
CITY OF KELOWNA

MEMORANDUM

Date: August 4, 2004

File No.: DVP04-0062

To: CITY MANAGER

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP04-0062 **OWNER:** 634562 BC Ltd.

LOCATION: #6 - 4190 Lakeshore Road **APPLICANT:** Ken Corcoran

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A VARIANCE TO ALLOW THE PROPOSED SINGLE DETACHED DWELLING TO ENCROACH WITHIN THE 60° OKANAGAN LAKE SIGHTLINE ANGLE OF THE ADJACENT PROPERTY TO THE NORTH.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0062 for Strata Lot 6, Sec. 1, Twp. 25, Sec. 6, Twp. 26 and DL 5040, ODYD, Strata Plan KAS2157 located on Lakeshore Road, 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 sections of Zoning Bylaw No. 8000 be granted:

Section 6.11.1 Okanagan Lake Sight Lines

A variance to allow the proposed single detached dwelling to encroach within the 60° Okanagan Lake Sightline angle of the adjacent property to the north;

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.

2.0 SUMMARY

The applicants are seeking a development variance permit in order to allow for the construction of a single detached dwelling within the required Okanagan Sight Line setbacks.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of July 6, 2004, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP04-0062, for 4190 Lakeshore Road, Lot 6, Plan K2157, Sec. 1, Twp. 25, ODYD, by Ken Corcoran to obtain a Development Variance Permit to allow a single detached dwelling to be constructed within the required Okanagan Lake Sight Lines.

4.0 BACKGROUND

2.1 The Proposal

The house on the adjacent property to the north (Lot 5), completed in December 2003, was constructed with a setback of 14.5 metres from Okanagan Lake where the minimum required setback is 7.5 metres. As this house was constructed with this setback, the development potential on the subject property (Lot 6) became significantly restricted due to the Okanagan Lake sightline setback regulations. The applicant is therefore seeking a variance to the Okanagan Sight Lines regulations of the Zoning Bylaw as the proposed house will be within the sight lines of the neighbour to the north. This neighbouring property is addressed Lot 5 - 4190 Lakeshore Road).

The application compares to the requirements the City of Kelowna Urban Residential Zone Bylaw No. 8000 for RU1 zones as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	611m ²	550m ²
Lot Width	14.1.0m	16.5m
Lot Depth	52.75m	30m
Sight Lines	20°❶	60°
Setbacks (m)		
- Front Yard	10.0m	6.0m
- Side Yard (S)	2.3m	2.3m
- Side Yard (N)	2.3m	2.3m
- Rear Yard (Lake)	7.5m	7.5m (required setback established at time of subdivision)

❶ The applicant is seeking a variance to allow a 20 degree angle sightline where 60 degrees is required. (Section 6.11, Zoning Bylaw No.8000).

2.2 Site Context

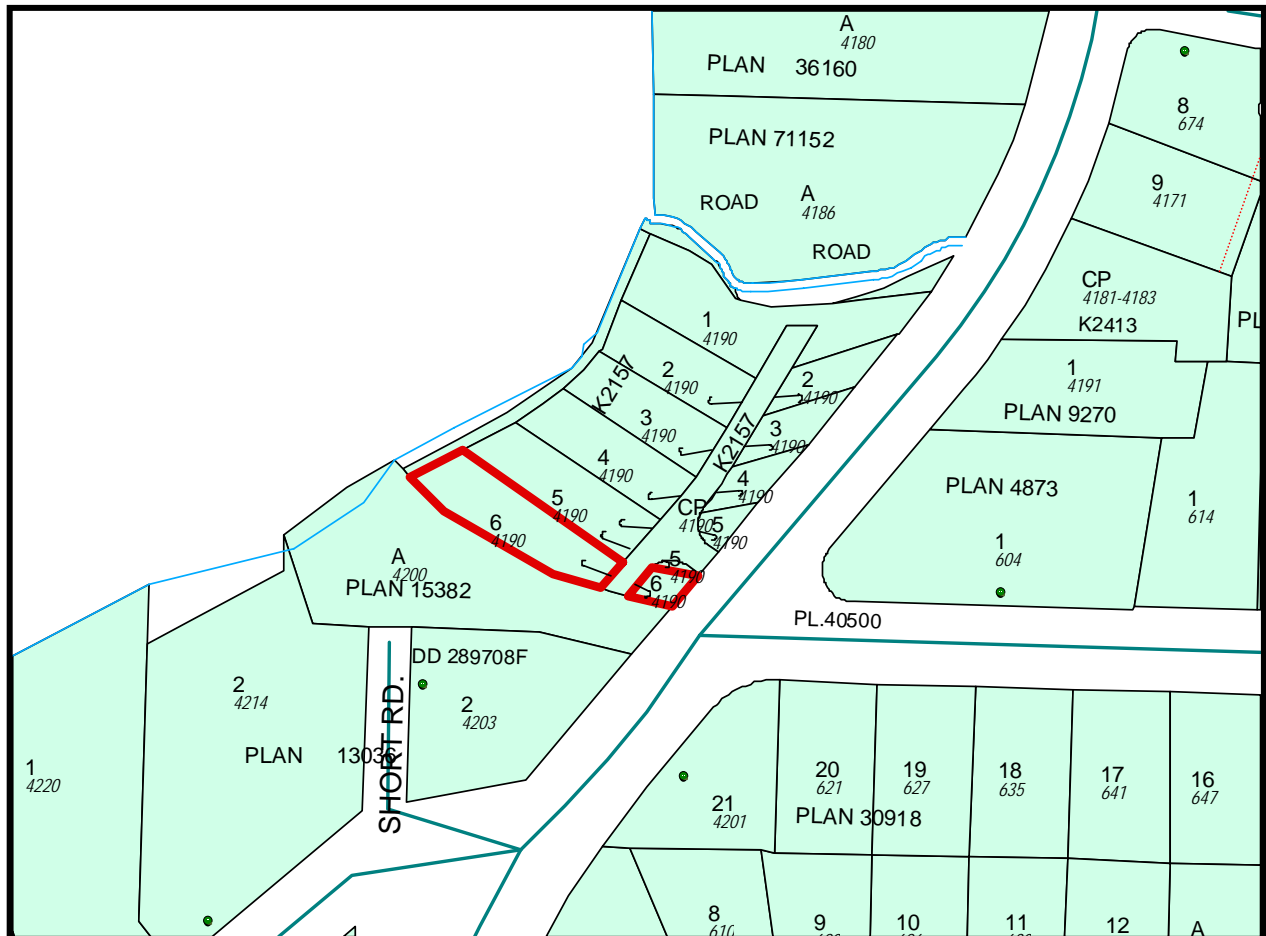
The subject property is located on the west side of Lakeshore Road, adjacent to its intersection with Old Meadows Road.

