
CITY OF KELOWNA
MEMORANDUM

Date: August 6, 2004
File No.: DVP04-0063
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0063 **OWNER:** Shauna Bodnar
AT: 3602 Lakeshore **APPLICANT:** Cheryll Gillespie

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE OKANAGAN LAKE SIGHT LINES FROM 60 DEGREES REQUIRED TO 10 DEGREES PROPOSED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0063 for Lot S, D.L. 134, Sec. O.D.Y.D. Plan 13698, located at 3602 Lakeshore Road, Kelowna, B.C.,

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

Section 6.11.1 – Okanagan Lake Sight Lines

Vary the Okanagan Sight Lines from 60 degrees required to 10 degrees proposed.

2.0 SUMMARY

The Applicant is proposing to replace an existing dwelling on this lot with a new single detached home, siting the structure in approximately the same location. Although the existing home is legally non-conforming with regard to the Okanagan Lake Sight Lines provision in Zoning Bylaw No. 8000, this new dwelling will require a variance in order that it be constructed in approximately the same location.

3.0 ADVISORY PLANNING COMMISSION

THAT the application was reviewed by the Advisory Planning Commission (APC) at the meeting of July 20, 2004, and the following recommendation was passed:

THAT the APC supports the application, subject to the siting of the proposed development being adjusted such that the site line requirement is met for the property to the south.

4.0 BACKGROUND

4.1 The Proposal

The existing dwelling was constructed in 1963, with a courtyard development added in 1983. The Okanagan Sight Line requirements were not introduced until 1998 when Zoning Bylaw No.

8000 was introduced, and therefore, the existing home is legally non-conforming. The new dwelling is to be located no closer to Okanagan Lake than the existing home.

The application meets the requirements of the RU1 - Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area	2,064 m ² (0.51 ac)	550 m ²
Lot Width	20.0 m	16.5 m
Lot Depth	82.0 m	30.0 m
Site Coverage (buildings)	17%	40%
Site Coverage (driveways and parking)	38%	50%
Total Floor Area	344.29 m ² (3,706 ft ²)	n/a
Height	2 storeys / 8.5 m	2 ½ storeys / 9.5 m
SETBACKS		
Front	15.0 m	4.5 m
Side (north)	2.44 m	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Side (south)	2.44 m	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Rear	18.0 m	7.5 m
OTHER REQUIREMENTS		
Setback from high water mark	less than 15.0 m ^I	15.0 m
Okanagan Sight Lines	does not meet requirements ^{II}	120 panoramic view from adjacent properties

^I There is an existing shed within the 15.0 m setback from the high water mark (see attached surveyor's certificate), which must be removed prior to occupancy.

^{II} The Applicant is seeking to vary the Okanagan Lake Sight Lines requirement, allowing a new dwelling to be sited no closer than the existing dwelling that it will replace.

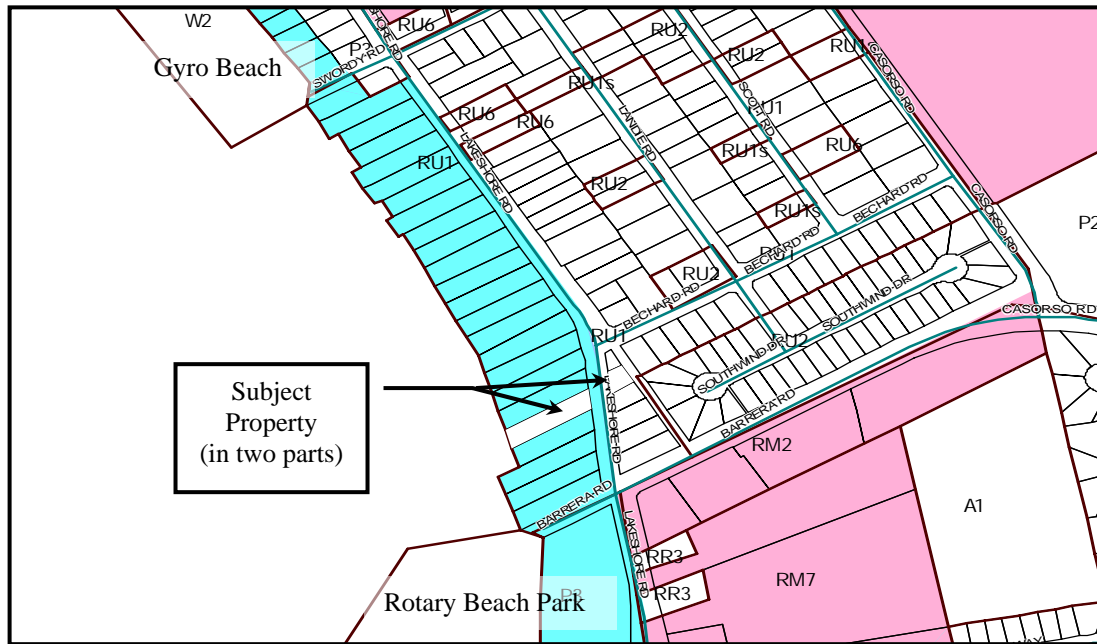
4.2 Site Context

The subject property is a lakefront lot, located north of Rotary Beach Park between Barrerra Road and Bechard Road. The lot is in two parts, with the majority lying west of Lakeshore Road, and an undevelopable portion lying east of Lakeshore Road. The surrounding neighbourhood is largely developed as a single family residential. More specifically, the adjacent land uses are as follows:

