



REGIONAL  
DISTRICT  
NORTH  
OKANAGAN

# PLANNING DEPARTMENT INFORMATION REPORT

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## DEVELOPMENT VARIANCE PERMIT APPLICATION

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**DATE:** March 15, 2022

**FILE NO.:** 22-0016-B-DVP

**OWNER/APPLICANT:** Lance & Nicoli Nikolic

**LEGAL DESCRIPTION:** Lot 1, Sec 14, Twp 8, ODYD, Plan 7360, Except Plan 17141

**P.I.D.#** 010-005-587

**CIVIC ADDRESS:** 6303 Pleasant Valley Road

**PROPERTY SIZE:** 0.36 ha

**ZONING** Residential Single Family (R.1)

**OCP DESIGNATION:** Light Industrial

**PROPOSAL:** Auto detailing business and dwelling unit for the owner, operator, or employee of the business

**PROPOSED VARIANCES:** 3 variances related to paving; screening of parking and outdoor storage areas; and landscaping adjacent to Pleasant Valley Road

### PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Variance Permit be authorized for issuance for the property legally described as Lot 1, Sec 14, Twp 8, ODYD, Plan 7360, Except Plan 17141 and located at 6303 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 701.10.e.iii by reducing the requirement that off-street parking areas be paved with asphalt or concrete to being paved with a mix of asphalt and recycled asphalt;
2. Section 701.10.e.iv by reducing the requirement that parking and outside storage areas be screened with a solid 2.5 m high fence or an evergreen hedge not less than 2 m high to being partially screened with an existing cedar hedge along the portion of the property which fronts Pleasant Valley Road;
3. Section 701.10.e.v by reducing the requirement that a 3 m wide strip adjacent to Pleasant Valley Road be landscaped with a grass to shrubbery ratio of 6:4 to 8:2 to being landscaped with the existing landscaping, including the cedar hedge and four willow trees as shown on the site plan attached to the Planning Department Information Report dated March 15, 2022; and further,

That a Development Variance Permit be authorized for issuance for the property legally described as Lot 1, Sec 14, Twp 8, ODYD, Plan 7360, Except Plan 17141 and located at 6303 Pleasant Valley Road, Electoral Area "B" subject to the following:

1. the dimensions and siting of the buildings to be used on the land be in general accordance with the site plan attached to the Planning Department Information Report dated March 15, 2022;
2. 20 recycled asphalt and asphalt parking spaces and associated maneuvering aisles be provided in accordance with the site plan attached to the Planning Department Information Report dated March 15, 2022;
3. a 3 m wide landscape buffer be provided along the portion of the property which fronts Pleasant Valley Road. The landscape buffer is to consist of existing landscaping, including a cedar hedge and four willow trees as shown on the site plan attached to the Planning Department Information Report dated March 15, 2022. A new landscape buffer must be provided in the event that all or a portion of the existing landscaping is removed. The new landscape buffer must be 3 m wide and consist of a grass to shrubbery ratio of 6:4 to 8:2;
4. a solid 1.83 m high fence be provided along the entire length of the north property line; and further,

That prior to issuance of the Development Variance Permit, security be provided in an amount equal to 1.25 times the estimated cost of installing the screening. The estimate must be prepared by a qualified contractor.

### **SUMMARY:**

This report relates to an application for a Development Variance Permit for the property located at 6303 Pleasant Valley Road. The applicant is proposing to amend the text of Zoning Bylaw 1888, 2003 in order to allow the property to continue to be used for an auto-detailing business which would continue to operate out of the existing 148.3 m<sup>2</sup> shop and wash bay building. The Development Variance Permit application proposes to vary requirements related to paving of off-street parking areas, screening of parking and outdoor storage areas and landscaping adjacent to Pleasant Valley Road.

As noted in the Planning Analysis section of this report, the Planning Department recommends that the proposed variances to reduce the requirements to pave parking areas and to screen and provide landscaping be approved for the reasons outlined in the Planning Analysis section of this report.

