



**CITY OF WEST KELOWNA  
DEVELOPMENT VARIANCE PERMIT  
DVP 24-06**

**To:** Pasquale Roberto Fiume  
3252 Glencoe Road  
West Kelowna, BC  
V1Z 2M6

1. This **Development Variance Permit** is issued subject to compliance with all the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below, and any and all buildings, structures, and other developments thereon:

LOT 1 DISTRICT LOT 2188 & 5336 OSOYOOS DIV OF YALE DISTRICT PLAN  
EPP22832  
(3252 Glencoe Road)

3. This Permit allows for the variance of S.3.24.1 of the Zoning Bylaw to allow agri-tourism accommodation units outside of a principal single detached dwelling and is subject to the following conditions and related Schedules:
  - A. The proposed operations are to be in accordance with Schedule 'A';
    - i. Business license is to be applied for with the City of West Kelowna for proposed Agri-tourism use.
    - ii. All Agricultural Land Commission regulations must be met for Agri-tourism accommodation. This permit does not circumvent any regulation or interpretation of the Agricultural Land Commission.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any change be required to this permit, please ensure that you obtain written approval from the City of West Kelowna prior to making any changes.
5. If this Development Variance Permit has not been issued within one year from approval, Permit (DVP 24-06) shall be deemed to have been refused and the file will be closed.
6. **This Permit is not a Building Permit.**
7. **This Permit is not a Municipal Highway Permit.**
8. **This is not an Archaeology Permit.**

A: All archaeological sites in B.C. are protected under the Heritage Conservation Act. This applies to whether sites are located on public or private land and whether the site is known or unknown. If you think you have uncovered an archaeological site during a building project or renovation, please do not disturb the site further and call B.C.'s Archaeology Branch immediately at (250) 953-3334. Branch archaeologists will review your project plans and make recommendations to manage site impacts and secure the required permitting.

AUTHORIZING RESOLUTION NO XXXX/XX PASSED BY THE MUNICIPAL COUNCIL ON SEPTEMBER 24th, 2024.

Signed on \_\_\_\_\_

\_\_\_\_\_  
Corporate Officer

I hereby confirm that I have read and concur with the conditions of the Development Variance Permit and will ensure that copies of the Permit will be provided to onsite personnel at time of construction.

Signed on \_\_\_\_\_

\_\_\_\_\_  
Property Owner or Agent

ISSUED on \_\_\_\_\_

Schedules:

Schedule A: Proposal Summary prepared by Shannon Tartaglia on June 20th, 2024.

# **Schedule A**

## PROPOSAL SUMMARY

### TABLE OF CONTENTS

BACKGROUND .....	2
PROPOSED VARIANCE REQUEST.....	3
Supporting Rationale.....	3
PROPERTY SUMMARY .....	3
Subject Property.....	3
Existing Uses on Property.....	3
Adjacent Zoning and Land Use.....	4
LEGISLATION REVIEW: .....	5
Proposed Uses.....	5
Applicable Regulations .....	5
CWK Zoning Bylaw.....	5
CWK Business Bylaw.....	5
ALC Regulations and Policy.....	5
Legislation Conformance Confirmation.....	6
City of West Kelowna -Zoning Bylaw .....	6
ALC Regulations.....	7
ALC Act S.20.....	8
Residential use of agricultural land .....	8
Pre-existing residential structures .....	8
Proof of Pre-Existing Residential Structure: .....	11



**BACKGROUND**

The property is located on the border of the Smith Creek and Westbank neighbourhoods on the corner of Glencoe Road and Elliott Road. The 2.1 ha property is occupied by Ciao Bella Winery, a vineyard, a single family home and secondary cabin. The family owned winery includes a wine production building, built in 2019, and a tasting room that is operated out of the back of the single family home. The property is zoned A1 Agricultural, located in the ALR, and has farm status from BC Assessment. The property fronts both Glencoe and Elliott Roads and is surrounded by farm and rural residential properties.

The owners have recently expanded their vineyard with Dolcetto grapes and hope to expand their existing tasting room someday in the future when finances allow. The owner is proposing to use the existing two-bedroom cabin on the property for agri-tourism accommodation. The attached garage is used for farm equipment associated with the winery and is not accessible from the cabin.

