
CITY OF KELOWNA
MEMORANDUM

Date: July 21, 2008

To: City Manager

From: Planning and Development Services Department

APPLICATION NO: DVP08-0149

OWNER: Tarayn Kinsey

AT: 2589 Sexsmith Rd

APPLICANT: Tarayn Kinsey

PURPOSE: To vary the maximum size of an accessory building requirement of Zoning Bylaw 8000 Section 6.5.7 from 90 m² to 125.5 m².

EXISTING ZONE: RR3 – Rural Residential 3

REPORT PREPARED BY: Carlie Ferguson

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. DVP08-0149, for Lot 3 Section 3 Township 23 Osoyoos Division Yale District Plan 18158, located on Sexsmith Rd, Kelowna, B.C.

2.0 SUMMARY

Lot coverage of an accessory building within residential urban zones shall not exceed 14% or a maximum area of 90 m². The variance requested will allow for the construction of a garage that meets the lot coverage requirements but exceeds the maximum area for an accessory building.

3.0 BACKGROUND

The subject property is zoned RR3 – Rural Residential 3, however, as per section 1.7.1 of the Zoning Bylaw, it shall be developed in accordance with the provisions and regulations of the RU1 zone because the rural residential lot is less than 0.2ha and was created by subdivision prior to 1976. Therefore, the proposed accessory building is oversized as per section 6.5.7 of the Zoning Bylaw.

The application meets the development regulations of the RU1 – Large Lot Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1439 m ²	550 m ²
Lot Width	30.48 m	16.5 m
Lot Depth	45.72 m	30 m
Development Regulations		
Site Coverage (buildings)	19.3%	40%
Site Coverage (buildings/parking)	31%	50%
Total Floor Area of Building	142.9 m ²	n/a
Height / Number of Storeys	1.5 storeys	9.5 m or 2.5 storeys
Existing Dwelling		
Front Yard	7.5 m	6 m
Side Yard (e)	6.4 m	2 m
Side Yard (w)	6.5 m	2 m
Rear Yard	29.25 m	7.5 m
Accessory Building		
Height	4.4 m	4.5 m
Separation Distance between Principal unit and accessory building	14.6 m	Min 1.0 m
Total Floor Area	9% or 125.5 m ^{2A}	Lot coverage shall not exceed 14% or max 90m ² (section 6.5.7)
Front Yard	32 m	18 m
Side Yard (e)	10.7 m	1.0 m
Side Yard (w)	1.0 m	1.0 m
Rear Yard	1.5 m	1.5 m

