

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: J. Zaffino, Chief Administrative Officer

DATE: October 13, 2026

RE: Development Variance Permit Application — Electoral Area “F”

Purpose: To allow for an overheight accessory Building.

Civic: 1603 Duchess Drive

Legal: Lot A, Plan KAP29316, District Lot 5076, SDYD

Folio: F-07385.005

Zone: Small Holdings West Bench (SH5)

Variance to increase the maximum building height from 4.5 metres to 7.08 metres.

Requests:

Proposed Development:

This application is seeking a variance to 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 for an accessory building from 4.5 metres to 7.08 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.*

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.

Background:

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 West Bench 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.

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.

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

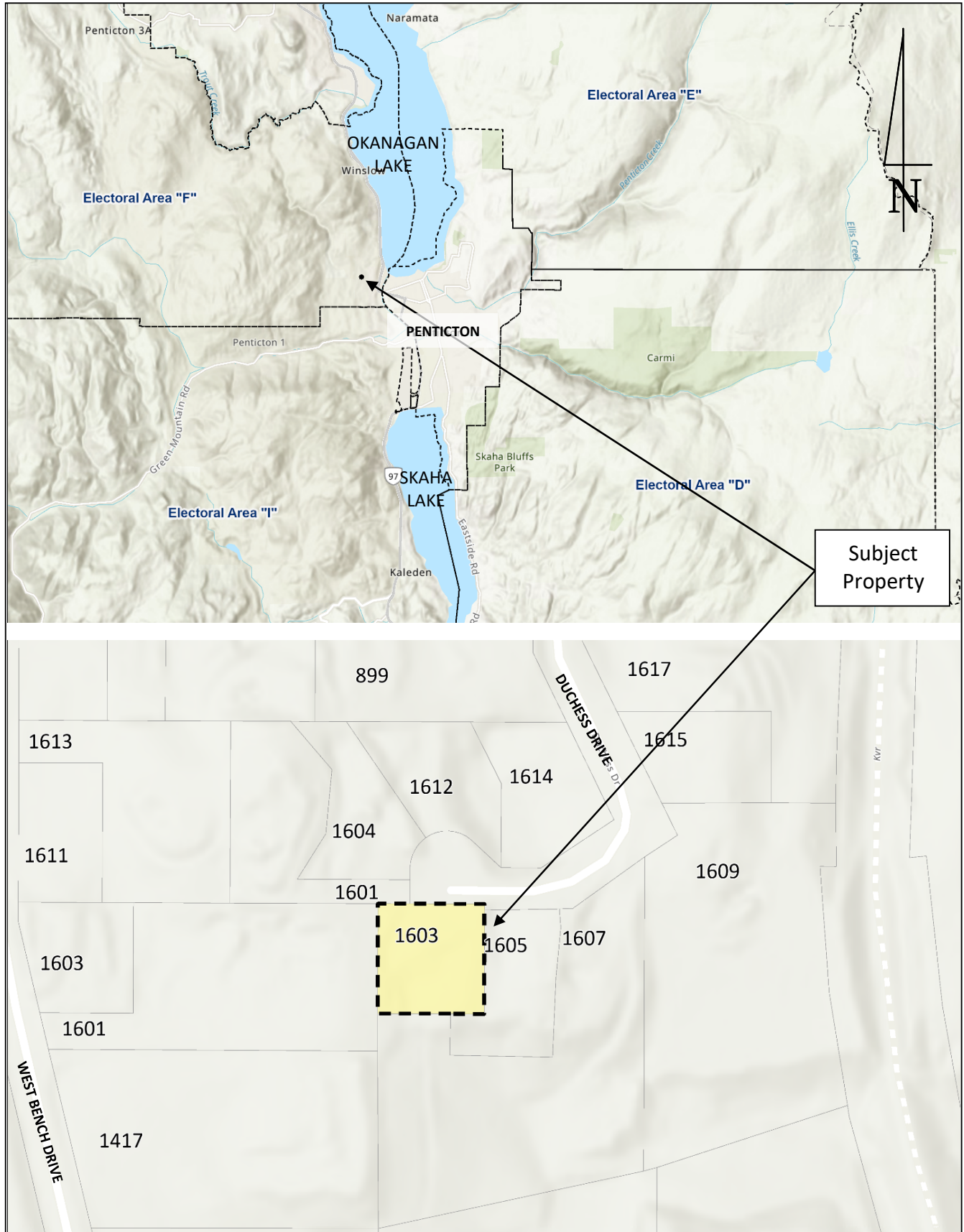
Endorsed by:

C. Garrish, Senior Manager of Planning

Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant's Site Plan
- No. 3 – Applicant's Building Elevations
- No. 4 – Applicant's Floor Plan
- No. 5 – Aerial Photo
- No. 6 – Site Photo

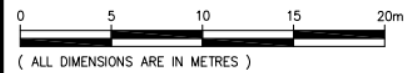
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan

SITE PLAN OVER A PORTION OF LOT A, DL 5076, ODYD, PLAN 29316

SCALE : 1:250



CIVIC ADDRESS:
1603 DUCHESS DRIVE, PENTICTON, BC

ZONING: SH5 (SMALL HOLDINGS WEST BENCH ZONE)

LEGEND

ELEVATIONS ARE GEODETIC AND DERIVED FROM AUTONOMOUS GNSS OBSERVATIONS PROCESSED USING NATURAL RESOURCES CANADA'S PRECISE POINT POSITIONING SERVICE.

CONTOUR INTERVAL: 0.25m

- DENOTES EDGE OF PAVEMENT
- DENOTES EDGE OF VEGETATION
- DENOTES WOODEN FENCE
- DENOTES CATCH BASIN

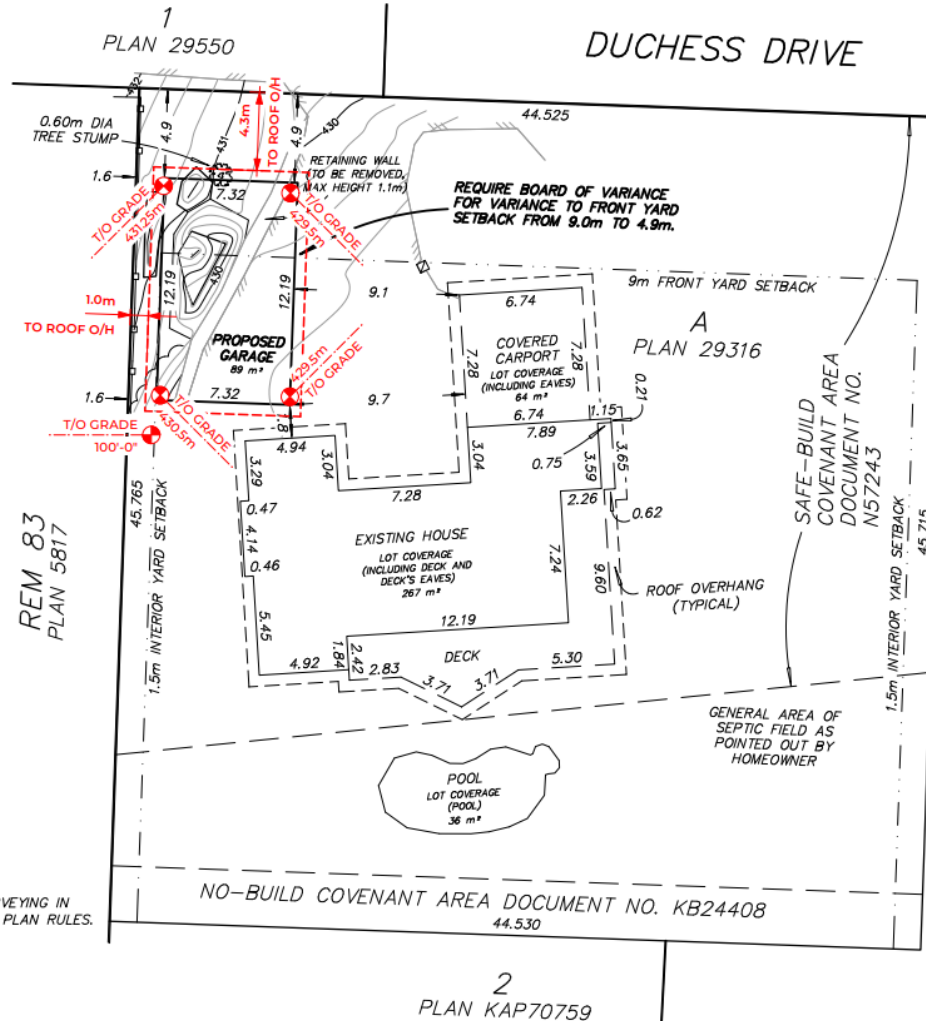
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CLIENT: AYSHA CURLEY

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THIS DOCUMENT IS NOT VALID UNLESS ORIGINAL PDF/A SECURITY EXISTS AND JURICERT SIGNATURE VALIDATES.



