
CITY OF KELOWNA
MEMORANDUM

Date: July 14, 2009

To: City Manager

From: Community Sustainability Division

APPLICATION NO. DVP09-0059

OWNER: Ross M. and Lucy R. Jones

AT: 1924 Dewdney Road

APPLICANT: Ross M. Jones

PURPOSE: TO VARY THE SITING OF AN ACCESSORY BUILDING FROM A MINIMUM OF 18 M TO THE FRONT LOT LINE TO 3.0 M PROPOSED.

TO VARY THE HEIGHT OF AN ACCESSORY BUILDING FROM 4.5 M PERMITTED TO 6.1 M PROPOSED.

TO VARY THE SOUTH SIDE YARD SETBACK FROM 2.0 M PERMITTED TO 1.0 M PROPOSED.

TO VARY THE REAR YARD SETBACK FOR THE ACCESSORY BUILDING FROM 1.5M PERMITTED TO 0.6M PROPOSED.

EXISTING ZONE: RR3 – Rural Residential 3

REPORT PREPARED BY: Birte Decloux

1.0 **RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0059 for Lot A, Section 17, Township 23 Osoyoos Division Yale District Plan 17563 located at Dewdney Road, Kelowna, B.C., subject to:

1. Registration of a no-disturb/no-build covenant to preserve the steep slope area and the riparian management area
2. Registration of a restrictive covenant for wildland fire management protection.

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

Section 6.5.8 (a) – Location of Accessory Building

To vary the permitted location of an accessory building from a minimum of 18 m to the front lot line to 3.0 m proposed;

Section 12.3.6 (b) – Maximum Building Height

To vary the height of an accessory building from 4.5 m permitted to 6.1 m proposed;

Section 12.3.6 (d) – Side Yard Setback

To vary the south side yard setback from 2.0 m permitted to 1.0 m proposed;

Section 12.3.6 (e) - Rear Yard Setback

To vary the rear yard setback for an accessory building from 1.5m permitted to 0.6m proposed.

2.0 SUMMARY

The applicant is proposing an addition to an existing structure to accommodate the creation of a garage and additional storage space. In order to construct this addition, variances are required to the side yard and rear yard set backs, building height, and siting of the accessory building.

3.0 BACKGROUND

The topography of the subject property is unique in that it has a steep slope from the top of the road to the buildable area where the house and existing structure are currently sited. Access to the property is through a shared driveway, also serving four other property owners. A single family dwelling is located on a flat section of land with a drop off towards the lake on the west side. Owing to the topography, the property is very private and only visible to the south neighbour.

An existing accessory structure is built into the ground of the slope on the south side of the subject property. It is accessed on the west side of the building, which is in a local depression. The applicant is proposing to construct a garage and storage addition above the existing structure. In considering the topography and limited other buildable areas, it is a logical place to situate the garage addition. The current structure would act as the foundation to create a 1 ½ storey accessory building.

The proposal meets the RR3 – rural residential zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Development Regulations		
Height (accessory building)	Rear elevation 6.1 m ① Front elevation 3.37 m	4.5 m (1 - 1 ½ storey)
Front Yard Setback	3.0 m ②	6.0 m or 18 m for an accessory building
Side Yard (north) setback	Greater than 40 m	2.0 m (1 - 1 ½ storey)
Side Yard (south) setback	1.0 m ③	2.0 m (1 - 1 ½ storey)
Rear Yard	0.6 m ④	1.5 m for accessory buildings
Separation Distance Between buildings	Greater than 13 m	Min 5.0 m

Variances requested for:

- ① the permitted height of an accessory building
- ② the permitted siting of an accessory building
- ③ the south side yard set back
- ④ the rear yard set back

