

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: J. Zaffino, Acting Chief Administrative Officer
DATE: November 14, 2023
RE: Development Variance Permit Application — Electoral Area “E”

Purpose: To allow for the construction of a new single detached dwelling.

Civic: 4535 Mill Road Legal: Lot 21, Plan KAP3889, District Lot 211, SDYD

Folio: E-02282.000 Zone: Low Density Residential One (RS1)

Variance to reduce the minimum front parcel line setback from 6.0 metres to 1.2 metres; and
Requests: to reduce the minimum rear side parcel line setback from 6.0 metres to 3.98 metres.

Proposed Development:

This application is seeking a variance to the front and rear parcel line setbacks that apply to the subject property in order to undertake construction of a new single detached dwelling.

Specifically, it is being proposed to vary the front parcel line setback from 6.0 metres to 1.2 metres and to vary the rear parcel line setback from 6.0 metres to 3.98 metres.

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

Due to the existing lot configuration, size and proximity to Okanagan Lake the aforementioned lot falls completely within the Riparian setback. The proposed...setback variances will allow for a new single family dwelling. Proposed dwelling is two stories with a 33'x28' footprint. Main floor is 838ft² & top floor 560ft² or a total of 1398ft². Please see rationale letter for additional comments.

Site Context:

The subject property is approximately 300m² in area and is situated on the south side of Mill Road, approximately 6 km north from the boundary with City of Penticton. The property is understood to contain one small cabin.

The surrounding pattern of development is generally characterised by similar residential development on larger lakefront parcels to west and large upland agricultural parcels on the opposite side of Mill Road.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 28, 1947, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR), and is located entirely within a Watercourse Development Permit (WDP) area.

The Riparian Areas Protection Regulation (RAPR), includes provisions that allow for development within a riparian area, subject to conditions, where a parcel is the subject of “undue hardship”.

In order to apply to the Province for consideration under “undue hardship”, RAPR requires a developer to seek and receive “a decision on every variance that would reduce the legally restricted area of the site”. In this case, a “variance” includes a hardship appeal to a board of variance as well as a development variance permit or a zoning bylaw amendment application to a local government.

Accordingly, the current application to reduce the front and rear parcel line setbacks is being sought to reduce the legally restricted area of the site so that an application for development under “undue hardship” may be submitted to the Province.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential One (RS1) which lists single detached dwelling as a permitted principal use and requires 6.0 metre front and rear parcel line setbacks.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake which requires a flood construction level of 343.66 metres Geodetic Survey of Canada (GSC) datum and a floodplain setback of 7.5 metres from the natural boundary of the lake. For this reason, should the subject variance be approved, issuance of a subsequent floodplain exemption would be required.

BC Assessment has classified the property as “Residential” (Class 01).

Board Consideration:

At its meeting of October 5, 2023, the Regional District Board moved to defer consideration of this application and refer it to the Electoral Area “E” APC for a recommendation.

Analysis:

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.

In this instance, the Electoral Area “E” OCP includes policies that speak to encouraging variance applications for the relaxation of parcel line setbacks on existing small lots in order to reduce impacts to the riparian area.

Any new development on this property would require the developer to seek approval for variances under the RAPR “undue hardship” process because the entire property is within the riparian area.

Administration notes that the current setback regulations limit the buildable area of the property to an approximately 46 m² area measuring 18 metres wide by 2.5 metres deep.

Regarding impacts to adjacent properties, a similar proposal has been submitted by the same agent for the property at 4545 Mill Road, whereas the lands to the east comprise vacant land. For this reason, these properties are unlikely to be affected by reductions to the front or rear parcel line setbacks.

The nearest dwelling on the opposite side of Mill Road is approximately 30 metres from the location of the proposed dwelling and is located on top of a steep, vegetated embankment. For this reason, this property is also unlikely to be affected by the requested variances.

Regarding the character of the streetscape, a single detached dwelling constructed within 1.2 metres of the front parcel line will likely change the appearance of the roadway, however nearby dwellings along the lakefront appear to have also been constructed within the front parcel line setback.

With regards to vehicle traffic safety, the Ministry of Transportation and Infrastructure has jurisdiction over the road network and a Highway Use Permit authorizing the reduced setback has been issued by the Ministry.

