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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** August 12, 2003  
**File No.:** DVP03-0084

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0084      **OWNER:** Laura and Donald Major

**LOCATION:** 1140 Lacombe Road      **APPLICANT:** Laura and Donald Major

**PURPOSE:** TO VARY THE FLANKING SIDE YARD SETBACK FROM 4.5M  
REQUIRED TO 1.91M EXISTING

**EXISTING ZONE:** RR3 – RURAL RESIDENTIAL 3

**REPORT PREPARED BY:** RYAN SMITH

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1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0084 for Lot 11, Section 26, Township 26, ODYD Plan 18148, located on Lacombe Road, Kelowna, B.C.;

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

Section 12: Rural Residential 3: Subsection: 12.3.5(d):

Vary the flanking side yard setback from 4.5m required to 1.91m existing.

AND THAT issuance of a Development Variance Permit be subject to the provision of a corner rounding dedication of 6.0 m radius at the intersection of Sumac Road E and Lacombe Road.

2.0 SUMMARY

The applicant is seeking to vary the flanking side yard setback from 4.5m required to 1.91m existing.

3.0 BACKGROUND

The applicants undertook to enclose an existing carport without a Building Permit or Development Variance Permit. After being informed by the City of Kelowna Inspection Services

Department that these permits were necessary the required applications were submitted by the applicants.

### 3.1 The Proposal

The applicant is seeking to vary the flanking side yard setback from 4.5m required to 1.91m existing. The carport that existed prior to the renovation was a legal non-conformity. The renovation and enclosure of the existing carport represents an intensification of the use and therefore the City of Kelowna requires that this portion of the building meet today's required setbacks.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RR3- Rural Residential 3 zones as follows:

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	997m <sup>2</sup> (existing legal non-conformity)	1600m <sup>2</sup>
Lot Width	19.50m (existing legal non-conformity)	20.0m
Lot Depth	51.82m	30.0m
<b>Setbacks</b>		
Side Yard (north)	1.91m	4.5m
Side Yard (south)	1.68m (existing legal non-conformity)	2.0m
Front Yard	9.17m	6.0m
Rear Yard	30m (approx.)	7.5m

●Note: The applicant is seeking to vary the flanking side yard setback from 4.5m required to 1.91m existing.

### Site Context

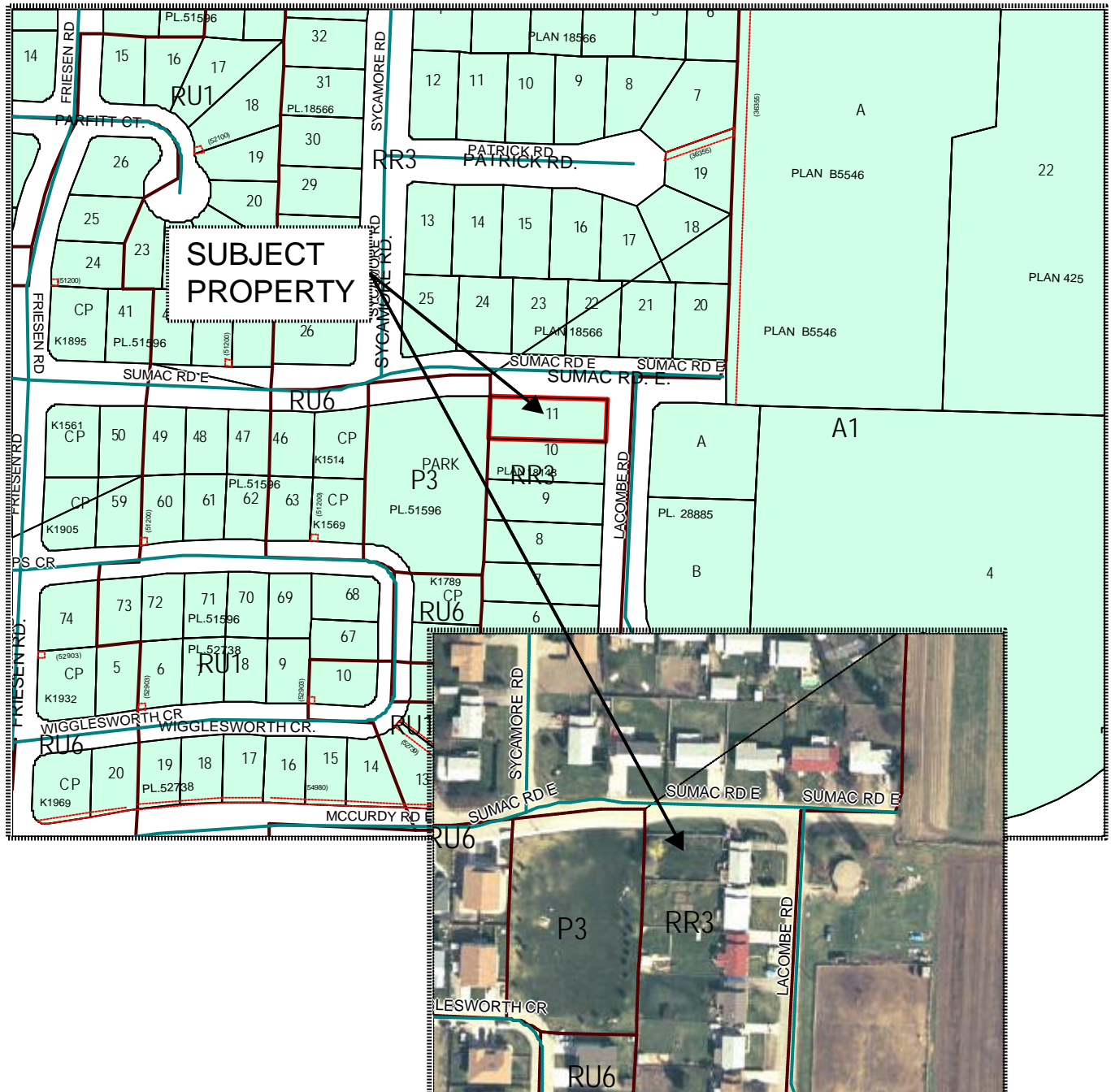
The subject property is located on the corner of Lacombe Road and Sumac Road East in the Rutland Sector Plan area.