### **BACKGROUND:**

#### History

In 2017, the owners applied for an OCP amendment and rezoning of the property from Residential Single Family (R.1) to Service Commercial (C.4) to continue operating the existing auto detailing business which began on the property in 2004. It is proposed that the business would continue to operate out of the existing 148.3 m<sup>2</sup> shop and wash bay building and the applicant proposes that there would potentially be up to 10 employees.

At the Regular Meeting held on September 20, 2017, the Board resolved to not support the application to amend the Official Community Plan and Zoning Bylaws, but resolved to direct staff to prepare a Zoning Text Amendment Bylaw to amend Regional District of North Okanagan Zoning Bylaw No. 1888 to be used for home occupation purposes as it is currently being used. At the Board of Directors meeting of November 15, 2017, the Board gave First and Second Readings to the associated Zoning Text Amendment Bylaw No. 2762, 2017 and resolved that prior to Final Adoption of Bylaw No. 2762, 2017:

1. a Building Permit be issued to address the change of occupancy of that portion of the single family dwelling proposed to be used for auto detailing purposes; and
2. confirmation be provided that an Approved Person, as defined by Interior Health, has filed a Record of Sewerage System and a Letter of Certification and maintenance plan with the Interior Health Authority in accordance with the Sewerage System Regulation (BC Reg 326/2004) for the on-site sewerage system serving the home occupation use; and
3. security be provided in an amount equal to 1.25 times the estimated cost of installing the paving, landscaping, and screening associated with the parking stalls, maneuvering aisles, outside storage areas, landscaped buffer areas and landscape screening required by Zoning Text Amendment Bylaw No. 2762. Estimates are to be prepared by qualified contractors.

A Public Hearing was held on February 7, 2018 and the Board gave Third Reading to Zoning Text Amendment Bylaw No. 2762, 2017. The Board resolved that prior to Final Adoption of Zoning Text Amendment Bylaw No. 2762, 2017:

1. confirmation be provided from a qualified professional that no deleterious substances from the auto detailing business are discharged into the receiving environment including groundwater or watercourses.

If the Development Variance Permit is approved for issuance, the outstanding conditions of adoption of Zoning Text Amendment Bylaw No. 2762, 2017, all of which the applicant has been actively addressing, include a Building Permit be issued to address the change of occupancy of that portion of the single family dwelling proposed to be used for auto detailing purposes.

The RDNO has received confirmation be provided from a qualified professional that no deleterious substances from the auto detailing business are discharged into the receiving environment including groundwater or watercourses.

### Site Context and Proposal

The 0.36 ha subject property is located on the east side of Pleasant Valley Road northeast of the intersection with Stickle Road. The property is generally flat and access is provided by a driveway which is surfaced with asphalt connected to Pleasant Valley Road. While the driveway is paved with asphalt the parking areas are paved with recycled asphalt. The property is developed with a single family dwelling attached to the south side of a 148.3 m<sup>2</sup> auto detailing shop and car wash building. The driveway connected to Pleasant Valley Road broadens to an apron which is surfaced with recycled asphalt. Mature willow trees and a cedar hedge border portions of the road frontage while various other trees and shrubs landscape the area near the house.

The applicant is proposing to amend the text of Zoning Bylaw 1888, 2003 in order to allow the property to continue to be used for an auto-detailing business which would continue to operate out of the existing 148.3 m<sup>2</sup> shop and wash bay building. The applicant is requesting variances to the Zoning Bylaw to vary requirements related to paving of off-street parking areas, screening of parking and outdoor storage areas and landscaping adjacent to Pleasant Valley Road.

The land uses, Official Community Plan designations, zoning, and ALR status of surrounding properties are as follows:

- West (northwest corner of Pleasant Valley Road / Stickle Road intersection): neighbourhood pub with beer and wine store, designated Mixed Commercial/Light Industrial, zoned Neighbourhood Commercial (C.3), and not in the ALR;
- Southwest (southwest corner of Pleasant Valley Road / Stickle Road intersection): golf cart and auto sales, designated Industrial, zoned Light Industrial (I.1), and not in the ALR;
- North: (west side of Pleasant Valley Road) residential, designated Mixed Commercial/Light Industrial, and zoned Residential Single Family (R.1.);
- South: panhandle of easterly parcel flanks the south property boundary; south of the panhandle, land use of property is residential, designated Mixed Commercial/Light Industrial, zoned R.1, and in the ALR but may be exempt per Section 23 of *Agricultural Land Commission Act*;
- East: agricultural, designated Agricultural, zoned Country Residential (C.R), and in the ALR;

The subject property is within the Agricultural Land Reserve however it was created by subdivision in 1955 at which time it was less than 2 acres in size therefore, pursuant to Section 23 of the *Agricultural Land Commission Act*, the property is exempt from the ALC restrictions which otherwise apply to land in the ALR.

The attached orthophoto of the subject and surrounding properties was taken in 2018.

### **PLANNING ANALYSIS:**

With regard to the proposed variances, the Planning Department recommends that the following proposed variances be approved:

#### Screening and Landscaping

The requirements to screen outside storage areas and to landscape along roadway frontages are intended to maintain an attractive view of commercial and industrial uses. In this regard, the Planning Department recommends the proposed variances be supported as:

- The Planning Department acknowledges the applicant has indicated they feel the existing cedar hedge and willow trees are sufficient to provide landscaping and screening. In this regard, staff suggest that the existing landscaping and screening which is a reduction from the bylaw requirements provides a reasonable solution to softening the view of the commercial operation which is consistent with the approach which has been taken with other commercial/industrial developments.
- However, the support for this variance is based on the existing cedar hedge and willow trees remaining. The applicant should take steps to protect the root zones of the mature willow trees and will have to replace them or the hedge if they die or are removed.

- Staff acknowledge that the applicant has provided a letter from the adjacent land owner to the north, east and south who has indicated they support the applicant's request for a variance for screening of these areas.
- While a Development Permit is not required, the proposal is consistent with the OCP Commercial Form and Character Guidelines as the property is zoned Single Family Residential (R.1) and the use is proposed through a pending text amendment via Bylaw 2762. which states that the form and character of development and landscaping should harmonize with the natural setting and should reflect a low density form of development.

### Paving of Parking Areas

The applicant is requesting to waive the requirements to pave the off-street parking and their associated maneuvering aisles with asphaltic concrete or cement pavement as most of these areas have been surfaced with recycled asphalt material.

The Planning Department recommends that the request to waive the requirement to pave the off-street parking areas be supported as the Ministry of Transportation and Infrastructure has not indicated any concerns and the recycled asphalt material appears to be in good shape and is sufficient for the proposed use which proposes a mix of parking and outdoor storage areas.

### **ZONING BYLAW:**

The subject property is zoned Single Family Residential (R.1). The uses permitted in the R.1 zone include: single family dwellings, home occupation use, restricted agricultural use, accessory residential buildings, boarding house, community care facilities, and public parks and playgrounds.

Zoning Text Amendment Bylaw No. 2762, 2017 proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by adding the following as Section 701.10.e:

Notwithstanding the Home Occupation Use regulations of Section 403 of this Bylaw, auto detailing is permitted as a home occupation on the property legally described as Lot 1, Sec 14, Twp 8, ODYD, Plan 7360, Except Plan 17141 and located at 6303 Pleasant Valley Road subject to the following:

