
CITY OF KELOWNA

MEMORANDUM

Date: July 12, 2001
File No.: DVP01-10,030

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: ALLEN JOHN
APPLICATION NO. DVP01-10,030 MACDONNELL

AT: 202 HERERON ROAD APPLICANT: AS ABOVE

PURPOSE: TO VARY THE SETBACK REQUIREMENT FOR AN EXISTING
BARN TO PERMIT A LOT LINE ADJUSTMENT ON THE EAST
PROPERTY LINE AND SOUTHERN EXTENSION OF THE EAST
PROPERTY LINE.

EXISTING ZONE: A1 – AGRICULTURE 1

REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. 01-10,030; John Allen MacDonnell, Lot 1, Sections 2 and 11, Township 23, ODYD, Plan KAP68206, located on Hereron Road, Kelowna, B.C. subject to the following:

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 11.1.5(f) Development Regulations, Setback for buildings housing more than 4 animals: a 3.05 metre variance requested to the east property line and a 8.5 m variance request to the south property line for the minimum setback of 15 m to a property line for a barn which houses more than 4 animals to 11.95 m on the east property line and 6.47 m on the southern extension of the east property line as proposed.

2.0 SUMMARY

The applicant proposes to create a new property boundary between Lots 1 and 2, Plan 68206, ODYD, Sections 1 & 2, Twp. 23. The boundary respects the requirements for the 15 m setback to the property line for a barn that houses more than four animals. However, the new property boundary does not respect the transition between the two

farms which is done by way of a steel fence located within the 15 metre set back. After great deliberation between the parties, it was determined that a request to reduce this setback requirement for the barn would result in the best solution to respect the existing farming boundary between the two properties. After Council consideration of the variance application, the applicant is then prepared to submit a lot line adjustment to relocate the property line along the existing steel fence, which creates the boundary between the two farms.

3.0 BACKGROUND

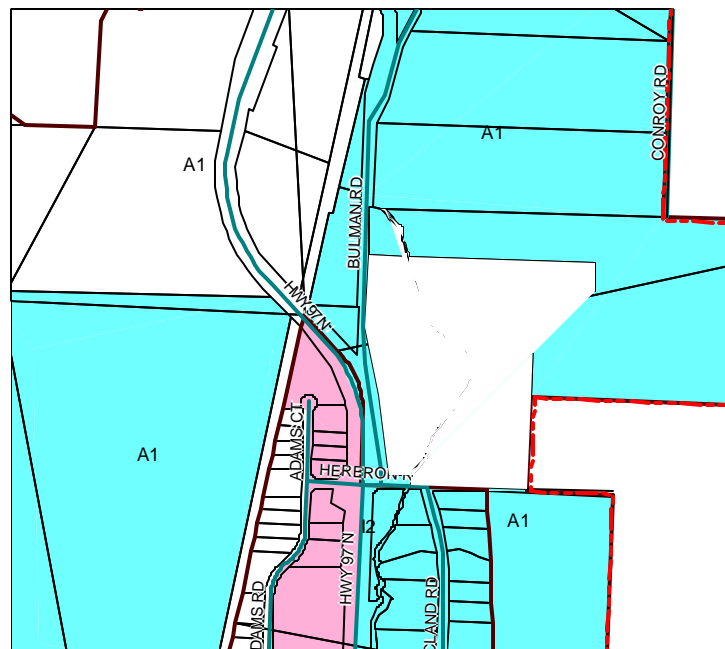
3.1 The Proposal

The property is located at the north end of the City in the agricultural area east of Highway #97 and south of the airport. The property is currently zoned A1 – Agriculture 1 and the affected properties are both used for agricultural purposes.

The farm building houses more than four animals and, therefore, requires a variance to have the property lines follow the existing fences and farm boundaries. The applicant is pursuing this option as it has been determined to be the most efficient for the current farm uses.

The variance is required to permit a lot line adjustment to follow the current farming boundaries which have existed on the properties for many years.

3.2 Site Context



The property is located north of a recent extension to Acland Road on the east side of Highway #97. The subject properties are located within the ALR. The adjacent zones and uses are as follows:

- North - A1 – Agriculture 1 within the ALR
- East - A1 – Agriculture 1 within the ALR
- South - a Combination of I2 – General Industrial and Agriculture 1 within the ALR
- West - On the west side of Highway #97 I2 – General Industrial

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The current use is consistent with the Rural/Agricultural land use designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the policy to preserve viable agricultural holdings as an integral part of our community.

4.0 TECHNICAL COMMENTS

The various departments and agencies were circulated and the Building Department has request that the land owner of Lot 2, Sections 2 and 11, Township 23, ODYD, Plan KAP 68206, register a No Build Covenant on the portion of property within the 15 metre setback to the barn. The applicant is aware of this requirement and has agreed to the condition.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has reviewed the application, and in light of the agreement of the applicant to respect the setback through the registration of a No Build Covenant to meet the 15 metre setback, there are no concerns.

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

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

BW/hb
Attach.

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Attachments
(missing from electronic version)

Subject Property Map
Site Plan

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DVP01-10-10,030 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Allan John MacDonald
3345 Bullman Road
Kelowna, BC
V1X 7V1 |
| 4. APPLICANT/CONTACT PERSON:
· TELEPHONE/FAX NO.: | As above
765-1689/765-4275 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | May 24, 2001

N/A
N/A
July 12, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 1 Section 2 & 11 TWP 23 ODYD
Plan KAP68206 |
| 7. SITE LOCATION: | Highway #97 to right onto Bullman
Road |
| 8. CIVIC ADDRESS: | Access to barn from 3345 Bullman
Road |
| 9. AREA OF SUBJECT PROPERTY: | 310,990 m2 |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PURPOSE OF THE APPLICATION: | To permit a lot line adjustment so the
future property line follows the
existing fence line. |
| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | <u>Section 11.1.5(f) Development
Regulations, Setback for buildings
housing more than 4 animals:</u> a
3.05 metre variance requested to the
east property line and a 8.5 m
variance request to the south property
line for the minimum setback of 15 m
to a property line for a barn which
houses more than 4 animal to 11.95
m on the east property line and 6.47
m on the southern extension to the
east property line as proposed. |
| 14. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS