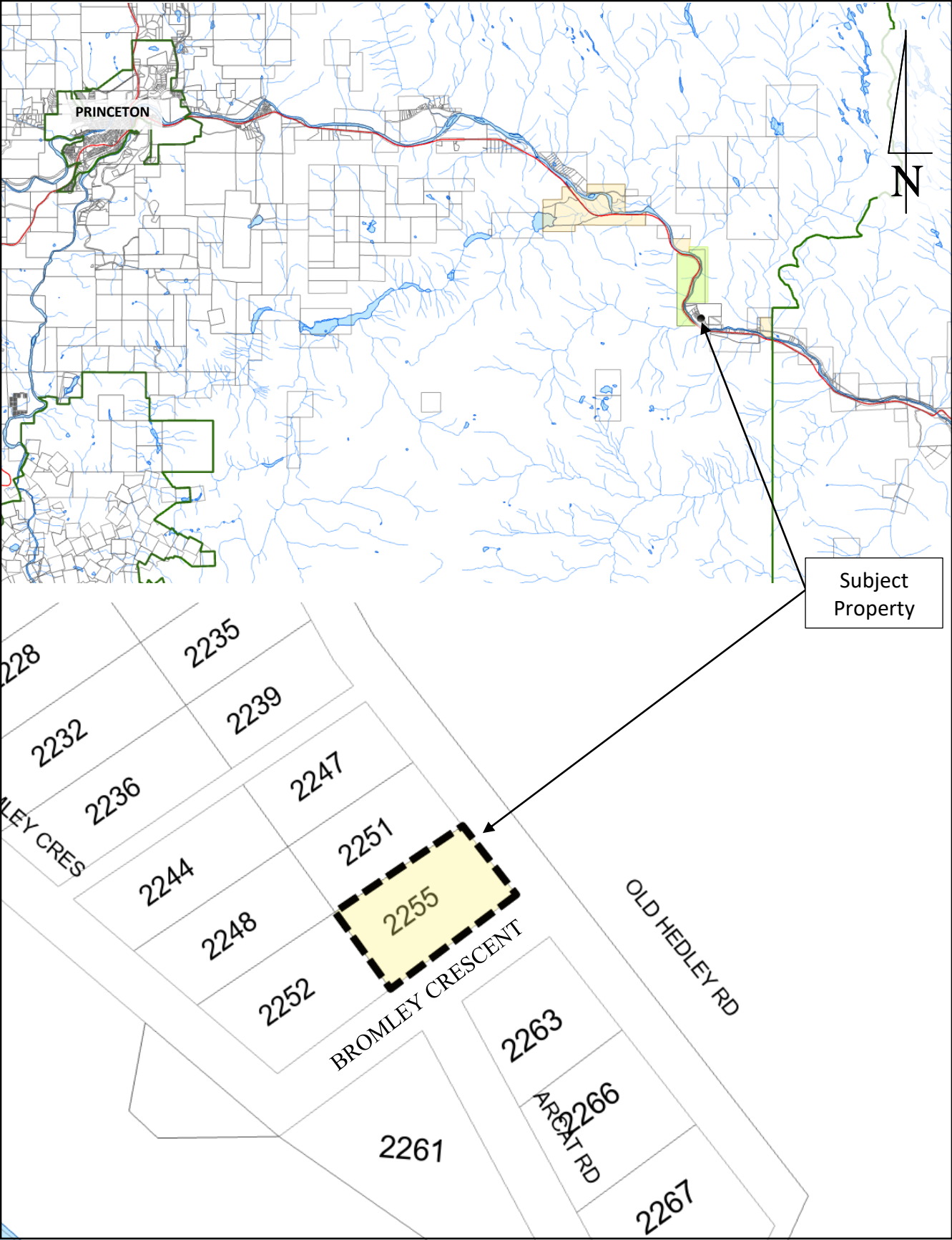
Jerritt Cloney, Planner I

Attachments:

No. 1 — Context Maps

No. 2 — Applicant's Site Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan

