



Regional Board Report

Request for Decision

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: December 1, 2022

Subject: Development Variance Permit (VP-22-07)
Mehdi Ebadi (Owner/Applicant)
Lot 90, District Lot 3910, ODYD, Plan KAP21925 – 9485 Houghton Road
Central Okanagan West Electoral Area

Voting Entitlement: *Custom Vote—Electoral Areas only – 1 Director, 1 Vote – Simple Majority*

Purpose: To consider the issuance of a Development Variance Permit to allow a reduction to the minimum width of a principal building.

Executive Summary:

The applicant is seeking approval to reduce the minimum width of a principal building in the RU5 Zone from 5.5 m (18.0 ft.) to 3.65 m (12.0 ft.). The factory-built home was moved to 9485 Houghton Road in July 2022 and is not currently occupied. At the time of writing this report no letters of opposition have been received from neighbouring property owners.

Recommendations:

THAT the Regional Board receives the report from the Director of Community Services, dated December 1, 2022, with respect to RDCO file: VP-22-07 for the property located at 9485 Houghton Road, legally described as Lot 90, District Lot 3910, ODYD, Plan KAP21925 (“the subject property”);

AND THAT the Regional Board approve Development Variance Permit Application VP-22-07 to vary Section 6.5.11 of the Regional District of Central Okanagan Zoning Bylaw No. 871, reducing the minimum width of a principal building from 5.5 m (18.0 ft.) to 3.65 m (12.0 ft.), based on the Site Plan drawings dated June 10, 2022.

Respectfully submitted by: Shaun O’Dea, Planner

Approved by:

A handwritten signature in black ink, appearing to read "Todd Cashin", is written over a light blue horizontal line.

Todd Cashin, Director of Community Services

- Attachment(s):
1. Subject Property Location
 2. Orthophoto Map
 3. Site Plan, Drawings and Renderings
 4. Applicant Rationale
 5. RU5 Zoning
 6. Presentation Slides

Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance

Background:

The subject property is located in the Killiney Beach community and is within the North Westside Fire Protection Area. This parcel is serviced by a community water supply and will require an on-site sewerage disposal system. Existing structures on the property were destroyed by the 2021 White Rock Lake wildfire. RDCO Inspections staff issued a stop work order upon becoming aware that a manufactured home had been moved to the subject property on July 7, 2022.

The RU5 zone has included the minimum principal building width requirement since Zoning Bylaw No. 871 was originally adopted in August 2000. No similar variance requests have been brought forward to the Regional Board for consideration.

Proposal:

The proposal is to reduce the minimum allowed width of a principal building in the RU5 Zone from 5.5 m (18.0 ft.) to 3.65 m (12.0 ft.). The factory-built home is built to BC Energy Step Code 5 standards and can meet net-zero efficiency levels with the addition of solar panels. The applicants have incorporated a covered patio into the building plans, extending the roofline of the structure to create the impression of an 18.2 m (27 ft.) total width.

Site Context:

The property is within the Wildfire Interface Construction Development Permit Area. Before building permits can be issued for a dwelling, the applicant will be required to show compliance with the "Wildfire Interface Development Permit Design Guidelines". Prior to final inspection, a restrictive covenant must be registered on the title of the property to ensure that future property owners adhere to the wildfire hazard reduction measures.

Additional Information:

Owner/Applicant:	Mehdi Ebadi and Razieh Seyedbahaedin
Address:	9485 Houghton Rd., Vernon
Legal Descriptions:	Lot 90, District Lot 3910, ODYD, Plan KAP21925
Lot Size:	0.21 ha (0.53 acres)
OCP Designation:	Residential Low Density
Existing Use:	Vacant
Surrounding Uses:	North: Residential Low-density South: Residential Low-density East: Residential Low-density West: Houghton Road - Residential Low-density

ALR:	Outside of the ALR
Fire Protection:	North Westside Fire Protection Area
Water Supply:	Killiney Beach
Wastewater Disposal:	On-site wastewater disposal

Regional Growth Strategy Bylaw No. 1336:

The following policies of the RGS align with the variance application:

- Policy 3.2.1.7 - Support urban and rural land uses that provide affordable, effective and efficient services and infrastructure that conserve land, water and energy resources.
- Policy 3.2.6.1 - Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities, choices, and affordability.
- Policy 3.2.7.2 - Support the use of innovative approaches and technologies to help conserve energy and thus reduce GHG emissions;

Rural Westside Official Community Plan Bylaw No. 1274:

The following OCP policy partially aligns with the variance application:

- Chapter 6, Policy 7 - Review the need to provide more affordable housing using secondary suites, manufactured homes within existing and new developments, while maintaining sensitivity to the existing rural character of the North Westside area and resolving additional load on any infrastructure.

Zoning Bylaw No. 871:

The minimum building width of principal buildings is limited to 5.5 m (18.0 ft.) in the RU3, RU4, RU5, R1 and RC1 zones.

RDCO TECHNICAL COMMENTS:

Inspections Services staff advise that a Building Permit will be required for the dwelling. Manufactured homes must be constructed in a factory that is certified to Standard CSA-A277 or CSA-Z240, per section A-1.1.1.1 (3) of the BC Building Code (2018). Inspections Services staff will be working with the owner to address Building Permit considerations pending Board approval of the Development Variance Permit.

Further review of on-site sewage disposal and the relevant Development Permit Areas will be addressed in conjunction with the Building Permit process.

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

AGENCY REFERRAL COMMENTS:

Ministry of Agriculture and Food - Ministry staff appreciate the rationale of integrating the landscape of both properties into a larger, functional cherry production block. In addition to ensuring runoff and siltation issues are not caused to adjacent properties, they recommend that the proponent also ensures there are no adverse impacts to groundwater on adjacent properties. Ministry staff have no objection to the applications proceeding to the Agricultural Land Commission for decision.

No comments or concerns were received from B.C. Hydro, Fortis, Telus, Shaw Cable, City of Kelowna, or Ministry of Transportation and Infrastructure.

Considerations:**External:**

In accordance with the Local Government Act and the RDCO Development Applications Procedures Bylaw No. 944, a Notice of Application sign was posted at 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 59 letters were mailed to neighbouring property owners on November 10, 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.

Considerations not applicable:

- Organizational
- Financial
- Legal
- Alternative Recommendation

Approved for agenda



Brian Reardon, CAO