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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** May 21, 2003  
**File No.:** DVP03-0045

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0045      **OWNER:** Gary J. Stroeder

**LOCATION:** 3009 Brindisi Place      **APPLICANT:** Gary J. Stroeder

**PURPOSE:** VARY THE SIDE YARD SETBACK FROM 2.0M REQUIRED TO 1.5M PROPOSED;

**EXISTING ZONE:** RU1 – Large Lot Housing (CD6 – Comprehensive Residential Golf Resort)

**REPORT PREPARED BY:** RYAN SMITH

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1.0 RECOMMENDATION

THAT Council authorise the issuance of Development Variance Permit No. DVP03-0045 for Lot 9, Section 22, Township 23, ODYD, Plan KAP70243, located on Brindisi Place, Kelowna, B.C.;

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

**Section 13: RU1-Large Lot Housing: Subsection 13.1.5 (d):**

Vary the eastern side yard setback from 2m required to 1.5m proposed;.

2.0 SUMMARY

The applicant is seeking to vary the side yard setback from 2m required to 1.5m proposed (existing).

3.0 BACKGROUND

3.1 The Proposal

The applicant is seeking to vary the side yard setback from 2m required to 1.5m proposed. The applicant is pursuing a variance to address an error that was made when the foundation was poured for the single family dwelling to be built on-site.

The portion of the foundation on which the garage will sit projects approximately 0.5m into the required 2m side yard setback for garages and carports in the RU1 – Large Lot Housing zone.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU1 – Large Lot Housing zones as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1671m <sup>2</sup>	550m <sup>2</sup>
Lot Width	35m (approx.)	16.5m
Lot Depth	60m (approx.)	30.0m
Setbacks		
Side Yard (West)	2.7m	2.5m
Side Yard (East)	1.5m❶	2.0m
Rear Yard	31.16m	7.5m
Front Yard	20m (approx.)	4.5m

❶Note: The applicant is seeking to vary the required side yard (east) setback.

#### Site Context

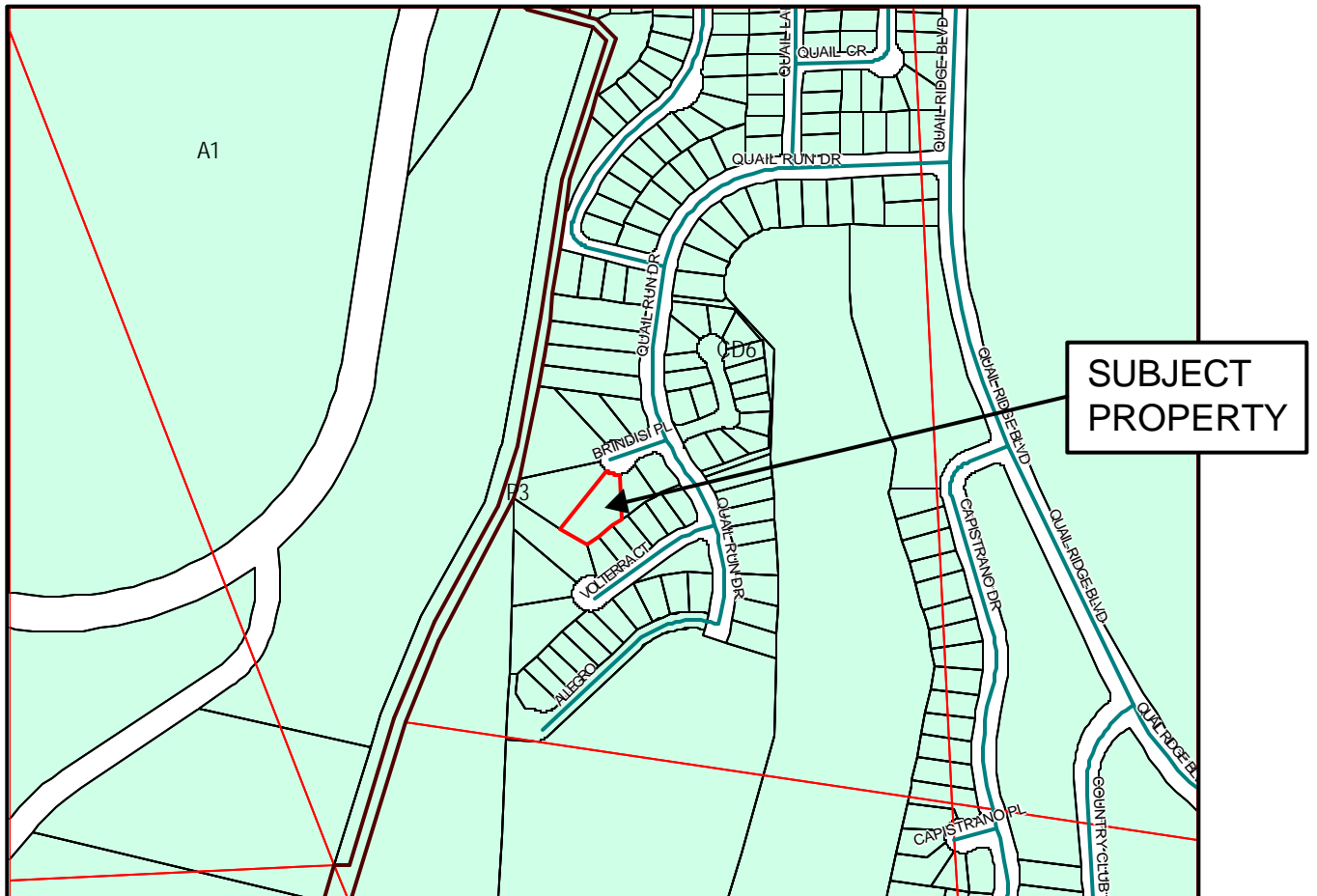
The subject property is located west off of Quail Run Blvd on the south-west side of Quail Run Drive.