**The Fiume Family History**

Our families tradition of growing grapes and winemaking started in Napoli in Southern Italy and this year marks the 63rd anniversary of Nonno (Grandpa) Luigi and Nonna (Grandma) Melina's arrival in Canada. The first 30 years were spent in Yellowknife in Canada's arctic and in 1986 the family moved to West Kelowna. You can now find three generations of the Fiume family living and working on the family farm with Nonna Melina often visiting the grandchildren, Antonio and Olivia while daughter in-law Sharon runs the wineshop. Ever enthusiastic about grapegrowing and this amazing vineyard site,

Roberto often takes visitors into the vineyard explaining the long history of not only this site but of grapegrowing itself. While planting the present day plants, Roberto recalls the day when a long time Westbank resident and viticulturist remarked, "do you know your planting grapes on one of if not the oldest vineyard sites in Westbank!" For over 22 years Roberto has been producing the highest quality grapes, first supplying other award winning wineries, and now using his own grapes working with his son Antonio Fiume to make exceptional and unique Italian style wines. Bringing a little bit of Italy to the Okanagan! What a joy it is to have three generations of the Fiume famiglia, all excited to welcome you into their winery and into their famiglia!



Ciao Bella is a multi-generational family run winery that celebrates their Italian heritage, strong family bond and love of wine. In addition to wine tastings and winery tours, the existing agritourism experience at Ciao Bella includes spuntini (Italian style charcuterie), espresso, and other local food experiences at the picnic area in the backyard of the family home/winery.

As the principal single detached home on the property has the winery operating out of it, the owners are requesting that Council allow the agritourism accommodation to be operated out of the secondary cabin on the property. No additional structures or expansion are proposed for the agritourism accommodation use, and the cabin has access directly from Glencoe Road and sufficient parking for the proposed use.

The proposed 2 bedroom agritourism accommodation meets all ALC Regulations and the Zoning Bylaw regulations, apart from the City's requirement to have the use located within the principal single detached dwelling. The proposed agritourism accommodation would strengthen the unique agritourism and culinary tourism experience that the winery has created with no impact to the existing vineyard or other farmland. Having agritourism accommodation on the property will provide opportunities for the owners to diversify their farm's revenue base and strengthen the farm's economic sustainability.



## **Technical Details**

### **PROPOSED VARIANCE REQUEST**

- The owners are requesting a variance to Zoning Bylaw No.265 (s.3.24.1) to allow agri-tourism accommodation outside of the principal single detached dwelling.

### **SUPPORTING RATIONALE**

As the principal single detached home on the property has the winery operating out of it, the owners are requesting that Council allow the agritourism accommodation to be operated in the existing cabin on the property. No additional structures or expansion are proposed for the agritourism accommodation use, and the cabin has access directly from Glencoe Road and sufficient parking for the proposed use. The proposed 2 bedroom agritourism accommodation meets all ALC Regulations and the Zoning Bylaw regulations, apart from the City's requirement to have the use located within the principal single detached dwelling. The proposed agritourism accommodation would strengthen the unique agritourism and culinary tourism experience that the winery has created with no impact to the existing vineyard or other farmland. Having agritourism accommodation on the property will provide opportunities for the owners to diversify their farm's revenue base and strengthen the farm's economic sustainability.

### **PROPERTY SUMMARY**

#### **SUBJECT PROPERTY**

Ciao Bella Winery/Vineyard includes two family-owned farm properties that front Glencoe Road and Smith Creek Road, but this variance application applies to the western property:

- Civic: 3252 Glencoe Road
- PID: 007-037-066
- Folio: 36413322.00
- Legal: Lot A, KAP4494, DL 804, ODYD
- Lot Size: 2.1 ha (5.36 acres)
- Zoning: A1 Agricultural
- OCP: Agricultural
- DP Areas: No
- In ALR: YES
- No covenants, easements or rights-of-way on title.



#### **EXISTING USES ON PROPERTY**

- Vineyard
- Winery Production Building (Ciao Bella Winery)
- Single Family Home with winery tasting room and picnic area operated out of basement and backyard.
- Secondary dwelling (cabin)
- CSA Certified Mobile Home (CSA Z240), with wheels and hitch.
  - Approved for temporary agricultural workers under the Seasonal Agricultural Worker Program.
  - Currently unoccupied due to reduced worker needs.

## Ciao Bella Winery and Vineyard – Agritourism Accommodation Application Proposal Summary



### **ADJACENT ZONING AND LAND USE**

- North: Smith Creek Road – rural farm properties across the road.
- East: Glencoe Road, farm property with single family home, owned by the applicant’s family, vineyard is part of the winery.
- West: farm property.
- South: rural residential property with single family home.

## **LEGISLATION REVIEW:**

### **PROPOSED USES**

- Adding agritourism accommodation to the existing cabin on the farm property. No structural changes required, only new carpet, paint etc.

### **APPLICABLE REGULATIONS**

#### **CWK Zoning Bylaw**

- A1 Zoning Regulations (Part 8, s.8.1) – agri-tourism accommodation is permitted secondary use (s.3.24)
- Zoning Bylaw No.0265, s. 3.24 Agri-tourism Accommodation
  - Agri-tourism accommodation outside of the principal single detached dwelling (s.3.24.1) – variance needed.
  - All other regulations can be met.

#### **CWK Business Bylaw**

- Will need a business license, need to confirm with City what license to apply for, as City front counter staff weren't sure

#### **ALC Regulations and Policy**

- [ALCA Act Section 20.1](#)
- [Policy L-04 – Agritourism Activities in the ALR](#)
- [Information Bulletin 05 – Residence in the ALR](#)
  - Section 6.C
  - Exceeds new secondary dwelling regulations of ALC but is grandfathered.
- [Information Bullet 06 – Accommodation for Tourists in the ALR](#)
  - Section 4.A.
- Proposed use meets all ALC regulation and policy recommendations.



**LEGISLATION CONFORMANCE CONFIRMATION**

**CITY OF WEST KELOWNA -ZONING BYLAW**

**PART 8 – AGRICULTURAL ZONES**

**8.1 AGRICULTURAL ZONE (A1)**

**.1 Purpose**

To accommodate agricultural operations and related activities located on parcels that are typically within the Agricultural Land Reserve.

**.2 Principal Uses, Buildings and Structures**

- (a) Agriculture, general
- (b) Agriculture, intensive
- (c) Alcohol production facility
- (d) Cannabis production facility in ALR only
- (e) Kennels, service on parcels 4 ha or greater
- (f) Greenhouse or plant nursery
- (g) Mobile home
- (h) Modular home
- (i) Riding stable
- (j) Single detached dwelling

**.3 Secondary Uses, Buildings and Structures**

- (a) Accessory uses, buildings and structures
- (b) Agricultural worker dwelling
- (c) Agricultural worker dwelling, temporary
- (d) Agri-tourism
- (e) Agri-tourism accommodation
- (f) Care facility, minor
- (g) Carriage house (may be subject to ALC regulations)
- (h) Home based business, major
- (i) Kennels, hobby
- (j) Portable saw mill or shake mill
- (k) Retail sales of farm products or processed farm products
- (l) Secondary suite
- (m) Short-term rental/short-term rental (bed and breakfast)

**3.24 AGRI-TOURISM ACCOMMODATION**

Proposed Variance

- .1 Agri-tourism accommodation shall only be conducted within a principal single detached dwelling.
- .2 All or part of the parcel on which the agri-tourism accommodation is located shall be classified as a farm under the *Assessment Act*. ✓
- .3 Agri-tourism accommodation shall only be rented for rental periods of less than 1 month. ✓
- .4 The maximum number of agri-tourism accommodation guest rooms is specified in Table 3.13.

**Table 3.13 Maximum number of guest rooms.**

Parcel Size	Maximum Number of Guest rooms
Parcels less than 2.0 ha (4.9 ac)	0
Parcels equal to or greater than 2.0 ha (4.9 ac) and less than 7.6 ha (18.8 ac)	4 ✓
Parcels greater than 7.6 ha (18.8 ac)	10

- .5 When a short-term rental and short-term rental (bed and breakfast) is located on the same parcel as an agri-tourism accommodation, the total number of guest rooms permitted on the parcel is the number specified in Table 3.13. ✓
- .6 Agri-tourist accommodation uses shall be setback a minimum of 30 m (98.4 ft) from adjacent Residential Zones. ✓
- .7 For parcels equal to or greater than 2.0 ha and less than 7.6 ha the total gross floor area of guest rooms in an agri-tourism accommodation facility shall not exceed 120 m<sup>2</sup> (1292 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of guest rooms. ✓
- .8 For parcels greater than 7.6 ha, the total gross floor area of guest rooms in an agri-tourism accommodation facility shall not exceed 300 m<sup>2</sup> (3230 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of the guest rooms. N/A

## ALC REGULATIONS

### A. Agri-Tourism Accommodation

The use of land in the ALR for providing accommodation in relation to an agri-tourism activity is permitted under section 33 of the ALR Use Regulation, without needing to bring an application to the Commission for that use, if **all** of the following apply:

- (1) the accommodation is in relation to an **"agri-tourism activity"**. Agri-tourism uses must be secondary to, incidental to and compatible with the agricultural production activities. Expressly under section 12 of the ALR Use Regulation, **"agri-tourism activity"** is an activity: ✓
  - (a) conducted on land in the ALR that is classified as a farm under the *Assessment Act*; ✓
  - (b) to which members of the public are ordinarily invited, whether or not a fee or other charge is payable; ✓
  - (c) in connection with which no permanent facilities are constructed or erected. See ALC Policy L-04 for further discussion; AND ✓ Pre-existing residential structure (s.20.2). 1997 Building Permit.
  - (d) that falls into one of the following categories:
    - (a) an agricultural heritage exhibit displayed on the agricultural land;
    - (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these; ✓
    - (c) cart, sleigh and tractor rides on the agricultural land;
    - (d) subject to section 9 [*horse facilities*], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
    - (e) dog trials held on the agricultural land;
    - (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
    - (g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place;

## Ciao Bella Winery and Vineyard – Agritourism Accommodation Application Proposal Summary

- (2) the accommodation is located on land in the ALR that is classified as a farm under the *Assessment Act*: ALR Use Regulation, s. 33(2)(a); ✓
- (3) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel: ALR Use Regulation, s. 33(2)(b); ✓
- (4) the accommodation is limited to 10 sleeping units in total, including any bedrooms used for tourist accommodation under section 34 of the ALR Use Regulation: ALR Use Regulation, s. 33(2)(c). "**Sleeping unit**" means "(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area": ALR Use Regulation, s. 33(1); AND ✓
- (5) accommodation is provided on a seasonal or short-term basis only: ALR Use Regulation, s. 33(2)(d). "**Seasonal**" is a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year. "**Short-term**" is the use by a tourist of accommodation for agri-tourism for a period of not more than 30 consecutive days. ✓

Note that:

- "**Tourist**" is a person who travels for pleasure from place to place away from their permanent residence. ✓

An owner of ALR land who wishes to construct or alter agri-tourism accommodation on ALR land must also comply with the requirements set out in section 20.1(1)(a) or (b) of the ALCA except as provided under section 32 of the ALR Use Regulation. ✓

### **ALC Act S.20**

#### **Residential use of agricultural land**

**20.1** (1)Unless permitted under **section 20.2**, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land

must comply with all of the following:

- (a) the agricultural land may have no more than one residence per parcel;
- (b) the total floor area of a principal residence must be 500 m<sup>2</sup> or less;

#### **Pre-existing residential structures**

**20.2** (1)In this section:

"as designed" means as stated or shown in

- (a) a design, proposal or other plan approved under or accepted in support of an authorization, or ✓

## Ciao Bella Winery and Vineyard – Agritourism Accommodation Application Proposal Summary

(b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence;

"authorization" means a permit or other authorization, issued under an enactment, to construct or alter a residence;

"**pre-existing residential structure**" means a residential structure that exists on agricultural land on the date this section comes into force, and

**(a) is an additional residence for which all required authorizations to construct or alter the residence were granted, ✓**

(b) is a principal residence having a total floor area of more than 500 m<sup>2</sup>, or

(c) is of a size or is sited in contravention of a regulation;

"unfinished pre-existing residence" means a residence to which all of the conditions in paragraphs (a) and (b), and either paragraph (c) or paragraph (d), apply:

(a) the residence, if completed as designed, will be an additional residence or have a total floor area of more than 500 m<sup>2</sup>;

(b) from the date construction or alteration of the residence began until completion, the construction or alteration

(i) is carried out in accordance with all applicable authorizations and enactments, and

(ii) continues without interruption, other than work stoppages considered reasonable in the building industry;

(c) in the case of a residence that, on completion, will be an additional residence,

(i) all required authorizations to construct or alter the residence were granted, and

(ii) construction of the foundation of the residence, or alteration of the residence, had substantially begun

before the date this section comes into force;

(d) in the case of a residence that, on completion, will be a primary residence, either

(i) all required authorizations to construct or alter the residence were granted before the date this section comes into force and construction of the foundation of the residence, or alteration of the residence, substantially begins on or before November 5, 2019, or

(ii) if no authorizations to construct or alter the residence are required, construction of the foundation of the residence, or alteration of the residence, had substantially begun before the date this section comes into force.



## **Ciao Bella Winery and Vineyard – Agritourism Accommodation Application Proposal Summary**

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(2 )Despite section 20.1 (1), an owner of agricultural land may, on or after the date this section comes into force, do one or more of the following:

(a) complete construction or alteration of an unfinished pre-existing residence that

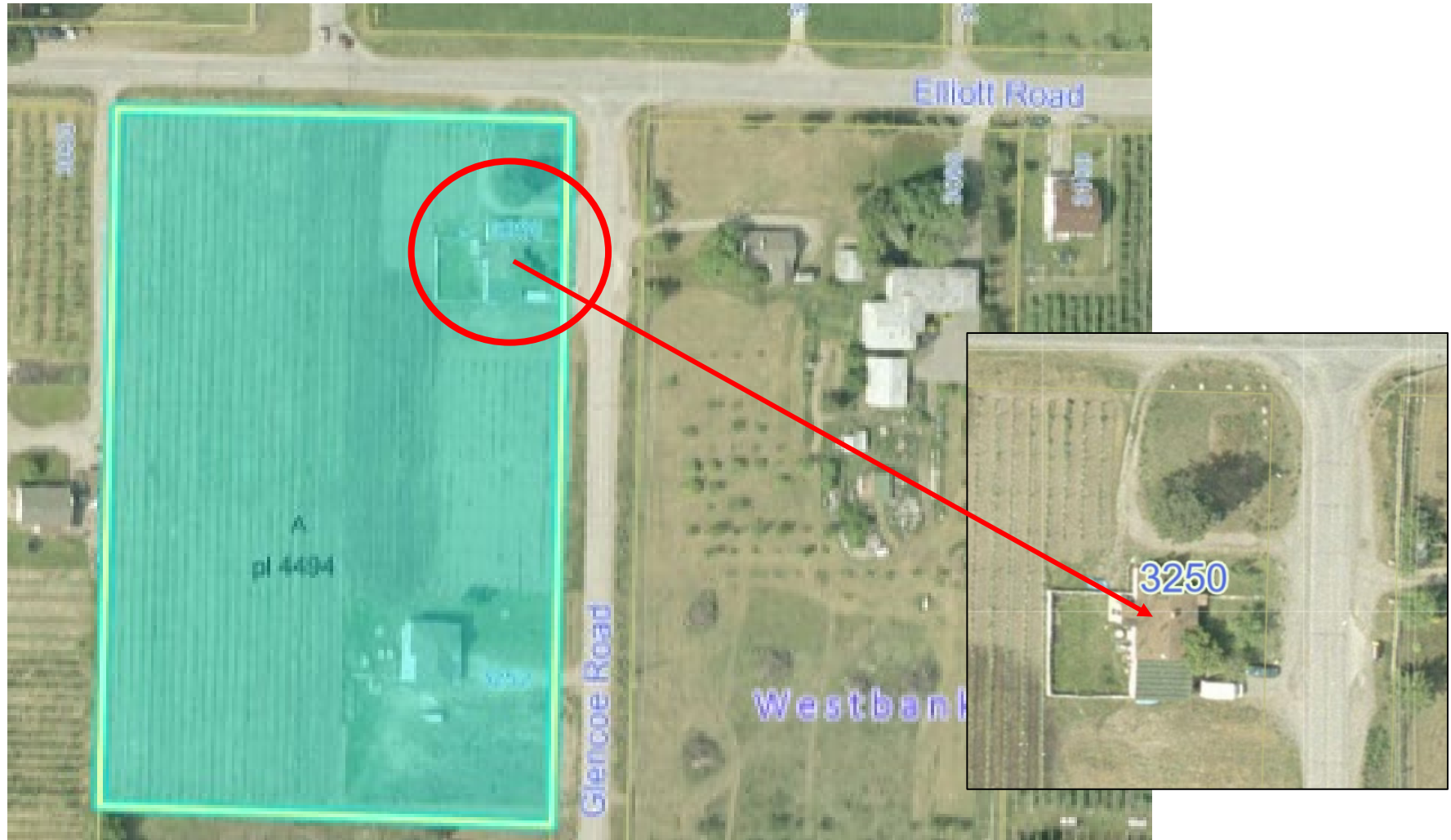
(i) is a principal residence, but only if, on completion, the total floor area is as designed or less, or

(ii) is an additional residence, and

(b) alter a pre-existing residential structure, but only if, on completion, the alteration will lead to no further contravention of the Act or regulations.

### Proof of Pre-Existing Residential Structure:

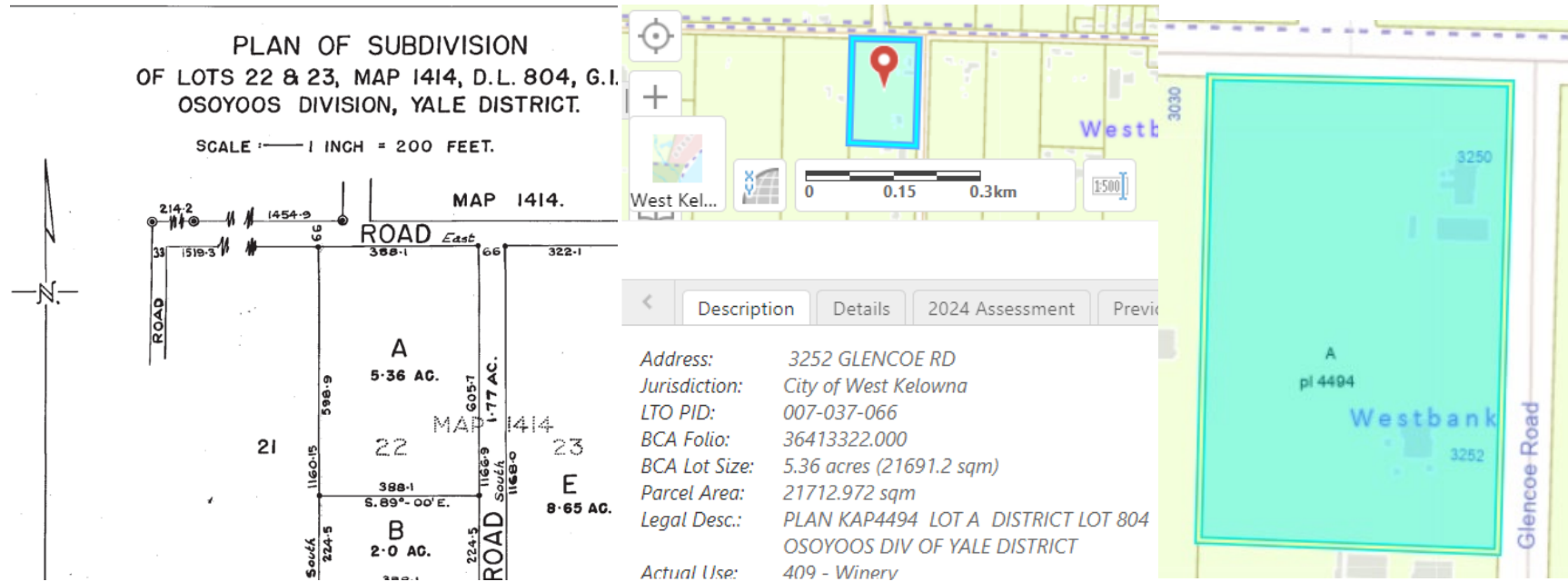
- 2003 CWK Orthophoto showing existing cabin; 1997 building permit for renovations confirmed by CWK staff.



# DVP 24-06 3252 Glencoe Road – Ciao Bella Winery Proposed Agri-tourism Accommodation – Site Coverage Confirmation

## SUBJECT PROPERTY:

- Lot A, DL 804, Plan KAP4494, ODYD



## Proposed Agritourism Accommodation:

- The vacant second dwelling is addressed as 3250 Glencoe Road.
- The agritourism accommodation client will have access to the driveway, house and back deck.
- The garage is used for farm storage and not accessible from the main house.



# DVP 24-06 3252 Glencoe Road – Ciao Bella Winery Proposed Agri-tourism Accommodation – Site Coverage Confirmation

## Calculations

- For the purposes of a site coverage compliance review, the garage was included in the area measurement illustrated above. With the inclusion of the garage, the site coverage is still well within the ALC's maximum site coverage regulation.

Property Size	2.17 ha (5.36 ac)
5% calculation (max site coverage)	1,084.55 sq.m (11,674 sq.ft)
<b>Proposed Site Coverage (incl. inaccessible garage/farm storage)</b>	<b>790 sq.m (8,500 sq.ft)</b>

