
CITY OF KELOWNA

MEMORANDUM

Date: February 22, 2002
File No.: DVP01-10,093

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP01-10,093 OWNER: KEVIN SMITH

AT: 330 PENNO ROAD APPLICANT: KEVIN SMITH

PURPOSE: TO VARY THE HEIGHT, THE SIDE YARD SETBACKS AND THE PROJECTION OF AN ACCESSORY BUILDING

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. 01-10,093, Kevin Smith, Lot B, D.L. 123, ODYD, Plan 22129, located on Penno Rd., Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

Section 12.3.5 (b) maximum height of an accessory building: To increase the maximum height of an accessory building from 4.5m permitted to 9.44m requested;

Section 12.3.5 (d) Side yard for accessory building: To reduce the side yards for an accessory building from 2.0m required to 1.5m requested;

Section 6.4.2 Projection of unenclosed steps: To increase the projection of two unenclosed staircases into the side yards from 0.6m permitted to 0.9m requested.

2.0 SUMMARY

The applicant wishes to construct an accessory building in the back yard of his rural residential lot. The proposed building exceeds the City of Kelowna Zoning Bylaw No. 8000 height provisions. In addition, he is asking for a variance to be permitted to reduce the side yards from 2.0m required to 1.5m, as well as to increase the projection of two staircases from 0.6m to 0.9m.

The subject property backs onto industrial operations, and the scale of the accessory building is expected to have no negative impact on the neighbourhood. The applicant submitted letters of support from abutting property owners. Nonetheless, the Planning and Development Services Department recommends against granting the requested variances from the Zoning Bylaw. The scale of the proposed accessory structure is essentially that of an industrial building, and therefore might lend itself to industrial or commercial uses. Although the current property owner intends to use it for legitimate private uses allowed in rural residential zones, the building might attract future industrial uses that do not conform with the rural residential zone.

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to construct an accessory building for his car collection. The building would be located at the rear of the rural residential property. For some of his vehicles, the applicant requires an overheight garage. Furthermore, he would like to add a second storey for storage, which would bring the height of the building to 9.44 metres, rather than the 4.5m height allowed per the zoning bylaw.

In addition to the height variance, the applicant has requested a variance to the side yard setbacks. Side yards in the RR3 – Rural Residential 3 zone have to be at least 2.0m for an accessory building. The applicant wishes to reduce the side yards to 1.5m. The proposed building will have unenclosed staircases on either side. These staircases would project 0.9m into the side yard, thereby exceeding the 0.6m projection allowed by Bylaw No. 8000. Therefore, a variance for the projection of the stairs has also been requested.

The application compares to the requirements the RR3 – Rural Residential 3 zone as follows:

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Site Area (m ²)	1666m ² ❶	1ha
Site Width (m)	28.9m	18.0m
Site Depth (m)	57.8m	30.0m
Site Coverage (%)	28.3%	30%
Height (m / storeys)	9.44m ❷	4.5m for accessory buildings
Setbacks (m)		
- Front	7.0m	6.0m
- Rear	1.5m for the proposed accessory building	1.5m for accessory buildings
- West Side	1.5m ❸	2.0m
- East Side	1.5m ❸	2.0m
Projection into the side yard	0.9m for unenclosed staircase on either side of the accessory building ❹	0.6m for unenclosed steps

Notes:

- ❶ The lot was created prior to the current City of Kelowna Zoning Bylaw No. 8000, and the lot size is therefore legal non-conforming.
- ❷ The applicant has requested a variance for the height of the accessory building.
- ❸ A variance to reduce the side yard setback has been requested under this application.
- ❹ The applicant wishes to vary the projection of the staircases from 0.6m permitted to 0.9m.

