

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** September 10, 2003  
**File No.:** DP03-0076/DVP03-0077

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DP03-0076/ **OWNER:** Linda Keil  
DVP03-0077

**AT:** 634 Armour Crescent **APPLICANT:** Linda Keil

**PURPOSE:** TO CONSTRUCT 75M<sup>2</sup> ADDITION TO A SINGLE FAMILY DWELLING  
ENCROACHING INTO THE RIPARIAN MANAGEMENT AREA

VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED TO 3.8M  
PROPOSED

VARY THE RIPARIAN MANAGEMENT AREA SETBACK ALONG  
THOMSON CREEK FROM 15M REQUIRED TO 9.9M PROPOSED

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**REPORT PREPARED BY:** RYAN SMITH

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP03-0076 for Lot 4, Sec. 6, Twp. 26, Plan 18510 ODYD, located on Armour Road, 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";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0077; Lot 4, Sec. 6, Twp. 26, Plan 18510 ODYD, located on Armour Road, Kelowna, B.C.;

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

**Section 13.1 – Large Lot Housing: Subsection 13.1.4 (e):**

Vary rear yard setback from 7.5m required to 3.8m proposed;

## Section 6.14 – Stream Protection Leave Strips: Subsection 6.14.1:

Vary the required 15m leave strip to 9.9m proposed;

AND THAT issuance of the Development Permit and Development Variance Permit be held subject to the completion of the required Right of Way registration and the Return to Crown of a portion of the Thomson Creek channel;

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 proposing a 74m<sup>2</sup> addition to the rear of the single-family dwelling located on the subject property. The addition will encroach into the required 15m-leave strip (RMA) and will also encroach into the rear yard setback.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is proposing an addition to the rear of the single-family dwelling located on the subject property. The new construction at the rear of the house will measure 74m<sup>2</sup> and will contain a new master bedroom and family room (2 bathrooms as well). The addition will encroach into the required 15m-leave strip (RMA) and will also encroach into the rear yard setback.

Thomson Creek runs along the northern property line and is contained in a concrete ditch approximately 1.5m wide and 0.6m deep. The existing dwelling is approximately 4m from the edge of the creek at its closest point. There are several existing trees on-site that provide shade to the creek. There are several small structures (garden storage sheds) at the rear of the property within 4m of Thomson Creek.

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> )	830m <sup>2</sup>	550m <sup>2</sup>
Lot Width	29m (approx.)	16.5m
Lot Depth	33m (approx.)	30.0m
<b>Setbacks</b>		
Side Yard (Creek)	9.9m <sup>①</sup>	15m
Side Yard (south)	3.21m	2.0m
Rear Yard	3.8m <sup>②</sup>	7.5
Front Yard	5.26m	4.5m

①Note: Vary the required 15m leave strip to 9.9m proposed.

②Note: Vary the rear yard setback from 7.5m required to 3.8m existing.

### Site Context

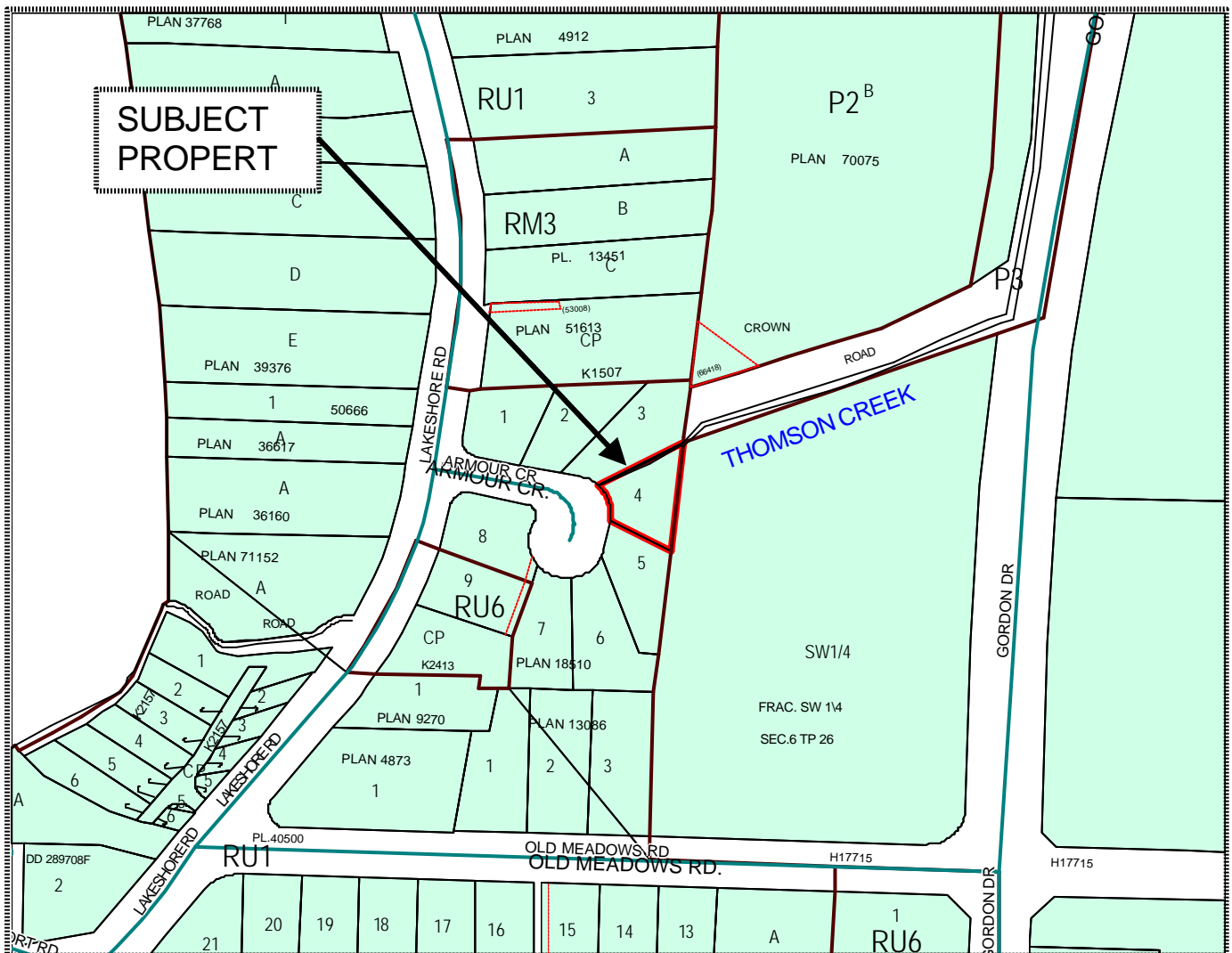
The subject property is located at the end of Armour Crescent off of Lakeshore Road (between Lequime Road and Old Meadows Road).

Adjacent zoning and existing land uses are to the:

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

### Site Map

Subject Property: 634 Armour Crescent



#### 4.0 TECHNICAL COMMENTS

##### 4.1 Works and Utilities Department

###### Development Variance and Site Related Issues

- (a) The environmental ramifications of renovations of existing structures and setbacks of new additions to Thomson Creek must be considered, but Development Engineering will defer comment on those issues to the Environment Division, as per e-mail dated July 08, 2003
- (b) A right-of-way must be secured over Thomson Creek through this property. The City's minimum width for a drainage right-of-way is 4.5m, but since the north-west corner of the existing house is 4.27m from the north boundary of Lot 4, Plan 18510, the Drainage Division would be prepared to reduce the right-of-way width to 4.2m.

##### 4.1.1 Environment Division (Comments of July 08, 2003)

The portion of the stream channel within Lot 4, Plan 18510 is to be returned to crown as a condition of the DP. The Drainage Division may want a maintenance right-of-way adjacent to the stream channel.

We could recommend support of this application if a landscape/restoration plan is included that would provide some shade or stream cover.

