

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** March 15, 2005

**File No.:** DVP05-0003

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP05-0003

**OWNER:** Tarcisio Niccoli

**LOCATION:** 3920 Bluebird Road

**APPLICANT:** Hans Neumann

**PURPOSE:** TO VARY THE OKANAGAN LAKE SIGHTLINES REQUIREMENT FROM 60° REQUIRED TO 50° PROPOSED FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**REPORT PREPARED BY:** MARK P. KOCH, MES MCIP

---

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0003, Lot 2, Sec. 1, Twp. 25, ODYD, Plan 3107, located on Bluebird Road, Kelowna, BC;

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A".

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

**Section 6.11 – Okanagan Lake Sight Lines**

Vary the Okanagan Sight Lines from 60 degrees required to 50 degrees proposed.

2.0 SUMMARY

The applicant is seeking to vary the required Okanagan Lake Sight Lines which would affect the neighbour to the south. The required line of sight is 60° and the applicant is proposing to reduce this to 50° to allow the construction of a new single family dwelling on the subject property.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at their meeting of February 15, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0003, for 3920 Bluebird Road, Lot 2, Plan 3107, Sec 1, Twp. 25, ODYD, by Hans Neumann, to obtain a Development Variance Permit to vary the required Okanagan Lake Sightline from the 60 degrees required to the 50 degrees proposed.

#### 4.0 BACKGROUND

A single family dwelling currently occupies the subject property. The existing dwelling is situated far enough to the east that it currently does not infringe upon the sight lines of the neighbour to the north and south.

#### 4.1 The Proposal

The applicant seeks to construct a new single family dwelling on the subject property. Although somewhat larger in size than the existing dwelling, the proposed dwelling is to be setback at a similar distance from the lake. The proposed building location will provide the lot to the north with the 60° sight line minimum requirement; however, the southwestern corner of the proposed dwelling will block a portion of the required 60° sight line from the neighbour to the south.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for the RU1 – Large Lot Housing zones as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1430m <sup>2</sup>	550m <sup>2</sup>
Lot Width	23.38m	16.5m
Lot Depth	92.6m	30.0m
<b>Setbacks</b>		
Side Yard (North)	2.3m	2.3m
Side Yard (South)	2.3m	2.3m
Rear Yard (15m Lake Setback)	47.8m	15m
Front Yard	4.5m	4.5m
Okanagan Lake Sight Lines – North Side	130°	60°
<b>Okanagan Lake Sight Lines – South Side</b>	<b>50° ❶</b>	<b>60°</b>

❶ Note: The required line of sight is 60° and the applicant has proposed to reduce this to 50° in order to allow for the construction of a new single family dwelling.

