
CITY OF KELOWNA

MEMORANDUM

Date: February 21, 2006
File No.: **DVP06-0026**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP06-0026

OWNER: HEISS FAMILY HOLDINGS
LTD.

AT: 8855 GRIGG ROAD

APPLICANT: L & S CONTRACTING

PURPOSE: TO VARY THE REAR AND SIDE YARD SETBACK

EXISTING ZONE: I3 – HEAVY INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0026; L&S Contracting Ltd.; for Lot 6, Sec. 2, Twp. 20, O.D.Y.D., Plan KAP79495, located on Grigg Road, Kelowna, B.C.;

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

Section 15.3.5(d), Development Regulations – side yard be varied from minimum setback of 7.5 m required to 0.0 m setback proposed,

Section 15.1.5(e), Development Regulations – rear yard be varied from minimum setback of 7.5 m required to 0.0 m setback proposed,

2.0 SUMMARY

The applicant is requesting a Development Variance Permit to reduce the rear and side yard setbacks from the 7.5 m required in the I3 zone to the 0.0 m building setback proposed in order to permit the construction of a new concrete 2,237 m² warehouse building in the south east corner of the subject property. The request for the variance has been made in order to provide adequate space on the property to facilitate turning movements of freight trucks accessing the building.

3.0 BACKGROUND

3.1 The Proposal

The subject property was created in late 2005 as part of the on-going subdivision of the former Hiram Walker distillery site. That site had been zoned I3 – Heavy Industrial as part of the original Hiram Walker distillery. There had been some properties in the area rezoned to I2 – General Industrial.

The applicant has made application to request a Development Variance Permit to reduce the rear and side yard setbacks from the 7.5 m setbacks required in the zone to the 0.0 m setback proposed in order to permit the construction of a new concrete 2,237 m² warehouse building in the south east corner of the subject property. The request for the variance has been made in order to provide adequate space on the property to facilitate turning movements of freight trucks accessing the building.

There is a 30 m wide powerline right of way located along the south property line, and a 21 m wide gasline right of way located along the east property line. Because of these two rights of way, any buildings constructed on the adjacent property will be set back from the subject property.

The proposal as compared to the I3 zone requirements is as follows:

CRITERIA	PROPOSAL	I3 ZONE REQUIREMENTS
Site Area (m ²)	1.05 Ha	1.0 Ha
Site Coverage (%)	N/A	N/A
Total Floor Area (m ²)	2,237 m ²	Max. 7,875 m ² @ FAR = 0.75
F.A.R.	0.213	Max FAR = 0.75
Height (m)	7.67 m	18 m
Setbacks (m)		
- Front	36 m	10.0
- Rear	0.0 m ❶	7.5
- North Side	53 m	7.5
- South Side	0.0 m ❷	7.5
Parking Stalls (#)	11 stalls provided	2,237m ² @ 0.5 stall per 100 m ² = 11 stalls required

Variance Requested;

