
CITY OF KELOWNA
MEMORANDUM

Date: July 17, 2001
File No.: DVP01-10,050

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. 01-10,050

OWNER: MATTHEW CLARK
SIMPSON AND COLLEEN
GWEN SIMPSON

AT: 253 CAMELOT COURT

APPLICANT: MATTHEW SIMPSON

PURPOSE: TO PERMIT A HEIGHT VARIANCE ON TWO PANELS OF
FENCE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,050; Matthew Simpson & Colleen Simpson; Lot 16, Section 6, Township 23, ODYD Plan KAP45273, located on Camelot Court, Kelowna, B.C.;

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

Section 7.5.3 Fence Height: A 0.43 m variance to vary the height of a fence for two panels on the north property line from the maximum height of 2 metres as required to 2.43 m as proposed.

2.0 SUMMARY

The applicant has built a fence along the property line. Two of the fence panels exceed the maximum fence height requirements under Zoning Bylaw 8000. The applicant is requesting a variance for these two panels.

3.0 BACKGROUND

3.1 The Proposal

The property is located on a short cul de sac in Magic Estates. The area is a new subdivision consisting of larger dwellings. The property is currently zoned RU1-Large Lot Housing and the uses on the property are consistent with the zone.

The building is a newer dwelling that was built in 1998. The owner is completing the landscaping with a fence. The lot is set into a hillside so the front of the lot is lower than the rear area. The fence is made up of 1.9 m (six ft) panels; however, for two sections of the fence, the landowner has added filler units which have created a fence height of 2.43 m (7.9 ft). This has occurred due to a change in the terrain where the lot drops off rather suddenly by about the .43 m (1.4 ft) from the rear yard to the front. Rather than digging into the slope and altering the ground, the owners choose to extend the fence height to be equal to the fence panels on the higher portion of ground. The fence panel having the greatest height starts at 2.43 m (7.9 ft) and ends at 2.16 m (7 ft), and then the next panel starts at 2.06 m (6.75 ft) to 1.96 m (6.4 ft). The fence panels on either side of this portion of fence meet the 2.0 metre (6.56 ft) fence height.

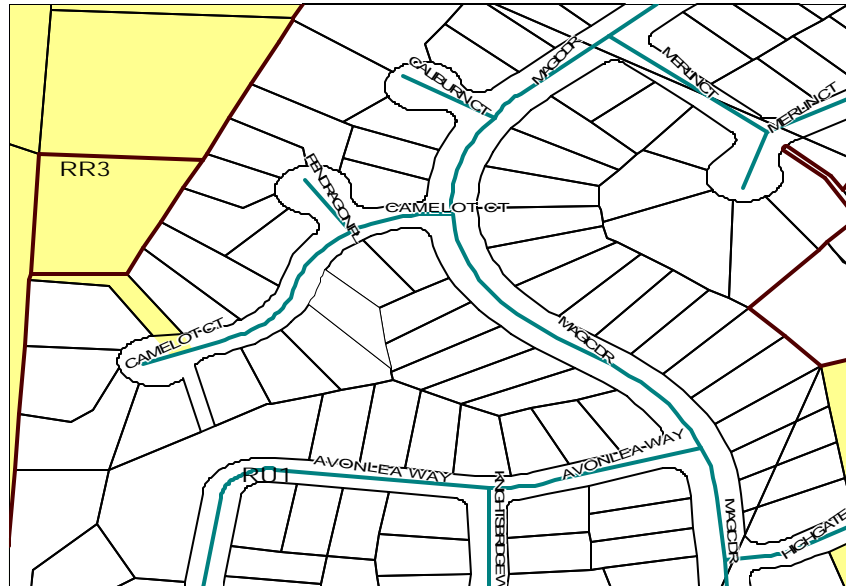
The site consists of a principal dwelling with a deck. The deck is located in the north east portion of the rear yard. The additional fence height provides the owner on the north additional sound attenuation and provides additional screening for the deck.

The property as it compares to the RU1 – Large Lot Housing zone is as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	785 m ²	550 m ²
Fence Height	2.43 m Note 1	2 m
Storey	1 ½ storeys	2 ½ storeys
Setbacks (m)		
- Front	6 m	6 m to garage and 4.5 m to the dwelling
- Rear	9 m	7.5 m
- South Side	2.41 m	2.0m
- North Side	2.19 m	2.0 m
Parking Stalls (#)	2 stalls	2 stalls

Note 1: A variance is required to permit the fence height for two panels along the north property line.

3.2 Site Context



The property is located within the Magic Estate neighbourhood which is predominantly single family dwelling. The adjacent zones and uses are to the:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - RU1 – Large Lot Housing
- West - RU1 – Large Lot Housing

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The single family use of the property is consistent with the Official Community Plan.

4.0 TECHNICAL COMMENTS

The Planning and Development Service Department have reviewed the application and have attended on site along with Building Department staff. Based on the limited nature of the variance for two panels, and that the variance has been created due to the change

in terrain of the lot, the Planning and Development Department has no concerns with the application subject to the input of the neighbours.

In light of the above, the Planning and Development Services Department requests Council's favourable consideration for this application.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Development Services

BW/hb
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | DVP01-10,050 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Matthew Simpson & Colleen Simpson
253 Camelot Court
Kelowna, BC
V1V 1N2 |
| 4. APPLICANT/CONTACT PERSON:
· TELEPHONE/FAX NO.: | As above
763-3796 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | June 27,2001

N/A
N/A
July 17, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 16 Sec 6 Twp 23 ODYD Plan
KAP53041 |
| 7. SITE LOCATION: | High Road to Rio Drive to north on
Magic Drive to West on Camelot
Court |
| 8. CIVIC ADDRESS: | 253 Camelot Court |
| 9. AREA OF SUBJECT PROPERTY: | |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Not Applicable |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PURPOSE OF THE APPLICATION: | To permit the existing fence height of
2.45 m or 7.9 feet |
| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | A 0.43 m variance to vary the height
of a fence for two panels on the north
property line from the maximum
height of 2 metres as required to 2.43
m as proposed. |
| 14. VARIANCE UNDER DEVELOPMENT
PERMIT: | DVP01-10,050 |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Not Applicable |

ATTACHMENTS

Survey certificate
Diagram of fence