*\*Note: Upon a site inspection by staff it was noted that stream cover is already provided by existing vegetation and no additional mitigation will be necessary.*

##### 4.2 Ministry of Water, Land and Air Protection

The flow from Thomson Creek is partially diverted at Gordon Road and the section of creek flowing through the above mentioned property is contained in a concrete ditch approximately 1.5m wide and 2.0 feet deep. Although the proposed addition has a 2.5 foot jog in the northerly wall the addition will not encroach any closer to Thomson Creek than the existing dwelling. The addition will be constructed no lower than the floor level of the existing house and will meet the existing flood construction requirements of 343.66 metres, GSC datum in compliance with the City of Kelowna Draft Floodplain Bylaw. In view of the foregoing, this office has no objections or concerns with respect to this application.

##### 4.3 Inspection Services

- a) Details are required on how the existing bedrooms will be used or the location of new windows if they are to remain bedrooms.
- b) Bar in the master bedroom?

- c) No other concerns.

## 5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed development variance permit and environmental development permit. The applicant has agreed to provide a right of way along Thomson Creek and to return the portion of Thomson Creek located on the subject property to the crown. The applicant's neighbours at 624 and 644 Armour Crescent have indicated their support for the applications by way of written submission. The Planning Department also acknowledges that adequate stream cover is provided by existing vegetation and therefore there are no mitigation requirements associated with the development permit.

---

Andrew Bruce  
Development Services Manager

Approved for inclusion ☐

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

RM/AB/rs  
Attach.

**FACT SHEET**

- |     |   |  |
|-----|---|--|
| 15. | <b>APPLICATION NO.:</b>   | DP03-0076<br>DVP03-0077  |
| 15. | <b>APPLICATION TYPE:</b>  | Development Permit<br>Development Variance Permit  |
| 3.  | <b>OWNER:</b>   | Linda Keil   |
|     | · <b>ADDRESS</b>  | 634 Armour Crescent  |
|     | · <b>CITY</b>   | Kelowna, BC  |
|     | · <b>POSTAL CODE</b>  | V1W 1A5  |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>                                      | Linda Keil   |
|     | · <b>ADDRESS</b>  | 634 Armour Crescent  |
|     | · <b>CITY</b>   | Kelowna, BC  |
|     | · <b>POSTAL CODE</b>  | V1W 1A5  |
|     | · <b>TELEPHONE/FAX NO.:</b>   | 764-7367   |
| 5.  | <b>APPLICATION PROGRESS:</b>  |  |
|     | <b>Date of Application:</b>   | July 8, 2003   |
|     | <b>Date Application Complete:</b>                                     | July 8, 2003   |
|     | <b>Servicing Agreement Forwarded to Applicant:</b>                    | N/A  |
|     | <b>Servicing Agreement Concluded:</b>                                 | N/A  |
|     | <b>Staff Report to APC:</b>   | N/A  |
|     | <b>Staff Report to Council:</b>                                       |  |
| 15. | <b>LEGAL DESCRIPTION:</b>   | Lot 4, Sec. 6, Twp. 26, Plan 18510<br>ODYD   |
| 15. | <b>SITE LOCATION:</b>   | The subject property is located at the end of Armour Crescent off of Lakeshore Road (between Lequime Road and Old Meadows Road). |
| 15. | <b>CIVIC ADDRESS:</b>   | 634 Armour Crescent  |
| 15. | <b>AREA OF SUBJECT PROPERTY:</b>                                      | 830m <sup>2</sup>  |
| 15. | <b>EXISTING ZONE CATEGORY:</b>  | RU1 – Large Lot Housing  |
| 15. | <b>TYPE OF DEVELOPMENT PERMIT AREA:</b>                               | Natural Environment DP Area (Creek)  |
| 15. | <b>PURPOSE OF THE APPLICATION:</b>                                    | Vary Rear Yard Setback, Vary RMA Setback   |
| 15. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             | N/A  |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |  |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                       | N/A  |

**ATTACHMENTS**

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

- Subject Property Map
- Site Plan Showing Proposed Variance
- Floor Plans for Proposed Addition
- Survey Plan
- Right of Way Agreement