

PROPERTY DESCRIPTION:

Civic address: 260 Alder Ave, Kaleden

Legal Description (e.g. Lot, Plan No. and District Lot):

Lot 1, Plan EPP109600, District Lot 105S, SDYD

Current land use: no structures or utilities, removal/demolition of a modular home and concrete slabs in 2021

Surrounding land uses: East is Skaha Lake, north and south are single family residences, west are vacant lots and the KVR trail

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

Zoning Bylaw: No. 2800 (2022), Electoral Area I

Section No.: 16.2.5(a)(i) (RS2 Minimum Setbacks)

Current regulation: Front Parcel Setback 7.5m to a building

Proposed variance: Front Parcel Setback 4.5m to a building

Section No.:

Current regulation:

Proposed variance:

DEVELOPMENT INFORMATION:

Please provide a general description of the proposed development:
(e.g. "to allow for an addition over an existing garage")

To allow for construction of a single family residence on a small lakeshore lot in Kaleden that is constrained by environmental setbacks from the Riparian Areas Protection Regulation (RAPR).

SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *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.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

260 Alder Ave, Kaleden is constrained by the Riparian Areas Protection Regulation (RAPR) with only 17.7% of the parcel (19.8m²) available for development after riparian setbacks. An application for hardship under the RAPR was made to the Province by Karen Grainger RPBio (assessment #8596) and was approved on July 4 2024. Following the RAPR legislation, the development is within the maximum allowable footprint of 40% (316m²) including structures, septic and driveways/walkways). The RAPR directs developers to seek variances to enable development to be moved as far as possible from a waterbody; in this case the available variance is to reduce the Front Setback from 7.5m to a building to 4.5m to a building.

The property is currently bare. The previous structure was removed in 2021. In 2024, a riparian assessment was submitted to the Province with a design that included a front setback reduction from 7.5m to 4.5m. A DVP was obtained at that time but has expired. A WDP was not applied for in 2024 despite the approved Riparian Assessment. According to Section 7 of the RAPR, An assessment report received by a local government expires on the date that is 5 years after the date on which a copy of the report was provided under section 6 (2) (a) to the local government.

The new owner, Glen Coutts, is requiring a DVP (and WDP) in order to construct within the footprint that was approved by the Province in 2024.

At 260 Alder Ave, Kaleden, neighboring properties are also small lakeshore lots of which several appear to have Front Setback variances. The property is near the end of Alder Ave which is not a through road and receives little traffic.