
CITY OF KELOWNA

MEMORANDUM

Date: June 10, 2009
To: City Manager
From: Community Sustainability Division

APPLICATION NO. DVP09-0021

APPLICANT: IHS Design (Chris Vickery)

AT: 2795 Longhill Road

OWNERS: Timothy Marshall

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE MAXIMUM HEIGHT OF AN ACCESSORY BUILDING FROM 4.5M ALLOWED TO 6.518M PROPOSED TO FACILITATE THE CONSTRUCTION OF A POLE BARN AT THE NORTHEAST CORNER OF THE PROPERTY

EXISTING ZONE: RR2 – Rural Residential 2
A1 – Agriculture 1

Report Prepared By: Luke Turri

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0021 for Lot 1, Section 34, Township 26, ODYD, Plan 42588, located at 2975 Longhill Road, Kelowna, BC;

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

Section 12.2.6 (b) – Maximum Height – To vary the maximum height allowed for accessory buildings from 4.5m to 6.518m to facilitate the construction of a pole barn at the northeast corner of the property.


2.0 SUMMARY

The applicant is proposing to build a pole barn that would require a Development Variance Permit to relax the maximum allowable height for accessory buildings setback from 4.5m to 6.518m.

3.0 BACKGROUND

3.1 The Proposal

The property is split zoned, with the western portion along Longhill Road zoned A1- Agriculture 1, and the remainder of the parcel zoned RR 2- Rural Residential 2. The pole barn is proposed to be on the RR 2 portion. A 1440 ft² hay barn was previously given approval by Council near the centre of the property with a height of 6.0 meters. The 1440 ft² pole barn is proposed at the northeast corner of the property with a height of 6.5 meters. As the maximum height for this accessory building in the RR 2 – Rural Residential 2 zone is 4.5 meters, a Development Variance Permit is required to allow the construction of the pole barn.



The proposed pole barn to the northeast is located within the future right-of-way for the Central Okanagan Multi-Modal Corridor (COMMC). Phase 3 of the COMMC would extend from the McCurdy road flyover to UBC Okanagan, through a portion of the subject property.

The proposed application conforms to the regulations of Zoning Bylaw No. 8000, with the exception of the variance noted, as follows:

CRITERIA	PROPOSAL	RR2 ZONE REQUIREMENT
Subdivision Regulations		
Lot Area	1656 m ²	1.0 ha
Lot Width	101 m	36.0 m
Lot Depth	148 m	30.0 m
Development Regulations		
<i>Height (Accessory Buildings)</i>	<i>6.518 m*</i>	<i>4.5 m</i>
Front Yard	88.0 m	6.0 m
Side Yard (north)	3.0 m	3.0 m
Side Yard (south)	50.8 m	3.0 m
Rear Yard (Accessory Buildings)	3.0 m	3.0 m

**Variance Required*

3.2 Site Context

Site Location Map

Subject property: 2795 Longhill Road



The subject property is located on Longhill Road near Sexsmith Road within an agricultural area and north of a rural subdivision.

Specifically, adjacent land uses are as follows:

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	RR2 – Rural Residential 2
West	A1 – Agriculture 1

4.0 **TECHNICAL COMMENTS**

4.1 Building & Permitting

Structural engineering and schedules required for construction of pole barn.

4.2 Development Engineering Branch

The application to vary the height of an accessory building from 4.5 to 6.518 is not supported by Development Engineering Branch due to the fact that the proposed Barn in the North East corner is within the future alignment of the Central Okanagan Multi-Modal Corridor (COMMC).

4.3 Fire Department

Access to meet BCBC 3.2.5.6 Access Route Design.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

While the proposed building heights would not have significant impacts on neighbouring properties, a request to build over and above the regulations of the Zoning Bylaw places hardship on the future acquisition of part of the property for the COMMC. While Phase 3 of the COMMC is not included within the 20-Year Road Network Plan within the Official Community Plan at this time, the City's Transportation Division has detailed drawings and property acquisition plans for this phase. Phase 3 is to be included in the revision to the Official Community Plan, due to be adopted at the end of 2009. The City does not have the financial resources to purchase any land for Phase 3 at this time.

At the regular meeting of June 2, 2009, Council directed staff to receive legal advice with regard to the validity of an agreement which was proposed by the Land Use Management Department. This agreement was thought to be achieved through a Letter of Agreement or Memorandum of Understanding, and was to absolve the City from any additional acquisition costs as a result of the pole barn being constructed within the future proposed COMMC alignment. As a result of the legal advice received, staff was informed that any agreement in this regard could only be established through a Section 219 Covenant registered on the property, and not through the other means listed above. This covenant would be very difficult to implement, and in addition, may not insulate the City for all additional acquisition costs incurred, which was the original intent.