Alternative:

Conversely, front parcel line setback reductions are seen to be more likely to create visual impacts and for this reason are generally discouraged.

Summary:

For these reasons, Administration supports the requested variances and is recommending approval.

Administrative Recommendation:

THAT Development Variance Permit No. E2023.033-DVP, to allow for the construction of a single detached dwelling at 4535 Mill Road, be approved.

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

Ben Kent

Ben Kent, Planner I

Endorsed by:

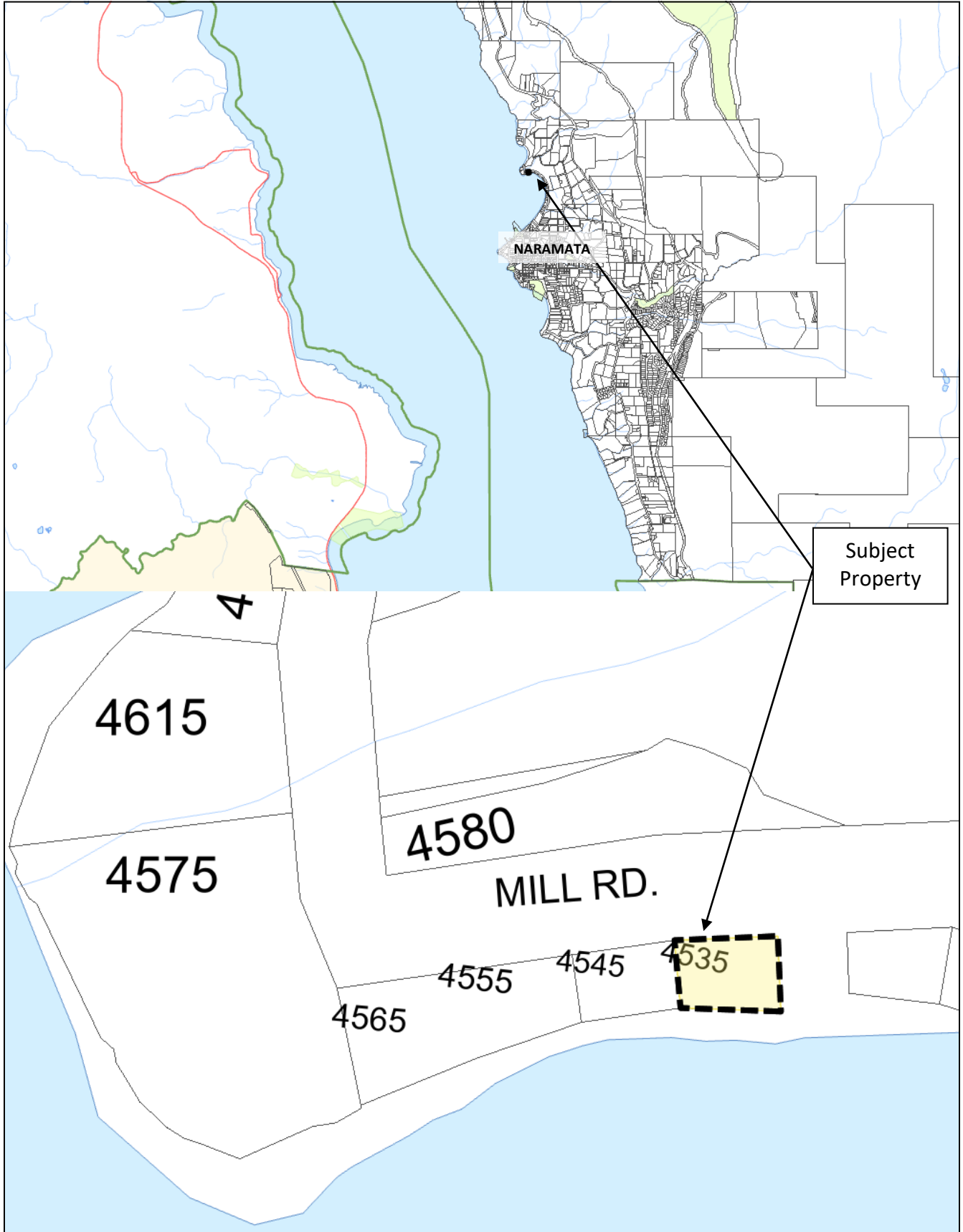


C. Garrish, Senior Manager of Planning

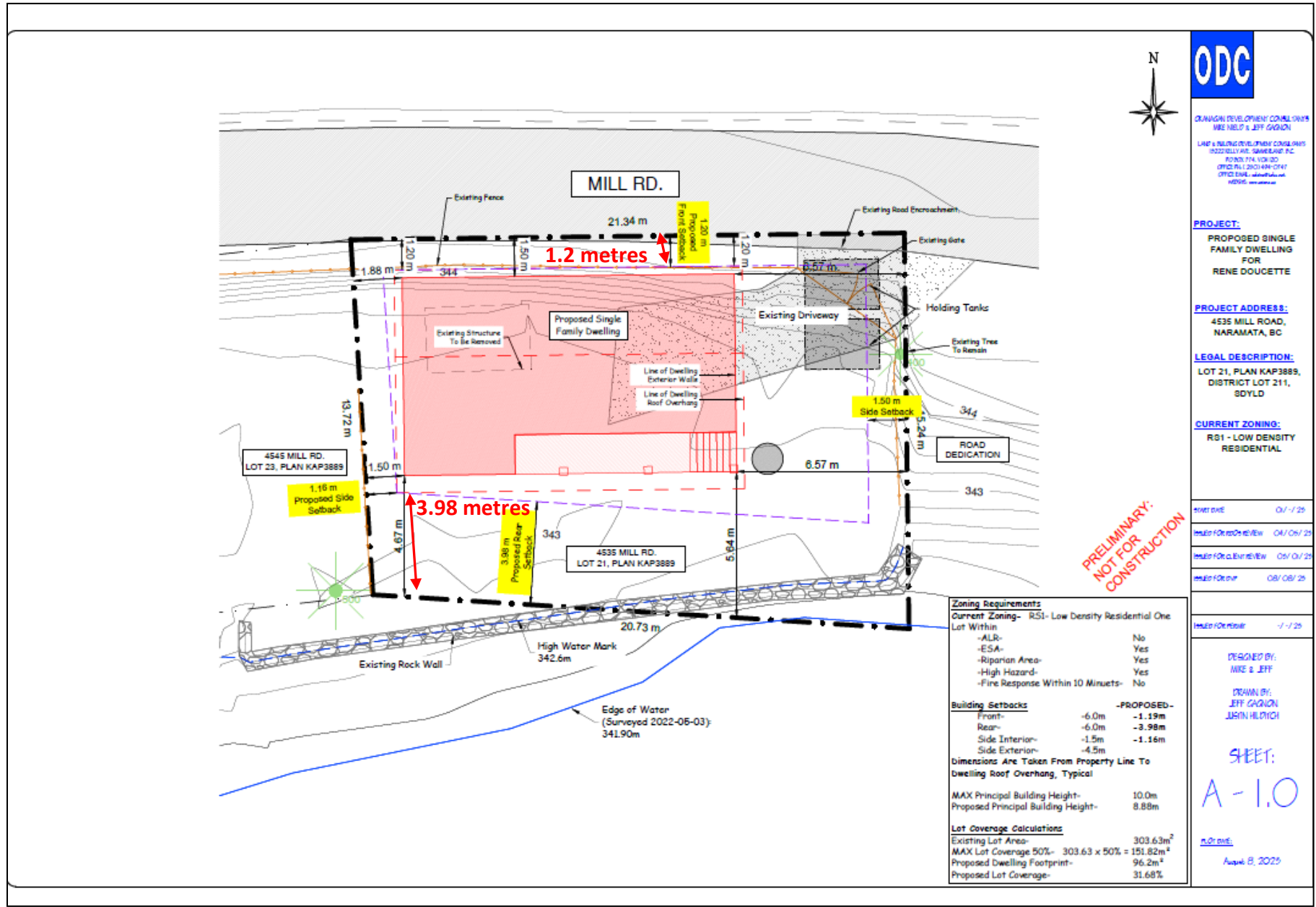
Attachments:

- | | |
|----------------------|----------------------|
| No. 1 – Context Maps | No. 5 – Elevations |
| No. 2 – Site Plan | No. 6 – Elevations |
| No. 3 – Site Plan | No. 7 – Site Photo |
| No. 4 – Floor Plan | No. 8 – Aerial Photo |

Attachment No. 1 – Context Maps



Attachment No. 2 – Site Plan



**PRELIMINARY:
NOT FOR
CONSTRUCTION**

ODC

ORIGINATOR DEVELOPMENT CONSULTANTS
 WEE HUIP & JEFF GAGNON

LAMP & BUILDING DEVELOPMENT CONSULTANTS
 10330 BELLAVILLE SQUARE ROAD, P.O.
 BOX 774, VIKTORIA
 DISTRICT PLAN 200148-0047
 OFFICE PHONE: 250-383-1111
 250.595.3333

PROJECT:
 PROPOSED SINGLE FAMILY DWELLING FOR RENE DOUCETTE

PROJECT ADDRESS:
 4535 MILL ROAD, NARAMATA, BC

LEGAL DESCRIPTION:
 LOT 21, PLAN KAP3889, DISTRICT LOT 211, SOYLD

CURRENT ZONING:
 RS1 - LOW DENSITY RESIDENTIAL

DATE: 01/1/25
 DESIGN: 04/06/25
 CHECK: 06/01/25
 CHECK: 08/08/25
 CHECK: 11/1/25

DESIGNED BY:
 MIKE & JEFF

DRAWN BY:
 JEFF GAGNON
 JUSTIN HILDITCH

SHEET:
 A-1.0

DATE: 04/06/25

Attachment No. 3 – Site Plan

OKANAGAN DEVELOPMENT CONSULTANTS INC.



ODC

OKANAGAN DEVELOPMENT CONSULTANTS
MIKE NELO & JEFF GAGNON
LAND & PLANNING DEVELOPMENT CONSULTANTS
10222 KELLY AVE. SURREY, BC
V3W 1V4
PH: 604.293.4947
OFFICE: 604.293.4947
CELL: 604.293.4947
WWW.ODC-BC.COM