3.1 Site Context

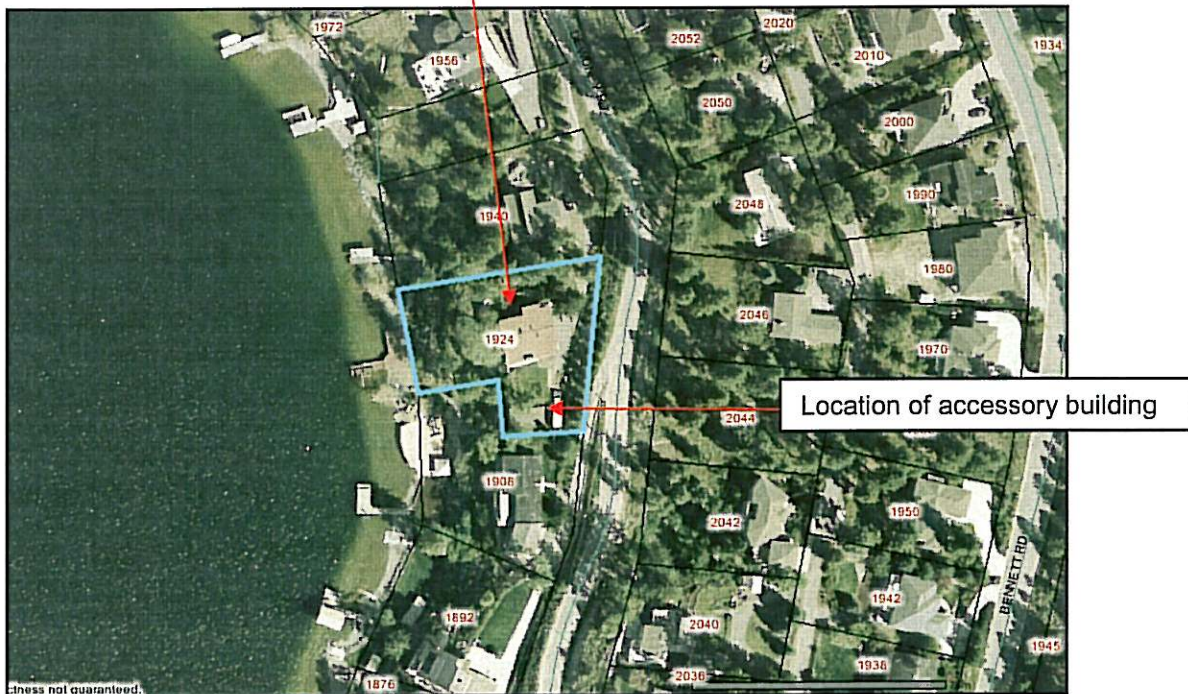
The subject property is located on the west side of Dewdney Road in McKinley Landing on the lakeshore and is subject to riparian management area setbacks.

Adjacent zones and uses are:

- North - RR3 – Rural Residential 3
- East - RR3 – Rural Residential 3
- South - RR3 – Rural Residential 3
- West - W1 – Recreational Water Use

3.2 Site Location Map

Subject Property: 1924 Dewdney Road



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 Development Engineering

The reduction in front, side and rear yard setbacks and height of the building does not compromise the City of Kelowna servicing requirements and does not trigger any offsite upgrades.

4.2 Building and Permitting Department

Structural engineer's report required on condition of existing foundations related to construction of proposed building, also engineer's schedules for suspended slab construction.

4.3 Fire Department

No comment

4.4 Environmental Branch

1. Provide a draft "no build/no disturb" Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property to effectively preserve the steep slope area and Riparian Management Area. The covenant area will include all the land on the subject property from the rear property line (along the foreshore) to geodetic elevation 354m.

2. This lot will require the registration of (under the Land Title Act against the title of the subject property) a Wildland Fire Section 219 Restrictive Covenant. The covenant may be obtained from the front counter of the Land Use Management Department at Kelowna City Hall. The Wildland Fire covenant will save harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire.

4.5 Glenmore Ellison Irrigation District

The homeowner is responsible for all costs to repair damaged waterworks or re-location of curb stop, if required.

5.0 **LAND USE MANAGEMENT DEPARTMENT**

The applicant is proposing an addition to a modest accessory structure, which is built into the ground on three sides with a ground level access on the west. As the addition is proposed to increase the non-conformity, a variance to the siting, side yard and rear yard set backs and height are sought.

