

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: September 24, 2026

RE: Development Variance Permit Application — Electoral Area “F” (F2026.020-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. F2026.020-DVP, to allow for the construction of an accessory building at 1603 Duchess Drive, be denied.

Alternative:

1. THAT Development Variance Permit No. F2026.020-DVP, to allow for the construction of an accessory building at 1603 Duchess Drive, be approved.
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Legal: Lot A, Plan KAP29316, District Lot 5076, SDYD Folio: F-07385.005

OCP: Small Holdings (SH) Zone: Small Holdings Five (SH5)

Variance to reduce the minimum front parcel line setback from 9.0 metres to 4.3 metres; and

Requests: to increase the maximum building height from 4.5 metres to 7.8 metres.

Purpose:

This application is seeking a variance to the reduce the front parcel line setback for and increase the maximum height allowance for an accessory building that applies to the subject property in order to undertake the construction of a garage.

Specifically, it is being proposed to increase the maximum height from 4.5 metres to 7.8 metres.

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

- *Where we would like to build the garage is set back from the road front. The cul-de-sac ends much before the start of the garage corner.*
- *All access will be coming off our property and no [right-of-way] is needed.*
- *We are well under 35% lot coverage, and this location is the only place to build due to maintaining truck access to the backyard for septic repairs and pump outs.*
- *Our building height will not interfere with any other structures or properties views.*
- *We understand that if we attach to [the] current house, we can build higher but would like to keep it non-attached due to [the] different roof line and to maintain walk access to the side yard in the back.*

Strategic Priorities: Operational

Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 5, 1978, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that a building permit(s) for a single detached dwelling (1978) and swimming pool (1988).

Official Community Plan (OCP) Bylaw:

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and is shown as being in the “High Constraint Zone” for geotechnical hazards under Schedule ‘D’ (Hazard Lands – Geotechnical).

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings Five (SH5) which establishes a maximum height of 4.5 metres for accessory buildings.

Accessory Building Heights – West Bench:

In 2018, resident concerns about the number of over-sized garages and workshops being constructed in West Bench prompted a review of accessory building height regulations and accordingly, accessory building heights were restricted to the 4.5 metres currently found in the zoning bylaw.

More recently (2024), a variance request related to an accessory structure in the West Bench with a proposed height of 5.74 metres is understood by Administration to have prompted the inclusion of an “Small Holdings West Bench (SH5) Zone Review (“accessory structures”)” as a project on the Board’s 2025 Strategic Plan.

While this project was subsequently removed from the Strategic Plan in 2026, it is understood that the intent was to review and update the policy direction contained within the Electoral Area “F” OCP in relation to the built form of accessory structures in the West Bench (e.g. maximum height) with possible supporting amendments to the zoning bylaw.

Analysis:

In considering this proposal, Administration notes that regulating the height of accessory structures through a zoning bylaw is done to ensure that a building remains secondary or incidental in use and form, and a lower height allowance reinforces the visual and functional hierarchy, allowing a principal building to remain dominant on a parcel.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Finally, in residential zones a large accessory structure *may* be associated with an un-permitted use (e.g. accessory dwelling or home industry), and zoning regulations limiting size can discourage such conversions by making lower roof allowances less feasible for such uses.

In this instance, it is Administration’s understanding that a principal concern regarding accessory structures in the West Bench community over the past decade has been a perceived incremental

encroachment of commercial and industrial uses relocating from within the City of Penticton (or elsewhere) to a rural-residential community and the resultant loss of neighbourhood character.

For these reasons, Administration considers the height limitation for accessory buildings to be an important tool in maintaining the intended scale of development and protecting the established residential character of the West Bench community.

Permitting an over-height accessory structure may inadvertently facilitate uses that are more characteristic of commercial or industrial operations, as larger buildings can provide the scale and functionality needed to accommodate equipment storage, workshops, or other business-related activities. Similarly, they may encourage the use of the space for the purposes of an accessory dwelling (e.g. “carriage house”) above the garage.

While the applicant *may* not have an intention of use the building in this way, the average lifespan of the proposed structure may be in the range of 40-60 years and could appeal to future owners seeking to conduct un-permitted uses from the property.

Administration also notes that approval of a variances to increase the permitted height of an accessory structure may create expectations within the community that similar requests will be supported in future. While each application must be evaluated on its own merits, repeated approvals of variances from established regulations can, over time, erode the effectiveness of the bylaw and contribute to incremental changes in the scale and form of accessory structures.

Further, where an accessory building approaches or exceed the scale of the principal dwelling, the distinction between primary and secondary structures can become less apparent and this can alter the visual hierarchy of development on a parcel and contribute to a built form that is not consistent with the typical pattern of residential development within the surrounding West Bench area.

In this instance, over-height accessory structures are not seen to be common within the vicinity of Duchess Drive and its location in near proximity to the road frontage (which forms a cul-de-sac at this part of Duchess Drive) will be visually prominent and does not appear to present a high-quality architectural design on the street-facing façade (see draft permit schedules).

Finally, other options *may* be available to the applicant such as reducing the height and size of the structure to comply with the zoning regulation (e.g. by constructing two separate smaller structures on the property) or attaching it to the principal dwelling in order to take advantage of the greater height allowance for these structures.

