

**CITY OF ENDERBY  
DEVELOPMENT VARIANCE PERMIT APPLICATION**

**File No: 0034-21-DVP-END**

**May 28, 2021**

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**APPLICANT:** David Still

**OWNER:** David and Susan Still

**LEGAL DESCRIPTION:** LOT 1 BLOCK 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A

**PID #:** 012-590-487

**LOCATION:** 728 Regent Avenue, Enderby BC

**PROPERTY SIZE:** 682 m<sup>2</sup> (0.169 acres)

**ZONING:** Residential Single Family (R.1-A)

**O.C.P DESIGNATION:** Residential Low Density

**PROPOSAL:** Addition to single-family dwelling

**PROPOSED VARIANCE:** Vary Section 602.10.a of Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet)

**RECOMMENDATIONS:**

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 1 BLOCK 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A and located at 728 Regent Avenue, Enderby B.C. to permit a variance to Section 602.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet), as shown on the attached Schedule 'A'.

**BACKGROUND:**

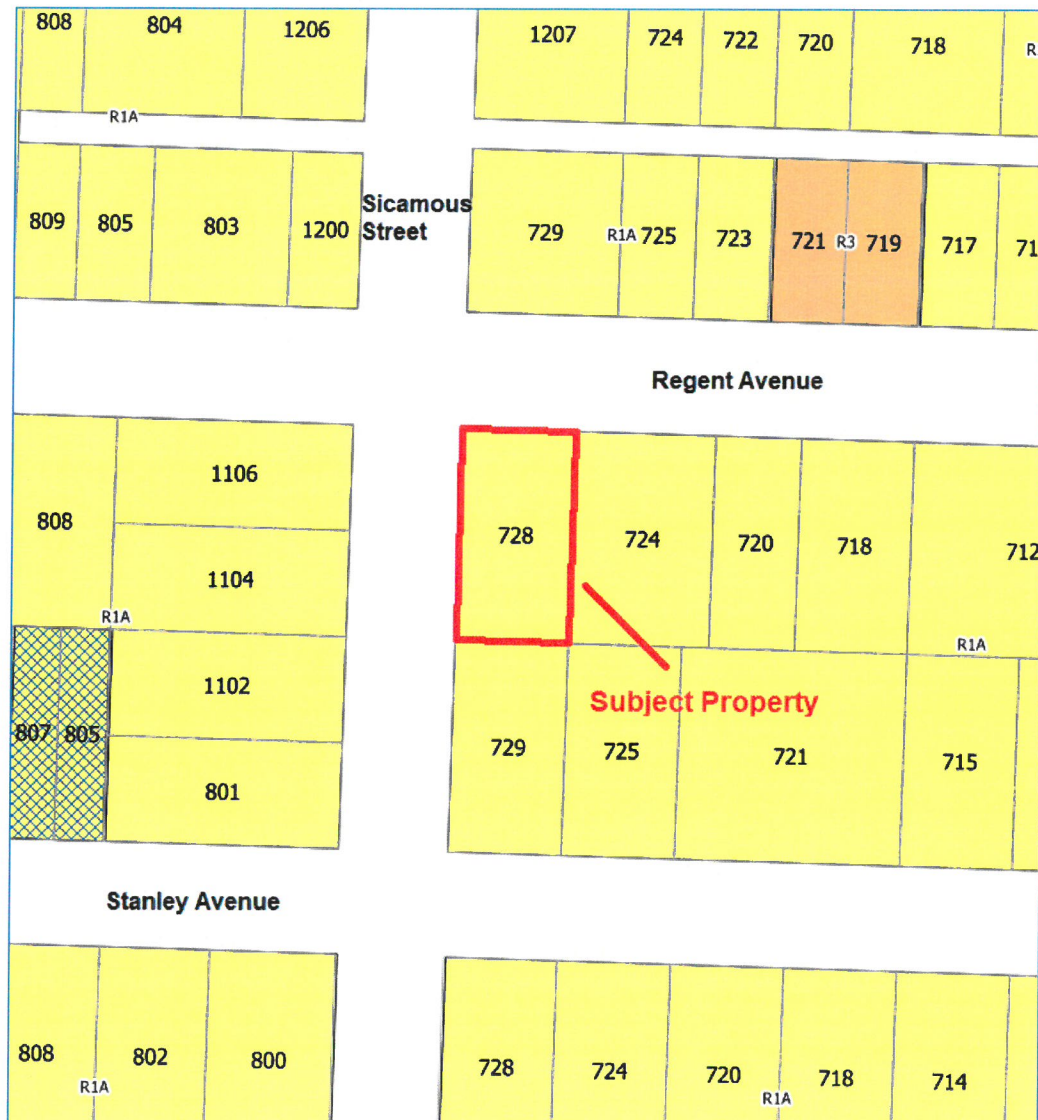
This report relates to a Development Variance Permit application for the property located at 728 Regent Avenue, Enderby BC. The applicant is proposing an addition to an existing single-family dwelling and in order to accommodate the proposed siting of the addition, the applicant is requesting a variance to Section 602.10.a of Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet). In this case, the exterior side yard setback area is adjacent to Sicamous Street.

