
CITY OF KELOWNA

MEMORANDUM

DATE: September 6, 2007
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. DVP07-0092 **APPLICANTS:** Sheila McDonald
Cam Wieser
AT: 4656 Wallace Hill Rd **OWNERS:** Sheila McDonald
Cam Wieser
PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A
REDUCTION IN THE REQUIRED SETBACK TO AN ACCESSORY
BUILDING FROM 15.0 M TO 5.0 M.
EXISTING ZONE: A1 – AGRICULTURE 1
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0092 for Lot 178, District Lot 359, O.D.Y.D., Plan 1247, located on Wallace Hill Road, Kelowna, B.C.;

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

**Section 11.1.6 (f) A1 – Agriculture 1 Zone, Development Regulation
(setback to building housing animals)**

A variance to allow a reduction in the setback requirement for buildings housing more than four animals, from 15.0 m to 5.0 m proposed.

2.0 SUMMARY

The setback to a building housing four or more animals is 15.0 m to any lot line. The applicants are converting an existing structure to use for housing and working with horses. In order to use the building for that purpose a variance to this setback shortfall is required.

3.0 BACKGROUND

The applicant recently purchased the subject property at 4656 Wallace Hill Road, which is zoned A1 – Agriculture 1, and is located within the Agricultural Land Reserve. Existing development includes single-family home, an indoor riding arena, and a newly-constructed accessory building accommodating a large-animal veterinary clinic. The remainder of the site is used for grazing and horse paddocks.

Prior to purchasing the property, the applicants received direction from the Agricultural Land Commission, indicating that they had no concerns with them establishing an equine veterinary clinic at this location. The "animal clinic, major" use is one that is permitted in the A1 – Agriculture 1 zone.

The table below shows this application's compliance with the requirements of the A1 zone. The one non-conforming element is noted at the end of the table:

CRITERIA	PROPOSAL	A1 Requirements
Development Regulations		
Minimum Lot Area for Animal Clinic, Major	5.0 ha	2.0 ha
Site Coverage	meets requirements	10% (residential development)
Height (accessory building)	meets requirements	13.0 m for accessory building
Front Yard	meets requirements	6.0 m
Side Yard (north)	meets requirements	3.0 m
Side Yard (south)	5.0 m	4.0 m to flanking street
Rear Yard (east)	17.0 m	10.0 m
Other requirements		
Private Open Space	meets requirements	30 m ² of private open space per dwelling
Setback to building housing livestock	5.0 m ^A	buildings housing more than 4 animals . . . shall not be located any closer than 15.0 m from any lot line

^A The applicant has applied to vary this setback requirement, in order to allow a 5.0 m setback where 15.0 m is required...

4.0 TECHNICAL COMMENTS

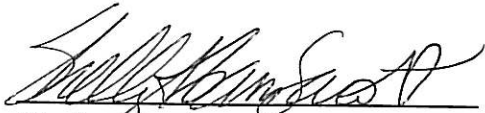
No concerns have been raised by the various referral agencies or departments.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The building was constructed by the previous owner of the property for the purpose of a riding arena. The current owners plan to convert the use of the building to accommodate the housing of horses as well as maintaining an indoor riding area for working with horses (see attached letter of rational from the applicant).

The intent of the Zoning Bylaw regulation that mandates a 15.0 m setback for buildings accommodating over four animals is to mitigate potential spillover effects from that activity (e.g. noise and odor related to, for example, a confined livestock operation). In this case the nearest property is located 20 m away from the building on the opposite side of Wallace Hill Road. Furthermore this property owner has indicated that they support the proposal.

For these reasons, Staff is supportive of this application.


Shelley Gambacort

Current Planning Supervisor

Approved for inclusion



David Shipclark

Acting Director of Planning & Development Services

NW/nw

Attachments

Subject Property Map

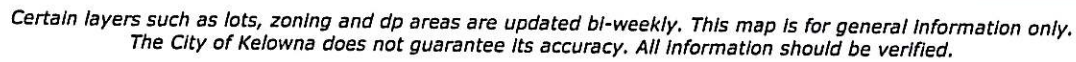
Site Plan

Air Photo

Photos of Existing Building

Rationale Letter from Applicant

Letter of Support from Neighbour at 4455 Sallows Road



SKETCH PLAN OF LOT 178, PLAN 1247, D.L. 359, O.D.Y.D.

