
CITY OF KELOWNA

MEMORANDUM

Date: April 15, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP05-0048

OWNER: David and Stacey Grimes

AT: 466 Carona Cr.

APPLICANT: David and Stacey Grimes

PURPOSE: TO VARY THE 10M SETBACK FROM THE NORTH ARM OF BELLEVUE CREEK TO 5.40M FOR THE CONSTRUCTION OF A POOL WITHIN THE RIPARIAN MANAGEMENT AREA

EXISTING ZONE: RU1 – Large Lot Housing

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0048; , located on Lot 37, District Lot 167, ODYD Plan KAP45849, Kelowna, B.C subject to the following;

1. The dimensions and siting of the pool to be constructed on the land be in general accordance with Schedule "A";
3. Landscaping to be provided on the land be in general accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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

Section 6.14 Riparian Management Area Setbacks: Subsection: 6.14.1:

Vary the Riparian Management Area Setback from 10.0m required for the North Arm of Bellevue Creek to 5.40m proposed.

2.0 SUMMARY

The applicant is seeking to vary the 10m setback from the North Arm of Bellevue Creek to 5.40m to allow for the construction of a swimming pool in the riparian management area.

3.0 THE PROPOSAL

The subject property is located on the north side of Carona Cr. between Walker Road and Apsey Road and backs the north arm of Bellevue Creek.

The applicant is seeking to construct an in-ground swimming pool in the rear yard of the property. The swimming pool will encroach into the 10m riparian management area setback measured from the top-of-bank and therefore a development variance permit is required. The applicant is seeking to vary the setback from 10m required to 5.40m proposed. In order to mitigate the impact of this development in the RMA the applicant has submitted a mitigation/landscape plan which proposes additional planting of native species along the rear property line (in close proximity to the top of bank).

The application meets the requirements of the proposed RU1s – Large Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	896m ²	550m ²
Lot Width (m)	25.64m	17.0m
Lot Depth (m)	41m	30.0m
Setbacks-House (m)		
-Front	10.75m	4.5m
-Rear	15.15m	10.0m
-East Side	1.83m (existing legal non-conformity)	2.3m
-South Side	1.85m (existing legal non-conformity)	2.3m
-Rear Yard Setback to Pool	5.40m❶	15.0m

❶Note: The applicant is seeking to vary the rear yard setback from 10.0m required to 5.40m proposed.