As a result of this new information, the Land Use Management Department is no longer requesting such an agreement, and is recommending support for the proposed variance to the maximum height of the pole barn without the previous conditions.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion



Shelley Gambacort
Director, Land Use Management

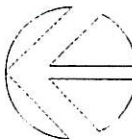
ATTACHMENTS

Location of subject property
Site Plan
Elevations





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 OFFICE AND MAY NOT BE REPRODUCED OR USED WITHOUT
 EXPRESS WRITTEN PERMISSION FROM THE NAME.



PROJECT NORTH

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15704

PRIVATE RESIDENCE
2795 LONGHILL ROAD
KELOWNA, BC
LOT 1 PLAN 42588

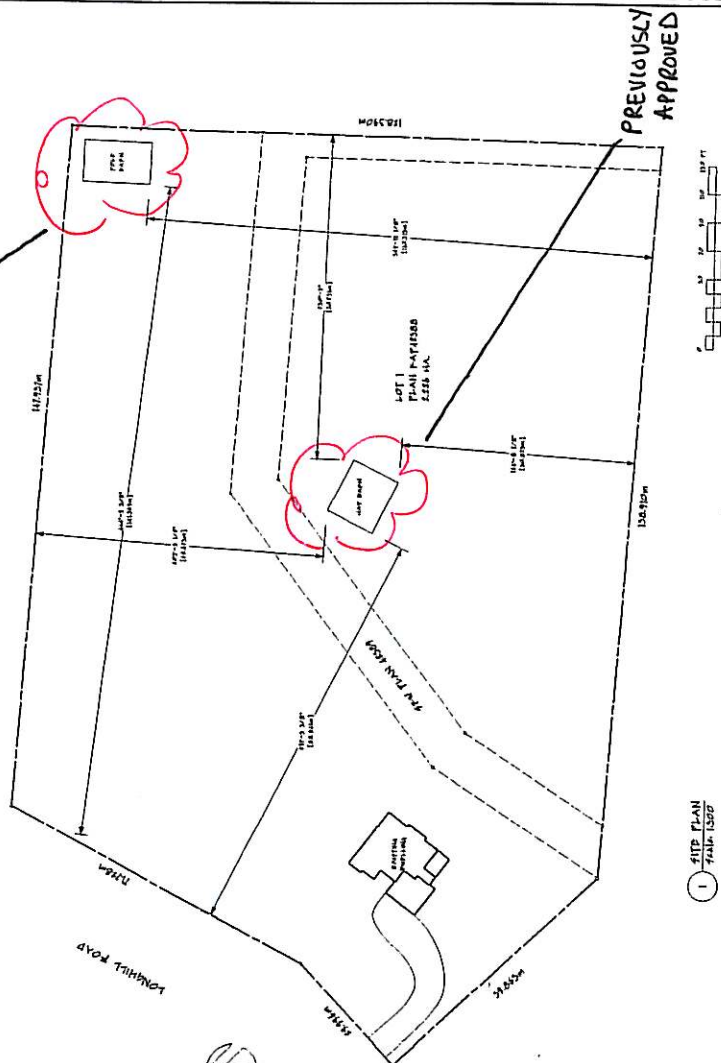
SITE PLAN

FEBRUARY 12, 2009

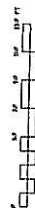
INTERVIEW QUESTIONS

1 of 4

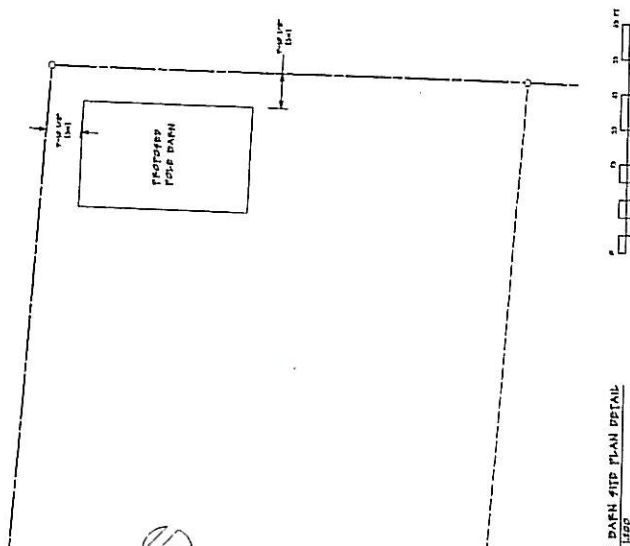
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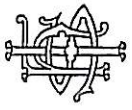
PREVIOUSLY
APPROVED



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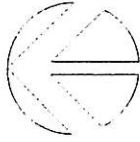
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1. FOLE DAFN 910 PLAN DETAIL
441.1. 1.500



