
CITY OF KELOWNA
MEMORANDUM

Date: July 3, 2003
File No.: DVP03-0056

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0056 **OWNER:** Shonna Fox, & David Rhine

AT: 113 -440 Cascia Dr, Kelowna, BC **APPLICANT:** Shonna Fox, & David Rhine

PURPOSE: TO VARY THE REQUIRED SIDE YARD SETBACK TO ALLOW A CANTILEVER TO PROJECT 1.37 METRES INTO THE REQUIRED SIDE YARD WHERE A PROJECTION OF ONLY 0.60 METRES IS PERMITTED.

EXISTING ZONE: RU1- Large Lot Housing

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0056 for Strata Lot 30, D.L 167, 5284 & 5285, ODYD, District Strata Plan located on Cascia Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The developer be required register a "No Build" Covenant on title of the adjacent common property (Clubhouse) south of the subject property (Lot CP, K2393) or alternatively, that the plans are revised to remove windows from the south elevation of the proposed building, as per the requirements of the Inspection Services Department to meet the BC Building Code requirements.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.4.1 Projections Into Yards

- To allow a cantilevered section of a building to project into a required yard by 1.37 metres where a projection of only 0.60 metres is permitted.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant is in the process of constructing a single detached dwelling in the Southbay Landing strata development. The applicant is seeking a variance to allow a second floor cantilever and its eaves to project 1.37 metres into a required side yard where a projection of 0.60 metres is allowed.

2.0 BACKGROUND

The applicant has applied for a building permit to construct a single detached dwelling within the Southbay Landing development located on Cascia Drive. A second floor cantilever and its eaves project 1.37 metres into a required side yard where a projection of only 0.60 metres is allowed. The cantilever itself projects 0.60 metre into the required side yard setback with the eaves projecting an additional 0.76 metres. A development variance permit to allow this projection on the south elevation of the proposed building is therefore required.

In order to comply with the spatial separation requirements of the Inspection Services Department, a "No Build" covenant must be registered on the title of the adjacent property to the south. This property is common property for the Southbay development containing the clubhouse building. The "No Build" covenant will dictate that no construction shall be permitted on the common property lot within 3.5 metres from the south elevation of the proposed building. Alternatively, should they be unable to register the "No Build" covenant, the applicant will be required to submit revised plans showing the removal of windows on the south elevations as per the requirements of the Inspection Services Department.

3.1 The Proposal

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU1 zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m ²)	719m ²	400.0m ²
Lot Width (m)	18.343m	13.0m
Lot Depth (m)	36.00	30.0m
Site Coverage (%)	38.6% 47.0%	40% (buildings) 50% (with driveway and parking)
Height	9.2m	2.5 storeys or 9.5m
Setbacks		
-Front	4.5m to house / 6.75 (to garage)	4.5m (6.0m driveway)
-Rear	7.5m	7.5m
- Side (north)	2.0m to 1 storey portion (approx 3 to 2 storey portion of building)	2.0m to 1 storey portion & 2.3m to 2 storey
- Side (south)	2.3m	
Projection into sideyard	1.37m (south side)❶	0.60 metres
Parking Spaces (Total)	5	2

Notes:

- ① The applicant is seeking to a development variance permit to allow a cantilever and eaves to project 1.37 metres into a required side yard where a projection of only 0.60 metres is permitted.