Site Context

The 682 m<sup>2</sup> (0.169 acres) subject property is relatively flat and is located on the southwest corner of the intersection of Regent Avenue and Sicamous Street. A single-family dwelling, constructed in 1947, is located along the northern edge of the property. The single-family dwelling is located within the required exterior side yard setback area but is considered legally non-conforming by way of siting given that the dwelling pre-dated this Zoning setback requirement.

The subject property and surrounding properties are all zoned Residential Single Family (R.1-A) and are designated in the OCP as Residential Low Density

The following figure shows the zoning designations of the subject and surrounding properties:



**Figure 1: Zoning Map**

Yellow - Residential Single Family (R.1-A) Zone

Crosshatch – Residential Two-Family (R.2) Zone

Orange – Residential Multi-family Medium Intensity (R.3)

The following orthophoto of the subject and surrounding properties was taken in 2011:

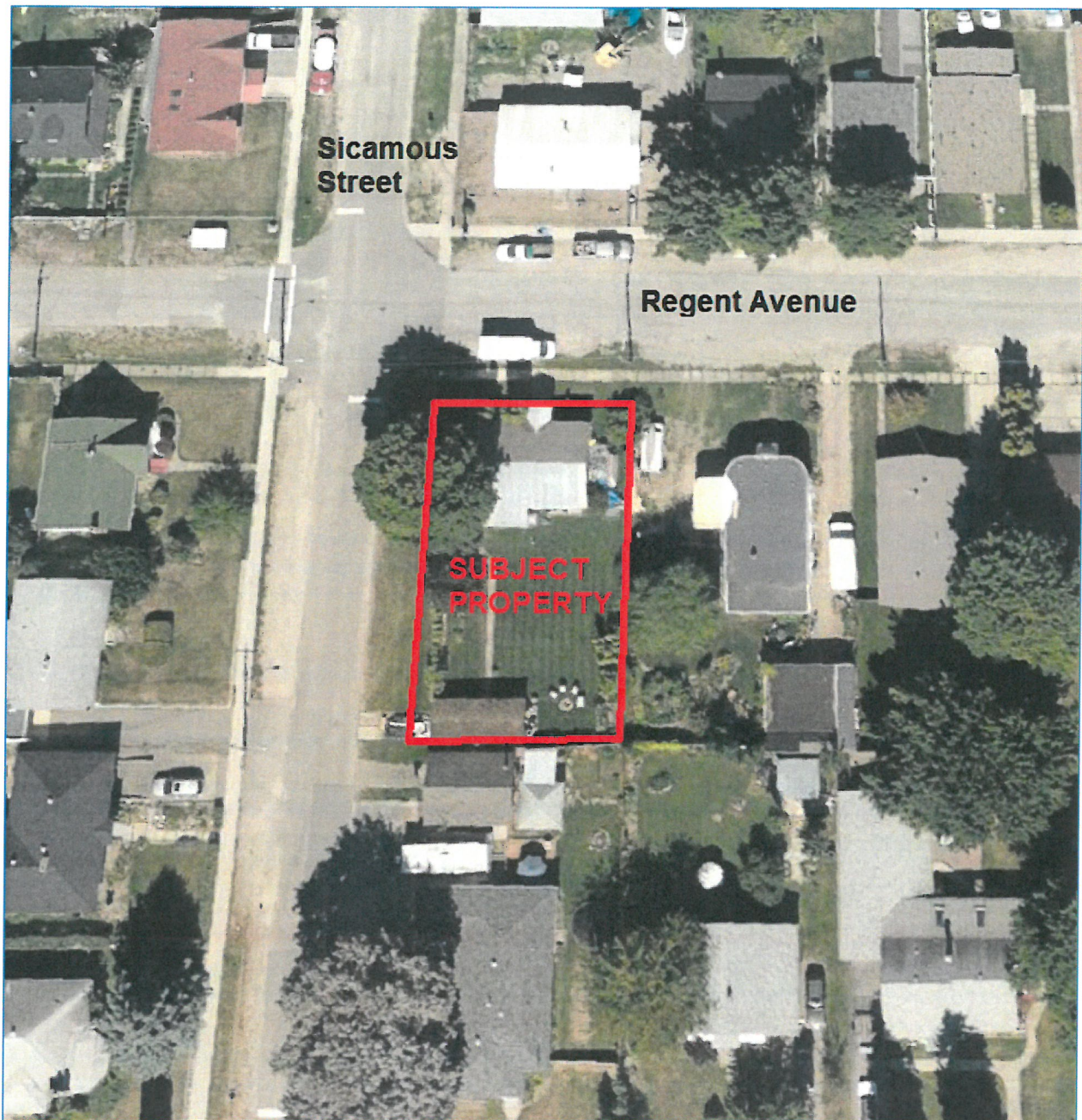


Figure 2: Orthophoto

### The Proposal

The applicant is proposing an addition to the existing single-family dwelling on the property, as shown on the attached Schedule 'A'. The applicant is proposing to extend the southern portion of the building by approximately 3.66 m (12 feet), with the addition to remain flush with the eastern and western sides of the dwelling.

The City of Enderby Zoning Bylaw No. 1550, 2014 requires that single-family dwellings in the R.1-A zone have a minimum exterior side yard setback of 5 m (16.40 feet); given that the existing single-family dwelling is located within the exterior side yard setback requirement (legally non-conforming by way of siting, given the dwelling’s age), and the applicant wishes to have the addition remain flush with the western side of the dwelling, the applicant is seeking a variance to reduce the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet).

**ZONING BYLAW:**

The subject property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential buildings, single-family dwellings, attached secondary suites, bed and breakfasts, civic and public service use, and restricted agricultural use. The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted item requires a variance):

