

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT



DATE: September 2, 2026
TO: Ben Kent, Acting Senior Manager of Planning
FROM: Shannon Duong, Planner II
RE: Development Variance Permit (DVP) — Electoral Area “H”

FILE NO.: H2026.010-DVP

Owner: Crown Provincial (Province of B.C.) Agent: Sean Roche Folio: H-02314.000
Civic: 118 Lyric Lane Legal: Block A, District Lot 2547, KDYD, & Containing 0.073 HA
for Cabin Site on Headwater Lake, Lease/Permit/License #347872

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to construct an addition onto an existing seasonal cabin.

Specifically, it is being proposed to vary the front parcel line setback from 4.5 metres to 3.2 metres.

In support of this request, the applicant has stated that

- *Due to the shape of the parcel of land, only one corner of the proposed addition would need this variance.*
- *Addition would include a second floor, total of 3 bedrooms, storage + a common area.*
- *The proposed variance will not impact the surrounding neighbourhood. That is unsurveyed Crown land.*
- *Expanding the space for family, an addition onto the existing structure no septic on the property, no septic on the property, no other space available.*

Site Context:

The subject property is approximately 733 m² in area and is situated on the south side of Lyric Lane, approximately 20 km northwest from the boundaries of the District of Summerland and approximately 51 km northeast from the boundaries of the Town of Princeton. The property is understood to contain a seasonal cabin and two accessory structures (i.e., an outhouse and a shed).

BC Assessment has classified the property as “Residential” (Class 01), and the surrounding pattern of development is generally characterised by similar lease lots used for recreational purposes (i.e. “cabins”) and undeveloped Crown land.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 21, 1985, while available Regional District records indicate that no building permits have 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 Resource Area (RA), and is the subject of a Watercourse

Development Permit (WDP) designation. Despite this, a WDP is not required for development on Crown land.

Under the Electoral Area “H” Zoning Bylaw No. 3065, 2024, the property is currently zoned Watershed Resource Area Site Specific (WRAs) which lists “seasonal cabin” as a permitted principal use on the subject property.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Headwater Lakes. As such, any site development within the designated floodplain is subject to the setback, flood construction level and other development-related requirements set out under Section 10 of the Zoning Bylaw.

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 July 15, 2026, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 7, 2026, being 15 working days from the date of notification, two (2) representations had 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 29% reduction in the front parcel line setback 4.5 metres to 3.2 metres is minor due to the relatively small difference in setback reduction from the existing regulation.

With regard to the proximity of the proposed dwelling addition to neighbouring properties, the nearest parcel line is approximately 5.1 metres to the west. Further, the only neighbouring seasonal cabin is approximately 18 metres west of the proposed addition and, accordingly, would likely result in little to no adverse impacts to the neighbouring parcel. As such, the requested variance is seen to be minor.

With regard to the final criteria and the character of development in the vicinity of the subject property, the siting of a building within the front parcel line setback appears to be common in the immediate vicinity area, though encroaching buildings generally appear to be accessory buildings/structures.

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.*

With regard to the first guideline, Administration notes that the Zoning Bylaw’s use of setback regulations are generally used to maintain a minimum space between buildings to allow access to sunlight, to provide separation for fire safety, protect privacy, or to mitigate nuisances (like noise) that might come from an adjacent building. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

In remote areas, such as Headwater Lakes, setbacks can also be used to preserve the “wilderness character” of the lands by limiting visual impacts of development by maintaining a buffer of undeveloped lands.

In this case, it is understood that the requested variance would facilitate the expansion of an existing seasonal cabin and that only a small portion of the addition would infringe within the front parcel line setback.

Additionally, due to its remote location, Lyric Lane (bordering the subject parcel to the north) likely sees minimal motor vehicle traffic beyond providing access to other lease lot users, as well as for providing back-country access to the west. It is also noted that Lyric Lane is situated at a higher elevation than the subject property, which may reduce the visibility of the building from the roadway.

Given that the variance would facilitate the expansion of a permitted use within the WRAs Zone and in consideration of factors noted above, the proposal is seen to be consistent with the intent of the zone and is unlikely to diminish the “wilderness character” of the area or impede traffic sightlines.

With regards to the second guideline, Administration notes that there are several factors which impact development of the property. Specifically, the property has topographical limitations (i.e., the property slopes downward towards the lake) and contains an informal access driveway which appears to be used to access various properties along Lyric Lane. Additionally, due to proximity to Headwater Lakes, development is subject to floodplain regulations which restrict the siting of habitable area

within the associated floodplain. As such, the proposed variance is seen to address both physical and legal constraints that limit development of the property.