The siting of the current accessory building is existing non-conforming. However, the site has severe limited factors which warrant site-specific considerations:

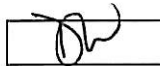
- Steep topography
- Septic field placement
- Shared driveway easement
- Lakeshore riparian management area setback required

The Development Variance Permit process is designed to accommodate development requests that have provided appropriate justification and/or site specific limitations for the proposed variance. In this instance, few (if any) other options are available to accommodate the accessory building. Given the benefit of registering a no-disturb covenant to preserve the steep slope area and the riparian management area, the property will have enhanced environmental protection. Signatures of support were received from all impacted property owners abutting the subject property, indicating no objections to the accessory structure addition.



Danielle Noble
Urban Land Use Manager

Approved for Issuance

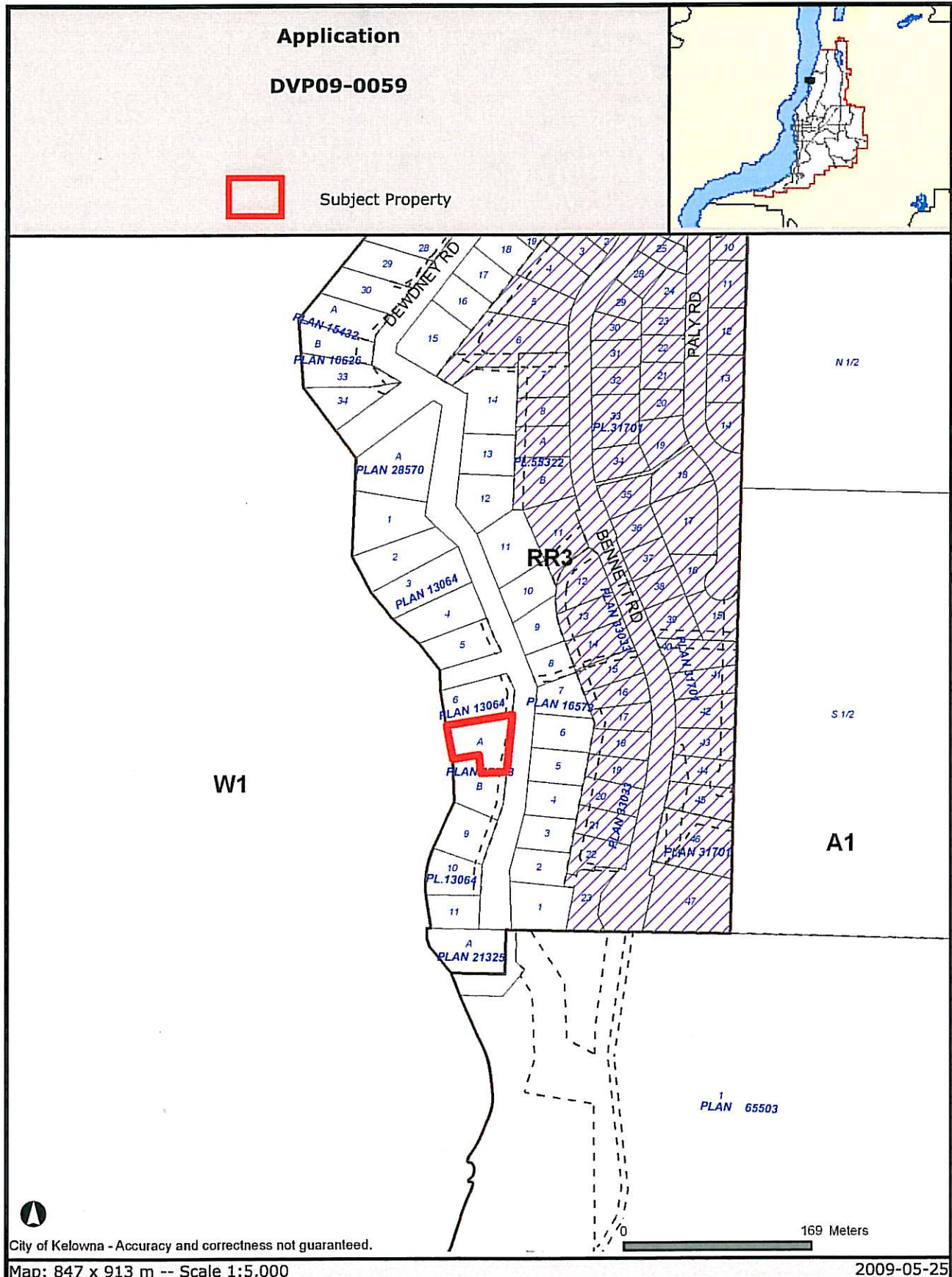


for/ Shelley Gambacort
Director of Land Use Management

DN/bcd

Attachments:

Location of Subject property
Site Map – Schedule “A”
Site photos
Elevations



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2009-05-25

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.