CRITERIA	R.1-A ZONE REQUIREMENTS	PROPOSAL
Lot Area (min.)	450 m <sup>2</sup> (4,844 square feet).	682 m <sup>2</sup> (7,350 square feet)
Lot Coverage (max.)	50%	<50%
Lot Frontage (min.)	15 m (49.21 feet)	~55 m (190.49 feet)
Setbacks (min.)		
Front Yard	6 m (19.68 feet)	
Rear Yard	6 m (19.68 feet)	20.12 m (66 feet)
Exterior Side Yard	5 m (16.40 feet)	4.14 m (13.5 feet)
Side Yard	1.2 m (3.94 feet)	4.14 m (13.5 feet)
Other buildings	3 m (9.842 feet)	N/A

**OFFICIAL COMMUNITY PLAN:**

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

**REFERRAL COMMENTS:**

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief. No comments were received in response to the referral.

**PLANNING ANALYSIS:**

The City of Enderby Planner raises no objections to the applicant's request to vary Section 602.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet). Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- The proposed addition would not extend into the exterior side yard setback area beyond that of the existing single-family dwelling;
- The proposed reduction to the exterior side yard setback area would enable the applicant to proceed with an addition that is flush with the existing single-family dwelling;
- The proposed siting of the addition would not interfere with sight lines for west-bound vehicles on Regent Avenue attempting to gain access on to Sicamous Street; and
- It is not anticipated that the proposed variance would negatively affect the use and enjoyment of the subject or neighbouring properties.

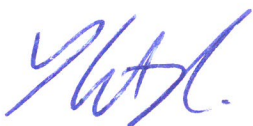
**SUMMARY**

This is an application for a Development Variance Permit for the property located at 728 Regent Avenue, Enderby BC. The applicant is proposing an addition to an existing single-family dwelling and in order to accommodate the proposed siting of the addition, the applicant is requesting a variance to Section 602.10.a of Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet).

The City of Enderby Planner is supportive of the proposed variance and is recommending that Council authorize the issuance of a Development Variance Permit.

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**Prepared By:**



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Kurt Inglis, MCIP, RPP  
Planner and Deputy Corporate Officer