B&B DESIGN
844 KENTWICK DRIVE
KELOWNA, BC
V1W 4V5

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PROJECT NORTH

REVISION

DATE

DESCRIPTION

PROJECT

PRIVATE RESIDENCE
2765 LONGHILL ROAD
KELOWNA, BC
LOT 1 PLAN 42588

DRAWING TITLE

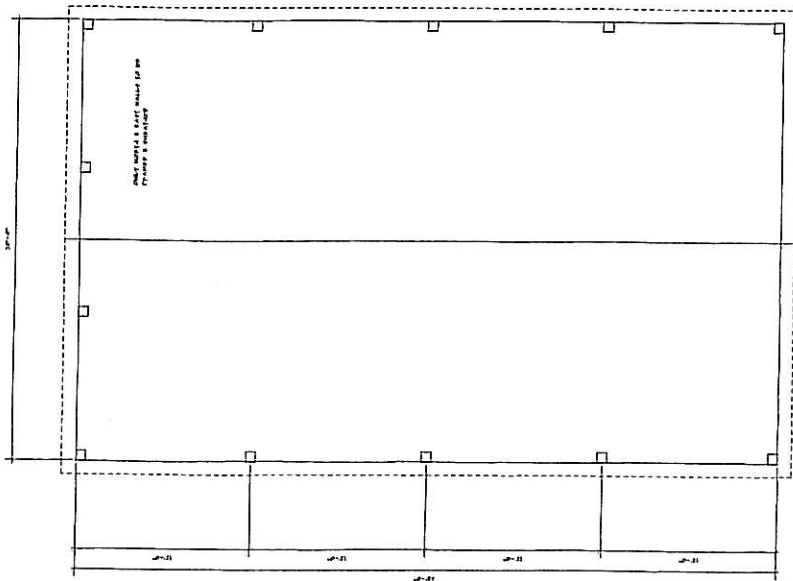
POLE BARN PLANS

DATE

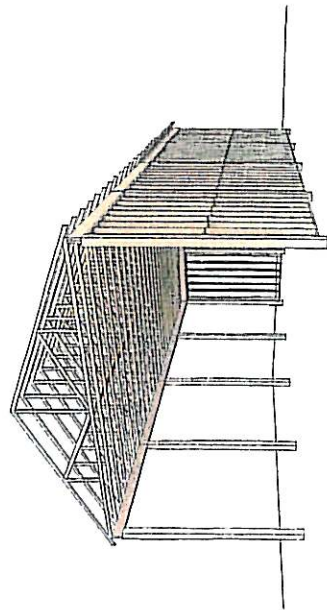
FEBRUARY 12, 2009

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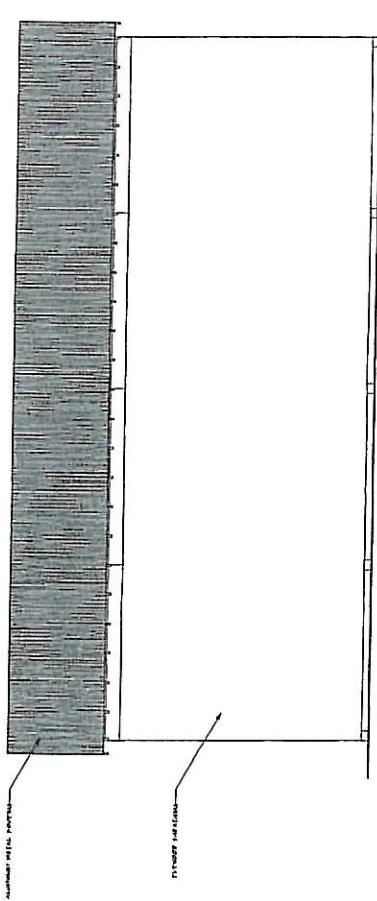
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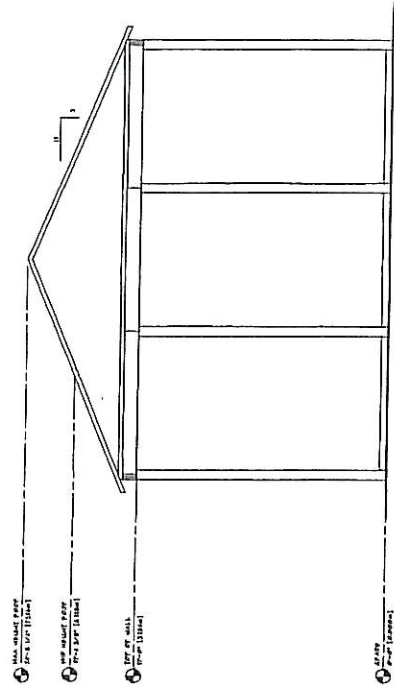
1 PLAN VIEW
Scale: 1/8" = 1'-0"



4 PERSPECTIVE VIEW
Scale: 1/8" = 1'-0"



2 EAST ELEVATION
Scale: 1/8" = 1'-0"



3 SOUTH ELEVATION
Scale: 1/8" = 1'-0"