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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** October 18, 2006

**To:** City Manager

**From:** Planning & Development Services Department

**DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO.** DVP06-0185

**OWNER:** Jaime Lynn Husch

**AT:** 1060 Hume Avenue

**APPLICANT:** Rory Husch

**PURPOSE:** TO VARY THE MAXIMUM FENCE HEIGHT FROM 2.0M  
PERMITTED TO A MAXIMUM OF 3.04M PROPOSED

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0185; Lot 6, Section 13, Township 26, ODYD Plan KAP79228, located at 1060 Hume Ave, Kelowna, B.C.;

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

**Section 7.5.3 – Landscaping and Screening – Fencing & Retaining Walls**

Vary the maximum height for fencing from 2.0m permitted to 3.04m proposed;

**2.0 SUMMARY**

The application is seeking Council support for a Development Variance Permit to allow an overheight fence along the western property line. The maximum permitted fence height separating residentially zoned properties is 2.0m. The applicants are seeking to add a chainlink fence (2.0m in height) to the perimeter of their property. Due to the location of a Statutory Right of Way on the western side of the subject property, the fence must sit atop a 1.2m section of retaining wall and will therefore exceed the maximum bylaw provisions in several areas along the property line.

Zoning Bylaw No.8000 requires that fence height be measured from the base of the retaining wall on the lower property in such situations and therefore a Development Variance Permit is required. The maximum combined fence and retaining wall height sought by the applicants is a total of 3.04m.

The proposal as compared to the RU1 – Large Lot Housing zone requirements is as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Fence Height	3.04m	2.0m

### 3.0 SITE CONTEXT

The subject property fronts onto Hwy.33 East, however it is both accessed from Hume Avenue (via access easement) and addressed from Hume Avenue. Hume Avenue currently commences at the terminus of Band Road.

Adjacent zones and uses are:

- North - RU1 – Large Lot Housing – Single Family Dwelling
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - A1 – Agriculture 1 – Single Family Dwelling
- West - A1 – Agriculture 1 – Single Family Dwelling

### 4.0 SUBJECT PROPERTY MAP

Subject Properties: 1060 Hume Avenue



5.0 TECHNICAL COMMENTS

No concerns were expressed by any of the technical agencies or City Departments who reviewed this application.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Staff have no concerns with the proposed over-height fence. The location of a Statutory Right of Way on the western edge of the subject property hinder the applicants ability to place the fence in a manner which could meet the bylaw. Furthermore, the impacted neighbours at 1448 Bentien Road and 1439 Bentien Road have indicated their support for the variance by way of written submission.

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Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion

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Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/rs  
Attach.

**Attachments**

- Subject Property Map
  - Photos
- Site Plan (survey)