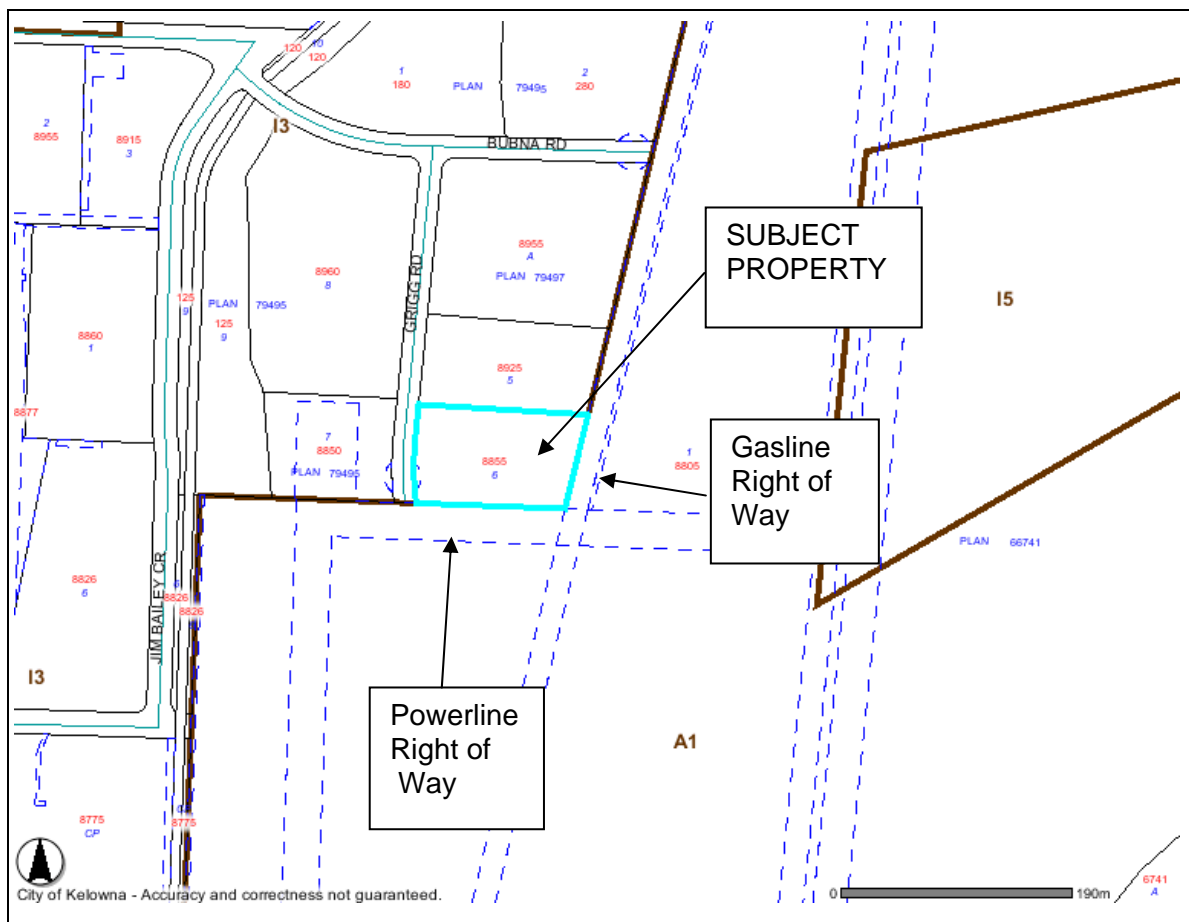
❶ Vary rear yard from 7.5 m required to 0.0 m proposed

❷ Vary south side yard from 7.5 m required to 0.0 m proposed

3.2 Site Context

The subject properties were created in late 2005 as a subdivision application which subdivided what had been part of the former Hiram Walker distillery property.

SUBJECT PROPERTY MAP



The adjacent zone uses are as follows:

North - I3 – Heavy Industrial / Vacant
East - A1 – Agriculture 1 / range land
South - A1 – Agriculture 1 / range land
West - I3 – Heavy Industrial – Grigg Road / Vacant

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the "Industrial" designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

Goal #2 of the Strategic Plan is "To foster a Strong, Stable and Expanding Economy"

Four objectives from Goal #2 are;

1. Aid in the growth and progress of Kelowna as a desirable place to do business
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities,

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements

4.2 Inspection Services Department

Construction of building exterior at south and east elevations to have 2 hour fire separation rating as per BCBC 1998.

4.3 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

General.

- a) The Requested variances for side and rear yard setback do not compromise works and Utilities servicing requirements.
- b) The property is not serviced by a storm sewer therefore a comprehensive storm water management plan for on-site storm water retention will be a requirement of the building permit application.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with the variances under application. The variances requested will permit the siting of an industrial building on a lot as if it were zoned “General Industrial” and located adjacent to lands that were zoned “Industrial” or “Commercial”. As well, the land to the south of the subject properties are encumbered by 30m powerline right of way along the south boundary of the subject property. As well, the land to the east of the subject properties is encumbered by 21m natural gas pipeline right of way along the east boundary of the subject property. Currently these neighbouring properties are zoned A1 – Agriculture 1. The OCP designates the future land use as “Industrial”. However, even if these properties were to rezone, it would not be possible to build adjacent to the subject property because of the existing rights of way.

In light of the above, the Planning and Corporate Services Department recommends positive consideration of this application by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

State of Title
Subject Property Map
3 pages of site elevations / diagrams