#### 4.2 Site Context

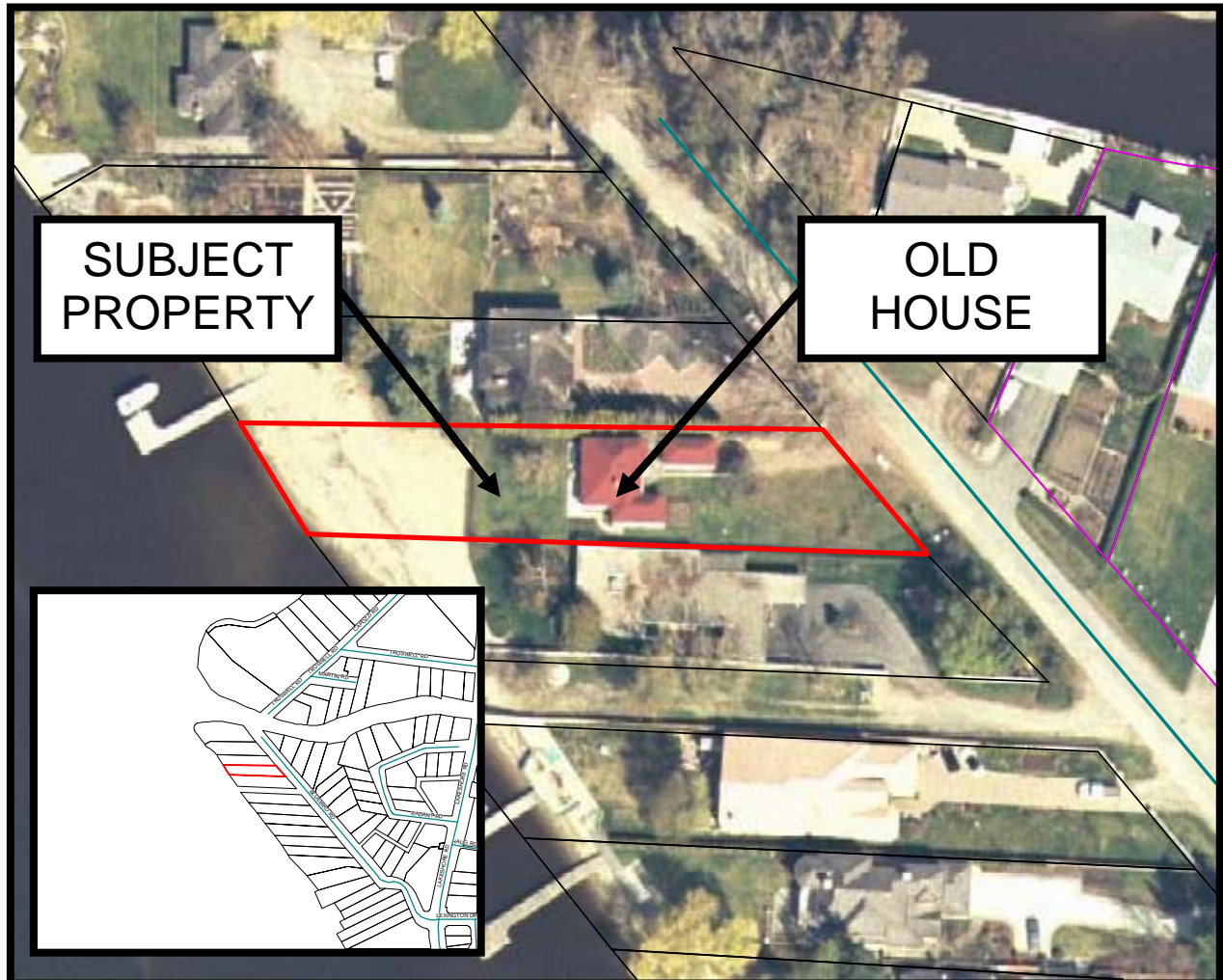
The subject property is located on the Lakeside (west) of Bluebird Road, situated to the west of Lakeshore Road, and south of Truswell Road in the North Mission/Crawford Sector Plan area of the City of Kelowna.

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

#### 4.3 Site Map

Subject Property: 3920 Bluebird Road



#### 4.4 Existing Development Potential

The existing development potential is for large lot urban residential and related uses.

#### 4.5 Current Development Policy

#### 4.5.1 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 use for two dwelling units, and complementary uses (OCP, Chapter 8). The OCP also encourages a focus towards achieving more efficient use of land within single detached neighbourhoods.

#### 4.5.2 Lake Okanagan Shore Zone Plan

In order to protect the shore zone, a corridor of land along the lakefront should be left in its natural condition upon redevelopment of the upland parcel, or be landscaped in a manner that either enhances conditions for fish and wildlife or maintains conditions equivalent to those that would have existed had no development occurred.

The rehabilitation of natural areas that have been negatively affected by human activity, even on properties where no development initiatives are being proposed, is also encouraged.

It should be ensured that the natural environment will not be negatively affected. The proposed action or development should have no significant impact on the environment, or which concludes that the land is not considered to be environmentally sensitive to development, nor subject to hazardous conditions.

#### 5.0 TECHNICAL COMMENTS

##### Work and Utilities - Development Variance Permit and Site Related Issues

The requested Okanagan Lake Sight Lines Variance does not compromise Works and Utilities servicing requirements.

#### 6.0 Fire Department Comments

Fire dept. access and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

#### 7.0 Ministry of Water, Land and Air Protection Comments

This proposal has no impacts on the interests of the Environmental Stewardship Division of the Ministry of Water, Land and Air Protection.

#### 8.0 Inspection Services Comments

No comments.

#### 9.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concern with the proposed variance to the Okanagan Lake sightline requirement, because the placement of the proposed new home is in a very similar location to the existing home. Furthermore, the proposed location of the new dwelling will not additionally impact the sightlines of the properties located to the north and to the south. The rationale for supporting this variance application is based on the angle of the lake foreshore at the subject property, with it being angled diagonally to the property lines – making

for a situation where difficulty exists to sight a home without compromising the Okanagan Lake Sightline requirements.

---

Andrew Bruce  
Development Services Manager

Approved for inclusion

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

AB/MK/mk  
Attach.

### **ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Site Plan Showing Proposed Variance
- Survey Plan of Site