

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



DATE: September 8, 2026
TO: Christopher Garrish, Senior Manager of Planning
FROM: Jerritt Cloney, Planner I
RE: Development Variance Permit (DVP) — Electoral Area “H”

FILE NO.: H2026.022-DVP

Owner: Joel Morton Folio: H-00606.060
Civic: 525 Dagur Way Legal: Lot 12, Plan 56749, District Lot 1, SDYD

Proposed Development:

This application is seeking a variance to the maximum building height for an accessory building that applies to the subject property in order to undertake the construction of a garage.

Specifically, it is being proposed to vary the maximum building height for an accessory building from 4.5 metres to 4.95 metres.

In support of this request, the applicant has stated that:

- The 4.953m garage is consistent with (the) low density residential RS1 zoning.
- The 4.5m accessory building height bylaw will not allow a reasonable ceiling height. 10ft ceiling height (is) required to do maintenance on personal light truck and/or RV storage.
- Compliance would put unreasonable ceiling height within (the) garage.
- The proposed variance will not impact the character of streetscape or surrounding neighbourhood.

Site Context:

The subject property is approximately 2,129 m² in area and is situated on the south side of Dagur Way, approximately 1.8 km west from the boundary with the Town of Princeton. The property is understood to contain one (1) mobile home and an accessory building (shed).

The surrounding pattern of development is generally characterised by similar residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on April 16, 1996, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that a building permit for a mobile home (1997) had previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Low Density Residential (LR) and is not subject to any Development Permit Area designations.

Under the Electoral Area “H” Zoning Bylaw No. 3065, 2024, the property is currently zoned Low Density Residential One (RS1) which stipulates that no accessory building or structure shall exceed a height of 4.5 metres.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Similkameen River and no structural support for a habitable area, or fill required to support a habitable area, may be placed on land within a floodplain setback area, per Section 10.2 of Zoning Bylaw.

The property has been the subject to enforcement activities, including the presence of numerous animals on the property & no disposal of feces & possible odour as well accumulation of refuse and unwholesome material on real property (2018) and excessive poultry & kennel (observed infraction) (2019).

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on August 7, 2026, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 28, 2026, being 15 working days from the date of notification, approximately one (1) representation has been received electronically or by submission at the Regional District office.

Delegated Authority:

Under Section 498.1(2) of the *Local Government Act*, a local government that has delegated authority to an officer or employee to issue a development variance permit (DVP) must include “criteria for determining whether a proposed variance is minor.”

Under Section 3.21 of the Regional District’s *Chief Administrative Officer Delegation Bylaw No. 3033, 2023*, “the CAO or their designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act* ...”

Under Section 3.22 of the Regional District’s Chief Administrative Officer Delegation Bylaw No. 3033, 2023, staff are to consider if the variance would be “minor and would have no significant negative impact on the use of immediately adjacent or nearby properties” through the use of the following criteria:

1. *degree or scope of the variance relative to the regulation from which a variance is sought;*
2. *proximity of the building or structure to neighbouring properties; and*
3. *character of development in the vicinity of the subject property.*

With regard to the degree of the requested variance, it is considered that a 10% increase in the maximum height of a retaining wall from 4.5 metres to 4.95 metres is minor.

With regard to the proximity of the proposed accessory structure to neighbouring properties, the nearest parcel line is approximately 3.0 metres to the west. This is beyond the prescribed 1.2 metre interior side parcel line setback for the RS1 Zone.

With regard to the final criteria and the character of development in the vicinity of the subject property, it is noted that similar sized structures (e.g. 4.5 metres to the mid-point of the roof) exist in this neighbourhood and to the rear of existing dwellings, as well as an over-height accessory structure (4.8 metres in height) at 518 Dagur Way.

For these reasons, the proposed variance is deemed to be minor, and consideration by staff of whether to issue a development variance permit (DVP) under delegation may proceed.

Analysis:

When considering a “minor” variance request, and in accordance with Section 498.1(2) of the *Local Government Act*, the Regional District Board requires that staff consider the following guidelines when deciding whether to issue a DVP:

- 1. is the proposed variance consistent with the general purpose and intent of the zone;*
- 2. is the proposed variance addressing a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.);*
- 3. is strict compliance with the zoning regulation unreasonable or un-necessary; and*
- 4. would the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood.*

In this instance, and with regard to the first guideline, Administration notes that the proposed accessory structure is permitted by the RS1 Zone and that such structures are common in residential neighbourhoods.

With regard to the second guideline, there are no physical constraints that would appear to warrant the relaxation of building height, such as an unusual parcel shape, topographical feature or statutory right-of-way.

With regard to the third guideline, strict compliance with the zoning regulation, while not unreasonable, would preclude the property owner from being able to use the proposed structure for their stated purposes (e.g. “maintenance on personal light truck and/or RV storage”). Moreover, the minor nature of the proposed increase (e.g. 10% above the stated regulation) is unlikely to have a consequential impact on adjacent properties.