With regard to the third guideline, although development of Crown lands does not require the issuance of a WDP, siting of development away from riparian areas is beneficial as it relates to protection of the associated Streamside Protection and Enhancement Area (SPEA) and that the OCP supports setback variances for "...small lots in order to reduce impacts and preserve the SPEA". Accordingly, and given that only a small portion of the proposed addition would infringe on the front parcel line setback, strict compliance with the zoning regulation is seen to be both unnecessary and unreasonable.

With a respect to the fourth guideline, Administration notes that the siting of buildings and structures within a front parcel line setback area appears to be fairly common on parcels in the immediate vicinity. Additionally, the elevation difference from Lyric Lane would likely limit negative visual impacts anticipated to be visible from the road. As such, the proposed variance is unlikely to negatively impact the character of the established streetscape.

Summary:

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

Recommendation:

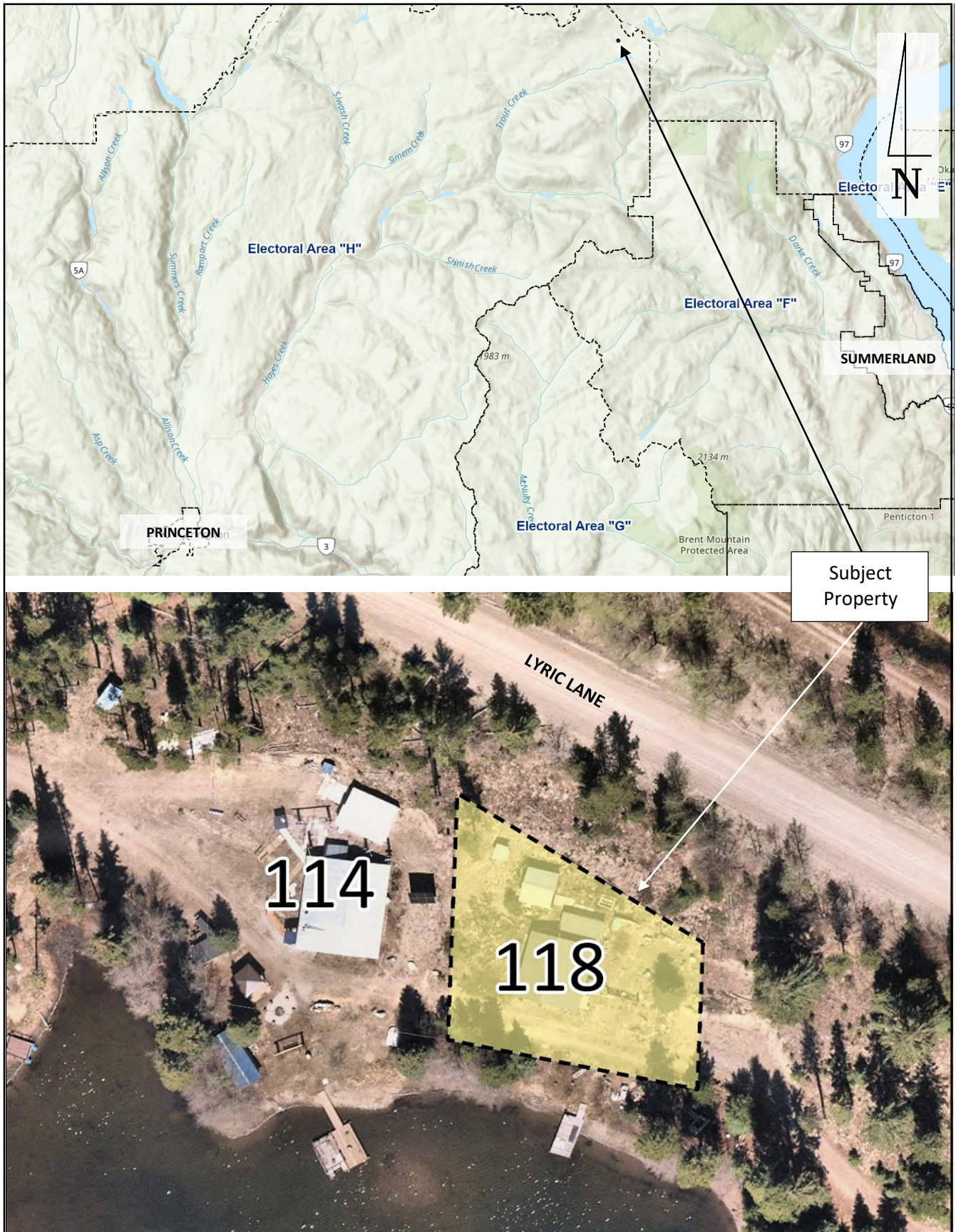
THAT Development Variance Permit No. H2026.010-DVP, to allow for the construction of an addition to seasonal cabin at 118 Lyric Lane, be approved.

