
CITY OF KELOWNA

MEMORANDUM

Date: June 25, 2002
File No.: DVP02-0034

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. DVP02-0034 OWNER / APPLICANT: Ed & Evelyn Henkel
AT: 202 Drake Road

PURPOSE: To attain a development variance permit to vary the required minimum 10 m rear yard building setback for the A1 – Agriculture zone.

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: A1 – Agriculture 1

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0034, Lot 9, Block 4, Section 4 & 9, Township 23, ODYD, Plan 896, located on Drake Road, Kelowna, B.C.;

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

Section 11.1.5 (e) – Development Regulations, Minimum rear yard from 10.0m to 7.0m and 8.0m respectively, for two existing single family dwellings,

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The Land Reserve Commission allowed by resolution #728/2001 an application for a homesite severance lot on the subject property. The proposed location of the homesite severance lot was allowed at the rear of the existing subject property, which is the steeply sloping area west of Drake Road. The applicant is concurrently applying for a subdivision of the subject property in conformance with the Land Reserve Commission resolution. The proposed homesite severance lot creates a lot boundary at the rear of the two existing single family dwellings that are proposed to remain with the larger remnant parcel.

The applicant is requesting a variance to the minimum rear yard setback required in the A1 – Agriculture 1 zone for the two existing single family dwellings. The minimum required rear yard

setback within the A1 zone is 10.0 m. The proposed rear yard setback created between the proposed property line separating the homesite severance lot and the two existing single family dwellings located on the remnant parcel is proposed at 7.0 m for one house and 8.0 m for the second house. The applicant is requesting the variance so that two mature ponderosa pines can remain undisturbed on the property and to accommodate a driveway to the proposed homesite severance lot without removing an existing mature oak tree.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of June 4, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Development Variance Application No. DVP02-0034, 202 Drake Road, Lot 9, Plan 896, Sec. 9, twp. 23, ODYD by Ed & Evelyn Henkel to vary the rear yard setback to the existing two residential dwelling from the 10.0 m required to the 7.0 m and 8.0 m proposed, in order to retain two large trees.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to subdivide the subject property to create a homesite severance lot on the western portion of the site. The homesite severance lot is steeply sloping and well treed. In an effort to retain two mature ponderosa pines the applicant has proposed a property line that requires a variance to the minimum rear yard setback required in the A1 – Agriculture 1 zone.

CRITERIA	PROPOSAL	A1 ZONE REQUIREMENTS
Site Area (ha)	0.5 & 3.3	2.0
Site width	Minimum 40.0	40.0
Setbacks (m)		
- Front	Over 30.0	6.0
- Rear	7.0 & 8.0	10.0
- North Side	13.0	3.0
- South Side	7.0	3.0

Note: Homesite Severance Lots are not required to meet the minimum lot area for the A1 – Agriculture 1 zone.

4.2 Site Context

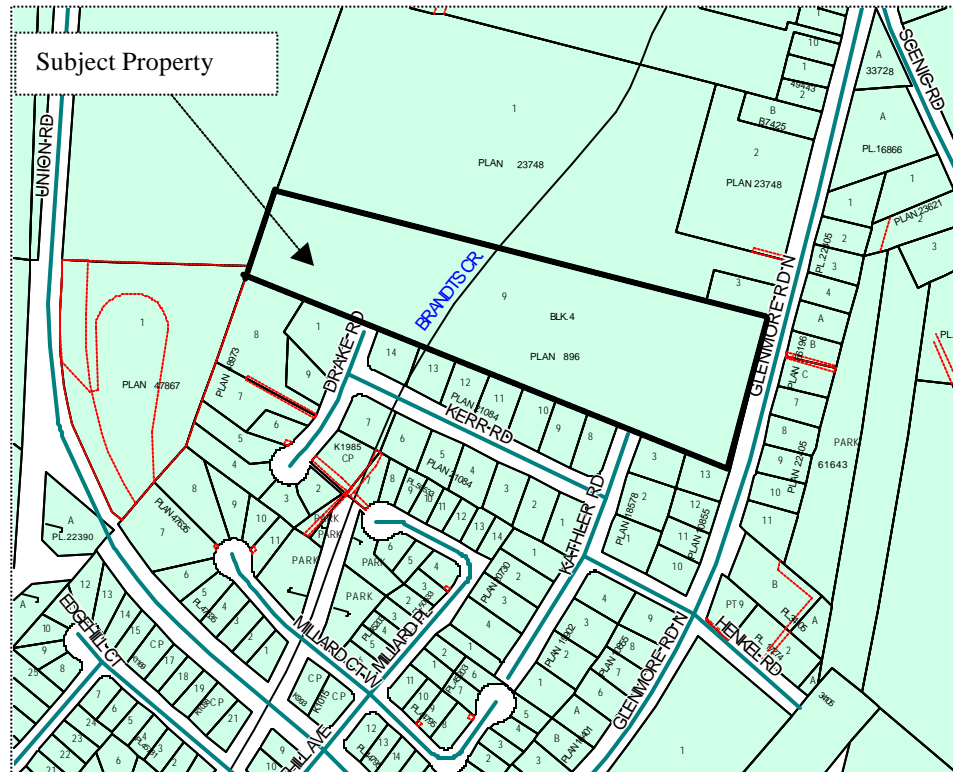
The site is located on the west side of Glenmore Road N and north of Kerr Road in the Glenmore / Clifton / Dilworth Sector area of the city. The site is 3.72 ha (9.2 ac) in size and the elevation ranges from 430 m to 460 m. The area to remain in agricultural use is relatively flat with an elevation ranging from 430m to 435 m. The area to the west of Drake Road, intended for the homesite severance, is significantly sloped with an elevation ranging from 435 m to 460 m.

