
CITY OF KELOWNA
MEMORANDUM

Date: September 15, 2005
File No.: DVP05-0147
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DVP05-0147 **OWNER:** Stream Harbor Enterprises Ltd.
AT: 2767 Saucier Road **APPLICANT:** Stream Harbor Enterprises Ltd.

PURPOSE: TO VARY THE CLAUSE OF THE BYLAW TO ALLOW AN ACCESSORY BUILDING WITHIN THE FRONT YARD SETBACK, AND VARY THE FRONT YARD SETBACK REQUIREMENT

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP04-0152; Lot 1, Sec.4, Twp.26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C.;

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

Section 6.5.4:

Applicant seeking to vary the clause of the bylaw to allow an accessory building within the front yard setback.

Section 6.5.8 (b):

Vary the required front yard setback from 12.0m required to 3.0m proposed to allow for the encroachment of an accessory building.

2.0 SUMMARY

The applicant is seeking Council support for a development variance permit to reduce the required front yard setback for the construction of a new accessory building which will house a three car garage.

3.0 BACKGROUND

The applicant rezoned the subject property in 2004 in order to correct the non-conforming zoning which existed.

3.1 The Proposal

The applicant is seeking Council support for a development variance permit that would allow the placement of an accessory building (three car garage) within the front yard setback which contravene placement requirements for accessory buildings in Section 6 of Zoning Bylaw No.8000. The applicant is seeking to construct the large accessory building in order to store a collection of classic automobiles. There is an existing septic field which is located near the centre of the property. There is an existing mature hedge of which screens the northern and eastern sides of the property.

The proximity to the street front is mitigated by an established hedge hiding the view of the building from the street. The proposed location of the shop is additionally advantageous as it is more isolated from the neighboring house which may prevent possible noise conflicts with the neighbors in the future.

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

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Lot Area (m ²)	1935m ² ❶	1.0Ha
Lot Depth (m)	89.95m	30.0m
Lot Width (m)	21.81m	18.0m
Site Coverage (%) (Buildings)	17%	30%
Parking Spaces	2	2
Setbacks(m)(Apartment)		
Front	60m	6.0m
Rear	7.5m	7.5m
Side (e)	5m	2.3m
Side (w)	8m	2.3m
Accessory Development		
Size of proposed accessory building	168m ²	N/A
Front Yard Setback	3.0m ❷	12.0m [2x Front Yard setback according to 6.5.8(b)]
Eastern Side Yard Setback	2.0m	2.0m
Site Coverage	9%	30%

❶Note: The subject property does not conform to the minimum lot size requirement for new RR3 lots.

❷Note: The applicant is seeking to vary the required front yard setback from 12.0m required to 3.0m proposed to allow for the encroachment of an accessory building.

3.2 Site Context

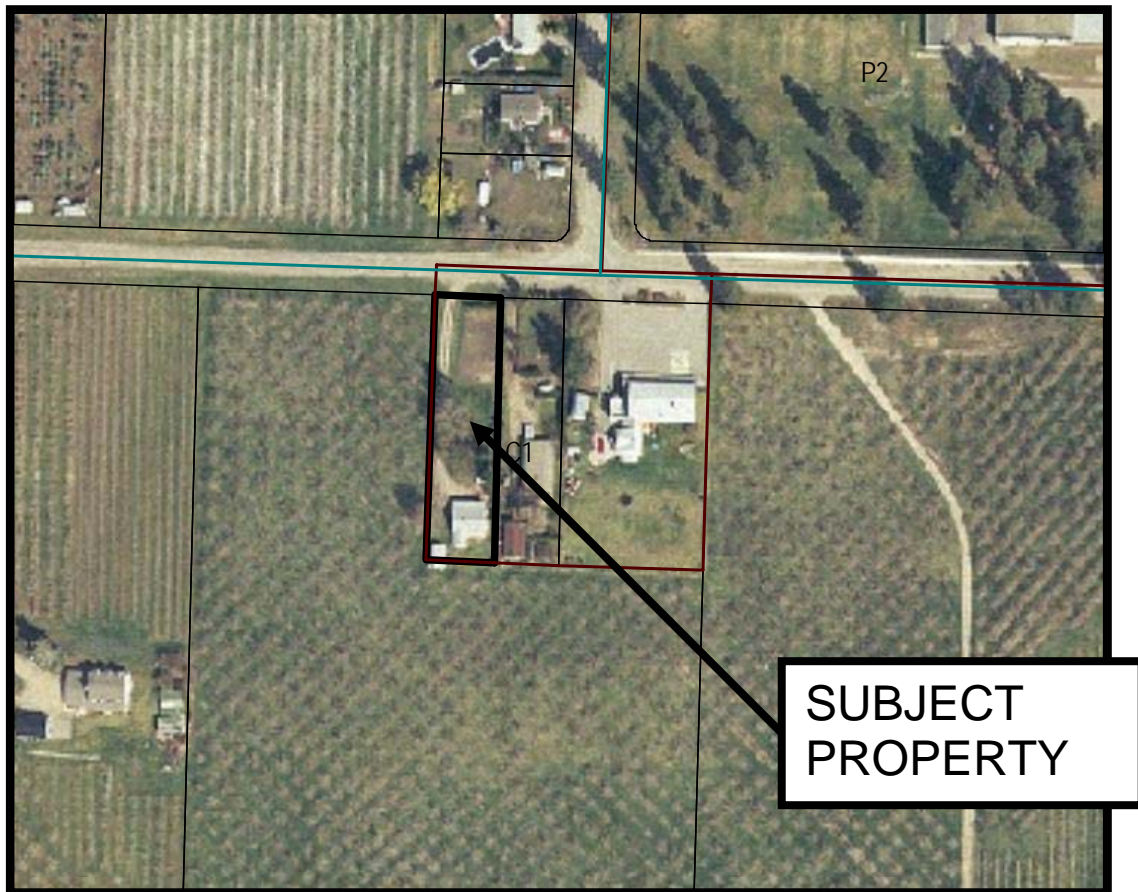
The subject property is located on the south side of Saucier Road at its intersection with Spiers Road.

Adjacent zones and uses are:

- North - A1 – Agriculture 1 – Single Family Dwelling
- East - C1 – Local Commercial – Single Family Dwelling (non-conforming)
- South - A1 – Agriculture 1 – Orchard (ALR)
- West - A1 – Agriculture 1 – Orchard (ALR)

3.3 Site Location Map

Subject Property: 2767 Saucier Road



4.0 TECHNICAL COMMENTS

4.1 Works and Utilities

No concerns.

4.2 Inspection Services

Must comply to BC Building Code. Detailed plan check to be completed at Building Permit stage.

4.3 Fire Department

Fire Dept access, fire flows, and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The subject property is designated as Agricultural in the Official Community Plan. The proposed construction of a three bay detached garage is consistent with the uses currently existing surrounding the site. The variance for the front yard set back from the required 12.0 meters to 3.0 meters may seem like a reasonable request as the owner is limited by the location of the existing septic field, however staff are concerned that a setback reduction to three meters may have an impact on future expansions of Saucier Road should they be required. Staff would however support a six meter front yard setback as this would allow for more flexibility in the future. Staff recommends that this application not be supported in its current form.

The neighboring property owner to the east (2781 Saucier Road) of the subject property has indicated his support for the proposal by way of written submission.

Should Council choose to support this application, an alternate recommendation has been provided below. Staff would also like to note at this point that the proposed three bay garage may not be used to store or work on commercial vehicles or equipment as these are not permitted uses in the RR3 – Rural Residential zone.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorizes the issuance of Development Variance Permit No. DVP04-0152; Lot 1, Sec.4, Twp.26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C.;

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

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Vary the required front yard setback from 12.0m required to 3.0m proposed to allow for the encroachment of an accessory building.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Building Elevations