30.94

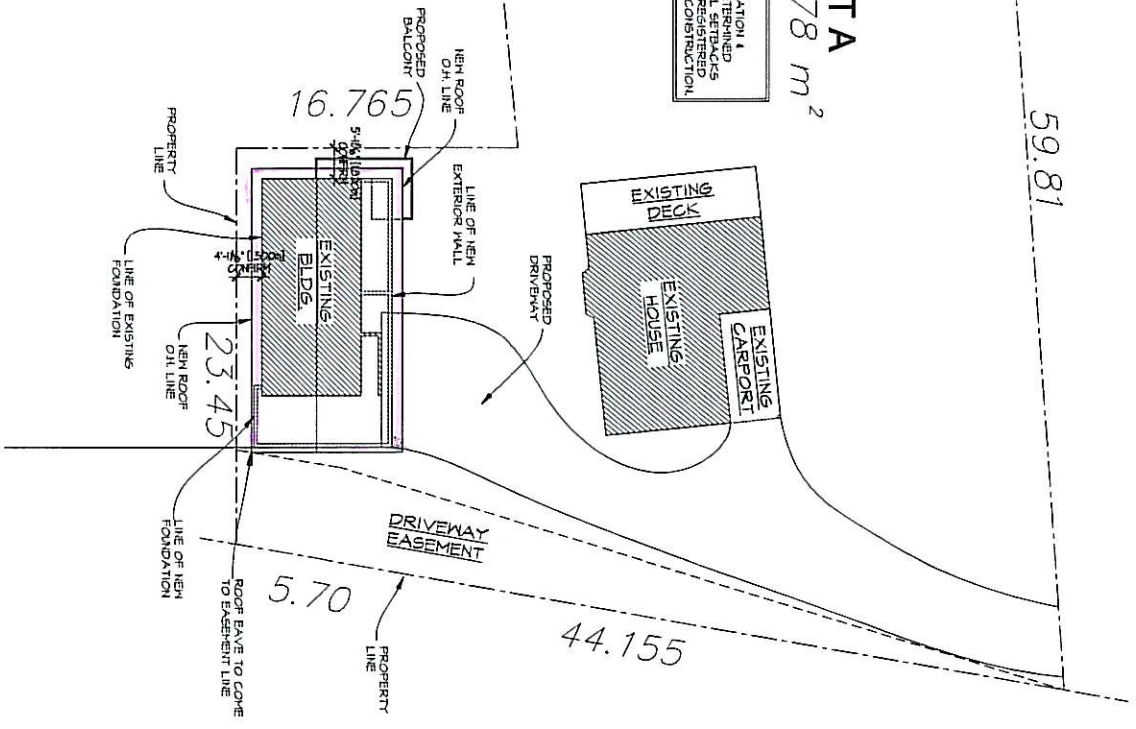
LOT A
2145.78 m²

59.81

NOTE
EXACT BUILDING LOCATION &
HEIGHT TO BE DETERMINED
ON SITE. CONFIRM ALL SETBACKS
AND LOT LINES WITH REGISTERED
LOT PLAN PRIOR TO CONSTRUCTION.



25.97



1:200 SCALE
MAY 15/09

LOT A PLAN 17563,
SEC. 17, TP 23, O.D.Y.D.



