

Development Variance Permit Application — Rationale

Off-Street Parking Rate — Mojave Townhouse Development, 4601 Highway 97 (97th Street), Osoyoos, BC

Date: August 5, 2026 · **Town File:** DVP26-05 (amended submission)

To: Town of Osoyoos — Planning Department (Attn: Shannon Duong, MRM, Planner; Claudia Lenz; Tharini Prakash) — plan@osoyoos.ca

Applicant / Owner: Mojave Estates Ltd. (Builder: Kaiya Construction) — Sam Dhurai, (778) 751-9949, sam@kaiya.build

Subject lands: Lot A, District Lot 2450S, Similkameen Division Yale District, Plan 30111, except Phase 1 Strata Plan EPS12273 (PID 004-040-368) — the undeveloped remainder of the Mojave phased townhouse development (units 13–50 of 50 at full build-out), 4601 Highway 97 (97th Street), Osoyoos, BC V0H 1V1. Phase 1 (Strata Plan EPS12273, strata lots 1–12) is complete and occupied and is excluded from this application.

Existing Zone / OCP: RM1s — Medium Density Residential One (Site Specific) · OCP Designation: MR — Medium Density Residential

Provision to be varied: Zoning Bylaw No. 1395, 2024 — Section 10.2.1 (Table 10.2.1), “Townhouse” parking rate

1. The Variance Requested

Mojave Estates Ltd. requests a single variance: that Section 10.2.1 (Table 10.2.1) of Zoning Bylaw No. 1395, 2024 be varied to reduce the required off-street parking for “Townhouse” dwelling units from **1.5 spaces per dwelling unit to 1.0 space per dwelling unit**, applicable to the **38 remaining dwelling units (units 13–50)** on Lot A — the yet-to-be-developed remainder of the site. Phase 1 (strata lots 1–12) is excluded: it is complete, occupied and retains the Bylaw rate of 1.5 spaces per unit (18 spaces), giving 56 spaces site-wide at full build-out.

With the variance, the parking requirement is met in full with no other relaxation of any kind — each remaining unit provides one fully compliant enclosed stall:

Off-Street Parking — Mojave townhouse development (50 dwelling units at full build-out)	Stalls	Reference
Phase 1 (strata lots 1–12) — excluded from this application; retains the Bylaw rate of 1.5 spaces per dwelling unit	18	Table 10.2.1 (no variance)
Remaining units 13–50, required as varied — 1.0 space per dwelling unit × 38 units	38	Table 10.2.1 (varied)
Provided (units 13–50) — private enclosed garage, 1 per unit; garages on the current 'Central' building plans have a 6.71 m (22'-0") clear interior length, exceeding the 6.6 m standard applied at Building Permit review and accommodating one fully compliant stall (2.7 m × 6.0 m)	38	Floor plans (Jul 29, 2026)
Site total at full build-out (18 + 38); additional driveway aprons in front of every garage shown for information — not counted toward the requirement	56	DVP Parking Plan

No secondary suites are proposed as part of the current Building Permit applications; any future secondary suite would remain subject to the Bylaw’s separate secondary-suite parking requirement.

2. Why the Variance Is Appropriate

- **Practical parking capacity remains strong.** In addition to its enclosed garage stall, every townhouse has a private driveway apron in front of its garage (approximately 5.1 m deep on the current phase). In everyday use these homes accommodate two or more vehicles — end units can comfortably fit an

additional vehicle on the apron wholly within their own limited common property, as shown on the enclosed parking plan — so the varied rate reflects how the homes actually function.

- **The building envelopes are fixed by the approved servicing plan.** As a condition of building permits for the 50-home master plan, all 50 strata lots were fully serviced: the deep and shallow utilities were designed (civil set C-2419, finalized July 2024), approved and installed to the approved footprints and lane configuration before Zoning Bylaw No. 1395 was adopted on September 24, 2024. Widening the buildings to add enclosed parking would conflict with services already in the ground, and Phase I is complete and occupied on the same plan. A variance is the appropriate mechanism to reconcile the approved, serviced configuration with the current standard.
- **The varied rate is within the range of current BC practice.** Penticton's current Zoning Bylaw (No. 2024-22) requires 1.0 space per dwelling unit in its small-scale multi-unit residential zones, and Vernon requires as little as 1.25. Okanagan peers that keep higher headline rates — Kelowna (s.8.2.6), Vernon (s.7.1) and West Kelowna (s.4.4.2(c)) — all expressly count tandem driveway stalls toward required townhouse parking, meaning the driveway spaces these homes actually provide would count in those jurisdictions. Measured against what neighbouring bylaws actually require and count, 1.0 enclosed, unobstructed stall per unit plus real driveway capacity is a conservative ask.
- **It should be noted the garages already exceed the Town's enclosed-stall standard:** garages on the current building plans have been lengthened to a 6.71 m (22'-0") clear interior length against the 6.6 m applied at Building Permit review, with EV charging rough-ins encouraging actual garage use.

3. No Adverse Impact

All resident parking is on private garages and LCP aprons, clear of the strata road — no parking is proposed or permitted on the laneway, which remains fully unobstructed for traffic, waste collection and emergency services. Five visitor stalls (Visitor Parking 1–5) already exist on site within Phase I. The arrangement is internal to the strata, invisible from any public street, and creates no spill-over demand. The variance allows these attainable, Step Code 4 townhomes to proceed on schedule, consistent with the OCP's housing objectives.

4. Enclosures

1. Completed Development Variance Permit application form (Lot A, Plan 30111) — amended to units 13–50.
2. Drawing package — DVP Parking Plan (Kaiya, August 5, 2026) and full dimensioned architectural sets for the current 'Central' buildings (Toora Home Plans, July 29, 2026): site plan, floor plans and elevations, including dimensioned driveway aprons and 6.71 m (22'-0") garage interior lengths.
3. Certificate of Title JA14182 (Lot A) and corporate search — Mojave Estates Ltd. (Inc. No. BC1310238). Title searches for strata lots 1–12 previously provided to the Town.
4. Site survey — phased strata Form P sketch, Lot A, Plan 30111 (Pendergraft Professional Land Surveying, BCLS).
5. Provincial Contaminated Sites Regulation — completed Site Disclosure Statement (SDS) form covering the site (PDF, previously provided August 6, 2026).

We would ask that the application be placed before Council at the August 18, 2026 meeting, in keeping with the notification timelines under the Local Government Act. If anything further is required to complete the application, please contact me directly.

Sam Dhurai

for Mojave Estates Ltd. (Owner / Applicant)

Kaiya Construction

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