- i. AUTO DETAILING means cleaning, including the interior and exterior, of automobiles, recreational vehicles, and boats; and
- ii. the total floor space occupied by the home occupation use shall not exceed 148.3 square metres (1,596.3 square feet) within a portion of a single family dwelling existing at the time of adoption of Bylaw No. 2762; and
- iii. paved off-street parking spaces are to be provided on the lot on which the home occupation is located, to meet the requirements of Section 1101 of this Bylaw, including the following:
  - a. 2 parking spaces per residential dwelling unit;
  - b. 1 parking space per 2 employees;
  - c. 1 parking space per vehicle service bay;
  - d. 4 parking spaces per vehicle wash bay; and
- iv. landscape screening consisting of a solid 2.5 metre (8.202 feet) high fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or a compact evergreen hedge not less than 2 metres (6.562 feet) in height, which shall be maintained in good condition at all times, shall be provided as follows:

- e. any part of the lot used or intended to be used as parking or outside storage area shall be closed by screening on any side not facing directly upon buildings or structures on the lot and no material shall extend above the screening; and
- v. where the property abuts Pleasant Valley Road, a landscaped buffer area shall be provided in accordance with the commercial development provisions of Section 1501.2 of this Bylaw; and
- vi. the maximum number of “on premise” employees for the home occupation use shall not exceed six (6).

Staff note that if the subject application is approved, the conditions relating to paving, landscaping and screening could be amended before adoption.

Parking and Loading

Section 1101.4 of the Zoning Bylaw states where a land use is not specifically listed in the Zoning Bylaw Schedule of Parking Requirements, the minimum number of parking spaces required would be the minimum number of parking spaces required for the use to which the unspecified use is most similar. In this regard, as “auto detailing shop” is not listed in the parking requirements schedule, the listed use which is most similar would be “auto sales and repair” which is required to be provided with one space per 70 m<sup>2</sup> sales floor, one per service bay, and one per two employees. However, it would be reasonable to reduce this requirement recognizing that auto sales are not part of the business and the same employees counted for the car/truck wash may also work in the auto detailing shop. In addition, vehicles using the car/truck wash are likely to be the same vehicles attended to in the auto detailing service bays.

In consideration of the above, the Planning Department suggests that parking spaces required for the proposed uses be as follows:

<b>Use</b>	<b>Parking Requirement</b>	<b>No. of Spaces Required</b>
Car/truck wash	1 off-street space	1
Auto detailing shop	1 per service bay	5
Car/truck wash & auto detailing shop	1 per 2 employees	5
Residential	2 per dwelling unit	2
<b>Total Parking Spaces Required</b>		<b>13</b>
<b>Total Parking Spaces Proposed</b>		<b>20</b>

Section 1101.2.a of the Zoning Bylaw states that parking spaces shall have a clear length of not less than 6 m and a clear width of not less than 2.8 m. In industrial zones, 25% of the total number of required parking spaces may be ‘small car parking stalls’ which have a clear length of 5.2 m and a width of 2.3 m.

Section 1101.e states that every off-street parking area must be surfaced with asphaltic concrete or cement pavement.

Section 1101.2.b of the Zoning Bylaw states that maneuvering aisles associated with parking stalls shall be not less than 8 m wide for all two way aisles and all right angle parking. One way aisles may be reduced to 6 m wide for 60 degree parking and 4 m for 45 degree parking and parallel parking.

#### Screening and Landscaping

Section 1501.1.a.i of the Zoning Bylaw states landscape screening consisting of a solid 2.5 metres fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or a compact evergreen hedge not less than 2 metres in height, which shall be maintained in good condition at all times, shall be provided in Commercial and Industrial zones. Any part of a lot used or intended to be used as an outside storage area shall be closed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening. Required front screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.

Section 1501.1.a.ii of the Zoning Bylaw states where any Commercial parking or display area abuts a lot in a Residential zone or is separated by a lane therefrom, screening of 2 m in height must be provided and properly maintained along the common property boundary.

