
**CITY OF KELOWNA
MEMORANDUM**

Date: October 4, 2007

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. DVP07-0235 **APPLICANT:** Al & Cheryl Marshall

AT: 2311 Newman Rd **OWNER:** Al & Cheryl Marshall

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A REDUCTION IN THE SIDE YARD SETBACK FROM 2.0 M TO 1.0 M TO ALLOW FOR THE CONSTRUCTION OF AN ATTACHED GARAGE.

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3 ZONE

REPORT PREPARED BY: DANIELLE NOBLE

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0235 for Lot 3, Sec. 4, Twp 23, ODYD, Plan 19354, located on Newman Rd., Kelowna, B.C.;

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

Section 12.3.6 (d) Side Yard Setback

A variance to the side yard setback requirement, allowing a setback of 1.0 m on the east side of the property where 2.0 m is required;

2.0 SUMMARY

This variance request is to relax the side yard setback requirements from 2.0m required to 1.0m proposed, to facilitate the construction of a 2 car garage/workshop on the east side of the subject property.

3.0 BACKGROUND

There is an existing two-storey walkout home on the subject property as well as a carport on the west side and an existing garage on the east side. The Applicant intends to construct an addition to the garage on the east side of the house, in order to permit the restoration of specialty vehicles.

3.1 Site Context

The subject property is located on the north side of Scenic Road, east of Brenda Road:

North-	RR3 – Rural Residential 3 Zone
East	RR3 – Rural Residential 3 Zone
South	RR3 – Rural Residential 3 Zone
West	RR3 – Rural Residential 3 Zone

Site Location Map

Subject property: 2311 Newman Rd.



3.2 Existing Development Potential

The purpose is to provide a zone for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services.

3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (2004)

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

3.3.2 Kelowna 2020 – Official Community Plan (OCP)

Future Land Use

The subject property is designated single/two family residential.

4.0 TECHNICAL COMMENTS

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

4.1 Inspection Services Department

Proposed garage addition requires 1.2m min. setback from property line to be constructed with combustible materials/openings or if constructed 1.0m from property line as proposed requires it to be built with a 45 min. fire resistance rating and no openings on the exposed building face.

4.2 Works & Utilities

This application to vary the side yard set back from 2.0m to 1.0m does not compromise Works and Utilities servicing requirements.

4.3 Fire Department

No comment.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department is generally supportive of the proposed sideyard setback variance to facilitate the addition of a garage. Given the topography on the west side and the septic field location, the siting of the garage addition necessitates flexibility. The applicant has submitted a letter of support from the adjacent neighbours, indicating that they do not object to the proposed variance. There has been no expressed concern and is anticipated to have little, if any impact.