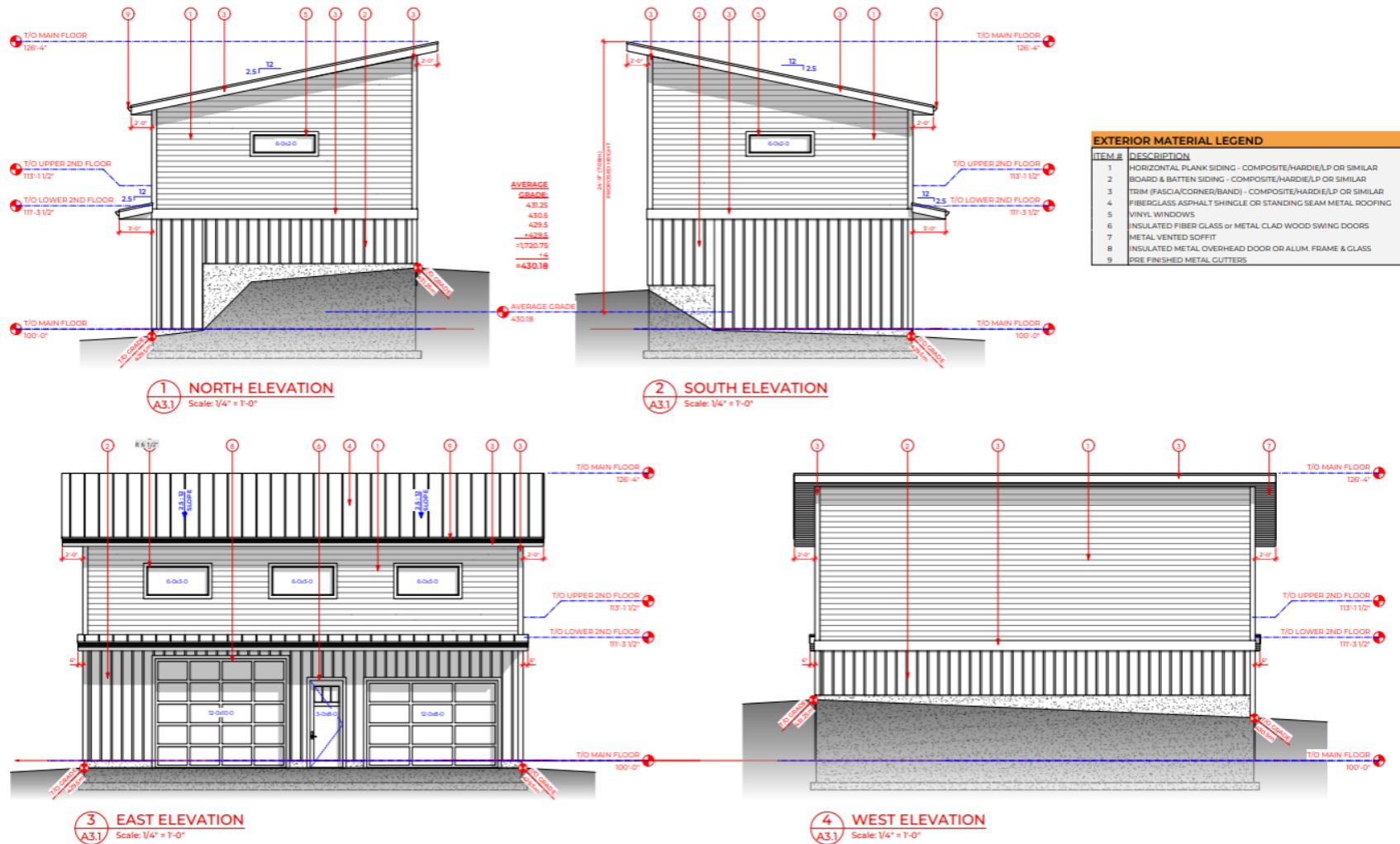
DEVELOPMENT REGULATIONS FOR ZONE SH5 ACCESSORY BUILDING/STRUCTURE

MAXIMUM HEIGHT	4.5m
MINIMUM FRONT YARD SETBACK	9.0m
MINIMUM INTERIOR SIDE YARD SETBACK	1.5m
MINIMUM EXTERIOR SIDE YARD SETBACK	4.5m
MINIMUM REAR YARD SETBACK	3.0m