The area located to the west of the site is within the Glenmore Highlands Area Structure Plan area and is identified as RU1 – Large Lot Housing on the Zoning Plan with in the Area Structure Plan.

ZONING AND USES OF ADJACENT PROPERTY:

- North - A1 – Agriculture 1; Orchard & hay field
 East - A1 – Agriculture 1; Residential
 South - RU1 – Large Lot Housing, RR3 – Rural Residential 3; Residential
 West - A1 – Agriculture 1, P4 - Utilities; vacant (Glenmore Highlands Area Structure Plan area)

The subject property is located on the map below.



4.3 Existing Development Potential

The existing development potential of the site is agriculture and related uses.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

A primary goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

4.4.2 Kelowna Official Community Plan

The Official Community Plan designation of the subject property as Rural / Agricultural and recognizes the importance of agricultural uses.

4.4.3 Glenmore / Clifton / Dilworth Sector Plan

The Sector Plan designates the future land use of the subject property as Rural / Agricultural. The plan identifies an objective of the City of Kelowna to promote and support the long-term opportunities for farm operations.

4.4.4 City of Kelowna Agriculture plan (1998)

The Agriculture Plan identifies the subject property as being suitable for retention within the Agricultural Land Reserve. The Agriculture Plan states that the City of Kelowna will continue to support the concept of Homesite Severance applications when consistent with the Land Reserve Commission Policy No. 025/78.

5.0 TECHNICAL COMMENTS

5.1 Utility and Civic Departments

The technical and utility comments are identified in the Preliminary Layout Review letter issued with the concurrent subdivision application. No concerns were expressed regarding the proposed development variance.

5.2 Planning & Development Services Department Comments

The Planning and Development Services Department supports the variance of the required rear yard to protect two mature ponderosa pines and to create a safe driveway entrance to the proposed homesite severance without removing an existing mature oak tree.

R.G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/JD/jd
Attachments

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DVP02-0034 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Edwin & Evelyn Henkel |
| · ADDRESS | 202 Drake Road |
| · CITY/POSTAL CODE | Kelowna, BC V1V 1X2 |
| 4. APPLICANT/CONTACT PERSON: | Edwin & Evelyn Henkel |
| · ADDRESS | 202 Drake Road |
| · CITY/POSTAL CODE | Kelowna, BC V1V 1X2 |
| · TELEPHONE/FAX NO.: | (250) 762-8084 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | April 24, 2002 |
| Date Application Complete: | May 1, 2002 |
| Servicing Agreement Forwarded to Applicant: | NA |
| Servicing Agreement Concluded: | NA |
| Staff Report to Council: | June 26, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 9, Block 4, Sections 4 & 9, Twp. 23, ODYD, Plan 896 |
| 7. SITE LOCATION: | West of Glenmore Road N. and north of Kerr Road |
| 8. CIVIC ADDRESS: | 202 Drake Road |
| 9. AREA OF SUBJECT PROPERTY: | 3.72 ha (9.2 ac) |
| 10. AREA OF PROPOSED REZONING: | Not Applicable |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | To attain a development variance permit to vary the required rear yard setback. |
| 13. PURPOSE OF THE APPLICATION: | Section 11.1.5 (e) Development Regulations, minimum rear yard 10.0 m to 7.0 m & 8.0 m. |
| 14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not Applicable |

Attachments that are missing from the Electronic Version

Subject Property Map
Proposed Subdivision Layout (Map "A")