



REGIONAL
DISTRICT
NORTH
OKANAGAN

PLANNING DEPARTMENT INFORMATION REPORT

DEVELOPMENT VARIANCE PERMIT APPLICATION

DATE: February 7, 2022

FILE NO.: 21-1116-C-DVP

OWNER/APPLICANT: Justin Hunter & Laura Bridgeman / Linda Hunter

LEGAL DESCRIPTION: Lot A, Sec 36, Twp 9, ODYD, Plan 22171

P.I.D.#: 006-960-375

CIVIC ADDRESS: 2867 East Vernon Road

PROPERTY SIZE: 0.23 ha

ZONING: Country Residential (C.R)

O.C.P. DESIGNATION: Agricultural

PROPOSAL: Legalize an addition to an accessory residential building

PROPOSED VARIANCE: Setback from side lot line

PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued to legalize an addition to an accessory residential building on the property legally described as Lot A, Sec 36, Twp 9, ODYD, Plan 22171 and located at 2867 East Vernon Road, Electoral Area "C" which proposes a variance to Sections 701.9.d and 802.10.h of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* by reducing the side yard setback of the addition from 2.0 m to 1.37 m as shown on the site plan, building elevations, and floor plans attached to the Planning Department report dated February 7, 2022.

SUMMARY:

This report relates to an application for a Development Variance Permit for the property located at 2867 East Vernon Road in Electoral Area "C". The applicant requests a variance to Sections 701.9.d and 802.10.h of the Zoning Bylaw to reduce the side yard setback of an addition that was made to an accessory building from 2.0 m to 1.37 m. The Planning Department recommends that upon consideration of input from adjacent land owners, the application receive favourable consideration as the proposed setback is not considered to negatively impact upon the use and enjoyment of the subject and neighbouring properties. The applicant has provided letters from neighbouring property owners indicating that they have no concerns with the location of the building addition.

BACKGROUND:

Site Context

The subject and surrounding properties share the same Country Residential (C.R) zoning and Agricultural OCP designation, and are also located within the Agricultural Land Reserve (ALR). The following orthophoto of the subject and surrounding properties was taken in 2018:



The subject property is located on the east side of East Vernon Road. The property contains a dwelling and attached garage and an accessory residential building. Additions were made to the dwelling and subject accessory building sometime between 2004 and 2005. Building Permits were not obtained for either of the building additions. The applicant advises that the building additions were made by his father who previously owned the property. The applicant has submitted a Building Permit application for the addition to the accessory building. The applicant advises that he plans to submit a Building Permit application for the additions to the dwelling. The Building Department is aware of the need for a Building Permit for the additions to the dwelling.

Access to the subject property is gained from a driveway that connects to East Vernon Road. The property is serviced by Greater Vernon Water and an on-site sewage disposal system.

The property is 0.23 ha (0.56 acres), and as such is not subject to the requirements of the Agricultural Land Commission (ALC) regulations. Sites that are smaller than 2 acres as of December 1972 are exempt as stated in Section 23 of the ALC Act. The survey plan for the site was deposited in December 1971, and the site was not held with any other piece of land.

The Proposal

The applicant is proposing to legalize an addition to an accessory building that was constructed sometime between 2004 and 2005 without a Building Permit. The original accessory building received a Building Permit in 1974. Prior to the addition, this original accessory building was approximately 7.4 m by 5.5 m with a height of 4.1 m. The addition measures 6.4 m by 6.8 m with a height of 4.9 m.

The original portion of the building is to be used as a hobby space, and currently contains a bathroom with three plumbing fixtures in it. The applicant is aware that a maximum of two plumbing fixtures are allowed and notes that the shower is to be removed. The addition is to be used as a workshop/garage.

There is no internal connection between the original accessory building and the addition to it. The total footprint of the building is 103.3 m² as indicated on the surveyed floor plan provided. The accessory building has a minimum setback of 1.37 m from the northern lot line. The length of the building footprint along the northern boundary is 15.3 m. Sketches of the building floor plans and cross sections are attached to the Planning Department Information Report.

PLANNING ANALYSIS:

Subject to consideration of comments from adjacent land owners, the Planning Department recommends that the subject application be supported for the following reasons:

- The accessory building complies with Zoning Bylaw regulations for building height and lot coverage.
- The scale and bulk of the accessory building on the site is similar to the adjoining properties to the north and south, and clustered towards the East Vernon Road boundary. Therefore the existing development on the site is consistent with the character of residential development in the immediate vicinity, being on smaller lots with limited or no agricultural use.
- The accessory building is not considered to compromise agricultural use of the surrounding area in any way.
- The applicant has submitted multiple letters of support for the proposal from adjacent property owners, including the property to the north. This property to the north is in closest proximity to the accessory building, and will be most affected. A map showing the location for all letters of support (as indicated with a red circle) is attached to the Planning Department Information Report.
- The siting of the existing accessory building has not given rise to any complaints from adjacent property owners over the past 18 years, and therefore is not considered likely to be having a negative impact on the use and enjoyment of surrounding properties.