3.2 Site Context

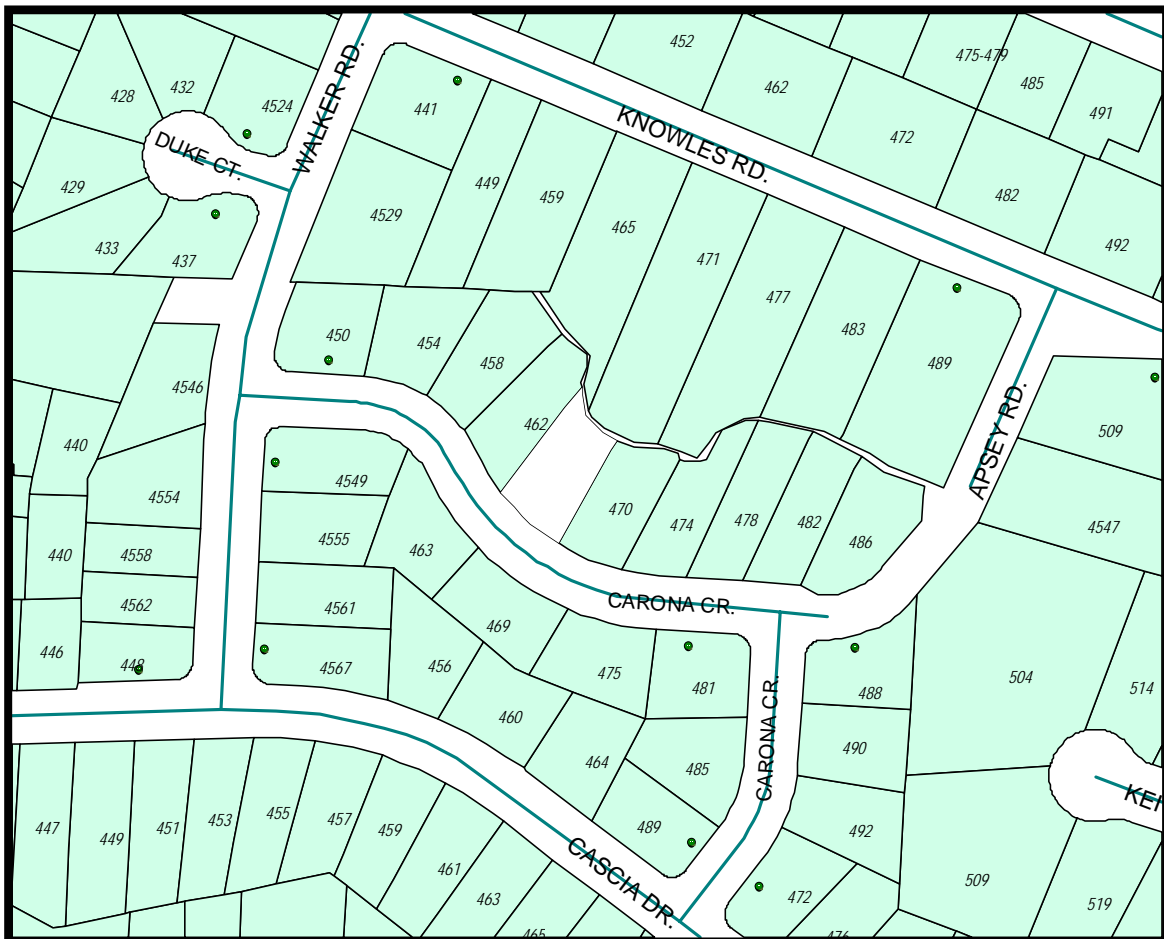
The subject property is located on the north side of Carona Cr. between Walker Road and Apsey Road and backs the north arm of Bellevue Creek.

Adjacent zones and uses are:

- 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 - RU1 – Large Lot Housing – Single Family Dwelling

Site Location Map

Subject Property: 466 Carona Cr.



4.0 TECHNICAL COMMENTS

4.1 **Works and Utilities**

The environmental ramifications for a variance from the required setback from Bellevue Creek (North arm) for an in-ground pool, must be considered, but Dev. Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government.

4.2 **Environment Manager**

The applicant needs to provide written rationale and justification for encroaching into the 10-m RMA, and must demonstrate they have exhausted all other opportunities to design and place the pool in a manner that will minimize the encroachment.

Applicant must provide a landscape (habitat) enhancement plan that mitigates the proposed encroachment.

*Note: The applicant has consulted with the Environment Division who is satisfied with the proposed mitigation plan and pool location.

4.3 **Inspection Services**

Our environmental and applicable subdivision restrictions in the area where the in-ground pool is proposed must be adhered to and also building by-law requirements for swimming pool or any required retaining wall must be approved prior to commencement of the pool.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The applicant has proposed a location for the pool on the subject property with both a safe setback from the existing house and a moderate setback from the creek. The applicant has also submitted a landscape/mitigation plan which proposes additional landscape along the top of bank to mitigate the effect of the proposed encroachment in the riparian management area. All proposed plant species will be native vegetation according to the landscape plan. The north arm of Bellevue Creek has been dry for several years although it has flowed intermittently in the past during periods of heavy precipitation.

Although not generally supportive encroachments into riparian management areas staff are of the opinion that the mitigation work proposed by the applicant is adequate for the proposed encroachment of the pool. The proposed pool also respects the existing Right of Way for access/maintenance to the creek.

The applicant has submitted letters of support from abutting property owners located at: 462 and 470 Carona Cr..

Andrew Bruce
Manager of Development Services



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

RM/AB/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject property map
- Site plan and floor plans
- Pictures