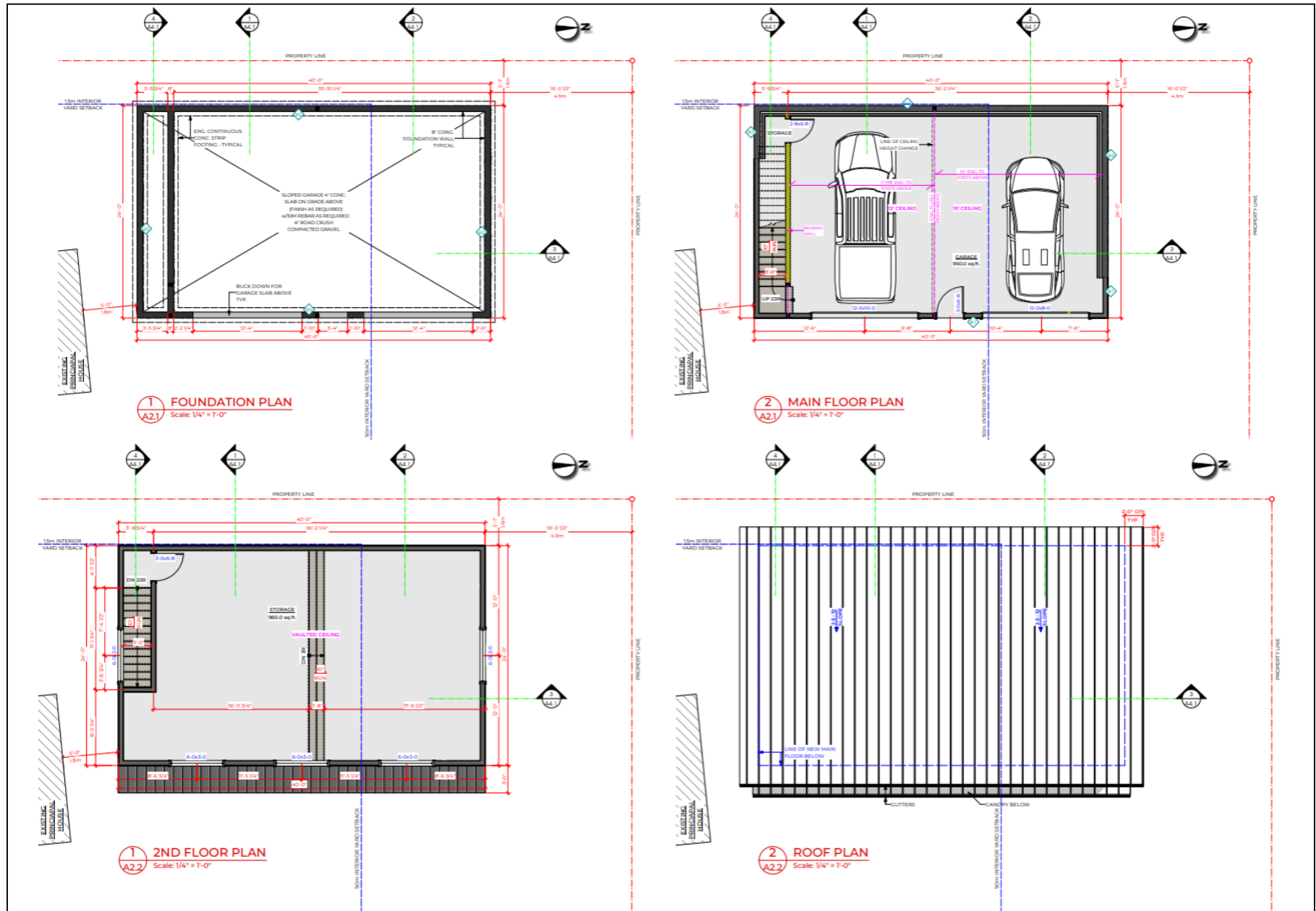
LOT COVERAGE CALCULATIONS	
AREA OF LOT A	2036 m ²
AREA OF EXISTING RESIDENTIAL USE BUILDINGS AND STRUCTURES	403 m ²
CURRENT RESIDENTIAL LOT COVERAGE	19.8%
AREA OF PROPOSED RESIDENTIAL USE ACCESSORY BUILDING	89 m ²
TOTAL RESIDENTIAL LOT COVERAGE	24.2%