Alternative:

Conversely, Administration recognises that the property is subjected to some minor topographical constraints due to a slope at the southwest corner of property. The presence of a septic field at the southeast of the lot also limits the ability to construct in that location.

In addition, a taller structure allows a workshop, storage, or permitted home occupation space to be stacked vertically, which may be seen as preserving more open space and permeable surface area, which is an important consideration in the West Bench due to geotechnical considerations.

Summary:

For these reasons, Administration does not support the requested variances and is recommending denial.

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 2,035 m² in area and is situated on the south side of Duchess Drive, approximately 1.0 km northwest from the boundary with the City of Penticton. The property is understood to contain one (1) singled detached dwelling and accessory building.

The surrounding pattern of development is generally characterised by rural-residential development.

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 August 10, 2026, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 10, 2026, being 15 working days from the date of notification, approximately two (2) representations have been received electronically or by submission at the Regional District office.

Will a PowerPoint presentation be presented at the meeting? No

Respectfully submitted

Colin Martin
Colin Martin
Planner I

Endorsed by:



C. Garrish
Senior Manager of Planning

Endorsed by:

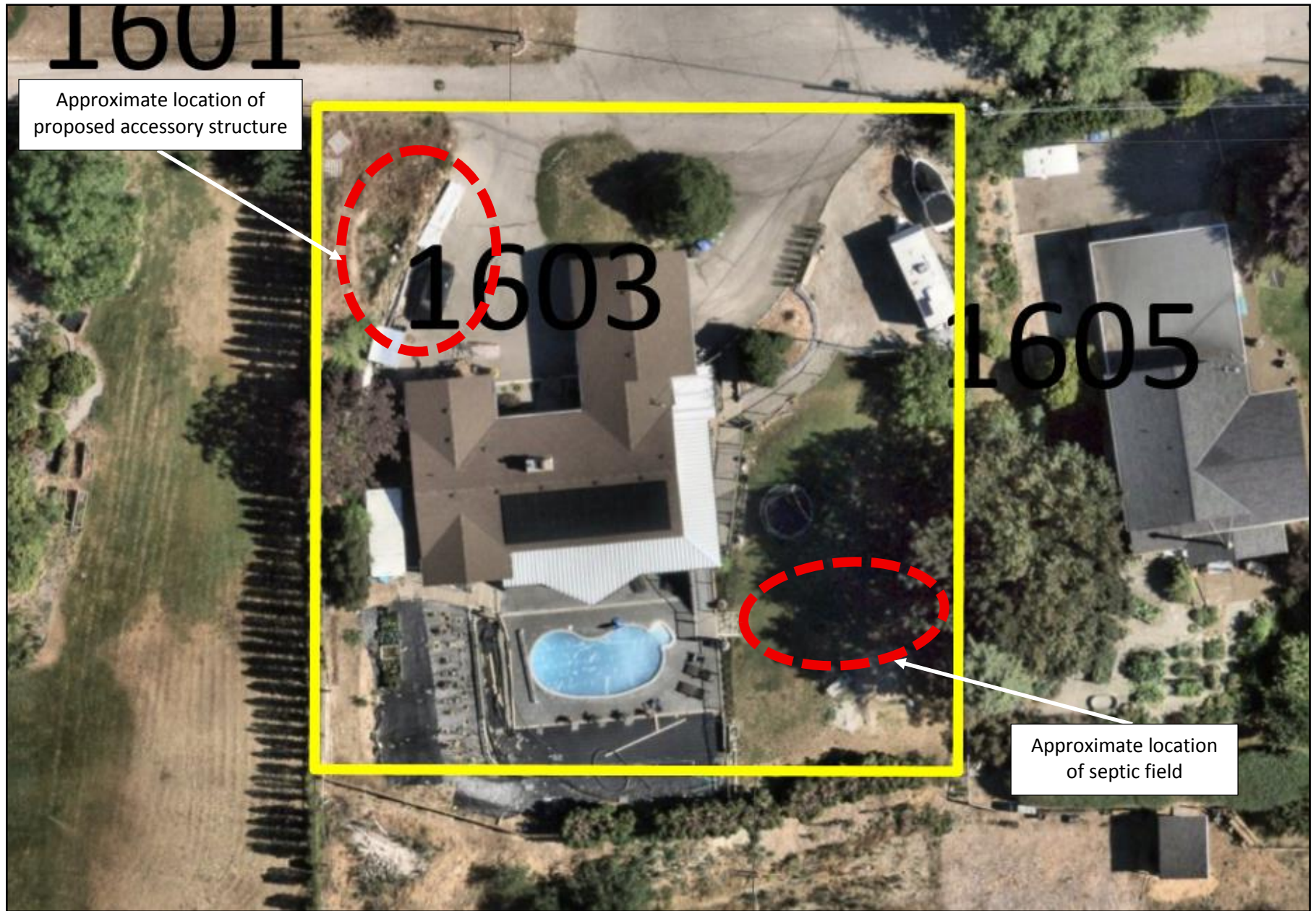
Allen Fillion

A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)

