

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** July 8, 2025  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Jason Tran, Planner

**Department:** Planning and Development

**Title:** Development Variance Permit | DVP00400 | 11911 Okanagan Centre Rd E.  
**Description:** Application to authorize the reduction of the front setback from 15 m to 5.73 m for an existing agricultural building

### RECOMMENDATION

THAT Development Variance Permit DVP00400 (Attachment A to the Report to Council dated July 8, 2025) for the property located at 11911 Okanagan Centre Rd E, legally described as LOT 4 SECTION 22 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP444 TOWNSHIP 20; (PID: 012-386-111), to reduce the front setback from 15 m to 5.73 m for an existing agricultural building, be approved;  
AND THAT prior to issuance of Development Variance Permit DVP00400 an application for a Driveway Access Permit for the subject property be submitted to the District of Lake Country for review.

### EXECUTIVE SUMMARY

The applicant is requesting a Development Variance Permit (DVP00400) to reduce the required front setback for an existing agricultural building (animal shelter) from 15 metres to 5.73 metres, representing a variance of 9.27 metres.

Staff recommend that Council approve DVP00400 for the existing animal shelter, given the agricultural context, rationale provided, and the unanimous support from the Agricultural Advisory Committee (AAC).

**TABLE 1: APPLICATION INFORMATION**

Application Information			
<b>Application Type</b>	Development Variance Permit	<b>Application Date:</b>	Oct. 19, 2023
<b>Applicant:</b>	Angelique Slade Shantz	<b>Owner:</b>	Angelique & Jesse Slade Shantz
<b>Application Description</b>	To reduce the front setback from 15 m to 5.73 m for an existing animal shelter		
<b>Variance(s)</b>	① Indicates requested variance of the front setback from 15 m to 5.73 m for an existing animal shelter		

**TABLE 2: PROPERTY INFORMATION & LAND USE**

Property Information: General	
<b>Folio/Roll #:</b>	02810.000
<b>Legal Description</b>	LOT 4 SECTION 22 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP444 TOWNSHIP 20
<b>PID</b>	012-386-111
<b>Civic Address:</b>	11911 Okanagan Centre Road East

Property Information: Land Use	
<b>OCP Designation:</b>	Agricultural
<b>Zoning Designation:</b>	A1 – Agriculture 1
<b>Land Use Contract</b>	n/a
<b>ALR:</b>	Yes
<b>Parcel Size:</b>	4.2 ha/10.4ac
<b>Development Permit Areas:</b>	Drainage Corridor

<b>Adjacent Land Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
<i>North:</i>	A1 – Agriculture 1	Agriculture
<i>East:</i>	A1 – Agriculture 1	Rural Residential
<i>South:</i>	A1 – Agriculture 1	Agriculture
<i>West:</i>	A1 – Agriculture 1	Agriculture

**TABLE 3: SERVICING INFORMATION**

<b>Property Information: Infrastructure and Development Engineering</b>	
<b>Road Network</b>	Major connector
<b>Driveway Access</b>	No permit on file
<b>Water Supply:</b>	Municipal (Beaver Lake/Okanagan Lake)
<b>Sewer:</b>	On-site septic
<b>Drainage / Stormwater</b>	N/A
<b>Comments:</b>	Will require a driveway access permit

**ANALYSIS**

The applicant operates a farm business, known as Rose Hill Orchard, on the subject property. The operation includes a U-Pick orchard, small-batch craft cider production, the StockBox vegetable delivery service, and hosts special events featuring live music, pop-up markets, and food trucks. (Attachment D – Location Map)

According to the applicant's rationale letter (Attachment B), the location of the animal shelter was influenced by several specific factors:

1. To protect animals from exposure to orchard sprays,
2. To prevent copper accumulation in sheep from grazing near treated areas,
3. To enhance protection from coyotes and other predators,
4. To optimize shelter orientation based on prevailing wind and sun/shadow patterns for animal comfort, and
5. To serve as a buffer, minimizing the drift of orchard chemicals toward the road and nearby pedestrians or cyclists.

The subject property comprises 4.2 hectares (10.4 acres), is zoned A1 – Agriculture, and is located within the Agricultural Land Reserve (ALR). It is accessible via Okanagan Centre Road East (Attachment C – Surveyor's Plan).

A discrepancy has been identified between the applicant's rationale letter (Attachment B) and the updated surveyor's plan (Attachment C) regarding the proposed variance. The letter references a variance measured from the existing fence line, which does not align with the actual property line. The correct variance request, as indicated in the updated surveyor's plan, is 5.73 metres.

Additionally, the applicant's letter states that the animal shelter is located within a floodplain. However, staff review confirms that the shelter is not within a designated floodplain but rather within a drainage corridor development permit area. Historical aerial imagery dating back to at least 2006 shows that this location has been used for agricultural purposes. (Attachment E – Ortho Photo Map)

The applicant's rationale letter includes six photographs (Attachment B, pages 2 to 7) depicting other buildings in the community with potentially reduced setbacks to help support the requested variance. However, staff were unable to verify the precise addresses or zoning classifications of the properties shown. As a result, staff cannot confirm whether the referenced buildings are in compliance with the current zoning bylaw or if variances were granted. Each application is to be reviewed based on its own merits.

