

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Tuesday, March 31, 2015  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

1. **Call to Order**
2. **Prayer**  
A Prayer will be offered by Councillor Hodge.
3. **Confirmation of Minutes** 1 - 6  
Public Hearing - March 17, 2015  
Regular Meeting - March 17, 2015
4. **Bylaws Considered at Public Hearing**
  - 4.1 **4360-4390 Gallaghers Dr. E, BL11066 (OCP14-0026) - GolfBC Holdings Inc.** 7 - 8  
**Requires a majority of all Members of Council (5).**  
To give Bylaw No. 11066 second and third readings in order to change the Future Land Use Designation of the subject property.
  - 4.2 **3528 Landie Road, BL11067 (Z14-0058) - Jesse East** 9 - 9  
To give Bylaw No. 11067 second and third readings in order to rezone the subject property.
  - 4.3 **4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones** 10 - 10  
To give Bylaw No. 11068 second and third readings in order to rezone the subject property.
  - 4.4 **1890 Baron Road, BL11069 (LUC15-0001) - SD-39 Ventures Ltd.** 11 - 12  
To give Bylaw No. 11069 second and third readings in order to discharge a portion of Land Use Contract No. 76-1114.

## 5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

## 6. Development Permit and Development Variance Permit Reports

### 6.1 403 Eldorado Road, DVP15-0010 - Michael & Laurie Koss 13 - 21

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

To seek a Development Variance Permit to reduce the flanking side yard setback.

### 6.2 1290 St. Paul Street, DVP15-0029 - Sole on St. Paul Developments Ltd. 22 - 32

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

To seek a Development Variance Permit for fascia signs on a new building.

### 6.3 3785 Casorso Road, DVP15-0040 - The BC SPCA 33 - 54

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

To consider a request by the applicant to reduce the minimum side yard setback from 15m permitted to 3.0m proposed for a horse barn designed with 6 horse stalls, and a confined livestock fenced outdoor area to 0m to property line.

## 7. Reminders

## 8. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, March 17, 2015  
 Time: Council Chamber  
 Location: City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith; Subdivision, Agriculture & Environment Director, Shelley Gambacort; and Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m. Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 3, 2017 and by being placed in the Kelowna Capital News issues on March 6 and March 11, 2015 and by sending out or otherwise delivering 181 statutory notices to the owners and occupiers of surrounding properties, and 2007 informational notices to residents in the same postal delivery route, between March 3 and March 6, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

### 3. Individual Bylaw Submissions

#### 3.1 2127 Ethel Street, BL11064 (Z15-0004) - Shane Worman

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Support

Jan & Gary Johnston, Ethel Street

Letters of Concern or Opposition

Doreen Morash, Sutherland Avenue

Dorothy Richardson, Glenwood Avenue

Gail O'Brien, Glenwood Avenue

Elena Garrison, Glenwood Avenue

Patricia Gunning, Glenwood Avenue

Kathleen & Wallace Ryder, Glenwood Avenue

Neil Collette, Glenwood Avenue

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Shane Worman, West Avenue, Applicant

- Micro suites are a new concept to Kelowna but it allows for a lower cost of living with a smaller space.
- Micro suites are designed for someone who lives on their own.
- This development is yard oriented. Common space gets very little use so private space will be created for each unit.
- Each unit has its own parking space but hoping they won't all be used. The tenants will be charged monthly for that space.
- There will be individual lockers for each unit to store bicycles and other storage items.
- Hired professionals will maintain landscaping and building.
- The location is near three town centres, Okanagan College, KGH and transit.
- Met with the City's Engineering Department and will be able to build the transportation corridor at Ethel as we build our development.
- Responded to questions from Council.

## Gallery:

Audrey Kowalchuk, Burne Avenue

- Raised concern with traffic in the area; in particular proposed access off Ethel Street.
- Raised concern with parking and congestion.
- Raised concern with units being rental and encouraged units to be for sale to assist the low cost purchaser.

Applicant:

- Intended rental rate to be under \$700.00 a month.
- Access off Ethel Street may trigger right-in, right-out restriction to alleviate some of the problems.
- Has no issue with such a restriction.

There were no further comments.

**3.2 1980 Saucier Road, BL11065 (Z14-0034) - Emil Anderson Construction Ltd.**

## Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of No Objection

Lorne Campbell, Bergamot Avenue

Isabel Pritchard, Saucier Road

Letters of Concern or Opposition



Cynthia Walker, on behalf of The Stewart Family and Quails' Gate Estate  
 Winery (owners of Saucier Road), Boucherie Road, West Kelowna  
 Carl Larsen, Bedford Road

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Mike Jacobs, Selkirk Drive, Applicant

- Displayed a PowerPoint Presentation summarizing the application.
- Discussed previous land uses.
- Spoke to neighbourhood consultation.
- Neighbours raised concerns with what is allowed on the A-1 zoned parcel; traffic concerns on Bedford Road; Neighbour on Bedford Road concerned new homeowners may complain about his horses in the future.
- Those concerns were addressed.

Gallery:

Harold Weisgerber, Takla Road

- Lives adjacent to the subject property.
- Raised concern regarding possible uses permitted in existing A-1 zone.
- Opposed to the zoning but in favour of RM3 zoning.

Carl Larson, Bedford Road

- Raised concern with potential residential and horse stable land use incompatibilities.
- Raised concern with the lack of agriculture viability of the remaining A1 parcel.
- Raised concern with another potential boarding facility being established that would interfere with his business.
- Raised concern that the new homes may add a berm with trees which would impede on their existing view.
- Responded to questions from Council.

Mike Jacob, Applicant

- Not able to rezone those portions of the land within the ALR.
- Cannot restrict the uses that fall under the A1 zone. This is an expensive lot and the buyer will have the means to bring in topsoil to be pasture land that will be aesthetically pleasing in the neighbourhood.
- Property sits above Bedford Road with an upsloping driveway with great drainage from the house so no need to build a berm.
- The intention is to have a clause that informs the buyer what the uses are in the area so there is full disclosure to ensure no disruptions with the neighbours' farm uses.
- Interested parties will be buying for the view and a lifestyle.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 7:27 p.m.

\_\_\_\_\_  
 Mayor

/acm

\_\_\_\_\_  
 City Clerk



## City of Kelowna

Date: Tuesday, March 17, 2015  
Time: Council Chamber  
Location: City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\*, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith; Subdivision, Agriculture & Environment Director, Shelley Gambacort; and Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

1. **Call to Order**

Mayor Basran called the meeting to order at 7:27 p.m.

2. **Prayer**

A Prayer was offered by Councillor Given.

3. **Confirmation of Minutes**

Moved By Councillor Hodge/Seconded By Councillor Donn

R204/15/03/17 THAT the Minutes of the Public Hearing and Regular Meeting of March 3, 2015 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

4.1 2127 Ethel Street, BL11064 (Z15-0004) - Simple Pursuits Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R205/15/03/17 THAT Bylaw No. 11064 be read a second and third time.

Carried

4.2 1980 Saucier Road, BL11065 (Z14-0034) - Emil Anderson Construction Co. Ltd.

Moved By Councillor Given/Seconded By Councillor Hodge

R206/15/03/17 THAT Bylaw No. 11065 be read a second and third time.



5. Notification of Meeting

The City Clerk advised that Notice of this (amendment to Food Primary Liquor Licences) was advertised by being posted on the Notice Board at City Hall on March 3, 2015, and by being placed in the Kelowna Capital News issues on March 6 and March 11, 2015 and by sending out or otherwise delivering 11 statutory notices to the owners and occupiers of surrounding properties, and 1630 informational notices to residents in the same postal delivery route, between March 3 and March 6, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 1423 Ellis Street, LL15-0001 - George Peter Boychuk

Councillor Sieben declared a conflict of interest due to his interest in a nearby restaurant and departed the meeting at 7:45 p.m.

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

Letters of Support  
Beryl Itani, Richter Street

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Bert Hick, Rising Tide Consultants, Applicant

- Available to answer questions.

Gallery:

Lloyd Robertson, Doyle Avenue

- Raised concern with commercial uses encroaching into urban residential neighborhood.
- Late night drinking establishments create conflict with the urban uses and current closing hours are appropriate.
- In an urban environment we expect some evening street noise however late night pedestrian traffic and noise is increasing.

Bert Hick, Applicant

- Emphasized that the licence is for a food primary licence and a nightclub requires a different type of licence, so the use cannot be changed without a change in licence.
- This request to change hours is to be in alignment with downtown competitors.
- Liquor service must cease at midnight but can have a drink if food is ordered until 1:00 a.m.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R207/15/03/17 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359,

BE IT RESOLVED THAT: Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 1423 Ellis St., Kelowna BC, (legally described as Lot 1 , District Lot 139, O.D.Y.D., Plan 2733) for closing at 1am, are as follows:

a) The potential for noise if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

c) If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:

The applicant will continue to focus the operation of the establishment as a food primary venue, and therefore it is not anticipated to operate contrary to a food primary establishment.

d) View of residents:

The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

e) Recommendation:

Council recommends that the application to extend hours of operation to close at 1:00 a.m. be approved.

Carried

Councillor Sieben rejoined the meeting at 7:57 p.m.

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:57 p.m.

\_\_\_\_\_  
Mayor

/acm

  
\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 11066

### Official Community Plan Amendment No. OCP14-0026 - GolfBC Holdings Inc., Inc. No. 639821 4360-4390 Gallaghers Drive E

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A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot C and an Undivided 1/6 Share in Lot G, Section 2, Township 26, ODYD, Plan KAP53116 (see plan as to limited access), located on Gallaghers Drive E, Kelowna, B.C., from the COMM - Commercial designation to the REC - Private Recreation and S2RES - Single/Two Unit Residentials designations as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9<sup>th</sup> day of March, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

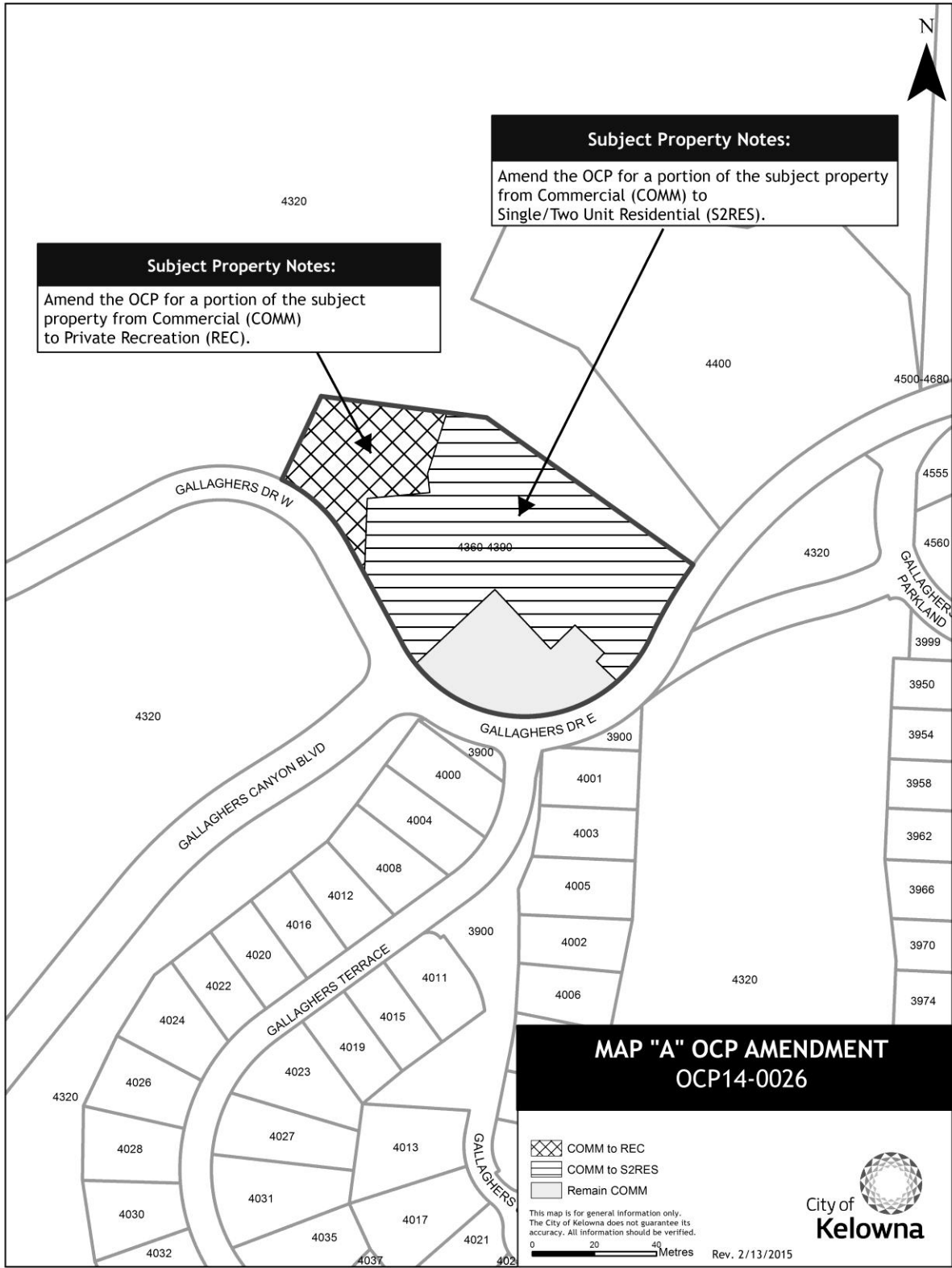
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 11067**  
**Z14-0058 - Jesse East**  
**3528 Landie Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, District Lot 134, ODYD, Plan 31819, located on Landie Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9<sup>th</sup> day of March, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11068**  
**Z15-0001 - Shane Jones**  
**4962 Lakeshore Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 26, Township 28, SDYD, Plan 4493, Except Plan 13503, located on Lakeshore Road, Kelowna, B.C., from the RR2 - Rural Residential 2 zone to the RR2c - Rural Residential 2 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9<sup>th</sup> day of March, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 11069

