



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: August 26, 2019

SUBJECT: Development Variance Permit (VP-19-06)
R. Stock & M. Thiemer (owner/applicant)
9233 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 to allow one existing accessory structure within the required front setback.

Executive Summary:

The subject property consists of one single detached house and two accessory buildings. One of the accessory buildings does not meet the setback regulations under Zoning Bylaw No. 871. The Development Variance Permit Application for a pre-built shed was initiated when the owners submitted a Building Permit Application. Due to steep topography at the rear of the property, the owners' rationalize the proposed siting for the pre-built shed 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-19-06 to vary the following provisions of Zoning Bylaw No. 871 based on the site plan received July 2, 2019:

- Section 3.17.5 by allowing one accessory building in the required front setback.
- Section 6.5.4 by allowing a reduction of the minimum front setback from 6.0 m (19.7 ft.) to 0.127 m (0.417 ft.) to permit one accessory building.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Prepared by: Jack Pawsey, Planning Student

Approved for Board's Consideration



Marilyn Rilko, Deputy CAO

Implications of Recommendation:

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 <i>Local Government Act</i> , 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 one shed. In 2009, during construction of the primary dwelling, a Stop Work Order was posted due to violation of the front setback requirement. The owners then applied for a Development Variance Permit to vary the front setback from 6.0 m to 1.73 m for the single detached house and received final approval in 2010 from the Regional Board (RDCO File: VP-09-08).

In 2019, the owners submitted a building permit application (#19/105) for a pre-built shed that was recently placed on their property. It was identified that the shed would not meet front setback regulations; therefore, a Development Variance Permit application was submitted. As staff understand it, the owners rationalize that the 12x16 ft. shed is required for additional storage. Furthermore, the owners have indicated that earthworks and tree removal would be necessary in order to meet setback regulations. Staff has received written support from three neighbouring property owners, and the applicants have received a Permit to Reduce Building Setback Less than 4.5 m from the Ministry of Transportation and Infrastructure (#2019-03453).

From 2009-2019, the Regional Board approved seven Development Variance Permits to allow reductions in the minimum front setback at various locations on Winchester Road.

Site Context:

The subject property 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:	R. Stock and M. Thiemer
Legal Description:	Lot 1, District Lot 3910, ODYD, Plan 21925
Address:	9233 Winchester Road
Lot Size:	+/- 1.38 acres (5,585m ²)
Zoning:	RU5 Small Lot Country Residential
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: Crown Land 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 note that Development Variance Permits provide options/solutions to address building/location issues provided there are no negative impacts (visual, health and safety) to neighbouring residents. Furthermore, Environmental Planning staff advise that the proposal is exempt from a Development Permit due to the size of the structure and the pre-disturbance of the ecosystem attributes within the overall footprint of the build site.

Inspection Services staff advise that a Building Permit Application has been received for the existing shed (#19/105). Should a Development Variance Permit be approved, a Building Permit can be issued.

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

AGENCY REFERRAL COMMENTS:

Ministry of Transportation and Infrastructure has indicated they have no concerns with the proposal, and have issued a Permit to Reduce Building Setback Less Than 4.5 Metres from the Property Line Fronting a Provincial Public Highway (Permit No. 2019-03453).

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

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 22 letters were mailed to neighbouring property owners.

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

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-19-06 for 9233 Winchester Road be denied.

Considerations not applicable to this report:

- *Strategic Plan*
- *General*
- *Organizational*
- *Financial*

Attachment(s):

- Subject Property and Orthophoto Maps
- Site Plan dated July 2, 2019
- MOTI Permit No. 2019-03453 to Reduce Building Setback
- Written Rationale
- Pictures of the existing accessory structure
- Letters of Support
- Support Map