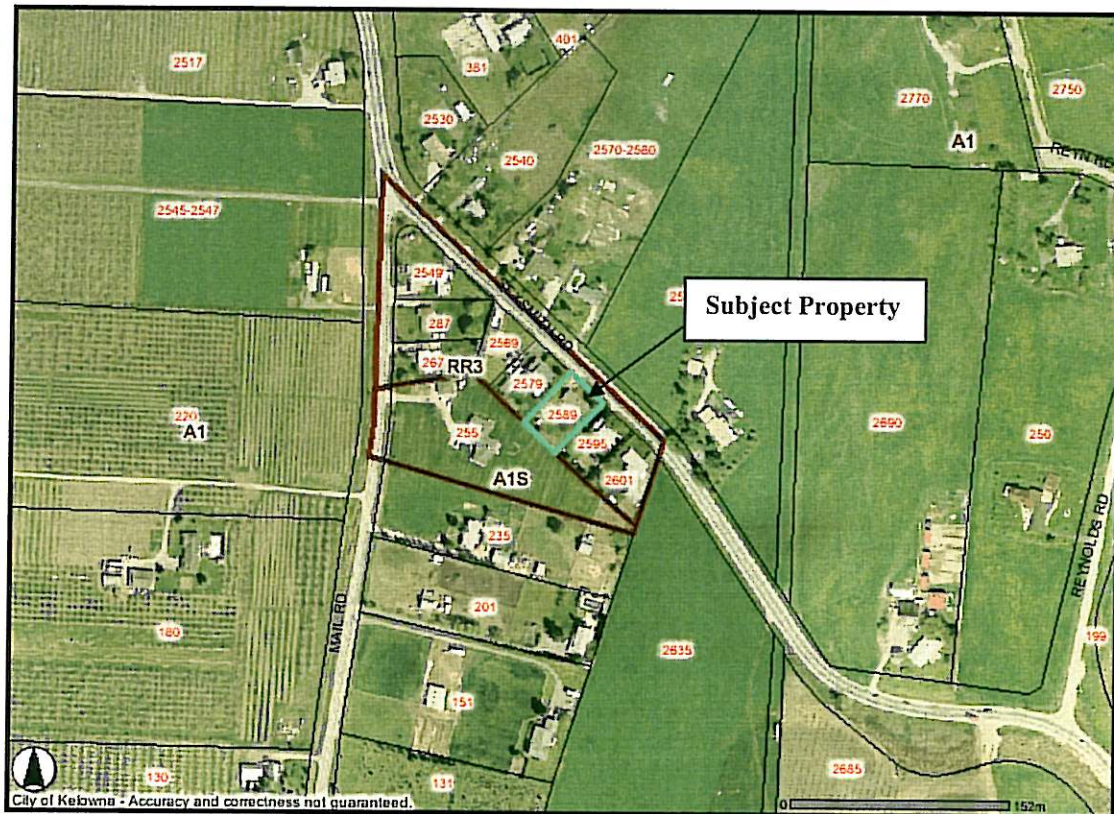
^A The applicant has applied to vary this size requirement, in order to allow for the construction of a 125.5m² accessory building where only 90 m² is permitted.

3.1 Site Context

The subject property is located on the south side of Sexsmith Rd and east of Mail Rd. It is one of eight lots zoned RR3 - rural residential located at the corner of Sexsmith Rd and Mail Rd. Surrounding land uses are as follows:

- North - A1 – Agriculture
- East - RR3 – Rural Residential
- South - A1s – Agriculture with secondary suite
- West - RR3 – Rural Residential

3.2 Site Location Map: 2589 Sexsmith Rd



4.0 TECHNICAL COMMENTS

The file was circulated to various departments and the followings comments were received:

4.1 Works and Utilities

The request to vary the size of an accessory building from 90 m² (968 sqft) to 125.5 m² (1351 sqft) does not compromise Works and Utilities servicing requirements.

4.2 Fire Department

No comment

4.3 Inspections Department

No comment

5.0 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

The subject property is zoned RR3, however, as per section 1.7.1 of the Zoning Bylaw it shall be developed in accordance with the provisions and regulations of the RU1 zone because the rural residential lot is less than 0.2 ha and was created prior to 1976. The proposed accessory building meets the site coverage requirements but exceeds the maximum area allowed in residential urban lots as per section 6.7.5 in the bylaw. The need for a Development Variance Permit based on this clause in the bylaw was flagged when the applicant applied for a Building Permit. Through the Building Permit process a series of revisions were made to the proposed plans and a Building Permit was subsequently issued on the condition that the foundation could be poured for the entire building but framing could proceed on only half of the building until a variance application had been processed.

The size of the proposed accessory building rivals the size of the principal building and there is concern over which building then becomes the principal building as they are nearly equal in size. Rationale for the oversized building is to accommodate a home based business however there remains the potential for other uses in the future, with the possibility of suite conversion. The Planning Department puts forward a position of non-support based on these concerns.

6.0 **ALTERNATE RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0149, for Lot 3 Section 3 Township 23 Osoyoos Division Yale District Plan 18158, located on Sexsmith Rd, Kelowna, B.C.

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

Section 6.5.7 Accessory Development

The maximum area for an accessory building is increased from 90 m² to 125.5 m².