### Discharge of a Portion of Land Use Contract LUC76-1114 - (M46624) 1890 Baron Road

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WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M46624 against lands in the City of Kelowna particularly known and described as a portion of Lot A, District Lot 125, ODYD, Plan KAP64377 (the "Lands"), located at 1890 Baron Road, Kelowna, B.C., as per Map "A" attached to and forming part of this bylaw;

WHEREAS Section 930 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Portion of Land Use Contract LUC76-1114 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled on the portion of land identified on Map "A" and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 16<sup>th</sup> day of March, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council on the

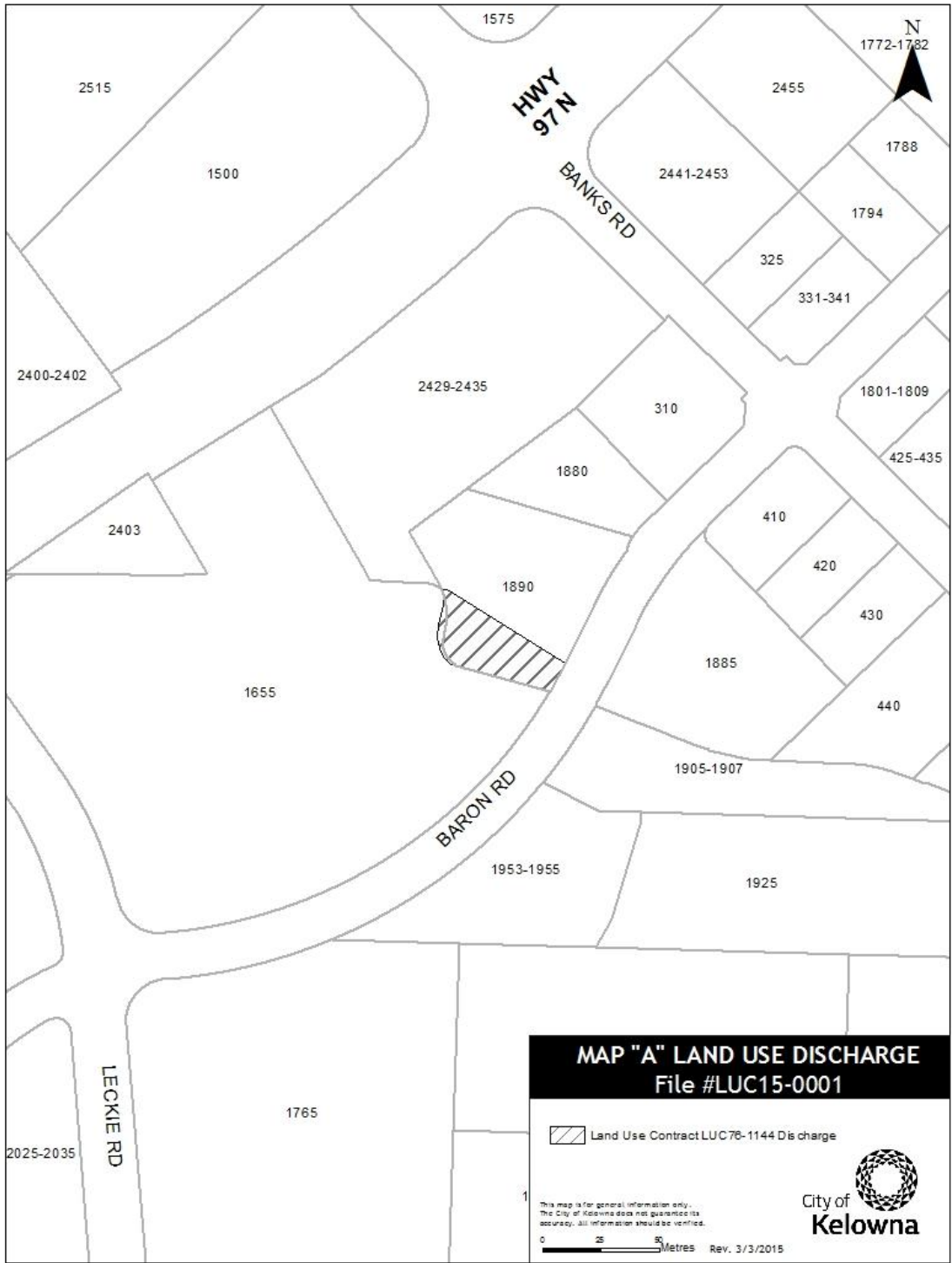
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** 3/3/2015  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Community Planning & Real Estate (PMc)  
**Application:** DVP15-0010      **Owner:** Michael A. & Laurie A. Koss  
**Address:** 403 Eldorado Rd.      **Applicant:** Kevin Lee Mullins (Mullins Drafting and Design)  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Single / Two Unit Residential (S2RES)  
**Existing Zone:** RU1 - Large Lot Residential

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## 1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP15-0010, for Lot 12, DL 167, O.DY.D., Plan 1990, located on 403 Eldorado Road, Kelowna, BC;

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

### Section 13.1.6 (d) RU1 Development Regulations

To vary flanking sideyard setback from 4.5m required to 2.5m proposed

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

## 2.0 Purpose

To seek a Development Variance Permit to reduce the flanking side yard setback.

## 3.0 Urban Planning

The Urban Planning Department supports the requested variance. The subject property has the last original dwelling in the area that is pending redevelopment. The neighbourhood has been built up with newer estate style housing, and this is the last lot to redevelop. The portion of Eldorado Road that forms the flanking side yard to the site is encumbered with City utility infrastructure, and provides limited access to the lake beyond.

The site development plan indicates that the garage portion of the proposed dwelling is located beyond the minimum 6.0m setback, so there will be adequate area to maneuver and park vehicles without impacting the road frontage.

The applicant has contacted the adjacent property owners to provide information and to advise them of the pending application for a siting variance. This meets the requirements of Council Policy #367 - Public Notification and Consultation for Development Applications.

#### 4.0 Proposal

##### 4.1 Background

The subject property was originally registered in 1925. The property currently has an older single storey dwelling and a free-standing garage structure located on the site.

##### 4.2 Project Description

The applicant is proposing to construct a new, two storey dwelling with attached garage on the subject property. However, owing to the location of the lot at the corner of Eldorado Road and Eldorado Court, the property has to be considered as a corner lot, which requires the dwelling to be sited a minimum of 4.5m to both of the road frontages.

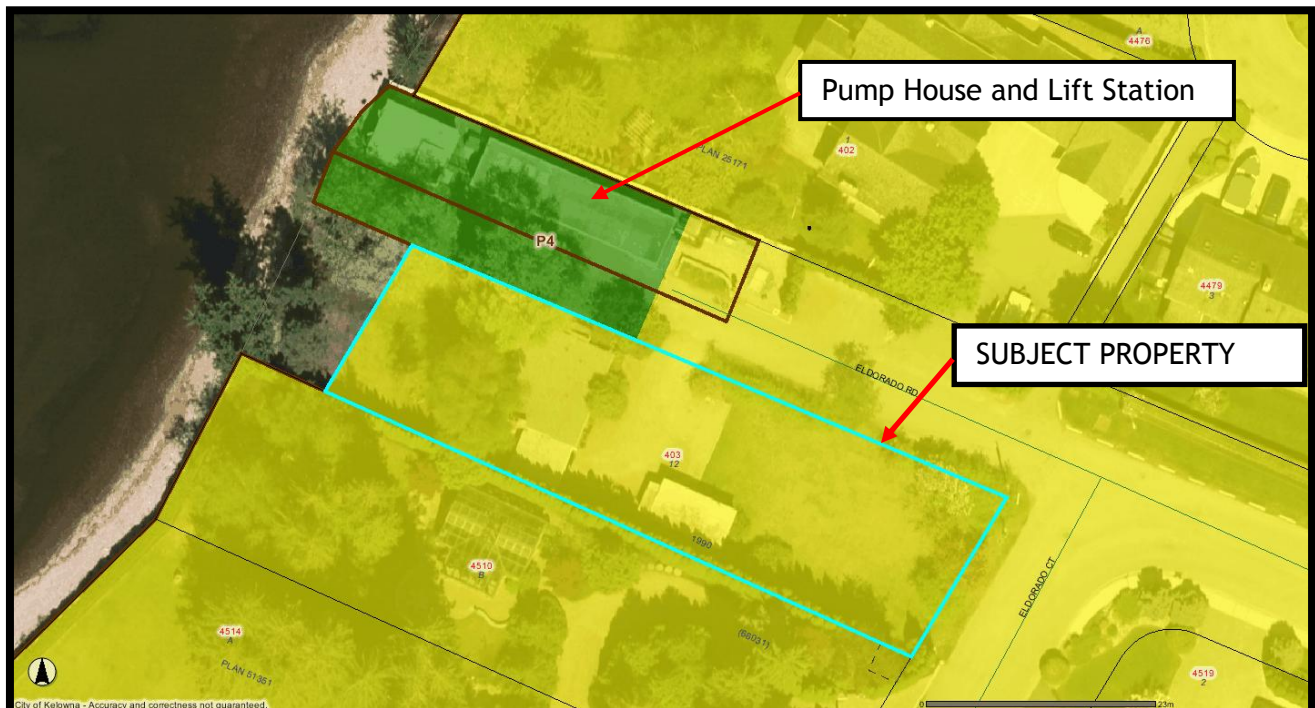
The applicant is seeking a variance to the flanking side yard setback from Eldorado Road frontage, from 4.5m required to 2.5m proposed, as this portion of the road is not a through road owing to the location of the City utility infrastructure located at the end of Eldorado Road.

The proposed location of the dwelling will not impact the Okanagan Lake Sight Lines regulation, as the neighbouring property to the south does not have a dwelling constructed upon it, only an accessory building use as a greenhouse, in association with the neighbouring property at 4514 Eldorado Court.

##### 4.3 Site Context

Subject Property Map:

403 Eldorado Road





The subject property is located at the end of Eldorado Road, adjacent to Eldorado Court, in the North Okanagan Mission sector of the City. The neighbourhood is developed with large lot, estate style dwellings. There is a water intake and pump house, as well as a sewer lift station located within the Eldorado Road right of way, to the north-east of the property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
Northwest	W1 - Recreational Water Use	Okanagan Lake
Northeast	RU1 - Large Lot Housing	Eldorado Road/Pump House/Lift Sta.
Southwest	RU1 - Large Lot Housing	Single Unit Housing
Southeast	RU1 - Large Lot Housing	Single Unit Housing

#### 4.4 Zone Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m <sup>2</sup>	1139m <sup>2</sup>
Lot Width	17.0m	18.6m
Lot Depth	30.0m	64.4m
Development Regulations		
Front Yard	4.5m to dwelling 6.0m to garage or carport	4.5m to dwelling 6.0m to garage or carport
Flanking Side Yard (north-east)	4.5m to dwelling 6.0m to garage or carport	2.5m to dwelling ❶ 9.0m to garage or carport
Side Yard (south-west)	2.0m 1 or 1½ storey 2.3m 2 or 2½ storey	2.0m 1 or 1½ storey 2.3m 2 or 2½ storey
Rear Yard (Okanagan lake)	7.5m 15m from HWM	7.5m 19m from HWM

❶ Indicates a requested variance to flanking side yard from 4.5m required to 2.5m proposed

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Sensitive Infill.**<sup>1</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No comment

### 6.2 Development Engineering Department

DVP does not compromise any municipal services

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.3 Fire Department

The Fire Department has no concerns with the variance.

7.0 Application Chronology

Date of Application Received: January 13, 2015

Neighbourhood consultation; March 3, 2015

Report prepared by:

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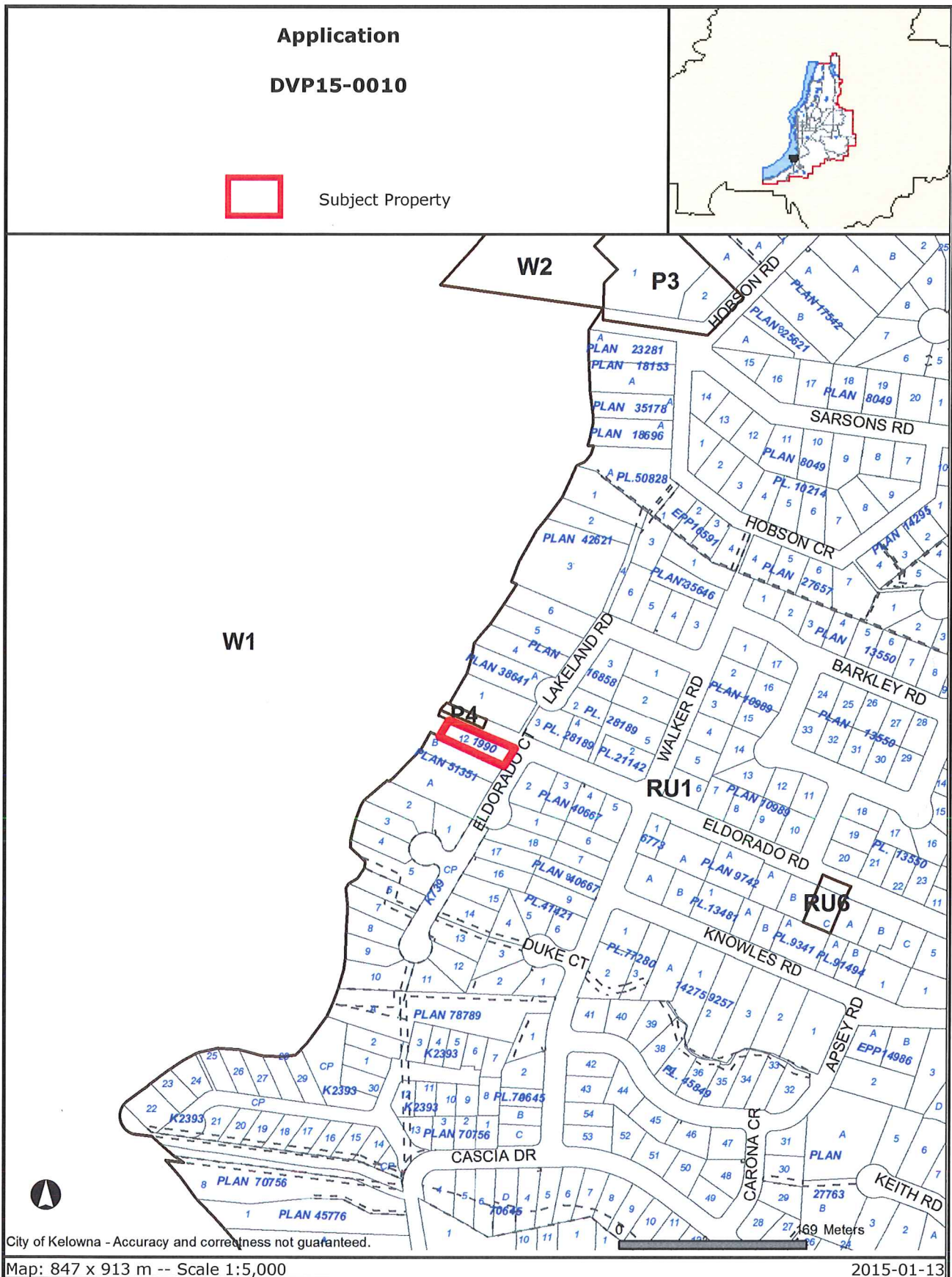
Paul McVey, Urban Planner

Reviewed by:  Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:  Ryan Smith, Urban Planning Manager

**Attachments:**

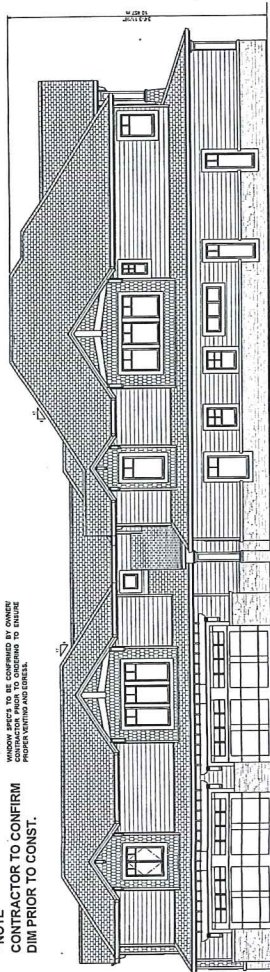
Subject Property Map  
Site Plan  
Conceptual Elevations  
Context/Site Photos



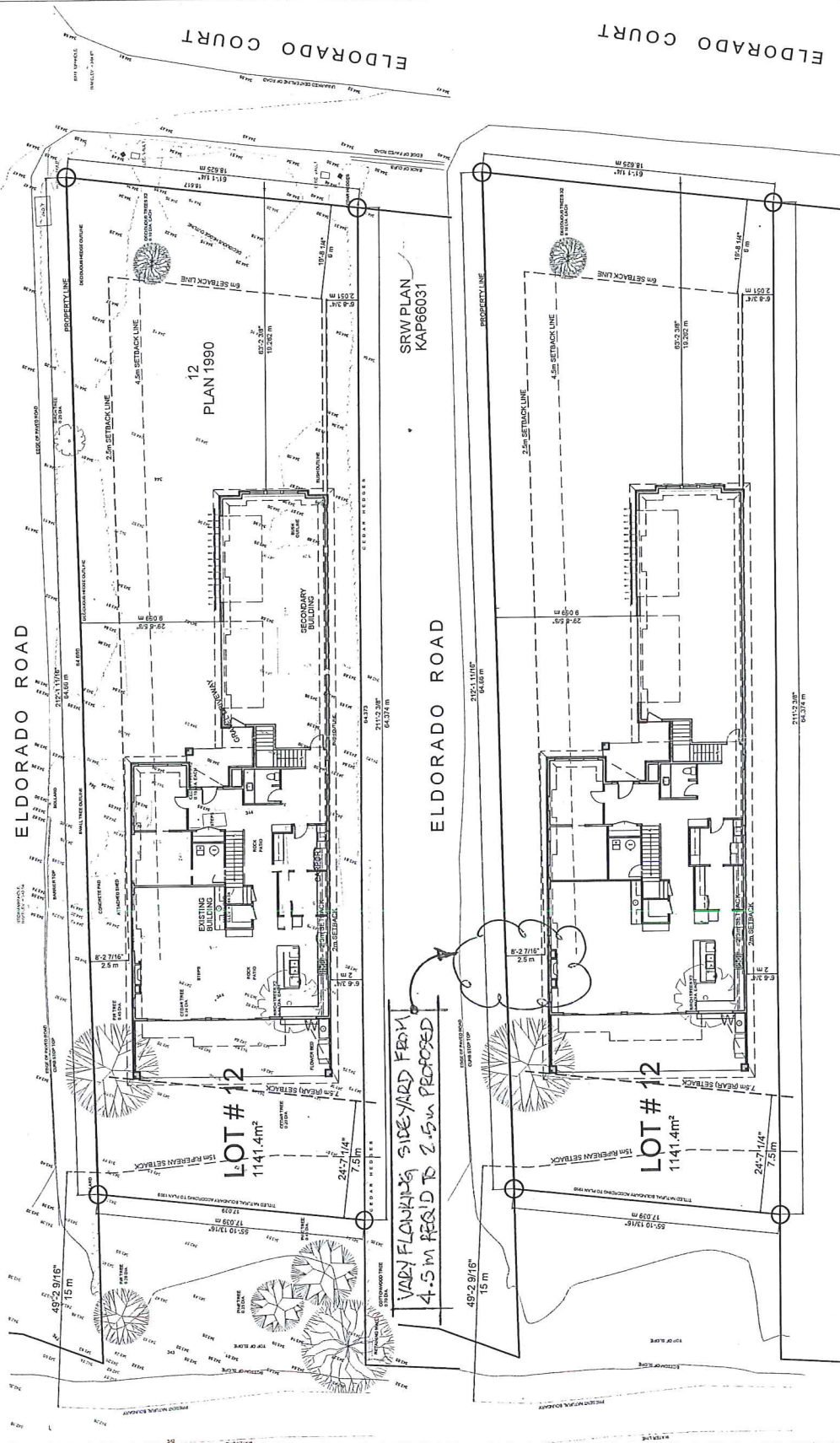
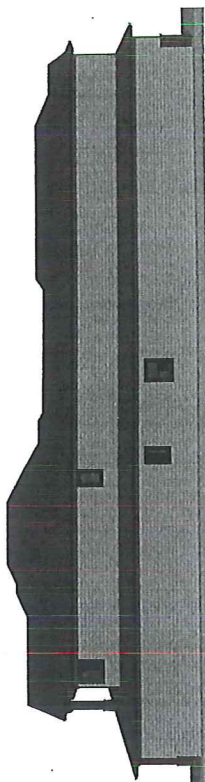
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



NOTE:  
WOODEN SPECS TO BE CONFIRMED BY OWNER  
PRIOR TO CONSTRUCTION TO MATCH  
PROVIDED MATERIALS AND FINISHES.



ELEVATION FROM STREET



**PLOT PLAN**  
SCALE: 3/32" = 1'

**EXISTING INFORMATION**

403 ELDORADO RD  
KAP66031

**LOT INFORMATION**

LOT # 12  
1141.4m<sup>2</sup>

**PROPOSED PROJECT**

12 1990  
PLAN 1990

**SETBACKS**

FRONT: 15m REAR: 7m  
SIDE: 4.5m (VARYING) BACK: 2.5m

**PLOT PLAN**  
SCALE: 3/32" = 1'

**EXISTING INFORMATION**

403 ELDORADO RD  
KAP66031

**LOT INFORMATION**

LOT # 12  
1141.4m<sup>2</sup>

**PROPOSED PROJECT**

12 1990  
SRW PLAN  
KAP66031

**SETBACKS**

FRONT: 15m REAR: 7m  
SIDE: 2.5m BACK: 4.5m

VARY FLANKING SIDEYARD FROM  
4.5m REQ'D TO 2.5m PROPOSED



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP15-0010

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Mullins Drafting and Design
LOCATION OF SUBJECT SITE: 403 Eldorado Road

	LOT	D.L.	PLAN	DISTRICT
LEGAL DESCRIPTION:	12	167	1990	ODYD

<u>SCOPE OF APPROVAL</u>
<p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p>

1. TERMS AND CONDITIONS:

THAT the variances to the following sections Zoning Bylaw No. 8000 be granted:  
Section 13.1.6 (d) RU1 Development Regulations

To vary flanking sideyard setback from 4.5m required to 2.5m proposed

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

3. PERFORMANCE SECURITY: None Required.

4. 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 transferable 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.**

5. 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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Ryan Smith, Manager - Urban Planning  
Community Planning & Real Estate

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 transferable 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.**

5. APPLICANT'S AGREEMENT:

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- (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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Ryan Smith, Manager - Urban Planning  
Community Planning & Real Estate



# REPORT TO COUNCIL



**Date:** March 3, 2015  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (TY)  
**Application:** DVP15-0029  
**Owner:** Sole on St Paul Developments LTD  
**Address:** 1290 St Paul Street  
**Applicant:** Thomas Scott (Signcraft LTD)  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** MXR - Mixed Use Residential / Commercial  
**Existing Zone:** C7 - Central Business Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0029 for Lot A, District Lot 139 ODYD Plan KAP91449, located on 1290 St. Paul Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

### Section 5.5.3

To vary the maximum height of a fascia sign from 1.0 m above the second storey to up to 3.5 m above the second storey.

