

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

**Meeting Date:** November 19, 2024  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Sheeja Vimalan, Planner  
**Department:** Planning and Development

**Title:** Development Variance Permit | DPV00377 | 12892 Pixton Road  
**Description:** Development Variance Permit to authorize construction of a residential dock

**RECOMMENDATION**

THAT Development Variance Permit DVP00377 (Attachment A in the Report to Council dated November 19, 2024) for the property at 12892 Pixton Road (Roll 02997.000; PID:009-444-301) to allow construction of a dock be approved.

**EXECUTIVE SUMMARY**

Due to the rock shoal located and shallow water depth, the applicant proposes to construct a dock of 45.4 meters in length, a variance of 5.4 meters. The proposed dock would provide the homeowner with safe boat moorage. As the Zoning Bylaw (Section 10.12.4. (a)) requires docks not to exceed an over length of 40.0m from the natural boundary of the upland parcel, Council approval would be necessary to authorize the construction of the dock, as proposed. Staff support the proposed variance.

**BACKGROUND**

The subject property has an existing single-family dwelling. The private moorage (adjacent the subject property) present in 2018-2019 has been removed, but a boat lift remains along the foreshore (Attachment D).

Property Information			
<b>Application Type</b>	Development Variance Permit		Application Date: 2022-03-14
<b>Variances</b>	❶ To exceed an over length of a dock from 40m to 45.4m		
<b>Folio/Roll #:</b>	02997.000		
<b>PID &amp; Legal Description</b>	009-444-301; LOT 7 SECTION 29 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 12231		
<b>Civic Address:</b>	12892 Pixton Road.		
<b>Applicant:</b>	Shoreline Pile Driving.	<b>Owner:</b>	Darlene Carlson
<b>OCP Designation:</b>	Rural Residential		
<b>Zoning Designation:</b>	RR3 – Rural Residential 3		
<b>Land Use Contract</b>	NA		
<b>ALR:</b>	NA		
<b>Parcel Size:</b>	~0.09 ha/ 0.23ac		
<b>Water Supply:</b>	Municipal		
<b>Sewer:</b>	Private		
<b>Site Summary:</b>	<b>Zoning:</b>	<b>Use:</b>	
	<i>North:</i> Pixton Road Beach Access	Beach access road	
	<i>East:</i> RR3 – Rural Residential 3	Single-family Residence	
	<i>South:</i> RR3 – Rural Residential 3	Single-family residence	
	<i>West:</i> Waterfront- Okanagan Lake	Dock	

## ANALYSIS

The subject property falls within the Rural Residential Designation of the Official Community Plan (OCP).

The proposal is to construct a new residential dock. According to the assessment completed by Qualified Environmental Professional (QEP), a private moorage was present in 2018-2019 adjacent to the subject property. The former dock has been removed, a boat lift remains along the foreshore (Attachment D).

Due to the presence of rock shoal that extends up to 41 m from the approximate high water mark, the resulting water depth near the subject property is insufficient to provide safe boat moorage. The applicant is requesting to extend the maximum permitted length of the dock by 5.4 meters to a total length of 45.4 meters, as proposed. The length of the proposed dock design exceeds the maximum requirement (40.0m) of the Zoning Bylaw. The applicant requests a variance of 5.4 meters to construct the dock to provide the owner with safe boat moorage.

Transport Canada and both The Ministry of Land, Water and Resource Stewardship and The Ministry of Forests, Lands, Natural Resource Operations and Rural Development reviewed and reapproved the proposed dock.

Staff support the proposed development.

DEVELOPMENT REGULATIONS		
CRITERIA	Dock Construction	PROPOSAL
Dock Distance from upland parcel	40.0m	45.4m
Dock width	3.0m	3.0m
Dock shape	L / T-shaped	L Shape
Min. Setback - Side Yard (North)	6.0m	6.4m
Min. Setback - Side Yard (South)	3.0m	14.6m

## 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 application was referred to the Ministry of Water, Land and Resource Stewardship. The Ministry responded to say they had no comment on the application.
- As per the requirements of the Development Approval Procedure Bylaw, the applicant completed neighbour consultation and posted development notice signs at the property. The applicant did not receive any feedback prior to the drafting of this report. Any feedback received would be shared with Council as per District procedures.

## ALTERNATE RECOMMENDATIONS

- A. THAT Development Permit DVP00377 (Attachment A to the Report to Council dated November 19th, 2024) for the property at 12892 Pixton Road (Roll 02997.000; PID: 009-444-301) to allow construction of a dock with variance not be approved.

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B. THAT Development Permit DVP00377 (Attachment A to the Report to Council dated November 19th, 2024) for the property at 12892 Pixton Road (Roll 02997.000; PID: 009-444-301) to allow construction of a dock with variance be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
**Sheeja Vimalan, Planner**

## Report Approval Details

Document Title:	Development Variance Permit - DVP00377 - 12892 Pixton Road.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A-DVP00377-Draft DVP.docx</li> <li>- Attachment A-DVP00377-Draft DVP.pdf</li> <li>- Attachment B-DVP00377-Location Map and Orthophoto.docx</li> <li>- Attachment B-DVP00377-Location Map and Orthophoto.pdf</li> <li>- Attachment C-DVP00377-Dock Design.pdf</li> <li>- Attachment D-DVP00377-Site Photos.pdf</li> <li>- Attachment E-DVP00377-QP Checklist.pdf</li> </ul>
Final Approval Date:	Nov 13, 2024

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

**Brian Zurek, Manager of Planning - Nov 12, 2024 - 3:34 PM**

**Carie Liefke, Manager of Current Planning - Nov 12, 2024 - 4:21 PM**

**Jeremy Frick, Director of Development Approvals - Nov 13, 2024 - 7:59 AM**

**Reyna Seabrook, Director of Corporate Services - Nov 13, 2024 - 9:14 AM**

**Paul Gipps, Chief Administrative Officer - Nov 13, 2024 - 12:20 PM**