PROJECT:
PROPOSED SINGLE FAMILY DWELLING FOR RENE DOUCETTE

PROJECT ADDRESS:
4535 MILL ROAD, NARAMATA, BC

LEGAL DESCRIPTION:
LOT 21, PLAN KAP3889, DISTRICT LOT 211, SDYLD

CURRENT ZONING:
RS1 - LOW DENSITY RESIDENTIAL

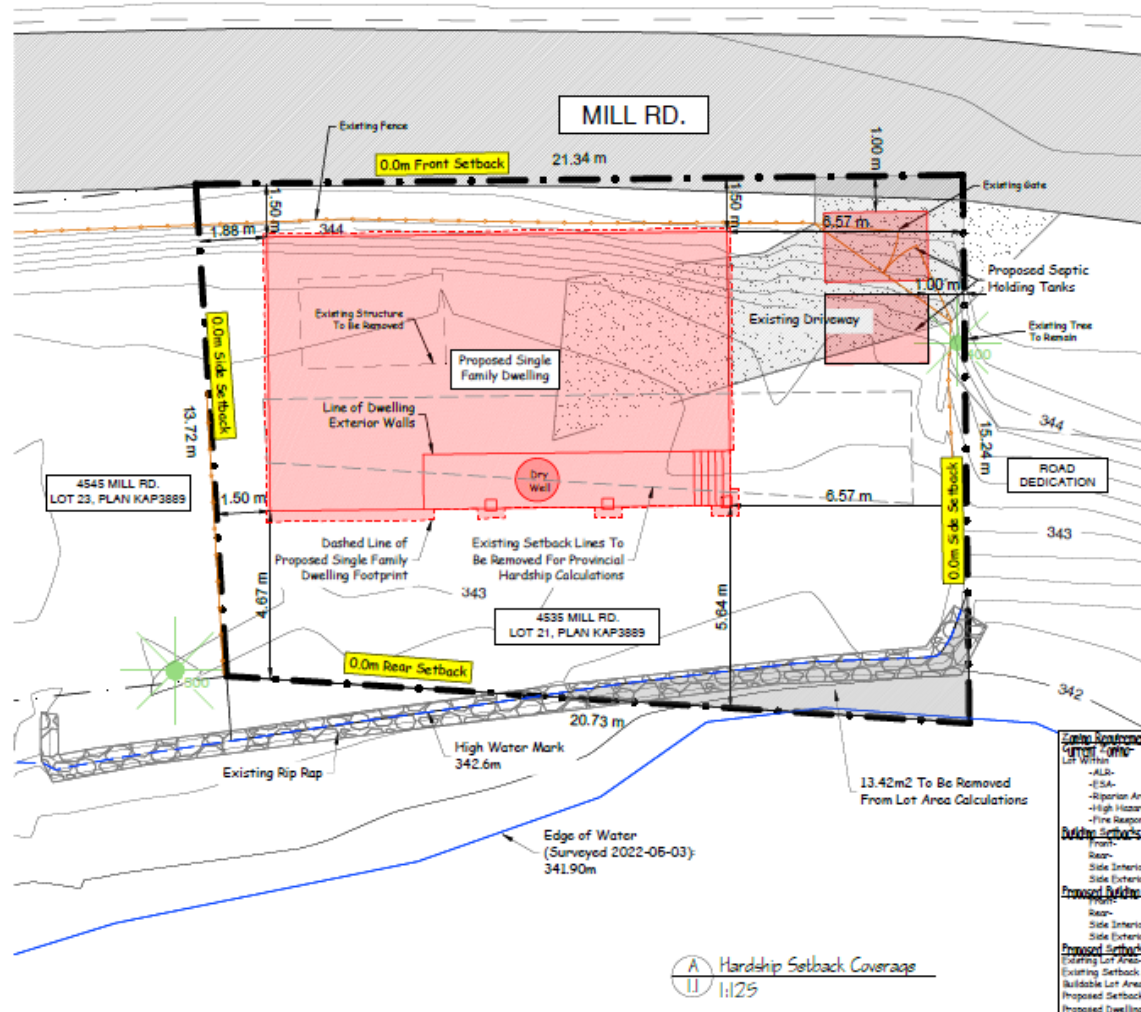
DATE	07/1/25
DATE FOR COMMENTS REVIEW	07/27/25
DATE FOR COMMENTS REVIEW	08/07/25
DATE FOR COMMENTS REVIEW	04/06/25
DATE FOR COMMENTS REVIEW	08/08/25
DATE FOR COMMENTS REVIEW	1/1/25