### Section 6.1

#### Major Commercial (C3, C4, C6, C7, C8, CD22 Sub-Areas A&B and CD24 Sub Area A)

To vary the number of fascia signs allowed per business frontage from 2 permitted to 6 proposed.

To vary the number of identification signs allowed per building face from 1 permitted to 2 proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To seek a Development Variance Permit for fascia signs on a new building.

## 3.0 Urban Planning

Staff support the proposed variance. The existing six storey building has a mix of commercial and residential tenants and the visual impact would be minimal from pedestrian and vehicle traffic based on the photos taken from the street. The proposed sign locations are directly related to each commercial space they represent on the first three storeys of the building frontage. Proposed materials and colours of each sign compliment the new building's exterior. Light fixtures that will highlight the proposed signs are minimal and direct light vertically up and down the building exterior, avoiding spilling on to the street or neighbouring properties.

The overall sign designs including size, siting and materials meets the intent of the Revitalization Design Guidelines in the City of Kelowna Official Community Plan.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the Development Variance Permit application to neighbouring properties within 50m of the subject site. To date, City Staff has not been contacted with any objections or concerns with the proposed sign variance.

## 4.0 Proposal

### 4.1 Project Description

The building has commercial space on the first three floors with residential on the top three floors. The proposed six fascia signs are to be located on the business frontages on the first three floors. The letters and logos are in the form of a composite aluminum panels named Alupanel. The subject property is in a Revitalization area, and the building design has an industrial feel that speaks to the uses traditionally found in the area.

The following chart highlights the proposed sign variances

Sign Type	SECTION 5 - Specific Regulations	Proposal
Fascia	5.5.3 (b) the sign, in the form of individual letters, symbols or logos is directly attached to or inscribed on the building face;	Allow the sign in the form of individual letters, symbols or logos to be attached to a composite aluminum panel attached on the building face;
Sign Type	Section 6 - Specific Zone Regulations	Proposal
Fascia	2 per business frontage	Allow 6 total
Identification	1 per business	Allow 2 total

All of the proposed signs are located on the east facade of the building. Two fascia signs will be located on each storey for the first three storeys. Each proposed fascia sign consists of a 600 mm x 3,350 mm painted grey aluminum background panel. This panel protrudes 50 mm from the exterior of the building. Lettering making up a business name and logo will be cut from "Alupanel", painted in the colours shown on the attached Building Elevation will be attached to the background panel. There are two identification signs, each in the form of individual letters or symbols cut from "Alupanel" attached directly to the building. One identification sign (775 mm x 1,668) is centred on the second floor facade, the second identification sign (70 mm x 610 mm) is centred on the third floor facade.

### 4.2 Site Context

The subject property is located on the west side of St. Paul Street, between Cawston Avenue and Clement Avenue. On this block, the west side of St. Paul Street is zoned commercial and industrial, and the east side is zoned residential. Future Land Use of west side of St. Paul Street is Mixed Use (Residential / Commercial).

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2	Yoga Instruction & Office
East	RU2	Single Family Residential
South	C2	Offices
West	C7	Mixed use commercial & residential

Subject Property Map: 1290 St Paul Street



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines<sup>1</sup>**

**Signage.**

- Design signage that is high quality, imaginative, and innovative;
- Design signage with consideration of the size of any individual sign as part of the overall scheme of the building signage and the appearance of the building’s facade. Scale and architectural expression should not be compromised by size and number of signs;
- Box signs are strongly discouraged;

<sup>1</sup> City of Kelowna Official Community Plan, Policy 7.0(Urban Design Development Permits Areas Chapter).

- Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form a part of an overall sign design, and are suitably scaled to the facade composition;
- Minimize signage lighting (incorporate indirect front-lit signs wherever possible);

## 6.0 Technical Comments

### 6.1 Development Engineering Department

See attached memorandum dated February 16, 2015

## 7.0 Application Chronology

Date of Application Received: February 12, 2015

Date Public Consultation Completed: March 2, 2015

### Report prepared by:

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Tracey Yuzik, Planner

### Reviewed by:

Lindsey Ganczar, Urban Planning Supervisor

### Approved for Inclusion:

Ryan Smith, Urban Planning Manager

### Attachments:

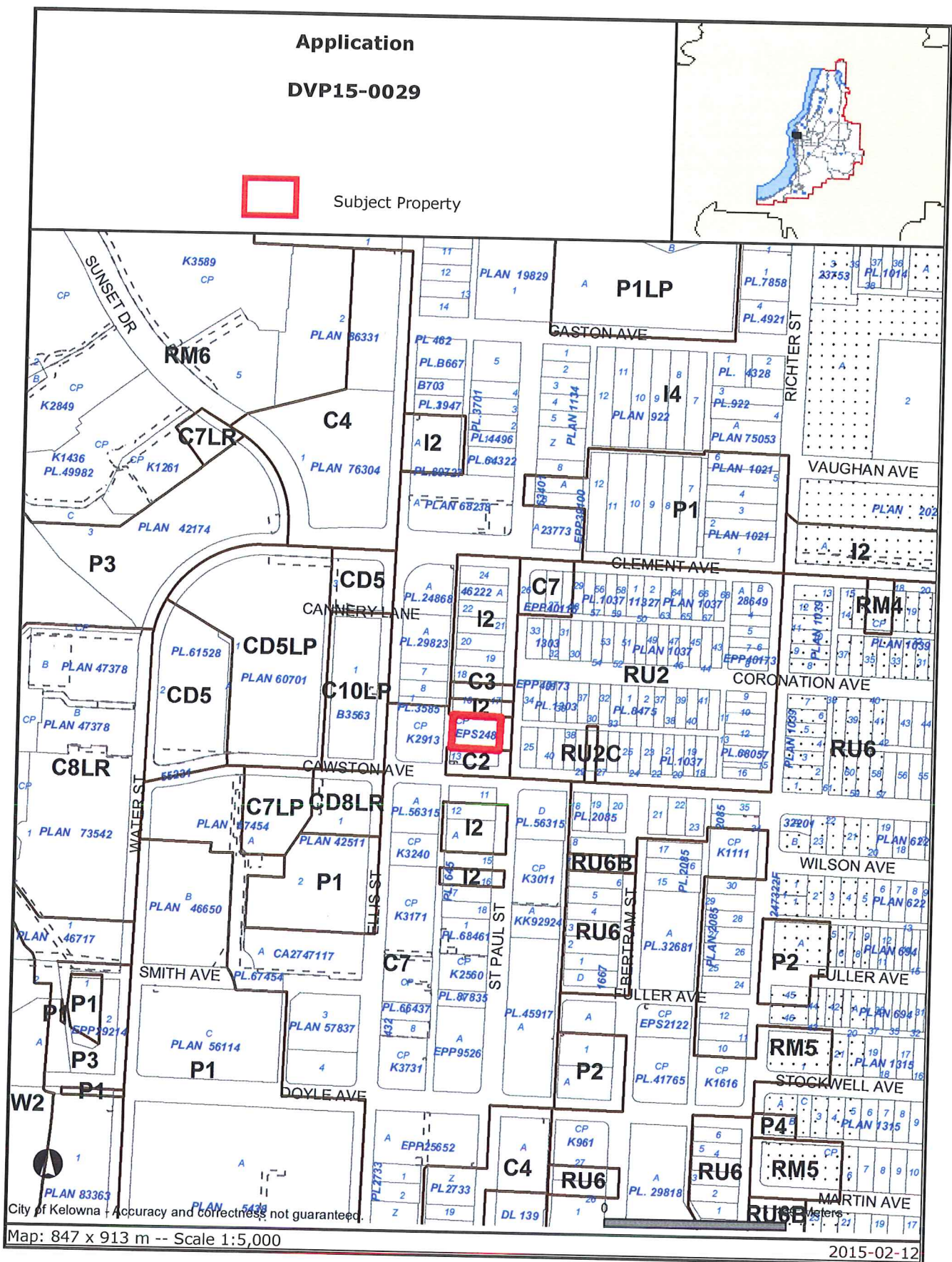
Subject Property Map

Building Elevation & Sign Details

Development Engineering Memorandum

Draft Development Variance Permit DVP15-0029





City of Kelowna - Accuracy and correctness not guaranteed.

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

2015-02-12

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.



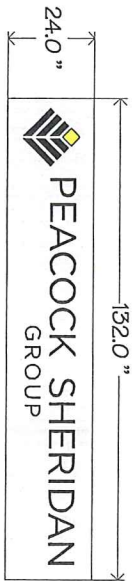


SIGNS REQUIRING VARIANCES

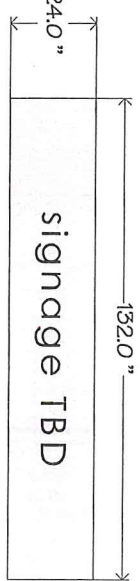
4 FASCIA

1 IDENTIFICATION

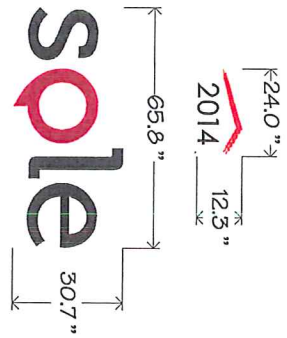
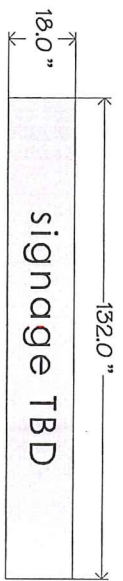
**THIRD FLOOR**



**SECOND FLOOR**



**FIRST FLOOR**



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** February 16, 2015  
**File No.:** DVP15-0029  
**To:** Urban Planning (TY)  
**From:** Development Engineering Manager (LK)  
**Subject:** 1290 St Paul Street

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Development Engineering comments and requirements regarding this development variance permit application are as follows:

This development variance permit application to vary the sign bylaw for the entire building does not compromise any municipal services.



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Steve Muenz, P. Eng.  
Development Engineering Manager

SS



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP15-0029

EXISTING ZONING DESIGNATION: C7 – Central Business Commercial

DEVELOPMENT VARIANCE PERMIT: To vary the maximum height of a fascia sign from 1.0 m above the second story to up to 3.5 m. To vary the number of fascia signs per business frontage from two (2) to six (6), and the number of identification signs per building face from one (1) to two (2).

ISSUED TO: Thomas Scott Signcraft LTD

LOCATION OF SUBJECT SITE: 1290 St Paul Street

	LOT	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	A	139	ODYD	KAP91449

### 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 a Development Permit and/or 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 the dimensions and siting of the signage, and design / finish are to be constructed on the land in general accordance with Schedule "A".
- b) AND THAT variances to the following sections of Signage Bylaw No. 8325 be granted:

Section 5.5.3

Vary the maximum height of a fascia sign from 1.0 m above the second story to up to 3.5m.

Section 6.1: Major Commercial (C3, C4, C6, C7, C8, CD 22 Sub-Areas A&B and CD24 Sub Area A)

Vary the number of fascia signs per business frontage from 2 to 6.

Vary the number of identification signs per building face from 1 to 2.

### 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. 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.

5. 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 Manager of Urban Planning.

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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE MANAGER OF URBAN PLANNING.

\_\_\_\_\_  
Ryan Smith,  
Urban Planning Manager



# REPORT TO COUNCIL



**Date:** 3/9/2015  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Subdivision, Agriculture & Environment Services (MS)  
**Application:** DVP15-0040 **Owner:** The BC SPCA  
**Address:** 3785 Casorso Rd **Applicant:** Edgecombe Builders  
**Subject:** Development Variance Permit - Side Yard Setback  
**Existing OCP Designation:** REP - Resource Protection Area  
**Existing Zone:** A1 - Agriculture 1

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0040, for a variance for *Lot 11 Block 1 District Lot 133 ODYD Plan 515* located at 3785 Casorso Rd, Kelowna, BC, as shown in Schedule 'A';

AND THAT Council considers the neighbourhood consultation process outlined in the Staff Report dated March 9, 2015 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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

### Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)

To vary the site side yard from 15 m permitted to 3.0 m proposed for a building housing more than 4 animals, and a confined livestock fenced outdoor area to 0 m to property line.