3.2 Site Context

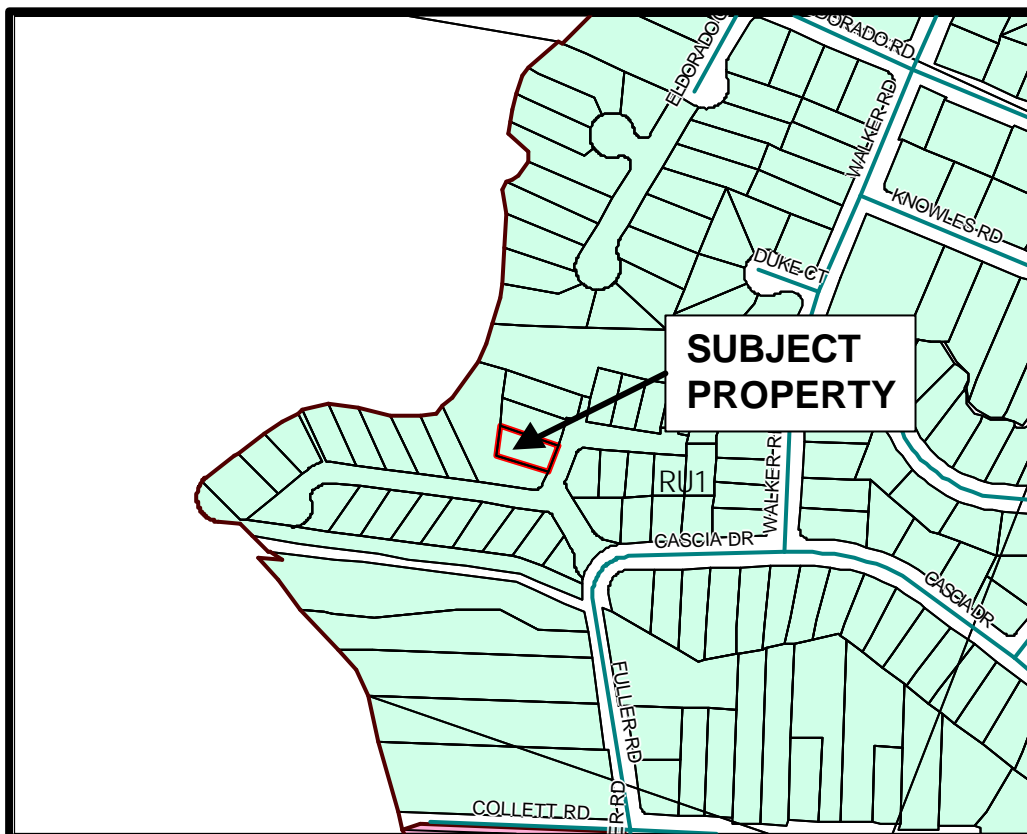
The subject property is located on Cascia Drive where it intersects with Fuller Road.

Adjacent zones and uses are:

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

3.3 Location Map

Subject Property: 113- 440 Cascia Drive



3.4 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses. Secondary suites are permitted on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

3.5.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and the following comments or concerns were expressed:

5.1 Works and Utilities

No concerns.

5.2 Inspections Services

There are spatial separation concerns. The required limiting distance from the south elevation is 3.5 m to the property line. To allow this variance development on the common property must be restricted. A no build easement shall be registered over the common property to accommodate this development and any potential development of this portion of the common lot. The other alternative is to remove window opening from the elevation in question.

5.3 Fire Department

No concerns.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed variance to allow a side yard setback. The elevation of the house on which the variance is being proposed is adjacent to common property. In order to meet the requirements of Inspections Services Department, the developer will be required to register a “no build easement” on the adjacent property prohibiting construction within 3.5 metres of the south elevation of the proposed house. Alternatively, the applicant may submit revised plans showing the removal of windows on the south elevations as per the requirements of the Inspection Services Department.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐

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

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Attach.

FACT SHEET

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| 1. APPLICATION NO.: | DVP03-0056 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Shonna Fox & David Rhine |
| . ADDRESS | 4486 Walker Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1Z6 |
| 4. APPLICANT/CONTACT PERSON: | Shonna Fox & David Rhine |
| . ADDRESS | 4486 Walker Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1Z6 |
| . TELEPHONE/FAX NO.: | 869-0877 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | May 21, 2003 |
| Date Application Complete: | May 21, 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | n/a |
| 6. LEGAL DESCRIPTION: | Strata Lot 30, DL 167, 5284 & 5285, ODYD, Strata Plan KAS2393 |
| 7. SITE LOCATION: | Cascia Drive where is intersects with Fuller Road |
| 8. CIVIC ADDRESS: | 113 – 440 Cascia Drive |
| 9. AREA OF SUBJECT PROPERTY: | 719m ² |
| 10. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 11. PURPOSE OF THE APPLICATION: | Obtain a development variance permit to allow a projection of 1.37metres into the required sideyard setback where only 0.60 metres is permitted. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | n/a |
| 13. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | n/a |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site Plan
- Floor Plans
- Elevations