Adjacent zoning and existing land uses are to the:

- North - RR3 – Rural Residential 3 – Single-Family Dwelling
- East - A1 – Agriculture 1
- South - RR3 – Rural Residential 3 – Single-Family Dwelling
- West - P3 – Parks and Open Space

## Site Map

Subject Property: 1140 Lacombe Road



#### 4.0 TECHNICAL COMMENTS

This application has been circulated to various internal departments and external agencies and the following comments were received:

##### 4.1 Works and Utilities Department

###### a) Road Dedication Requirements

By registered plan to provide the following:

- Provide a corner rounding dedication of 6.0m radius at the intersection.

###### (a) Development Permit and Site Related Issues

The existing driveway access to Lacombe Road near the intersection of Sumac Road is in an unsafe location. Its siting is contrary to the Subdivision, Development and Servicing Bylaw and will need to be relocated.

Construct a new driveway access to Sumac Road west of the existing utility service pole. A driveway culvert will be required in the drainage swale. The driveway should be graded to meet the future extension of the existing sidewalk as well as provide access to off-street parking for two vehicles.

- (c) The variance permit application to reduce the side yard setback to the recently enclosed carport does not compromise Works and Utilities servicing requirements.

##### 4.2 Inspection Services

No comment.

## 5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed variance. The applicant has agreed to relocate the existing driveway that is located on Lacombe Road at the intersection with Sumac Road E. and represents a significant traffic hazard. Furthermore the applicant has also agreed to provide a corner rounding at this intersection. The applicants neighbours located at the following addresses have indicated their support by way of written submission: 600 Sumac Rd. E; 570 Sumac Rd. E.; 1135 Lacombe Rd..

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RM/AB/rs  
Attach.

**FACT SHEET**

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| 15. | <b>APPLICATION NO.:</b>   | DVP03-0084  |
| 15. | <b>APPLICATION TYPE:</b>  | Development Variance Permit   |
| 3.  | <b>OWNER:</b>   | Laura and Donald Major  |
|     | · <b>ADDRESS</b>  | 1140 Lacombe Road   |
|     | · <b>CITY</b>   | Kelowna, BC   |
|     | · <b>POSTAL CODE</b>  | V1X 4W6   |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>  | Laura and Donald Major  |
|     | · <b>ADDRESS</b>  | 1140 Lacombe Road   |
|     | · <b>CITY</b>   | Kelowna, BC   |
|     | · <b>POSTAL CODE</b>  | V1X 4W6   |
|     | · <b>TELEPHONE/FAX NO.:</b>   | 878-4855  |
| 5.  | <b>APPLICATION PROGRESS:</b>  |   |
|     | Date of Application:  | July 16, 2003   |
|     | Date Application Complete:  | July 16, 2003   |
|     | Servicing Agreement Forwarded to Applicant:                               | N/A   |
|     | Servicing Agreement Concluded:  | N/A   |
|     | Staff Report to APC:  | N/A   |
|     | Staff Report to Council:  |   |
| 15. | <b>LEGAL DESCRIPTION:</b>   | Lot 11, Section 26, Township 26,<br>ODYD Plan 18148   |
| 15. | <b>SITE LOCATION:</b>   | The subject property is located on the<br>corner of Lacombe Road and Sumac<br>Road East in the Rutland Sector Plan<br>area. |
| 15. | <b>CIVIC ADDRESS:</b>   | 1140 Lacombe Rd.  |
| 15. | <b>AREA OF SUBJECT PROPERTY:</b>  | 997m <sup>2</sup>   |
| 15. | <b>EXISTING ZONE CATEGORY:</b>  | RR3   |
| 15. | <b>TYPE OF DEVELOPMENT PERMIT AREA:</b>                                   | N/A   |
| 15. | <b>PURPOSE OF THE APPLICATION:</b>  | TO VARY THE FLANKING SIDE YARD<br>SETBACK FROM 4.5M REQUIRED TO 1.91M<br>EXISTING   |
| 15. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                                 | N/A   |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> |   |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>                       | N/A   |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Elevations showing proposed height variance
- Pictures of the Site