MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT

DATE: November 17, 2026 **FILE NO.:** I2026.027-DVP

TO: Christopher Garrish, Senior Manager of Planning

FROM: Jerritt Cloney, Planner I

RE: Development Variance Permit (DVP) — Electoral Area "I"

Owner: Glen Coutts Agent: Karen Grainger Folio: I-01541.001

Civic: 260 Alder Avenue Legal: Lot 1, Plan EPP109600, District Lot 105S, SDYD

Proposed Development:

This application is seeking a variance to the front parcel line setback that applies to the subject property in order to undertake the construction of a single detached dwelling.

Specifically, it is being proposed to vary the front parcel line setback from 7.5 metres to 4.5 metres.

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

> *260 Alder Ave, Kaleden is constrained by the Riparian Areas Protection Regulation (RAPR) with only 17.7% of the parcel (19.8m^2) 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.*

Site Context:

The subject property is approximately 790m^2 in area and is situated on the north side of Alder Avenue, approximately 4.8 km from Okanagan Falls. The property is understood to be undeveloped.

The surrounding pattern of development is generally characterised by small lot residential developments.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 13, 2019, while available Regional District records indicate that a demolition permit was previously issued for the removal of 2 modular trailers and a shed (2021). BC Assessment has classified the property as "Residential" (Class 01).

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 the subject of a Watercourse Development Permit (WDP) and Important Ecosystem Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which include a minimum from parcel line setback of 7.5 metres for all principal buildings and structures.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the Okanagan Lake, and no structural support for a habitable area, or fill required to support a habitable area, may be placed on land within a floodplain setback area under Section 10.2 of 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 October 21, 2026 and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of November 12, 2026, being 15 working days from the date of notification, approximately one (1) positive representation and zero (0) negative representations have 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 40% reduction in the front parcel line setback for a single detached dwelling is not minor, due to the relative difference in setback reduction from the existing regulation.

With regard to the proximity of the proposed dwelling to neighbouring properties, the nearest parcel line is approximately 1.5 metres to the north. As this development meets the Zoning Bylaw's current

interior parcel line setback for a principal building or structure (i.e. 1.5 metres), the requested variance is seen to be minor and unlikely to adversely impact the use of adjacent properties.

With regard to the final criteria and the character of development in the vicinity of the subject property, the placement of single detached dwellings within front parcel line setback areas is common in this area, particularly where, similar to the subject lot, nearby lots are seen to also abut Okanagan Lake, and resultingly, the developable areas on such parcels is limited by the presence of Streamside Protection Enhancement Areas.

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.*

In this instance, and with regard to the first guideline, 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.

Minimum setbacks from parcel lines are 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.

Specific to the proposed development, the proposed variance is intended to facilitate the construction of a single detached dwelling, which is consistent with the residential nature of the RS2 zone.

With regard to the second guideline, the subject property is noted as abutting Skaha Lake, which results in development limitations resulting from the presence of a regulated floodplain and a watercourse development permit area.

In response to these limitations, the proposed development includes siting the proposed single-family dwelling to the front of the property, which is at a higher geodetic elevation, and may mitigate the risk of potential flooding by siting the dwelling at a higher, as well as reduce the environmental degradation of the riparian area by siting the dwelling further from the lake.

With regard to the third guideline, Administration notes that while strict compliance with the bylaw may not be unnecessary, the Electoral Area "I" OCP does encourage the reduction of zoning setbacks

on existing small lots in order to reduce impacts and preserve the Streamside Protection and Enhancement Area (SPEA).

With regard to the fourth guideline, the existing pattern of development in this area includes several properties abutting the waterfront, which carries similar development limitations (i.e. floodplain and Watercourse Development Permit Areas).

As a result of the previous development in this area, the proposed development is seen to be consistent with the character of the surrounding neighbourhood, and would not result in undue impacts to the existing streetscape.

Summary:

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

Recommendation:

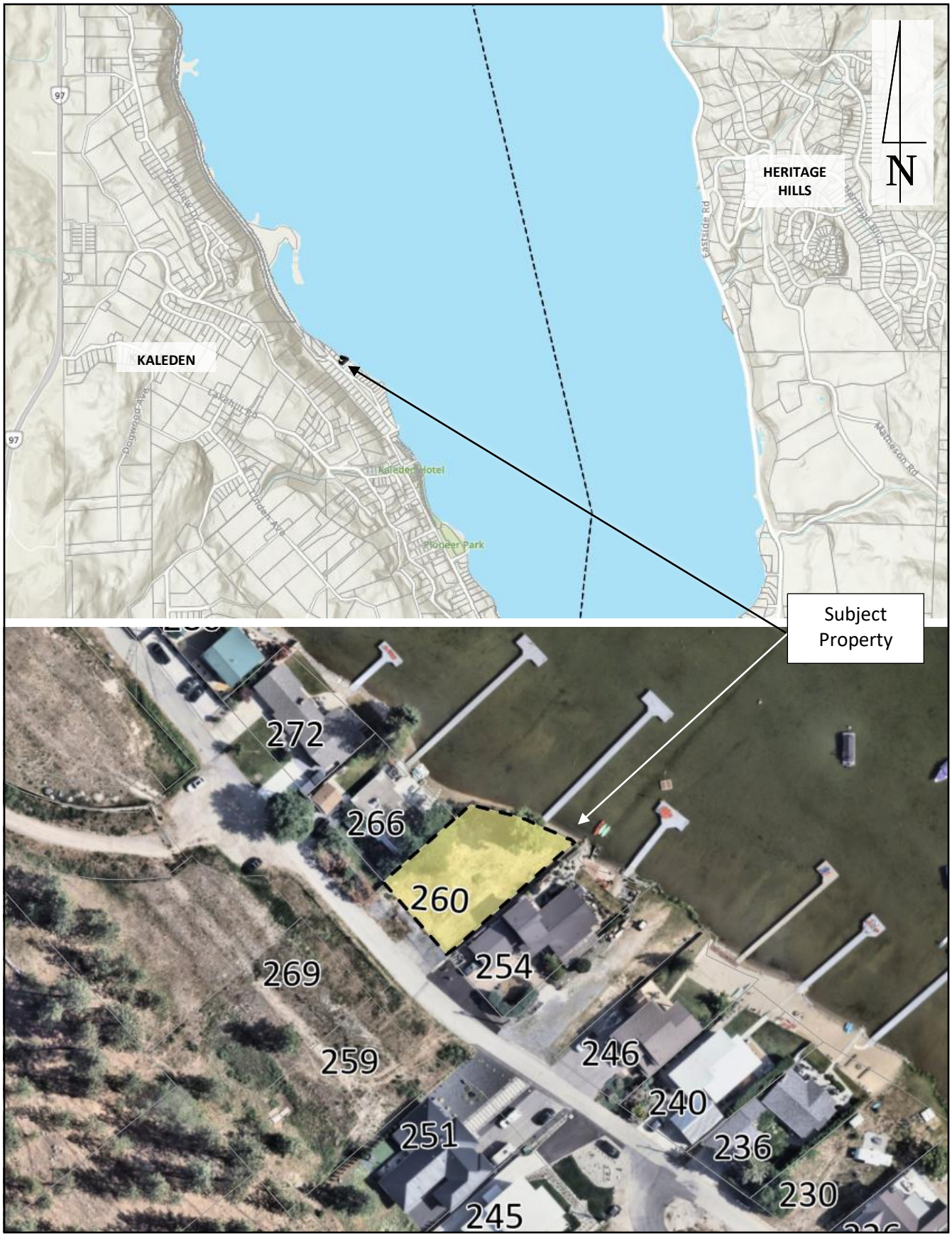
THAT Development Variance Permit No. I2026.027-DVP, to allow for the construction of a single detached dwelling at 260 Alder Avenue, be approved.