Section 1501.2 of the Zoning Bylaw states where any Commercial development abuts a lot in a Residential zone, a landscaped buffer area must be provided with a minimum width of 2 m and where any Commercial development abuts a highway, other than a Controlled Access Highway, a landscaped buffer area must be provided with a minimum width of 3 m. Landscaping is to consist of the following: a grass to shrubbery ratio of 6:4 to 8:2; a minimum of 5% of the landscaped area must be planted in trees; a maximum of 15% of the area shall be planted in annuals.

#### **OFFICIAL COMMUNITY PLAN:**

The Official Community Plan designates the land use of the subject property as Agricultural and Pleasant Valley Road is identified as a Major Road.

#### Development Permit Area for Form and Character of Industrial Development

The Electoral Areas "B" and "C" OCP states that all land designated as Commercial are designated as Development Permit Areas for the establishment of guidelines for the form and character of development. The Regional District has the objective of maintaining the attractive rural setting and visual quality within Electoral Areas and to ensure that the form and character of commercial and industrial developments are appropriately integrated into this rural setting and coordinated with existing developments in these areas.

While a Development Permit is not required, the following guidelines relate to commercial form and character:

1. the massing of buildings should be variable in form and should be incorporated where practical, into smaller blocks which relate to the contours of the natural landscape;
2. where more than one building is to be constructed on the site, the buildings should share common architectural features;

3. exterior design and finish should incorporate products which complement the natural setting and include materials characteristic of the region such as smooth face brick, stucco, stone, natural stained or painted wood, or some combination of the above;
4. the form and character of development and landscaping should harmonize with the natural setting and should reflect a low density of development. Landscaping should:
  - include groups of large native tree species and will be used to stabilize graded areas;
  - include supplementary screening in the form of fencing, hedging, planting, other screening materials or a combination of materials in the following areas:
    - around outdoor storage areas
    - around waste containers
    - around heating and cooling equipment and other service areas
    - between parking areas and the street
  - retain significant existing vegetation to retain the existing character of the area. This is especially important when development occurs adjacent to established rural and low density residential areas;
5. New development must provide safe and efficient vehicle entrances, exits and site circulation. Vehicle parking should be encouraged at the rear or side of a building and should be broken into smaller groups, and the smaller groups should be separated with landscaping or natural vegetation while still maintaining sight distances for safe access and egress.

**REFERRAL COMMENTS:**

The application was referred for comments to the following:

**1. Community Services Department**

**2. Building Inspection Department**

**3. Electoral Area Administration Department**

The Electoral Area Administration Department provided the following comments:

The subject property is within Phase I of the Wastewater Recovery Project. However, as there is no change in Zoning, approval of this DVP should not affect any of the information provided previously to the property owner regarding the Wastewater Recovery project.

**4. Ministry of Transportation and Infrastructure**

The Ministry commented that they have no concerns or comments.

**5. Ministry of Environment**

The Ministry indicated their interests are unaffected.

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Submitted by:



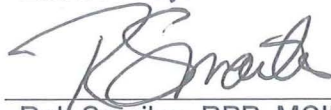
Jennifer Miles, RPP, MCIP  
Planner

Reviewed by:



Greg Routley  
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:



David Sewell  
Chief Administrative Officer

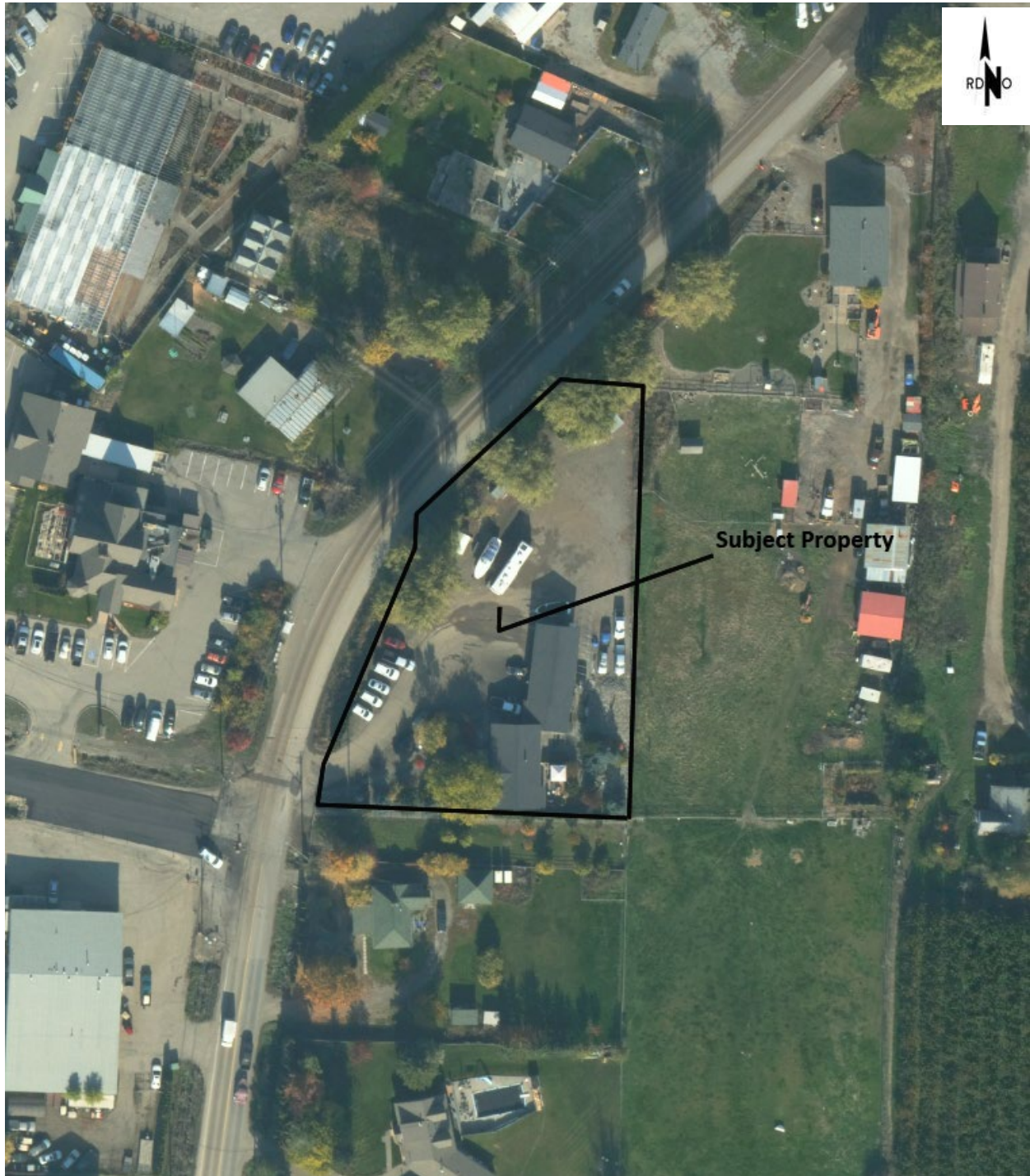


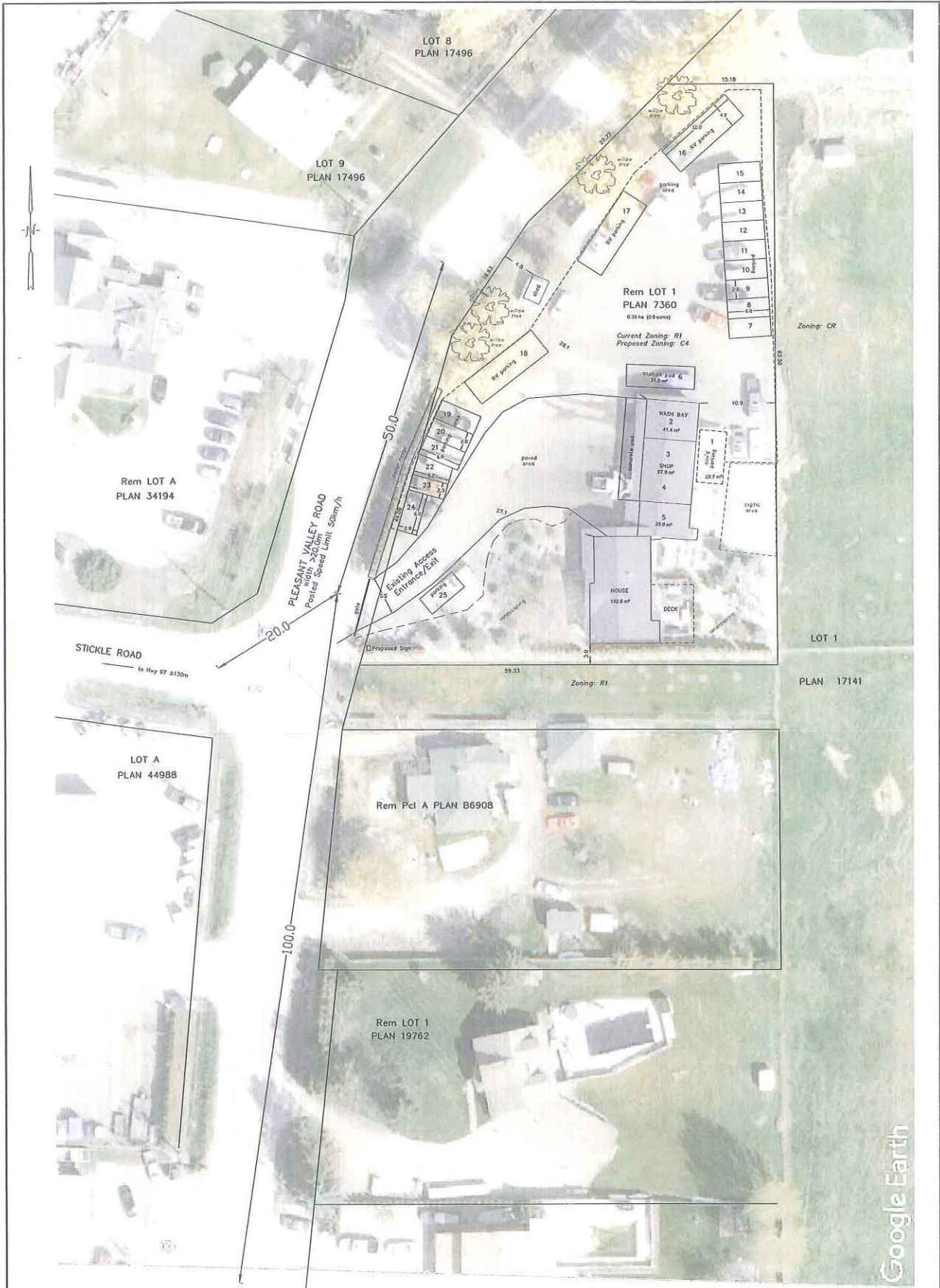


# SUBJECT PROPERTY MAP ORTHOPHOTO DEVELOPMENT VARIANCE PERMIT

File: 22-0016-B-DVP  
Location: 6303 Pleasant Valley Road

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SITE PLAN TO ACCOMPANY APPLICATION FOR COMMERCIAL ACCESS TO LOT 1, SEC 14, TP 8, ODYD, PLAN 7360 except PLAN 17141

SCALE: 1:250 (ALL DISTANCES IN METRES)

AUGUST 9, 2017  
THIS PLAN IS PREPARED FOR THE USE OF:  
NIMROD

JASON R. SHORTT, B.C.L.S. 2017

**russell shortt**

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