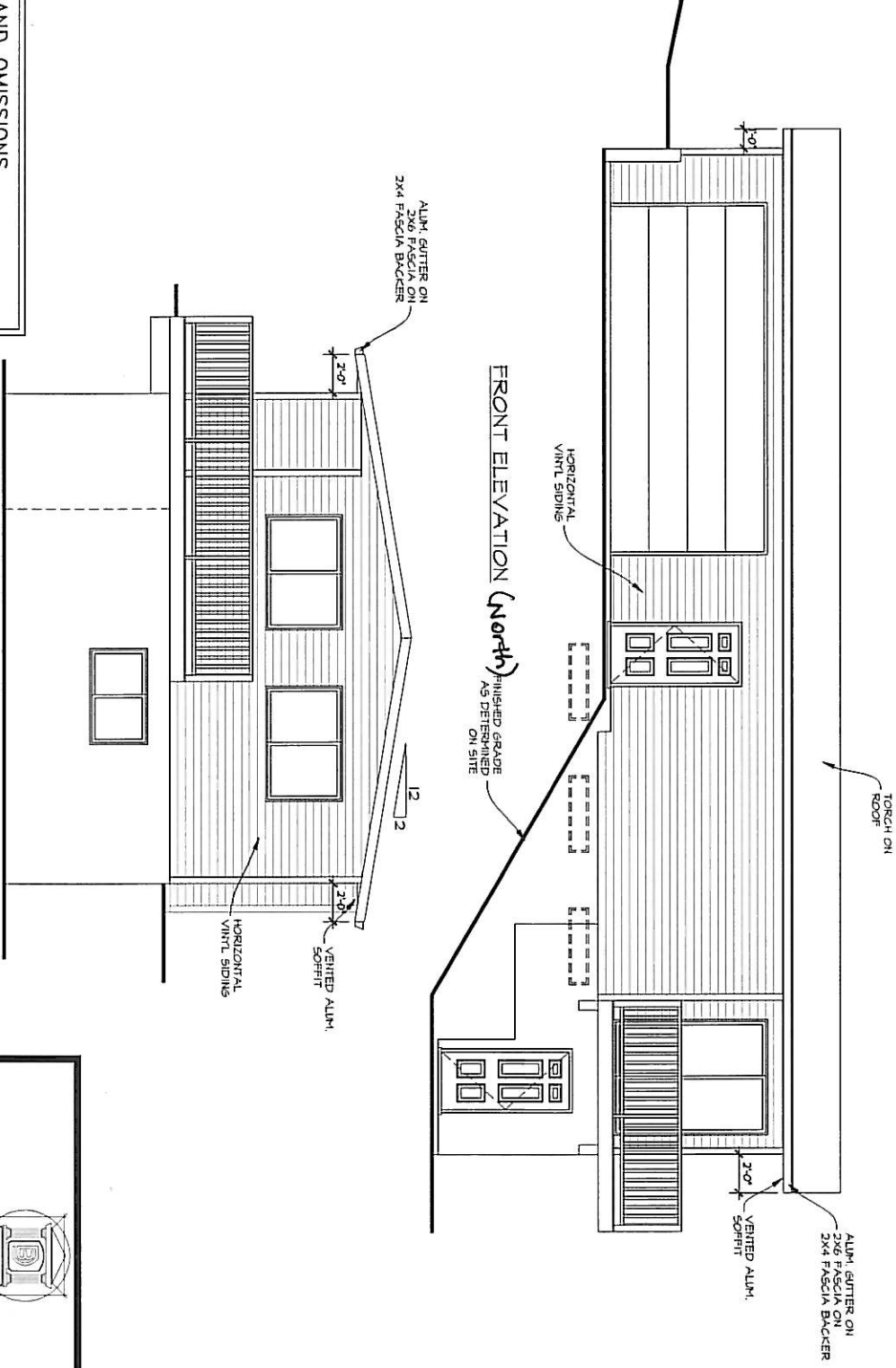
BAXTER DESIGN
Custom Building Design

ph: (250) 862-9662

ROSS JONES
KELOWNA, B.C.

1 / 6

SCHEDULE A
This forms part of development
Permit # DVP09-0059



ERRORS AND OMISSIONS

BAXTER DESIGN & SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor. It is the responsibility of the contractor to verify all dimensions and details before commencing with their portion of the construction. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. We shall not be held responsible for any errors or omissions which may affect construction. Please advise our office so we can make the necessary corrections.

