

Memo



Date: January 7, 2011
To: City Manager
From: Land Use Management, Community Sustainability
Application: DVP10-0164 (AB) **Owners:** Elsa Peters & Jakob Peters
Address: 3096 Appaloosa Rd **Applicant:** Jakob Peters
Subject: Development Variance Permit
Existing Zone: RR2 - Rural Residential 2

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0164 for Lot A Section 3 Township 23 ODYD Plan 35661, located at 3096 Appaloosa Road, Kelowna, BC;

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

Section 12.2.6(b): Maximum Height - To vary the maximum height for an accessory building from 4.5 m permitted to 8.0 m proposed, as sited on "Schedule A."

2.0 Purpose

The applicant is seeking to construct a new workshop and garage structure to accommodate his vehicles. One of the vehicle doors is proposed to be large enough to accommodate a larger work vehicle, and this has prompted a height variance.

3.0 Land Use Management

Accessory buildings and structures are permitted in the A1 - Agriculture 1 zone to a maximum of 13.0 m, which means the vast majority of the properties in the Sexsmith Road / Appaloosa Road neighbourhoods are as-of-right able to accommodate larger accessory buildings. While the proposed structure might be out of place for a neighbourhood which was predominantly rural residential in zoning, the foregoing agricultural land use regulation in the area allows height above and beyond what the applicant is seeking. In addition, the applicant has provided a written record of support from neighbours. Staff have no concerns with the proposed request.

