

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: January 22, 2026

RE: Development Variance Permit Application — Electoral Area “F” (F2025.032-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2025.032-DVP, to allow for three livestock to reside on the property and to have two metal storage containers between the front parcel line and the principal building at 1700 Estates Place, be denied.

Legal: Lot 1, Plan KAP33471, District Lot 4947, ODYD Folio: F-07298.170

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

Variance to increase the maximum number of livestock on a parcel between 0.4 ha and 1.0 ha from 2 to 3;
Requests: to increase the maximum number of metal storage containers on from 0 to 2; and
to allow for a metal storage container to be sited between the front parcel line and the principal building.

Purpose:

This application is seeking variances to the regulations pertaining to the placement and siting of metal storage containers and the keeping of livestock that apply to the subject property.

Specifically, it is being proposed to:

- permit the placement of two (2) metal storage containers between the front parcel line and the principal building; and,
- increase the maximum number of livestock permitted to be kept on a parcel between 0.4 ha and 1.0 ha from two (2) to three (3).

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

- *Goats are much smaller and have far less impact than two full-sized horses or cows, which are already permitted under the bylaw. Allowing three goats instead of two does not change the overall character or intensity of use on the property and they do not cause a nuisance to any neighbours around us, in fact we have neighbours coming over with their small children to see the goats daily.*
- *The two storage containers on site are being used temporarily to store household belongings... the containers have provided a practical short-term solution which are airtight, leak proof, and secured from thieves. They are set well back from the road and are not obstructing views from the house to the roadway or neighbours houses.*

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- *I intend to apply for a building permit for a garage in the near future, which would provide permanent enclosed storage and allow the containers to be removed.*

Strategic Priorities: Operational

Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 31, 1982, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that a building permit for a Single Family Dwelling (1990) has previously been issued for this property.

Official Community Plan (OCP):

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), an objective of which is to support a range of uses on Small Holdings designated lands including rural residential, hobby farming, limited agriculture and other uses that fit within the rural character of the surrounding area, reduce conflict between rural residential and agricultural operations.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings West Bench (SH5) which allows for accessory buildings and agriculture as permitted accessory uses.

In 2022, as part of a “Metal Storage Container Review”, the Board adopted amendments which introduced new regulations respecting the placement and siting of metal storage containers.

These included regulations prohibiting the placement of metal storage containers within the zones that comprise the Greater West Bench (i.e., the Low Density Residential West Bench (RS5) and Small Holdings West Bench (SH5) Zones).

Section 6.6.1 of the Zoning Bylaw regulates the use of land for the keeping of livestock on parcels less than 2.0 ha in area and permits two (2) livestock on parcels between 0.4 ha and 1.0 ha in size.

Bylaw Enforcement:

The Regional District has received written complaints regarding the number of livestock on the subject property as well the number of metal storage containers.

Analysis:

As this application involves two (2) separate variance requests, they will be assessed individually below:

Metal Storage Containers:

The Zoning Bylaw’s prohibition on metal storage containers in the Small Holdings West Bench (SH5) zones is intended to avoid visual impacts in the community and to discourage the establishment of home industry type of uses.

While the Board has permitted metal storage containers to be placed in other areas zoned Small Holdings outside of the West Bench, these are restricted from being placed between a principal building and front parcel line due to similar aesthetic concerns.

Considering the current zoning prohibition on metal storage containers in the West Bench implemented by the Board, as well as the recency of this regulation, Administration does not support this aspect of the application.

In addition, it is noted that despite the proposed containers being partially screened from Forsyth Drive by a fence and existing vegetation (trees) on the subject property, they do remain visible from the street.

While the applicant has indicated that the containers are a temporary measure until a permanent solution can be constructed to help with storage (e.g., shop/garage), if the variance is granted the containers may remain on the property even after an accessory structure such as a garage is constructed in future.

Administration also notes that other options are available to the property under the Zoning Bylaw, such as submitting a building permit application for an accessory structure as this would allow for the placement of a metal storage container (for storage purposes) during construction. In addition, the option is available for the property owners to seek off-site self storage services.

Conversely, Administration recognizes that the containers have been sited in a way to try and minimize their visual impact and that the applicant has indicated they are a temporary measure that will be removed at some point in the future.

Administration also recognizes that a shipping container can be visually indistinguishable from a stick-built accessory structure, such as a garage or shed, if the garage or shed is designed and constructed in a similar manner (e.g. long and narrow, with a flat roof and corrugated steel siding).

Livestock:

The Zoning Bylaw's restrictions on the keeping of livestock largely intend to mitigate potential conflicts with surrounding residential uses while providing some flexibility to property owners to use their property for hobby farming purposes.

This is in recognition that livestock can create certain nuisances such as noise (e.g. a vocal goat can "bleat" persistently for a sustained period of time), odour (e.g. excrement and urine) and property damage (e.g. goats are agile climbers and may escape an enclosure and feed on surrounding vegetation, such as neighbourhood gardens).

By limiting the maximum number of livestock on a rural-residential property, these nuisances can be limited by the avoidance of overcrowding.

In this instance, however, it is recognized that the West Bench was historically developed as a small-scale agricultural area and has a long history of hobby farming (e.g. orchards and keeping of horses), which is why the OCP supports these uses in the SH5 Zone.

In this context and recognizing that most properties greater than 2.0 ha in area – which are common in the West Bench – are currently entitled to the keeping of two (2) livestock, an increase to three (3) livestock on the subject property is not seen to be unreasonable.

The addition of a third goat is also understood to not result in any alterations to the subject property (e.g. creation of new, or expansion of existing livestock shelters) that would alter streetscape, neighbourhood character or materially impact the amenity of adjoining parcels.