North	RU1 – Large Lot Housing
East	RU1 – Large Lot Housing
	RU2 – Medium Lot Housing
South	RU1 – Large Lot Housing
West	RU1 – Large Lot Housing

4.3 Site Map

Subject Property: 3602 Lakeshore



4.4 Development Potential

The property is zoned RU1 – Large Lot Residential. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

4.5 Policy and Regulation

4.5.1 Zoning Bylaw No. 8000

Section 6.11.1 – Okanagan Lake Sight Lines

All buildings and structures, greater than 1.2 m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° panoramic view from the corner of the house, parallel with the adjacent property lines, as shown in Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line.

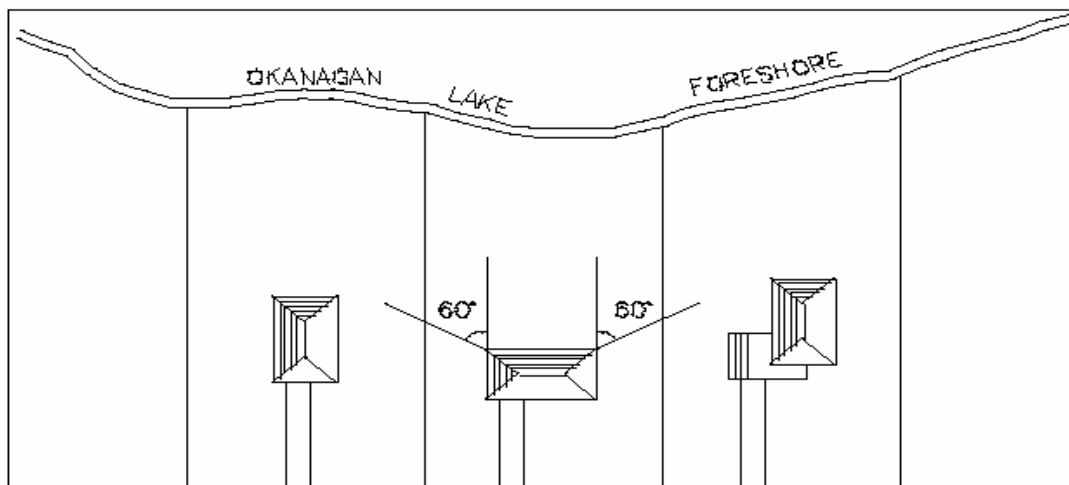


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff is supportive of this variance application. Varying the Okanagan Lake Sight Lines requirement, in this case, does not appear to worsen the existing situation, since the proposed dwelling will be no closer to Okanagan Lake than the existing home that it will replace, and does not exceed the height requirement for that zone. Furthermore, the application of the sight line regulations would significantly reduce the buildable area of the subject property. Staff are, therefore, not recommending that the alterations to the site plan as recommended by the APC be pursued.

The Applicant has also committed that mitigation to the foreshore area is contemplated. Staff are supportive of this initiative, but caution the Applicant that any work within 15.0 m of Okanagan Lake must be approved by way of a Development Permit or Development Permit Waiver.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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FACT SHEET

1. APPLICATION NO.:	DVP04-0063
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER:	Shauna Bodnar
ADDRESS	1701 Pritchard Drive
• CITY	Westbank, BC
• POSTAL CODE	V4T 1X5
4. APPLICANT/CONTACT PERSON:	Cheryll Gillespie
• ADDRESS	4945 Ada Blvd.
• CITY	Edmonton, AB
• POSTAL CODE	T5W 4N9
• TELEPHONE	(780) 428-4663
• FAX	(780) 473-5013
5. APPLICATION PROGRESS:	
Date of Application:	June 9, 2004
Date Application Complete:	August 4, 2004
Servicing Agreement Forwarded to	N/A
Servicing Agreement Concluded:	N/A
APC Meeting:	July 20, 2004
Staff Report to Council:	August 4, 2004
6. LEGAL DESCRIPTION:	Lot S D.L. 134 O.D.Y.D. Plan 13698
7. SITE LOCATION:	The subject property is a lakefront lot, located north of Rotary Beach Park between Barrerra Rd. and Bechard Rd.
8. CIVIC ADDRESS:	3602 Lakeshore, Kelowna, BC
9. AREA OF SUBJECT PROPERTY:	2,064 m ²
10. EXISTING ZONE CATEGORY:	RU1 – LARGE LOT HOUSING
11. TYPE OF DEVELOPMENT PERMIT AREA:	n/a
13. PURPOSE OF THE APPLICATION:	TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE OKANAGAN LAKE SIGHT LINES FROM 60 DEGREES REQUIRED TO 10 DEGREES PROPOSED
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	N/A
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site Plan, Elevations, Cross Sections (8 pages)
- Adjacent landowner letter of support (2 pages)
- Adjacent landowner withdrawal of support (1 page)
- 2 Letters in opposition (5 pages)
- Surveyor's Certificate (June 28, 2004)