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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 10, 2006

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

**APPLICATION NO.** DVP06-0130

**OWNER:** Ross & Kathy Grieve

**AT:** 2750 Arthur Road

**APPLICANT:** PCL Constructors Westcoast  
Inc.

**PURPOSE:** To obtain a Development Variance Permit to allow the reconstruction of a single dock that proposes to vary: i) a dock walkway width of approximately 7.78 m to exceed a permitted width of 3.0 m; and ii) to alter the shape of a dock structure from either a L or T permitted shape.

**EXISTING ZONE:** A1s – Agriculture 1 with Secondary Suite

**REPORT PREPARED BY:** Danielle Noble

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0130 for Lot A, Sec, 20, Twp 23, ODYD, Plan 5370, located on Arthur Road, Kelowna, B.C.,

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

Section 9.9.5.(b) – Dock and Boatlift Regulations

- To obtain a variance to allow the maximum width of a dock walkway to be 7.78 m where 3.0 m is permitted;

Section 9.9.5.(c) – Dock and Boatlift Regulations

- To obtain a variance to alter the permitted shape of a L or T shaped dock structure to a modified shape as shown with Schedules “A” and “A-1”.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## **2.0 SUMMARY**

The applicant is seeking to obtain a Development Variance Permit to allow the reconstruction of a single dock that proposes to vary: i) a dock walkway width of 7.78 m to exceed a permitted width of 3.0 m; and ii) the shape of a dock structure from the permitted L or T shape to the proposed shape shown on Schedule 'A'.

## **3.0 BACKGROUND**

### **3.1 The Proposal**

The applicant is seeking a Development Variance Permit for the re-construction of a single dock on the subject property. The subject property is located on the north side of Arthur Rd. The lot has significant waterfront shoreline exposure, and is accessed via a panhandle.

The applicant proposes to construct a considerably sized residence accompanied by a separate guest house. The property is 2.09 acres in size, and aims to be entirely developed to accommodate the upscale structures. The proposed dock construction shows the replacement dock effectively in the same location as the existing dock, with a configuration that now provides for two boat hoists, two wave runner hoists, and a T-extension.

The Environment Division has liaised extensively with the applicant, resulting in revised drawings to accommodate preliminary requests from Staff. Accordingly, after such design refinements, Environment staff has no concerns with the proposed dock modification as this proposal is not in conflict with environmental values and is expected to have minimal impact.