ZONING BYLAW:

The subject property is zoned Country Residential (C.R). The uses permitted in the C.R include accessory residential buildings, boarding houses, community care facilities, home occupation use, public parks and playgrounds, agricultural use, veterinary clinics, wineries and cideries, single family dwellings, secondary suites, and if the property is larger than 2 ha, ancillary dwellings and detached suites.

The proposal as compared to the C.R zone requirements is as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Lot Coverage (max.)	≈ 20%	30%
Accessory Building Height (max.)	4.9 m	8 m
Setbacks (min.)		
- Front	>7.5 m	7.5 m
- Rear	>2.0 m	2.0 m
- Side (north)	1.37 m	2.0 m
- Side (south)	>2.0 m	2.0 m

Side Yard Setbacks

Section 802.10.h. of the Zoning Bylaw allows sites in the C.R zone to rely on the Residential Single Family (R.1) zone setbacks if the lot is less than 0.5 ha (1.235 acres). As the subject property is 0.23 ha (0.56 acres) the R.1 setbacks apply as given above, which require a 2.0 m setback for a side yard.

OFFICIAL COMMUNITY PLAN:

The Official Community Plan designates the land use of the subject property as Agricultural. The following Electoral Area “F” OCP Agricultural Policies are applicable to the application:

- 3.3.2. Lands designated as Agricultural on Schedule “C” are intended to be used for agricultural purposes and associated uses as allowed by the Provincial Agricultural Land Commission (the Commission) and the Regional District.
- 3.2.3. All uses and subdivision of land within the ALR shall be in accordance with the Agricultural Land Commission Act, Regulations and Policies of the Commission.
- 3.2.14. Encourage new buildings and structures to be clustered in close proximity to existing buildings and driveways to minimize the amount of farmland being taken out of farm use.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. Building Inspection Department

The Building Department have noted the following matters which will be dealt with as part of the concurrent Building Permit application:

- No part of the soffit may be within 0.45 m of the property line.
- If the wall of the building is within 1.2 m of the property line then these walls need to be fire rated.
- The accessory building can have a maximum of two plumbing fixtures in the building as a whole, which will require the shower to be removed.

2. Community Services Manager

3. Interior Health

“An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.”

4. BX and Swan Lake Fire Department

5. Greater Vernon Water

“GVW finds its interests unaffected by this DVP application. Develop to GVW standards.”

Submitted by:



Heather Shannon
Planner

Reviewed by:



Greg Routley
Deputy Planning Manager

Endorsed by:



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

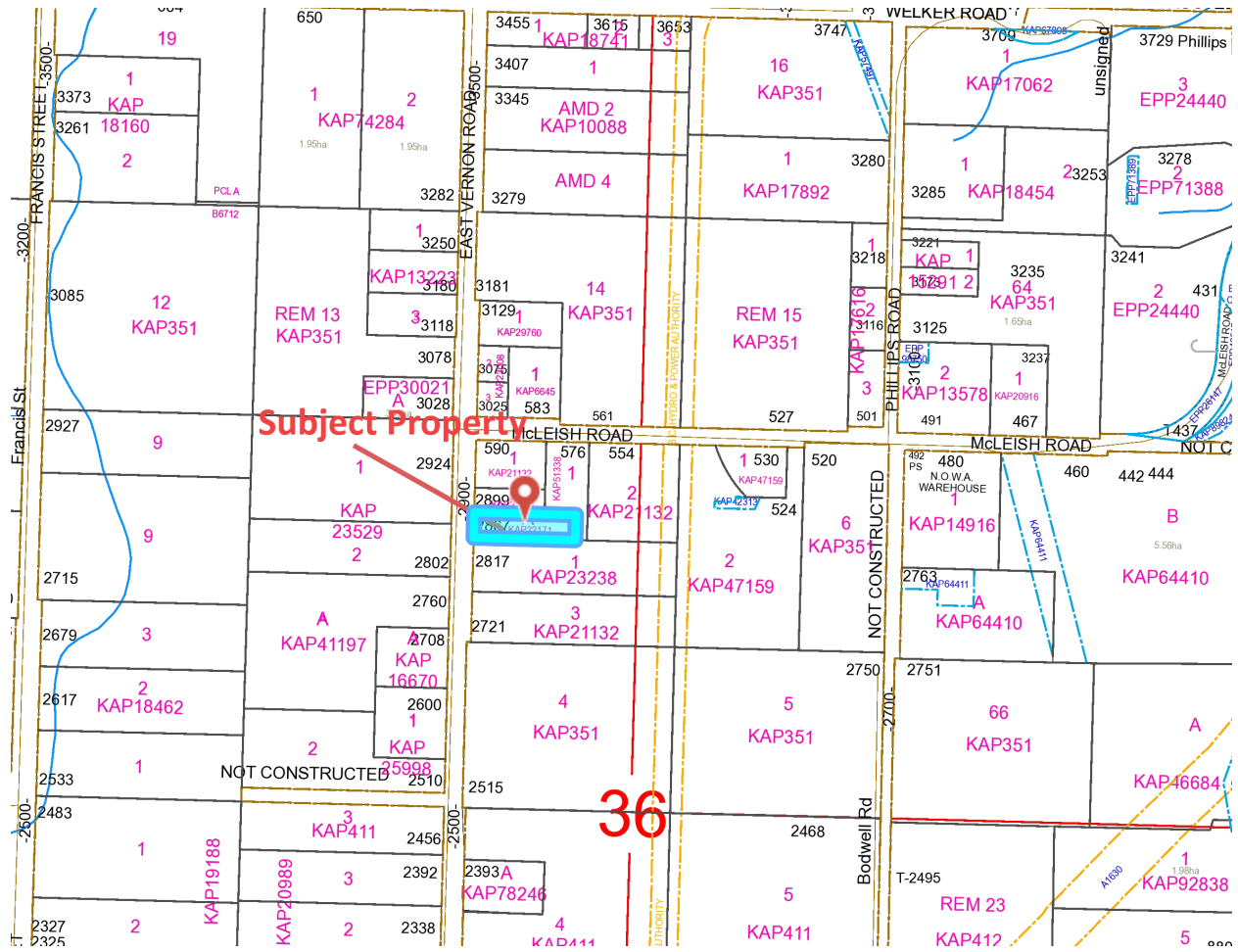
Approved for Inclusion:



David Sewell
Chief Administrative Officer

SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT

File: 21-1116-C-DVP-HUNTER-BRIDGEMAN
Owner/Applicant: Justin Hunter & Laura Bridgeman / Linda Hunter
Location: 2867 East Vernon Road



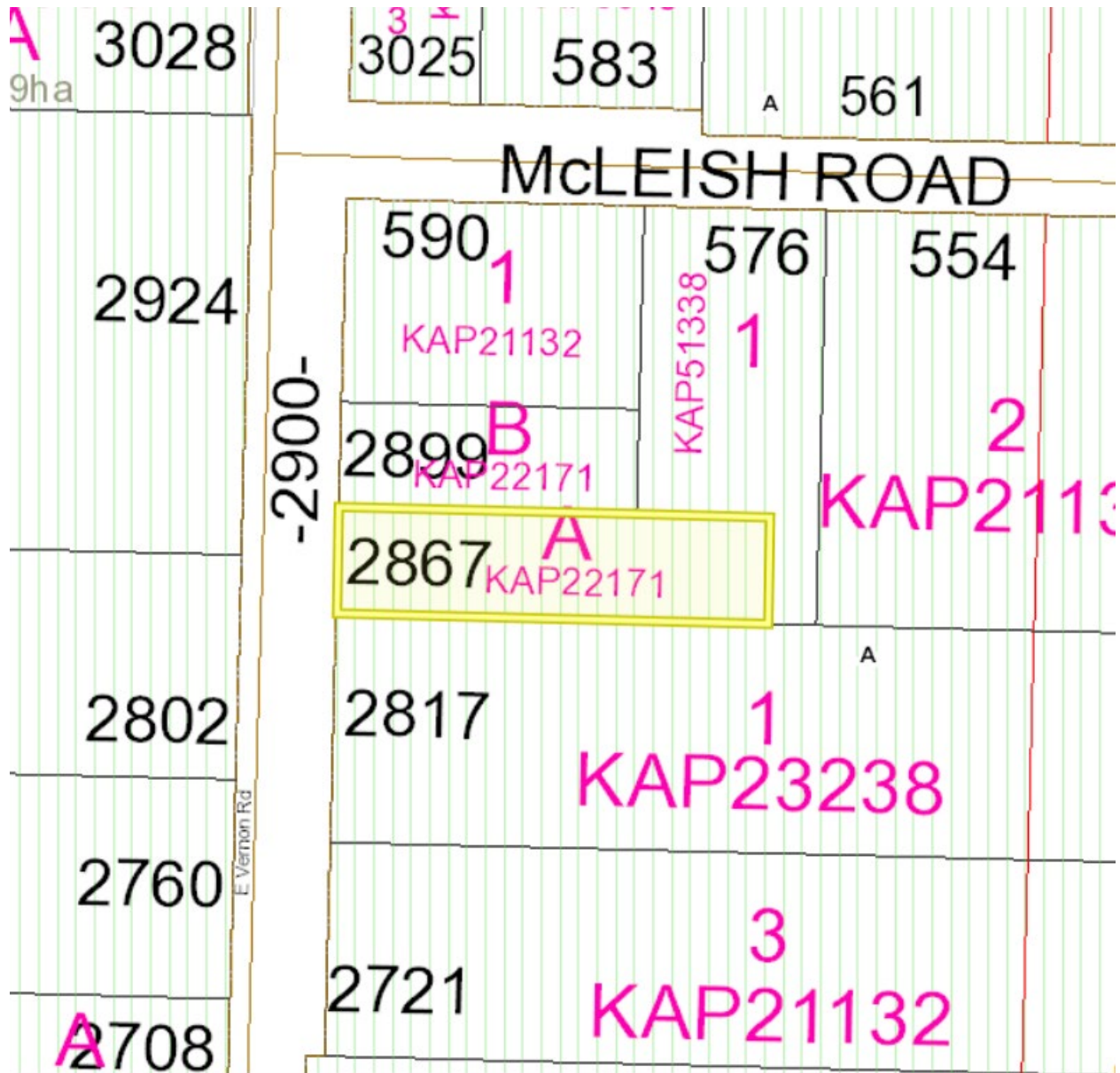
SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT LOCATION OF LETTERS OF SUPPORT

