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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** September 14, 2005

**File No.:** DVP05-0069

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To vary Section 6.10 of City of Kelowna Zoning Bylaw No. 8000, Setback from Provincial Highways, to allow for a variance to the setback from the 15 m required to the 7.5 m proposed.

**Owner:** John & Sarina Weisbeck      **Applicant/Contact Person:** DE Pilling & Associates/ David Pauls

**At:** 1494 Hwy 33 E

**Existing Zone:** RU1 – Large Lot Housing

**Proposed Zone:** RU2 – Medium Lot Housing

**Report Prepared By:** Shelley Gambacort

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### 1.0 **RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0069, John & Sarina Weisbeck; Lot B, Sec. 13, Twp. 26, ODYD, Plan KAP75730, except Plans KAP75732 and KAP76178, located on Hwy 33 E, Kelowna, BC;

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

Section 6.10 Setback from Provincial Highways, of Zoning Bylaw No. 8000, which states as follows:

- 6.10 All buildings and structures on lots abutting Highway 97 or Highway 33, shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m. To vary this requirement to from 15 m to 7.5 m for proposed Lots 9 – 15.

### 2.0 **SUMMARY**

The applicant is requesting approval for a Development Variance Permit in order to vary the 15 m setback requirement from the Provincial Highway for property located outside of the urban centre.

### 3.0 **BACKGROUND**

The subject property forms part of the Highway 33 Area Structure Plan, which designates the area for Single Family Residential development. The subject property was successfully rezoned from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone August 22, 2005.

A Preliminary Layout Review letter was issued May 5, 2005, for a 15 lot single family residential subdivision, in keeping with the RU2 zone.

### 3.1 **The Proposal**

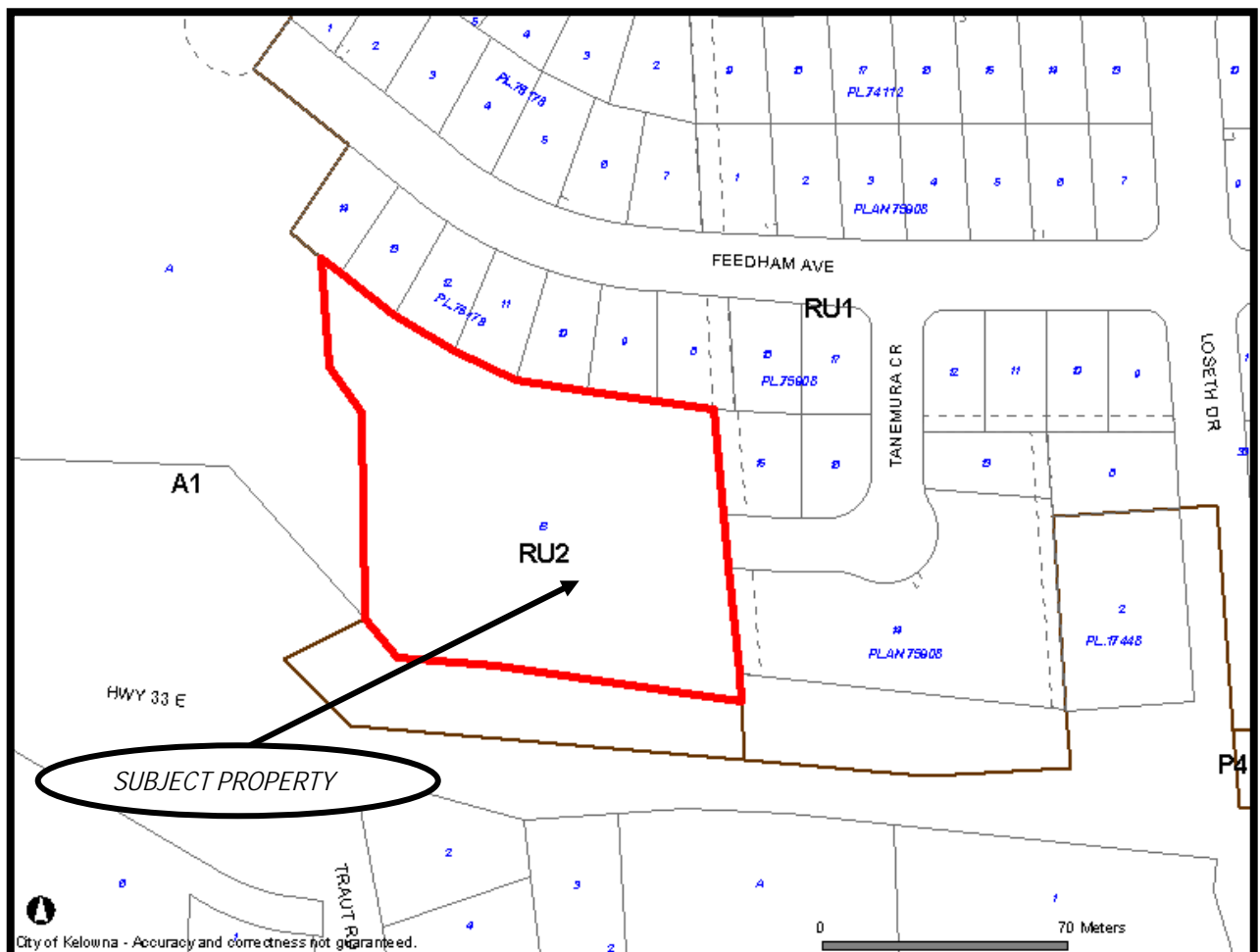
Subdivision Approval is contingent on the approval of a Development Variance Permit to vary Section 6.10 Setback from Provincial Highways, of Zoning Bylaw No. 8000, which states as follows:

