



# Regional Board Report

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** May 25, 2020

**SUBJECT:** Development Variance Permit (VP-20-01)  
J. & H. Denison and J. Knight (owners) c/o J. Denson  
3625 N Westside Road  
Central Okanagan West Electoral Area

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

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

## Executive Summary:

The height of the partially constructed accessory building on the subject property is greater than permitted under Zoning Bylaw No. 871. While the variance was precipitated due to a Stop Work Order, the landowners ceased construction and submitted the appropriate Building Permit and Development Variance Permit applications. Existing tree cover provides screening between the accessory building and neighboring single detached housing; however, images of the site indicate that the building is visible to traffic from Westside Road.

Three letters of support have been received, and no concerns have been identified from agencies or RDCO staff regarding the application. Should the Development Variance Permit be issued by the Regional Board, provisions of the Wildfire Development Permit Area guidelines of the Rural Westside Official Community Plan will be applicable.

## RECOMMENDATION:

**THAT** the Regional Board approve Development Variance Permit Application VP-20-01 to vary the Provision of Part 6, Section 6.3.14.2 of Zoning Bylaw No. 871 by allowing an increase of the maximum accessory building height from 5.0 m (16.4 ft.) to 6.4 m (21 ft.), based on the Survey Certificate prepared by Bennett Land Surveying Ltd. dated April 2, 2020.

Respectfully Submitted:



Todd Cashin  
Director of Community Services

Approved for Board's Approval



Brian Reardon, CAO

Prepared by: Danika Dudzik, Senior Planner

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### 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 which is supported the Regional Board Strategic Priorities 2019-2022 with respect to "Sustainable Communities".
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.

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### Background:

During a routine inspection in January of 2020, a Stop Work Order was placed on the subject property for the unauthorized construction of an accessory building (Quonset) without an approved Building Permit. At time of application, it was identified that the accessory building would not meet the height regulations within Zoning Bylaw No. 871. As such, a Development Variance Permit Application has been submitted.

Furthermore, the owners' rationalize that as the Quonset is a prefabricated structure, they didn't realize it was 6.4 m (21 ft.) in height. Based on the survey certificate provided by Bennett Land Surveying Ltd. dated April 2, 2020, the partially constructed accessory building has been constructed to a height of 6.4 m (21 ft.). The owners' have indicated that the Quonset will be used for storage.

Historically, height variances have been evaluated and assessed based on site specific conditions and on input received from affected neighbouring property owners. Throughout 2019, 2017 and 2016, the Regional Board approved three Development Variance Permits to increase the maximum height to accommodate three existing accessory buildings constructed without permits (Files: VP-19-04, VP-17-03 & VP-16-02). Furthermore, the Regional Board approved three additional Development Variance Permits to increase the maximum height of accessory structures in the Central Okanagan West and Central Okanagan East Electoral Areas (Files: VP-19-07, VP-17-08 & VP-09-02).

**Site Context:**

The parcel is located within the Rural Westside Official Community Plan (OCP) and is affected by a number of Development Permit Areas. Development Permit DP-07-07 was previously issued for works associated with the reconstruction of the single detached house within the Aquatic Ecosystem Development Permit Area. Demitri Creek bisects the parcel and the northeast boundary fronts a red zone for shore spawning Kokanee along Okanagan Lake. The landowners will be required to address applicable Development Permit provisions of the OCP in conjunction with the building permit process.

**Additional Information:**

<b>Owner(s):</b>	J. & H. Denison, and J. Knight
<b>Applicant:</b>	J. Denison
<b>Legal Description:</b>	Lot C, District Lot 2549, ODYD, Plan 37807
<b>Address:</b>	3625 N Westside Road
<b>Lot Size:</b>	+/- 1.09 ha (2.7 acres)
<b>Zoning:</b>	RU3 Rural 3
<b>OCP Designation:</b>	Rural Residential
<b>Sewage Disposal:</b>	Septic System
<b>Water Supply:</b>	Okanagan Lake
<b>Existing Use:</b>	Rural Residential
<b>Surrounding Uses:</b>	<b>North:</b> Rural Residential <b>South:</b> Denison Road / Rural Residential <b>East:</b> Okanagan Lake / Rural Residential <b>West:</b> Rural Residential / Westside Road
<b>A.L.R.:</b>	Not within the A.L.R.
<b>Fire Protection:</b>	Wilsons Landing Fire Protection Area

**RDCO TECHNICAL COMMENTS:**

**Planning Services** staff advise that the subject property is affected by Development Permit Areas for the protection of the natural environment, its ecosystems, and biological diversity and protection of development from hazardous conditions. RDCO mapping indicates Demitri Creek runs west to east through the subject property where it is modified through a series of culverts prior to discharging into Okanagan Lake.

The accessory building is over 40 m<sup>2</sup> and must conform to the Wildfire Interface Construction Development Permit Guidelines. However, Development Permit approval is not required for the variance to the accessory building should a wildfire covenant be registered. The landowners will be required to address applicable Development Permit provisions of the OCP in conjunction with the building permit process.

**Inspection Services** staff advise that should a Development Variance Permit be approved; a building permit can be issued to bring the existing accessory building into compliance with RDCO bylaws.

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

**AGENCY REFERRAL COMMENTS:**

**Unaffected Agencies** include Interior Health and Ministry of Transportation and Infrastructure.

**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 4 letters were mailed to 4 neighbouring properties.

Further to the notification process, at time of writing this report, three letters of support from three adjacent properties 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-20-01 for 3625 N Westside Road be denied.

***Considerations not applicable to this report:***

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

**Attachment(s):**

- Subject Property and Orthophoto Maps
- April 2, 2020 Survey Certificate
- Building and Elevation Drawings
- Photos of Accessory Building
- Letters of Support