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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 14, 2003  
**File No.:** DVP03-0102

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0102                      **OWNER/APPLICANT:** Fred Coosemans &  
Sylvia Grassl  
**AT:** 643 Denali Ct, Kelowna, BC

**PURPOSE:** TO ALLOW A CANTILEVERED SECTION OF A BUILDING TO  
COMPRISE 43.2% OF THE BUILDING WHERE ONLY 20% IS  
PERMITTED.

**EXISTING ZONE:** RU1h - Large Lot Housing (Hillside Area)

**REPORT PREPARED BY:** KEIKO NITTEL

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

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**1.0    RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0102 for Lot 35, Section 28, Township 26, ODYD, Plan KAP72143, located on Denali Court, Kelowna, B.C.

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 comprise of 43.2% of the building where only 20% is permitted.

**2.0    SUMMARY**

The applicant is in the process of constructing a single detached dwelling on Denali Court. The applicant is seeking a variance to allow cantilevered portions of the building to comprise of 42.3% of the wall where only 20% of an exterior wall in which it is located is permitted.

## 2.1 BACKGROUND

The applicant is in the process of constructing a single detached dwelling on Denali Court. During the construction of the dwelling, an additional cantilever 2.74 m in length that was not originally shown on the building permit drawings was constructed on the north side elevation of the building. The additional cantilever resulted in the cantilevered portions of the building comprising of 42.35% of the exterior wall in which it is located where no more than 20% is permitted. The applicant is therefore seeking a variance.

## 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 <sup>2</sup> )	726m <sup>2</sup>	400.0m <sup>2</sup>
Lot Width (m)	18.0 m	13.0m
Lot Depth (m)	38.669 m	30.0m
Site Coverage (%)	32 (approx)% 35.0%	40% (buildings) 50% (with driveway and parking)
Height	1 storey	2.5 storeys or 9.5m
Setbacks		
-Front	4.5m	4.5m (6.0m driveway)
-Rear	10.0+m	7.5m
- Side (north)	2.0m 2.0m	2.0m to 1 storey portion & 2.3m to 2 storey
- Side (south)		
Projections into side yard	0.46 m (south side)	0.60 metres
Cantilever Lengths	42.35%❶	Max. 20% of the exterior wall in which it is located
Parking Spaces (Total)	4	2

**Notes:**

❶ The applicant is seeking to a development variance permit to allow the cantilevers lengths to exceed the 20% permitted..

## 3.2 Site Context

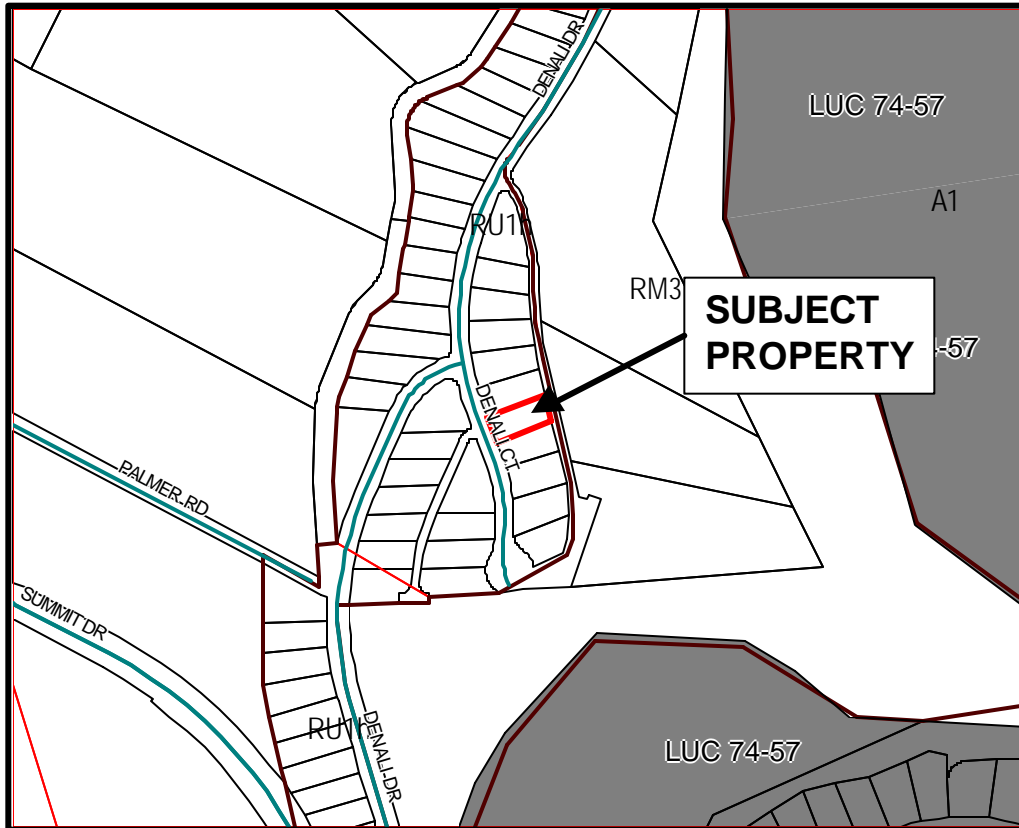
The subject property is located on Denali Court off of Denali Drive.