DESIGNED BY:
MIKE & JEFF

DRAWN BY:
JEFF GAGNON
JUSTIN HELDICH

SHEET:
A-1.1

DATE:
August 8, 2025



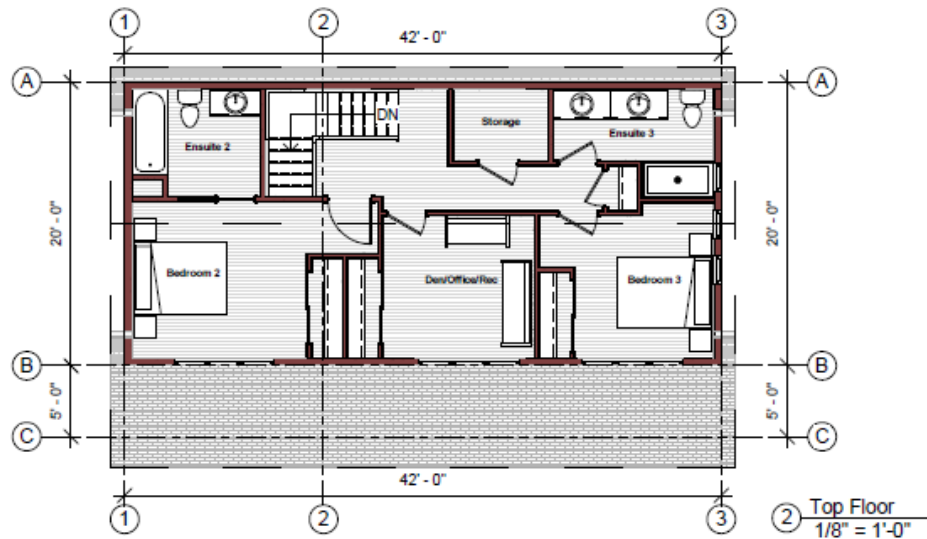
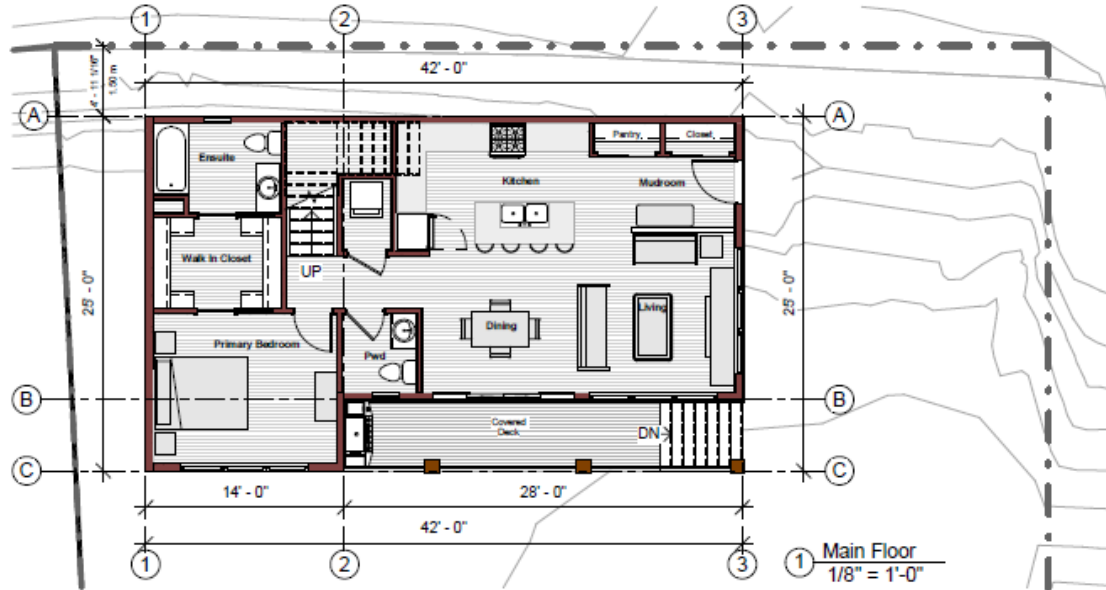
PRELIMINARY:
NOT FOR CONSTRUCTION

Setback Requirements	
Lot Width	RS1 - Low Density Residential One Zone
Lot Width	40m - 0.0m
-ALR-	No
-ESA-	Yes
-High Hazard-	Yes
-Fire Response Within 10 Minutes-	No
Building Setbacks	
Front-	-6.0m
Rear-	-6.0m
Side Insetion-	-1.5m
Side Extension-	-4.5m
Proposed Building Setbacks For Provincial Hardship	
Front-	0.0m
Rear-	-0.0m
Side Insetion-	-0.0m
Side Extension-	-0.0m
Proposed Setback Area Coverage Calculations	
Existing Lot Area	305.63m ²
Existing Setback Area	44.03m ²
Buildable Lot Area	290.21m ²
Proposed Setback Area	290.21m ²
Proposed Dwelling Footprint	302.39m ²
Proposed Septic Tanks	11.00m ²
Proposed Dry Well	0.00m ²
TOTAL Proposed Setback Coverage	114.49m² = 39.1%
50% MAX Setback Area Coverage	147.61m² = 48.3%
OR 70% MAX Setback Area Coverage	213.73m² = 70.0%

A Hardship Setback Coverage
1:125

The Client, Works Manager, Or Contractor Is Responsible For Informing Okanagan Development Consultants Inc. Of Any Query Or Concern Regarding The Works Described On The Drawing, Including Verification Of Dimension And Any Information Regarding Unusual Or Unanticipated Conditions Encountered During Execution Of The Works Or Preparation For Them.

Attachment No. 4 – Floor Plan



**PRELIMINARY
ISSUED FOR DVP NOT
FOR CONSTRUCTION**

Floor Area Calculations	
Main Floor-	910sq.ft.
Top Floor-	797sq.ft.
Total-	1707sq.ft.
Patio/deck-	120sq.ft.

