
CITY OF KELOWNA

MEMORANDUM

Date: May 24, 2001
File No.: DVP00-10,075

To: City Manager

From: Planning & Development Services Department

Subject:
DEVELOPMENT VARIANCE PERMIT OWNER: CORNEIL RUSSELL
APPLICATION NO. 00-10,075

AT: 5570 LAKESHORE ROAD APPLICANT: ED FENWICK

PURPOSE: TO VARY THE LEAVE STRIP PROVISIONS FROM 10.0M to
3.3M TO PERMIT THE COMPLETION OF A PUMP
HOUSE/SHED

EXISTING ZONE: A1 – AGRICULTURE 1

REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT Development Variance Permit No. DVP00-10,075, as outlined in the report dated May 10, 2001 from the Planning & Development Services Department on lands described as Lot B, Section 15, Township 28, SDYD, Plan KAP59239, located on Lakeshore Road, Kelowna, B.C., not be approved by the Municipal Council.

2.0 SUMMARY

The applicant has partially constructed a pump house/storage shed within the Okanagan Lake leave strip requirements of 5570 Lakeshore Road. The construction was commenced without a permit and, therefore, the Planning and Development Services Department is not supporting the variance. It is noted that the Ministry of Environment did not originally support the construction within the leave strip area, however, they have since provided support to retaining the existing structure as a one storey pump house and storage building. The applicant has agreed to provide additional planting of natural species in the area adjacent to the pumphouse.

3.0 BACKGROUND

3.1 The Proposal

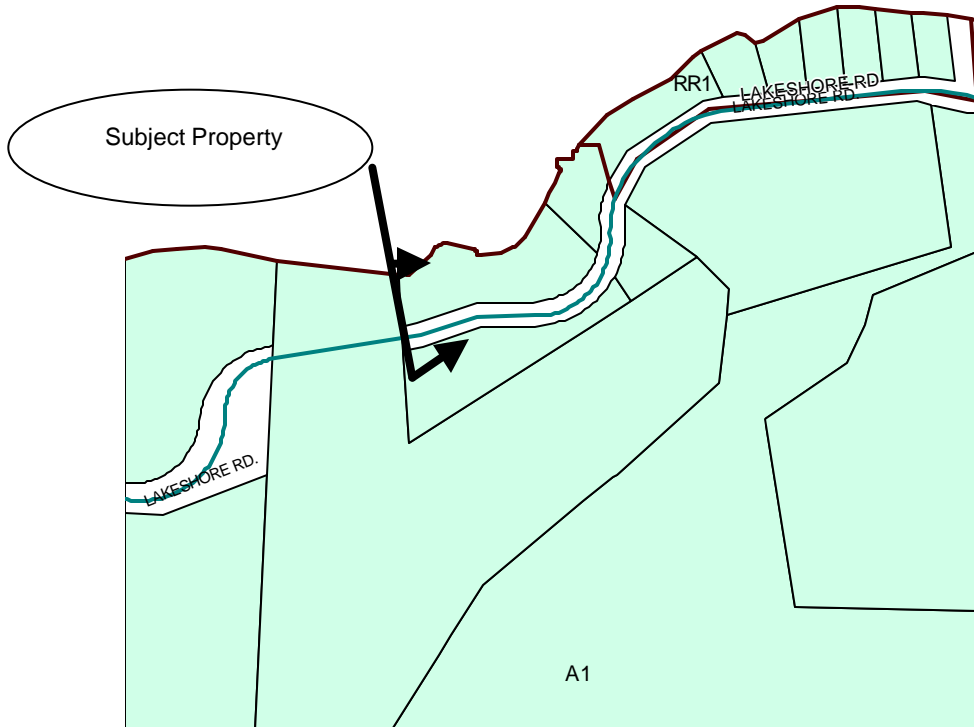
The applicant proceeded without permits to construct a new pump house and storage unit within the leave strip provision of Bylaw 8000. The building was red tagged and construction stopped. The applicant wishes to complete the building as a one storey

structure, and has been working with City of Kelowna staff and Ministry of Environment staff to work out a solution to the situation. As a result of these discussions, the Ministry of Environment has approved the existing structure as a single storey building with the applicant providing additional plantings of natural species. The property has a current water licence and the pump house is to provide water to the new residence under construction on the property. The property originally had two pump houses and this structure will replace both structures. One pump house still remains but will be removed once this pump is operational.