4.0 Proposal

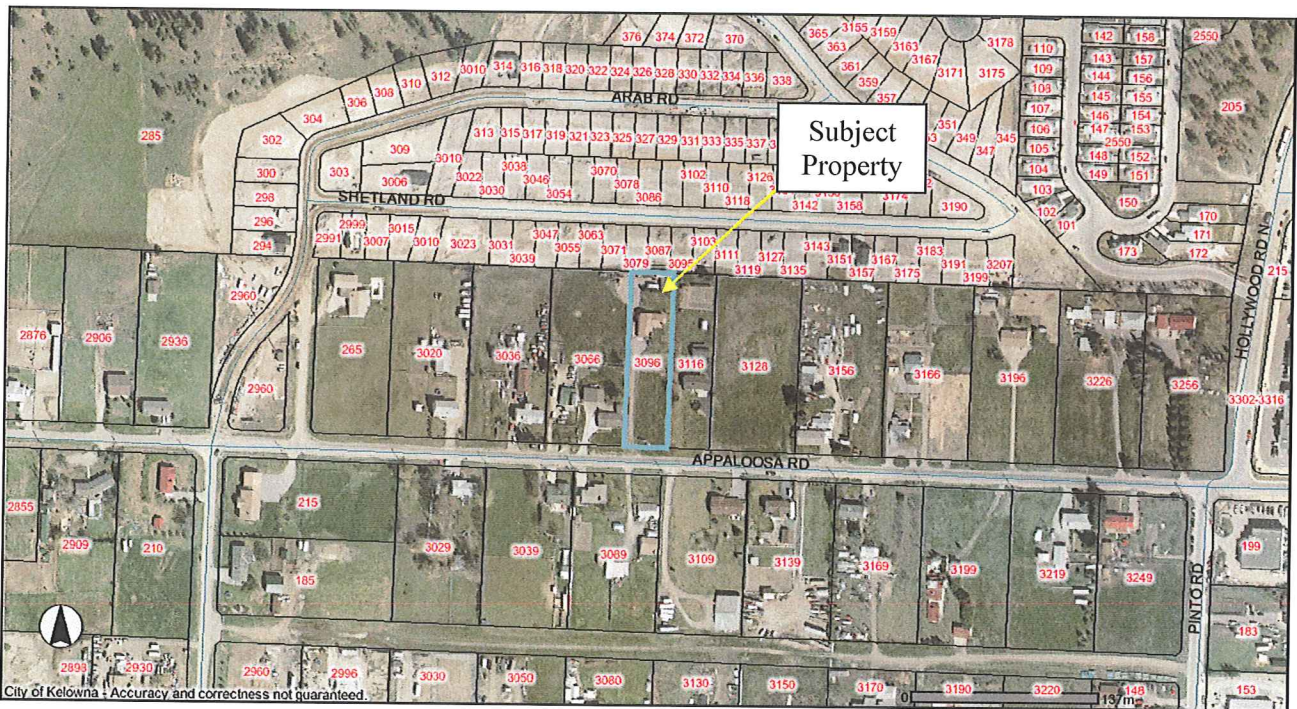
4.1 Project Description

The applicant is seeking to construct a new garage with workshop with a foot print of approximately 111 m² (1200 sq ft), at the rear of the property, to replace an existing garage. Two vehicle-doors are proposed, with one being taller to accommodate a work vehicle. Upstairs the applicant is proposing a workshop space, and intends to provide a 2-piece bathroom somewhere within the structure (location to be determined). The applicant has verified that he has no intention of using the structure as a dwelling of any kind.

Criteria	Required / Permitted	Proposed
Site Coverage	20%	9.5%
Height (accessory buildings)	4.5 m	8.0 m
Front Yard	6.0 m	~ 70 m
Side Yard (west)	3.0 m	~ 7.5 m
Side Yard (east)	3.0 m	3.0 m
Rear Yard (accessory buildings)	3.0 m	3.0 m

4.2 Site Context

The subject property is located at 3096 Appaloosa Road in the Highway 97 OCP sector. The surrounding neighbourhood is comprised of a mix of residential acreages, hobby farms, and businesses. To the north is a residential subdivision which has not been fully built-out.



The immediately adjacent zones and land uses are as follows:

Direction	Zone	Land Use
North	RU2s - Medium Lot Housing with Secondary Suite	Sol Terra Ranch residences / vacant lots
South	A1 - Agriculture 1	Residence

East	RR2 - Rural Residential 2	Residence
West	A1 - Agriculture 1	Residence

5.0 Technical Comments

Building & Permitting. No comment.

Fire Department. No concerns.

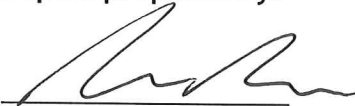
Development Engineering. This development variance permit application to vary the height of a workshop from 4.5 m to 8.0 m does not compromise any municipal services.

Glenmore-Ellison Improvement District. See attached letter.

6.0 Application Chronology

Date of Application Received December 1, 2010
 Advisory Planning Commission n/a
 All Comments Received December 16, 2010

Report prepared by:



Andrew Browne, Planner II

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

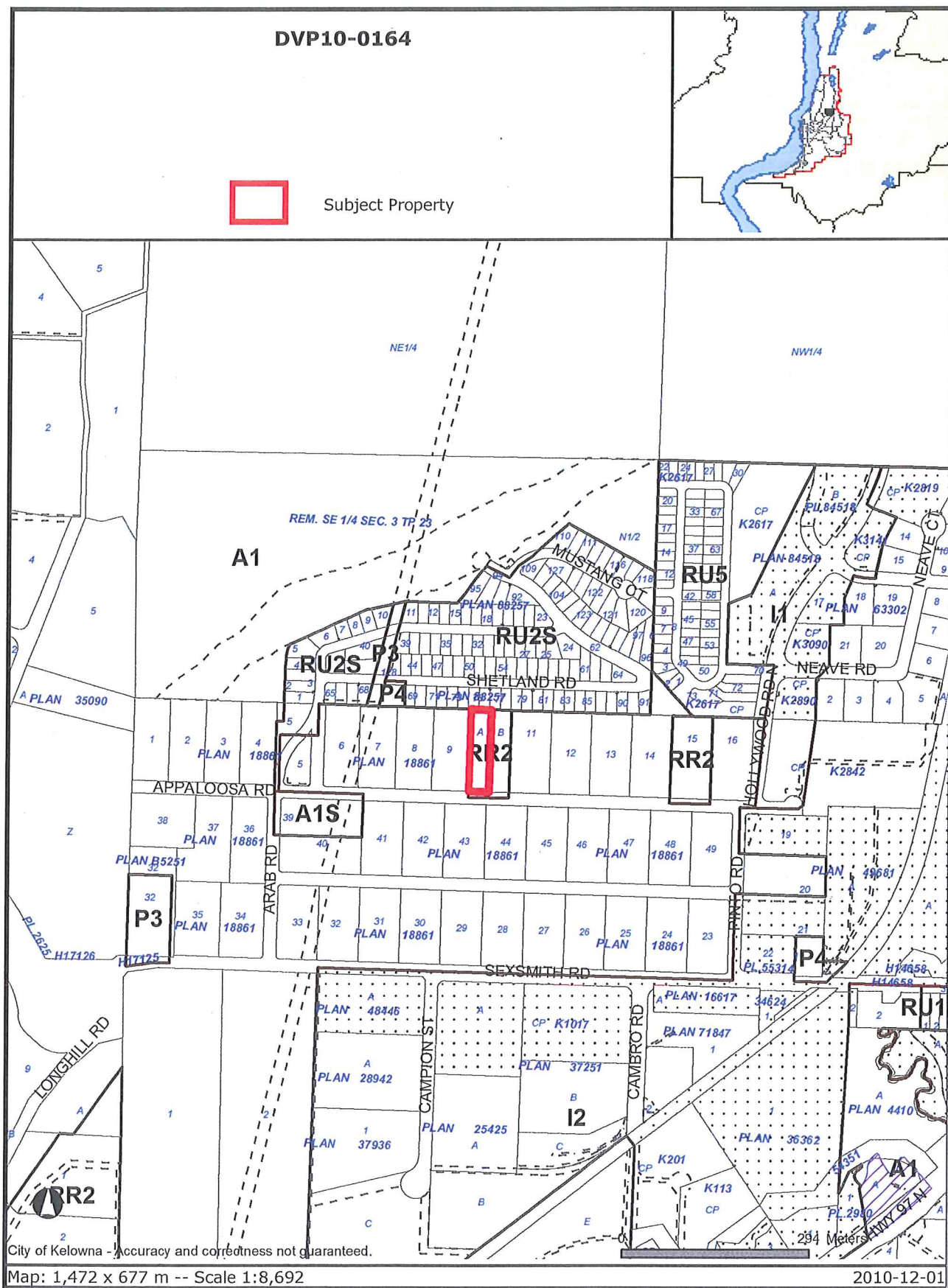


Shelley Gambacort, Director, Land Use Management

Attachments:

- Subject property and zoning map
- Site plan ("Schedule A")
- Floor plan and cross section
- 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.



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

Phone: 250-763-6506

Fax: 250-763-5688

December 14, 2010

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Andrew Browne (via email to thanik@kelowna.ca)
Re: Development Variance Permit Application DVP10-0164
Lot A, Plan 35661 – 3096 Appaloosa Rd
City of Kelowna File DVP 10-0164 - Peters

Thank you for the referral in regard to construction of a new workshop on the subject property. The property is currently considered to be "A" Grade permitting water supply to a single residence and the one (1) acre lot.

We understand that the applicant proposes to supply water to the workshop for a 2-pce bathroom and it has been confirmed that no suite is planned for development within this structure and the property is not zoned for such.

Any water supply to the workshop must be connected to the house and cannot be plumbed back to the service connection on Appaloosa Rd. GEID anticipates that all water consumption to the house and workshop will be captured in a future water metering program through a meter that would be installed in the residence.

No Capital Expenditure Charges or other fees are applicable for the subject project.

If you have any questions on this matter, please do not hesitate to contact me at (250) 763-6506.

Sincerely,

**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**

Darren Schlamp, B.Sc.
Manager, Engineering & Development

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP10-0164

EXISTING ZONING DESIGNATION:	RR2 – Rural Residential 2
DEVELOPMENT VARIANCE:	To vary the maximum height for an accessory building from 4.5 m permitted to 8.0 m proposed, as sited on "Schedule A."

ISSUED TO: Elsa Peters & Jakob Peters
LOCATION OF SUBJECT SITE: 3096 Appaloosa Rd

	LOT	SECTION	TOWNSHIP	DIV & DIST	PLAN
LEGAL DESCRIPTION:	A	3	23	ODYD	35661

SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 12.2.6(b): Maximum Height - To vary the maximum height for an accessory building from 4.5 m permitted to 8.0 m proposed, as sited on "Schedule A."

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A .
- (b) A Certified Cheque in the amount of \$ N/A .
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and the Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE _____ DAY OF _____, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF _____, 2011, BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management