- 6.10 All buildings and structures on lots abutting Highway 97 or Highway 33, shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m.

As the subject property is outside of an urban centre the required building setback would be 15 m and the applicant is requesting that this be reduced down to 7.5 m, which is the rear yard setback requirement for the RU2 – Medium Density zone.

### 3.2 **Site Context**

The subject property is located at the west end of Tanemura Crescent along the north side of Highway 33.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing,
- East - RU1 – Large Lot Housing
- South - Highway 33; A1 – Agriculture 1; rural resident properties
- West - A1 – Agriculture 1; property is currently under application for RU1 – Large Lot Housing zoning.

#### **4.0 CURRENT DEVELOPMENT POLICY**

- CITY OF KELOWNA STRATEGIC PLAN 2004 EDITION

The Strategic Plan objectives relating to development are:

- Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.
- Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

- KELOWNA 2020 – OFFICIAL COMMUNITY PLAN

The OCP Future Land Use designation of this area is Single/Two Unit Residential.

#### **5.0 TECHNICAL COMMENTS**

##### **5.1 Works & Utilities**

The proposed rear yard setback, from the new Highway dedicated property line, does not compromise Works and Utilities requirements. The requested variance does affect the MOT's setback protection along the Highway corridor and as such, this matter must be supported by the MOT.

##### **5.2 Ministry of Transportation**

All buildings on proposed Lots 9-15 to be setback 4.5 metres from new property line along Highway #33.

##### **5.3 Inspection Services**

No comment.

#### **6.0 PLANNING COMMENTS**

The proposed rear property line of the subject property will be approximately 5 m above the highway grade and with a proposed rear yard building setback of 7.5 m will result in a setback of approximately 23 m to the base of the slope at highway grade.

In addition, the Ministry of Transportation's (MoT) minimum setback requirement for development adjacent to the highway is 4.5 m and MoT has indicated they have no objections to is requested variance.

Based on the above, the Planning & Corporate Services Department is prepared to recommend support for this Development Variance Permit application.

Andrew Bruce  
Manager Development Services

Approved for inclusion

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

AB/SG/sg

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#### **ATTACHMENTS**

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

- Location Map
- Plan of proposed subdivision