## 2.0 Purpose

To consider a request by the applicant to reduce the minimum side yard setback from 15 m permitted to 3.0 m proposed for a horse barn designed with 6 horse stalls, and a confined livestock fenced outdoor area to 0 m to property line.

## 3.0 Subdivision, Agriculture & Environment (SAE) Services

The variance is considered in the context that the building includes a concrete block wall facing the west property line. In addition, there is a 3.9 m internal alley way designed to transport the horses to separating the stalls and the west property line. There are currently no residences within 100 metres. The nearest building is 68 metres away and is an agricultural accessory

building. The owner of this property has indicated their support during neighbourhood consultation.

The Zoning Bylaw setback specifies the 15 metre setback when more than 4 animals are housed. In this case, 6 stalls are proposed. Staff considers that the intention for this structure is not full time horse boarding, but for rescuing animals and providing temporary shelter until adoptions can be made. In consideration of the temporary nature of the confined area, and of the physical separation provided by the concrete block wall and the alleyway, staff supports this variance.

#### **4.0 Proposal**

##### **4.1 Background**

The BC Society for the Prevention of Cruelty for Animals (SPCA) wishes to construct a horse barn to shelter rescued horses on a temporary basis. This has been identified as a need following horse rescues in the last several years.

##### **4.2 Project Description**

The proposed horse barn has six stalls proposed (see attached). It is located on the western half of the SPCA property.

The applicant is seeking a variance to the permitted 15 m side yard setback to a proposed 3 m. The horse barn has been designed in a linear alignment, in order to fit between the existing septic field and the property line.

Figure 1 - Site Plan

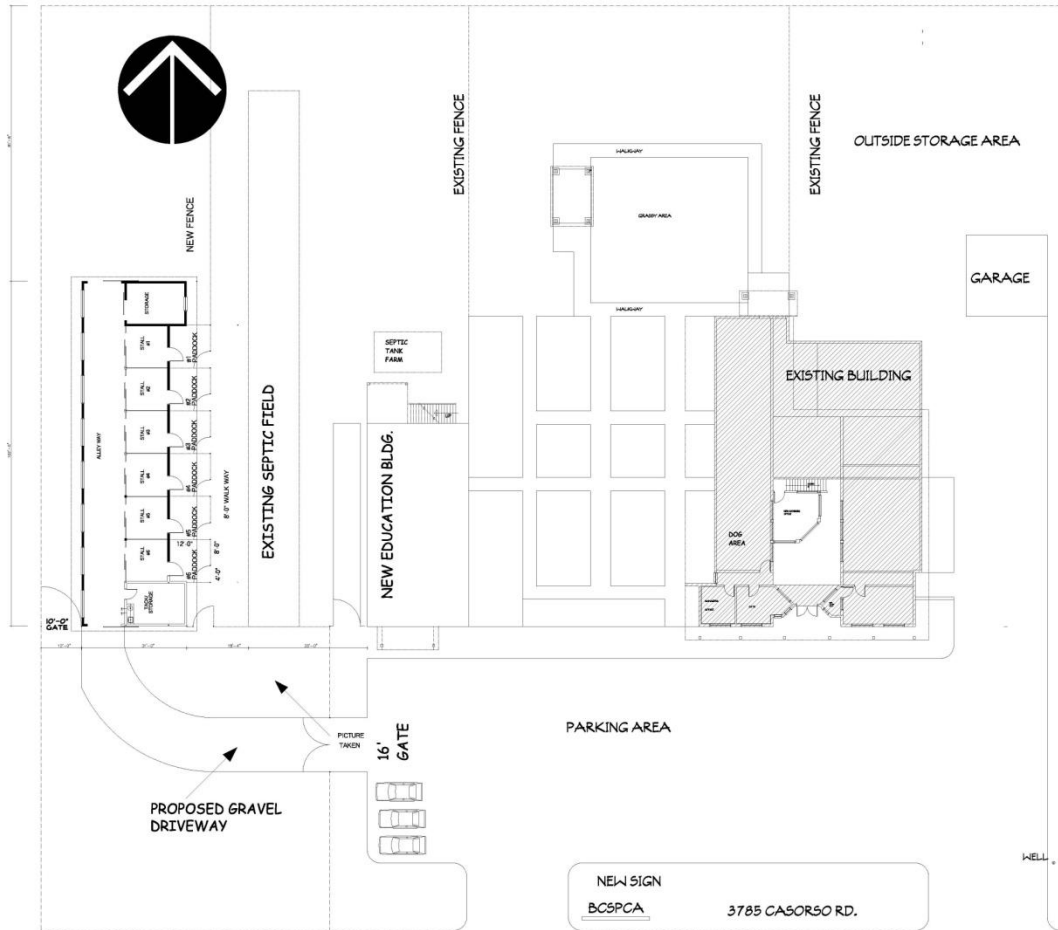
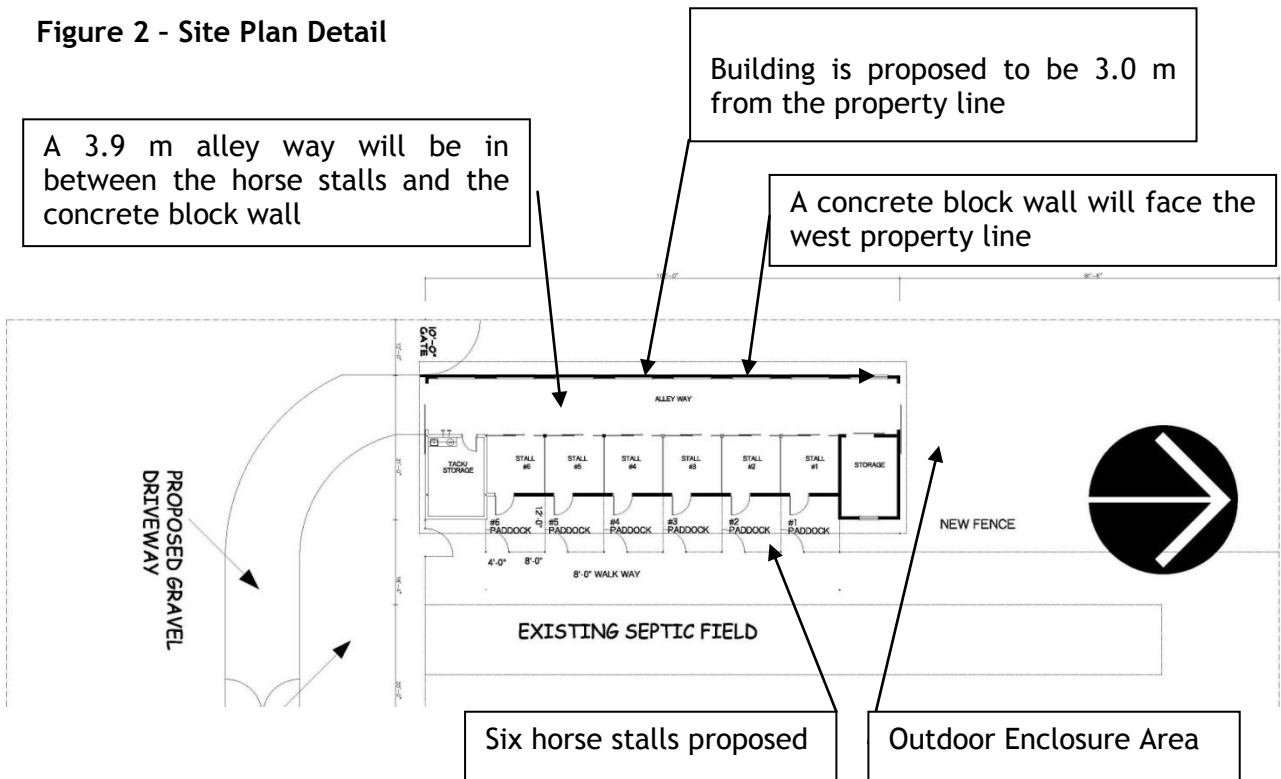


Figure 2 - Site Plan Detail



### 4.3 Site Context

The site is located in the South Pandosy - KLO Sector of the City, along Casorso Road just west of the Benvoulin / Swamp / Casorso Road traffic circle. The property is in the Resource Protection Area, surrounded by properties in the Resource Protection Area.

Zoning of the property is A1 - Agriculture 1, surrounded by properties of the same zoning designation.

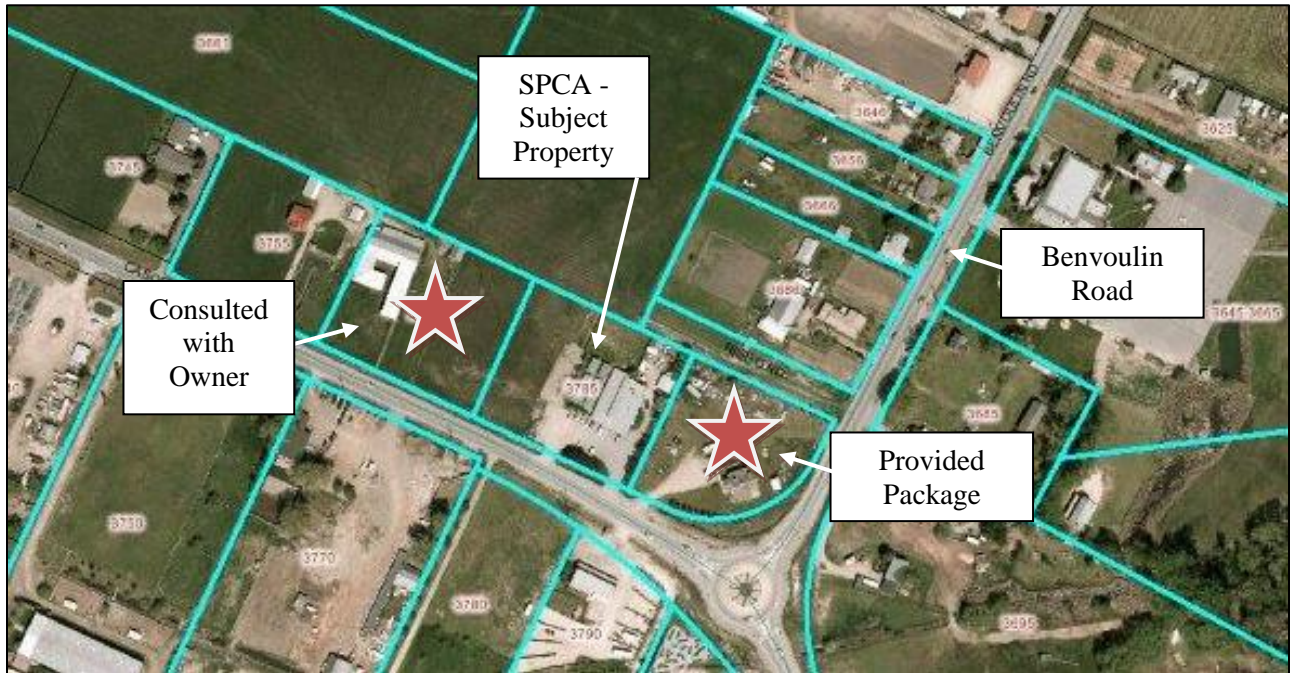
Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	A1 - Agriculture 1 (ALR)	Agriculture (hay field)
East	A1 - Agriculture 1 (ALR)	Rural Residential
South	A1 - Agriculture 1 (ALR)	Agriculture / Farm Sales
West	A1 - Agriculture 1 (ALR)	Agriculture (hay field)

Map 1. Subject Area



Map 2. Neighbourhood Consultation





**Map 3. Agricultural Land Reserve**



**4.4 Zoning Analysis**

A comparison of required and proposed zoning regulations is shown in the table below.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS A1 - Agriculture 1	PROPOSAL
Development Regulations		
Side Yard - for structure harbouring less than 4 horses	3.0 m	N/A
Side Yard - for structure harbouring less than 4 horses	15.0 m	3.0 m <span style="color: red;">●</span>
<span style="color: red;">●</span> Indicates a requested variance		

**Zoning Bylaw No. 8000, Section 11.1.6 specifies a minimum distance to property line for confined livestock areas and / or buildings housing more than 4 animals.**

**5.0 Neighbourhood Consultation**

The SPCA met directly with the most effective neighbor to the west. The neighbor indicated full support for the variance (see attached). An information package was provided to the neighbour to the east. No residences are present on the property to the north, and a road reserve is present to the northeast. There are no residences within 100 metres of the proposed horse barn.



