

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: March 5, 2026

RE: Development Variance Permit Application — Electoral Area “E” (E2026.002-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2026.002-DVP, to allow for the construction of a single detached dwelling at 4535 Mill Road, be approved.

Legal: Lot 21, Plan KAP3889, District Lot 211, SDYD Folio: E-02282.000

OCP: Low Density Residential (LR) Zone: Low Density Residential One (RS1)

Variance Request: to reduce the minimum front parcel line setback from 6.0 metres to 1.98 metres.

Purpose:

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

Specifically, it is being proposed to vary the front parcel line setback from 6.0 metres to 1.98 metres.

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

- *[T]his property currently has an approved development variance permit to reduce the front setback from 6.0m to 1.98m and the rear setback from 6.0m to 4.01m. This application was approved by the RDOS Board in April of 2024.*
- *From that time, we have had many discussions with Provincial staff, through our QEP, regarding our proposed plans and request for Hardship approval. The outcome of those discussions required revisions to the floor plans which changed the dwelling footprint and general layout of the development.*
- *[T]he dwelling footprint was reduced from 42'x24' to 50'x20. Within this new footprint is an attached carport with living space above and overall, the total living area was reduced from 1691sq.ft to 1564sq.ft.*
- *With the changes to the dwelling footprint we are now only requesting a variance to the front setback as the rear setback is in compliance with the zoning bylaw.*
- *The proposed front setback of 1.98m is the same distance approved by the RDOS board in April 2024.*
- *This application is essentially requesting an amendment or an update to the current development variance permit. We understand that new approval is required due to these changes in the dwelling design.*

Strategic Priorities: Operational

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 22, 1947, while available Regional District records indicate that building permits have not previously been issued for this property.

Official Community Plan

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR), which supports the development of single detached dwellings, duplexes, secondary suites, accessory dwellings.

The property is also the subject of a Watercourse Development Permit (WDP) designation, an objective of which is to ensure development within riparian areas is consistent with the Riparian Area Protection Regulation (RAPR).

Under the RAPR, a property that is subject to undue hardship meets the riparian protection standard if the development:

- will not occur in the streamside protection and enhancement area, other than in a part of that area that is already an area of human disturbance, and
- will be situated and otherwise designed so as to minimize any encroachment into the Streamside Protection and Enhancement Area (SPEA).

Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential One (RS1) which lists “single detached dwelling” as a permitted principal use.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake, which requires that no building or structure is located within 7.5 metres of the natural boundary of the lake.

While this provision is not triggered by the current application, a floodplain exemption application will be required before a building permit may be issued for the single detached dwelling.

Board Consideration:

The subject property has been the subject of multiple previous Development Variance Permit applications (E2022.058-DVP, E2023.033-DVP, E2024.011-DVP and E2025.027-DVP) in relation to the use of holding tanks as a method of on-site sewage disposal, and the construction of a single detached dwelling.

The previous variance permit issued by the Board for the proposed single detached dwelling (E2024.011-DVP) authorized a front setback of 1.98 metres and a rear setback of 4.01 metres.

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

Analysis:

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.

In this instance, Administration notes that the proposed front parcel line setback is identical to the previous DVP approved by the Board (E2024.011-DVP), and the previously approved rear parcel line setback variance has been eliminated.

This is because the proposed single detached dwelling has been redesigned in response to feedback the applicant has received from the Province in order to reduce impacts to riparian values.

For this reason, the scope of the variance request has been reduced from the previous approval, and Administration's comments in relation to that application also apply in this case.

Namely, that the proposal is consistent with policies in the Electoral Area "E" OCP encouraging variance applications for the relaxation of parcel line setbacks on existing small lots in order to reduce impacts to the riparian area.

The requested variance is not seen to substantially impact adjacent properties, as a similar proposal has been submitted by the same agent for the adjacent property at 4545 Mill Road and the lands to the east comprise vacant Crown land.

The nearest dwelling on the opposite side of Mill Road is also unlikely to be affected by the requested variances as it is approximately 30 metres from the proposed dwelling and located on top of a steep, vegetated embankment.

While the construction of a single detached dwelling within 1.98 metres of a front parcel line will generally change the appearance of the roadway, Administration notes that nearby dwellings along the lakefront also appear to have been constructed within the front parcel line setback.

With regards to vehicle traffic safety, the Ministry of Transportation and Infrastructure has jurisdiction over the road network and a Highway Use Permit authorizing the reduced setback has been issued by the Ministry.

Alternative:

Conversely, front parcel line setback reductions are seen to be more likely to create visual impacts and for this reason are generally discouraged.

While the intent of the requested variance is to facilitate a dwelling in close proximity to Okanagan Lake that may be susceptible to flooding, it is noted that a subsequent floodplain exemption application would be required to facilitate the proposed development.

Floodplain exemption applications must be accompanied by a report from a qualified professional engineer or geoscientist indicating that the land may be used safely for the use intended.

Summary:

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

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has 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.

Site Context:

The subject property is approximately 300 m² in area and is situated on the south side of Mill Road, approximately 1.1 km north from the Naramata Village Centre. The property is understood to contain one (1) accessory building.

The surrounding pattern of development is generally characterised by residential parcels and agriculture.

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 February 19, 2026. All comments received are included as a separate item on the Board's Agenda.

Alternatives:

1. That Development Variance Permit No. E2026.002-DVP, to allow for the construction of a single detached dwelling at 4535 Mill Road, be denied.

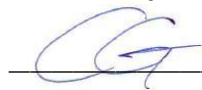
Will a PowerPoint presentation be presented at the meeting? Yes

Respectfully submitted:

"Ben Kent"

Ben Kent
Planner II

Endorsed by:



C. Garrish
Senior Manager of Planning

Endorsed by:

Allen Fillion

A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Site Photo

No. 2 – Aerial Photo

Attachment No. 1 – Site Photo (2025)



Attachment No. 2 – Aerial Photo (2025)