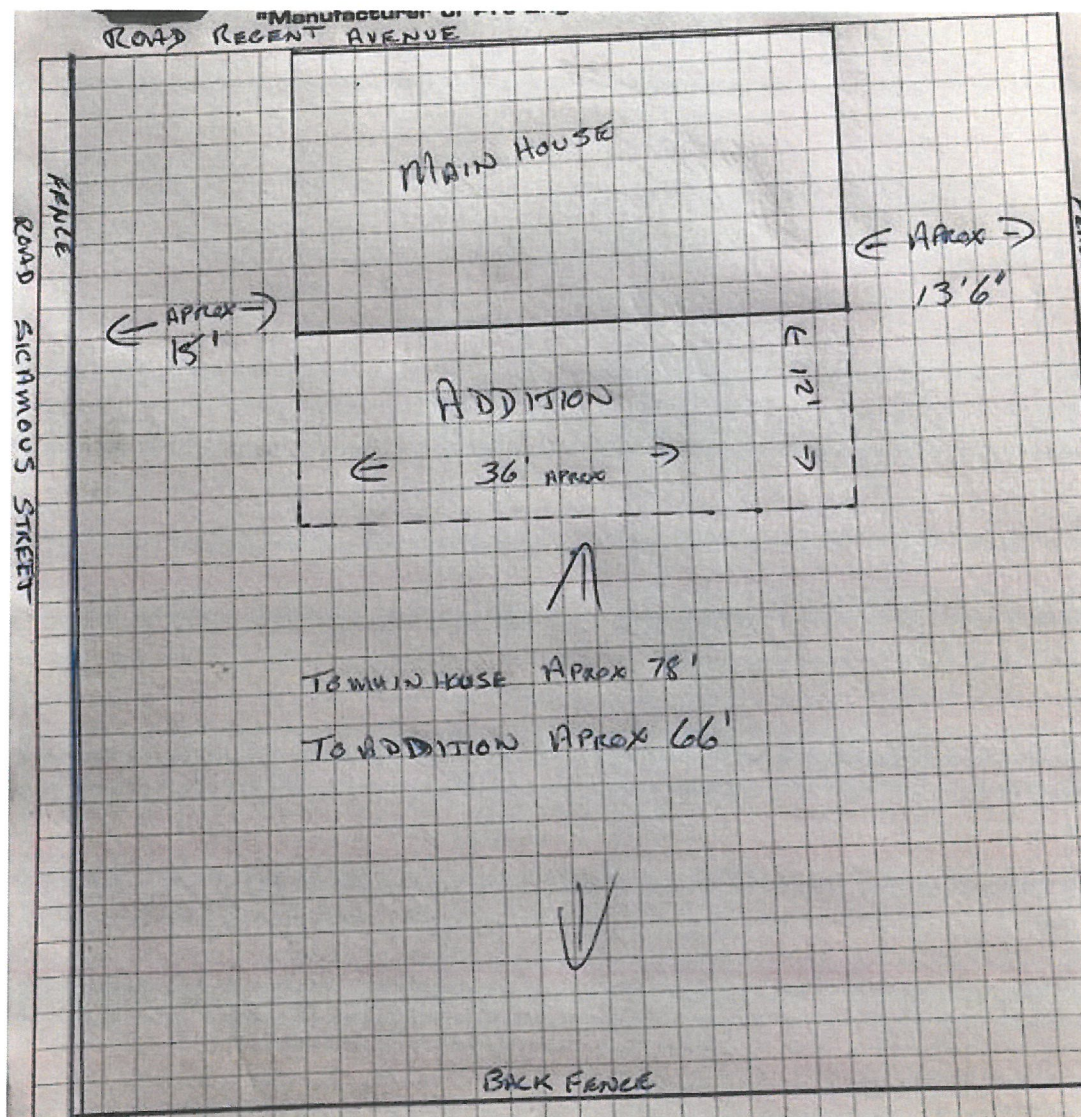
**Reviewed By:**

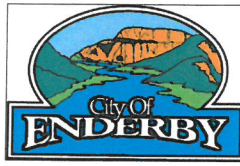


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Tate Bengtson  
Chief Administrative Officer

Schedule 'A'





## DEVELOPMENT VARIANCE PERMIT

Application / File No.: 0034-21-DVP-END

To: David and Susan Still

Address: 728 Regent Avenue, Enderby BC

1. This Development Variance Permit is issued in accordance with the provisions of Section 498 of the Local Government Act and subject to compliance with all of the Bylaws of the City of Enderby applicable thereto, except as specifically varied by this permit.
2. This Development Variance Permit applies to and only to those lands within the City of Enderby described below, and any and all buildings, structures, and other development thereon:  
  
LOT 1 BLOCK 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)  
DIVISION YALE DISTRICT PLAN 211A  
  
PID: 012-590-487
3. City of Enderby Zoning Bylaw No. 1550, 2014 is hereby supplemented or varied as follows:
  - Section 602.10.a by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 4.14 m (13.5 feet), as shown on the attached Schedule 'A'.
4. City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 is hereby supplemented or varied as follows: **N/A**
5. Requirements, conditions or standards applicable to Section 491 of the Local Government Act: **N/A**
6. As a condition of the issuance of this Permit, the Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City of Enderby may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:
  - a. a Bearer Bond in the amount of \$ **N/A**; or

- b. a Performance Bond in a form acceptable to the City of Enderby in the amount of \$ **N/A**; or
  - c. an Irrevocable Letter of Credit in the amount of \$ **N/A**; or
  - d. a certified cheque in the amount of \$ **N/A**.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
  8. If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this Permit shall lapse.
  9. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL THE DAY OF , 2021.

ISSUED THIS DAY OF , 2021.

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Corporate Officer

NOTICE OF PERMIT:

Issued	
Amended	
Cancelled	

Filed with the Land Title Office this day of , 2021.