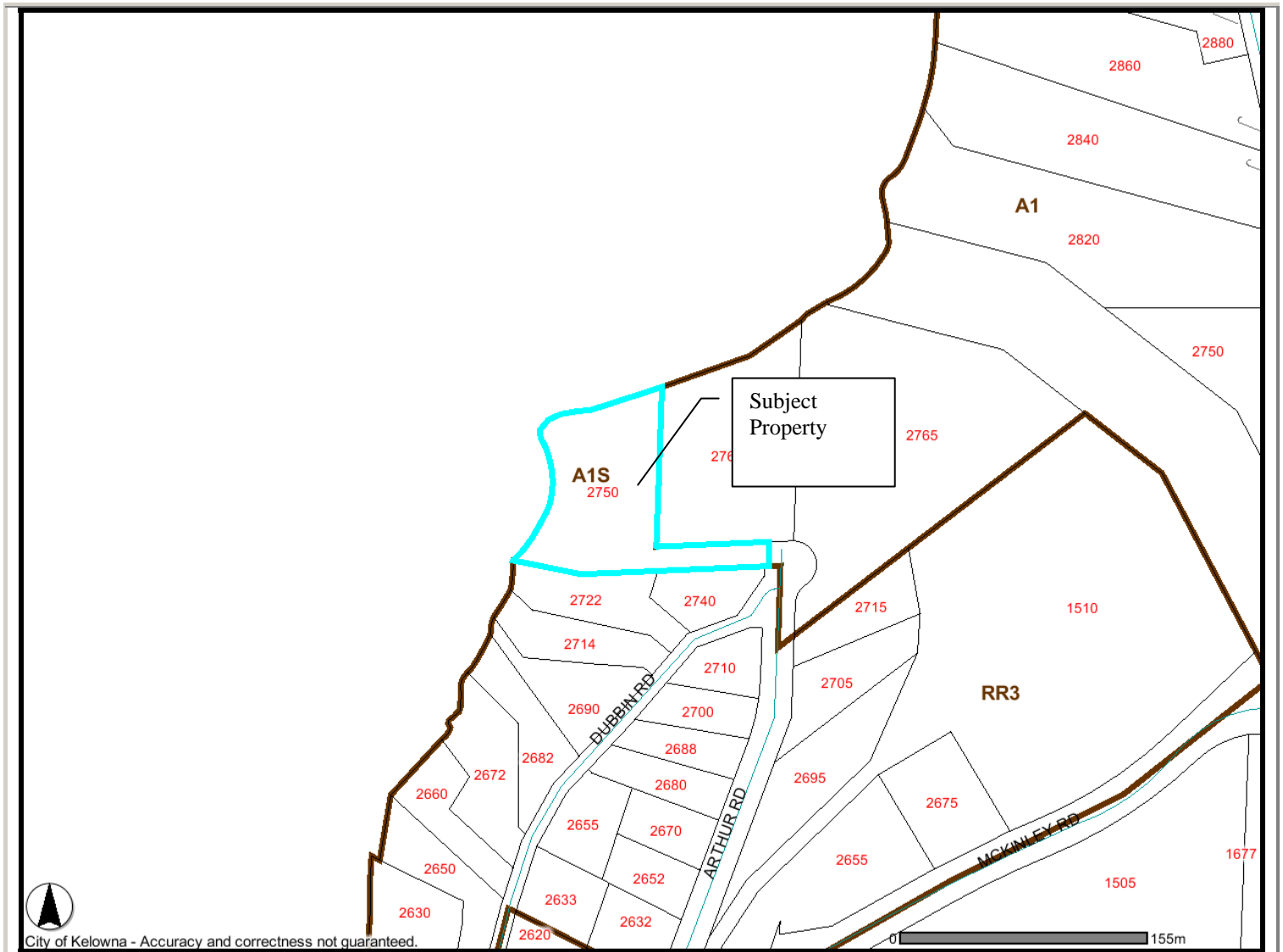
### **3.2 Site Context**

The subject property is located on the north side of Arthur Rd.  
Adjacent zones and uses are:

North - W1 – Recreational Water Use  
East - A1 – Agriculture 1  
South - RR3 – Rural Residential 3  
West - W1 – Recreational Water Use

### 3.3 Site Location Map

Subject Property: 2750 Arthur Rd.



### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The Official Community Plan permits the construction or alteration of a private moorage facility where such a facility complies with the Zoning Bylaw and has been approved by the relevant provincial agencies as qualifying for a DP waiver. However, this request requires a variance with the zoning bylaw. Riparian Management Area requirements listed in the OCP outline riparian management area requirements, that encourage to retain, in a largely undisturbed state

throughout and after the development process, an area of land immediately adjacent to the streams (in this case, the lake). Relaxations of this may be considered where necessary, in order to prevent, or minimize encroachment into the Riparian Management Area.

#### **4.0 TECHNICAL COMMENTS**

This application was circulated to various departments and agencies. The following comments have been received in response:

4.1 Inspection Services Department

No comment.

4.2 Works and Utilities Department

Works and Utilities interests are not impacted.

#### **5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

The Planning and Development Services Department supports the proposed Development Variance Permit to re-construct a dock structure requiring two development variances. The proposed site plan and design attached to this report is a result of design refinements suggested by the Environment Division. The proposal aims to have minimal lakeshore impact, while accommodating multiple recreational water equipment pieces.

While supportive of the variance, there is concern that the additional width on the northwest corner of the dock structure may facilitate alternative uses. The primary application of the Zoning Bylaw guidelines aims to regulate form and character of all lakeshore docks and to promote structures that are in scale with the built environment imposed on the waterfront landscape. However, the applicant has verified that the additional dock area requested will be primarily used as a seating and sun tanning area. Bathroom and shower facilities to accommodate the outdoor recreational activities will be provided for in the principle house.

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Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion

Signe Bagh  
Acting Director of Planning & Corporate Services

SG/dn

Attach.

**ATTACHMENTS**

**(Not attached to the electronic version of the report)**

- Location/Zoning Map
- Ortho Photo of Subject Property
- Schedule 'A' – Proposed Construction of Dock
- Schedule 'A1' – Site Plan