
CITY OF KELOWNA

MEMORANDUM

Date: April 19, 2006
File No.: DVP06-0062
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain a Development Variance Permit to vary the Setback from Provincial Highways from the 15 m required to the 7.5 m proposed.
Owner: Markui Contracting Ltd. **Applicant/Contact Person:** Mark Fruson
At: 1504 Hwy 33 East
Existing Zone: RU1 – Large Lot Housing
Report Prepared By: Shelley Gambacort

1.0 **RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-00, Markui Contracting Ltd.; Lot 14, Sec. 13, Twp. 26, ODYD, Plan KAP75908, located on Highway 33, Kelowna, BC;

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

Section 6.10 – General Development Regulations – Setback from Provincial Highways:

To vary the setback from Provincial Highways requirement from 15 m required to the 7.5 m proposed.

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, and is located outside of the urban centre. The subject property was successfully rezoned from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone on January 6, 2003.

A Preliminary Layout Review letter was issued November 28, 2002, for a 41 lot single family residential subdivision and the lots that are shown on the attached sketch are the last phase to be developed within this subdivision.

3.1 The Proposal

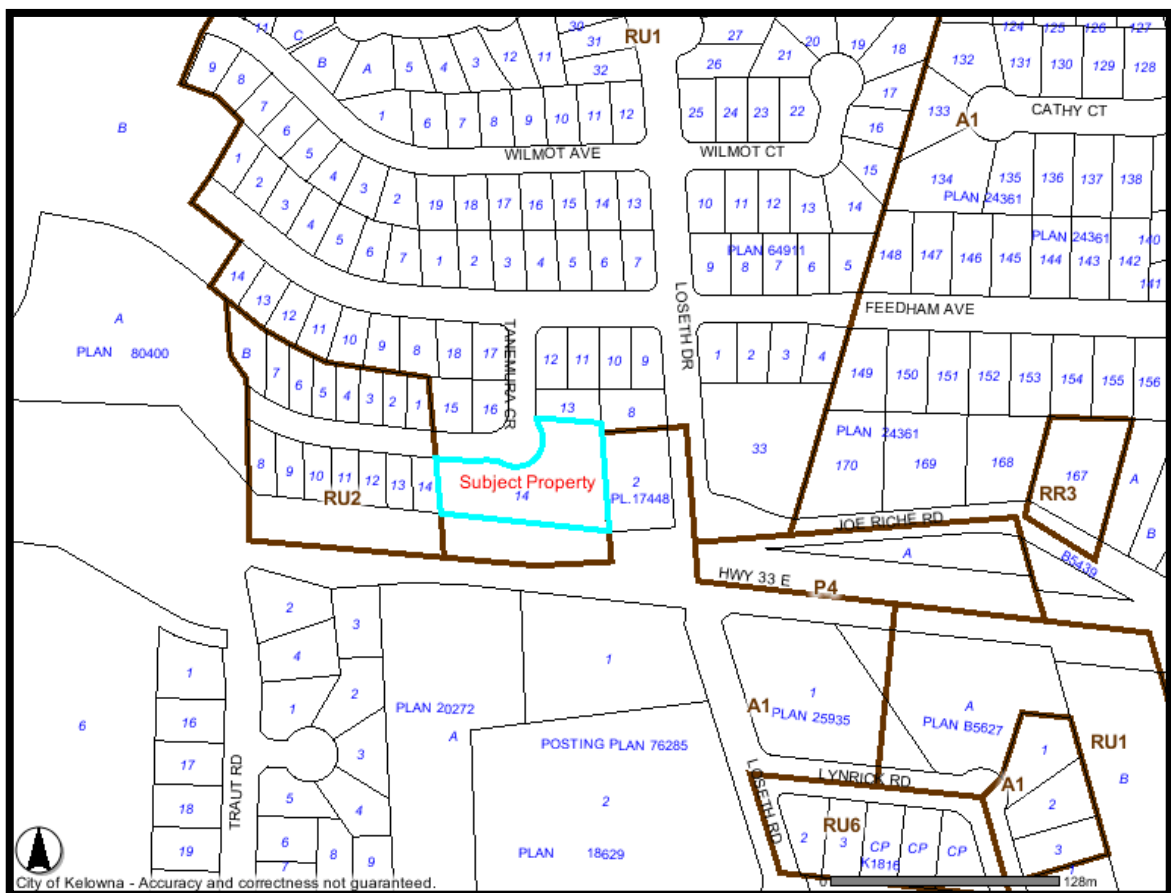
Subdivision Approval for proposed Lots A – D is contingent on the approval of a Development Variance Permit to vary Section 6.10 Setback from Provincial Highways, of Zoning Bylaw No. 8000, which states as follows:

- 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 principal uses in the RU1 – Large Lot Housing zone.

3.2 Site Context

The subject property is located on the south side of Tanemura Crescent and on the north side of Highway 33 just west of Loseth Drive.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing; single family residential development
- East - A1 – Agriculture 1; single family dwelling
- South - Highway 33; A1 – Agriculture 1; rural residential properties
- West - RU2 – Medium Lot Housing zoning; single family residential development

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 setback from the Highway property line adjacent to the Highway, 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

Ministry of Transportation setback requirement is 4.5 m.

5.3 Inspection Services

No comment.

6.0 PLANNING COMMENTS

The proposed south property lines will be approximately 3 m above the highway grade and with a proposed building setback of 7.5 m will result in a setback of approximately 22 m to the base of the slope at highway grade. The new single family residential subdivision to the west of the subject property was granted the same variance to the building setback from Highway 33.

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 this 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

ATTACHMENTS

(not attached to the electronic copy of the report)

- Location Map
- Plan of proposed subdivision