
CITY OF KELOWNA
MEMORANDUM

Date: January 7, 2004

File No.: DVP03-0128

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0128 **OWNER:** Distinctive Developments

AT: 576 Denali Drive, Kelowna, BC **APPLICANT:** Distinctive Developments

PURPOSE: TO ALLOW A SIDE YARD SETBACK OF 2.03 METRES WHERE 2.30 IS REQUIRED.

TO ALLOW A SIDE YARD SETBACK OF 2.02 METRES WHERE 2.30 IS REQUIRED.

TO ALLOW A CANTILEVERED SECTION OF A BUILDING TO COMPRISE OF 34.6% OF THE WALL IN WHICH IT IS LOCATED WHERE ONLY 20% IS PERMITTED.

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

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. DVP03-0128 for Lot 18, Section 33, Township 26, ODYD, Plan KAP72143, located on Denali Drive, Kelowna, B.C.

2.0 SUMMARY

During the construction of the single detached house on the subject property, an error was made in the locating the foundation of the building. Development variances are therefore required to allow side yard setbacks of 2.02 metres to the north elevation and 2.03 metres to the south elevation. The required side yard setbacks are 2.3 metres. In addition, the cantilevers encroaching into the south side yard are approximately 34.6% of the wall in which they are located where only 20% is permitted.

2.0 BACKGROUND

The applicant received a building permit for a single detached dwelling on the subject property. The building permit drawings indicated a side yard setback of 3.43 metres to the south side and 2.05 metres to the north elevation. A condition of the building permit, however, was that the setback on the north elevation be increased to a minimum of 2.3 metres in order to meet the side yard setbacks on both sides of the proposed dwelling. During construction of the dwelling, however, the applicant failed to achieve the required 2.3 metres setback on either side of the building. A subsequent survey of the property revealed that the foundation of the house was constructed with only approximately 2 metres on either side. The survey also revealed that the dimensions provided on the site plan were inaccurate. Therefore, variances to the required side yard setbacks to the building on both elevations are required. In addition, cantilevers located within the required side yard setback are limited to 20% of the wall in which they are located. A variance is required to allow cantilevers on the north elevation to be 34.6% of the wall in which they are located.

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)	731m ²	400.0m ²
Lot Width (m)	18.03m	13.0m
Lot Depth (m)	42.772 m	30.0m
Site Coverage (%)	29.3% 32.3%	40% (buildings) 50% (with driveway and parking)
Height	2.5 m	2.5 storeys or 9.5m
Setbacks		
-Front	3.09 m to house	3.0m (6.0m driveway)
-Rear	10.0+ m	7.5m
- Side (north)	2.02 m	2.3m to 2+ storey
- Side (south)	2.03 m	
Projection into sideyard	0.6 m (south side)/ 34.6%	0.60 metres/20% wall

Notes:

A variance is required to allow the side yard setbacks of 2.02 & 2.03 metres where 2.3 metres is required.

A variance is required to allow a cantilever to be 34.6 % of the wall in which it is located where only 20% is permitted.