### Official Community Plan

Section 14.2: Lands designated as Agricultural are generally lands within the Agriculture Land Reserve. Land uses on Agricultural designated properties are required to comply with all applicable Provincial legislation, including the Agricultural Land Commission Act and Farm Practices Protection Act.

The animal shelter building complies with the Agricultural Land Reserve (ALR) regulations for farm use.

The overall land use of the property remains agricultural and aligns with the Official Community Plan (OCP).

### Zoning Bylaw 561, 2007

The animal shelter on the property is classified as an agricultural building, which is a permitted use under the A1 – Agriculture 1 zoning.

The animal shelter front setback does not comply with Section 12.1.7 (f) of the A1 zone Development Regulations, which is why the applicant has applied for a reduction to the required front setback for the animal shelter from 15 metres to 5.73 metres (a variance of 9.27 metres).

DEVELOPMENT REGULATIONS (Section 12.1.7 (f))		
CRITERIA	A1 Zone	PROPOSAL
Min. Front Yard (West) For Agricultural Buildings	15.0 metres	❶ 5.73 metres
Min. Side Yard (North) For Agricultural Buildings	15.0 metres	91+/- metres
Min. Side Yard (South) For Agricultural Buildings	15.0 metres	112+/- metres
Min. Rear Yard (East) For Agricultural Buildings	15.0 metres	201+/- metres
❶ Indicates requested variance to front yard setback		

Staff recommend that the Council support the approval of DVP00400 for the existing animal shelter, given the agricultural context, rationale provided and the unanimous support from the Agricultural Advisory Committee (AAC).

### FINANCIAL IMPLICATIONS

☒ None      ☐ Budget Previously Approved      ☐ Other (see below)

### COMMUNICATION

- This application was referred to internal departments, and comments were provided and shared with the applicant through the Comprehensive Letter.
- The ALC responded to the referral stating ‘no concern’ about the proposed development variance application.
- The applicant completed the neighbour consultation and had no comments from the neighbours at the time of preparing this report.
- The Planning Department prepared the appropriate letter/signage and landowner notifications prior to approval.
- The application was referred to the Agricultural Advisory Committee at the June 9, 2025 meeting, where the following motion was carried unanimously:

*THAT Development Variance Permit DVP00400 for the property at 11911 Okanagan Centre Road East, to reduce the front setback from 15 m to 5.73 m for an existing animal shelter, be supported.*

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**ALTERNATE RESOLUTION OPTION(S)**

1. THAT Development Variance Permit DVP00400 (Attachment A to the Report to Council dated July 8, 2025) for the property located at 11911 Okanagan Centre Rd E, legally described as LOT 4 SECTION 22 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP444 TOWNSHIP 20; (PID: 012-386-111), to reduce the front setback from 15 m to 5.73 m for an existing agricultural building, not be supported.
2. THAT Development Variance Permit DVP00400 (Attachment A to the Report to Council dated July 8, 2025) for the property located at 11911 Okanagan Centre Rd E, legally described as LOT 4 SECTION 22 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP444 TOWNSHIP 20; (PID: 012-386-111), to reduce the front setback from 15 m to 5.73 m for an existing agricultural building, be supported subject to comments as identified by Council.

Respectfully Submitted,  
**Jason Tran, Planner**

## Report Approval Details

Document Title:	DVP00400 - 11911 OK Centre Rd Animal Shelter - Report to Council.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A - DVP00400 - Draft Development Variance Permit - 11911 OK Centre Rd E.docx</li> <li>- Attachment B - DVP00400 - Project Description.pdf</li> <li>- Attachment C - DVP00400 - Updated Site Plan.pdf</li> <li>- Attachment D - DVP00400 - Location Map.pdf</li> <li>- Attachment E - DVP00400 - Ortho Photo Map.pdf</li> </ul>
Final Approval Date:	Jul 2, 2025

This report and all of its attachments were approved and signed as outlined below:

**Carie Liefke, Manager of Current Planning - Jun 27, 2025 - 12:34 PM**

**Steven Gubbels, Development Engineering Manager - Jun 27, 2025 - 1:16 PM**

**Greg Price, Manager of Building and Bylaw Services - Jun 27, 2025 - 1:49 PM**

**Jeremy Frick, Director of Development Approvals - Jun 30, 2025 - 10:15 AM**

**Reyna Seabrook, Director of Corporate Services - Jun 30, 2025 - 10:39 AM**

**Paul Gipps, Chief Administrative Officer - Jul 2, 2025 - 8:09 AM**

**Makayla Ablitt, Legislative & FOI Coordinator - Jul 2, 2025 - 9:29 AM**