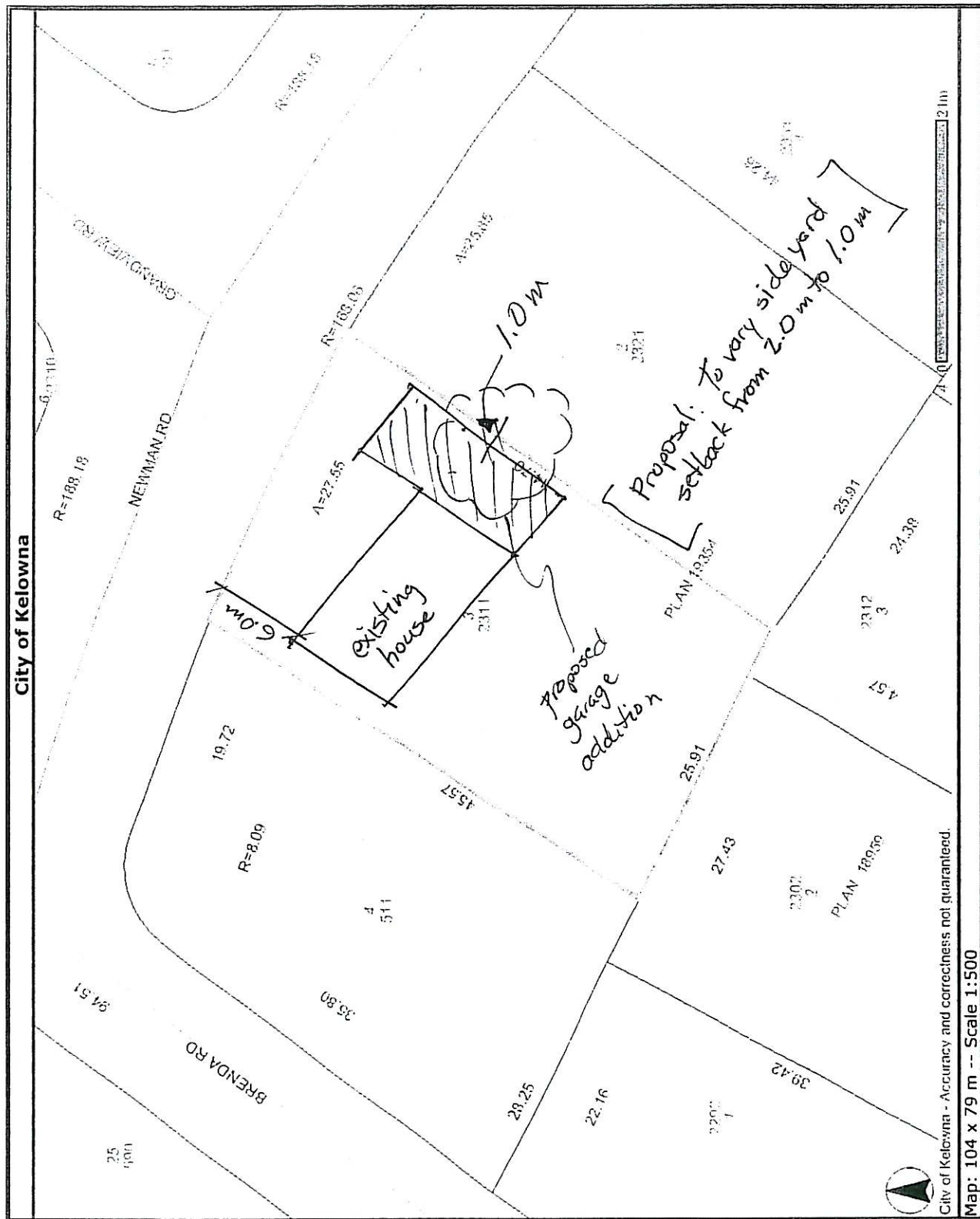

Shelley Gambacort
Current Planning Supervisor

SG/dn

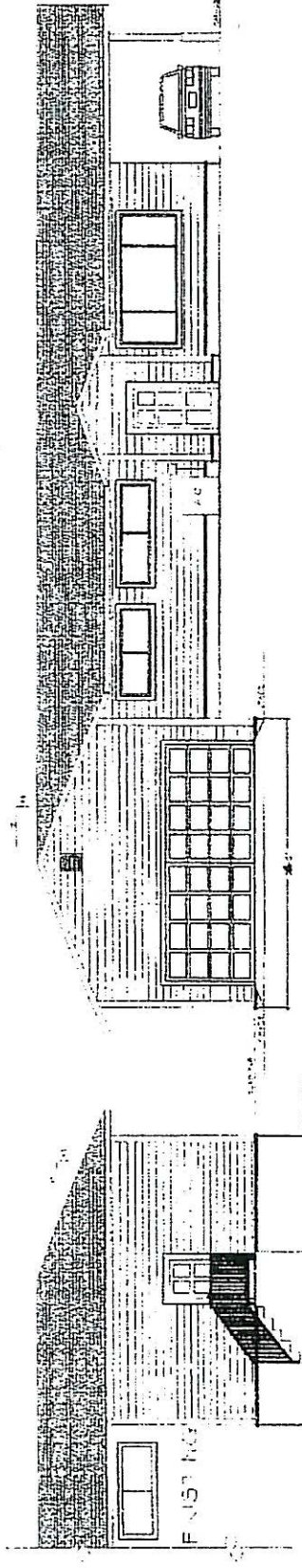
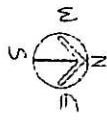
ATTACHMENTS

Location of subject property
Photo of Existing Front Elevation (2 pages)
Elevations
Letter of Rationale from Applicant