ODC

ORANGI DEVELOPMENT CONSULTANTS
MIKE NELP & JEFF GAGNON

LAND & BUILDING DEVELOPMENT CONSULTANTS
15222 KELLY AVE. SURREY, B.C.
PO BOX 774, V0N1C0
OFFICE PH: (250) 494-0747
OFFICE EMAIL: info@odc.ca
WEB: www.odc.ca

**PROPOSED
SINGLE FAMILY
DWELLING
FOR
RENE
DOUCETTE**

4535 MILL
ROAD
NARAMATA, B.C.

DATE: 01-/23
ISSUED FOR DVP: 02/23/23
REVIEW: 02/02/23
01/20/23
ISSUED FOR DVP: 08/08/23
ISSUED FOR REVIEW: -J23

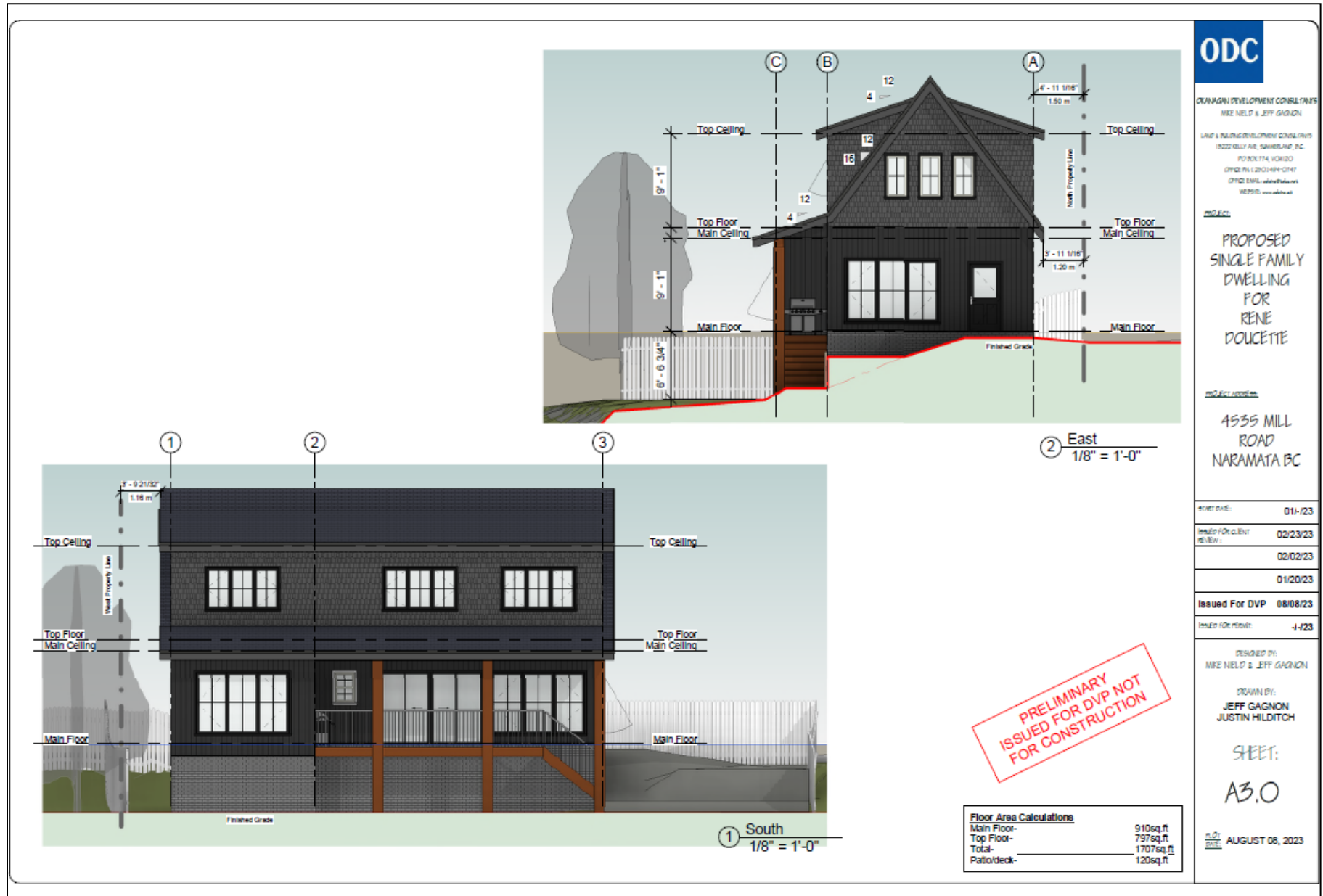
DESIGNED BY:
MIKE NELP & JEFF GAGNON

DRAWN BY:
JEFF GAGNON
JUSTIN HILDITCH

SHEET:
A2.0

AUGUST 08, 2023

Attachment No. 5 – Elevations



ODC

ORANGON DEVELOPMENT CONSULTANTS
MIKE NELO & JEFF GAGNON

LAND & BUILDING DEVELOPMENT CONSULTANTS
15222 KELLY AVE, SURREY, B.C.
PO BOX 174, V6W 2C2
OFFICE PH: (226) 494-0747
OFFICE EMAIL: info@odc.ca
WEBSITE: www.odc.ca

**PROPOSED
SINGLE FAMILY
DWELLING
FOR
RENE
DOUCETTE**

4535 MILL
ROAD
NARAMATA, BC

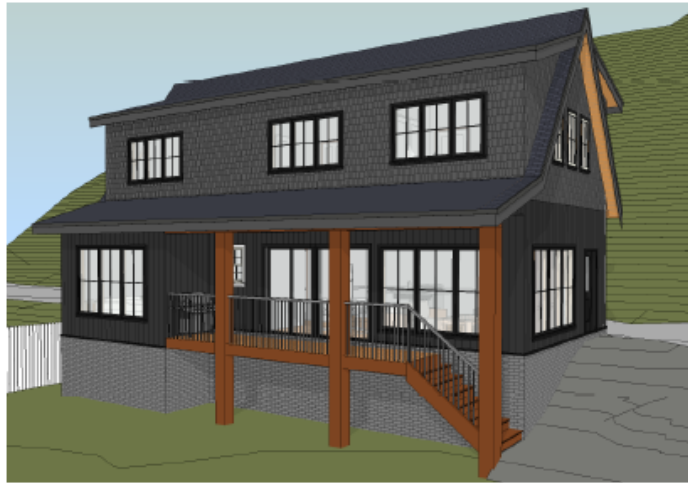
DATE: 01-12-23
DESIGN FOR DVP: 02/23/23
REVIEW: 02/02/23
01/20/23
