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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** December 9, 2003  
**File No.:** DVP03-0167

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO. DVP03-0167                      OWNER: Double Day Development

AT: 1585 Lewis Road                              APPLICANT: Dave Davies

PURPOSE: To vary the road frontage improvement requirements as required by the Subdivision, Development and Servicing Bylaw No. 7900, in order to facilitate a two lot rural subdivision

EXISTING ZONE: RR3–Rural Residential 3

REPORT PREPARED BY: MARK KOCH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0     RECOMMENDATION**

THAT Municipal Council NOT authorize the issuance of Development Variance Permit No. 03-0167: Double Day Development Corp; 1585 Lewis Road, Lot A, Plan KAP72858, Sec. 13, Twp. 26, ODYD;

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 NOT be granted, thereby not waiving the improvement requirements for the Lewis Road street frontage, as outlined in the Subdivision Approving Officer's Preliminary Layout Review letter dated November 20, 2003;

Part 5: OWNER TO PERFORM WORK:

Section 9.3 – Required Works and Services (1) (a) (i)

- In the case of a Subdivision all onsite Works and Services and
- all offsite Works and Services on that portion of the highway(s) immediately adjacent to the site, up to the centre line of that adjacent highway(s), insofar as their requirement is directly attributable to the Subdivision.

**2.0     SUMMARY**

This Development Variance Permit application is the result of an associated subdivision preliminary layout review application, where based on the Subdivision, Development and Servicing Bylaw No. 7900, the Subdivision Approving Officer required that the applicant contribute towards the frontage improvements on Lewis Road in the estimated amount of \$53,400.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant has previously applied to rezone and subdivide the subject the property into two parcels, with the applicant seeking to sell the one proposed parcel and retaining the other proposed parcel which houses the existing principle dwelling. City Council has granted a rezoning for the subject property, from RR2-Rural Residential 2 to RR3-Rural Residential 3 on November 18, 2003. The subject property is located in the Agricultural Land Reserve, with the Land Reserve Commission having granted their approval to the associated subdivision application. This Development Variance Permit application is to vary the Subdivision, Development and Servicing bylaw No. 7900 requirements which were triggered as a result of the prior subdivision preliminary layout review application.

These requirements include:

Lewis Road must be upgraded to a full urban standard including curb and gutter, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. Re-locate existing poles and utilities, where necessary.

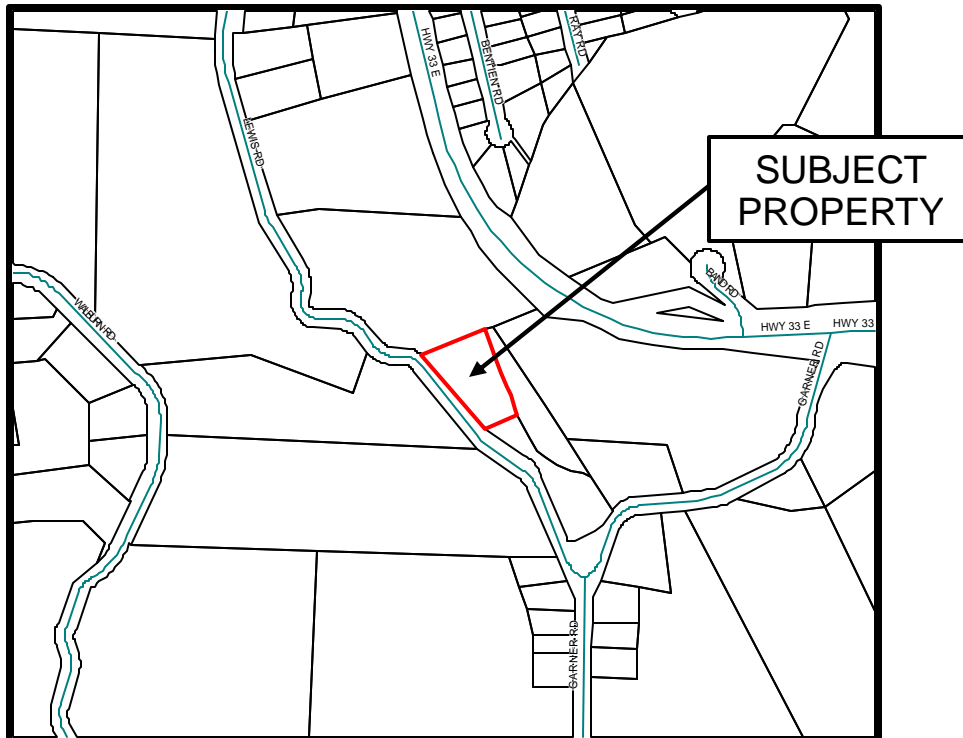
#### 3.2 Site Context

The subject property is located on Lewis Road and north of Garner Road, adjacent to Garner Pond in the Belgo/Black Mountain Sector Plan area of the City.

Adjacent zones and uses are:

North - A1–Agriculture 1 / Agricultural  
East - RR3–Rural Residential 3 / Garner Pond  
South - P3-Parks and Open Space / Public Park  
West - A1–Agriculture 1 / Agricultural

#### 3.3 Location Map



#### 4.0 ALTERNATE RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. 03-0167: Double Day Development Corp; 1585 Lewis Road, Lot A, Plan KAP72858, Sec. 13, Twp. 26, ODYD;

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, thereby waiving the improvement requirements for the Lewis Road street frontage, as outlined in the Subdivision Approving Officer's Preliminary Layout Review letter dated November 20, 2003;

##### Part 5: OWNER TO PERFORM WORK:

##### Section 9.3 – Required Works and Services (1) (a) (i)

- In the case of a Subdivision all onsite Works and Services and
- all offsite Works and Services on that portion of the highway(s) immediately adjacent to the site, up to the centre line of that adjacent highway(s), insofar as their requirement is directly attributable to the Subdivision.

#### 4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department does not support this application to vary the required Subdivision, Development and Servicing Bylaw No. 7900 road frontage improvements.

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Bob Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** DVP03-0167
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Double Day Development Corp  
· **ADDRESS** 406 Moubray Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1V 1R4
4. **APPLICANT/CONTACT PERSON:** David Davies  
· **ADDRESS** 406 Moubray Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1V 1R4  
· **TELEPHONE/FAX NO.:** 763-7920
5. **APPLICATION PROGRESS:**  
    **Date of Application:** December 2, 2003  
    **Date Application Complete:** December 2, 2003  
    **Servicing Agreement Forwarded to Applicant:**  
    **Servicing Agreement Concluded:**  
    **Staff Report to APC:**
6. **LEGAL DESCRIPTION:** Lot A, Plan 72858, Sec. 13, Twp. 26, ODYD
7. **SITE LOCATION:** East of Lewis Road and North of Garner Road
8. **CIVIC ADDRESS:** 1585 Lewis Road
9. **AREA OF SUBJECT PROPERTY:** 0.56ha
10. **EXISTING ZONE CATEGORY:** RR3-Rural Residential 3
11. **PURPOSE OF THE APPLICATION:** To vary the road frontage improvement requirements as required by the Subdivision, Development and Servicing Bylaw No. 7900, in order to facilitate a two lot rural subdivision
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 20554  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
13. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS**

## *ATTACHMENTS*

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

- Location of subject property
- Proposed Subdivision Plan
- Standard Detail Drawing SS-R3
- Letter from Applicant
- State of Title