File: 21-1116-C-DVP-HUNTER-BRIDGEMAN
Owner/Applicant: Justin Hunter & Laura Bridgeman / Linda Hunter
Location: 2867 East Vernon Road



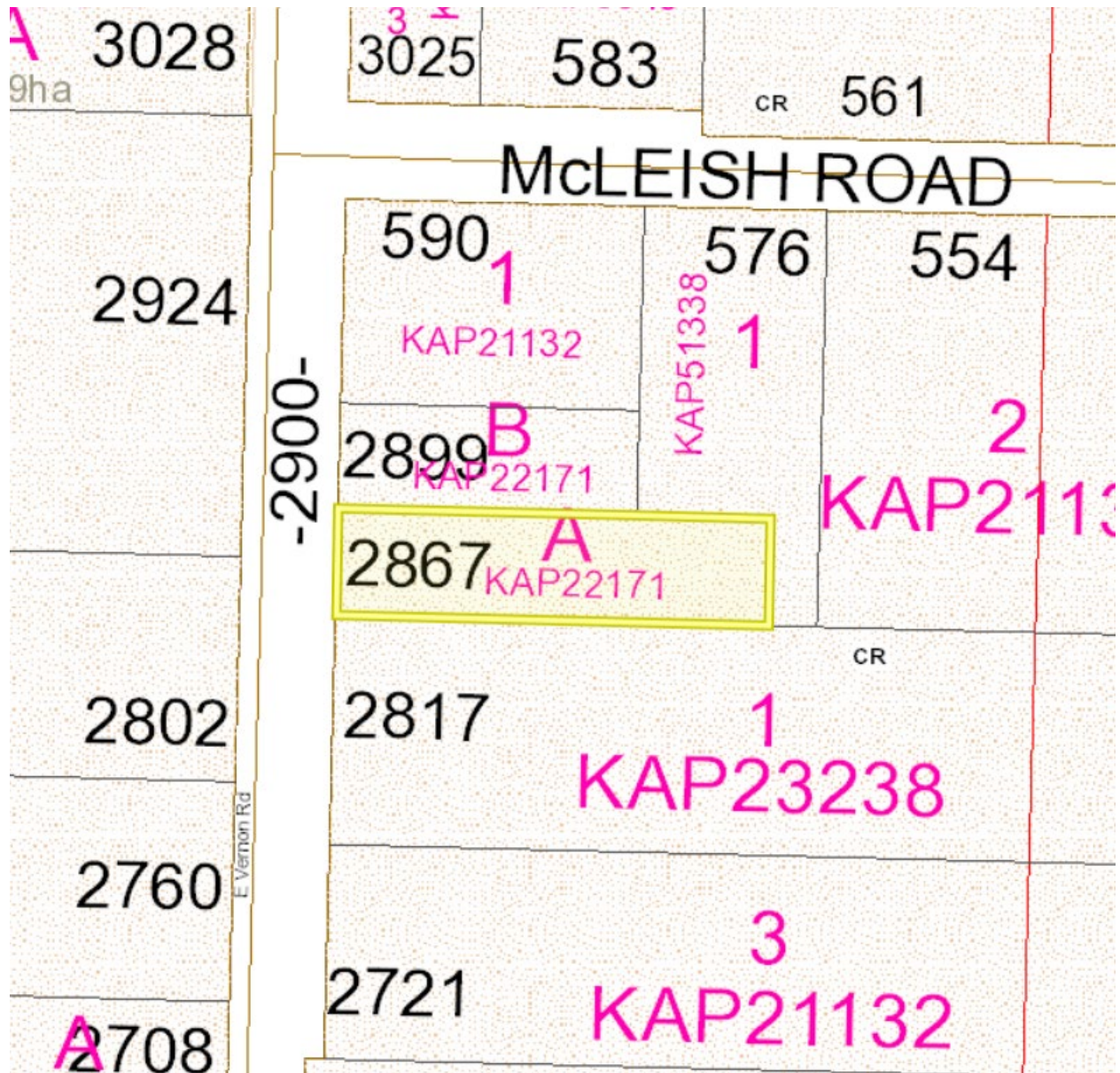
SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT OCP DESIGNATION

