
CITY OF KELOWNA

MEMORANDUM

Date: August 18, 2003
File No.: DVP03-0069

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP03-0069 **OWNER:** Elisio Temprano

LOCATION: 436 Herbert Heights Rd. **APPLICANT:** Elisio Temprano

PURPOSE: TO VARY THE NORTHERN SIDE YARD SETBACK FROM 2.0M
REQUIRED TO 1.0M PROPOSED TO ACCOMMODATE AN ADDITION
TO A SINGLE FAMILY DWELLING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorise the issuance of Development Variance Permit No. DVP03-0059 for Lot 3, District Lot 219, ODYD, Plan 7566, located on Herbert Heights Road, 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 northern side yard setback from 2.0m required to 1.0m proposed;

2.0 SUMMARY

The applicant is seeking to vary the northern side yard setback from 2.0m required to 1.0m proposed.

3.0 BACKGROUND

3.1 The Proposal

The applicant is seeking to vary the northern side yard setback from 2.0m required to 1.0m proposed. The applicant is pursuing the variance in order to accommodate a proposed addition

to the front of the existing single family dwelling. The proposed addition will house a new two-car garage and will be one storey in height. The existing northern side yard is legally non-conforming with regards to the side yard setback and the proposed addition will increase this non-conformity.

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 ²)	2278m ²	550m ²
Lot Width	34m (approx.)	16.5m
Lot Depth	81m (approx.)	30.0m
Setbacks		
Side Yard (north)	1.0m	2.0m
Side Yard (south)	10.0m	2.0m
Rear Yard	55m (approx.)	7.5m
Front Yard	5.3m	4.5m

❶Note: The applicant is seeking to vary the northern side yard setback.

Site Context

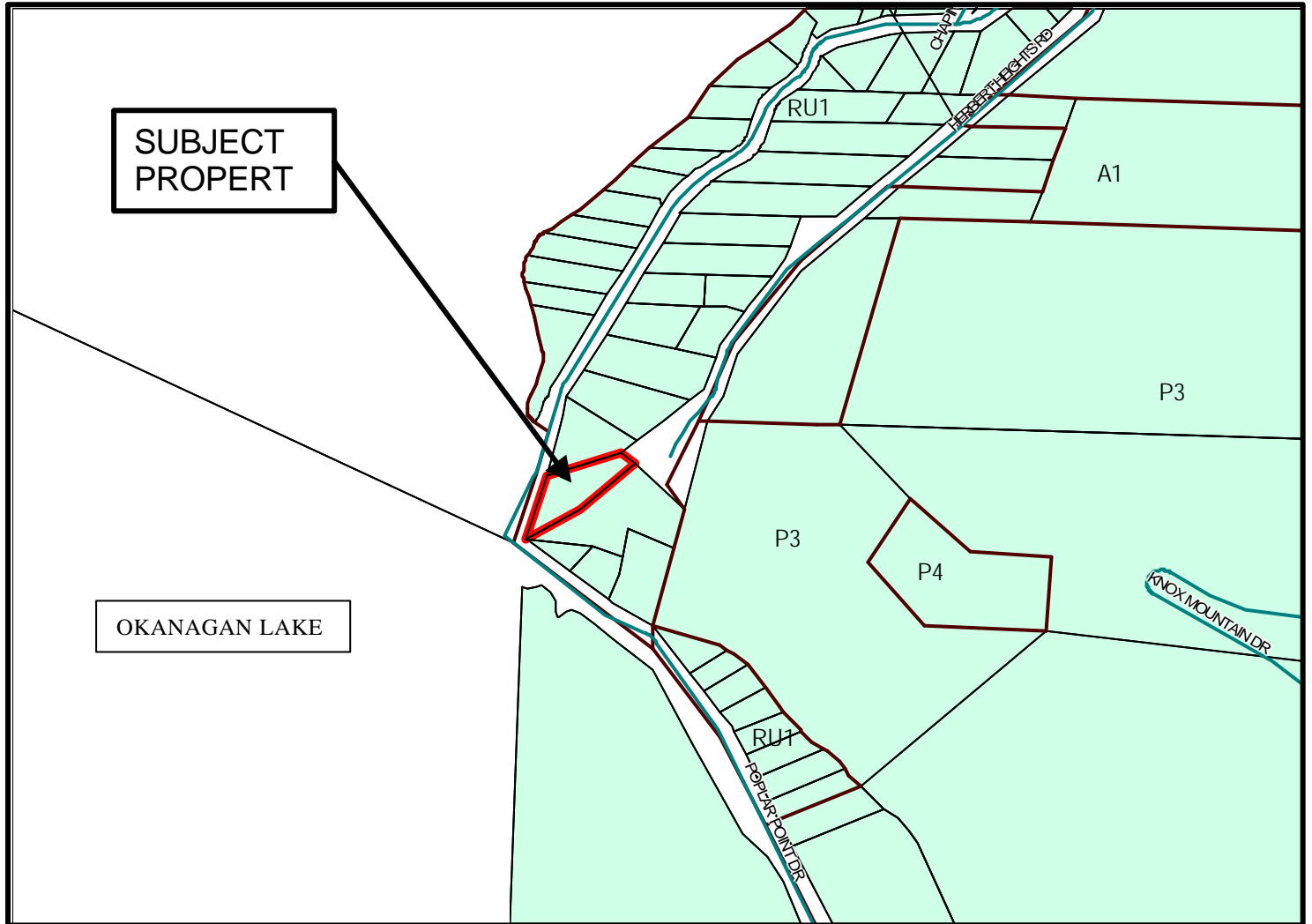
The subject property is located at the southern end of Herbert Heights Road and overlooks Okanagan Lake to the west.