Conversely, Administration recognizes that the subject property is on the threshold of being entitled to keep any livestock (e.g. it is 0.4035 ha in area) and that there would be a stronger argument in favour of an additional livestock if the property was closer to 1.0 ha in area (being the land area required for a third animal).

Upholding the zoning regulation would be consistent and signal that the Regional District considers two (2) livestock to be a suitable number for properties in the West Bench.

Summary:

While Administration is generally supportive of the proposal to increase the number of livestock kept on the property, the proposal to site two metal storage containers on the property are not consistent with the Board's prohibition on metal storage containers in the West Bench.

For these reasons, Administration does not support the requested variances and is recommending denial.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variances 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.

Site Context:

The subject property is approximately 4,035 m² in area and is situated on the north side of Estates Place and the southwest side of Forsyth Drive, approximately 2 km west from the boundary with City of Penticton. The property is understood to contain one (1) single detached dwelling and multiple accessory buildings in the form of animal shelters and two (2) metal storage containers.

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

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 December 12, 2025. All comments received are included as a separate item on the Board's Agenda.

Alternative:

1. THAT Development Variance Permit No. F2025.032-DVP, to allow for three livestock to reside on the property and to have two metal storage containers between the front parcel line and the principal building at 1700 Estates Place, be approved.

Will a PowerPoint presentation be presented at the meeting? Yes

Respectfully submitted

Colin Martin

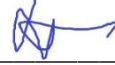
Colin Martin
Planner I

Endorsed by:



C. Garrish
Senior Manager of Planning

Endorsed by:

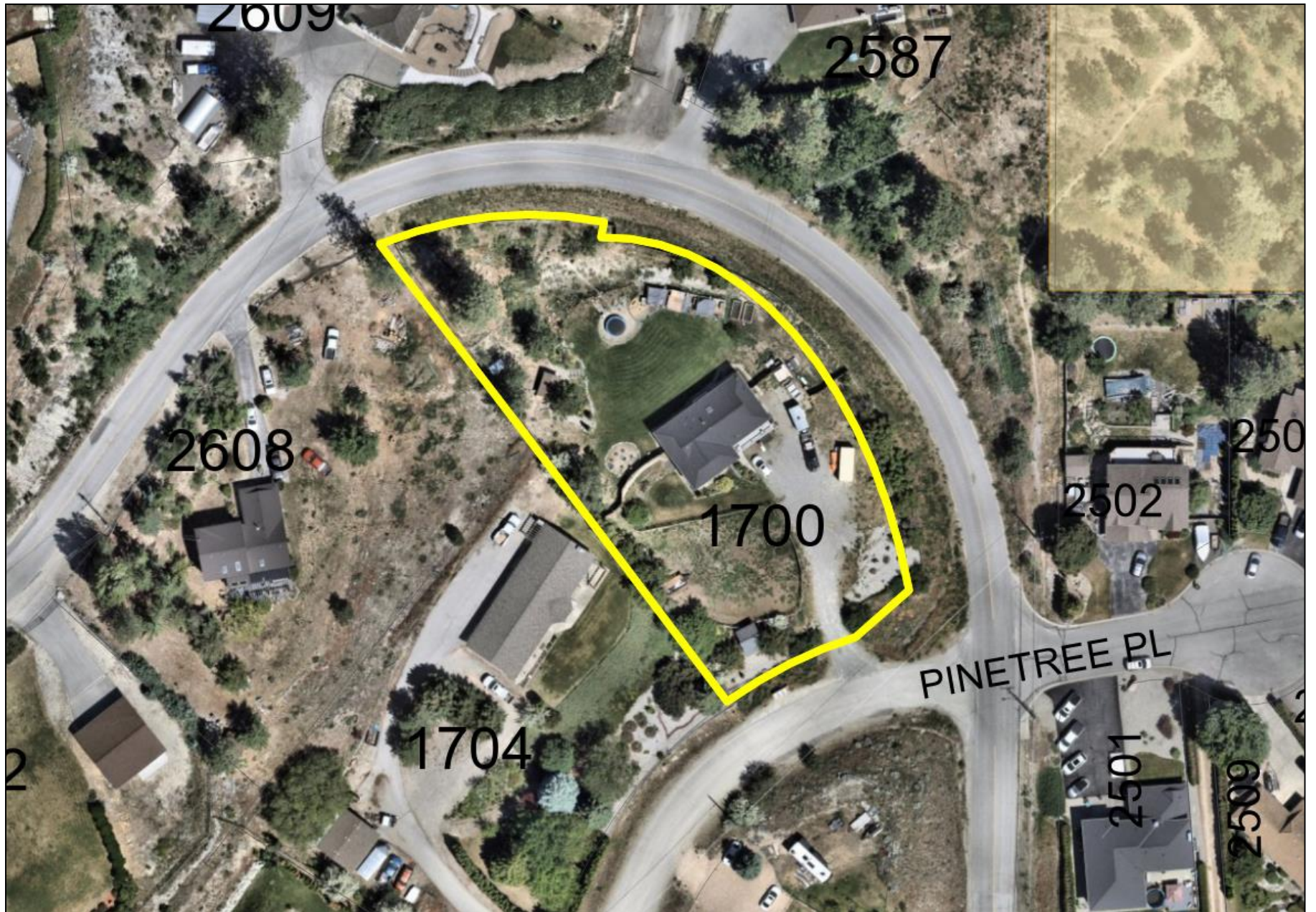


A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Aerial Photo

No. 2 – Applicant's Site Photo

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Applicant's Site Photo

