

REPORT TO COUNCIL



Date: January 19, 2016
RIM No. 0940-50
To: City Manager
From: Community Planning Department (LK)
Application: DP15-0225
DVP15-0226
Owner: Christine Naomi Bothe
Address: 2055 Heimlich Road
Applicant: Christine Naomi Bothe
Subject: Development Permit and Development Variance Permit
Existing OCP Designation: REP - Resource Protection
Existing Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0225 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule 'A',
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0226 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich Road, Kelowna, BC;

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

Section 12.3.6(b): RR3 Rural Residential 3 Development Regulations

To vary the height for an accessory building from 4.5m maximum to 5.61m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment 'A' attached to the Report from the Community Planning Department dated January 19, 2016;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

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

2.0 Purpose

To consider the form and character, and a variance, for the proposed accessory building on the subject property.

3.0 Community Planning

Community Planning Staff supports the form & character and the height variance to allow for the construction of a new accessory building. The proposed gambrel design of the accessory building fits within the local context of small scale farms and rural residential properties. Other than the height, the proposal will meet all other Zoning Regulations.

The parcel is located outside of the Permanent Growth Boundary and is not within the Agricultural Land Reserve (ALR). The proposed application is subject to the Farm Protection Guidelines within the Official Community Plan (OCP) which supports the location of all buildings and structures within a contiguous area (i.e. homeplate). The application achieves this by replacing multiple aging structures with the new accessory building.

4.0 Proposal

4.1 Background

The owners of the subject property operate a small scale organic farm which sells its produce at the Kelowna Farmers and Crafters Market. Part of the business incorporates art in the form of painted gourds which are crafted into birdhouses, ornaments and other projects. Currently, the farm has various aging accessory buildings along the east side property line. The current proposal will see the removal of three dilapidated structures (approximately 60 m²) and the construction of the new accessory building (116 m² footprint) within a similar location along the east property line.

4.2 Project Description

The proposed accessory building will contain a single vehicle garage, a workshop and packing area on the main level. The second storey will be dedicated to the arts and crafts portion of the business, which currently occurs in various outbuildings and the main dwelling. This will ensure the farming operations are more centralized in one building which meets the OCP objective for homeplating and maintains the amount of farmable land on the parcel.

The design of the building has evolved from the original application to reduce the overall height of the accessory building as much as possible. The gambrel style roof will maximize the amount of useable space on the second storey, and dormers with windows have been added on the west side to provide as much natural sunlight as possible into the art space. The east side of the building does not have windows at the second storey level to eliminate overlooking onto the existing adjacent parcels. Privacy is further ensured through the existing landscaping which consists of a hedge with numerous mature trees along the east shared property line.

The proposed accessory building will be located along the east shared property line. This is the rear of the two adjacent parcels which front onto Spiers Road. These two adjacent parcels both have existing accessory buildings at the rear of the parcel. The proposed building will be adjacent to both of these existing structures. In the Zoning Bylaw regulations, an accessory buildings has a maximum allowable height of 4.5m. The variance would allow the height to be increased to 5.61m. The height variance will not negatively impact the adjacent parcels as the accessory buildings of all three parcels back onto one another at the shared property lines with the dwellings well separated from these structures.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbor consultation by contacting each in person and providing proposal application packages. Letters of support were provided by all adjacent neighbours at the time of application.

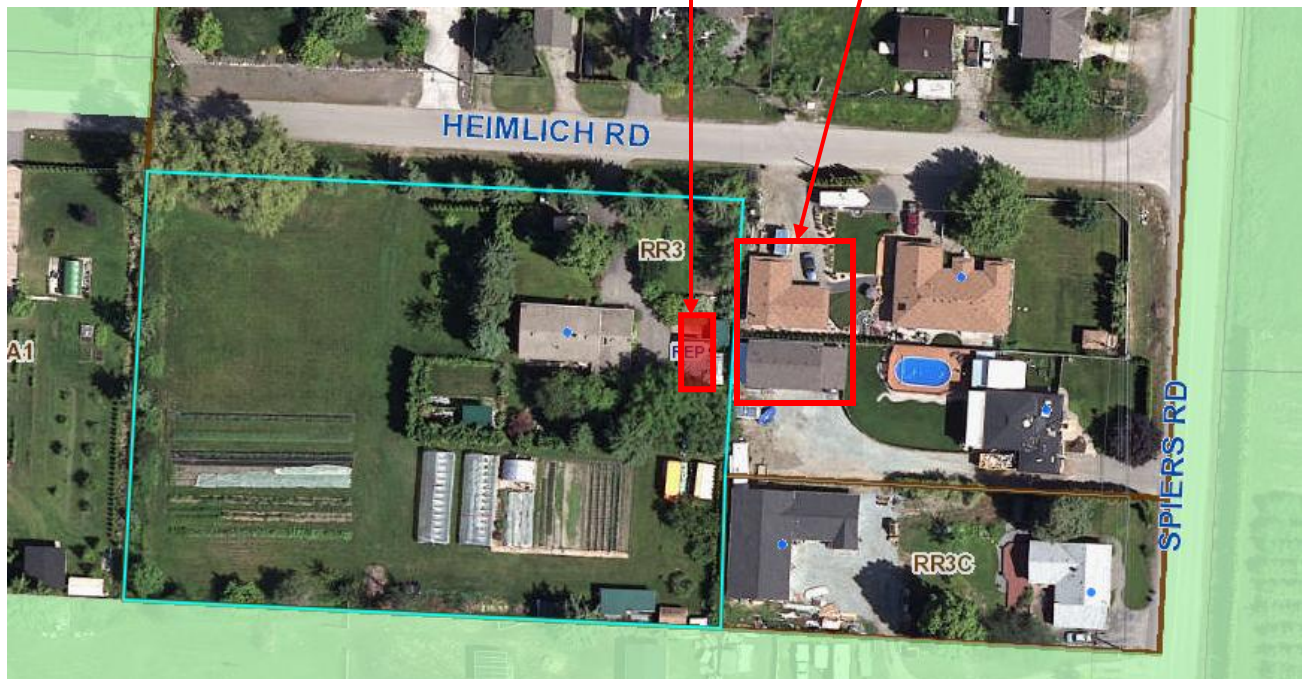
4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Dwelling
East	RR3 - Rural Residential 3	Single Family Dwelling
South	A1 -Agriculture 1	Single Family Dwelling
West	A1 -Agriculture 1	Single Family Dwelling

Subject Property Map: 2055 Heimlich Road
Green hatching indicates the extent of the ALR Boundary.

Approximate proposed accessory building location.
Existing accessory buildings on adjacent parcels.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	1600 m ²	8033 m ²
Minimum Lot Width	18 m	105.7 m
Minimum Lot Depth	40 m	76.17 m
Development Regulations		
Maximum Site Coverage	30%	3.36%
Maximum Site Coverage of Accessory Buildings	14%	1.60%
Maximum Height	4.5 m	5.61 m ●

Minimum Front Yard	18 m	23.77 m
Minimum Side Yard (east)	1.2 m	1.50 m
Minimum Separation to Dwelling	1.0m	8.83 m
● To vary the maximum height of the proposed accessory building.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Farm Land Protection.¹ On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only.

On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary. Preserve all healthy existing mature trees located within the buffer area.

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment A

7.0 Application Chronology

Date of Application Received:	September 21, 2015
Date Public Consultation Completed:	June 2, 2015
Date of Plans Received	September 21, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Map

Attachment A - Development Engineering Memorandum dated October 20, 2015

Schedule A - Site Plan

Schedule B - Conceptual Elevations

Draft Development Permit & Development Variance Permit DP15-0225 & DVP15-0226

¹ City of Kelowna Official Community Plan, Policy 15.1.2 & 15.1.3.1 (Farm Protection DP Guidelines Chapter).