



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 103177
Application Type: Non-Adhering Residential Use within the ALR
Status: Submitted to L/FNG
Name: Bains
Local/First Nation Government: City of Kelowna

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description THE WEST 1/2 OF LOT 5 SECTION 10 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 355
Approx. Map Area 5.62 ha
PID 008-554-013
Purchase Date Nov 1, 1979
Farm Classification Yes
Civic Address 3496 Fitzgerald Rd, Kelowna, BC, V1W 4G7
Certificate Of Title state of title certificate_Jan 2025.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
	Not Applicable			

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Type Land Owner
First Name
Last Name
Organization (If Applicable) No Data
Phone
Email

4. Government

Local or First Nation Government: City of Kelowna

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

We have a total of 13.87 acres, including our current residential house, which measures less than the allowable 500 m2, and an additional farm house, currently unused, with a total area of only 102 m2. There is only outdoor space for farm machinery at the moment.

In terms of farm use, we have approximately 12 acres of cherries, 4 different varieties (Skeena, Sweetheart, Staccato, Sentennial).

Our season starts in the late autumn/early winter with winter pruning, followed by minor thinning of the buds in the spring. This is followed by a multitude of pesticide sprays throughout the spring and early summer, followed by cherry harvest (picking) in July and August. It is a very busy 7 or 8 months, but also very fruitful.

Describe all agricultural improvements made to the

This orchard previously grew apples. The apple trees at the back of the original farm house (approximately 8 acres) were pulled out in 2003, and

parcel(s).

cherry trees (varieties: Skeena, Sweetheart and Staccato) were planted. The apples trees in front of the original farm house (approximately 4 acres) were pulled out in 2010, and cherry trees (variety: Sentennial) were subsequently planted.

The cherry crop has been much more lucrative for us than the apple crop ever was. The Sentennial crop is the most lucrative. We have continued to follow advice from our horticultural consultant every season regarding sprays, fertilizers, etc., and our fruit has been of very high quality for the last 6 seasons. As a result, we have been able to take part in an International Cherry Export Program.

We have updated most of our farm machinery and equipment, as per industry standard, to ensure each activity in the season runs smoothly and we are following all of the latest guidelines. This includes a relatively new tractor, sprayer, blower (to blow rainwater off cherries), pruning sheers, ladders, new plastic buckets. The irrigation system was updated in 2003 and 2010. Continual updates have been made to it over the last 15 years.

Describe all other uses that currently take place on the parcel(s).

I currently reside in the 500 m2 new home built on the premises in 2021, along with my husband, son, mother and father (multigenerational home). The original farm house, which was built in 1910, and historically moved to this site from another site in 1950ish) also sits directly in front of the new house (same footprint). This house was extended in 1966. Despite this, the size of the house is only 102 m2. The basement is unfinished. The garage (ground level of house) stores much of our smaller equipment, including buckets, pruning sheers, smaller farm equipment.

There is parking for our personal cars, as well as our farm machinery at the front of the original farm house. We also have a large vegetable garden at the side of the farm house, where a yard would normally be.

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	Apple and Cherry Orchard
East	Agricultural / Farm	Apple Orchard
South	Agricultural / Farm	Cherry Orchard
West	Agricultural / Farm	Apple and Cherry Orchard

6. Proposal

Is your proposal for a principal residence with a total floor area greater than 500 m²? No

Is your proposal to retain an existing residence while building a new residence? No

Is your proposal for an additional residence? Yes

Is your proposal for temporary foreign worker housing? No

Do you need to import any fill to construct or conduct the proposed non-adhering residential use? No

What is the purpose of the proposal?

The proposal is to retain the original farm house, our original family home, for the purposes of residential use. As it currently exceeds the allowable 90 m² restriction (102 m²), we have been asked to submit an application for non-residential use. Otherwise, our current local authority supports this application.

The proposal is to retain 83.06 m² of the property for residential use, and the remaining 18.94 m² of the property for farm use/storage. Please see attached floor plan indicating that the side 2 rooms of the house will be used for farm related purposes (storage and summer office). These rooms were part of an extension added to the house in the 1950s, and are not fit for living due to absence of insulation, heating and plumbing. The 83.06 m² of living space includes 1 bedroom, and is fit for living. We propose building a dividing wall between the residential part of the building and the part that will be used for farm use (extension). There is currently a doorway between these 2 parts of the house that can be either locked or blocked off.

We have looked into demolition of the 18.94 m² extension, but given the age of the building, this has not been advisable by several builders, as it may affect the integrity of the original structure.

Is your proposal necessary for farm use? If so, please explain.

Our proposal is necessary for farm use, as we currently have no adequate farm storage. There are no other outbuildings on the property to store valuable farm equipment and machinery, other than the garage of the original farm house. We could use the 18.94 m² to create a much-needed farm office, and store farm equipment in a more practical and organized way than has been possible to date.

Will the proposed residence(s) be clustered with existing residential structures? Please explain.

Yes, the new house and original farm house sit on the same residential footprint (clustered), and are only separated by 2-3 meters of lawn.

Will the proposed residence(s) be located within a 60 m setback from the front lot line? Please explain.

The original farm house sat between the front and back orchard since 1952, and is separated by an easement road that served as a driveway. The new house was built on the same footprint, sitting just behind the original farm house.

Where on the parcel will the proposal be situated and is there an agricultural rationale for the proposed location?

