



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Corie Griffiths".

To: Regional Board

From: Todd Cashin, Director of Community Services

Corie Griffiths, Deputy CAO

Date: August 22, 2022

Subject: Development Variance Permit (VP-22-02)
J. Nicholls (owner/applicant)
Lot B, District Lot 4084, ODYD, Plan 23646 – 12326 Greystokes Road
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Area East – Electoral Area Directors only – 1 Director, 1 Vote*

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

Executive Summary:

The applicant is seeking approval to increase the permitted height of an accessory building from 5.0 m (16.4 ft.) to 5.8 m (19.0 ft.). The building is partially constructed and is intended to be used for equipment associated with a Home Occupation business, and for personal vehicle storage.

No letters of opposition have been received from neighbouring property owners, and no comments or concerns have been raised by referral agencies or RDCO staff. Staff anticipate that the proposed variance will have nominal impact on neighbouring property owners.

Recommendations:

THAT the Regional Board receives the report from the Director of Community Services, dated August 22, 2022, with respect to RDCO file: VP-22-02 for the property located at 12326 Greystokes Rd, legally described as Lot B, District Lot 4084, ODYD, Plan 23646 ("the subject property");

AND THAT the Regional Board approve Development Variance Permit Application VP-22-02 to vary Section 2, Subsection 5.7.8.2 of the Joe Rich Rural Land Use Bylaw No. 1195, to increase the maximum accessory building height from 5.0 m (16.4 ft.) to 5.8 m (19.0 ft.), based on the Drawings dated April 12, 2022 and the Site Plan dated May 23, 2022.

Respectfully Submitted by: Shaun O'Dea, Planner

Approved by:



Todd Cashin, Director of Community Services

Attachment(s):

1. Subject Property Location
2. Orthophoto Map
3. Site Plan
4. Drawings
5. Photo of Accessory Building
6. Presentation Slides

Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance, Transparency

Background:

The subject property is currently developed with one single family dwelling, a detached garage, and a 48 m² office which is used in relation to an earthmoving business licensed by the RDCO. The owner's intent is to construct an additional accessory building which would be used for maintaining and storing business equipment, and to store a recreational vehicle.

After submitting the application for a Development Variance Permit (DVP), the owner commenced construction without an approved Building Permit or an approved DVP. Subsequently, Building Inspections Staff placed a Stop Work Order on the subject property.

Historically, height variances have been evaluated based on site specific conditions, and on input received from affected neighbouring property owners. Within the Joe Rich area, three similar variance applications (VP-17-03, VP-17-08 and VP-19-07) have been submitted to the Regional Board, and subsequently approved.

Proposal:

The proposed 232 m² (2,500 ft²) accessory building is 5.8 m (19.0 ft.) high, 0.8 m higher than the maximum allowed accessory building height on Small Holdings 2 (SH-2) designated lots. The rationale for the variance is that the additional height will give vehicles and equipment more clearance and allow them to be maneuvered more safely.

Site Context:

The 2.9 ha lot is located within the community of Joe Rich, bordering Mission Creek and adjacent to other SH-2 parcels. The subject property is serviced by a private water source and an on-site sewerage disposal system, and shares road access with several adjacent properties on Greystokes Road.

Additional Information:

Owner/Agent:	Jeffrey Nicholls
Address:	12326 Greystokes Rd
Legal Description:	Lot B, District Lot 4084, ODYD, Plan 23646
Lot Size:	+/- 2.9 ha (7.25 acres)
Joe Rich Rural Land Use Designation:	SH-2 Small Holdings 2
Sewage Disposal:	On site sewerage system
Water Supply:	Private water source
Existing Use:	Residential
Surrounding Uses:	North: Civic, Institutional & Recreational (Vacant) South: Rural Residential / Greystokes Rd East: Rural Residential West: Rural Residential
A.L.R.:	Not within the A.L.R.
Fire Protection:	Joe Rich Fire Protection Area

Joe Rich Rural Land Use Bylaw No.1195 (JRRLUB):

Development Permit Areas (DPAs):

The JRRLUB identifies parts of the property which are within the Aquatic and Sensitive Terrestrial Ecosystem DPAs, and the Slope Stability and Rural Hillside DPA. A preliminary review suggests that due to previous disturbance in the area, a Development Permit will not be required. As the property is within the Wildfire Interface DPA, a covenant was registered on the title in 2011, ensuring that the relevant development permit guidelines and fire smart principles will be adhered to.

Floodplain Regulations:

This property is located within the Mission Creek floodplain. However, the location of the proposed accessory building is approximately 101 m from the natural boundary of Mission Creek and therefore meets the Floodplain Setback requirements.

The finished floor level of the proposed building is approximately 1 m above the natural boundary of the Creek, lower than the typically required 3 m Flood Construction Level. However, structures used exclusively as a carport or garage are exempt from the flood construction level regulations. Because the structure is within the floodplain, it must not include habitable space and all main electrical switchgear must be situated above the flood construction level.

Home Occupation and Vehicle Storage Regulations:

Home Occupations are permitted on SH-2 designated lots, subject to several regulations, including:

- 3.5.5 - parking of more than three vehicles related to a home occupation is prohibited;
- 3.5.7 - a maximum floor area of 100 m² and 50 m² of storage space is allowed; and
- 3.5.8 - only two non-residents may be involved with the business.

Furthermore, Section 3.8.2 of the Bylaw allows for a maximum of two pieces of logging, industrial or construction equipment on lots between 0.5 ha and 4 ha in size.

RDCO TECHNICAL COMMENTS:

Inspections Services staff advises that the following building permits are associated with property:

- Building Permit #2030/04 for a single-family dwelling.
- Building Permit #6487/11 for a carport addition to the single-family dwelling.
- Building Permit #6488/11 for a detached workshop.

Two unpermitted buildings are present on the property including the 232 m² partially completed accessory building under the current application, and the 48 m² office built in 2019. Building Inspections staff have issued a Stop Work Order on the accessory building pending approval of the DVP and Building Permits. Staff are working with the owner on achieving compliance.

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

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

Unaffected Agencies include Ministry of Transportation and Infrastructure, and Interior Health Authority.

Considerations:

External:

In accordance 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 25 letters were mailed to neighbouring property owners on August 3rd, 2022.

At time of writing this report, no letters of support or opposition have been received regarding this application.

Statutory Authority:

The application was submitted and processed in accordance with RDCO Development Applications Procedures Bylaw No. 944. Section 498 of the *Local Government Act* states that, 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, except by Bylaw in accordance with section 498.1 of the Act.

In consideration of the Development Variance Permit application, the Regional Board may approve the permit, not approve the permit or defer a decision pending more information or clarification. Should the Board choose not to support the staff position and deny the variance, the owner may be issued with bylaw offence notices under Building Bylaw No. 835 and Joe Rich Rural Land Use Bylaw No. 1195.

Considerations not applicable:

- Organizational
- Financial
- Legal

- Alternate Recommendation
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