

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: J. Zaffino, Chief Administrative Officer
DATE: April 13, 2026
RE: Development Variance Permit Application — Electoral Area “F”

Purpose: To allow for the construction of an accessory building (garage and shop).

Civic: 1805 Sparton Drive

Legal: Lot 149, Plan KAP8166, District Lot 5076, ODYD

Folio: F-07446.000

Zone: Small Holdings West Bench (SH5)

Variance Requests: to reduce the increase the maximum height for an accessory building form 4.5 metres to 6.72 metres.

Proposed Development:

This application is seeking a variance to the maximum height for an accessory building or structure that applies to the subject property in order to undertake the construction of a garage with a workshop on the second floor.

Specifically, it is being proposed to increase the maximum height for an accessory building or structure in the Small Holdings West Bench Zone from 4.5 metres to 6.72 metres.

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

- *I am limited to the locations on my property that I can build an accessory building.*
- *The geotechnical engineer was confident that the location was suitable, and the bearing capacity could be met.*
- *I was looking at a two-story building so that it could house my trailers in the basement to keep the property tidy, and the top floor could be used as my workshop. We also investigated and rejected a single story structure.*
- *Our proposed East bank of the depression location provides ... several advantages.*

Site Context:

The subject property is approximately 6,690 m² in area and is situated on the east side of Sparton Drive, approximately 500 metres west from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling.

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 March 14, 1957, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH) and is the subject of no Development Permit Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings West Bench (SH5) which permits accessory building or structure, subject to Section 7.1, and Section 15.5.6(b) limits accessory buildings or structures to a maximum height of 4.5 metres.

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 of this project was to review and update the policy direction contained within the Electoral Area “F” in relation to the build 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 unpermitted use (e.g. accessory dwelling or home industry), and zoning regulations limiting size can discourage such conversions by making upper floors or lower roof clearances less feasible for such uses.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon adjoining 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, what is 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.

While the applicant may not have an intention of use the structure in this way, the average life-span of the proposed structure may be in the range of 40-60 years and could appeal to future owners seeking to conduct non-residential 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 development.

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.

While the structure will be partially obscured from the road by being built into the slope, due to the properties elevation and proximity to highway 97 it is possible that the structure could be visible from the highway.

Finally, other options are seen to 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).

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 and to create a single story structure.

There are a limited number of properties in the area that may have garages larger than 4.5 meters in height, however it is noted that this was done before the recent changes to the zoning bylaw and no longer reflect the Board's current position on accessory structure heights in the West Bench.

Summary:

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

Administrative Recommendation:

THAT Development Variance Permit No. F2026.005-DVP, to allow for the construction of an accessory building at 1805 Sparton Drive, be denied.

Options:

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

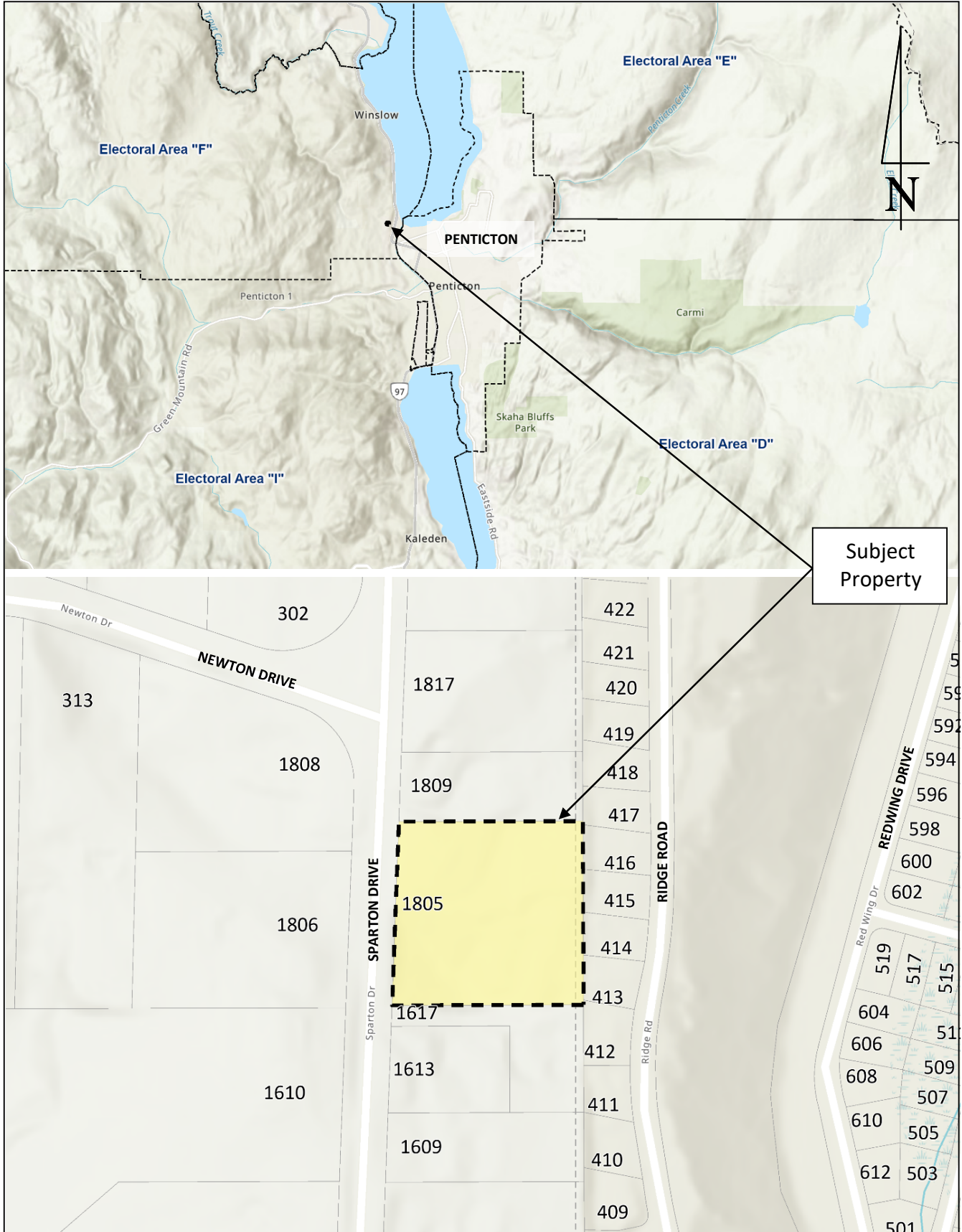
Endorsed by:



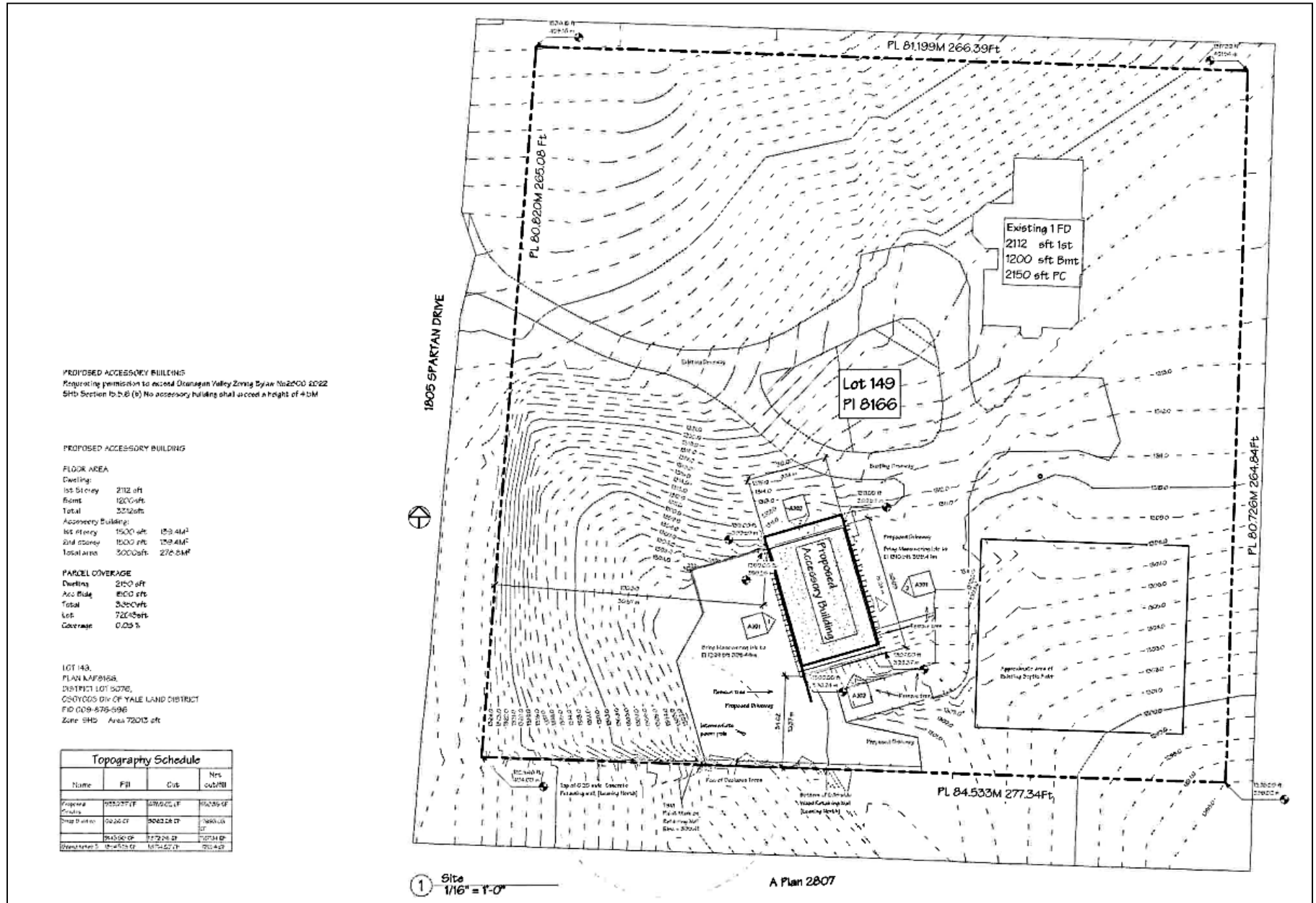
C. Garrish, Senior Manager of Planning

- Attachments:
- No. 1 – Context Maps
 - No. 2 – Applicant’s Site Plan
 - No. 3 – Applicant’s Building Elevations 1
 - No. 4 – Applicant’s Building Elevations2
 - No. 5 – Aerial Photo (2017)