ALLTERRA LAND SURVEYING LTD.
264 WESTMINSTER AVENUE W.
PENTICTON B.C.
V2A 1J9
TEL: 250-492-5903
WWW.ALLTERRASURVEY.CA
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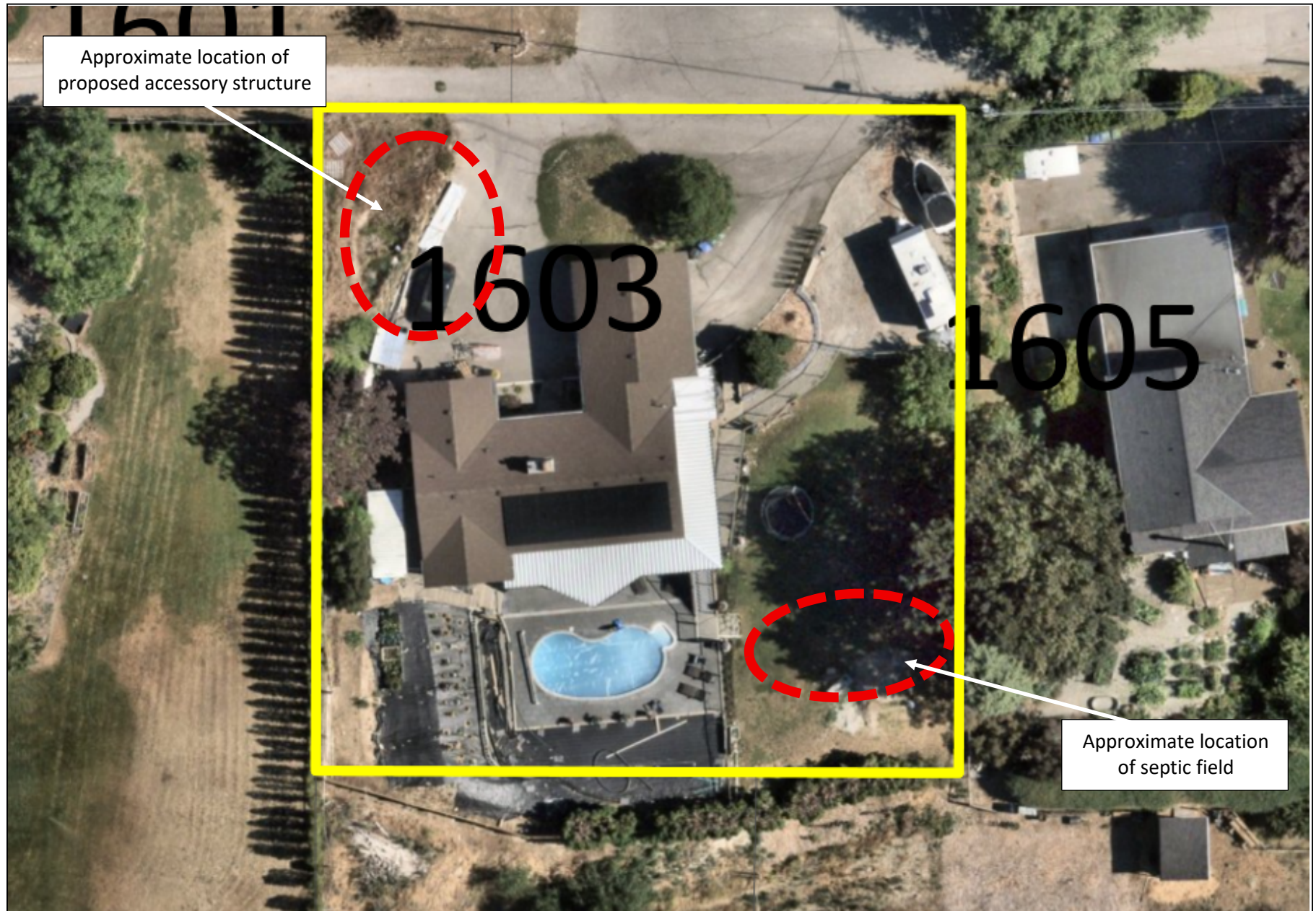
Attachment No. 3 – Applicant's Building Elevations



Attachment No. 4 – Applicant's Floor Plan



Attachment No. 4 – Aerial Photo



Attachment No. 5 – Site Photo