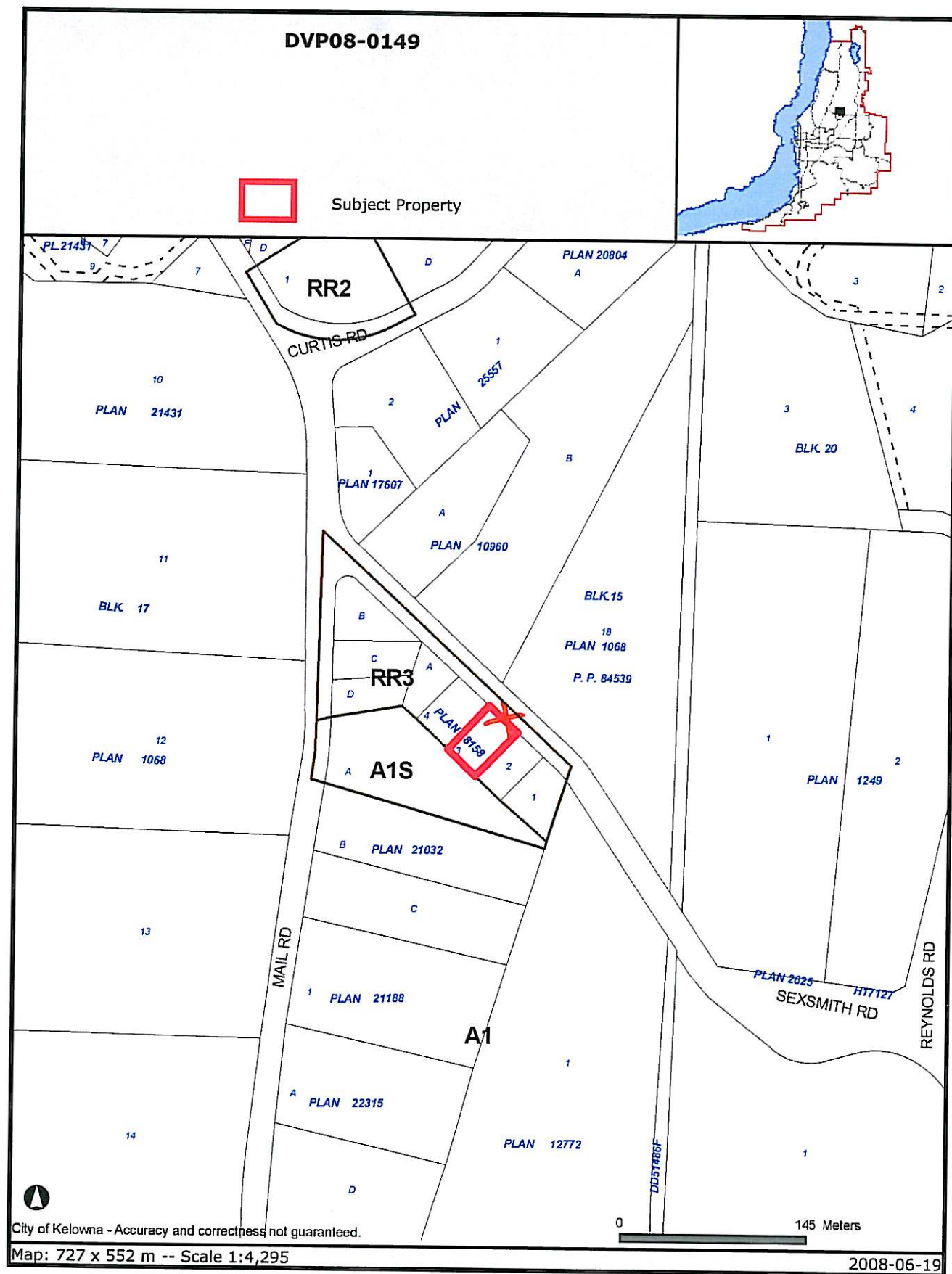


Danielle Noble
Current Planning Supervisor

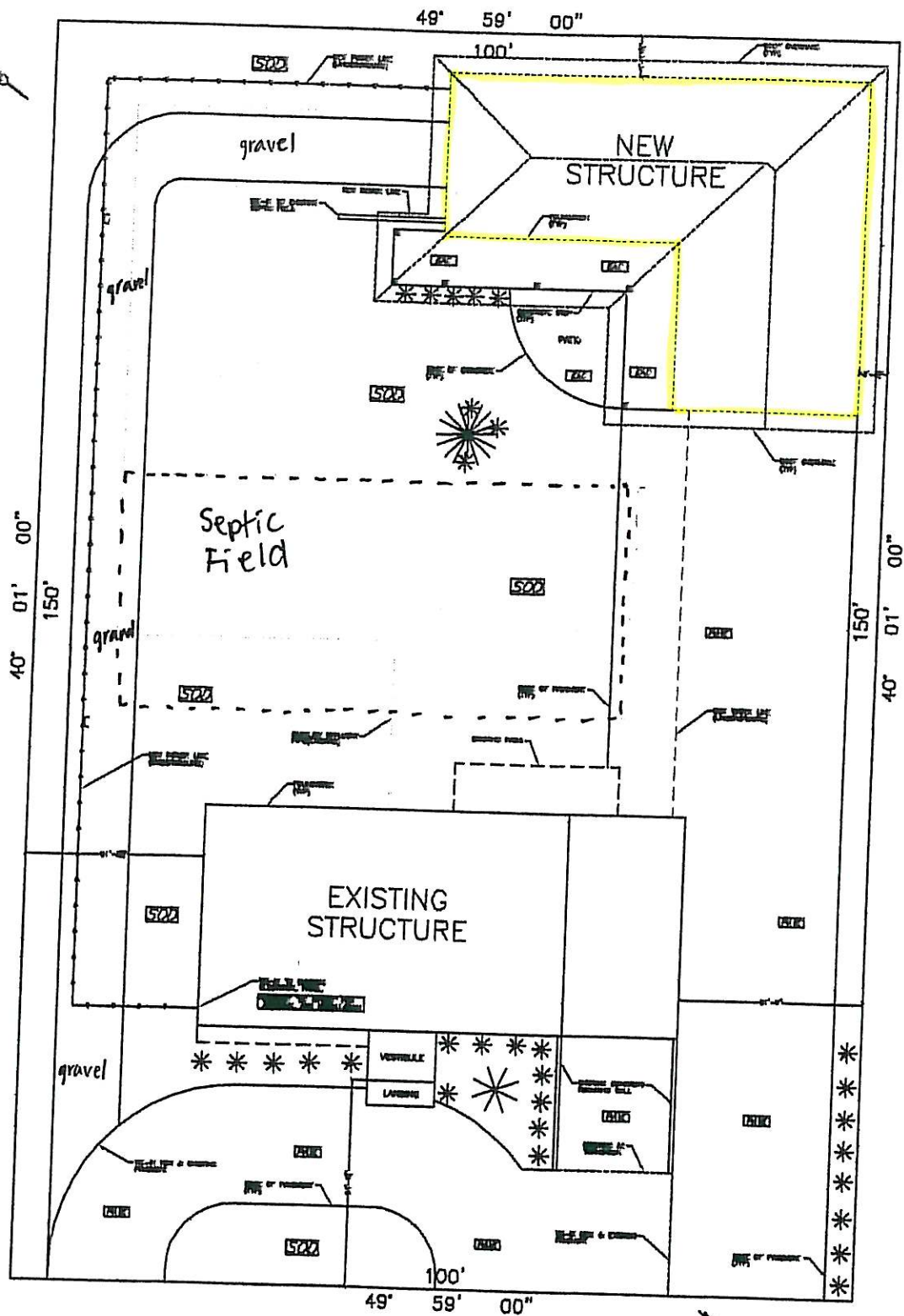
DN/cf

ATTACHMENTS

- A - Subject Property Map
- B - Site Plan
- C - Floor Plan
- D - Elevations



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.



SEXSMITH ROAD

SITE PLAN
SCALE: 3/32"=1'

JOSHUA

KEY

RAINAGE & LANDSCAPE PLAN

