

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** March 19, 2026  
**RE:** Development Variance Permit Application — Electoral Area “I” (I2025.033-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. I2025.033-DVP, to allow for the construction of an addition to the single detached dwelling at 287 Creekview Road, be approved.**

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Legal: Lot 13, Plan KAP83847, District Lot 395S, SDYD Folio: I-02807.924

OCP: Low Density Residential (LR) Zone: Low Density Residential Apex (RS4)

Variance Request: to reduce the minimum rear parcel line setback from 7.5 metres to 2.42 metres.

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## Alternatives:

1. THAT Development Variance Permit No. I2025.033-DVP, to allow for the construction of an addition to the single detached dwelling at 287 Creekview Road, be denied.

## Purpose:

This application is seeking a variance to the rear parcel line setback that applies to the subject property in order to formalize an addition to the dwelling that is to comprise a deck and lower floor addition.

Specifically, it is being proposed to reduce the rear parcel line setback from 7.5 metres to 2.42 metres.

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

- This variance addresses a statutory right-of-way (SRW).
- Strict compliance with zoning is not unreasonable as other neighboring properties have sheds/structures in place.
- The proposed variance will not impact the streetscape or neighborhood as this is the rear of the property with no neighboring properties behind.
- The reason for the variance is due to a mismeasurement when the survey was done the property pins were offset and the construction workers measured from the offsets instead of the property pins.

**Strategic Priorities:** Operational

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**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 17, 2007, available Regional District records indicate that a building permit for a single detached dwelling (2022) has been issued for this property, and BC Assessment has classified the property as “Residential” (Class 01).

**Official Community Plan (OCP):**

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the WDP Area Guidelines, the Regional District “encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.”

**Zoning Bylaw:**

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Apex (RS4) which includes single detached dwellings as a permitted principal use and establishes a rear parcel line setback of 7.5 metres.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is not within a mapped floodplain; however, it is noted that there is a watercourse behind the property. Floodplain regulations may need to be considered during building permitting stage.

**Enforcement:**

One November 25, 2025, a Stop Work Notice was issued to the subject property in relation to the subject deck and building addition.

**Analysis:**

In considering this proposal, Administration notes that 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 other situations, when development is within a Watercourse Development Permit (WDP) Area, setbacks are used to ensure that development does not adversely impact any riparian values. This is why the Regional District generally encourages variances to parcel line setbacks in order to reduce intrusions into an identified Streamside Protection and Enhancement Area (SPEA).

In this instance, the adjacent parcel to the rear is Crown land that is unlikely to ever be developed due to the presence of a watercourse, which suggests that a reduced rear setback on the subject property is unlikely to adversely impact future, adjacent developments.

The proposed addition is also consistent with the zoning of the property for residential uses and an incursion into the rear setback is unlikely to affect the Creekview Road streetscape as it will generally not be visible from the road.

Further, development within the rear parcel line setback is not uncommon as a near by dwelling was previously granted a setback variance in order to be developed to within 1.2 metres of the rear parcel

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lines. (NOTE: this property was seen to be impacted by an irregular parcel shape and topographical constraints)

Finally, the RS4 Zone allows for a parcel coverage of 45% (which is greater than other comparable low density residential zones) and the proposed deck and addition will not exceed this amount – which may address some of the concerns around the parcel being over-developed.

Alternative:

Conversely, it is recognized that a variance seeking to allow development to encroach into a WDP Area is seen to run at counter-purposes to current Board policy and, in light of these environmental considerations, Administration is concerned that the current proposal may represent an over-development of the parcel.

It is also noted that authorized development within the rear setback on this section of Creekview Road is generally uncommon, with the exception of the property at 255 Creekview Road which was issued a DVP in 2016 due to the irregular shape and topography of the parcel.

With regard to the subject property, it is seen to comprise a typical parcel shape with a developable area outside of any steep slopes. While there are two (2) statutory right-of-ways (SRW) registered on title, the SRW that runs parallel to the rear property line is entirely within the rear parcel line setback and does not result in an additional imposition.

Administration is also aware that parcel line setbacks at Apex were increased in 2020 in order to provide additional space for snow shedding, storage and vehicle parking – and that this resulted in revisions to the rear parcel line setbacks applied at Apex.

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(s) 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 798 m<sup>2</sup> in area and is situated on the north side of Creekside Road, at Apex Mountain, approximately 24 km west from the boundary with the City of Penticton. The property is understood to contain one (1) single detached dwelling.

The surrounding pattern of development is generally characterised by similar low density residential development and some medium density 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

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Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on January 27, 2026. All comments received are included as a separate item on the Board's Agenda.

Will a PowerPoint presentation be presented at the meeting?    Yes

**Respectfully submitted**

Colin Martin  
Colin Martin  
Planner I

**Endorsed by:**

  
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C. Garrish  
Senior Manager of Planning

**Endorsed by:**

Allen Fillion  
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A. Fillion  
Managing Director, Dev. & Infrastructure

- Attachments: No. 1 – Aerial Photo  
                  No. 2 – Site Photo  
                  No. 3 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo

Dwelling addition and deck under construction



Attachment No. 3 – Site Photo (Google Streetview)

