

# ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** June 19, 2025

**RE:** Development Variance Permit Application — Electoral Area “I” (I2025.011-DVP)

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## Administrative Recommendation:

THAT Development Variance Permit No. I2025.011-DVP, to allow for the construction of an addition to an existing single detached dwelling at 119 3<sup>rd</sup> Street, Kaleden, be approved.

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Legal: Lot 3, Plan KAP32958, District Lot 105S, SDYD Folio: I-01471.030

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Requests: To reduce the minimum rear parcel line setback from 7.5 metres to 0.59 metres.

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## Proposed Development:

This application is seeking a variance to the rear parcel line setback that applies to the subject property in order to undertake the construction of an addition to an existing single detached dwelling. Specifically, it is being proposed to vary the rear parcel line setback from 7.5 metres to 0.59 metres.

In support of this request, the applicant has stated that “... to minimize the impact on the existing surrounding area, walk and driveway and retaining walls, the new deck extension is planned fully into the Rear Parcel Line’s setback area. Locating the new deck extension outside of the Rear Parcel Line’s setback would not allow the deck being close to the kitchen area because the existing kitchen is already located in the Rear Parcel Line’s setback area.”

## Site Context:

The subject property is approximately 1,063 m<sup>2</sup> in area and is situated on the southeast of 3<sup>rd</sup> Street, approximately 7.1 km south from the boundary of the City of Penticton. The property is understood to contain one (1) singled detach dwelling and an accessory building.

The surrounding pattern of development is generally characterised by similar 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 February 19, 1982, while available Regional District records indicate that a building permit for a single detached dwelling (1986) has been previously issued for this property.

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Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR) and is not subject to any Development Permit Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which lists single detached dwelling as a permitted principal use.

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 June 9, 2025. All comments received are included as a separate item on the Board’s agenda.

**Analysis:**

In considering the proposed development, Administration notes that when considering setback regulations, they are generally seen to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

Similarly, minimum setbacks from parcel lines are usually 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.

However, there is steep topography observed between the subject property and the adjacent property (to the southwest) unto which the proposed addition would face. This difference in grade reduces the impact that would be experienced by the neighbouring property owner, and should the proposed development be approved, it would be the proponent who would be more likely to experience the effects from reduced privacy as the adjacent property overlooks the subject property.

Further, the difference in grade across the surrounding neighbourhood, - and relative height of the proposed addition, all but minimizes the potential effects of overshadowing or perceived overcrowding that could be experienced by surrounding properties. The location of the addition, and its relatively close proximity to the interior side parcel line setback has been deemed compliant against the B.C. Building Code.

As a final point, the panhandle shape of the subject lot also reduces impacts on the surrounding neighbourhood character, as the proposed development would not be substantively visible from either 3<sup>rd</sup> Street or Oak Avenue.

**Alternative:**

Conversely, where a proposed addition involves a relaxation to any aspect of the zoning bylaw, it is generally recommended that applicants consider alternative designs that would allow for an expansion of the structure’s footprint to occur while not encroaching into required setbacks.

In this case, it is recognized that there is ample space in both the front and rear portions of the dwelling for an addition of similarly size as the one proposed, that would not intrude into the parcel line setbacks.

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**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 Development Variance Permit No. 2025.011-DVP be denied.

Will a PowerPoint presentation be presented at the meeting? No

**Respectfully submitted**

Jerritt Cloney  
Jerritt Cloney  
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

Attachment No. 1 – Aerial Photo





Attachment No. 2 – Site Photo