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 - Okanagan Lake

Site Map

Subject Property: #6 – 4190 Lakeshore Road



5.0 TECHNICAL COMMENTS

5.1 Inspections Services

The submitted site plan is not showing the location and the shape of the existing building(s) on both sides to verify the accurate sightlines. Front & back elevations may exceed the allowable unprotected openings. A detailed Special Separation calculation to be provided prior to approval of these elevations.

5.2 Interior Health

Sanitary sewer and city water required.

5.3 Ministry of Water, Land, and Air Protection

We note that this is a sightlines issue with a neighbouring property. Unless the solutions require encroachment on Okanagan Lake (not expected as that would further encroach on sightlines), we have no comments.

5.4 Parks Department

The property lies adjacent to City owned foreshore along the Lake. Please ensure that the foreshore land is respected and clear of any private encroachments, structures and walls.

5.5 Works & Utilities

The property lies adjacent to City owned foreshore along the Lake. Please ensure that the foreshore land is respected and clear of any private encroachments, structures and walls.

6.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department is generally supportive of the proposed variance to the Okanagan sightline setback. Staff notes that the sightlines for the Lots 5 & 6 are already impeded by a bend in the shoreline to the south. Despite this fact, the house of Lot 5 was constructed with a rear yard setback from Okanagan Lake almost twice that required. As a result, the building envelope established on the subject property by the sightline requirements is limited. Furthermore, the siting provisions for all lots within this development were addressed at the subdivision stage. The proposed building is consistent with these provisions.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

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Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP04-0062
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** 634562 BC Ltd.
 - **ADDRESS** PO Box 1086
 - **CITY** Whistler, BC
 - **POSTAL CODE** V0N 1B2
4. **APPLICANT/CONTACT PERSON:** Ken Corcoran
 - **ADDRESS** 3556 Lakeshore Road
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1W 3L5
 - **TELEPHONE/FAX NO.:** 878-4138
5. **APPLICATION PROGRESS:**
 - Date of Application:** June 09, 2004
 - Date Application Complete:** June 09, 2004
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** June 28, 2004
 - Staff Report to Council:** August4, 2004
6. **LEGAL DESCRIPTION:** Strata Lot 6, Section 1, Township 25, Section 6 , Township 26 and District Lot 5040 ODYD Strata Plan KAS2157
7. **SITE LOCATION:** The subject property is located on the west side of Lakeshore Road, adjacent to its intersection with Old Meadows Road.
8. **CIVIC ADDRESS:** #6 – 4190 Lakeshore Road
9. **AREA OF SUBJECT PROPERTY:** 611m²
10. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
11. **TYPE OF DEVELOPMENT PERMIT AREA:** Environmental DP
13. **PURPOSE OF THE APPLICATION:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A VARIANCE TO ALLOW THE PROPOSED SINGLE DETACHED DWELLING TO ENCROACH WITHIN THE 60° OKANAGAN LAKE SIGHTLINE ANGLE OF THE ADJACENT PROPERTY TO THE NORTH.
N/A
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** Env. DP. Area

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Letter from Applicant
- Site Plan
- Elevations