

# REPORT TO COUNCIL



**Date:** May 30, 2017

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (EW)

**Application:** DVP17-0022

**Owners:** Justin Andrew Schneider &  
Sandyl Lee Ackert

**Address:** 1610 McKenzie Rd

**Applicant:** Justin Schneider

**Subject:** Development Variance Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0022 for Lot A Section 36 Township 26 ODYD Plan KAP80055, located at 1610 McKenzie Rd, Kelowna, BC.

## 2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum permitted projection into a front yard from 0.6 m to 2.18 m.

## 3.0 Community Planning

Community Planning Staff do not support the variance application. The approved front yard setback from the recently approved Farm Protection Development Permit and Building Permit drawings is 12.19 m and the approved front yard projection is 9.35 m. Under construction, the foundation shifted approximately 6.0 m from the approved plans, which is a significant change. The current front yard setback from the foundation to property line is 6.05 m and the proposed front yard projection is 3.78 m.

There is no hardship associated with the variance or benefit to agriculture. The applicant has the option of redesigning the front canopy of the house to comply with the City's projection regulations. The residential dwelling is new construction on a large home-site severance lot, where there was adequate room to accommodate a new residential dwelling without siting variances. By following the front yard maximum projection regulations on this property, it would help maintain the setback established by other similar houses along McKenzie Road. Complying would also respect the agricultural setting and ensure a sufficient setback from the rural road with gravel shoulder.

Should Council choose to support the variance, an alternative recommendation has been prepared which proposes additional agricultural landscape buffering from the approved Farm Protection Development Permit. Community Planning Staff recognize the area along McKenzie Road as an agricultural edge with noted conflicts between urban and agricultural uses; in particular spray complaints with nearby cherry orchards. The additional buffering recognizes the interface with the abutting agricultural properties and would provide additional spray and noise protection.

In fulfillment of Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form outlining that the neighbours with 300 m of the subject property were notified.

#### **4.0 Proposal**

##### **4.1 Background**

A Farm Protection Development Permit DP16-0271 for the construction a new single family dwelling was issued by the Community Planning Department on November 30, 2016. Plans submitted with the application that formed Schedules of the Development Permit indicated a front yard setback of 12.19 m to the building foundation and 9.35 m to the covered entrance projection in the front yard.



*Figure 1. Rendering of front elevation from DP16-0271 application. The covered entrance is indicated by the yellow box.*

The same plans were submitted with Building Permit BP54222. The difference between the front yard projection approved by the City and the requested variance is shown in Figure 2 below.

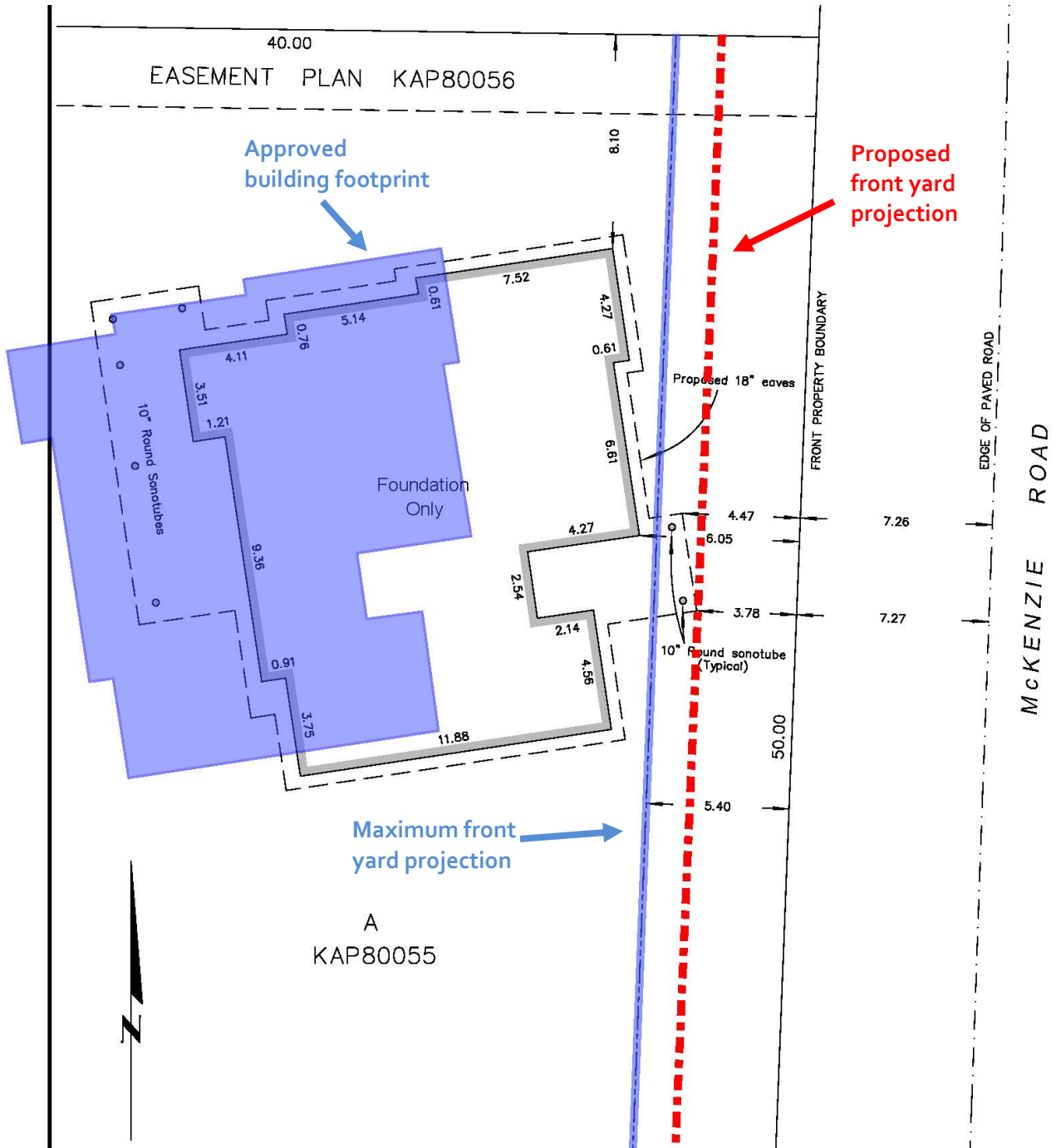


Figure 2. Site plan with the approved building footprint indicated by the blue shape. The maximum permitted projection into the front yard as required by the Zoning Bylaw is shown with the blue line and the variance request to the front yard projection is shown with the red dashed line.

During inspections it was noted that the building had shifted from the approved plans and was no longer in accordance with Zoning Bylaw No. 8000 and the front covered entrance exceeded the maximum permitted projection of 0.6 m. Prior to pouring the foundation, the applicant had asked the surveyors on site to shift the building as close to the road as possible. The house location was resurveyed and while the foundation complies with the Zoning Bylaw setbacks, the surveyors did not take into account the covered entrance on the house plans. After exploring alternative options including redesign, the applicant has chosen to apply for a variance. The requested variance is from 0.6 m to 2.18 m.

#### 4.2 Project Description

The applicant is requesting the approval of a variance for the maximum permitted projection into a front yard from 0.6 m to 2.18 m to accommodate the proposed covered entrance.

#### 4.3 Site Context

The subject property is 1,999 m<sup>2</sup> and is located in the Rutland City Sector, outside the Permanent Growth Boundary. The neighbourhood is primarily characterized by agricultural properties zoned A1, in the ALR. There is a residential subdivision across McKenzie Rd from the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Residential
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

**Subject Property Map: 1610 McKenzie Rd**



#### 4.4 Zoning Analysis Table

While the property is zoned A1 – Agriculture 1 under Section 1.8.3 of Zoning Bylaw 8000, where a lot is created with ALC approval for severance of a home-site or a lot used in lieu, then the regulation of the RR2 zone will apply.

Zoning Analysis Table		
CRITERIA	RR2 ZONE REQUIREMENT (home-site severance)	PROPOSAL
Development Regulations		
Front Yard	6.0 m	6.05 m
Side Yard (north)	3.0 m	8.10 m
Side Yard (south)	3.0 m	21.77 m
Rear Yard	9.0 m	16.31 m
Maximum Projection into Front Yard	0.6 m	2.18 m ⓘ
Maximum Site Coverage	20%	13%
ⓘ Indicates a variance is required to increase the maximum projection into the front yard from 0.6 m to 2.18 m.		

#### 5.0 Application Chronology

Date of Application Received: January 23, 2017  
 Date Public Consultation Completed: February 11, 2017

#### 6.0 Alternate Recommendation

THAT Development Variance Permit No. DVP17-0022 for Lot A Section 36 Township 26 ODYD Plan KAP80055, located at 1610 McKenzie Rd, Kelowna, BC, to vary the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

##### Section 6.4.2.: Projections Into Yards

To vary the maximum projection into a required front yard from 0.6 m permitted to 2.18 m proposed.

AND THAT Development Variance Permit DVP17-0022 be granted subject to the following:

- Landscaping to be provided on the land in accordance with Schedule "B";
- The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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

**Report prepared by:** Emily Williamson, Planner I  
**Reviewed by:** Todd Cashin, Suburban and Rural Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Manager

**Attachments:**

Draft DVP17-0022

Schedule "A" – Sketch Plan of Proposed Variance

Schedule "B" – Landscape Plan