

# Memo



**Date:** October 7/2009

**To:** City Manager

**From:** Community Sustainability Division

**File No:** DVP09-0124

**Applicants:** Matt & Lynne Cameron

**At:** 3950 June Springs Rd

**Owners:** Matthew Cameron & Lynne Gibb

**Purpose:** To vary the required front yard setback for the accessory garage from 9.0 m required to 3.0 m proposed.

**Existing Zone:** A1 - Agriculture 1

Report Prepared by: Andrew Browne

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## 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0124 for Lot 2 Section 3 Township 26 ODYD Plan 13274, located at 3950 June Springs Road, Kelowna, BC, subject to:

1. Registration of a no build/no disturb covenant, acceptable to the Environment & Land use Branch, to preserve the Riparian Management Area of Rumhor Creek

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

Section 6.5.8(a) Front Yard Setback - To vary the required front yard setback for the accessory garage from 9.0 m required to 3.0 m proposed.

## 2.0 SUMMARY

The applicant proposes to construct a new accessory double garage in the front of their property that will encroach on the required front yard setback.

## 3.0 BACKGROUND

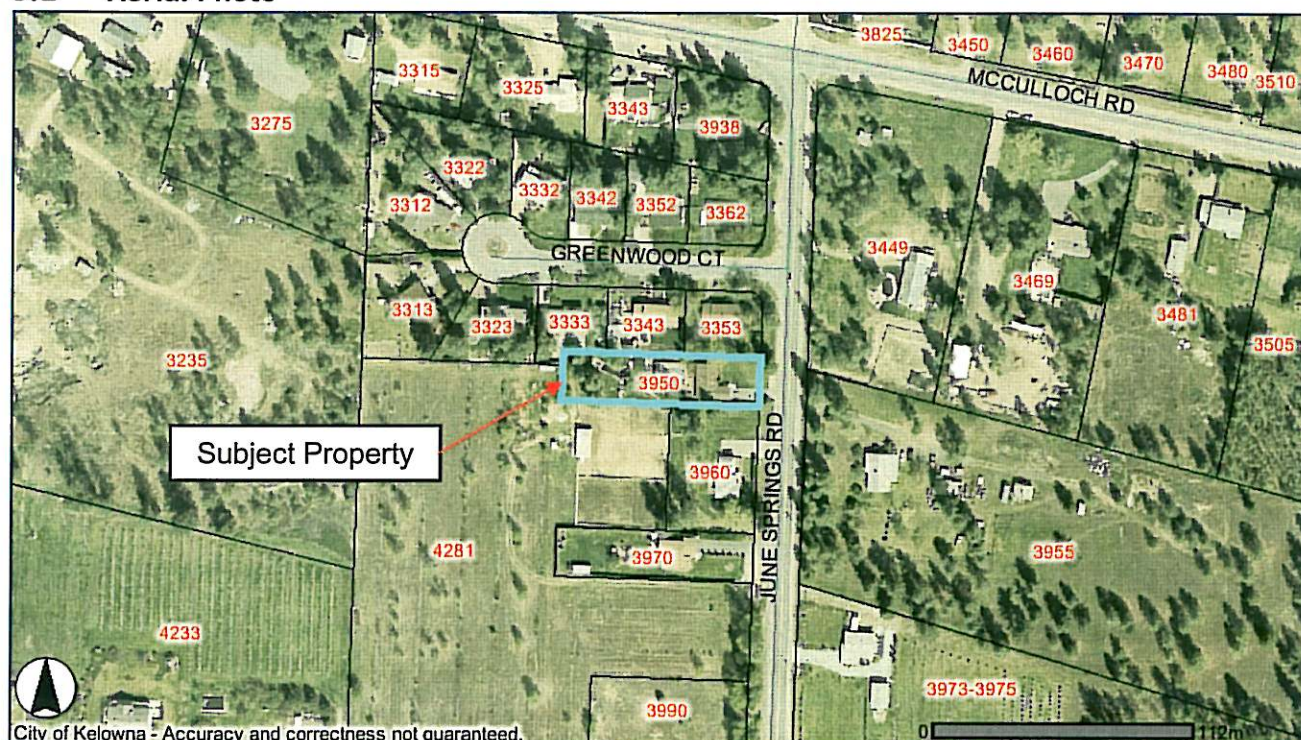
### 3.1 Site Context

The subject property is located at 3950 June Springs Road in Southeast Kelowna. The surrounding area is comprised of operating and non-operating agricultural land and rural residential dwellings.

The immediately adjacent zones/land uses are as follows:

North	A1 - Agriculture 1
South	A1 - Agriculture 1
East	A1 - Agriculture 1
West	A1 - Agriculture 1

### 3.2 Aerial Photo



### 3.3 Proposed Development

As the existing lot is non-conforming in lot size (less than 0.2 ha), the property is to be developed in accordance with the provisions of the RU1 - Large Lot Housing zone (as per Zoning Bylaw No. 8000 §1.7.1). The application compares with the requirements of the RU1 - Large Lot Housing zone as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	RU1 Zone Requirements
Site Coverage (buildings)	12.2%	40%
Site Coverage (buildings, driveways, and parking)	16.8%	50%
Height (accessory building)	4.5 m	4.5 m
Front Yard (accessory bldg.)	3.0 m *	9.0 m
Side Yard (north)	2.0 m	2.0 m
Side Yard (south)	10.4 m	2.0 m

\* Indicates a variance.