## 6.0 Policies

### 6.1 Zoning Bylaw No. 8000

Section 11.1.6 of the Zoning Bylaw No. 8000 states:

(f) Notwithstanding subsections 11.1.6(c) to (e), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products or for **agricultural and garden stands**, shall not be located any closer than 15.0 m from any **lot line**, except where the **lot line** borders a **residential zone**, in which case the area, **building** or stand shall not be located any closer than 30.0 m from the **lot line**.

### 6.2 Agricultural Land Reserve Use, Subdivision and Procedure Regulation<sup>1</sup>

Horse boarding is considered a farm use according to the ALR Regulation:

(2) *The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the [Local Government Act](#) or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty first nation government...*

*(h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if*

*(i) the stables do not have more than 40 permanent stalls*

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

No Comment.

## 8.0 Application Chronology

- Date of Application Received: February 23, 2015

Report prepared by:

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Melanie Steppuhn, Land Use Planner

Approved for Inclusion:



Shelley Gambacort, Director  
Subdivision, Agriculture & Environment Department

### Attachments:

Subject Property Map  
Public Notification Letter (March 2, 2015)  
Horse Barn Plans  
Conceptual Isometric  
Neighbourhood Consultation Form

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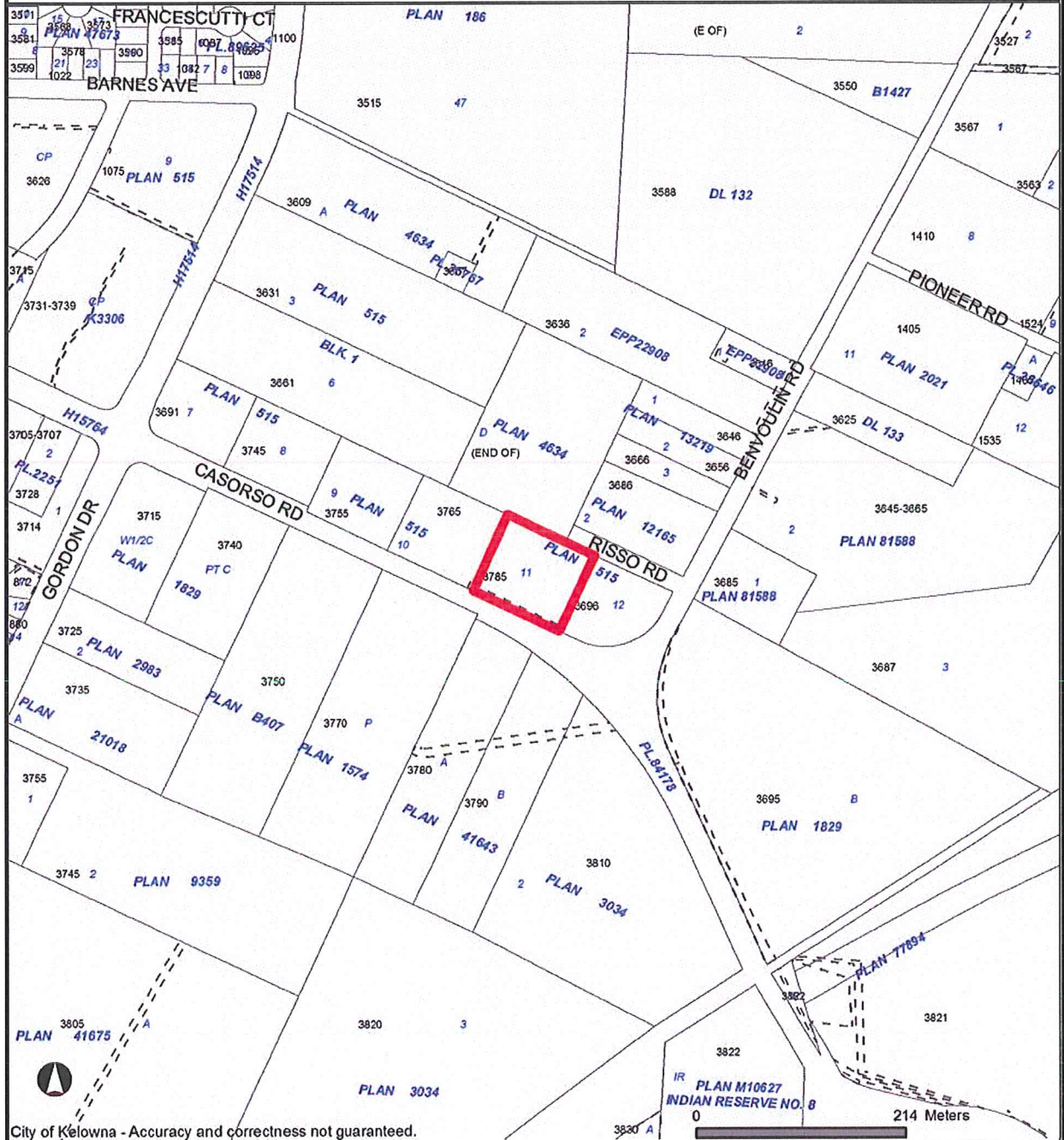
<sup>1</sup> BC Statutes, Sept. 5, 2014. Agricultural Land Reserve Use, Subdivision and Procedure Regulation.  
[http://www.bclaws.ca/civix/document/id/complete/statreg/171\\_2002#part2](http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002#part2)

### APPLICATION DVP15-00

### 3785 CASORSO RD



Subject Property



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,071 x 593 m -- Scale 1:6,324

2015-03-04

*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.*

## Melanie Steppuhn

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**From:** Suzanne Pugh - Kelowna Branch Manager, BC SPCA [spugh@spca.bc.ca]  
**Sent:** Monday, March 02, 2015 5:07 PM  
**To:** Melanie Steppuhn  
**Cc:** kevin@edgecombebuilders.com; kirsten@edgecombebuilders.com  
**Subject:** BCSPCA Neighbour Constultation  
**Attachments:** BCSPCA Neighbour Consultation.pdf

Good Afternoon Melanie,

Further to the email from Kevin Edgecombe today regarding our Variance application, I have just returned from attending the properties in closest proximity to our proposed build site.

Our neighbour to the East was unavailable in person therefore an information package was dropped off for review however our neighbour most affected by the development, Mr Alan Risso, who owns the property to our West boundary line, was available and we were able to spend time together reviewing the proposed siting of the building and the overall property development.

Mr Risso was very positive with his feedback and confirmed a 100% approval of the development.

If I receive any feedback from the neighbour to the East I will correspond with you again accordingly.

Attached is a copy of the information package I provided to those in closest proximity, along with your completed Neighbour Consultation form - *please note*: the only item I do not have available right now to include on the returned documentation is our permit application number, but I'm assuming you have this on file!

Thanks so much Melanie. If you have any questions or comments please don't hesitate to call my cell 250 258 2511

Kind regards.

**Suzanne Pugh**  
**Branch Manager, Kelowna**  
**BC SPCA**  
Animal Cruelty and Wildlife Hotline: 1.855.622.7722  
P: 250.861.7722  
F:250.868.2830  
spugh@spca.bc.ca • [spca.bc.ca](http://spca.bc.ca)



March 2<sup>nd</sup> 2015

Dear Neighbour,

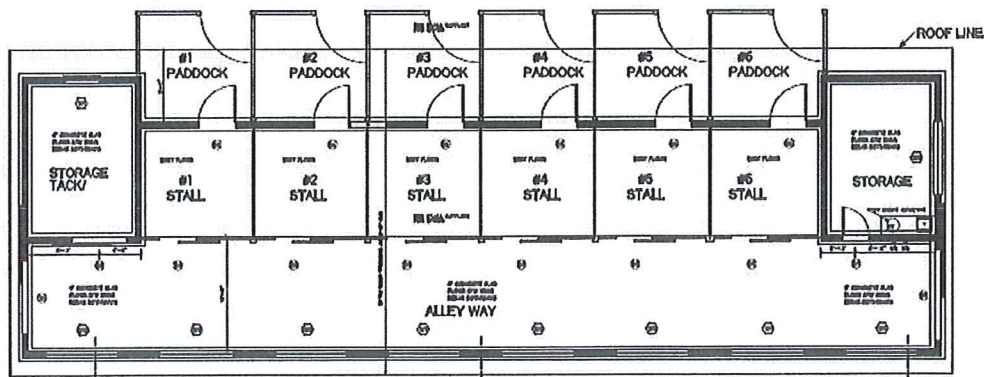
The BCSPCA Kelowna branch has made an application to the City of Kelowna in reference to a building permit to develop a six stall barn, for the temporary housing of large farm animals, primarily horses.

The building consists of concrete foundation, concrete block walls, low slope torch on roof as follows:

- 2785 s.f.
- 26ft x 102ft
- Concrete Block Structure
- Ceiling height 8'8" – 9'4"
- Wood roof structure (8ft overhang east side) complete with torch on roof
- 6 Box stalls of 12ft square with 6 partially covered walkout paddock areas
- 2 tack/feed rooms
- 12ft wide interior alleyway

In accordance with our permit application we have applied for a variance in land use to amend and increase the maximum number of housed animals from four when the building is within 3m of a property line. The proposed barn would be situated 12ft from the property line. Ground breaking is anticipated to commence end of March 2015 with a view to be operational for the Fall.

## BCSPCA - Kelowna Horse Seizure Barn



The information in this package contains:

- Location details and description of the site plan
- Visual rendering of the application and a copy of the site plan.
- Contact information for BCSPCA Kelowna Branch Manager, business card attached.

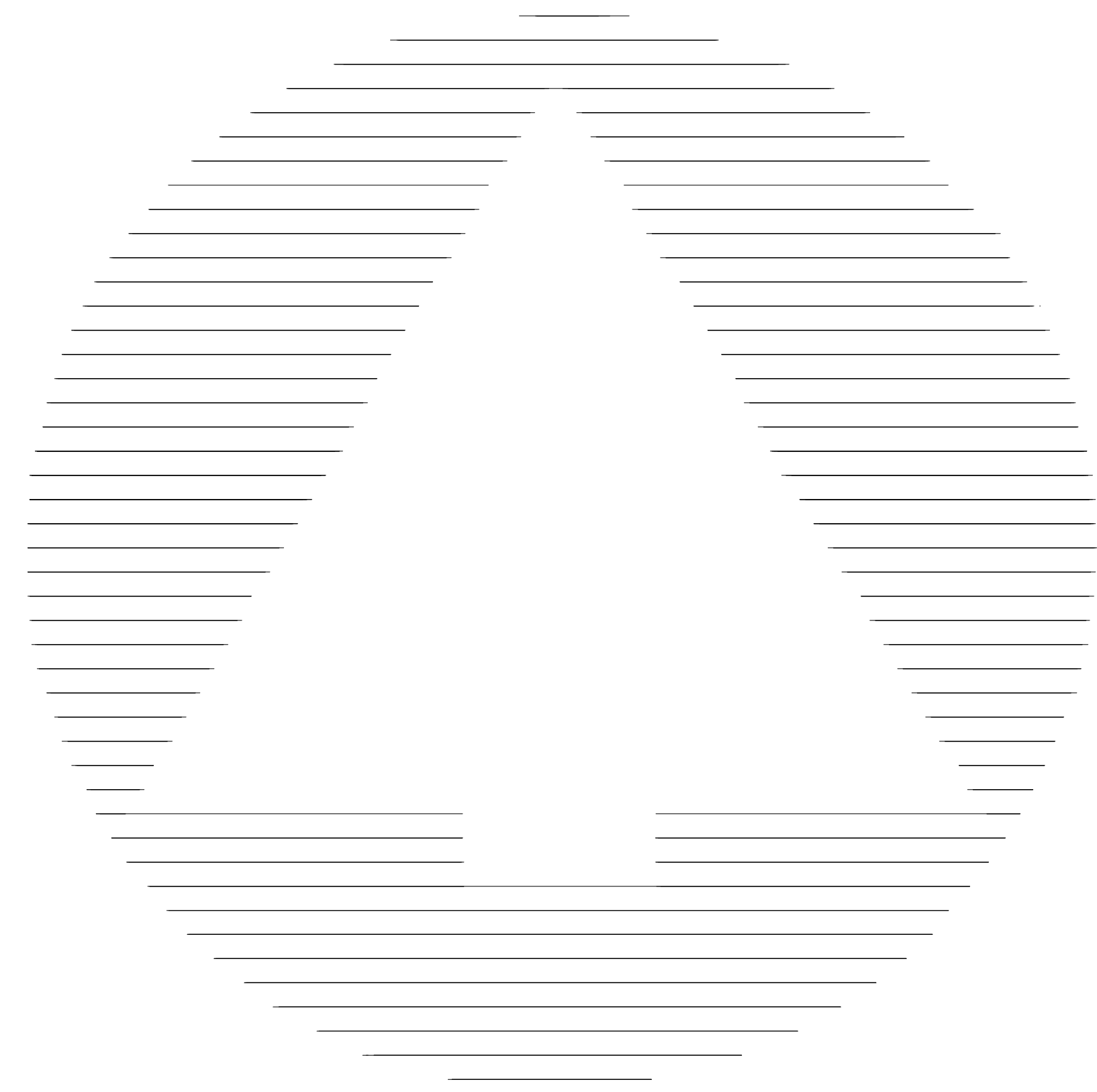
Should you have any queries or feedback regarding this development, please contact:

**Suzanne Pugh, BCSPCA Kelowna Branch Manager**  
BCSPCA 3785 Casorso Road, Kelowna, BC V1Y 4M7  
[spugh@spca.bc.ca](mailto:spugh@spca.bc.ca)  
Tel: 250 861 7722 / Fax: 250 868 2830

or

**Melanie Stepphun, Planning Department,**  
City of Kelowna, 1435 Water Street, Kelowna, BC V1Y 1J4  
[mstepphun@kelowna.ca](mailto:mstepphun@kelowna.ca)  
Tel:250 469 8600 / Fax:250 862 3330





# "THE HORSE BARN"

PROPOSED ADDITION FOR:

THE **BCSPCA**

KELOWNA BRANCH

SUZANNE PUGH GENERAL MANAGER

GENERAL CONTRACTOR

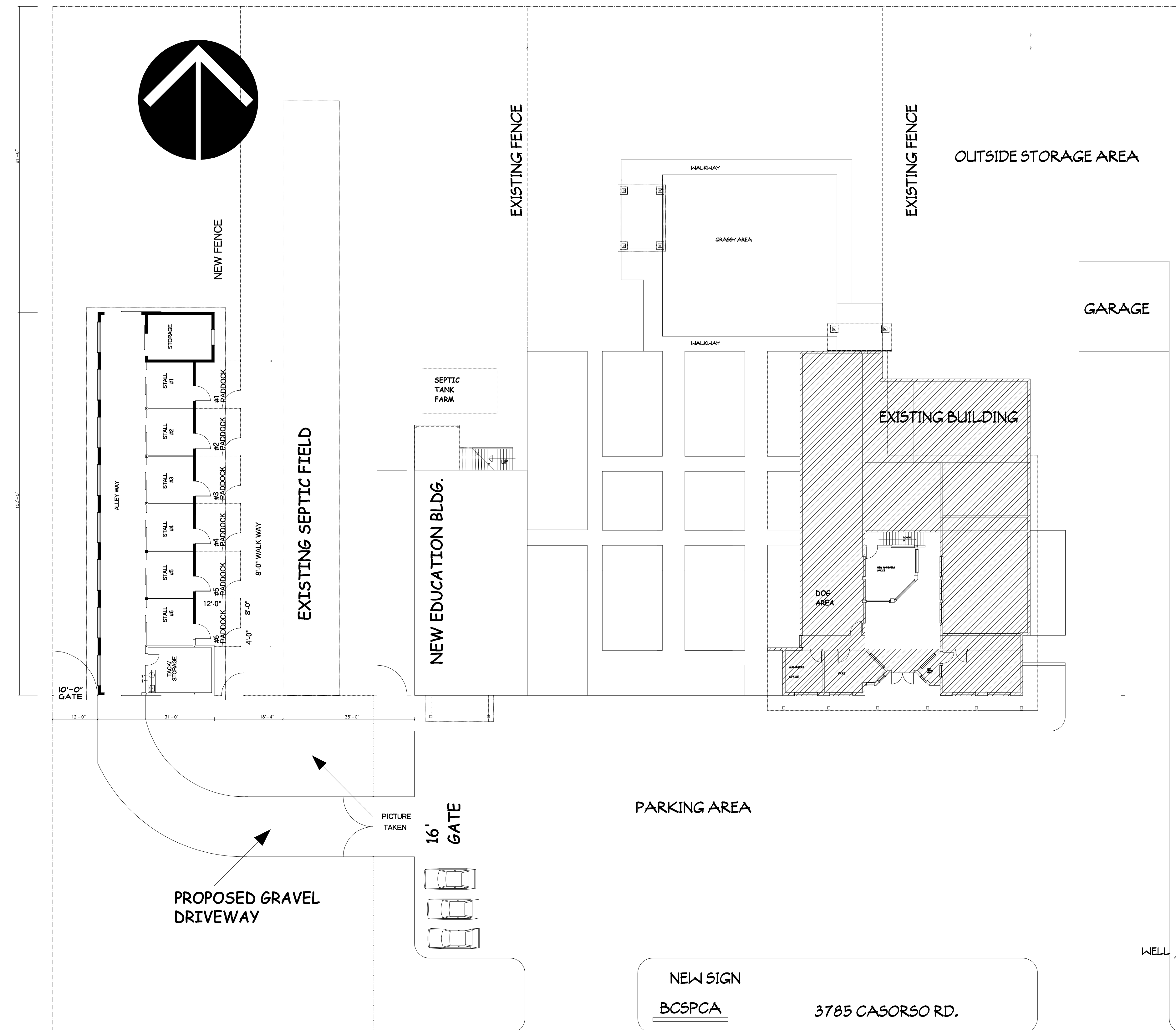
Edgecombe Builders A division of Edgecombe Enterprises Inc.

Kevin Edgecombe  
 #5-220 Neave Road, Kelowna ,B.C. V1V 2L9  
 ph. 250-491-8655 fax 250-491-8611  
 www.edgecombebuilders.com

DRAWN BY:

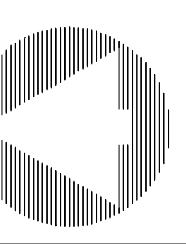
RSM DRAFTING SERVICES LTD. 453 Quilchena Dr., Kelowna,B.C. V1W 4S8  
 250-212-3212 WEB SITE: www.rsmdrafting.com EMAIL: bob@rsmdrafting.com  
 R.(BOB) S.MILLER CRD

SCHEDULE 'A;



SITE PLAN  
 NTS

RSM DRAFTING SERVICES LTD.  
 453 QUILCHENA DR.  
 KELOWNA, B.C. CANADA V1W 4S8  
 PH. 250-212-3212  
 EMAIL: bob@rsmdrafting.com  
 www.rsmdrafting.com



PURCHASER TO VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION— ALL CONSTRUCTION MUST COMPLY WITH ALL LOCAL BUILDING CODES

**HORSE BARN**  
**KELOWNA SPCA**

DWG. DATE: 09.19.14  
 DRAWN BY: R.MILLER CRD

HISTORY  
 OCT 23, 2014  
 DEC 10, 2014

SHEET INDEX	
NO.	SHEET TITLE
A1	COVER
A2	ELEVATIONS
A3	FOUNDATION
A4	MAIN FLOOR
A5	LOFT FLOOR PLAN
A6	SECTIONS
A7	DETAILS

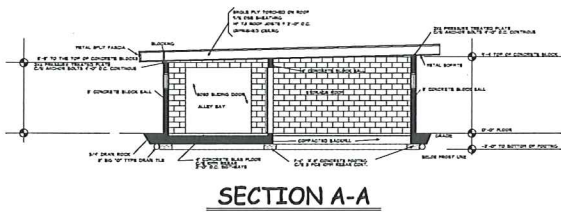
ELECT/MECH PLANS

PROJECT NO.  
**RSM 14-021**

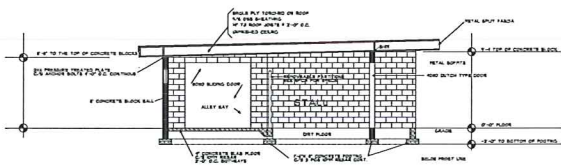
PAGE:  
**1**

Edgecombe Builders

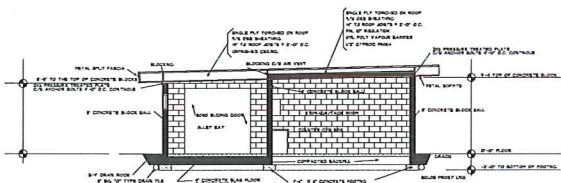
COPYRIGHT OF:  
 RSM DRAFTING SERVICES LTD.



**SECTION A-A**



**SECTION B-B**

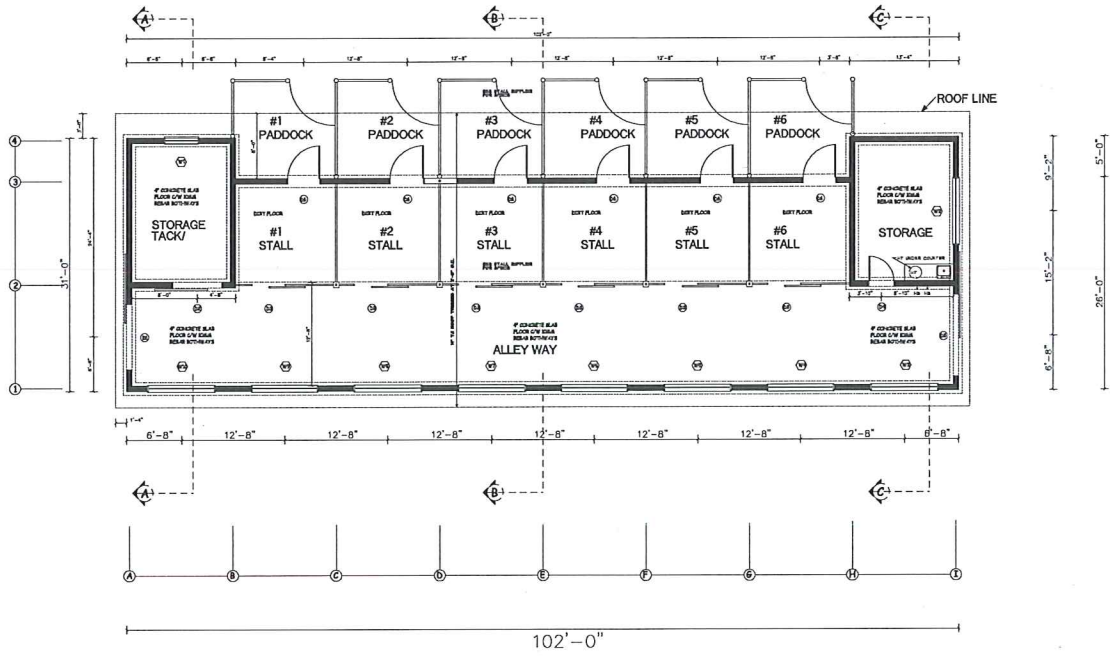


**SECTION C-C**

SPCA BUILDING PROJECT	
O DOOR SCHEDULE	
01	DOOR SCHEDULE
02	DOOR SCHEDULE
03	DOOR SCHEDULE
04	DOOR SCHEDULE
05	DOOR SCHEDULE
06	DOOR SCHEDULE
07	DOOR SCHEDULE
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17	DOOR SCHEDULE
18	DOOR SCHEDULE
19	DOOR SCHEDULE
20	DOOR SCHEDULE

SPCA BUILDING PROJECT	
O WINDOW SCHEDULE	
01	WINDOW SCHEDULE
02	WINDOW SCHEDULE
03	WINDOW SCHEDULE
04	WINDOW SCHEDULE
05	WINDOW SCHEDULE
06	WINDOW SCHEDULE
07	WINDOW SCHEDULE
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19	WINDOW SCHEDULE
20	WINDOW SCHEDULE

PURCHASER TO VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION. ALL CONSTRUCTION MUST COMPLY WITH ALL LOCAL BUILDING CODES.  
 CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.  
 SHEET NO. 4  
 PROJECT NO. RSM 14-021  
 DATE: 14/01/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 PROJECT: HORSE BARN  
 CLIENT: KELOWNA SPCA  
 CONTRACT NO. [Number]  
 DRAWING NO. [Number]  
 SCALE: 1/4" = 1'-0"  
 SHEET NO. 4 OF 4  
 Edgcombe Builders  
 14000 14th Street SE  
 Surrey, BC V3R 4G8  
 TEL: 604-591-1111  
 FAX: 604-591-1112  
 WWW.EDGE-COMBE.COM