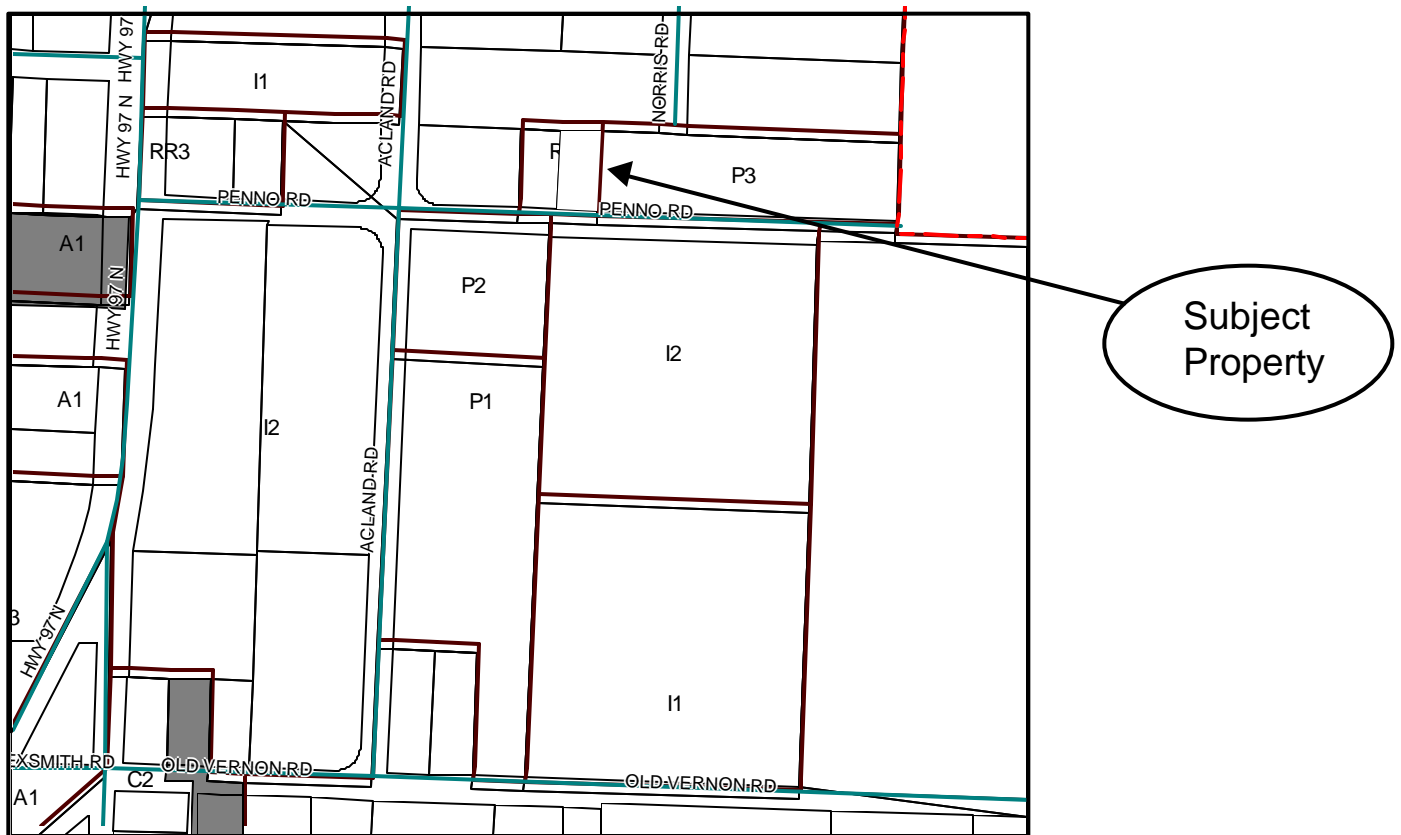
3.2 Site Context

The subject property is located in the Highway 97 South sector. It is located in an area characterized by industrial and institutional land uses, interspersed with several rural residential lots.