File: 21-1116-C-DVP-HUNTER-BRIDGEMAN
Owner/Applicant: Justin Hunter & Laura Bridgeman / Linda Hunter
Location: 2867 East Vernon Road



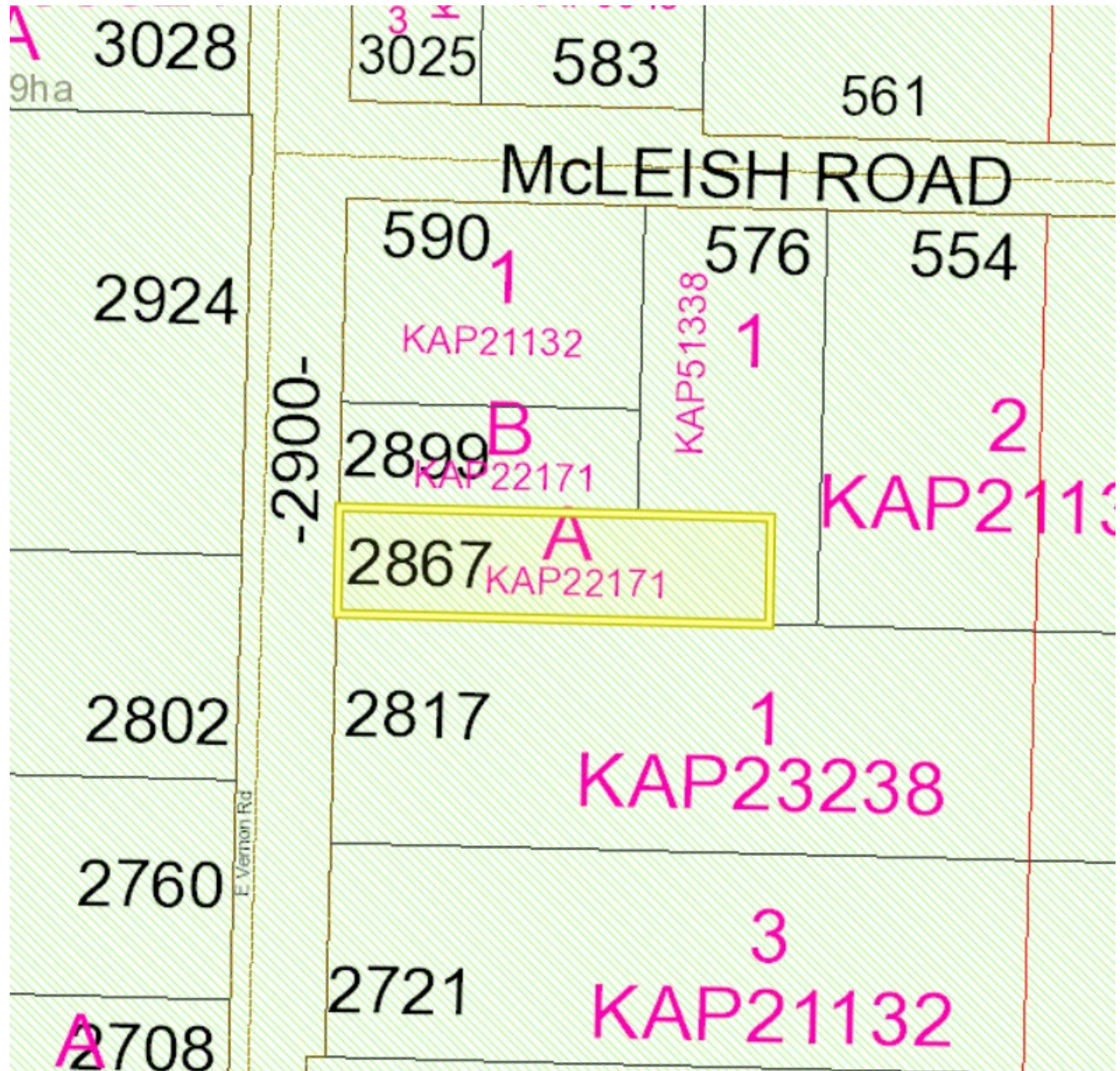
SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT ZONING BOUNDARIES

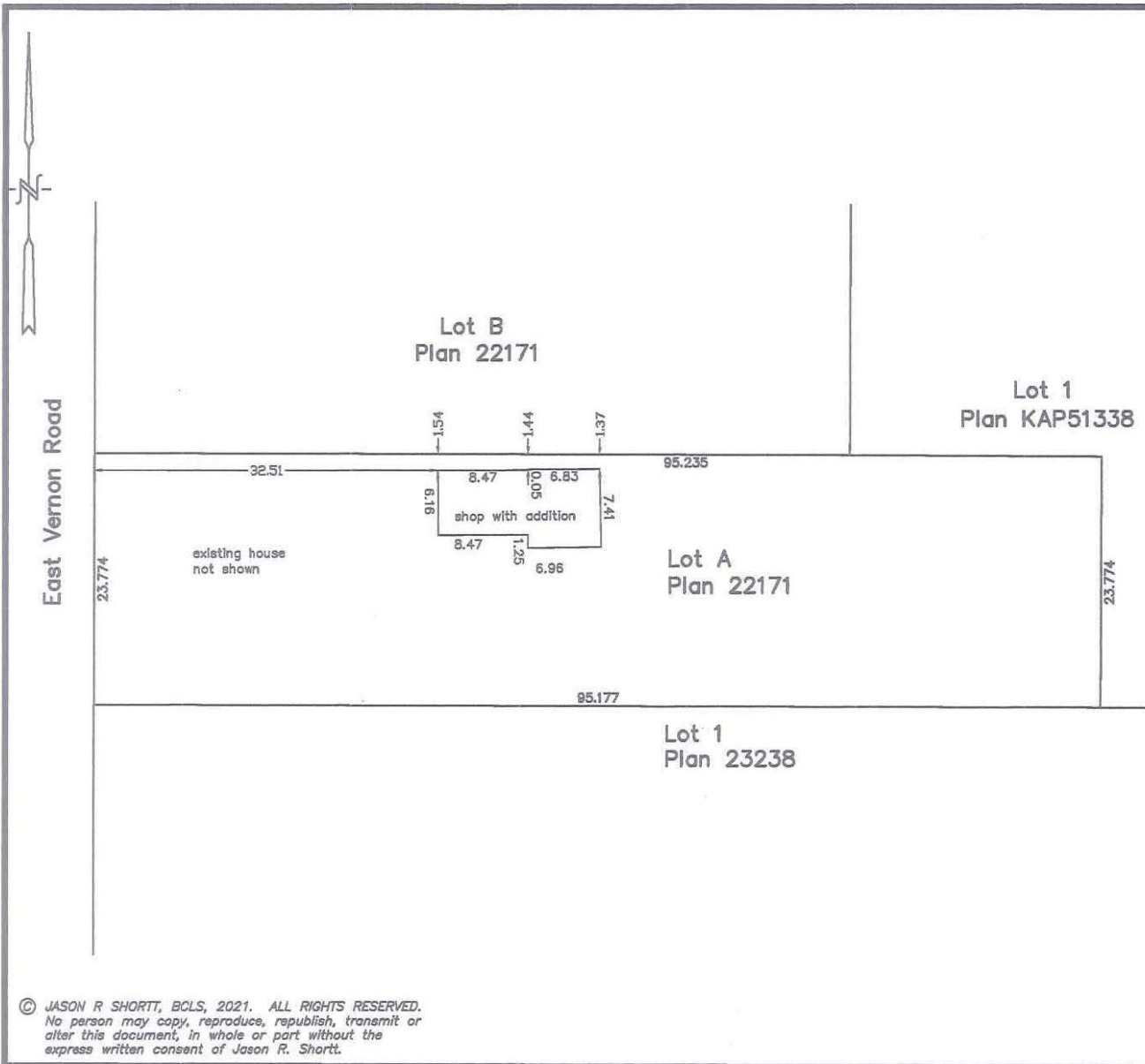
File: 21-1116-C-DVP-HUNTER-BRIDGEMAN
Owner/Applicant: Justin Hunter & Laura Bridgeman / Linda Hunter
Location: 2867 East Vernon Road



SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT ALR BOUNDARIES

File: 21-1116-C-DVP-HUNTER-BRIDGEMAN
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**B.C. Land Surveyor's Building Location Certificate
PLAN SHOWING BUILDING ON
Lot A, Sec 36, Tp 9, ODYD, Plan 22171**

2867 East Vernon Road
PID 006-960-375

SCALE 1:400 (all distances in metres)



Distances are shown in metres and decimals thereof unless otherwise noted.

This plan has been prepared based on Land Title and Survey Authority records and a field survey completed on the 1st day of November, 2021. Unregistered interests have not been included or considered.

Parcel boundary dimensions are derived from Plan(s) 22171

This plan shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

This plan has been prepared for Hunter and is for the use of the building inspector and/or mortgagee only and is not to be used to re-establish or define property boundaries.

Russell Shortt Land Surveyors and the signatory accept no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with any direct or indirect use or reliance upon the plan beyond its intended use.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 3rd day of November, 2021.

Jason Shortt
6K9SPJ

Digitally signed by Jason Shortt 6K9SPJ
DN: cn=CA, cn=Jason Shortt 6K9SPJ, o=BC
Land Surveyor, ou=Verify ID at
www.justcert.com/UKP, c=BC
Date: 2021.11.08 09:54:57 -08'00'

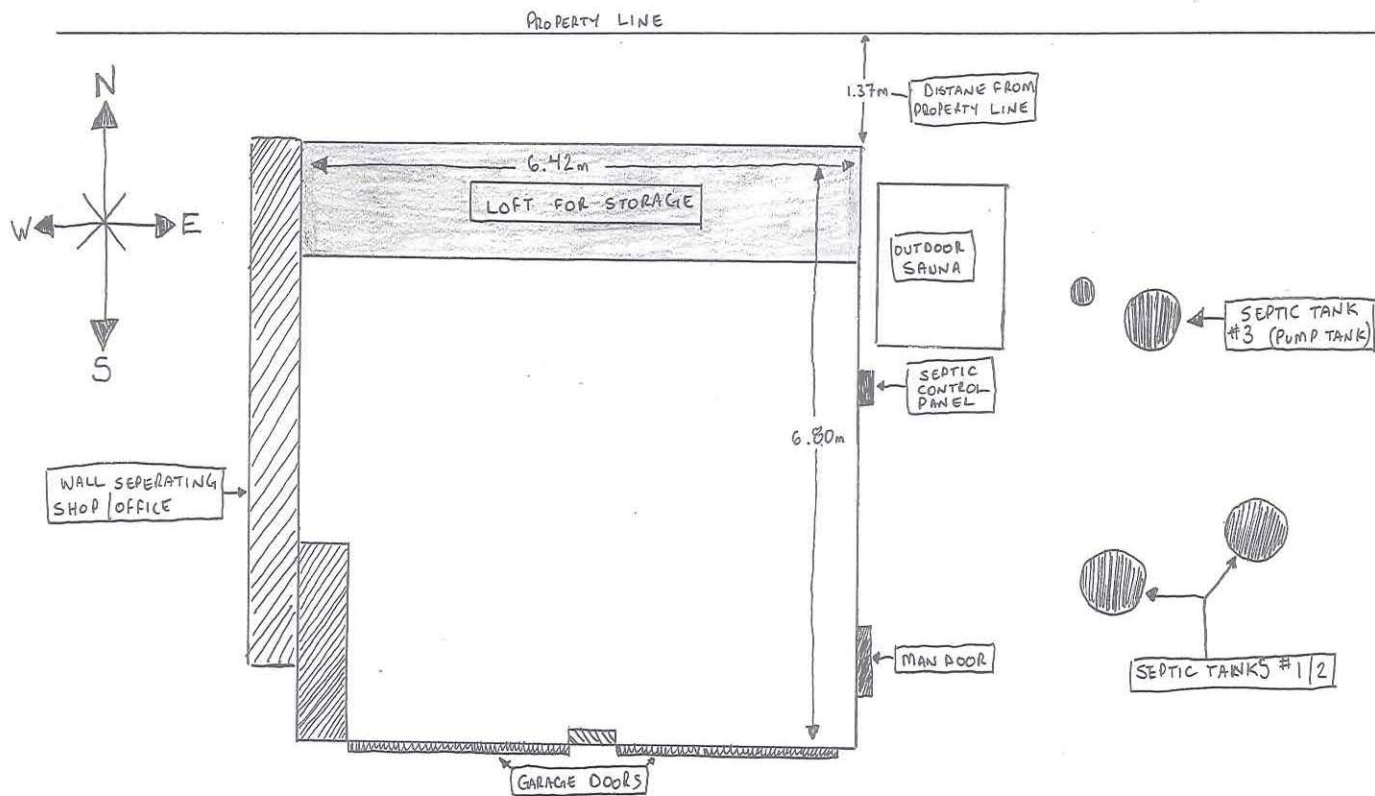
J.R. SHORTT B.C.L.S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY or DIGITALLY SIGNED