RIGHT ELEVATION (West)

1/4" = 1'-0"
MAY 15/09



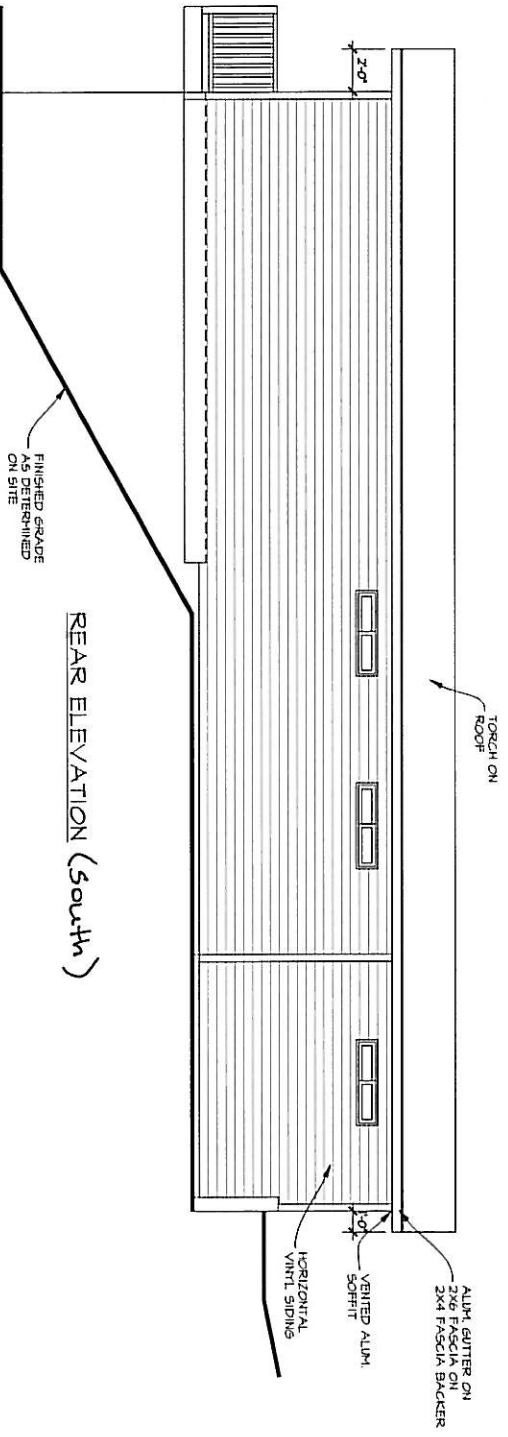
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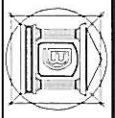


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BAXTER DESIGN & SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of the contractor to check and verify all dimensions and details on the construction site. If any discrepancies are found on the construction, should any discrepancies be found on these plans, please advise our office so we can make the necessary corrections.

1/4" = 1'-0"
MAY 15/09



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KELOWNA, B.C.

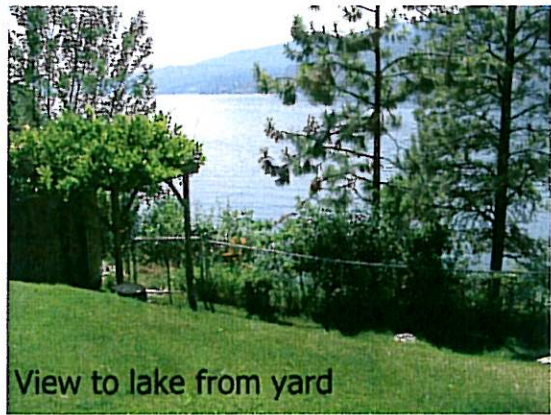
1924 Dewdney Road
July 15, 2009
DVP09-0043

Location of current
accessory building

Street is up this
Embankment
above the
property



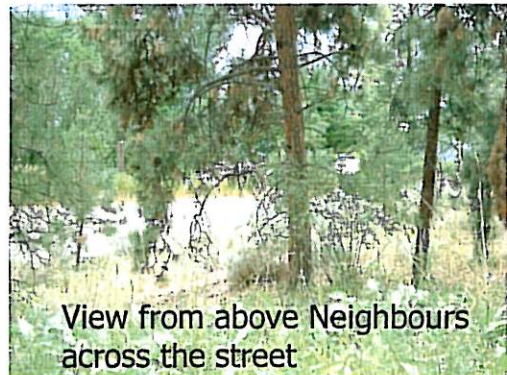
Final portion of shared driveway



Actual accessory building which
is being added to



View to lake from yard



View from above Neighbours
across the street