

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** April 21, 2022  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2022.009-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2022.009-DVP, to allow for the the replacement of a dock at 6771 Indian Rock Road, be approved.**

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Legal: Lot 19, District Lot 212, SDYD, Plan 13417                      Folio: E-02329.095  
OCP: Okanagan Basin Lakes (BL)                                      Zone: Okanagan Basin Lakes (W1)  
Variance To reduce the minimum setback for a dock from 5.0 metres to 2.1 metres; and  
To increase the maximum dock moorage platform width from 3.0 metres to 4.9 metres.

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## Proposed Development:

This application is seeking a variance to the minimum side parcel line setback from 5.0 metres, as projected onto the foreshore and water, to 2.1 metres in order to replace a dock.

In support of this request, the applicant has stated that “this requested variance proposed to replace the existing dock with a new dock in essentially the same location does not pose any adverse affect on adjacent or nearby properties or public lands” and “the plan has been approved by the owner of the closest property (to the south)...” ...”.

## Site Context:

The subject property is approximately 2,096 m<sup>2</sup> in area and is situated on the west side of Indian Rock Road. The upland property is currently developed to a single detached dwelling, garage, and the foreshore contains the existing dock to be replaced.

The surrounding pattern of development is characterised by rural residential use.

## Background:

The current boundaries of the subject property were created on August 7, 1963, while available Regional District records indicate that building permits have not previously been issued for this property.

The property is designated Low Density Residential, is the subject of a Watercourse Development Permit (WDP) Area and is zoned Low Density Residential Three. The portion of the lake, adjacent to the rear parcel line is zoned Okanagan Basin Lakes, which permits “dock” as an accessory use. BC Assessment has classified the property as “Residential” (Class 01).

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The applicant has received approval under the *Canadian Navigable Waters Act* from Transport Canada for the proposed dock design and location.

A hydrotechnical report has also been submitted to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for review as part of the applicant's *Water Sustainability Act* Change Approval Application. The report states that the existing dock has deteriorating wooden pilings, and that the proposed location of the new dock "is considered to be acceptable from a hydrotechnical point of view".

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule '4' of the Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on March 31, 2022. All comments received are included as a separate item on the Board's Agenda.

**Analysis:**

The use of zoning regulations governs the placement of a dock and concerns around access, navigability as well as providing a nominal amount of privacy (separation) for neighbouring dock uses.

The proposed dock will be constructed in the same location as the existing dock located on the south side of the property, and immediately adjacent the dock at 6769 Indian Rock Road due to the occurrence of the Chute Creek outflow along the northern boundary of the subject property.

The re-establishment of a dock at the proposed location may impact the ability to navigate a vessel between it and the adjacent dock at 6769 Indian Rock Road, but this would have been the case with the location of the previous dock.

Similarly, siting the dock at the proposed location will reduce the privacy that may be enjoyed between it and the adjacent dock at 6769 Indian Rock Road, however, the expectation of privacy on a dock should be tempered given the nature of such structures and their location on open water.

The property enjoys an approximately 24.5 metre frontage to Okanagan Lake and, other than the occurrence of Chute Creek to their north, there appear to be no limiting factors that would preclude complying with the 5.0 metre setback. Based on a desktop analysis, the siting of a dock within the 5.0 metre setback does not appear to be in keeping with the siting pattern of docks along Okanagan Lake in the general vicinity of the property.

**Alternatives:**

1. That the Board deny Development Variance Permit No. E2022.009-DVP; OR

**Respectfully submitted**



Shannon Duong, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2017)

Attachment No. 1 – Aerial Photo (2017)

