



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: July 29, 2019

SUBJECT: Development Variance Permit (VP-19-05)
A. & L. Dahl (owner/applicant)
9257 Winchester Road
Central Okanagan West Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas – 1 Director, 1 Vote*

Purpose: To consider issuance of a Development Variance Permit to allow a reduction of the minimum front setback and side setback to permit two existing accessory structures and to allow two structures within the required front setback.

Executive Summary:

The subject property has three existing accessory structures that do not meet the setback regulations under Zoning Bylaw No. 871. While the variance request was precipitated due to a Stop Work Order, the landowner ceased construction and submitted the appropriate Building Permit and Development Variance Permit applications. Due to the steep topography at the rear of the property, the owners' rationalize the proposed siting for the new garage is to maximize the availability of the level portion of the property.

The applicant has obtained the required permit to reduce building setback from Winchester Road from the Ministry of Transportation and Infrastructure. No objections have been received from agencies or the public regarding the application.

RECOMMENDATION:

THAT the Regional Board approve Development Variance Permit Application VP-19-05 to vary the following provisions of Zoning Bylaw No. 871 based on the Land Surveyor's Certificate dated March 14, 2019 prepared by William E. Maddox and the Land Surveyor's Certificate dated May 3, 2019 prepared by Maddox & Company Land Surveyors:

- Section 3.17.5 by allowing two accessory buildings in the required front setback.
- Section 3.17.6 by allowing a reduction of the minimum side setback from 1.0 m (3.3 ft.) to 0.38 m (1.24 ft.) to permit one accessory building.
- Section 6.5.4 by allowing a reduction of the minimum front setback from 6.0 m (19.7 ft.) to 0.82 m (2.69 ft.) to permit one accessory building.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Brittany Lange, Planner

Implications of Recommendation:

Strategic Plan:	Development Variance Permits provide options/solutions to address building/location issues provided there are no negative impacts (visual, health and safety) to neighbouring residents.
Policy:	The application was submitted and processed in accordance with Requirements of RDCO Development Applications Procedures Bylaw No. 944.
Legal/Statutory Authority:	In accord with Section 498 of the Local Government Act, on application by an owner of land, a local government may, by resolution, issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw. A development variance permit must not vary the use or density of land from that specified in the bylaw and a local government may not delegate the Issuance of a Strategic Plan:

Background:

The subject property consists of one single detached house, one garage, and two sheds. During a routine inspection of the area, a Stop Work Order was placed on the subject property for a recently constructed garage without an approved RDCO Building Permit. At time of building permit application for the garage, it was discovered that there are a total of three existing accessory buildings that do not meet Zoning Bylaw No. 871 setback regulations; therefore, a Development Variance Application has been submitted.

The owners' rationalize that the proposed siting for the accessory building is to maximize the availability of the level portion of their property, and to minimize the impact on the hillside and sensitive terrestrial ecosystem. A building permit application has been received to bring the existing garage and into compliance with RDCO bylaws (#19/037). The two remaining sheds are less than 10ft² and therefore do not require a building permit. The applicant has received a Permit to Reduce Building Setback Less than 4.5m from the Ministry of Transportation and Infrastructure for both the garage and the shed (#2019-02056).

From 2009-2018, the Regional Board approved six Development Variance Permits to allow reductions in the minimum front setback at various locations on Winchester Road.

Site Context:

The parcel is located within the Rural Westside Official Community Plan (OCP) and is affected by several Development Permit Areas. The landowners will be required to address applicable Development Permit provisions of the OCP in conjunction with the building permit process.

Additional Information:

Owner/Applicant:	A. & L. Dahl
Legal Description:	Lot 3, District Lot 3910, ODYD, Plan 21925
Address:	9257 Winchester Road
Lot Size:	+/- 0.7 acres (2,832m ²)
Zoning:	RU5 Rural 5
OCP Designation:	Residential – low density
Sewage Disposal:	Septic System
Water Supply:	Killiney Beach Water System
Existing Use:	Residential
Surrounding Uses:	North: Rural Residential South: Rural Residential East: Rural Residential West: Rural Residential
A.L.R.:	Not within the A.L.R.
Fire Protection:	North Westside Fire Protection Area

RDCO TECHNICAL COMMENTS:

Planning Services staff advise that the accessory structure is greater than 40m², as such, the provisions of the Wildfire Development Permit Area Guidelines of the Rural Westside OCP apply. However, Development Permit approval for the accessory structure is not required should the owners' register a Wildfire Covenant on the properties' title.

Inspection Services staff advise that there is an outstanding permit for the existing single detached house (#7008/14) and a building permit application has been received for the existing garage (#19/037). The two existing sheds at the northern boundary of the parcel are less than 10ft² and therefore a building permit is not required. Should a Development Variance Permit be approved for the existing garage, a building permit can be issued to bring the existing accessory building into compliance with RDCO bylaws. Furthermore, Inspections Services has advised that the owners' are working with staff to complete the outstanding permit for the house.

Central Okanagan West Advisory Planning Commission (APC) recommends that the application be supported as presented.

AGENCY REFERRAL COMMENTS:

Ministry of Transportation and Infrastructure has issued a Permit to Reduce Building Setback less than 4.5m from the property line fronting a Provincial Public Highway (Permit No. 2019-02056).

Unaffected Agencies include Interior Health, Fortis B.C., B.C. Hydro, Telus, and Shaw Cable.

Unaffected RDCO Departments include Fire Services, Engineering Services, and Parks Services.

External Implications:

In accord with the *Local Government Act* and the Development Applications Procedures Bylaw No. 944, a Notice of Application sign was posted on the property and written notices were mailed to all registered property owners of land situated within 100 metres of the subject property. A total of 26 letters were mailed to neighbouring property owners.

Further to the notification process, at time of writing this report, no letters of support or opposition have been received.

In consideration of the Development Variance Application, the Regional Board may approve the Development Variance Permit, not approve the Development Variance Permit or defer a decision pending more information or clarification. Should the Board choose not to support the staff position, the following alternate recommendation is provided.

Alternative Recommendation:

THAT Development Variance Permit Application VP-19-05 for 9257 Winchester Road be denied.

Considerations not applicable to this report:

- *General*
- *Organization*
- *Financial*

Attachment(s):

- Subject Property and Orthophoto Maps
- Survey Certificate, dated March 14, 2019
- Revised Survey Certificate, dated May 3, 2019
- MOTI Permit No. 2019-02056 to Reduce Building Setback
- Pictures of existing accessory structures