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 - W1 – Okanagan Lake

Site Map

Subject Property: 436 Herbert Heights Road



4.0 TECHNICAL COMMENTS

4.1 Inspection Services Department

1. Limiting Distance is less than 4' therefore no window openings are permitted.
2. The wall shall have a 3/4 hr. fire rating. (5/8" Type X drywall)

4.2 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

4.2.1 Development Variance and Site Related Issues

- a) Provide a comprehensive **geotechnical report** (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any overland surface drainage courses traversing the property.
 - (ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iii) Any special requirements for construction of building structures.
 - (iv) Top of bank assessment and location including recommendations for building setbacks, and ground water disposal system locations and modifications.
 - (v) Recommendations for items that should be included in a Restrictive Covenant.
 - (vi) Any special requirements that the proposed construction should undertake so that it will not impact the bank. The report must consider erosion and structural requirements.
 - (vii) Recommendations for roof drains and perimeter drains.
- b) It should be noted that there is an existing 19mm diameter water service to Lot B Plan 49222 in the vicinity of the side yard property line and existing retaining wall. The service must not be compromised.

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 is supported by the applicants neighbours at 422 Herbert Heights Road, 414 Herbert Heights Road and 445 Herbert Heights Road. The applicant has provided a comprehensive geotechnical report that has satisfied the requirements of the Works and Utilities Department.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RWS
Attach.

FACT SHEET

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| 15. | APPLICATION NO.: | DVP03-0069 |
| 15. | APPLICATION TYPE: | Development Variance Permit |
| 3. | OWNER: | Elisio Temprano |
| | · ADDRESS | 436 Herbert Heights Road |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1Y 1Y3 |
| 4. | APPLICANT/CONTACT PERSON: | Elisio Temprano |
| | · ADDRESS | 436 Herbert Heights Road |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1Y 1Y3 |
| | · TELEPHONE/FAX NO.: | 762-7701 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | June 19, 2003 |
| | Date Application Complete: | August 13, 2003 |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to APC: | N/A |
| | Staff Report to Council: | |
| 15. | LEGAL DESCRIPTION: | Lot 3, District Lot 219, ODYD, Plan 7566 |
| 15. | SITE LOCATION: | The subject property is located at the southern end of Herbert Heights Road and overlooks Okanagan Lake to the west. |
| 15. | CIVIC ADDRESS: | 436 Herbert Heights Road |
| 15. | AREA OF SUBJECT PROPERTY: | 2278m ² |
| 15. | EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 15. | TYPE OF DEVELOPMENT PERMIT AREA: | Natural Environment DP Area (Slope) |
| 15. | PURPOSE OF THE APPLICATION: | Vary Side Yard Seback |
| 15. | MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site Plan Showing Proposed Variance
- Floor Plans of house
- Geotechnical Report