Adjacent zones and uses are:

- North - RU1- Large Lot Housing (Hillside Area)
- East - RM3 – Low Density Multiple Housing
- South - RU1- Large Lot Housing (Hillside Area)
- West - RU1- Large Lot Housing (Hillside Area)

### 3.3 Location Map

Subject Property: 643 Denail Court



### 3.4 Existing Development Potential

The property is zoned RU1 – Large Lot Housing (Hillside Area). 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, on larger serviced urban lots. 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).

## 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 comment.
- 5.2 Inspections Services  
No concerns.
- 5.3 Fire Department  
No comments.

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

As the adjacent neighbours have submitted letters of support, the Planning and Corporate Services Department is supportive of the proposed variance to allow the cantilevers to exceed to maximum permitted 20% of the building. The Department, however, is concerned with the fact that the applicant constructed the cantilever without first authorizing the construction through a revision to the building permit. This error resulted in the requirement of the development variance permit. As Staff are concerned with this pattern of development, support of such variances will be discouraged in the future. At this time, the Department has no intentions of revising the regulations for cantilevers in the Zoning Bylaw for two storey buildings.

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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.:  | DVP03-0102   |
| 2. APPLICATION TYPE:   | Development Variance Permit  |
| 3. OWNER:  | Fred Coosemans & Sylvia Grassl   |
| . ADDRESS  | Suite 335, 101-1865 Dilworth Dr  |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 9T1  |
| 4. APPLICANT/CONTACT PERSON:   | Fred Coosemans & Sylvia Grassl   |
| . ADDRESS  | Suite 335, 101-1865 Dilworth Dr  |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 9T1  |
| . TELEPHONE/FAX NO.:   | 712-9935   |
| 5. APPLICATION PROGRESS:   |  |
| Date of Application:   | August 29, 2003  |
| Date Application Complete:   | August 29, 2003  |
| Servicing Agreement Forwarded to Applicant:  | n/a  |
| Servicing Agreement Concluded:   | n/a  |
| Staff Report to APC:   | n/a  |
| 6. LEGAL DESCRIPTION:  | Lot 35, Section 28, Township 26, ODYD, Plan KAP72143   |
| 7. SITE LOCATION:  | on Denali Ct off of Denali Drive   |
| 8. CIVIC ADDRESS:  | 643 Denali Ct  |
| 9. AREA OF SUBJECT PROPERTY:   | 727m <sup>2</sup>  |
| 10. EXISTING ZONE CATEGORY:  | RU1h - Large Lot Housing (Hillside Area)   |
| 11. PURPOSE OF THE APPLICATION:  | TO ALLOW A CANTILEVERED SECTION OF A BUILDING TO COMPRISE 43.2% OF THE BUILDING WHERE ONLY 20% IS PERMITTED. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>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
- Letters from Neighbours