



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Jodie Foster".

Jodie Foster, Acting CAO

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: March 28, 2022

Subject: Development Variance Permit (VP-22-01)
M. Doiron (Owner), 1724 Westside Road N
Lot A, District Lots 3791 and 5356, ODYD, Plan EPP17004 Except Plan EPP27105

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

Purpose: To consider the issuance of a Development Variance Permit to allow a reduction of the side setback from 3.0 m to 2.0 m to permit the construction of an addition to an existing single detached house.

Executive Summary:

The proposed side setback for the residential addition is less than the permitted setback in Zoning Bylaw No. 871; therefore, a Development Variance Application has been submitted. The applicant rationalized that the location selected for the proposed addition is reasonable given the location and orientation of the existing structures, and topographic constraints on the property.

No concerns have been identified from agencies, RDCO staff or the public regarding the application. Should the Development Variance Permit be issued by the Regional Board, the provisions of the Wildfire Interface Construction, Hillside and Terrestrial Ecosystem Development Permit Area guidelines of the Rural Westside Official Community Plan will be applicable.

Recommendation(s):

THAT the Regional Board approve Development Variance Permit Application VP-22-01 for Lot A, District Lots 3791 and 5356, ODYD, Plan EPP17004 except Plan EPP27105 located at 1724 Westside Road N to vary the following provisions of Zoning Bylaw No. 871:

- Section 6.4.5 by allowing a reduction of the minimum side setback from 3.0 m to 2.0 m.

Respectfully Submitted:

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

Todd Cashin
Director of Community Services

Prepared by: Michael Czarny, Planner

Attachments:

- Orthophoto Map
- Site Plan
- Site Drawings
- Regional Board Presentation

Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance

Background:

The subject property contains a single detached house and two accessory buildings, including a detached garage and shed. The existing single detached house is located in the northwest portion of the site near the rear and side property lines. The property is accessed from Westside Road through an easement over crown land.

Proposal:

The applicant is proposing to construct a 127 m² addition to the existing dwelling. The applicant rationalized that the location selected for the proposed addition is reasonable given the location and orientation of the existing structures, and topographic constraints on the property, however, it would result with an encroachment on the minimum 3.0 m side setback as per the RU4 zoning regulations. As such, a Development Variance Permit application is required to achieve the proposed minimum side setback from the parcel line.

Additional Information:

Owner/Applicant:	M. Doiron
Legal Description:	Lot A, District Lots 3791 and 5356, ODYD, Plan EPP17004 Except Plan EPP27105
Address:	1724 Westside Road N
Lot Size:	+/- 1.27 acres
Zoning:	RU4 – Country Residential
OCP Designation:	Rural Residential
Sewage Disposal:	Septic System
Water Supply:	Private water source
Existing Use:	Residential
Surrounding Uses:	North: Crown Land, Rural Residential South: Rural Residential East: Rural Residential West: Crown Land
Fire Protection:	Wilsons Landing Fire Protection Area

The property is affected by several Development Permit Areas (including Hillside, Wildfire Interface Construction, and Terrestrial Ecosystem). The provisions of the Development Permit Areas will be addressed at the Building Permit stage.

RDCO TECHNICAL COMMENTS:

Inspection Services staff note that a Building Permit will be required for the proposed residential addition and a separate Building Permit for the relocation of the shed. The requested setback reduction will affect spatial separation calculations therefore reducing glazed area. Further review at plan check will be required.

Staff from Engineering Services, Parks Services, and Fire Services have indicated no concerns for the proposal.

AGENCY REFERRAL COMMENTS:

Central Okanagan West Advisory Planning Committee (APC) supports the application as presented.

The following agencies have indicated that they have no concerns regarding the proposal: MOTI, IHA, BC Hydro, and TELUS.

Considerations:

External: 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 10 letters were mailed to neighbouring property owners. Further to the notification process, at time of writing this report, no letters from the public have been received.

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 development variance permit except in accordance with section 498.1.

Considerations not applicable:

- Organizational
 - Financial
 - Alternate Recommendation
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