

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: June 5, 2025

RE: Development Variance Permit Application — Electoral Area “F” (F2025.002-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2025.002-DVP, allow for the construction of a livestock shelter at 601 Valiant Drive, be approved.

Legal: Lot 1, Plan KAP30426, District Lot 5076, ODYD Folio: F-07346.010

OCP: Small Holdings (SH) Zone: Small Holdings West Bench (SH5)

Variance Request: To reduce the parcel line setback for a live stock shelter building from 15.0 m to 0.65 m.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to formalize an existing livestock shelter (i.e. a chicken coop).

Specifically, it is being proposed to reduce the interior side parcel line setback for a livestock shelter building from 15.0 metres to 0.65 metres.

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

Strict compliance is unreasonable because of the fact that we are permitted to have 25 chickens. We should be allowed to have a necessary part of their care which is a coop. The two things go hand in hand.

The proposed variance will not unduly impact the character of the streetscape or surrounding neighbourhood as it is not within sight of the road, the chickens are very quiet except for a few squawks of joy when they lay an egg during the day. ¾ neighbours who are within (full) sight of our coop say they really enjoy being able to see them and listen to them.

Site Context:

The subject property is approximately 3056 m² in area and is situated on the east side of Valiant Drive, approximately 1 km northwest from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised by similar rural-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 October 30, 1979, and BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that building permits for an addition to a single family dwelling (1990) and a single family dwelling (1990) have previously been issued for this property.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and is not the subject any Development Permit Areas designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings West Bench (SH5) which requires a 15.0 metre setback for livestock shelters. Additionally, as per section 6.6.1 allows for up to 25 small livestock.

The Regional District has received written complaints regarding the distance of the livestock shelter from the property. The subject Development Variance Permit is directly related to the enforcement file.

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 22, 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 varied and, in the case of livestock is generally to mitigate the potential for conflict between agricultural and residential uses.

The current requirement that livestock shelters be setback not less than 15.0 metre from a parcel line is based on guidelines produced by the Ministry of Agriculture, which advises that appropriate setback distances are seen to mitigate against such conflicts.

This is because they “can help prevent nuisance [complaints], protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations. The [Ministry’s standards] seek to strike a balance by recommending setbacks that are large enough to reduce conflict between uses while still being reasonable and economical for farm operations.”

Of note, the Regional District has been applying the Ministry standards through its Electoral Area Zoning Bylaws since 1998 and undertook a major update in 2017. These amendments resulted in the setbacks for livestock shelters being reduced from 30.0 metres to the current 15.0 metres – in accordance with revised standards published by the Ministry

In this instance, it is noted that the Electoral Area “F” OCP encourages hobby farming and limited agricultural uses within the West Bench, however, it also seeks to reduce conflicts between residential and agricultural development by encouraging perimeter fencing where livestock and agricultural uses are taking place.

Administration notes that the proposed livestock shelter (e.g. chicken coop) is surrounded by chicken fencing on the property and there is also a large fence along the property line separating the nearest neighbouring parcels to the north.

It is further noted that the subject property is a long and narrow (e.g. approximately 27 metres in width) and this negates the ability to place a livestock shelter on the property in compliance with setback requirements.

While the chicken coop is 0.65 metres from the property line, adjoining development comprises a driveway with the next nearest dwelling units being approximately 20 meters from the coop. While there may be other locations on the subject parcel that the coop could be sited, these would likely create similar distance issues with neighbouring dwellings.

There are many trees along the parcel line and a fence that will provide screening between the chicken coop and neighbouring dwellings and a coop sited in the rear yard of the subject property setback is not seen to adversely impact or alter the character of the neighbourhood

Alternatively:

Conversely, Administration recognises that there may be better locations on the property that may be more favorable for neighbouring parcels.

Additionally, it is noted that a permitted use may not be feasible on certain properties based on parcel size or shape.

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 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.

Alternative:

1. That the Board deny Development Variance Permit No. F2025.002-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 – Site Photo No. 2 – Site Photo
No. 3 – Aerial Photo

Attachment No. 1 – Site Photo



Attachment No. 2 – Site Photo



Attachment No. 3 – Aerial Photo

