

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: June 5, 2025

RE: Development Variance Permit Application — Electoral Area “I” (I2025.009-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2025.009-DVP, to allow for the construction of an accessory dwelling at 529 Oak Avenue, Kaleden, be approved.

Legal: Lot A, Plan KAP24585, District Lot 672S, SDYD Folio: I-01435.001

OCP: Small Holdings (SH) Zone: Small Holdings Three (SH3)

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 1.5 metres.

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to undertake the construction of an accessory dwelling.

Specifically, it is being proposed to reduce the front parcel line setback for an accessory building from 7.5 metres to 1.5 metres.

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

- The proposed variance is consistent with the general purpose and intent of the zone.
- The proposed variance is addressing a physical constraint associated with the site.
- The proposed variance will not impact the character of the streetscape.

Site Context:

The subject property is approximately 1.0 ha in area and is situated on the east side of Oak Avenue, in Kaleden, approximately 5 km from the boundary with the City of Penticton. The property is along the western shore of Skaha Lake. It is understood that the property contains one (1) singled detached dwelling, a pool and an accessory building.

The surrounding pattern of development is generally characterised by similar residential development and small agricultural parcels to the north. To the west and south are large Resource Area (RA) zoned parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 26, 1973, while available Regional District records

indicate that a building permit for renovations to a single detached dwelling and attached carport (2018) has previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings Three (SH3) which includes accessory dwelling, subject to Section 7.2 as a permitted accessory use.

Ministry of Transportation and Transit provided a permit to reduce the building setback less than 4.5 metres from the property line fronting a provincial public highway on April 8, 2025.

BC Assessment has classified the property as “Residential” (Class 01).

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on May 15, 2025. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that the Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

Minimum setbacks from parcel lines are used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

The Small Holdings Three (SH3) Zone is a rural residential zone, and it includes accessory dwellings as a permitted accessory use. Moreover, the recently adopted Small-Scale Multi-Unit Housing (SSMUH), allows for accessory dwellings and/or secondary suites to be permitted in almost all single family lots, with few exceptions.

The subject lot was created in 1973, and has some notable physical challenges associated with it. The lot is long and narrow and is just over 1.0 ha in size. The size of the lot allows for the accessory dwelling, but the narrowness of the lot limits the ability of the owners to develop on the property within the prescribed setbacks. The existence of a significant slope at the rear of the parcel, also limits the potential for developable area.

In this case, while there may be some other options available to the owner for an additional dwelling unit, the physical constraints of the lot significantly limit the ability to develop the lot within strict compliance with the current setback requirements.

The lot is located past an agricultural neighbourhood and is in an area that transitions into large Resource Area (RA) lots with very little development beyond the subject parcel. The Kaleden

Cemetery is across the street from this parcel. However, it is unlikely that the presence of an accessory dwelling on the property is going to reduce the use of the cemetery.

While the location of the proposed dwelling is 1.5 metres from the parcel line the parcel line is an approximately 7.0 metres from the actual road itself.

Alternatives:

Conversely, Administration recognises that the option to construct a secondary suite, though potentially more costly, may allow for another dwelling unit on the property without building in the setback.

Summary:

For these reasons, Administration supports the requested variances and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board deny Development Variance Permit No. I2025.009-DVP.

Will a PowerPoint presentation be presented at the meeting? No

Respectfully submitted

Colin Martin

Colin Martin
Planner I

Endorsed by:



C. Garrish
Senior Manager of Planning

Endorsed by:



A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)

