
CITY OF KELOWNA

MEMORANDUM

Date: August 5, 2004
File No.: DVP04-0080
To: City Manager
From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP04-0080 **OWNER:** Matt and Christa Inhoff

LOCATION: 2565 O'Reilly Road **APPLICANT:** Matt and Christa Inhoff

PURPOSE: TO VARY THE FLANKING SIDE YARD SETBACK FROM 4.5M
REQUIRED TO 2.9M PROPOSED

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0080; Lot 14, Section 16, Township 26, ODYD Plan 24733, located on O'Reilly Road, Kelowna, B.C.;

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

Section 12.3.6(d):

Vary the flanking side yard setback from 4.5m required to 2.9m proposed.

2.0 SUMMARY

The applicant is seeking to replace an existing non-conforming accessory building on the subject property with a new accessory structure. The siting of the new accessory structure will be similar to that of the existing structure and therefore a development variance permit is required to address the substandard flanking side yard setback.

3.0 BACKGROUND

A small accessory building currently exists on the subject property. This structure is non-conforming with regard to the flanking side yard setback.

3.1 The Proposal

The applicant is seeking to replace an existing non-conforming accessory building on the subject property with a new accessory structure that is slightly larger in size. The siting of the new accessory structure measuring 38.2m² will be similar to that of the existing structure but will require a development variance permit to address the substandard flanking side yard setback that previously existed as a legal non-conformity.

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

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Lot Size(m ²)	1336m ² ❶	1.0Ha
Lot Width(m)	24m	20.0m
Lot Depth(m)	41m	30.0m
Area of Single Family Dwelling	151.2m ²	N/A
Area of Proposed Accessory Building	38.2m ²	N/A
Site Coverage (proposed)	14.29%	30%
Setbacks (accessory)		
Front Yard	N/A	6.0m
Side Yard(W)	2.3m	2.3m
Side Yard(E)	4.5m	2.5m
Rear Yard	1.5m	1.5m

❶ Note: The subject property is non-conforming with regard to the lot area required by Zoning Bylaw No.8000.

Site Context

The subject property is located at the corner of O'Reilly Road and Packers Road.

Adjacent zoning and existing land uses are to the:

- North - RR3 – Rural Residential 3 – Single Family Dwelling
- East - RR3 – Rural Residential 3 – Single Family Dwelling
- South - RR3 – Rural Residential 3 – Single Family Dwelling
- West - RR3 – Rural Residential 3 – Single Family Dwelling

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

No comment.

4.2 Inspection Services

No comment.

4.3 Fire Department

No comment.

4.4 Parks Manager

No comment.

5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with this development variance permit application. The subject property is designated as Single / Two Unit Residential in the OCP and in the Southeast Kelowna Sector Plan. The existing single family dwelling and accessory building conform to the OCP although the accessory building does not conform with zoning bylaw setback requirements of the RR3 zone and although larger in size the proposed building does not increase the extent of the non-conformity.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs
Attach.

FACT SHEET

15. APPLICATION NO.:	DVP04-0080
15. APPLICATION TYPE:	Development Variance Permit
3. OWNER:	Matt and Christa Inhoff
• ADDRESS	2565 O'Reilly Road
• CITY	Kelowna, BC
• POSTAL CODE	V1W 2V5
4. APPLICANT/CONTACT PERSON:	Matt Inhoff
• ADDRESS	2565 O'Reilly Road
• CITY	Kelowna, BC
• POSTAL CODE	V1W 2V5
• TELEPHONE/FAX NO.:	250-763-2468
5. APPLICATION PROGRESS:	
Date of Application:	July 12, 2004
Date Application Complete:	July 12, 2004
Servicing Agreement Forwarded to Applicant:	N/A
Servicing Agreement Concluded:	N/A
Staff Report to APC:	N/A
Staff Report to Council:	August 5, 2004
15. LEGAL DESCRIPTION:	Lot 14, Section 16, Township 26, ODYD Plan 24733
15. SITE LOCATION:	
15. CIVIC ADDRESS:	2565 O'Reilly Road
15. AREA OF SUBJECT PROPERTY:	1336m ²
15. EXISTING ZONE CATEGORY:	RU6 – Two Dwelling Housing
15. TYPE OF DEVELOPMENT PERMIT AREA:	N/A
15. PURPOSE OF THE APPLICATION:	Vary the flanking side yard setback from 4.5m required to 2.9m proposed.
15. MIN. OF TRANS./HIGHWAYS FILES NO.:	n/a
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	n/a

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site Plan
- Elevations
- Floor Plans