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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 24, 2004  
**File No.:** DVP04-0141  
**To:** City Manager  
**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP04-0141      **OWNER:** James and Sandra Kwong

**LOCATION:** 4893 Canyon Ridge Cr.      **APPLICANT:** Glen Fawdry

**PURPOSE:** TO VARY THE FLANKING SIDE YARD SETBACK FROM 4.5M  
REQUIRED TO 1.0M PROPOSED FOR AN ACCESSORY BUILDING

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

**REPORT PREPARED BY:** RYAN SMITH

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

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**1.0      RECOMMENDATION**

THAT Council not authorize the issuance of Development Variance Permit No. DVP04-0141; Lot 1, Section 29, Township 29, SDYD Plan KAP52450, located on Canyon Ridge Crescent, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

Section 6.5.9:

Vary the flanking side yard setback from 4.5m required to 1.0m proposed for accessory buildings.

**2.0      SUMMARY**

The applicant has added an accessory building to the subject property. The location of the accessory structure is within the required flanking side yard setback of 4.5m.

### 3.0 BACKGROUND

The applicant commenced construction on the small accessory structure, however, construction was halted when it was discovered that the proposed siting of the structure did not conform to the setback requirements of Zoning Bylaw No.8000.

#### 3.1 The Proposal

The applicant is seeking to place a new accessory building on the subject property. The new accessory structure measuring 8.9m<sup>2</sup> will be within the required flanking side yard setback. Due to the topography of the lot the proposed location would not impact vehicular sightlines on Westridge Drive or Canyon Ridge Crescent

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 <sup>2</sup> )	1634m <sup>2</sup>	1.0Ha
Lot Width(m)	22.72m	20.0m
Lot Depth(m)	59.41m	30.0m
Area of Proposed Accessory Building	8.9m <sup>2</sup>	N/A
Setbacks (accessory)		
Side Yard(n)	1.0m	4.5m
Side Yard(s)	N/A	2.5m
Rear Yard	20m	1.5m

\*Note: Lot size is non-conforming with regard to the RR3 – Rural Residential zone.

#### Site Context

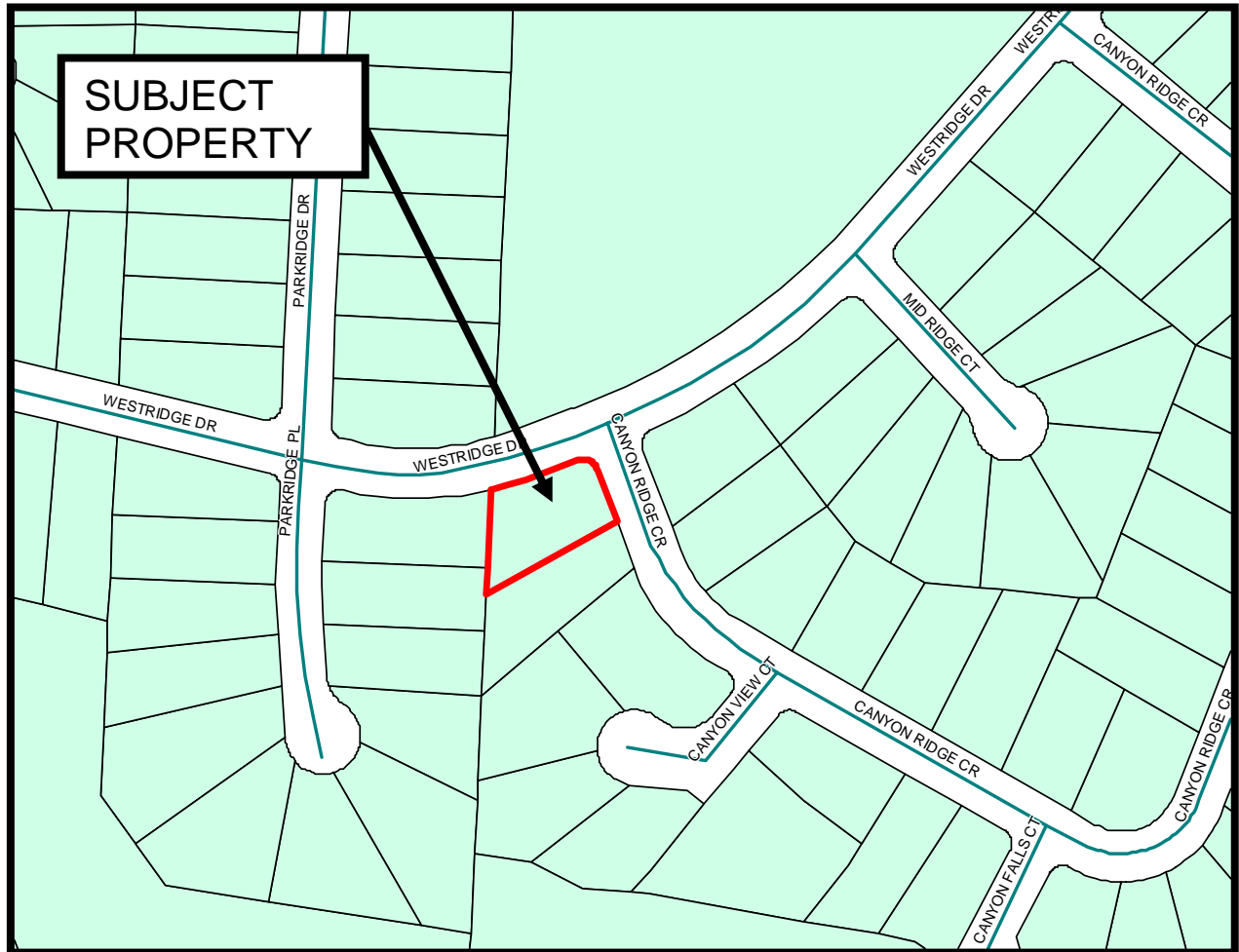
The subject property is located on the southwest corner of Canyon Ridge Crescent and Westridge Drive.

Adjacent zoning and existing land uses are to the:

- North - P2 – Education and Minor Institutional
- East - RR3 – Rural Residential 3 – Single Family Dwelling
- South - RR3 – Rural Residential 3 – Single Family Dwelling
- West - RR3 – Rural Residential 3 – Single Family Dwelling

Site Map

Subject Property: 4893 Canyon Ridge Crescent



#### 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

With the placement of the existing principal dwelling on what is a relatively flat lot, there is sufficient and adequate space for an accessory building to be located within the backyard area rather than encroaching on the flanking street side yard setback area. The applicant has submitted letters of support from the abutting neighbors (4889 Canyon Ridge Cr., 4886 Canyon Ridge Cr., 4859 Parkridge Place) and the impact from the accessory structure appears to be minimal.

Despite the support from the neighbors and the limited impact of the accessory structure the Planning and Corporate Services Department can find no technical rational to support the proposed variance and therefore recommends that Council not support the application

An alternate recommendation has been provided should Council wish to support the application.

## 6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0141; Lot 1, Section 29, Township 29, ODYD Plan KAP52450, located on Canyon Ridge Crescent, Kelowna, B.C.;

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

Section 6.5.9:

Vary the flanking side yard setback from 4.5m required to 1.0m proposed for accessory buildings.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs  
Attach.

**ATTACHMENTS**

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

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