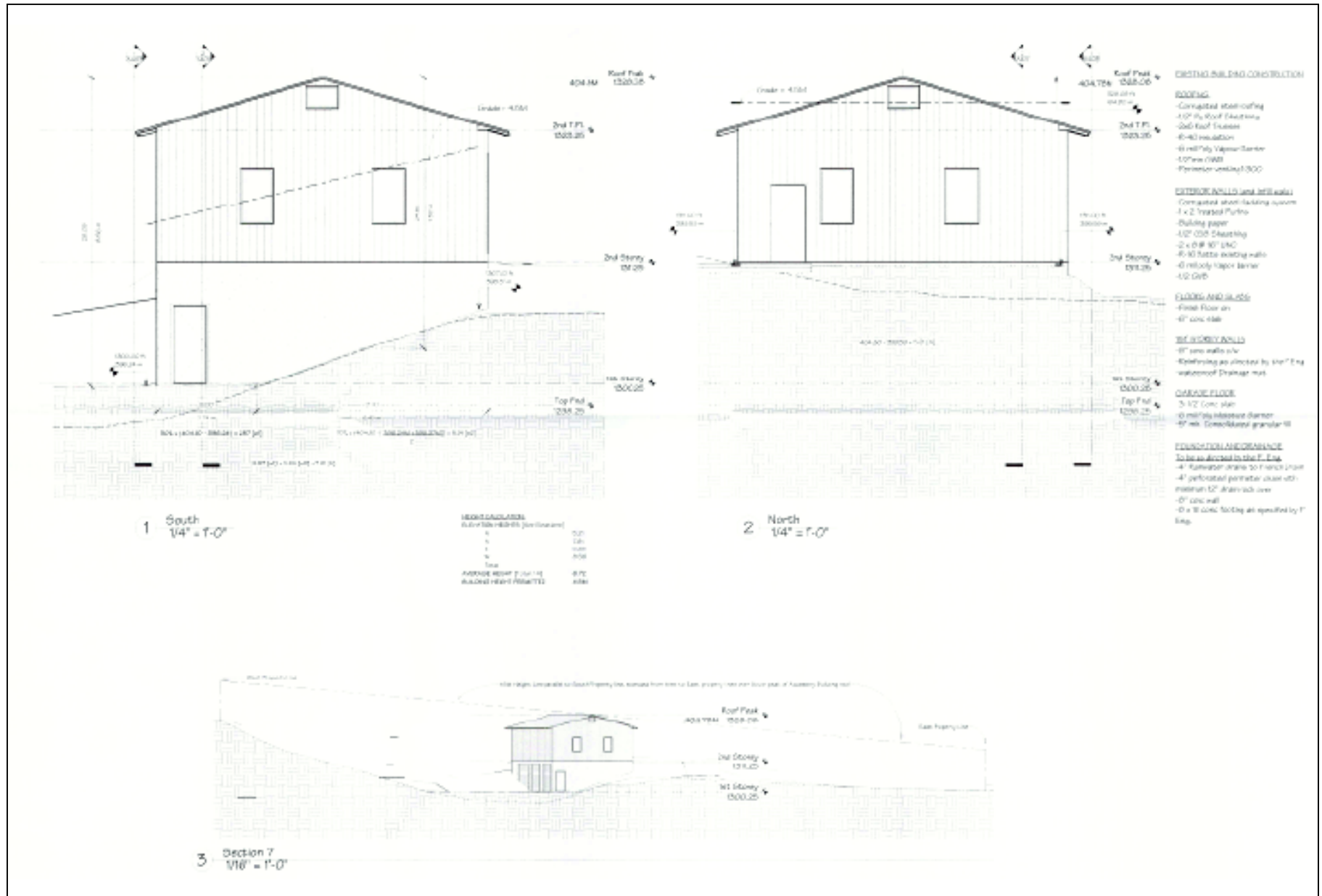
Attachment No. 1 – Context Maps



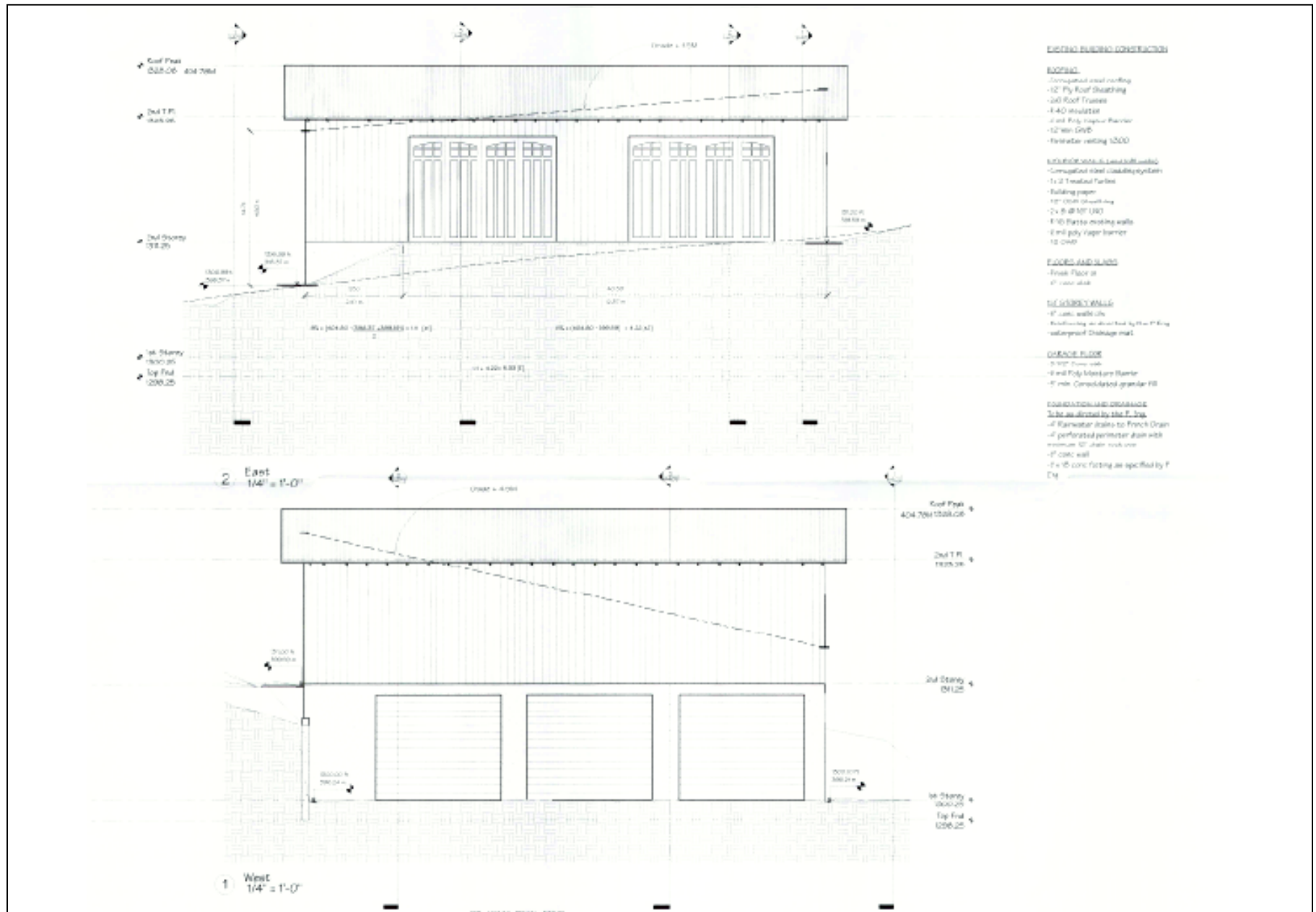
Attachment No. 2 – Applicant’s Site Plan



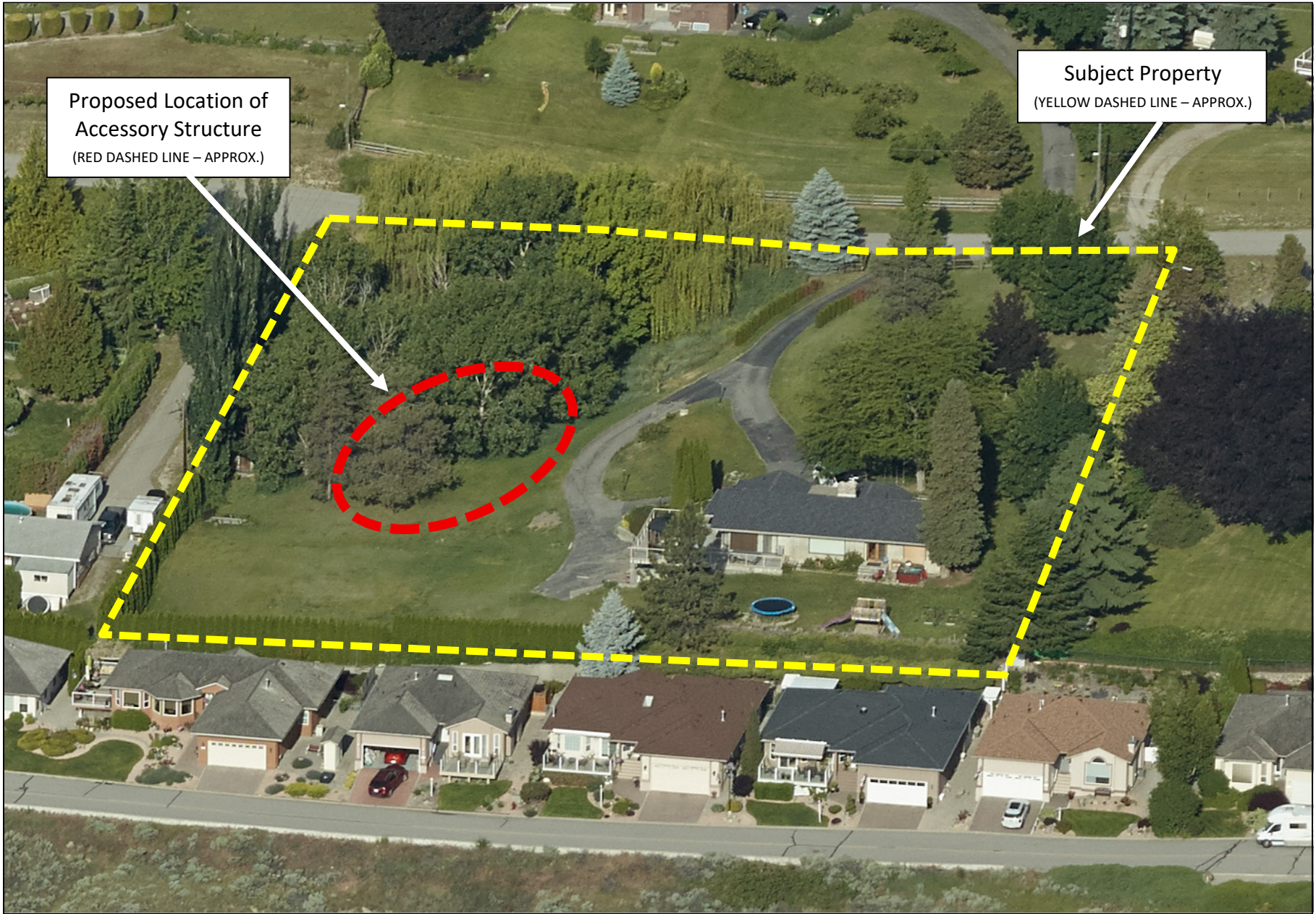
Attachment No. 3 – Applicant’s Building Elevations 1



Attachment No. 4 – Applicant's Building Elevations 2



Attachment No. 5 – Aerial Photo (2017)



Proposed Location of
Accessory Structure
(RED DASHED LINE – APPROX.)

Subject Property
(YELLOW DASHED LINE – APPROX.)