
**CITY OF KELOWNA
MEMORANDUM**

Date: April 29, 2005
File No.: DVP05-0032
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP05-0032 **APPLICANT:** Gord Turner
AT: 2384 Dewdney **OWNERS:** Gibson, Robert
Gibson, Laurie

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A RIPARIAN MANAGEMENT SETBACK OF 5.45 METRES WHERE 15.0 METRES TO OKANAGAN LAKE IS REQUIRED.

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DP05-0032 for Lot 8, Sec. 20, Twp 23, O.D.Y.D. Plan 10626, located on Dewdney Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The proposed mitigation work to be done on the land be in general accordance with Schedule "B";
3. The *Section 6.0 Recommendations for Mitigation and Enhancement* of the EBA Engineering Consultants Ltd. report (File No: 0808-8840220) dated March 21, 2005 be implemented;
4. That the Applicant provide a letter from EBA Consultants Ltd., certifying that the recommendations of the above-mentioned report have been satisfactorily implemented prior to issuance of an occupancy permit.

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

Section 6.14 – Riparian Management Area (RMA) Setbacks

Vary the required riparian management setback from Okanagan Lake from the 15.0 m required to 5.45 m proposed.

Section 12.3.6(e) – RR3 Zone Development Regulations (Rear Yard Setback)

Vary the required rear yard setback from 7.5 m required to 5.45 m proposed.

2.0 SUMMARY

This application seeks to vary the required riparian management setback from Okanagan Lake to allow an addition to an existing, non-conforming building on the subject property. In conducting a Bylaw check, it appears this building also does not conform to the required rear yard setback.

3.0 BACKGROUND

3.1 The Proposal

The existing single family dwelling on this property was constructed within 5.45 m of the Okanagan Lake high water mark. Although it may have been legal to do so at the time of construction, this siting does not conform to the current RMA setback of 15.0 m. Because the landowner is proposing to make additions to the existing dwelling in a manner that worsens the non-conformity, a development variance permit is required. In this case, the proposed additions include the following:

1. enclosing, but not expanding, an existing deck
2. constructing a new deck.

As can be seen from the attached drawings, although this new deck encroaches in the RMA, it does not encroach further than the existing deck.

The proposal meets the requirements of the RR3 – Rural Residential 3 zone as follows:

| CRITERIA | PROPOSAL | RR3 Zone |
|-----------------------------------|---------------------------------|----------|
| Lot Area (m ²) | 1,858 m ² (0.459 ac) | 1.0 ha |
| Lot Width (m) | 22.0 m | 18.0 m |
| Lot Depth | 68.5 m | 30.0 m |
| Site Coverage (buildings) | 14% | 40% |
| Site Coverage (buildings/parking) | 25% | 50% |
| Setbacks (m) | | |
| - Front | 37.75 m | 6.0 m |
| - Rear | 5.45 m ^A | 7.5 m |
| - Side (north) | 4.5 m | 2.3 m |
| - Side (south) | 4.7 m | 2.3 m |
| Other requirements | | |
| RMA Setback to Lake Okanagan | 5.45 m ^B | 15.0 m |

^A The Applicant is requesting to vary the rear yard setback from 7.5 m required to 5.45 m proposed.

^B The Applicant is requesting to vary the RMA setback from 15.0 m required to 5.45 m proposed.

3.2 Site Context

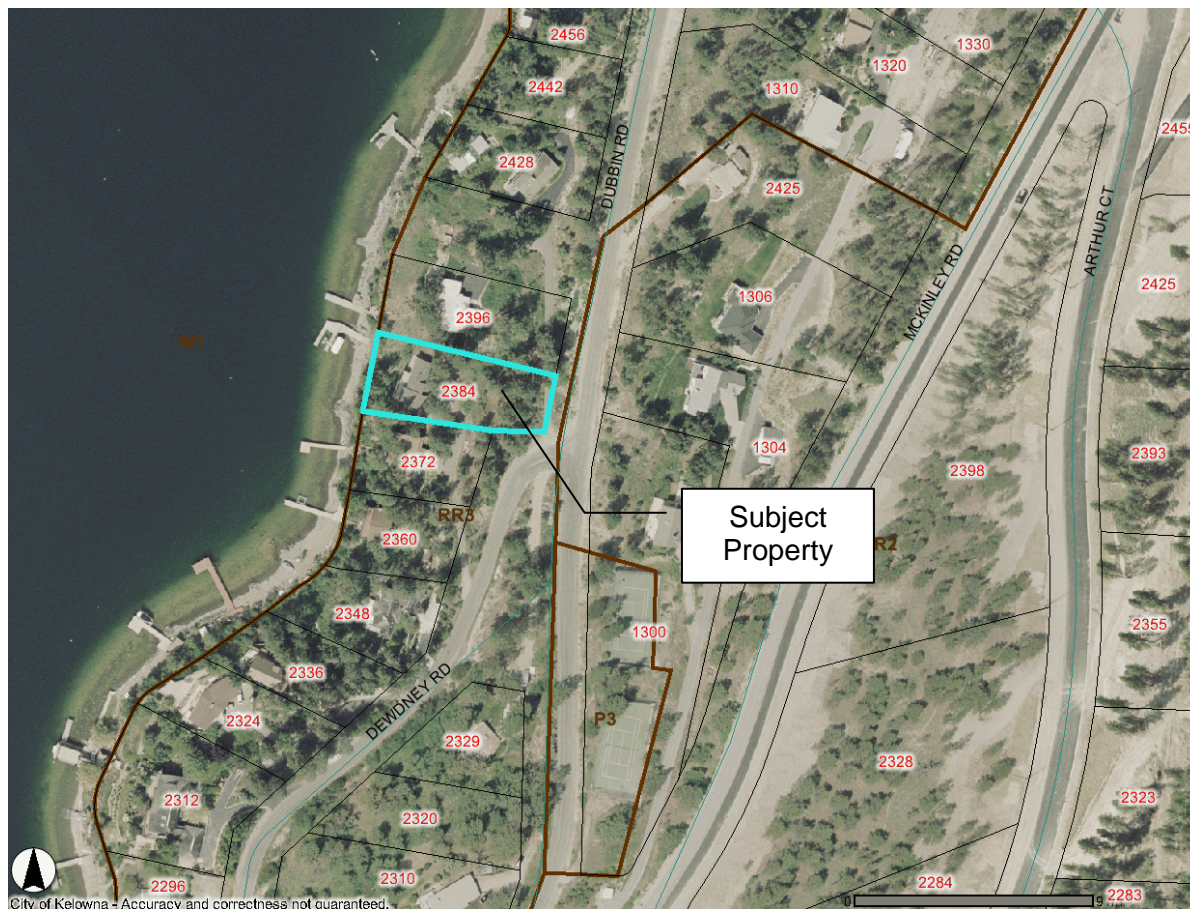
The subject property is located in the McKinley Road area. The surrounding land has been developed primarily as a single family neighbourhood at a rural density, due to the lack of urban services. More specifically, the adjacent land uses are:

- | | |
|-------|---------------------------|
| North | RR2 – Rural Residential 2 |
| East | RR2 – Rural Residential 2 |
| South | RR2 – Rural Residential 2 |

West RR2 – Rural Residential 2

Site Location Map

Subject property: 2384 Dewdney Road



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan (Section 7 – Environment):

- *Section 7.3.12 Varying Requirements* – Retain the option to vary, within the context of Table 7.1 requirements, the width of Riparian Management Areas to accommodate the maximum retention of desirable natural vegetation and wildlife habitat, ground formations, water features, and flood control protection. Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements must be referred to the appropriate provincial ministry or agency for comment prior to review by the City.
Within the Riparian Management Area, restoration of streamside vegetation may be a requirement of the development process.
- *Section 7.3.14 Limit Erosion During Construction* – Require all those undertaking construction activities to implement practices to prevent sediment from entering local watercourses (Please refer to lot clearing, erosion and sediment control requirements noted in the Subdivision and Servicing Bylaw);

4.0 TECHNICAL COMMENTS

4.1 Fire Department

No comments.

4.2 Inspection Services

A Building Permit is required prior to the construction.

4.3 Works and Utilities

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Because the proposed addition and renovations do not encroach further into the RMA, and because the work will be carried out in compliance with the direction from a consulting engineering firm with experience in this area, Staff has no additional concerns.

Staff supports this application, pursuant to the conditions listed on the first page of this report.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

NW/nw

ATTACHMENTS

Location of subject property

State of Title

Schedule “A” (Site Plan)

Schedule “B” (Mitigation Plan)

Letters in support from adjacent landowner (2 letters)