Lot 173 Plan 1247

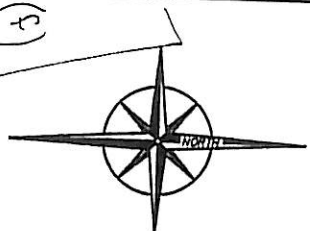
307.51



Lot 178

Plan 1247

Proposal: to vary side yard setback from 15.0 m to 5.0 m (see Section 11.1.1. of zoning Bylaw #880.



Lot 1

Plan 39632

Sallows Road

167.64

Terasen Gas S.R.W. (KK056534)

Wallace Hill Road (Section 6 Road)

S.R.W. Plan KAP5640

Lot 179 Plan 1247

Saucier Road

This Plan lies within the Central Okanagan Regional District.

Sheila McDonald/Cam Wieser

Certified correct this 14th day of April, 2007.

[Signature]
H.E. V. G.P. B.C.L.S., C.L.S.

VAN GURP & COMPANY
land surveyors

201-1470 St. Paul Street,
Kelowna, B.C. (250) 763-5711

F.B. 620(26) File 157583K7

Riding Arena

#456 House

Plan 39634

Wallace Hill Road

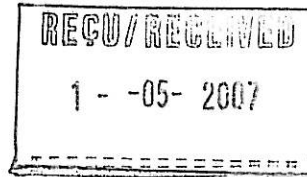






**OKANAGAN EQUINE
VETERINARY SERVICES**

3355 Sexsmith Road
Kelowna, BC V1X 7T5
Tel: (250) 491-0969
Fax: (250) 491-0959



Dr. Sheila McDonald

April 30, 2007

DVP 07 0092

To Whom It May Concern:

My husband and I purchased a farm located at 4656 Wallace Hill Road on March 15, 2007. The property consists of 12.5 acres of pasture, a house, a large riding arena, and a number of shelters and outbuildings. Subjects to our purchase offer included approval from both the Agricultural Land Commission and the City of Kelowna Planning Department for the use of the existing arena as an equine veterinary clinic. Approval was granted by the Agricultural Land Commission and I visited both the City Planning and Building Departments prior to the purchase. I was told that there was no problem with the use as veterinary clinics are an approved secondary use in the A-1 Zones (we plan to live in the residence, which would be the primary use).

Following the purchase, we were informed that the arena was located too close to the property line to be used for housing animals. We are therefore applying for a variance permit to allow for the housing of hospitalized animals. We have agreed to build a separate building for the reception, business office, and pharmacy, ie. the areas which would involve dealing with the public, as the planning and building departments have advised that the current building would not be suitable for these purposes and could only be used for housing and working with the horses. We have obtained a letter from the adjacent property owners stating that they have no objection to the intended use or to the housing of horses in the existing building.

In conjunction with the veterinary clinic, we plan to offer facilities for the rehabilitation of injured and post surgical horses. The property will also be used for the breeding of Thoroughbred horses and for breeding by artificial insemination. All the uses are agricultural, and the existing farmland will be maintained and improved. The pastures will be leveled and replanted, and all the fencing replaced. The result will be a highly attractive addition to the neighbourhood, and we hope that Council finds no objections to our application.

Sincerely,

Sheila McDonald, D.V.M.
Cameron Wieser

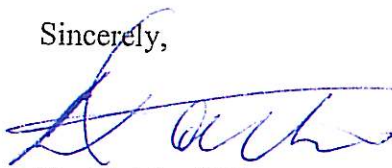
April 4, 2006

To Whom It May Concern:

My name is David Atherfold and my wife and I own the property located adjacent to the property at 4656 Wallace Hill Road, recently purchased by Cameron Wieser and Sheila McDonald. Our properties are divided by Wallace Hill Road. An indoor riding arena was constructed approximately seven years ago next to Wallace Hill Road. We understand that the new owners wish to use this building for a barn and equine veterinary clinic and that a variance permit will be required to house more than four animals in this building, due to its location with respect to the property line.

We hereby state that we have no objection to this building being used as a barn and equine veterinary clinic.

Sincerely,



David Atherfold
4455 Sallows Road
Kelowna, B.C.
Tel: 764-5262

