



REGIONAL
DISTRICT
NORTH
OKANAGAN

PLANNING DEPARTMENT INFORMATION REPORT

DEVELOPMENT VARIANCE PERMIT APPLICATION

DATE: February 14, 2022

FILE NO.: 21-1105-B-DVP

OWNER/APPLICANT: Herb and Valerie Cyr

LEGAL DESCRIPTION: Lot 1, Sections 23 & 24, Twp 8, ODYD, Plan 34967

P.I.D.#: 002-914-824

CIVIC ADDRESS: 7461 Pleasant Valley Road

PROPERTY SIZE: 1.41 ha

ZONING: Small Holding (S.H)

O.C.P. DESIGNATION: Agricultural

PROPOSAL: Legalize the construction of an accessory building (one storey shed) and an addition to an accessory building (detached garage)

PROPOSED VARIANCES: 1) Maximum gross floor area and 2) side yard setback of an accessory building (one storey shed) and 3) maximum gross floor area and 4) horizontal dimension of an accessory building (detached garage) and 5) number of accessory residential buildings

PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued to legalize the siting of an accessory building (one storey shed) located on the property legally described as Lot 1, Sections 23 & 24, Twp 8, ODYD, Plan 34967 and located at 7461 Pleasant Valley Road, Electoral Area "B" which proposes variances to the following sections of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*:

1. Section 801.3.d by permitting the maximum gross floor area of an accessory residential building (one storey shed) to be increased from 15 m² to 19.32 m²;
2. Section 801.9.d by permitting the side yard setback of an accessory residential building (one storey shed) to be reduced from 3 m to 1.29 m;
3. Section 801.2.b by increasing the maximum allowable number of accessory residential buildings from two to three; and further,

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued to legalize an accessory building (detached garage) on the property legally described as Lot 1, Sections 23 & 24, Twp 8, ODYD, Plan 34967 and located at 7461 Pleasant Valley Road, Electoral Area "B" which proposes variances to the following sections of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*:

1. Section 801.3.d by permitting the maximum gross floor area of an accessory residential building (detached garage) to be increased from 80.3 m² to 115.10 m²;
2. Section 801.3.d by permitting the maximum horizontal dimension of an accessory residential building (detached garage) to be increased from 11 m to 11.88 m; and further,

That a Development Variance Permit be issued for the property legally described as Lot 1, Sections 23 & 24, Twp 8, ODYD, Plan 34967 and located at 7461 Pleasant Valley Road, Electoral Area "B" subject to the siting and dimensions of the proposed one storey shed and addition to a garage being in accordance with the site plan and building elevations attached to the Planning Department Information Report dated February 14, 2022.

SUMMARY:

This report relates to a Development Variance Permit application for the property located at 7461 Pleasant Valley Road. The applicant is proposing to legalize the construction of a one storey shed and the addition of a carport to a detached garage. If approved, the Permit would allow variances to the following provisions of the Regional District Zoning Bylaw: side yard setback and size of a one storey shed; size and horizontal dimension of a detached garage/carport; and number of accessory buildings.

The Planning Department recommends that upon consideration of input from adjacent land owners, the application receive favourable consideration as the proposed development should not have a negative impact the use and enjoyment of the subject and neighbouring properties.

BACKGROUND:

Site Context

The subject property is located on the east side of Pleasant Valley Road. The property currently has a single family dwelling located near Pleasant Valley Road. An existing driveway is located near the southwest corner of the property and extends northeast to the dwelling. A detached garage is located on the north side of the dwelling. The applicant has indicated the existing septic field is located southwest of the dwelling. The property slopes up from Pleasant Valley Road to the building site which is mostly flat then continues to slope steeply up to the eastern property line. The property is mostly covered with sparse native shrubbery with the exception of landscaping around the building site.

The subject property is zoned Small Holding (S.H), is designated Agricultural in the Electoral Areas "B" and "C" Official Community Plan (OCP) and is within the Agricultural Land Reserve. Pleasant Valley Road is designated as a major road in the OCP.

The attached maps show the zoning and Official Community Plan land used designations of the subject and surrounding properties. The attached orthophoto of the subject and surrounding properties was taken in 2018.

The Proposal

In 2021, a complaint was received regarding construction of a two storey storage shed on the subject property. A Building Permit had not been obtained for the shed and a Stop Work order was placed on the building on October 25, 2021. The owner wishes to legalize the construction of the shed. The owner also wishes to legalize the construction of a carport that was added to the existing garage without a Building Permit. The addition was built in October of 2020.

The existing garage is located south of the shed and north of the existing house. The garage is 80.3 m² and was originally constructed with a Building Permit in 1984. The carport addition is 34.8 m². The total gross floor area of the building is 115.10 m². The building has a maximum horizontal dimension of 11.88 m. The maximum height of the building is 4.57 m. The Zoning Bylaw restricts the size and horizontal dimension of detached garages in the S.H zone to 80.3 m² and 11 metres respectively. The subject application proposes to vary these regulations so that, subject to the issuance of a Building Permit, the size and configuration of the building can remain as is.

The existing two storey shed is located north of the garage and is set back 1.29 m from the north (side) property line. The shed has a main floor area of 19.32 m² and an upper floor area of 23.78 m². A 7.43 m² covered deck is attached to the upper floor. The total floor area of the building is 50.53 m². The maximum height of the building is 6.24 m. While the applicant had originally applied to legalize the existing two storey shed, following conversations with Planning and Building staff, the applicant is now proposing to reduce the size and height of the shed by removing the second storey. As shown on the attached floor plans and elevation drawings, the proposed one storey shed would have a floor area and height of 19.32 m² and 4.87 m respectively. The applicant has indicated that the deck would also be removed and a rooftop deck is not proposed. The Zoning Bylaw restricts the size and height of accessory residential buildings (other than garages or carports) in the S.H zone to 15 m² and 5 m respectively. The Bylaw also requires that such buildings be set back 3 m from side lot lines. The subject application proposes to vary the floor area and setback regulations so that, subject to the issuance of a Building Permit, the building can be altered as proposed to remove the second storey and covered deck and the location of the building can remain as is.

The applicant is also proposing to retain an existing 7.4 m² storage shed on the property. The shed is located north of the dwelling and east of the garage. Retaining the existing shed and legalizing the construction of the new shed and the addition to the garage requires a variance to the Zoning Bylaw which restricts the number of accessory buildings on properties in the S.H zone to two accessory residential buildings.

The proposed one storey shed, garage and storage shed do not contain any plumbing fixtures and are not proposed to be used for business purposes. The owner has indicated that they are used for storing personal items such as car parts and personal vehicles.

PLANNING ANALYSIS:

Alteration of existing two storey shed

The Planning Department recommends that the subject variance requests be supported for the following reasons:

- The applicant is proposing to reduce the size and height of the existing shed by removing the second storey. The existing shed would require variances to the height, floor area and setback provisions of the Zoning Bylaw. The proposed alterations would only require variances to the floor area and setback regulations.
- The applicant's proposal to change the height and size of the building will help to reduce the overall impact the proposed building may have on the use and enjoyment of neighbouring properties. Specifically, the structure would be less intrusive to the adjacent land owner to the north. The two storey shed was the subject of a complaint which triggered the owners to come forward with the subject variance application.
- The increase in size would be modest compared to what would otherwise be permitted. The proposed shed represents only 0.17% of the lot's coverage and the increase over the maximum allowable floor area of the accessory building is only 28.8% above what would otherwise be permitted.
- The approval of the subject shed also requires a variance to permit a 7.3 m² shed to remain on the property. As staff recommend support of the proposed alteration resulting in a one storey shed, Staff are not concerned with the increase in the number of accessory buildings in general as the third building is only 7.3 m² in size.
- The size and number of accessory buildings would not be inconsistent with the size and number of accessory buildings that existing and could legally be constructed on neighbouring properties which are primarily zoned Country Residential (C.R). The C.R zone does not restrict the size or number of accessory buildings.

Addition to detached garage

The Planning Department recommends that the variances associated with the addition to the detached garage be supported for the following reasons:

- No variances would be necessary if the garage were to be attached to the existing house.
- The garage would comply with Zoning Bylaw regulations for building height and setbacks.
- Due to the property's size and the spatial separation and existing landscaping that would exist between the proposed building and surrounding properties, it does not appear that the proposed variances for the garage addition would have a negative impact on the use and enjoyment of the subject and surrounding properties;
- The size of domestic garages are restricted in the S.H zone in part because the lots (if serviced by community sewer systems) could be as small as 1 ha. The subject property is 1.41 ha. In this regard, the proposed garage addition represents 0.82% of the lot's coverage. The increase over the maximum allowable floor area is 43.33% above what would otherwise be permitted.
- The size and number of accessory buildings would not be inconsistent with the size and number of accessory buildings that existing and could legally be constructed on neighbouring properties which are primarily zoned Country Residential (C.R). The C.R zone does not restrict the size or number of accessory buildings.

ZONING BYLAW:

The subject property is zoned Small Holding (S.H). Uses permitted in the S.H zone include accessory buildings and structures, bed and breakfast uses, boarding house uses, community care facilities, home occupations uses, public parks and playgrounds, restricted agricultural uses and single family dwellings which may include a secondary suite.

The proposal as compared to the requirements of the S.H zone is as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Lot coverage (max.)	2.28%	35%
One storey shed		
Building Height (max.)	4.87 m	5.0 m
Setbacks (min.) from lot lines		
- Front	+40 m	7.5 m
- Interior Side (north)	1.29 m	3.0 m
- Rear	+200 m	2.0 m
- Interior Side (south)	+ 55 m	3.0 m
Gross floor area (max.)	19.32 m ²	15 m ²
Addition to detached garage		
Building Height (max.)	4.57 m	5.0 m
Setbacks (min.) from lot lines		
- Front	35.5 m	7.5 m
- Interior Side (north)	+ 7.5 m	3.0 m
- Rear	+200 m	2.0 m
- Interior Side (south)	+50 m	3.0 m
Gross floor area (max.)	115.10 m ²	80.3 m ²
Horizontal dimension (max.)	11.88 m	11 m
Number of accessory buildings	2	3

The Zoning Bylaw states that height of buildings and structures means the greatest vertical distance from the finished grade to the highest point on such building or structure. For the purposes of this Section, the finished grade means the lowest of the average levels of finished ground adjoining each exterior wall of a building or structure, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average level of finished ground.

The Zoning Bylaw states that gross floor area means the sum of all areas of each storey in each building on a lot measured between the exterior walls of such building.

Section 403.3.b of the Zoning Bylaw states that the floor space for a home occupation use shall not exceed 75 m² on lots 2 ha or smaller in size in a Rural Zone.

Section 801.2 states that the number of buildings allowed per lot is limited to one single family dwelling, two accessory residential buildings and two restricted agricultural buildings.

Section 801.3.d of the Zoning Bylaw stipulates that the gross floor area for accessory residential buildings may not be greater than 80.3 m² having a horizontal dimension of not more than 11.0 m for domestic garages and free standing carports; 80.3 m² having a horizontal dimension of not more than 12.2 m for covered swimming pools; and not be larger than 15 m² for all other accessory residential buildings and structures.

OFFICIAL COMMUNITY PLAN:

The Electoral Areas "B" and "C" Official Community Plan designates the land use of the subject property as Agricultural and as being within a Development Permit Area for Environmentally Sensitive Lands (High Conservation Ranking).

Unless an exemption applies, an Environmentally Sensitive Lands Development Permit would be required at the time of Building Permit as the property falls within areas of High Conservation Ranking. The objective of this designation is to regulate development activities in areas of High and Very High conservation value to protect rare and fragile terrestrial ecosystems and habitat for endangered species or native rare vegetation or wildlife.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. **BX Fire Department**
2. **Community Services Department**
3. **Greater Vernon Water**

Greater Vernon Water interests are unaffected by this DVP. Develop to GVW standards.

4. **Building Inspection Department**

The Building Inspector provided the following comments:

- A structural engineer may be required to review foundation design not complying with part 9 of the BC Building Code.
- The exposing building face with 1.29m setback must be constructed in conformance with 9.10.15.5. Construction of Exposing Building Face of Houses of the BCBC, this includes prescriptive methods of achieving the required fire resistance rating of the exposing building face and roof soffits.

5. **Ministry of Transportation and Infrastructure**

This proposal does not affect Ministry of Transportation and Infrastructure interests as the structure is not within 4.5 m of a public road. No permits are required. We have not started a file and we have no comments.

Submitted by:



Jennifer Miles, RPP, MCIP
Planner

Reviewed by:



Greg Routley
Deputy Planning Manager

Endorsed by:



Rob Smalles, RPP, MCIP
General Manager, Planning and Building

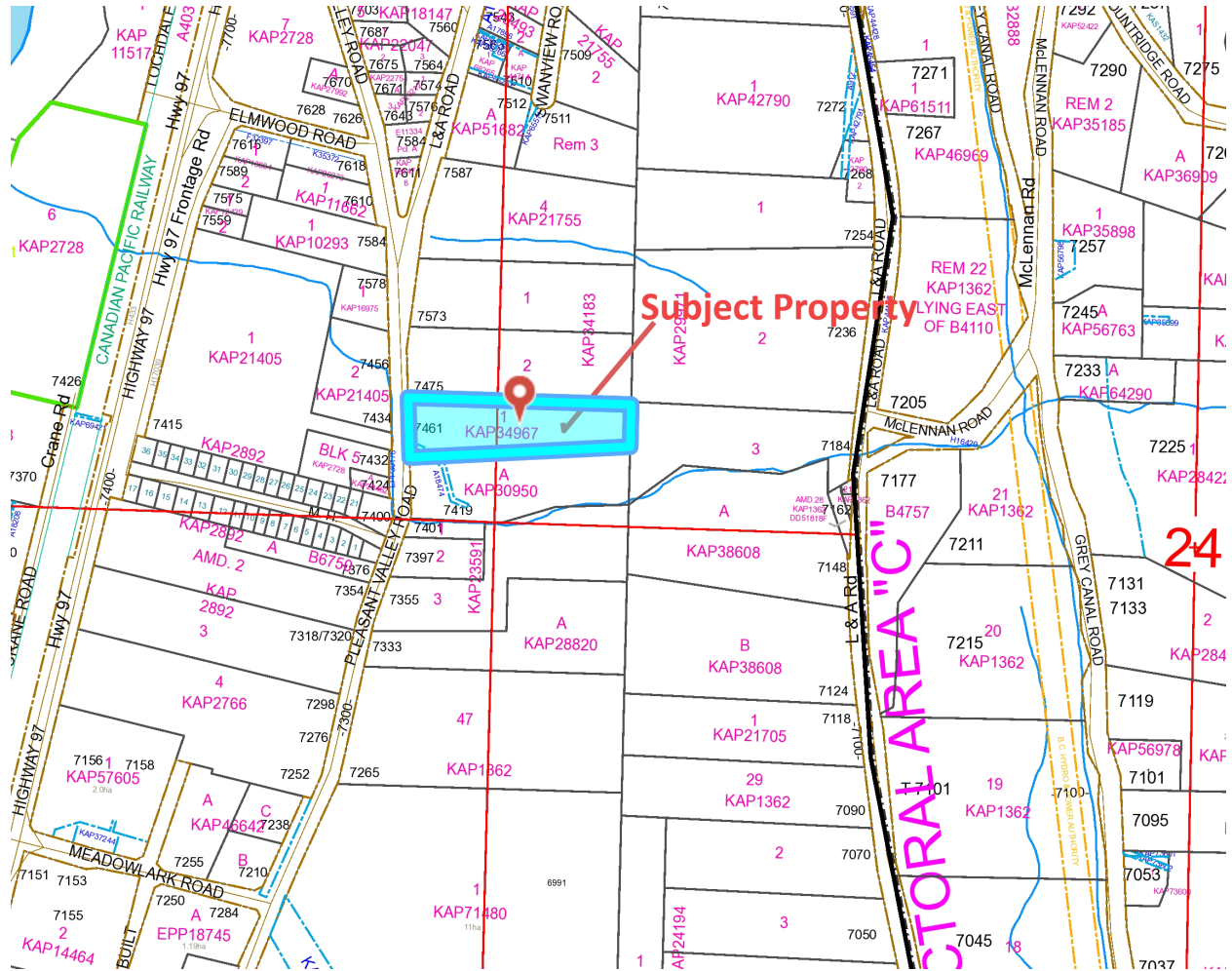
Approved for Inclusion:



David Sewell
Chief Administrative Officer

SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT

File: 21-1105-B-DVP
Location: 7461 Pleasant Valley Road



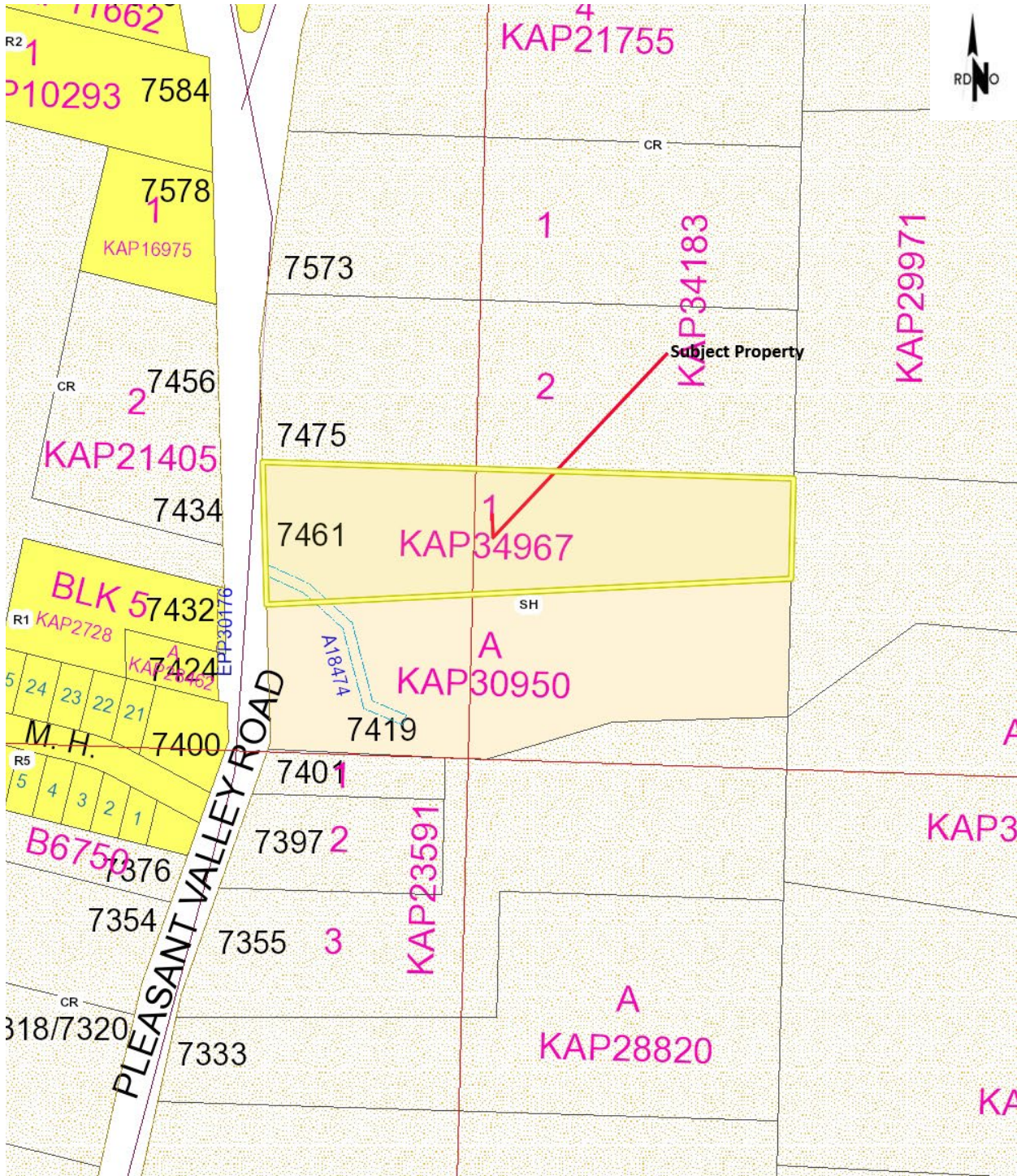
SUBJECT PROPERTY MAP ORTHOPHOTO DEVELOPMENT VARIANCE PERMIT

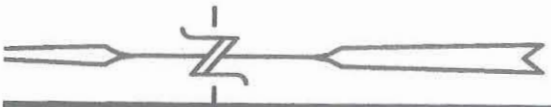
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Location: 7461 Pleasant Valley Road



SUBJECT PROPERTY MAP ZONING DEVELOPMENT VARIANCE PERMIT

File: 21-1105-B-DVP
Location: 7461 Pleasant Valley Road





Lot 2

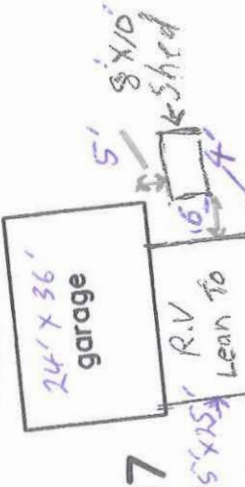
Plan 24185

1.48
1.45
1.35
1.29



Lot 1

Plan 34967



Lot 2

Plan 24185

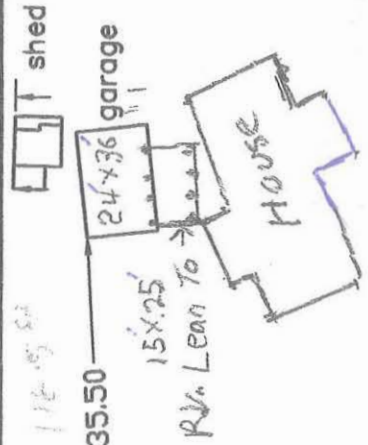


247.814 m

Lot 1 *add*

Plan 34967

1.48
1.29



67.593 m

Pleasant Valle

247.814

Lot 1

Plan 34967

lay of the land

244.560

Rem Lot A

Plan 30950

shed

garage

24 x 36

Bank

House

Steep slope

Driveway

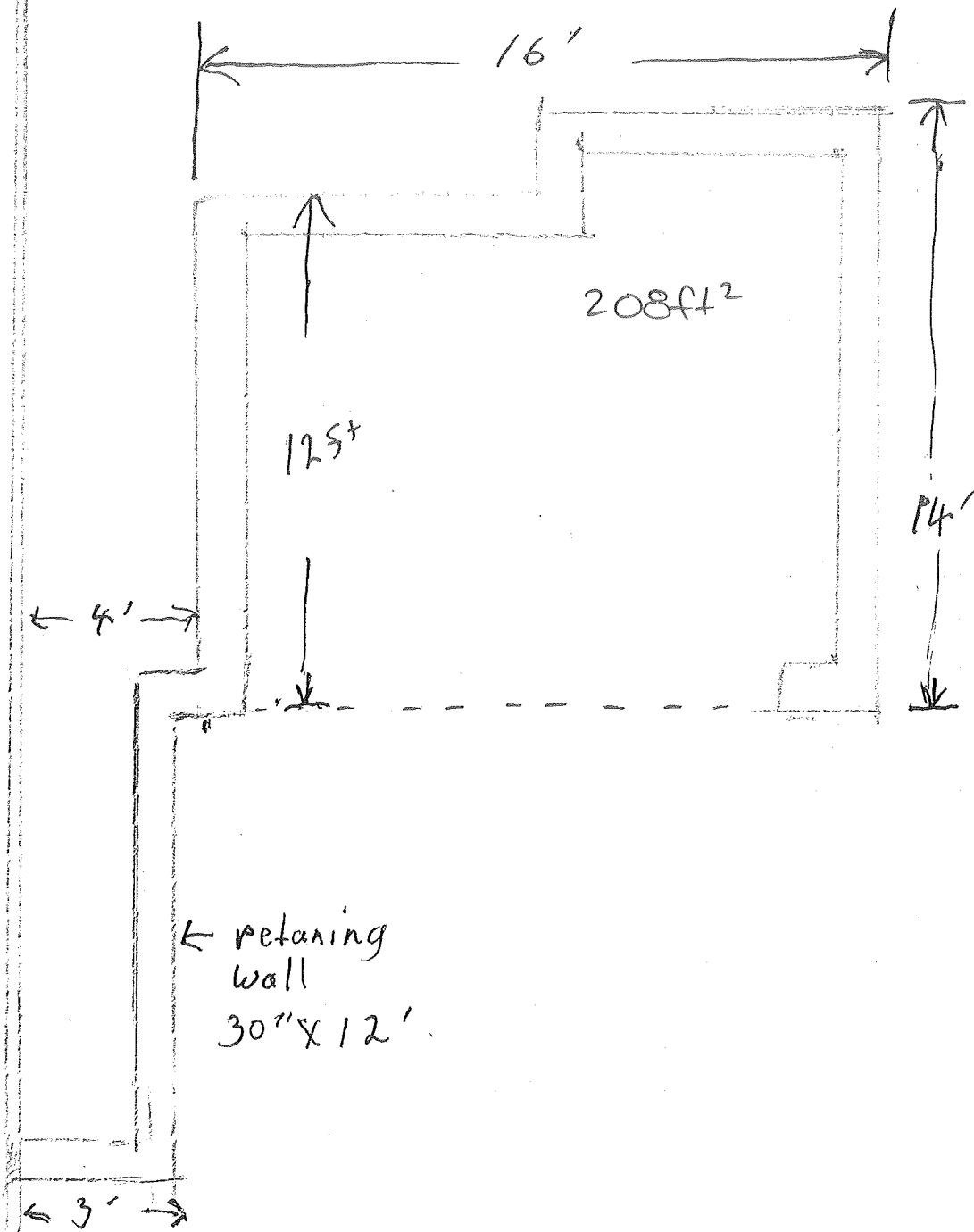
Bank

Bank

67.593

Pleasant Valley Road

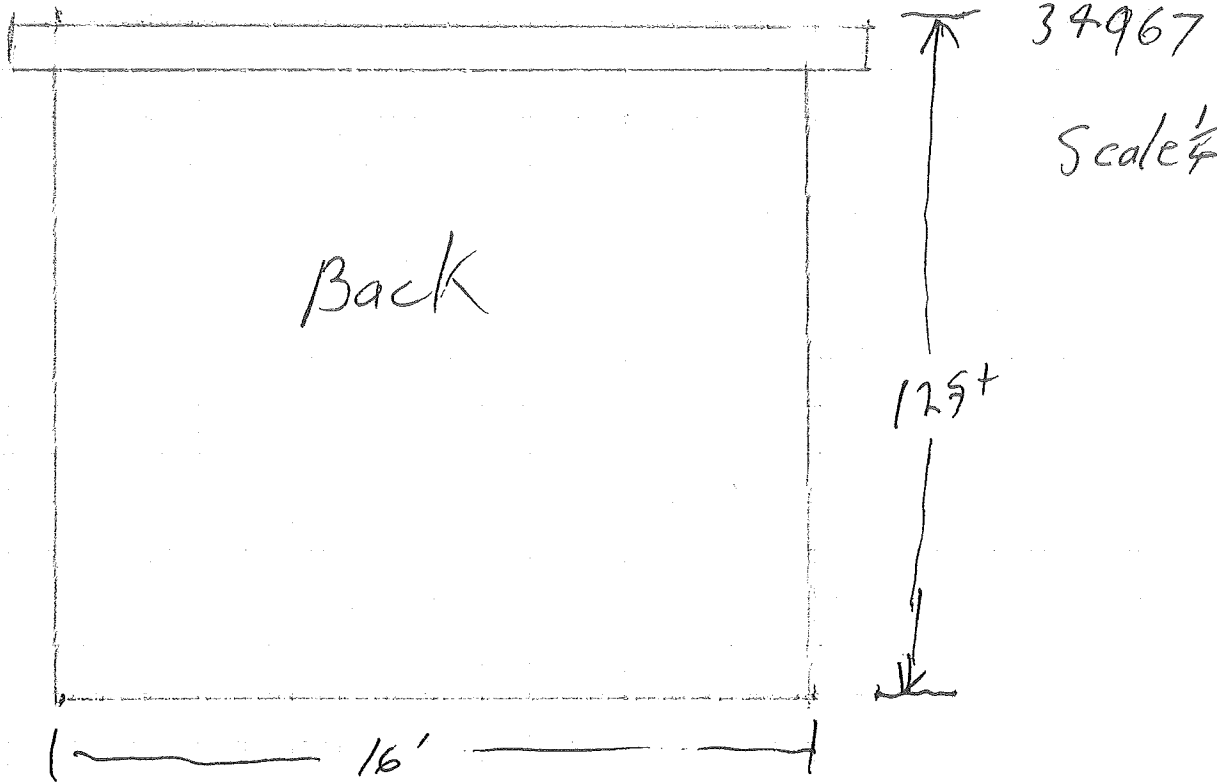
Foundation



Revised Feb 10/2022
M. Lynn

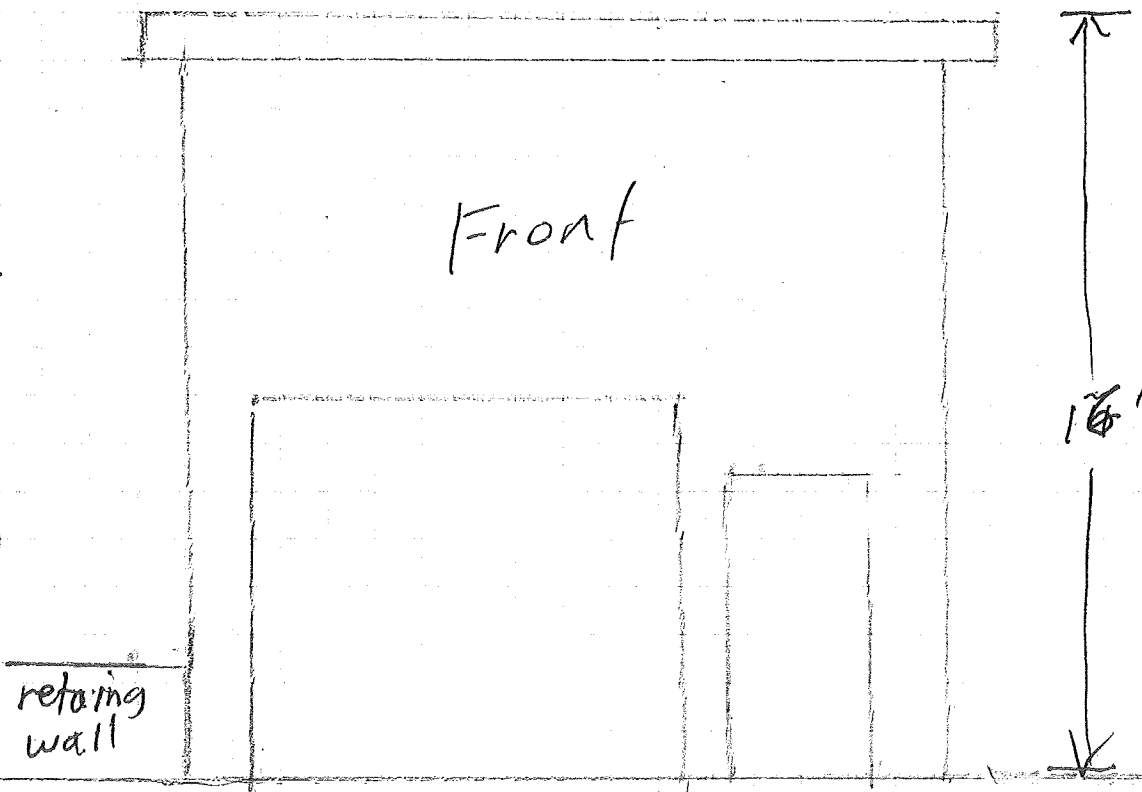
Legal Description

Lot 1 Sections 23 & 24 Township & Osage Piv.
Yale District Plat

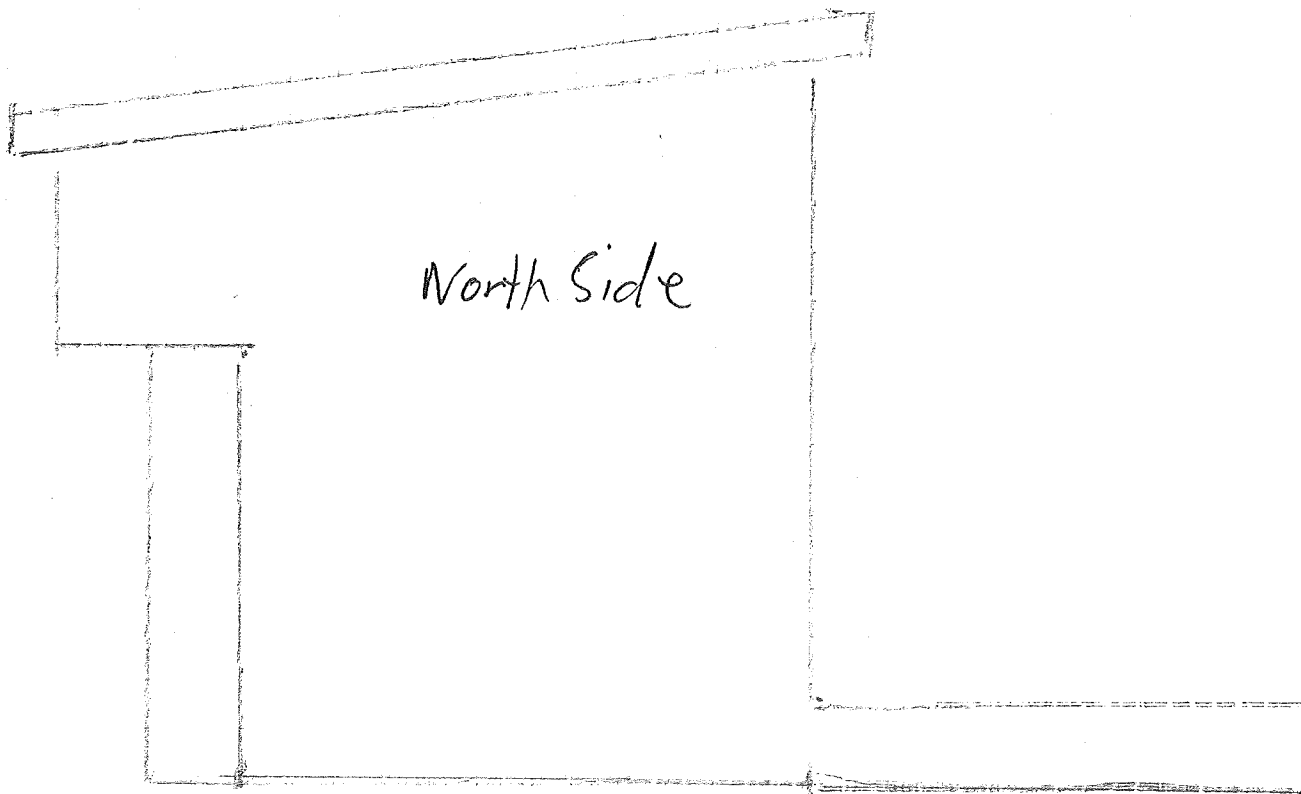
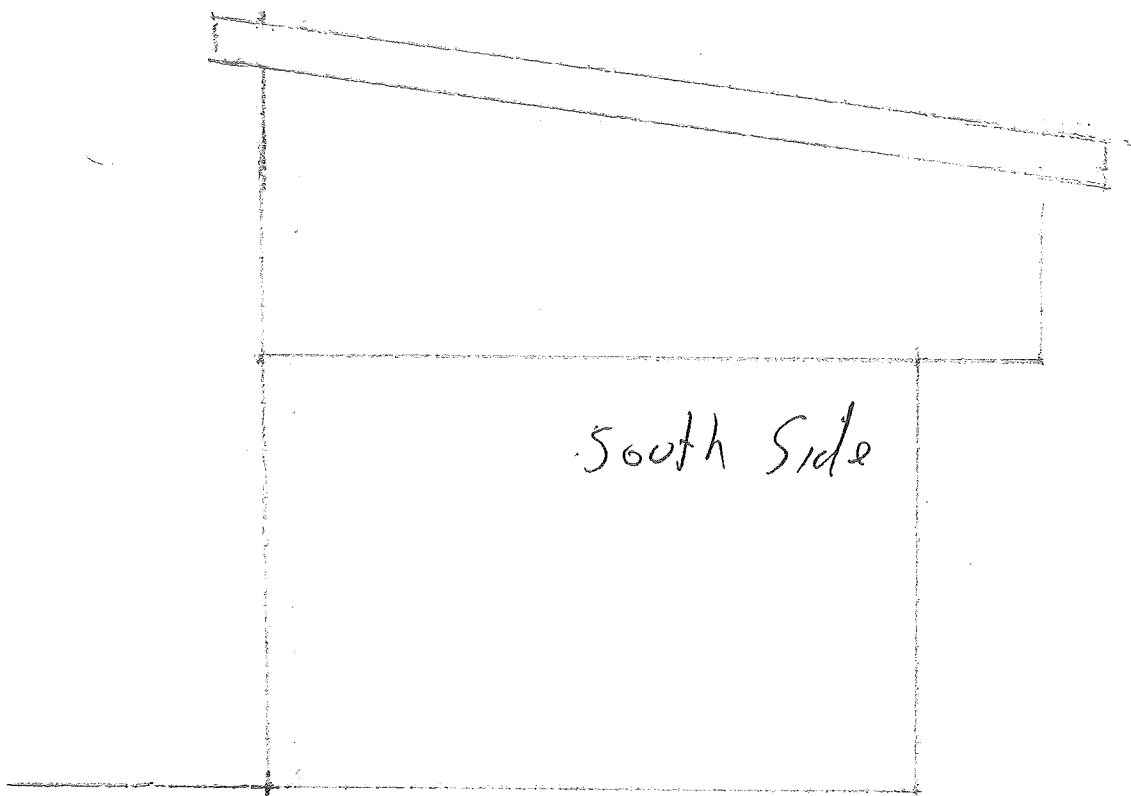


Scale $\frac{1''}{4'}$

Fence line



Revised Feb 10/2
No. 490



Revised Feb 10/202
M. Lynn.



CHATEAU