Respectfully submitted:

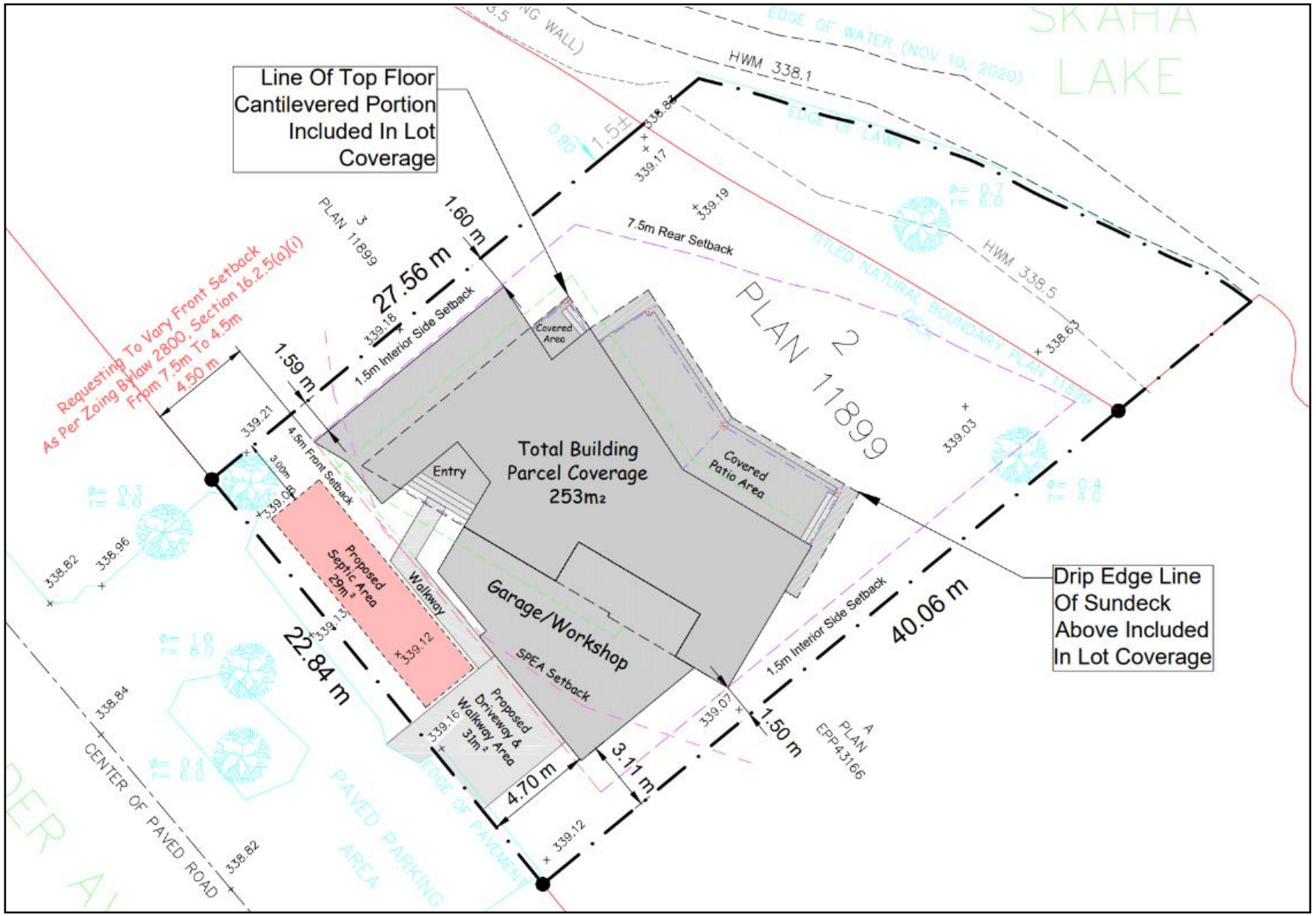
*Jerritt Cloney*_____
Jerritt Cloney

Attachments: No. 1 — Context Maps
No. 2 — Applicant's Site Plan
No. 3 —Aerial Imagery (Nearmap – 2026)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Aerial Imagery (Nearmap – 2026)

