



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: August 26, 2019

SUBJECT: Development Variance Permit (VP-19-07)
C. and J. Sandercock (owners)
Lot A, Sec 14, Township 27, ODYD, Plan KAP48657 – 1960 Huckleberry Road
Central Okanagan East Electoral Area

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

Purpose: To consider issuance of a Development Variance Permit to allow an increase of the maximum accessory building height.

Executive Summary:

The proposed height for the accessory building is greater than permitted under Joe Rich Rural Land Use Bylaw No. 1195. As such, the owners' are requesting a Development Variance Permit for the proposed one-storey accessory building for the purposes of storing a horse trailer a recreational vehicle. In recognition of significant tree cover, the proposed increase of building height should not impede views of any neighbouring property owners.

Nine letters of support have been received, and no objections or concerns have been identified from agencies or RDCO staff regarding the application. Should the Development Variance Permit be issued by the Regional Board, a Building Permit will be required.

RECOMMENDATION:

THAT the Regional Board approve Development Variance Permit Application VP-19-07 to vary the Provision of Section 2, Subsection 5.7.8.2 of the Joe Rich Rural Land Use Bylaw No. 1195 by allowing an increase of the maximum accessory building height from 5.0 m (16.4 ft.) to 7.8 m (25.6 ft.), based on the Site Plan and Elevation Drawings dated July 3, 2019.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Marilyn Rilko".

Prepared by: *Brittany Lange, Planner*

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 permit.

Background:

While designing the proposed accessory building, the owner realized that the height would be greater than the maximum permitted under the SH-2 land use designation. As such, the applicant submitted a Development Variance Permit application. The owners rationalize that the requested height of the shop is to allow for the 12 ft. doors which are required for their horse trailer and recreational vehicle to provide sufficient height.

Site Context:

The 4.07 ha property is a rural residential acreage surrounded by other rural residential parcels. The subject property consists of one single family dwelling, one additional dwelling unit (mobile home), and a horse pasture with stables. Both dwellings were constructed lawfully and in compliance with Zoning Bylaw No. 730 which has since been repealed and replaced by the Joe Rich Rural Land Use Bylaw (JRRLUB). As such, the additional dwelling unit continues to be recognized as a legal non-conforming structure.

The owners' propose to construct a one-story accessory building for use as a garage and workshop. The proposed accessory building will be located such that there is a natural screen/buffer to neighbouring properties by surrounding trees. In recognition of the extensive tree cover and distance to adjoining residences, the structure will not be visible, nor will it impede the views of any neighbours.

Should the Development Variance Permit be issued by the Regional Board, a Building Permit will be required for the accessory structure.

Accessory Building Height Variance History:

Historically, height variances have been evaluated and assessed based on site specific conditions and on input received from affected neighbouring property owners. From 2009-2019, the Regional Board approved five Development Variance Permits to increase the maximum height to accommodate accessory structures in the Central Okanagan West and East Electoral Areas (Files: VP-09-02, VP-16-02, VP-17-03, VP-17-08 & VP-19-04).

Additional Information:

Owner/Applicant:	C. & J. Sandercock
Legal Description:	Lot A, Section 14, Township 27, ODYD, Plan KAP48657
Address:	1960 Huckleberry Road
Lot Size:	+/- 4.07 ha (10.06 acres)
Land Use Designation:	SH-2 – Small Holdings
Sewage Disposal:	Septic System
Water Supply:	Well
Existing Use:	Rural Residential
Surrounding Uses:	North: Rural Residential South: Huckleberry Road / Rural Residential East: Huckleberry Road / Rural Residential West: Rural Residential
A.L.R.:	Not within the A.L.R.
Fire Protection:	Joe Rich 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.

Inspection Services staff advise that should a Development Variance Permit be approved, the applicant will be required to submit a building permit application.

Agency Referral Comments:

Fortis B.C. has indicated there are primary distribution facilities along Huckleberry Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Unaffected Agencies include Interior Health, Ministry of Transportation and Infrastructure, Telus, Shaw Cable, B.C. Hydro, and the City of Kelowna.

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 500 metres of the subject property. A total of 48 letters were mailed to neighbouring properties.

Further to the notification process, at time of writing this report, nine letters of support from adjacent property owners have been received for this application.

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-19-07 for 1960 Huckleberry Road be denied.

Considerations not applicable to this report:

- *Strategic*
- *Financial*
- *Organizational*

Attachment(s):

- Subject Property and Orthophoto Maps
- Site Plan, received July 3, 2019
- Building and Elevation Drawings, received July 3, 2019
- Photos of Site
- Support / Opposition Map
- Letters of Support