Adjacent zoning and existing land uses are to the:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - RU1 – Large Lot Housing
- West - A1 – Agriculture 1

Site Map

Subject Property: 3009 Brindisi Place



4.0 TECHNICAL COMMENTS

4.1 Inspection Services Department

No Comment.

4.2 Works and Utilities Department

a) The proposed Development Variance Permit Application to reduce this after the fact sideyard setback does not compromise Works and Utilities servicing requirements.

b) There is significant difference in elevation between this property and the property to the east. A retaining wall will be required.

## 5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Development Services Department has no concerns with the proposed variance. The variance is relatively minor in nature and only a small portion of the building actually extends into the required setback. The property owners of the lot to the east that is impacted by the proposed variance (3013 Brindisi Place) have indicated by way of written submission that they have no concerns regarding the variance.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

RWS  
Attach.

**FACT SHEET**

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| <b>15. APPLICATION NO.:</b>   | DVP03-0045   |
| <b>15. APPLICATION TYPE:</b>  | Development Variance Permit  |
| <b>3. OWNER:</b>  | Gary J. Stroeder   |
| . ADDRESS   | 774 Springrose Way   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1W 3S9  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                       | Gary J. Stroeder   |
| . ADDRESS   | 774 Springrose Way   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1W 3S9  |
| . TELEPHONE/FAX NO.:  | 860-0737   |
| <b>5. APPLICATION PROGRESS:</b>   |  |
| Date of Application:  | May 02, 2003   |
| Date Application Complete:  | May 02, 2003   |
| Servicing Agreement Forwarded to Applicant:                               | N/A  |
| Servicing Agreement Concluded:  | N/A  |
| Staff Report to APC:  | N/A  |
| Staff Report to Council:  | June 10, 2003  |
| <b>15. LEGAL DESCRIPTION:</b>   | Lot 9, Section 22, Township 23,<br>ODYD, Plan KAP70243             |
| <b>15. SITE LOCATION:</b>   | West off of Quail Run Blvd, South<br>West side of Quail Run Drive. |
| <b>15. CIVIC ADDRESS:</b>   | 3009 Brindisi Place  |
| <b>15. AREA OF SUBJECT PROPERTY:</b>                                      | 1671m <sup>2</sup>   |
| <b>15. EXISTING ZONE CATEGORY:</b>  | CD6 – Comprehensive Residential<br>Golf Resort                     |
| <b>15. TYPE OF DEVELOPMENT PERMIT AREA:</b>                               | N/A  |
| <b>15. PURPOSE OF THE APPLICATION:</b>                                    | Vary side yard from 2.0m required to<br>1.5m proposed.             |
| <b>15. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>                   | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Site Plan Showing Proposed Variance
- Pictures of the Site
- Survey Plan of Site