
CITY OF KELOWNA

MEMORANDUM

Date: June 3, 2002
File No.: DVP02-0045

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP02-0045 OWNER: JIM AND TRACEY JENSEN

AT: 3983 LAKEVALE PLACE APPLICANT: JIM JENSEN

PURPOSE: TO REDUCE THE REQUIRED REAR YARD SETBACK FOR A GARAGE
FROM 6.0 METRES REQUIRED TO 1.5M PROVIDED

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 authorize the issuance of Development Variance Permit No. 02-0045 for Lot 10, Section 2, Twp. 26, ODYD, Plan KAP51268, located on Lakevale Place, Kelowna, B.C.;

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

Section 6.3.2 – front yard setback applies to both street frontages on lots with two street frontages: Vary the provision to permit the setback of a garage to be reduced to 1.5m from the south property line.

2.0 SUMMARY

The applicant wishes to construct a detached garage and workshop in the south section of his lot. He was issued a Building Permit, permitting him to locate the building 1.5m from the property line, and subsequently started construction. The lot is a double-fronting lot and the garage and workshop should have been located at a distance of 6.0 m from the south property line. The applicant is therefore requesting a variance to reduce the setback to 1.5m, which is consistent with the setback of accessory structures on lots that do not have double frontage.

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to construct a garage on the south section of his property. He made application for a Building Permit and was granted a permit to construct a detached garage 1.5m from the south property line. He subsequently started construction. It was then noted that the approved siting of the garage did not meet the provisions of Zoning Bylaw No. 8000. The subject property is a lot with frontage on three streets and the front yard setback should have been applied to the north and the south property line. The garage therefore would have had to be located 6.0m from the south property line to meet the bylaw.

All properties on Lakevale Place, including the subject property, orient the front of the house towards Lakevale Place and therefore have rear yards along McCulloch Road. The subject property has a chainlink fence in the back, as well as a row of young cedar trees. The side yard along Lakevale Place is screened from the street with a solid wood fence, which has a chainlink gate at the future driveway access to the new garage. An approximately 30.0m wide right-of-way exists between the south property line and the edge of McCulloch Road, which provides additional separation between the new building and the road.

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

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Site Area (m ²)	1877m ² ❶	1ha
Site Width (m)	18.3m	18.0m
Site Depth (m)	63.9m	30.0m
Site Coverage (%)	15.6%	30%
Height (m / storeys)	4.5m	4.5m for accessory buildings
Setbacks (m)		
- Front	9.2m	6.0m
- Rear	1.5m ❷	6.0m
- West Side	2.0m for garage	2.0m
- East Side	15.0m for garage	4.5m

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 to be permitted to construct the garage 1.5m from the south property line.

3.2 Site Context

The subject property is located in Southeast Kelowna. The area north of McCulloch Road is zoned for rural residential lots. South of McCulloch Road, agricultural zones, as well as more rural residential lots can be found.

Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3 – Single detached dwelling
- East - RR3 - Rural Residential 3 – Single detached dwelling
- South - RR2 – Rural Residential 2 - Single detached dwelling and vacant lot
- 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 Single/Two Family Residential.

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

As per on-site discussions of owner, grade will be raised.

4.2 Works & Utilities

The department has no concern with the requested rear yard variance.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the requested variance to locate the building 1.5m from the south property line, rather than 6.0m, as required by bylaw. The building is well screened from Lakevale Place with a fence. A row of young cedars will provide a visual screen of the garage from McCulloch Road. In addition, the south property line is located approximately 30 metres from McCulloch Road, and the variance is therefore not expected to have a negative visual impact from the road. The neighbour abutting the subject property to the west does not object to the siting of the garage and workshop as 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.: | DVP02-0045 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | James Gary and Tracy Colleen Jensen |
| . ADDRESS | 3983 Lakevale Place |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3Z5 |
| 4. APPLICANT/CONTACT PERSON: | Jim Jensen |
| . ADDRESS | |
| . CITY | |
| . POSTAL CODE | |
| . TELEPHONE/FAX NO.: | 861-9419 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | May 27, 2002 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | June 3, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 10, Section 2, Twp. 26, ODYD, Plan KAP51268 |
| 7. SITE LOCATION: | Southeast Kelowna, north of McCulloch Road, west of Eastwood Drive, at the corner of Lakevale Place and Lakevale Place |
| 8. CIVIC ADDRESS: | 3983 Lakevale Place
Kelowna, BC
V1W 3Z5 |
| 9. AREA OF SUBJECT PROPERTY: | 1877m" |
| 10. EXISTING ZONE CATEGORY: | RR3 – Rural Residential 3 |
| 11. PURPOSE OF THE APPLICATION: | To vary the setback for a detached garage and workshop from 6.0m required to 1.5m proposed |
| 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 of garage and workshop
- Photos