**PROPOSED SPCA HORSE BARN**

2782 SQUARE FEET



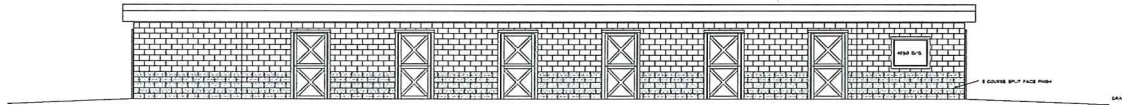
FOR ALL DIMENSIONS REFER TO TABLE OF DIMENSIONS. ALL DIMENSIONS MUST COMPLY WITH ALL LOCAL BUILDING CODES.  
 PROJECT NO. 14-021  
 SHEET NO. A4.0  
 DATE 01/20/14  
 DRAWN BY J. M. [unreadable]  
 CHECKED BY [unreadable]  
 PROJECT NO. 14-021  
 SHEET NO. A4.0

**HORSE BARN**  
**KELOWNA SPCA**

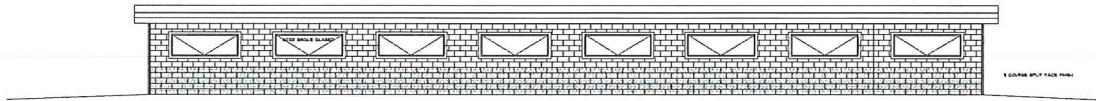
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01/20/14
2	ISSUED FOR CONSTRUCTION	01/20/14
3	ISSUED FOR AS-BUILT	01/20/14
4	ISSUED FOR ARCHIVE	01/20/14

PROJECT NO. 14-021  
 SHEET NO. A4.0

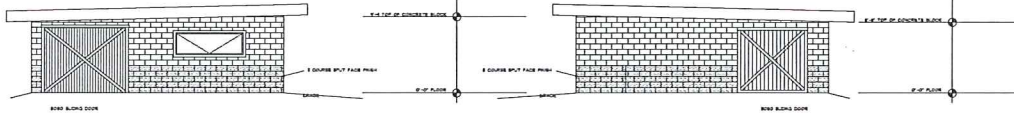
Edgcombe Builders  
 3



EAST ELEVATION



WEST ELEVATION

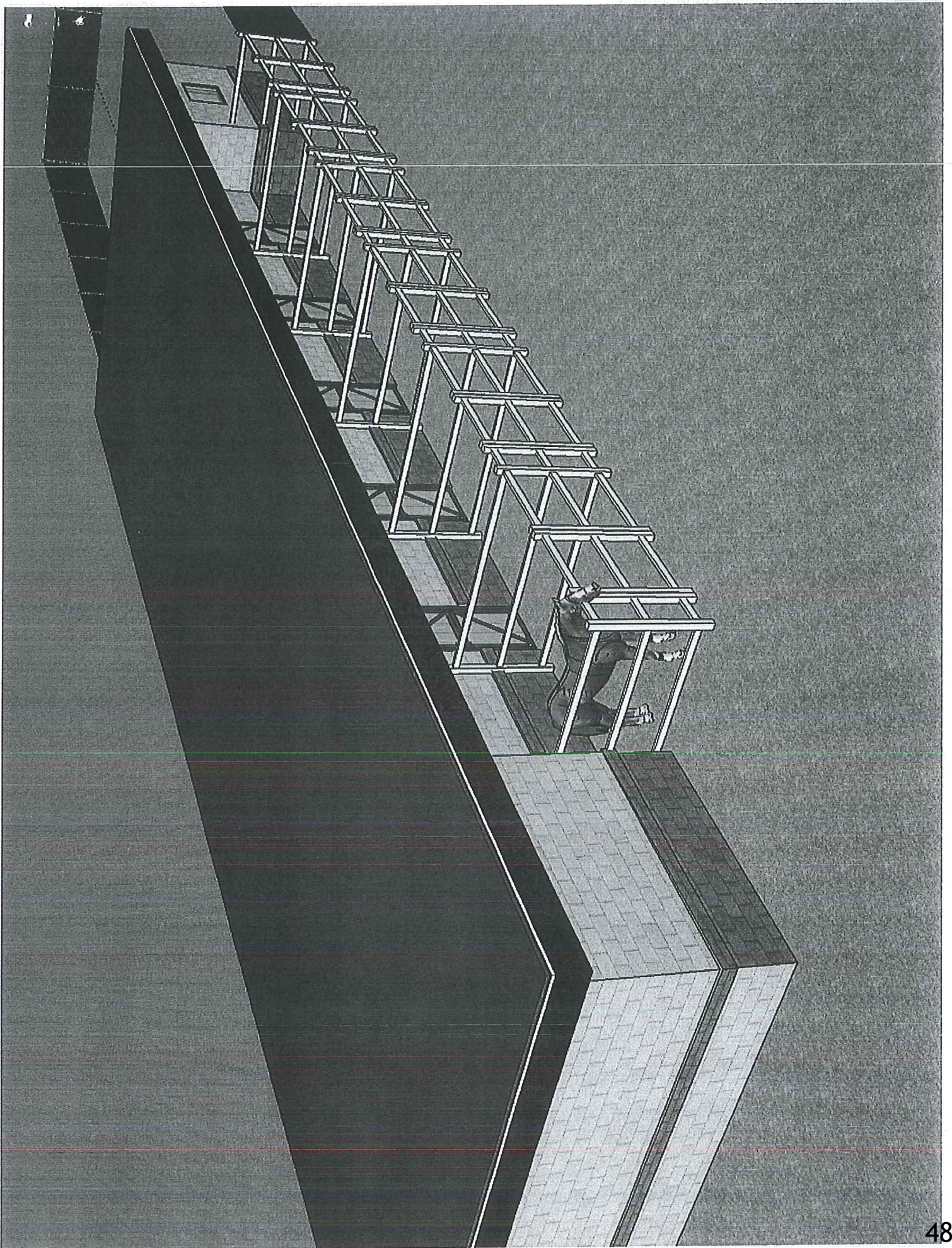


SOUTH ELEVATION

NORTH ELEVATION

PURCHASE TO VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION. ALL CONSTRUCTION MUST COMPLY WITH ALL LOCAL BUILDING CODES.  
 RSM 14-021  
 PROJECT NO. RSM 14-021  
 SHEET NO. 2  
 DATE: 11/20/13  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT: HORSE BARN  
 LOCATION: KELOWNA SPCA  
 CLIENT: KELOWNA SPCA  
 ADDRESS: 1000 15TH AVE S.E.  
 KELOWNA, BC V1Y 9G8  
 PHONE: 250-862-1234  
 FAX: 250-862-1235  
 WWW.EDGEcombeBUILDERS.COM  
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Neighbour Consultation Form  
(Council Policy No. 367)



A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

I, Suzanne Pugh, the applicant for Application No. \_\_\_\_\_

for Six Stall Barn at 3785 Casorso Rd,  
(brief description of proposal)

at 3785 Casorso Rd have conducted the required neighbour  
(address)  
consultation in accordance with Council Policy No. 367.

- My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- My parcel is located **inside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following: prepared an information package, see attached. Visited adjoining properties & discussed with owner/or. left details at property.

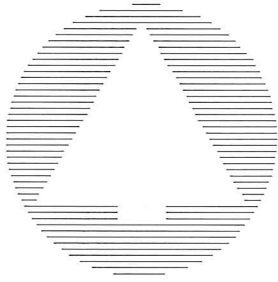
Please initial the following to confirm it has been included as part of the neighbour consultation:

- SP Location of the proposal;
- SP Detailed description of the proposal, including the specific changes proposed;
- SP Visual rendering and/or site plan of the proposal;
- SP Contact information for the applicant or authorized agent;
- SP Contact information for the appropriate City department;
- SP Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager **20 days prior to the anticipated initial consideration by Council date**. On the back of this form please list those addresses that were consulted.

City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8600  
FAX 250 862-3330  
kelowna.ca





# "THE HORSE BARN"

PROPOSED ADDITION FOR:

THE **BCSPCA**  
 KELOWNA BRANCH  
 SUZANNE PUGH GENERAL MANAGER

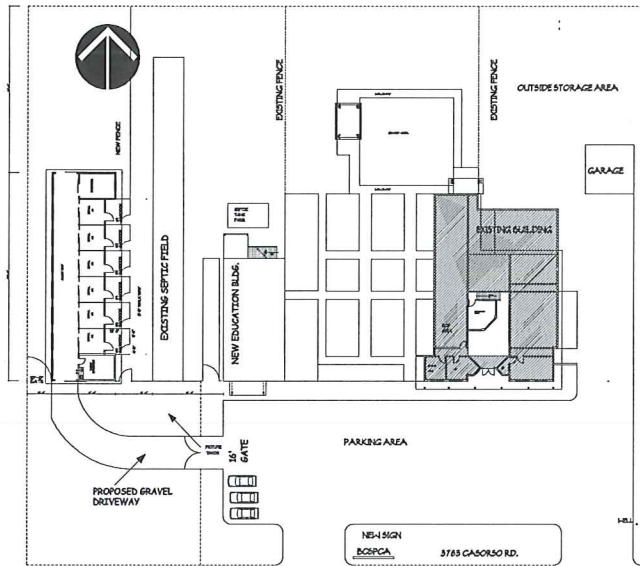
GENERAL CONTRACTOR

**Edgecombe Builders** A division of Edgecombe Enterprises Inc.

Kevin Edgecombe  
 #5-220 Neave Road, Kelowna, B.C. V1V 2L9  
 ph. 250-491-8655 fax 250-491-8611  
 www.edgecombebuilders.com

**DRAWN BY:**

RSM DRAFTING SERVICES LTD. 453 Quilchena Dr., Kelowna, B.C. V1W 4S8  
 250-212-3212 WEB SITE: www.rsmdrafting.com EMAIL: bob@rsmdrafting.com  
 R.(BOB) S.MILLER CRD



SITE PLAN

NTS

RSM DRAFTING SERVICES LTD. 453 QUILCHENA DR., KELOWNA, B.C. V1W 4S8  
 TEL: 250-212-3212 FAX: 250-491-8611  
 WWW.RSMDRAFTING.COM  
 PROJECT NO. **RSM 14-021**  
 SHEET NO. **1**  
 DATE: 10/15/14  
 DRAWN BY: BOB MILLER  
 CHECKED BY: BOB MILLER  
 PROJECT: THE HORSE BARN  
 CLIENT: BCSPCA  
 LOCATION: 3785 CASBORO RD.  
 SHEET INDEX  
 NO. SHEET TITLE  
 1. SITE PLAN  
 2. FLOOR PLAN  
 3. ELEVATIONS  
 4. SECTION  
 5. DETAIL  
 6. SIGNAGE  
 7. LANDSCAPE  
 8. UTILITIES  
 9. SPECIALTIES  
 10. FINISHES  
 11. MECHANICAL  
 12. ELECTRICAL  
 13. PLUMBING  
 14. PAINT  
 15. FURNITURE  
 16. LIGHTING  
 17. ACCESSORIES  
 18. OTHER

Edgcombe Builders  
 PROJECT NO. **RSM 14-021**  
 SHEET NO. **1**

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP15-0040

EXISTING ZONING DESIGNATION:	A1 - Agriculture 1
DEVELOPMENT VARIANCE PERMIT:	To vary the site side yard from 15 m permitted to 3.0 m proposed for a building housing more than 4 animals, and a confined livestock fenced outdoor area to 0 m to property line.

ISSUED TO:	Edgecombe Builders (Edgecombe Enterprises Ltd.)
LOCATION OF SUBJECT SITE:	3785 Casorso Rd

	LOT	SECTIONS	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	11 Block 1		133		ODYD	515

<u>SCOPE OF APPROVAL</u>
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> Applicants for a Development Permit and/or 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.</li> </ul>

1. TERMS AND CONDITIONS:

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

**Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)**

To vary the site side yard from 15 m permitted to 3.0 m proposed for a building housing more than 4 animals, and a confined livestock fenced outdoor area to 0 m to property line.

THAT the building be constructed in accordance with 'Schedule A'.

2. 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.**

3. 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.

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 Director of Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_ DAY OF March, 2015.

ISSUED BY THE SUBDIVISION, AGRICULTURE & ENVIRONMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_ DAY OF March, 2015 BY THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director of Community Planning & Real Estate Services

Attachment – Schedule 'A'