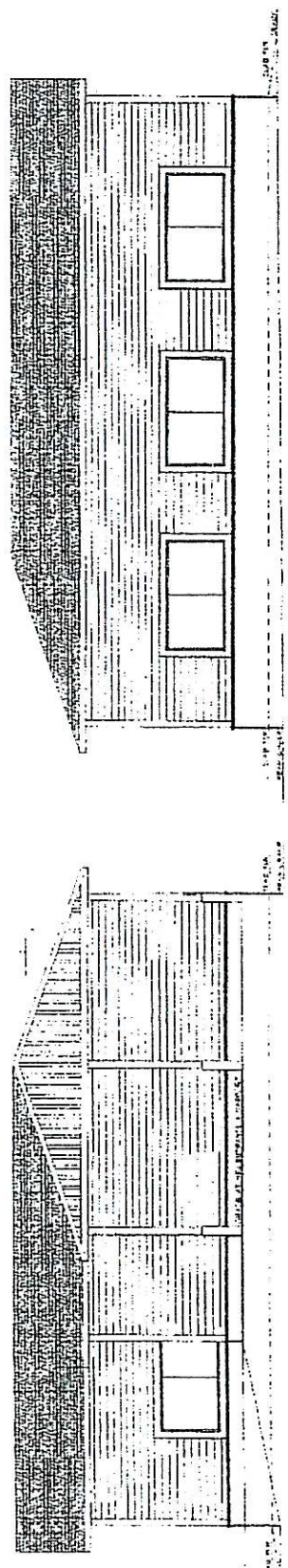




This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



NORTH ELEVATION
SCALE 1/4" = 1'-0"

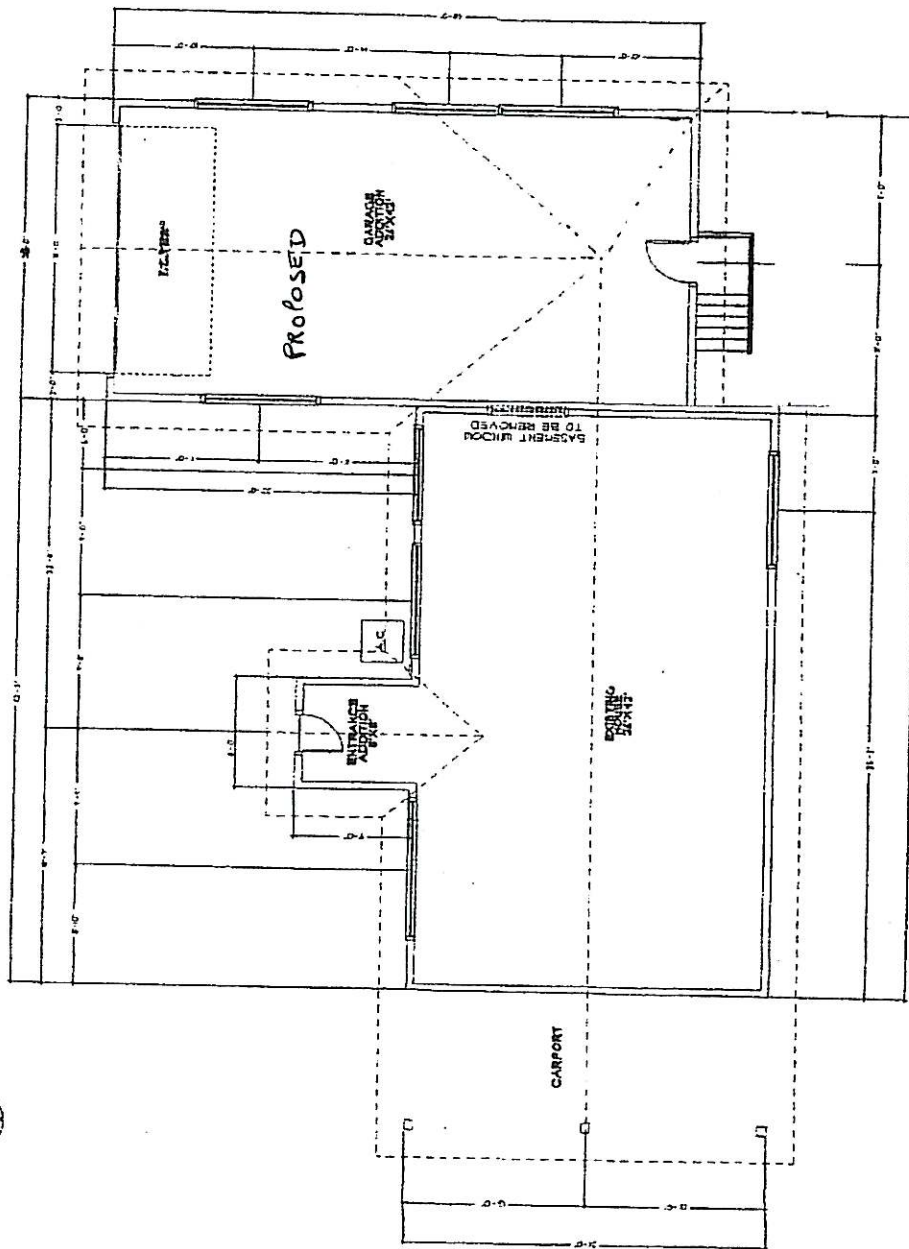


SOUTH ELEVATION
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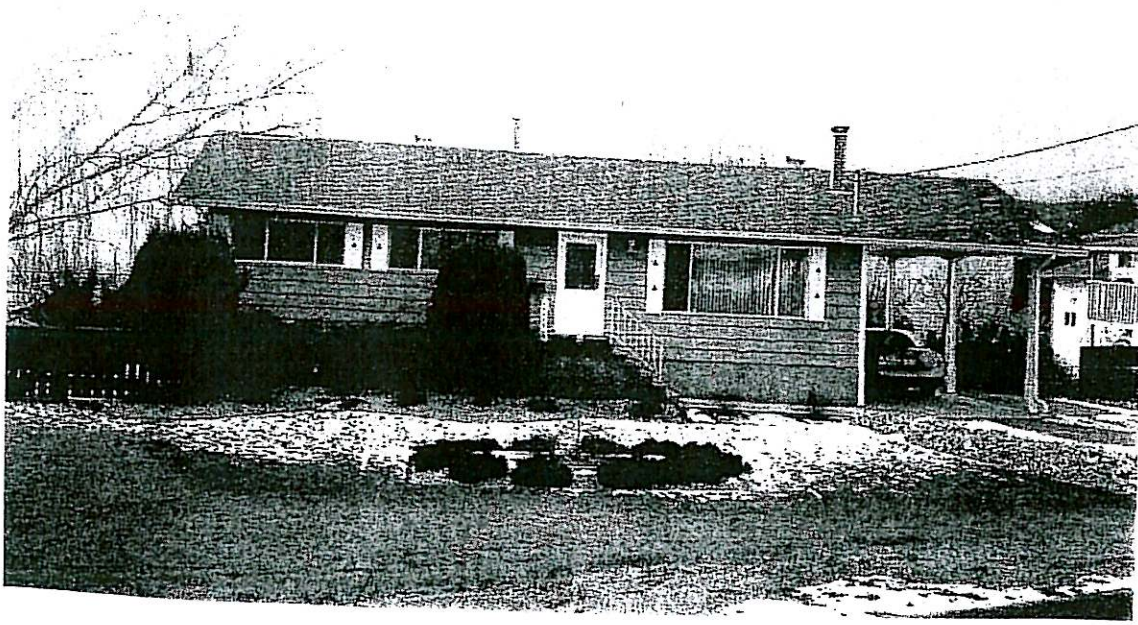
EAST ELEVATION
SCALE 1/4" = 1'-0"

WEST ELEVATION
SCALE 1/4" = 1'-0"

ELEVATIONS
SCALE 1/4" = 1'-0"



SCALE 1/4" = 1'-0"		A4.0		PAGE: 3	
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448. THIRTY-FOUR HUNDRED-EIGHTH FLOOR PLAN					
449. THIRTY-FOUR HUNDRED-NINTH FLOOR PLAN					
450. THIRTY-FIVE HUNDRED FLOOR PLAN					



September 12, 2007

City of Kelowna,
Variance Request Board

To Whom It May Concern:

Re: 2311 Newman Rd, Kelowna, BC.
Plan 19354 Lot:3 Section 4 Township 23, ODYD

We are hereby requesting a variance for the construction of our 2 car garage/workshop at the above mentioned address. The garage/workshop is to store and restore our specialty vehicles. The variance we are requesting is for a 1 meter set back for the east side yard instead of the standard 2 meter set back. We are requesting the variance because using the standard setback would not allow a reasonable working space for two vehicles side by side.

We have researched all the alternatives and find that this is the only logical placement for this garage. We do not have the option to build a detached garage in the back yard with the 1 meter set back due to the following:

- There is an existing swimming pool on the east portion of the back yard.
- We are on septic and the septic field is located in the west portion of the back yard.
- There is a major elevation change of the west side of the house where the carport is located.
- The only location left is on the east side of the house or building a separate garage in the front yard which would not enhance our property or the neighborhood.
- If we were to build a free standing garage in the front yard the allowed set back would be 1 meter. This is why we do not believe our request is unreasonable.
- We have the support of both neighbors on the east and west sides of our property. (Please see the attached letter with signatures.)

We appreciate your consideration of our request and look forward to positive outcome.

Yours truly,



Al & Cheryl Marshall