3.2 Site Context

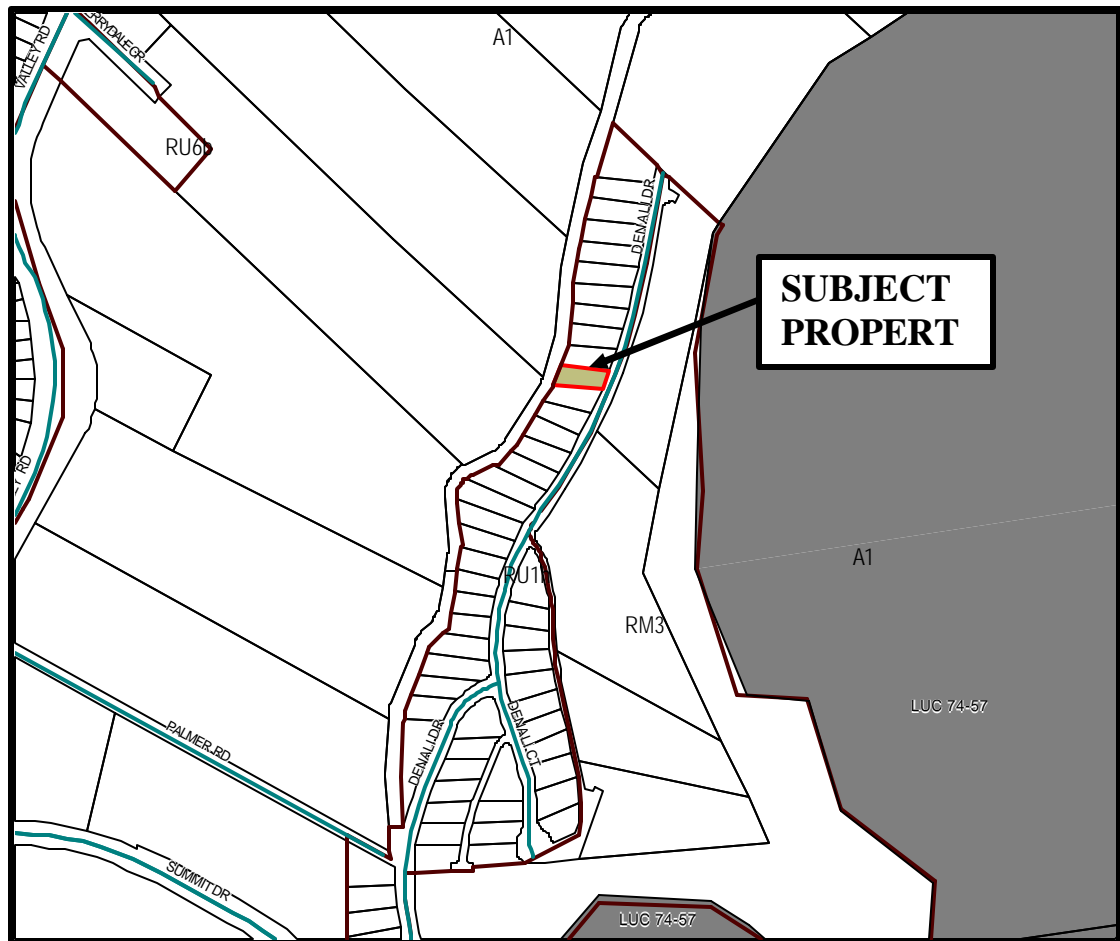
The subject property is located on Denali Court off of Denali Drive.

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)

3.3 Location Map

Subject Property: 576 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 response.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is not supportive of the proposed variances. The proposed variance to the side yard setbacks, as well as the variance required for cantilever length, resulted from the failure of the builder to establish the correct location of the foundation of the building as per the conditions of the building permit prior to construction. The error in locating the building was not caught by Inspection Services until the external construction of the house was completed. At that time, the applicant was instructed to apply for the development variance permit. In general, Staff feel that the site is developable in manner consistent with the Zoning Bylaw. As Staff are concerned with this pattern of development, support of variances required after construction are discouraged. The adjacent neighbours, however, have provided letters of support for the proposed variances.

ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0128 for Lot 18, Section 33, Township 26, ODYD, Plan KAP72143, located on Denali 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";

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

Section 13.1.5 (d) Side Yard Setbacks

- A variance to allow a side yard setback of 2.02 metres to the north elevation of the single detached house where 2.30 metres is required.
- A variance to allow a side yard setback of 2.03 to the south elevation of the single detached house where setbacks of 2.3 metres is required.

Section 6.4.1 Projections Into Yards

- A variance to allow a cantilevered section of a building to comprise of 34.6% of the wall in which it is located where only 20% 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.

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.: | DVP03-00128 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Distinctive Developments |
| . ADDRESS | 2094 Bowron Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V 2L6 |
| 4. APPLICANT/CONTACT PERSON: | Distinctive Developments (Terry Heinrich) |
| . ADDRESS | 2094 Bowron Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V 2L6 |
| . TELEPHONE/FAX NO.: | 860-7005/878-2490 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 16, 2003 |
| Date Application Complete: | December 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | n/a |
| 6. LEGAL DESCRIPTION: | Lot 18, Section 33, Township 26, ODYD, Plan KAP72143 |
| 7. SITE LOCATION: | on Denali Drive |
| 8. CIVIC ADDRESS: | 576 Denali Drive |
| 9. AREA OF SUBJECT PROPERTY: | 731m ² |
| 10. EXISTING ZONE CATEGORY: | RU1h- Large Lot Housing (Hillside Area) |
| 11. PURPOSE OF THE APPLICATION: | TO ALLOW A SIDE YARD SETBACK OF 2.03 METRES WHERE 2.30 IS REQUIRED. |
| | TO ALLOW A SIDE YARD SETBACK OF 2.02 METRES WHERE 2.30 IS REQUIRED. |
| | TO ALLOW A CANTILEVERED SECTION OF A BUILDING TO COMPRISE OF 34.6% OF THE WALL IN WHICH IT IS LOCATED WHERE ONLY 20% IS PERMITTED. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.: | n/a |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 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