## 4.0 TECHNICAL COMMENTS

### 4.1 Fire Department

No concerns.

### 4.2 Environment & Land Use Branch

The applicant will be required to 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 Riparian Management Area of Rumhor Creek. The covenant will encompass the entire back yard of the subject property not currently occupied by structures.

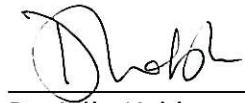
#### 4.3 Development Engineering Branch

This development variance permit application to vary the front yard setback for a detached garage does not compromise any municipal services.


#### 5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

At this segment of June Springs Road there is approximately 7 metres between the property line and the road edge. The proposal has the support of the affected neighbours and does not impact sightlines or visibility on June Springs Road. As this property is a non-conforming lot in a rural residential setting, the streetscape is not as well defined in comparison to an urban residential neighbourhood. Given the current location of the existing house and the lot has a riparian limitation in the rear of the property, this siting for an accessory building is a logical placement.

Submitted by:



Danielle Noble  
Manager, Urban Land Use

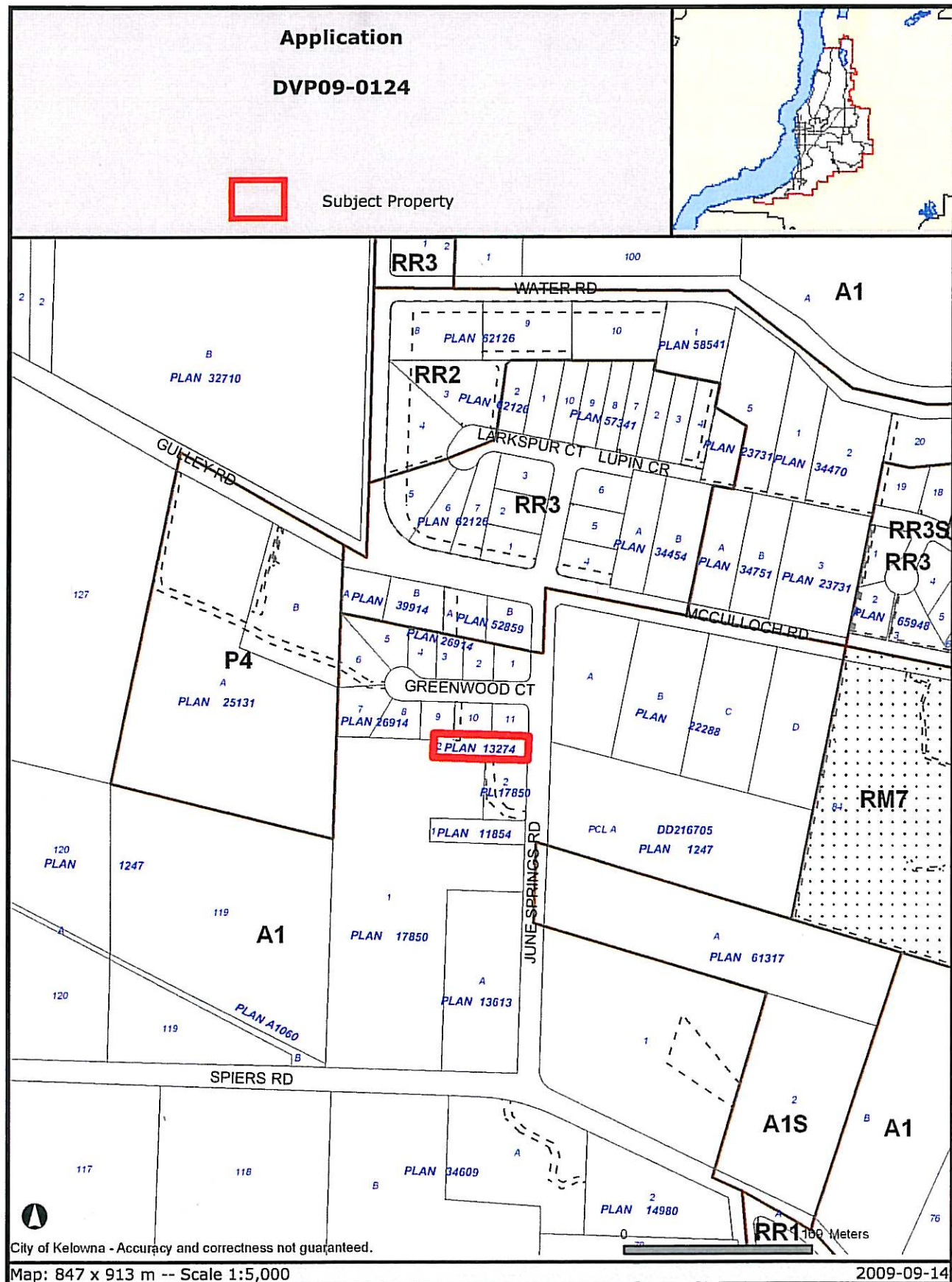
Approved for inclusion: 

Shelley Gambacort  
Director, Land Use Management

#### Attachments

Location and zoning map  
Site plan & elevations  
Floor plan & cross section





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.