The original farm house sits within 1 meter of an easement road, that acts as a driveway, and divides the property between the 4 acre front orchard, and 8-9 acre back orchard. The new house sits directly behind the original farm house, on the same footprint, and together these 2 houses and residential footprint/covenant does not exceed the allowable 3000 m² (City of Kelowna requirements - 2000 m² for new house and 1000 m² for secondary residence).

Describe any infrastructure required to support the proposed residence(s) and the approximate area (m²) required for that infrastructure

No additional infrastructure is required. The property is already constructed and has been on the property since at least 1950. It is a historic property, and with the loss of so many beautiful farm houses around East Kelowna, it would be a shame to demolish it. Our proposal only requires a wall/cordoned off door to the residential component of the building (83.06 m²) and the farm use component of the building (18.94 m²).

Proposal Map / Site Plan

3496 Fitzgerald Road - Proposal Map.jpg.pdf

Detailed Building Plans

Floorplan - Second residence_farm storage.pdf

Existing Residence

Total Floor Area

Description

Existing Residence	Total Floor Area	Description
#1	500m ²	37 m ² for garage 185 m ² for basement

Proposed Residence	Total Floor Area	Description
#1	83.06m ²	Not applicable, as these areas are not habitable. 18.96 m2 for an extension at the side of the house, to be used for farm-related activity.

7. Optional Documents

Type	Description	File Name
Other files that are related	Letter of support	Letter of support for NARU.pdf

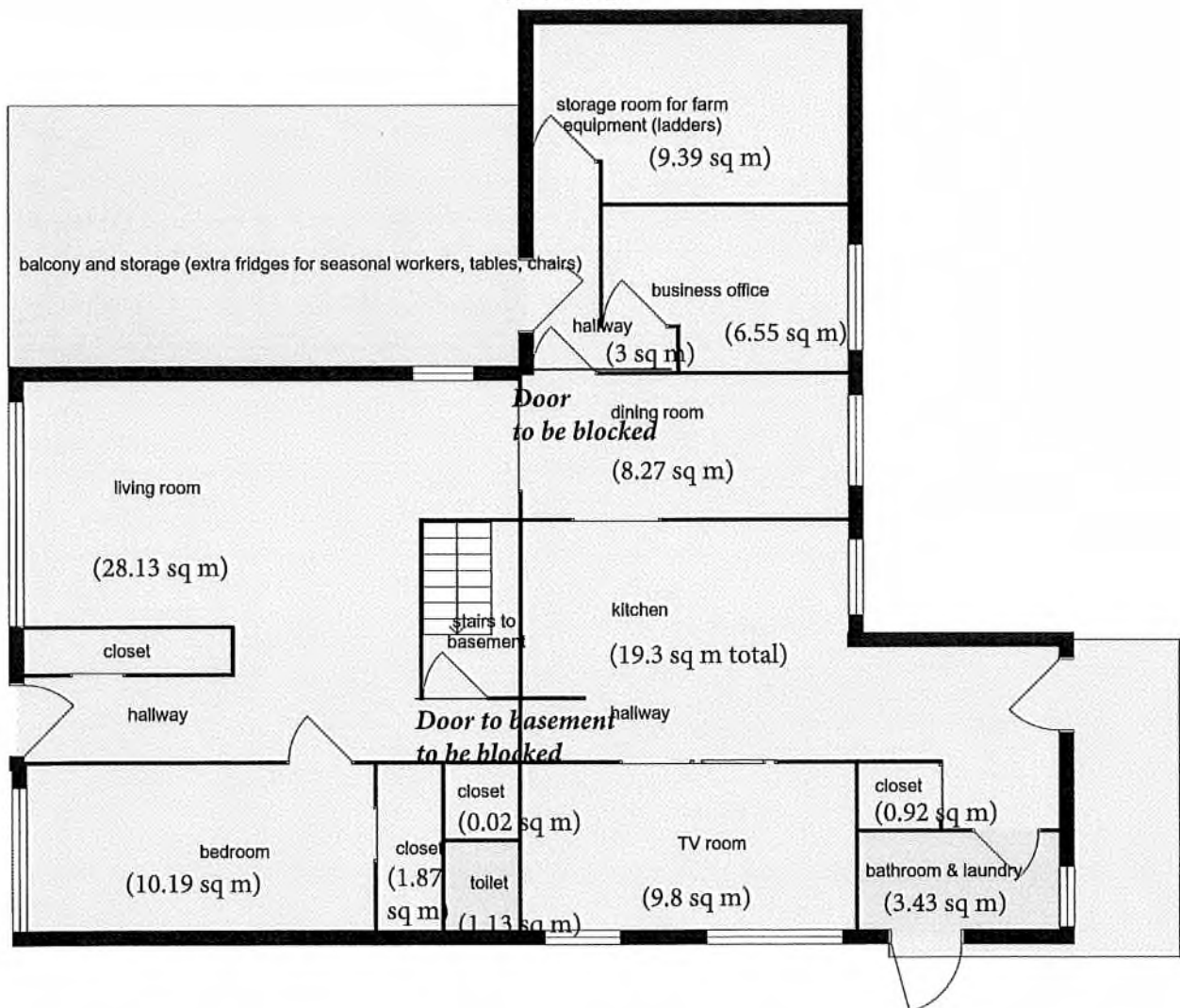
Poolley Rd

Laseman Road



Second residence/farm storage

1. Floor



Total sq meters for entire dwelling =
102 sq meters

**Total sq meters for living area =
83.06**

Total sq meters for farm use = 18.94