
CITY OF KELOWNA

MEMORANDUM

Date: October 21, 2005

File No.: DVP05-0181

To: City Manager

From: Planning & Corporate Services Department

Purpose: To vary Section 6.4.1 of City of Kelowna Zoning Bylaw No. 8000 to allow for a variance to the maximum allowed length of 3.0 m for a cantilevered section of a building to allow for a 5.78 m length and to vary the maximum allowed area of 30% for a cantilevered section of a building to allow for a 35% area.

Owner: Aberdeen Holdings Ltd. **Applicant/Contact Person:** Sandpiper Development Ltd./Peter Brenneman

At: #129 – 1405 Guisachan Place

Existing OCP Designation: Multiple Unit Residential – low density

Proposed OCP Designation: Single/Two Unit residential

Existing Zone: A1 – Agriculture 1 **Proposed Zone:** RU5 – Bareland Strata Housing

Report Prepared By: Shelley Gambacort

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0139, Aberdeen Holdings Ltd.; Strata Lot 15, DL 136, ODYD, Strata Plan KAS2771, located on Guisachan Place, Kelowna, BC;

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

Section 6.4.1 – The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. To vary this requirement for Strata Lot 15, Plan KAS2771 to allow for 35% of the total area of the exterior wall.

No individual structural projection shall exceed 3.0 metres in length.
To vary this requirement for Strata Lot 15, Plan KAS2771 to allow for a 5.78 m long projection.

2.0 SUMMARY

The applicant is requesting approval for a Development Variance Permit in order to vary the length allowed for a structural projection and the area of the structural projection.

3.0 BACKGROUND

In May of 2005 a Building Permit was issued for a single family dwelling on the subject property with the proposed siting meeting the bylaw requirements.

However, it was not evident until construction was well underway that the structural projection did not conform to the bylaw requirements. This was a result of an error in the layout by the framing contractor. This problem was brought to the City's attention by the developer and subsequently confirmed by the Inspection Services Department.

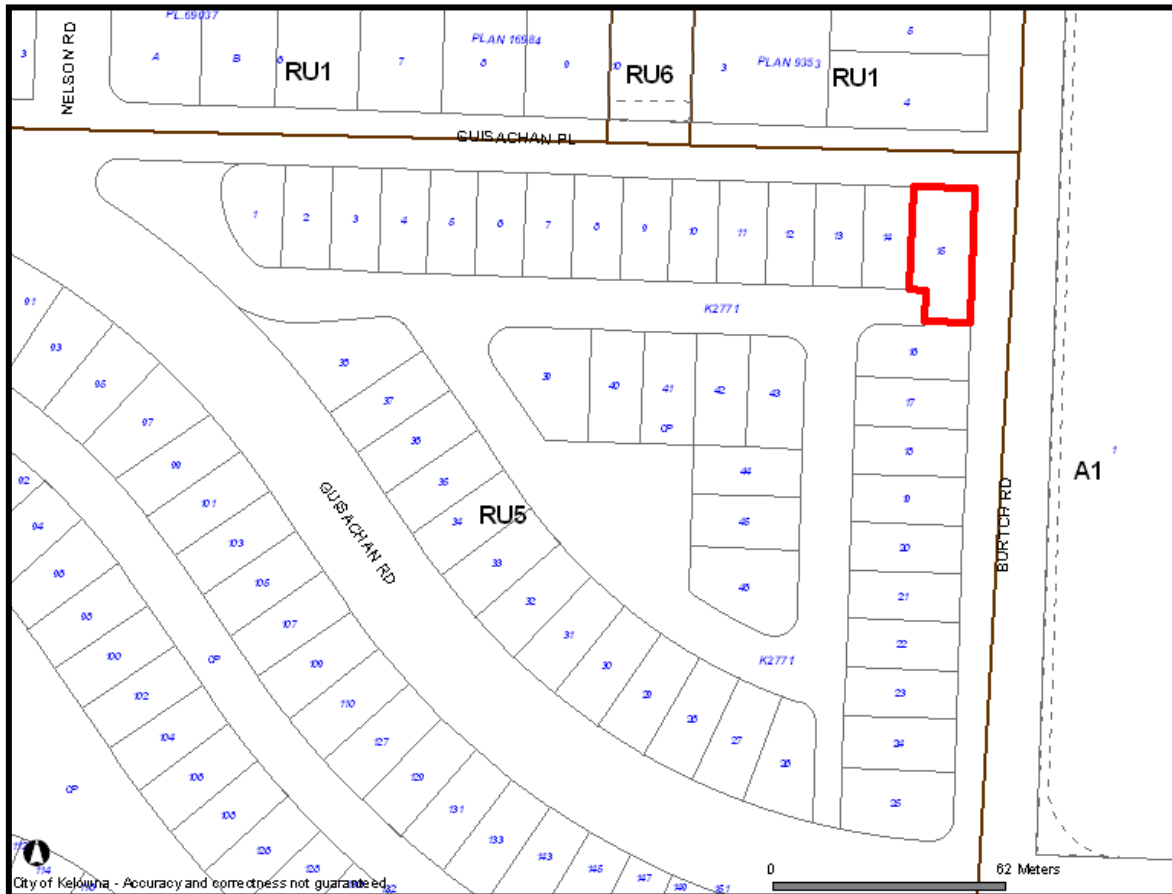
As the construction of the dwelling is now complete, it would be a major undertaking to renovate the dwelling to bring it into compliance with the zoning bylaw requirements for a structural projection. The developer has provided a letter from the adjacent property owner indicating they have no objection to the development variance permit application.

The requested variances are summarized below:

1. Total allowable area of a structural projection is 30% and the existing projection is 35% for a variance of 5%.
2. The maximum allowable length of an individual structural projection is 3.0 m and the existing projection is 5.78 m for a variance of 2.78 m.

3.2 Site Context

The property is located within *The Greens at Balmoral* development located between Guisachan Road, Guisachan Place and Burtch Road.



- South - New alignment of Guisachan Road, RU5 – Bareland Strata Housing; Balmoral Resort Community
- West - RU5 – Bareland Strata Housing; Balmoral Resort Community

4.0 CURRENT DEVELOPMENT POLICY

- CITY OF KELOWNA STRATEGIC PLAN 2004 EDITION

The Strategic Plan objectives relating to development are:

- Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.
- Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

- KELOWNA 2020 – OFFICIAL COMMUNITY PLAN

The OCP Future Land Use designation of this area is Single/Two Unit Residential.

5.0 TECHNICAL COMMENTS

5.1 Works & Utilities

The requested variance to Bylaw 8000 Section 6.4.1 to increase the length of a structural projection from 3.0 m to 5.78 m and to increase the area of that projection from 30% to 35% does not compromise Works and Utilities servicing requirements.

5.2 Inspection Services

Occupancy Permit was issued September 27, 2005.

6.0 PLANNING COMMENTS

The Planning & Corporate Services department does not condone development that does not respect the requirements of the zoning bylaw. In this case the developer alerted the Building Inspector to the non-compliance after the City's receipt of the Building Location Certificate. The applicant has provided a letter from the adjacent property owner indicating they have no objection to the variances.

Andrew Bruce
Manager Development Services

Approved for inclusion

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

AB/SG/sg

ATTACHMENTS

- Location Map
- Building Location Certificate