Respectfully submitted:

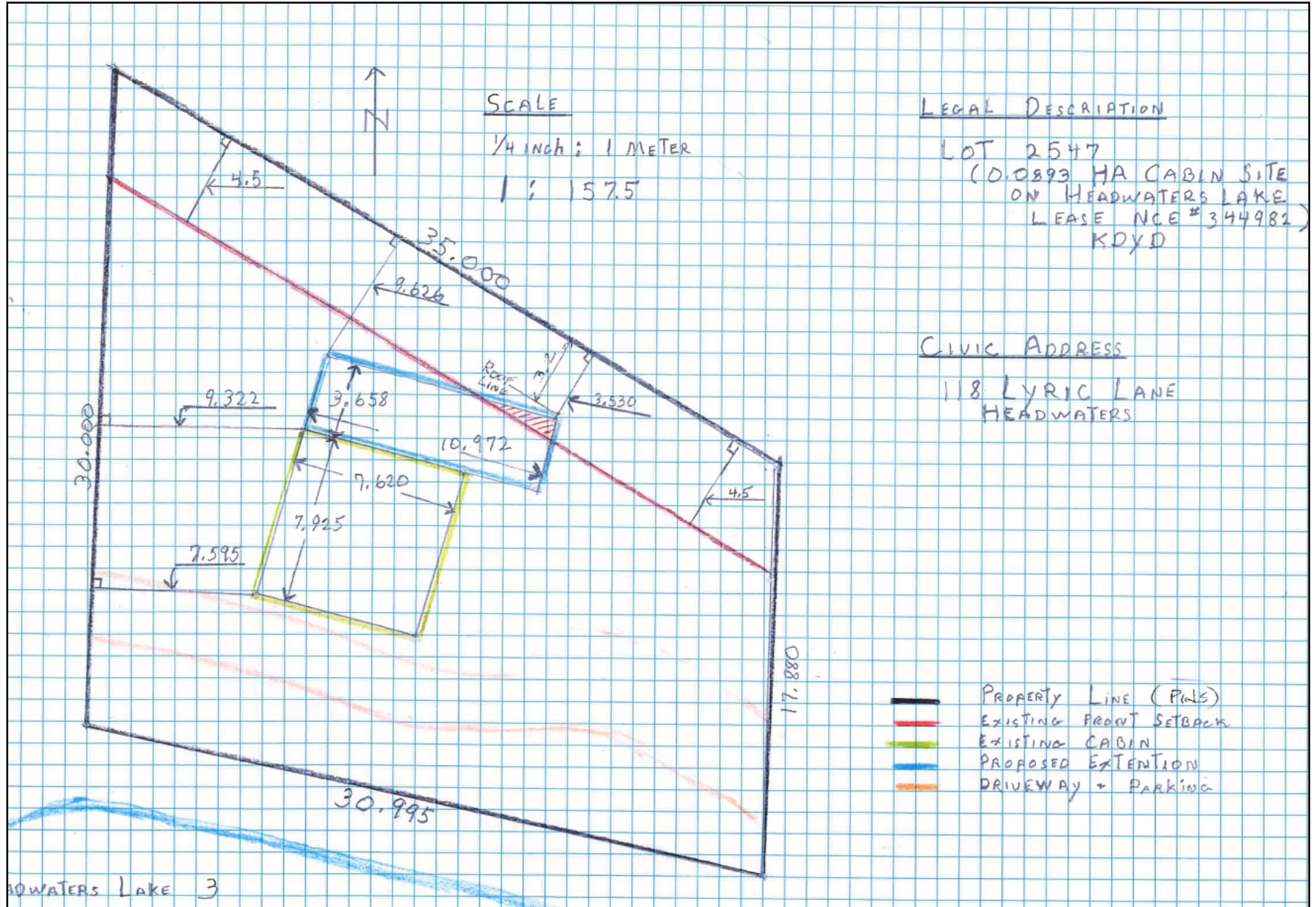
Shannon Duong
Shannon Duong, Planner II

Attachments: No. 1 — Context Maps
 No. 2 — Applicant's Site Plan
 No. 3 — Aerial Imagery (Nearmap – 2023)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Aerial Imagery (Nearmap – 2023)