The applicant has had the option of removing the pump house structure reviewed by Interior Testing who have sited that, due to the nature of the construction, heavy equipment would be required. The Ministry, in light of this new information, has sited that the removal of the building would cause more damage to the environment than leaving it in place. The report from Interior Testing states that the new pump house is also working as a buttress to maintain as best as possible the stability of the slope. In constructing the new pump house, the applicant was attempting to have the pump located at a higher elevation to provide additional protection in case of a flood.

The applicant is in the process of coming forward with a second set of applications for the potential rezoning from the current A1 - Agriculture 1 zone to A1s - Agriculture 1 with secondary suite zone to retain an older existing house. The land disturbance above the 10 metre leave strip area is in preparation of a new single dwelling on the property. The applicant has put up bonding for the demolition of the existing house should the A1s - Agriculture 1 with secondary suite zone not be approved. Any other variance requirements and rezoning applications will be coming forward to Council under separate application.

3.2 Site Context



The property is located in the southern most section of the City of Kelowna. The adjacent zone uses are as follows:

- North - A1 - Agriculture
- East - A1 - Agriculture
- South - A1 - Agriculture
- West - W1 – Recreation Water Use: Lake Okanagan

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments. The Ministry of Environment supports the application for the existing structure based on Plan #0063 by Western Environmental Design Group.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department does not, as a practice, support variances for structures built without building permits. The applicant was well aware of the City's requirement for setback and leave strip provisions next to Okanagan Lake, as he consulted with City staff with respect to the new residence currently under construction. In the review of this application, should the applicant be required to remove the existing structure and replace it with a smaller structure, the removal could potentially cause damage to the leave strip area. Any further work within the leave strip area will require an Environmental DP. The applicant has scaled back the building from the original plan and is using the structure as a buttress to help in retaining the existing slope and, therefore, stabilize the bank for the existing vegetation. The Ministry of Environment has approved the existing structure to remain on site with additional planting as set for under the sketch plan prepared by Western Environmental Design Co. It should be noted that had the applicant sought permission for a pumphouse structure within the leave strip area, staff would have likely supported a minimum sized structure to facilitate the pump operation only.

In light of the above, the Planning and Development Services Department requests Council's consideration for this application.

6.0 ALTERNATE RECOMMENDATION

An alternate resolution for Council should they wish to approved the variance for the pump house is as follows:

THAT Municipal Council authorize the issuance of Development Variance Permit No.00-10,075; Ed Fenwick, Lot B, Section 15, Township 28, SDYD, Plan KAP59239, located on Lakeshore Road, Kelowna, B.C., subject to the following:

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 6.14.1 Stream Protection Leave Strips: A 6.7 m variance to vary the leaves strip setback from the 10 metres as required to 3.3 m as proposed.

Andrew Bruce
Current Planning Manager

Approved for inclusion

☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Development Services

BW/hb
Attach.

FACT SHEET

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. APPLICATION NO.: | DVP00-10,075 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: · ADDRESS · CITY · POSTAL CODE | Cornell Russell 5570 Lakeshore Road Kelowna, BC V1W 4J4 |
| 4. APPLICANT/CONTACT PERSON: · TELEPHONE/FAX NO.: | Ed Fenwick 764-2659/764-2779 |
| 5. APPLICATION PROGRESS: Date of Application: Date Application Complete: Servicing Agreement Forwarded to Applicant: Servicing Agreement Concluded: Staff Report to Council: | September 26, 2000 April 23, 2001 N/A N/A May 7, 2001 |
| 6. LEGAL DESCRIPTION: | Lot B Section 15 Township 28 SDYD Plan KAP59239 |
| 7. SITE LOCATION: | Pandosy to Lakeshore |
| 8. CIVIC ADDRESS: | 5570 Lakeshore Road |
| 9. AREA OF SUBJECT PROPERTY: | |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Environment and Hazardous Conditions |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PURPOSE OF THE APPLICATION: | To permit a pump house/storage shed within the leave strip |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | <u>Section 6.14.1 Stream Protection Leave Strips:</u> A 6.7 m variance to vary the leaves strip setback from the 10 metres as required to 3.3 m as proposed. |
| 14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not Applicable |

ATTACHMENTS

Survey Certificate showing location of Building
Diagram showing the plantings and design of the pump house