With regard to the fourth guideline, the location and height of the proposed structure is generally seen to be consistent with adjoining properties along Dagur Way and is unlikely to impact the character of the streetscape or surrounding neighbourhood.

Summary:

For these reasons, it is recommended that the requested variances be approved.

Recommendation:

THAT Development Variance Permit No. H2026.022-DVP, to allow for the construction of an accessory building at 525 Dagur Way, be approved.

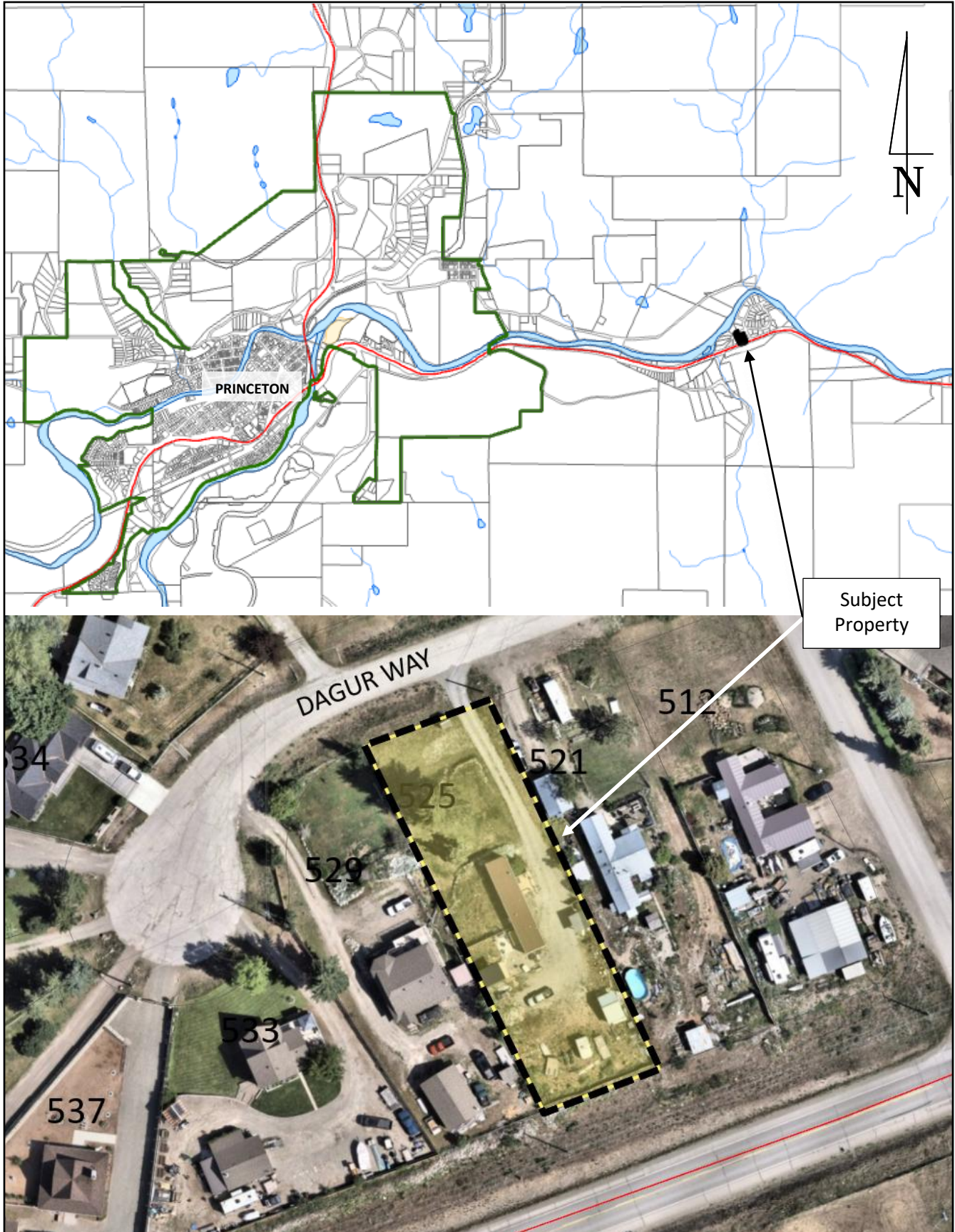
Respectfully submitted:

*Jerritt Cloney*_____

Jerritt Cloney, Planner I

Attachments: No. 1 — Context Maps
 No. 2 — Aerial Photo
 No. 3 — Applicant's Site Plan & Elevations

Attachment No. 1 – Context Maps



Attachment No. 2 – Aerial Photo



Attachment No. 3 – Applicant’s Site Plan & Elevations

