
CITY OF KELOWNA
MEMORANDUM

Date: December 8, 2003
File No.: DVP03-0117

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0117 **OWNER:** Varitec Enterprises

AT: 675 Westpoint Court, Kelowna, BC **APPLICANT:** Varitec Enterprises

PURPOSE: TO ALLOW A CANTILEVERED SECTION OF A BUILDING TO
COMPRISE 57.3% OF THE BUILDING WHERE ONLY 20% 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 not authorize the issuance of Development Variance Permit No. DVP03-0117 for Lot 7, DL 358, ODYD, Plan KAP72359, located on Westpoint Court, Kelowna, B.C.

2.0 **SUMMARY**

The applicant has constructed a single detached dwelling on the subject property. The applicant is seeking a variance to allow cantilevered portions of the building to comprised of 57.3% of the wall where only 20% of an exterior wall in which it is located is permitted.

2.0 **BACKGROUND**

During the construction of a single detached dwelling on Westpoint Court, the applicant built two cantilevers on the south side elevation of the building. The cantilevered portions of the building comprises of 57.3% of the exterior wall in which it is located where no more than 20% is permitted. The applicant is therefore seeking a development variance permit.

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)	604m ²	400.0m ²
Lot Width (m)	16.547 m	13.0m
Lot Depth (m)	35.044 m	30.0m
Site Coverage (%)	29% 36%	40% (buildings) 50% (with driveway and parking)
Height	2 storey	2.5 storeys or 9.5m
Setbacks		
-Front	6.1m	4.5m (6.0m driveway)
-Rear	12+m	7.5m
- Side (north)	2.3m 2.3m	2.3m to 2 storey
- Side (south)		
Projections into side yard	0.46 m (south side)	0.60 metres
Cantilever Lengths	57.3%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.

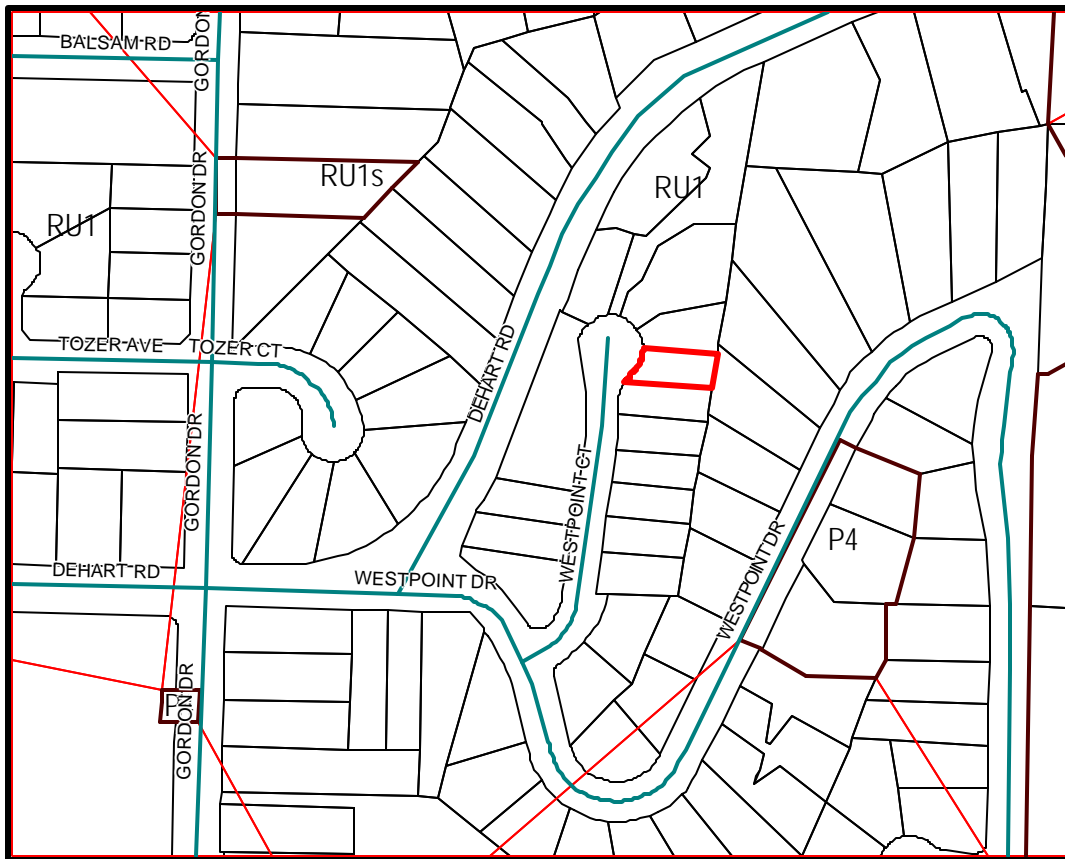
3.2 Site Context

The subject property is located at the end of Westpoint Court.
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: 675 Westpoint Court



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, 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

The requested variance does not compromise Works & Utilities requirements.

5.2 Inspections Services

No concerns.

5.3 Fire Department

No comments.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is not 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 are discouraged. At this time, the Department has no intentions of revising the regulations for cantilevers in the Zoning Bylaw for two storey buildings.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0117 for Lot 7, DL 358, ODYD, Plan KAP72359, located on Westpoint 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 57.3 % of the building where only 20% is permitted.

AND THAT the issuance of the Development Variance Permit be 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 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.

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

- | | |
|---|--|
| 1. APPLICATION NO.: | DVP03-0117 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Varitec Enterprises Ltd.
673 Westside Road N
Kelowna, BC
V1Z 3S7 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY
· POSTAL CODE
· TELEPHONE/FAX NO.: | Varitec Enterprises Ltd.
673 Westside Road N
Kelowna, BC
V1Z 3S7
470-9300 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to APC: | October 1, 2003
October 1, 2003
n/a
n/a
n/a |
| 6. LEGAL DESCRIPTION: | Lot 7, DL 358, ODYD, Plan KAP72359 |
| 7. SITE LOCATION: | on the east side of Westpoint Court |
| 8. CIVIC ADDRESS: | 675 Westpoint Court |
| 9. AREA OF SUBJECT PROPERTY: | 604m ² |
| 10. EXISTING ZONE CATEGORY: | RU1- Large Lot Housing |
| 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.:
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