russell shortt
land SURVEYORS

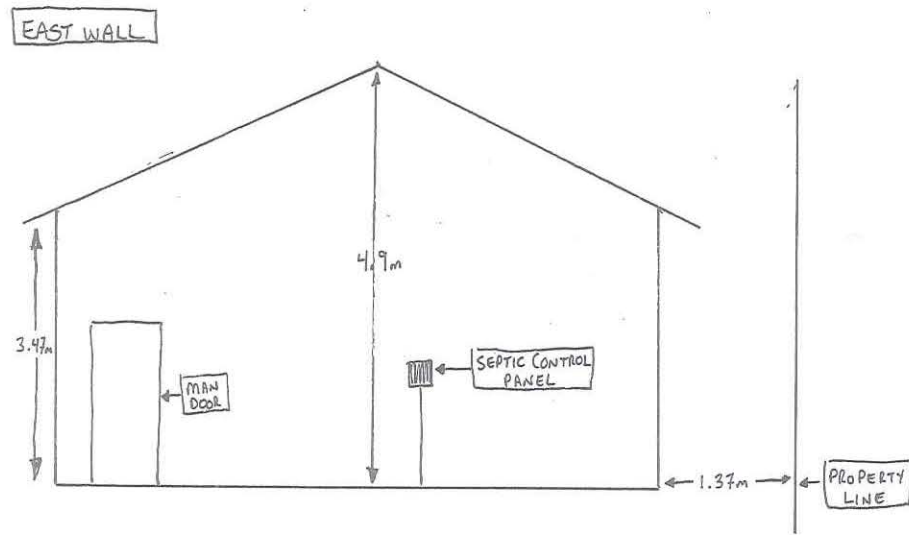
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APPENDIX 4 - OVERHEAD VIEW (SHOP/GARAGE)



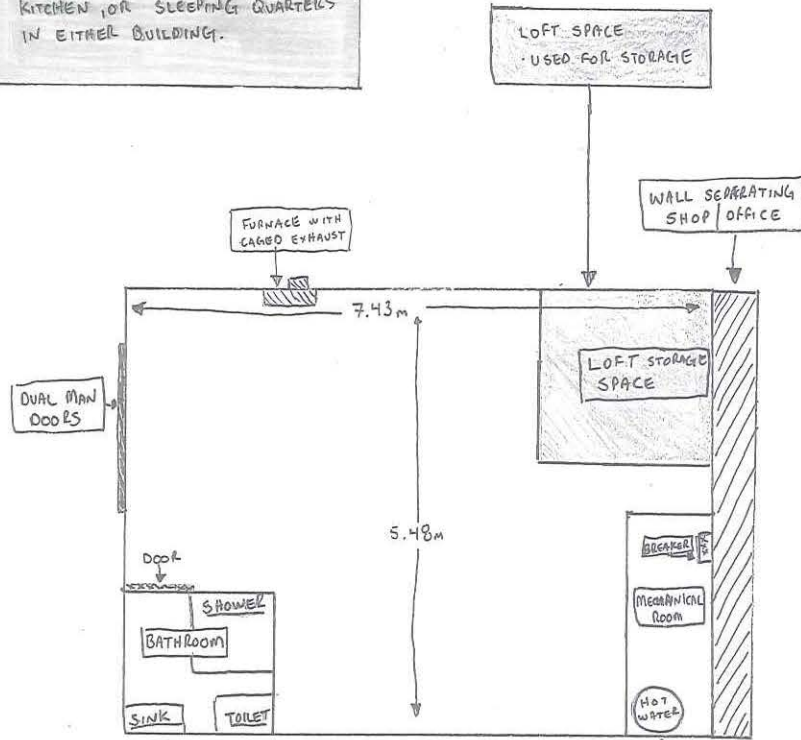
APPENDIX 5 • EAST WALL ~~SECTION~~ & PEAK (SHOP) GARAGE



APPENDIX 6 • OVERHEAD VIEW [REDACTED] & WEST WALL [REDACTED]

"MAN/WOMAN CAVE"

PLEASE NOTE, THERE IS NO KITCHEN, OR SLEEPING QUARTERS IN EITHER BUILDING.



3 BATHROOM FIXTURES.
 • TOILET
 • SINK
 • SHOWER
 *WE ARE AWARE WE CAN ONLY HAVE TWO FIXTURES AND WILL REMOVE THE SHOWER IF OUR PROPOSAL IS ACCEPTED.

MECHANICAL ROOM
 • HOT WATER TANK
 • BREAKER BOX