ISSUED FOR DVP: 08/08/23
ISSUED FOR REVIEW: J-123

DESIGNED BY:
MIKE NELO & JEFF GAGNON
DRAWN BY:
JEFF GAGNON
JUSTIN HILDITCH

SHEET:
A3.0

DATE: AUGUST 08, 2023

Attachment No. 6 – Elevations



① South 3D View



② East 3D View

PRELIMINARY
ISSUED FOR DVP NOT
FOR CONSTRUCTION

Floor Area Calculations	
Main Floor-	910sq.ft
Top Floor-	797sq.ft
Total-	1707sq.ft
Patio/deck-	120sq.ft

ODC

ORANGON DEVELOPMENT CONSULTANTS
MIKE NELSON & JEFF GAGNON

LAND & BUILDING DEVELOPMENT CONSULTANTS
15222 KELLY AVE, SUMMERSLAND, B.C.
PO BOX 174, V6W 2C0
OFFICE PH: (250) 494-0747
OFFICE EMAIL: info@odc.ca
WEBSITE: www.odc.ca

PROJECT:

PROPOSED
SINGLE FAMILY
DWELLING
FOR
RENE
DOUCETTE

PROJECT ADDRESS:

4535 MILL
ROAD
NARAMATA, BC

DATE: 01-123

ISSUED FOR CLEAR REVIEW: 02/23/23

02/02/23

01/20/23

ISSUED FOR DVP: 08/08/23

ISSUED FOR REVIEW: -1-23

DESIGNED BY:
MIKE NELSON & JEFF GAGNON

DRAWN BY:
JEFF GAGNON
JUSTIN HILDITCH

SHEET:

A4.0

DATE: AUGUST 08, 2023

Attachment No. 7 – Site Photo



Attachment No. 8 – Aerial Photo