Adjacent zones and uses are, to the:

- North - I2 – General Industrial – Forest Products Company
- East - P3 – Parks and Open Space – Mission Springs Golf Club
- South - I2 – General Industrial – Business Park
- West - RR3 – Rural Residential 3 – Single Detached Dwelling

Location Map



3.3 Existing Development Potential

The property is currently zoned RR3 - Rural Residential 3, a zone intended for country residential development on smaller lots, in areas of high natural amenity and limited urban services.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Official Community Plan designates the subject property as Industrial.

4.0 TECHNICAL COMMENTS

The application has been circulated to various departments and agencies, and the following relevant comments have been submitted:

4.1 Inspection Services Department

The stairs will encroach into the side yard. A second exit is required from the main floor.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with the height of the proposed building, as well as with the requested side yard and projection variances. The proposed height and width essentially create a building industrial in nature. While it is recognized that the applicant intends to use the building for his own personal use, there is the possibility that a future owner may use the building for commercial or industrial uses, due to its size. Allowing what is essentially an industrial scale building may invite commercial or industrial activities on this property, which would become an enforcement problem and may isolate the remaining RR3 zoned property to the west.

While the proposed building is not out of character with the industrial land use designation of the property, it does not fit with the existing zoning. Ultimately, it would be preferable to consolidate this property with the abutting lot to the west to rezone them to an industrial zone.

Rather than approving the requested variances, the department recommends that Council grant a height variance to allow for an overheight one-storey accessory building. This would still allow the applicant to use the building for its intended use, the storage of the owner's vehicle collection, while maintaining a scale appropriate for the existing zoning. The recommendation is listed in Section 6.0.

In the case that Council support the applicant's concept for a two-storey building, an alternate recommendation for the height, side yard and projection variances is listed in Section 7.0.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. 01-10,093, Kevin Smith, Lot B, D.L. 123, ODYD, Plan 22129, located on Penno Rd., Kelowna, B.C.;

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

Section 12.3.5 (b) maximum height of an accessory building: To increase the maximum height of an accessory building from 4.5m permitted to 6.7m.

7.0 SECOND ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. 01-10,093, Kevin Smith, Lot B, D.L. 123, ODYD, Plan 22129, located on Penno Rd., Kelowna, B.C.;

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

Section 12.3.5 (b) maximum height of an accessory building: To increase the maximum height of an accessory building from 4.5m permitted to 9.44m requested;

Section 12.3.5 (d) Side yard for accessory building: To reduce the side yards for an accessory building from 2.0m required to 1.5m requested;

Section 6.4.2 Projection of unenclosed steps: Increase the projection of two unenclosed staircases into the side yards from 0.6m permitted to 0.9m requested.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

- | | | |
|-----|---|--|
| 1. | APPLICATION NO.: | DVP01-10,093 |
| 2. | APPLICATION TYPE: | Development Variance Permit |
| 3. | OWNER: | Kevin Smith |
| | · ADDRESS | PO Box 25089
Mission Park PO |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1W 3Y7 |
| 4. | APPLICANT/CONTACT PERSON: | As above |
| | · ADDRESS | |
| | · CITY | |
| | · POSTAL CODE | |
| | · TELEPHONE/FAX NO.: | 765-8537 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | December 4, 2001 |
| | Date Application Complete: | |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to Council: | February 22, 2002 |
| 6. | LEGAL DESCRIPTION: | Lot B, D.L. 123, ODYD, Plan 22129 |
| 7. | SITE LOCATION: | Highway 97 South, east of Highway 97, on the north side of Penno Road |
| 8. | CIVIC ADDRESS: | 330 Penno Road |
| 9. | AREA OF SUBJECT PROPERTY: | 1666m" |
| 10. | EXISTING ZONE CATEGORY: | RR3 – Rural Residential 3 |
| 11. | PURPOSE OF THE APPLICATION: | To vary the height of an accessory building and reduce both side yards and projections of stairs |
| 12. | MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 13. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevation