
CITY OF KELOWNA
MEMORANDUM

Date: February 26, 2008
File No.: A07-0024
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to allow for the adaptive re-use of a heritage home for commercial use (office/design studio).
OWNER: Lynda Mayers **APPLICANT:** Lynda Mayers
AT: 3430 Benvoulin Road
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A07-0024 for Lot 1, District Lot 132, O.D.Y.D., Plan 8996, except Plan KAP66606, located on Benvoulin Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council, subject to the following conditions:

1. that the expanded use would be limited only to those office/design studio activities within the building, and not include any outdoor storage of materials (except those relating to an agricultural activity), soil processing, etc;
2. that the owner would commit to making whatever improvements would be needed to restore the structure to its original condition;
3. that there would no negative impact on surrounding agricultural properties as a result of this development.

2.0 SUMMARY

The Applicant is requesting approval of a non-farm use under Section 20(3) of the Agricultural Land Commission Act, in order to allow for the adaptive re-use of a heritage home for commercial use (office/design studio).

Please see the attached information from the applicant that provides further explanation of this application.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on December 13, 2007, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee NOT support Application No. A07-0024 for 3430 Benvoulin Road, Lot 1, Plan 8996, by Lynda Mayers to obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to allow for the adaptive re-use of a heritage home for commercial use (office/design studio).

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4.0 **COMMUNITY HERITAGE COMMISSION**

At a meeting held on December 6th, 2007, the CHC reviewed this application as a referral, providing preliminary comments as follows:

The Members of the Commission advised that the use of the heritage home as an office space would be appropriate and that the Commission does not have any initial objection to the application.

5.0 **SITE CONTEXT**

The subject property is located on the west side of Benvoulin Road, just south of the St. Amand subdivision. Fascieax Creek runs through the southern tip of this property.

The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes. However, there is some urban residential development to the north (St. Amand Road and Chamberland Road subdivisions).

There is one single family dwelling on the property and one accessory building. Outside of the established yard areas, the land is primarily used to grow nursery stock (for further details, see applicant's description in Attachment 2).

Parcel Size: 1.29 ha (3.2 ac)

Elevation: 348 m – 348 m

Heritage Protection

The existing heritage home is on the City of Kelowna Heritage Register, and is protected by means of a Section 219 Restrictive Covenant. This covenant requires that the owner of the property preserve the structure, and maintain the existing landscaping, trees, and shrubbery on the subject property.

BCLI Land Capability

With the exception of the riparian areas next to Fascieux Creek on the southern tip of this property, the unimproved land classification for the subject area is 70% Class 4, and 40% Class 3. The only identified limiting factor for unimproved land is "excess water". With improvements, primarily to drainage, the land capability rating increases to Class 2 (70%) and Class 3 (30%). See attached Land Capability Map copied from map 82E.083.

Soil Classification

The soil classification for the subject property includes the following (information summarized from Soils Map 82E.083):

%	Soil Type	Description
70%	GN – Guisachan	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 10 to 100 cm of silt loam, loam or sandy loam over loamy sand or very gravely loamy sand. <u>Drainage</u> : poor, fluctuating groundwater table.
30%	TA – Tanaka	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 20 to 100 cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravely sandy loam. <u>Drainage</u> : poor to very poor, high water table, subject to flooding.

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1 / vegetable farm RU1 – Large Lot Housing
East	A1 – Agriculture 1 / vegetable farm
South	A1 – Agriculture 1 / vegetable farm
West	A1 – Agriculture 1 horse pasture, orchard

6.0 POLICY AND REGULATION

6.1.1 Kelowna 2020 – Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural.

Agricultural Policies:

- 11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;
- 11.1.14 Transition Uses. Consider complementary agricultural uses as a transition between existing urban development and farm operations. Consideration of such uses should not be construed as support for subdivision to smaller parcels

Heritage Policies

- 16.1.2 Incentives. Pursue opportunities for financial and other incentives to be administered by the City to encourage the retention, restoration and maintenance of heritage buildings;
- 16.1.15 Heritage Revitalization Agreements. Consider, on a site-specific basis, the use of Heritage Revitalization Agreements as a means of facilitating the adaptive re-use and continuing protection of heritage properties.

7.0 STAFF COMMENTS

The applicant notes that the existing parcel is somewhat limited as a viable agricultural parcel, due to (a) an awkward configuration, (b) limited land area, and (c) future loss of 1.2 acres for road dedication for the Burtch Road extension. In light of such constraints, it is likely that the subject property will continue to function as more of an estate residential parcel, than a productive agricultural unit, unless it is consolidated with adjoining lands to the west.

Generally speaking, the introduction of non-agricultural commercial/industrial uses on ALR land presents potential concerns with respect to that activity and how it might conflict with surrounding agricultural operations. Spill-over effects from these activities include increased traffic, noise, and pollution – not to mention the impact to property values, which exacerbates an already over-inflated land market.

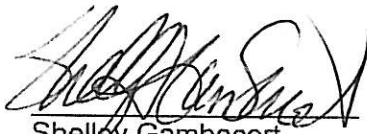
Those concerns, however, should be balanced by other factors relevant to this application, such as the preservation, and practical use of a heritage resource for the community. In the City of Kelowna's urban residential areas—particularly those in close proximity to an urban centre—certain latitude is extended to property owners of recognized heritage buildings in expanding the use of those homes beyond residential occupancy alone. For example, along Bernard Avenue, between Ethel Street and Richter Street, there are some homes that have been preserved and restored through a Heritage Revitalization Agreement (HRA). This tool allows the municipality to extend limited commercial uses to the property owner in exchange for the property owner committing to preserve the structure and restore the home back to its original condition.

In this case, an HRA could be used to limit the expanded uses to those desired by the applicant, while ensuring ongoing preservation and enhancement of the heritage building. However, it should be recognized that the location is far removed from any urban centre, and that makes it more difficult to justify the expanded uses on this property. Also, the applicant has indicated that the existing home requires little or no improvement to restore it to its original condition. If that is the case, then there is less incentive for the Municipality to allow for commercial use of the property.

Staff has been in discussions with the applicant with regard to their desire to begin construction of a new single family dwelling in advance of a decision from the Agricultural Land Commission. To that end, it has been acknowledged that a building permit could be issued for a new single-family dwelling, once the existing heritage house is decommissioned as a dwelling and converted to an accessory building. Completion of that work would require internal renovations only, such that there would be no contravention of the existing restrictive covenant.

Should this application be favourably considered by Council, Staff is recommending that the following conditions be satisfied:

1. that the expanded use would be limited only to those office/design studio activities within the building, and not include any outdoor storage of materials (except those relating to an agricultural activity), soil processing, etc;
2. that the owner would commit to making whatever improvements would be needed to restore the structure to its original condition;
3. that there would no negative impact on surrounding agricultural properties as a result of this development

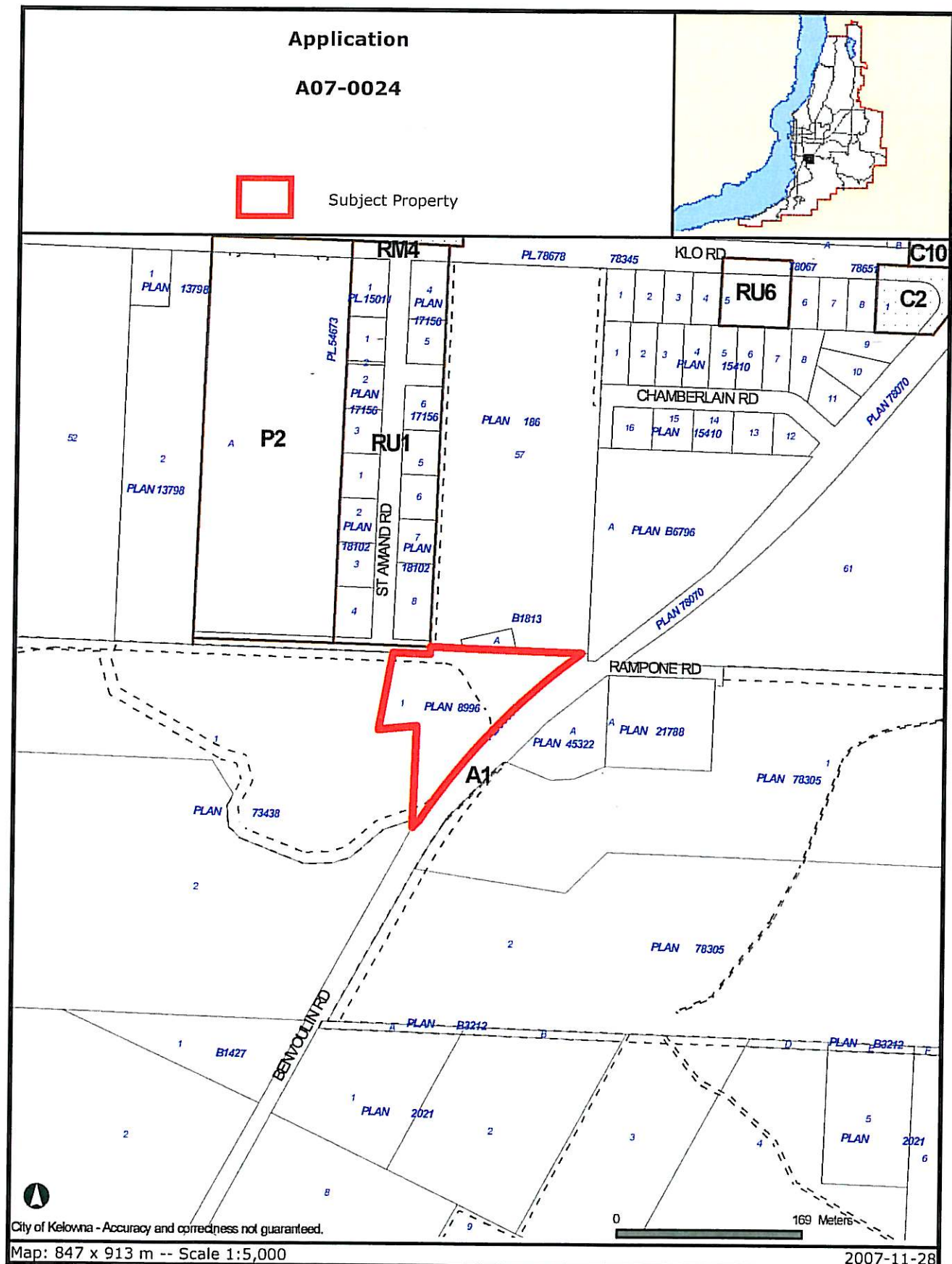


Shelley Gambacort
Current Planning Supervisor

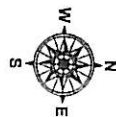
NW/nw

Attachments:

- Location of subject property
- Site Plan
- Application by Landowner (7 pages)
- Land Capability Map
- Soils Map
- Air Photo
- Heritage Building Information



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



3430 Benoulin Road
Kelowna, BC

1	Nov. 13, 07	Issued for exp
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Project No. _____
 Design By: _____
 Drawn By: _____
 Checked By: _____
 Date: _____
 Scale: _____

FC
 Nov. 13, 2007
 1:300

Outland Design
Landscape Architecture
205-1889 Spail Road
Kellowna BC V1Y 4R2
Tel: (250) 868-9270
Fax: (250) 868-9279
www.outlanddesign.ca

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Current Land Use:

AREA DETAILS

The subject property fronts onto the west side of Benvoulin Road across from its intersection with Rampone Road within the boundaries of the City of Kelowna. The property lies in a sub-district of predominant rural acreage landholdings but with some interspersing of residential subdivision also noted to exist.

SITE DETAILS

The subject land parcel is of extremely irregular dimensions and level topography comprising in total, 3.6 acres. If reference is made to appended map exhibits and Highway Reserve Agreement, it will be noted that the property's northeastern sector has been designated by the City of Kelowna as "Road Reserve". This affects 1.2 acres of the total site area 3.6 acres and if reference is made to the written agreement it will be noted that the City of Kelowna has the right to acquire the road reserve with a payment of a nominal \$1, in the event that future road construction is undertaken within the area. A restriction has been imposed on this portion of the site relative to building construction and at the date of inspection and report writing the applicant was utilizing this section of the site area for purposes of nursery stock growth.

Residential landscaping prevails around the subject dwelling which is located outside of the Road Reserve and includes a timed underground irrigation system, brick sidewalks and patios, a concrete patio and a rear wrought iron fenced in-ground kidney shaped vinyl liner swimming pool. Much of the upgraded landscaping and patios has been undertaken by the owner since property acquisition in the year 2000, and includes effective total rebuilding and replacing of virtually all components relative to the swimming pool.

The property presently relies upon a well and pressure system for water supply and a septic tank for effluent disposal purposes. Both domestic water and sanitary sewer are not presently available to the subject locale. Due to the high water table, a consistent year round source of water is assured.

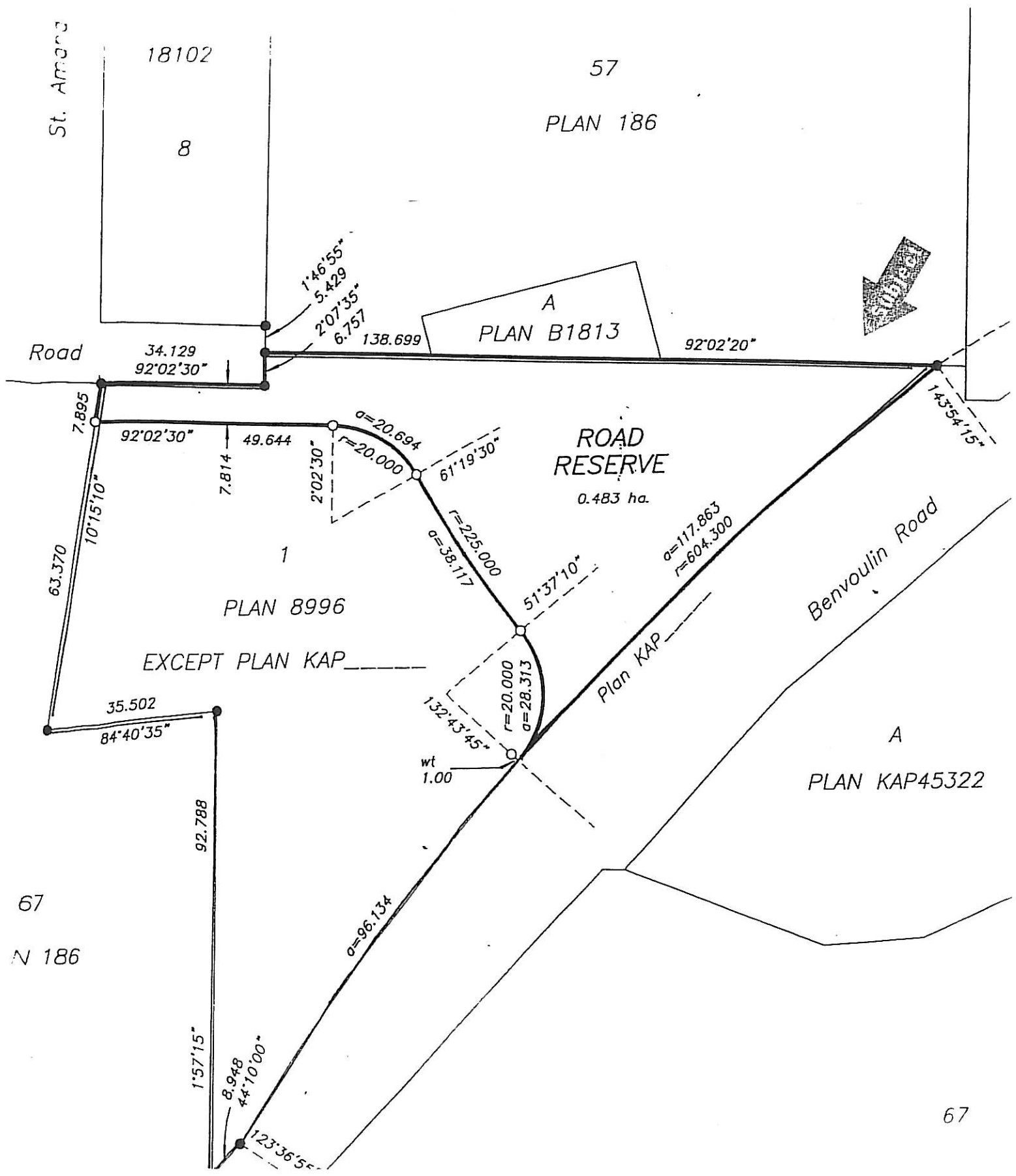
IMPROVEMENT DETAILS

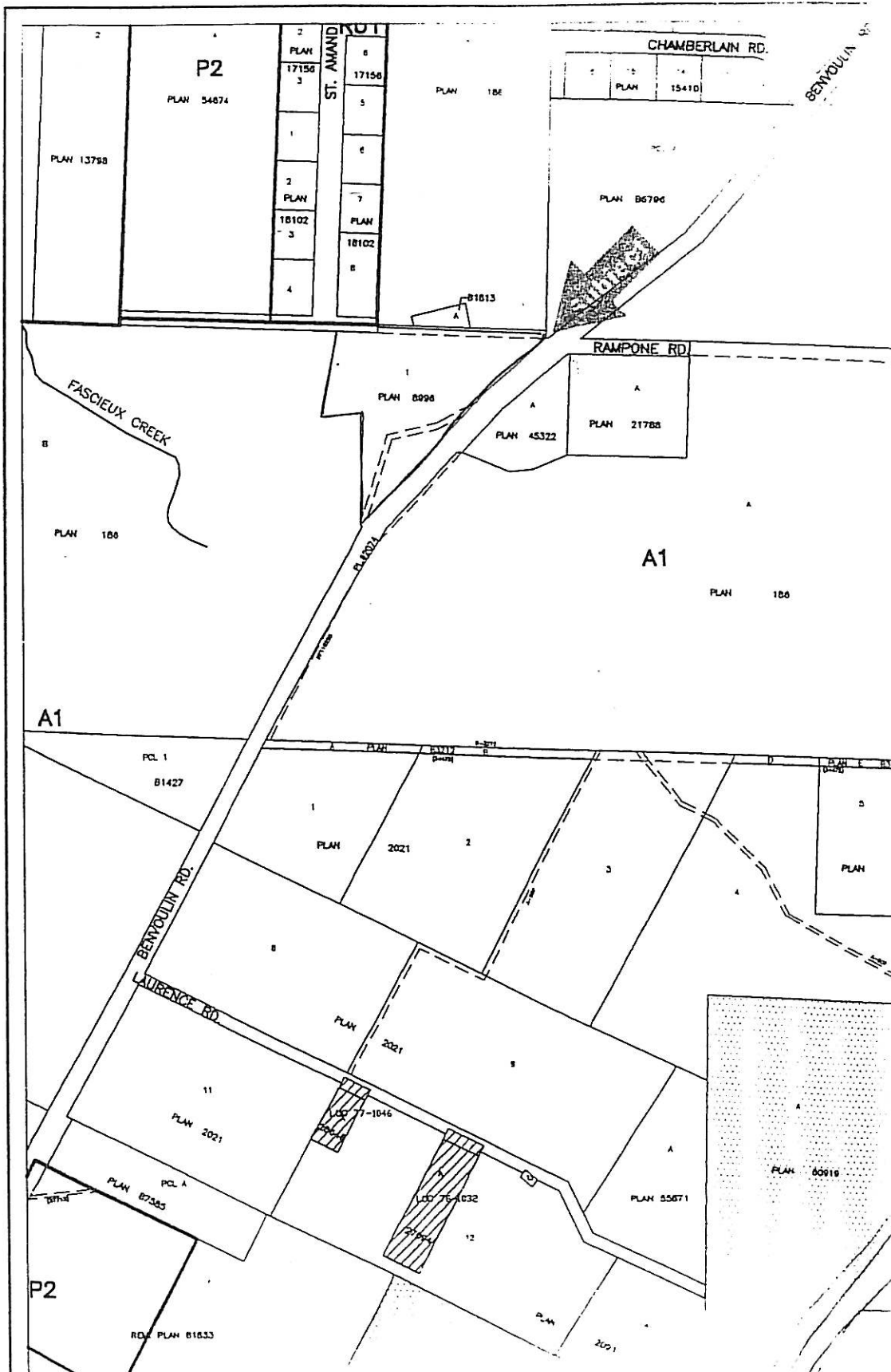
Improvements to the site comprise a single family residence being of a blended one and two storey design constructed atop an approximate 15% storage basement. The dwelling is reported by the City of Kelowna to have been constructed in 1904, and has been designated by the City of Kelowna as "Heritage". The designation is registered on title and restricts the owner's capacity for changes beyond the original dwelling styling, design and material usage.

The dwelling's original core area provides the majority of the main and second floor with an addition having been carried out along the dwelling's rear effecting both the main and second floor reported to have been undertaken in or about 1990. Overall, the dwelling now blends to create a main floor area of 1,729 square feet which is allocated to the main front entry/porch, 2 secondary entries, living room, dining room, kitchen, family room, laundry room, 3 piece bathroom and a bedroom. The second floor provides a further 1,540 square feet and is allocated to three bedrooms, family room, den and two three piece bathrooms. Extra features of the dwelling constitute a living room gas conversion fireplace, family room wood stove heater, rear open deck, built in kitchen appliances, security system and central air conditioning. The dwelling has been well maintained with regular repairs and maintenance having been carried out at the time of the dwelling addition in or about 1990, many of the original dwelling components were upgraded to current standards. Since the present owner's acquisition in 2000, additional capital expenditure has been undertaken including total exterior repainting, re-roofing, water heater replacement, partial interior redecoration and a wide range of trim upgrades.

Detached from the dwelling and sited in the side and rear yards are a combination double carport / cabana and a wood storage building.

SUBJECT SITE



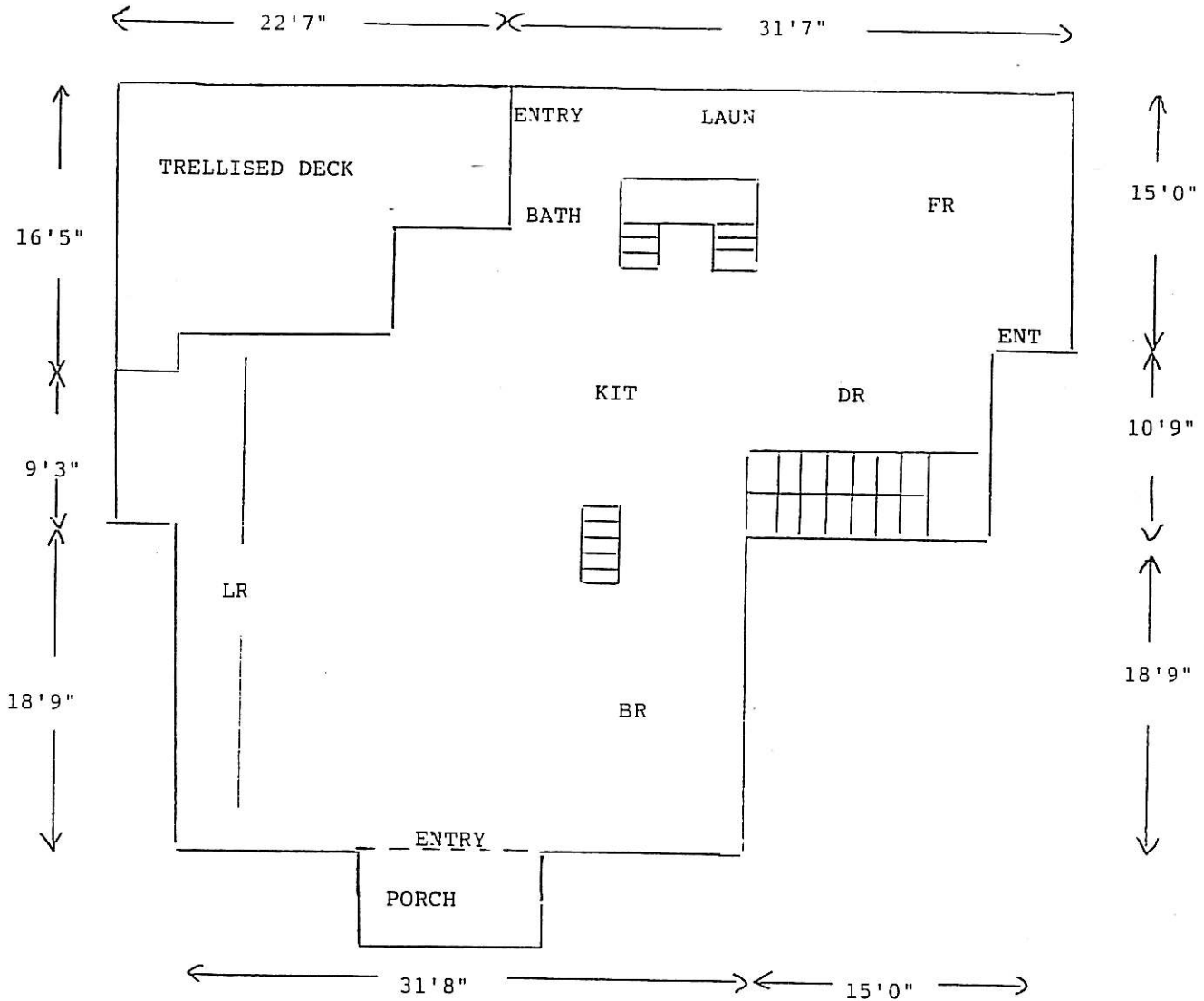


FLOORPLAN

Borrower: TED MAYERS		File No.: MAYERS
Property Address: 3430 BENVOLIN ROAD		Case No.: ATTN MR J LOUWE
City: KELOWNA	Prov.: BC	P.C.: V1W 4M5
Lender: ROYAL BANK OF CANADA		

SCALE 1" = 10'

MAIN FLOOR



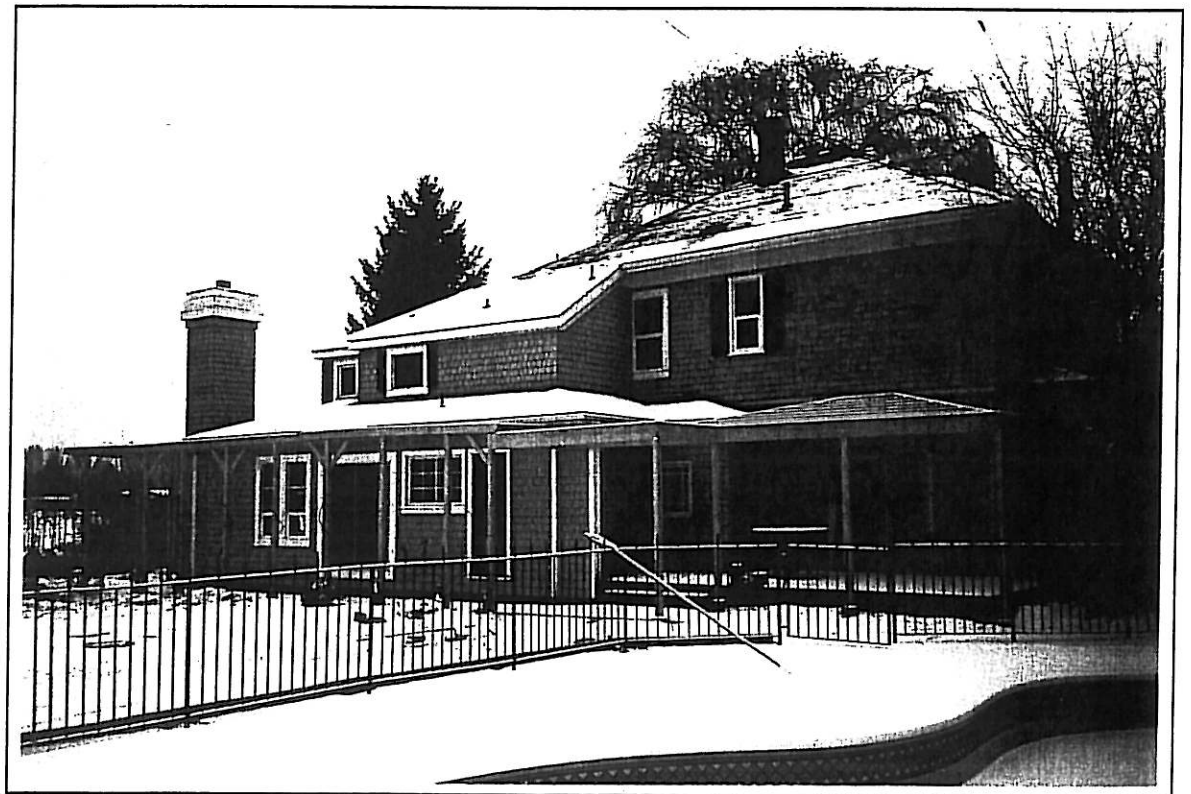
MAIN FLOOR	1,729	SqFt
SECOND FLOOR	1,540	
TOTAL	3,269	SqFt

Subject Photographs

**Front View of
Subject Dwelling**



**Rear View of
Subject Dwelling**





HOME Search

Heritage Building

Heritage Building Information



Kid: [195343](#) **Plan:** 8996 **Lot:** 1 **Block:**
[Map](#)
Civic Address: 3430 Benvoulin Rd
Neighbourhood: Benvoulin
Building Name:
Conservation Area: no
Date Built: 1904

Historical Significance: Pre-townsite house associated with Kelowna's tobacco and dairy industries. On site of Eli Lequime's first store (1860s, burned 1912).

History: House, built in 1904 (evidently by Martin Renwick), was moved from KLO Road to this site in 1912 by the British North American Tobacco Company. Site associated with Eli Lequime, important early family. In 1916 Renwick repurchased the house, selling to W. Chamberlain in 1918. Chamberlains converted tobacco barns to dairy barns. Sold in 1952; several owners since. Reportedly at one point a girls' school.

Architectural Significance: Very good Foursquare, said to have had the first flushing toilet in Kelowna. 'Beams from Lequime's buildings, showing evidence of fire scorching, were used as supports for the present house.'

Style / Character: Classic hipped roof Foursquare, well proportioned, relatively unaltered from front and well-maintained. Form and proportions appear to be c. 1912, so presume original house lost or much altered.

Design Features: Three bays wide, hipped roof with gabled dormer in front slope. Second storey projects slightly with wall flaring at the division between the floors. Deep eaves with fascia. Brick chimney, projecting enclosed front porch with gable roof.

Architect: unknown

Builder: unknown

Building Construction: wood frame

Foundation Construction: concrete

Stories: 2.5

Roof Type: hipped

Window types: DH 1/1 wood sash

Exterior Wall Material: wood shingles

Original Wall Material: presumed same

Exterior Wall Color: grey w. white & blue trim

Landscape Features: Large property well landscaped, swimming pool, pond, willow trees, with circular driveway.

Associated Buildings: some sheds

Alterations Documented: 1979 addition at rear; 1983 detached carport; 1984 addition (family room, dinette, & upstairs) [STREET FILES]

Alterations Observed: Additions at side/rear. Shutters may be recent, front porch may be added. Only front elevation retains original composition. Former verandah presumed removed.

Site Context: Situated in a rural agricultural area.

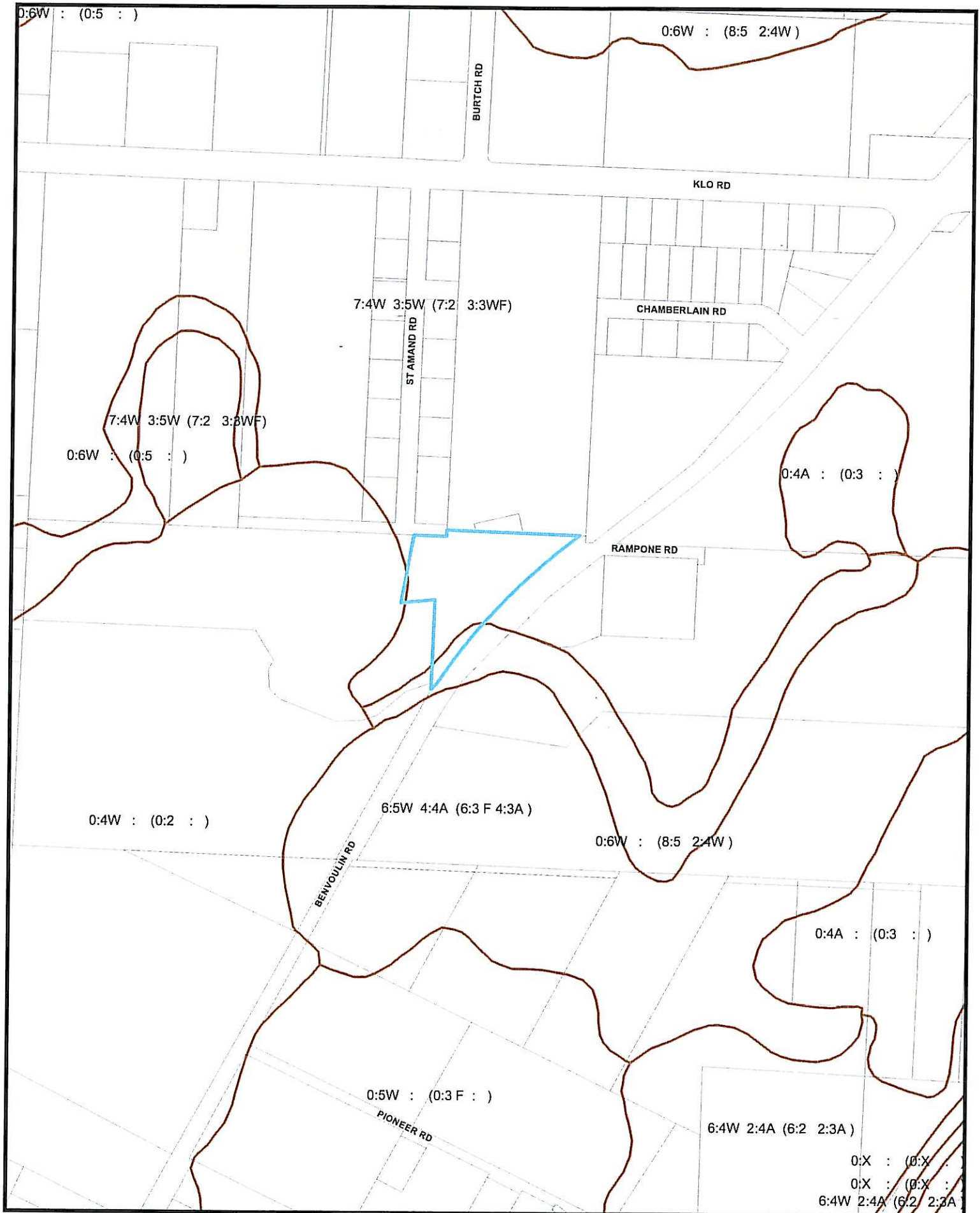
Source: STREET FILES; KHRI; KHRI FORMS; WRIGLEY'S 1922-27; SUN 1936-47.

Additional Notes and Comments: not found in 1983 inventory, Was known as "Brookdale" in 1983.

Updates:

History Recorder Name:	David Dendy	Date Recorded:	1997-09-03
Field Recorder Name:	Leigh-Ann Carter	Date Recorded:	1997-08-15

Land Capability = Brown/ Soil Class = Green



1:5,000

Land Capability = Brown/ Soil Class = Green



1:5,000