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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 18, 2005  
**To:** City Manager  
**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP05-0196      **OWNER:** HELEN GRAHAM  
**AT:** 1055 WESTPOINT DRIVE      **APPLICANT:** HELEN GRAHAM

**PURPOSE:** TO VARY THE EASTERN SIDE YARD SETBACK FROM 2M  
REQUIRED TO 1.98M PROPOSED  
  
TO VARY THE FRONT YARD SETBACK FROM 4.5M  
REQUIRED TO 3.45M PROPOSED

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

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP05-0196; Lot 14, Section 31, Township 29, ODYD Plan KAP74540, located on Westpoint Drive, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 NOT be granted:

Section 13.1.6 (c): Front Yard Setback

Vary the front yard setback from 4.5m required to 3.45m proposed.

Section 13.1.6 (d): Side Yard Setback

Vary the eastern side yard setback from 2.0m required to 1.98m proposed.

**3.0 SUMMARY**

The subject property is located on the south side of Westpoint Drive at its easternmost end. The applicant is seeking to vary both the front yard setback and eastern side yard setbacks in order to accommodate a siting error that has occurred during the construction of the single family dwelling located on the subject property. The portion of

the home encroaching into the setbacks is a side-entry garage on the north-east side of the property.

The application meets the development regulations of the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	CD2 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1615m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	18.0m	17.0m
Lot Depth (m)	59.20m	30.0m
Setbacks		
Front Yard	3.45m❶	6.0m
Side Yard (W)	2.07m	1.5m
Side Yard (E)	1.98m❷	1.5m
Rear Yard	33m	7.5m
Building Height	1-2 storeys	2.5 storeys

❶ The applicant is seeking to vary the front yard setback from 4.5m required to 3.45m proposed.

❷ The applicant is seeking to vary the eastern side yard setback from 2.0m required to 1.98m proposed.

### 3.1 Site Context

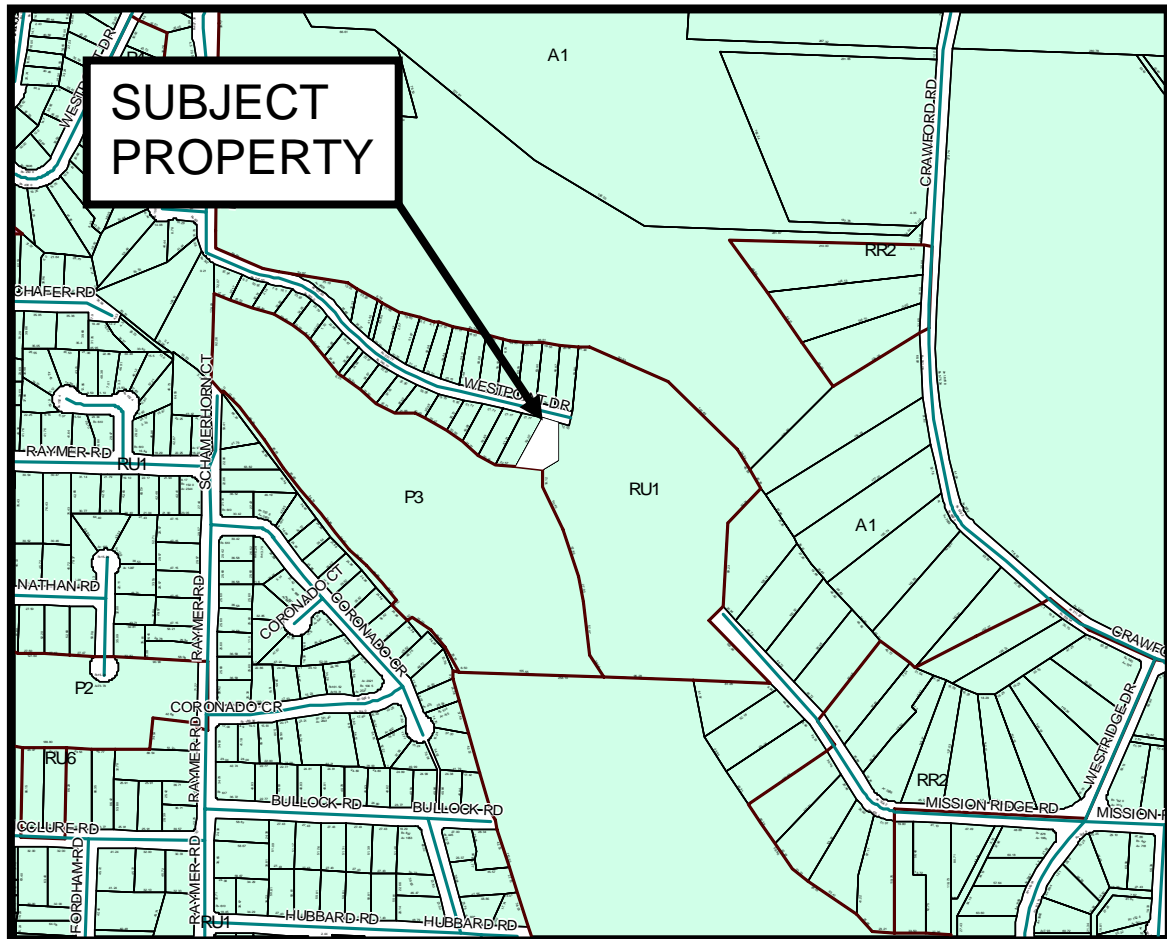
The subject property is located on the south side of Wespoint Drive at its easternmost end.

Adjacent zones and uses are:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - P3 – Parks and Open Space
- West - RU1 – Large Lot Housing

3.2 Site Location Map

Subject Property: 1055 Westpoint Drive



3.3 DEVELOPMENT POLICY

None applicable.

4.0 TECHNICAL COMMENTS

4.1 Works and Utilities

Does not comprise Works and Utilities requirements.

4.2 Inspection Services

No concerns.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with regard to this development variance permit application. When the size of the property is taken into account, the applicant's appear to have ample room locate the partially constructed house in a manner that does not encroach on the established building setbacks, nor the "no build" zone at the rear of the property.

The applicant has garnered the written support of the abutting property owner who owns the properties surrounding this house.

Should Council choose to support this development variance permit application, an alternate recommendation has been provided below.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0196; Lot 14, Section 31, Township 29, ODYD Plan KAP74540, located on Westpoint Drive, Kelowna, B.C.;

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

Section 13.1.6 (c): Front Yard Setback

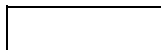
Vary the front yard setback from 4.5m required to 3.45m proposed.

Section 13.1.6 (d): Side Yard Setback

Vary the eastern side yard setback from 2.0m required to 1.98m proposed.

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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
- Retaining Wall Sections
- Pictures