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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** January 11, 2006  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP05-0179      **APPLICANT:** Hans Neumann  
**AT:** 3920 Bluebird Rd.      **OWNERS:** Tarcisio Niccoli  
Angelina Niccoli

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE REQUIRED SIDE YARD SETBACK FROM 2.0 M FOR A 1 OR 1 ½ STOREY PORTION OF A BUILDING, AND 2.3 M FOR A 2 OR 2 ½ STOREY PORTION OF A BUILDING TO 1.6 M FOR A 1 OR 1 ½ STOREY PORTION OF A BUILDING AND 1.9 M FOR A 2 OR 2 ½ STOREY PORTION OF A BUILDING

**EXISTING ZONE:** RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0179 for Lot 2, Section 1, Township 25, ODYD, Plan 3107 located on Bluebird Road, Kelowna, B.C.:

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

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

Section 13.1.6 (d) RU1s – Large Lot Housing with Secondary Suite

To obtain a Development Variance Permit to vary the required side yard setback from 2.0 m for a 1 or 1 ½ storey portion of a building, and 2.3 m for a 2 or 2 ½ storey portion of a building to 1.6 m for a 1 or 1 ½ storey portion of a building and 1.9 m for a 2 or 2 ½ storey portion of a building.

## **2.0 SUMMARY**

This development variance permit application seeks to vary the sideyard setback to the south property line. Approval of this variance would allow a 1.6 m setback to the first storey and a 1.9 m setback to the second storey, where the required setback is 2.0 m and 2.3 m respectively.

## **3.0 BACKGROUND**

April 12, 2005 – Council approved a development variance permit application, allowing a relaxation to the Okanagan Sight Line requirement from 60 degrees to 50 degrees.

August 9, 2005 – Council approved a rezoning application, which resulted in a change in the zoning from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

September 29, 2005 – Applicant applied for a development permit for secondary suite. This DP application will be considered by the Director of Planning and Corporate Services, following Council's decision on the current development variance permit application.

### **3.1 The Proposal**

The Applicant is proposing to construct a 357 m<sup>2</sup> (3,842 ft<sup>2</sup>) single family dwelling with a 65 m<sup>2</sup> (695 ft<sup>2</sup>) secondary suite above an attached two-car garage on the subject property. The garage/secondary suite portion is to be connected to the main portion of the house by means of a 10 m (32 feet) by 2.4 m (8 foot) corridor.

The table below shows this application's compliance with the requirements of the RU1s zone:

<b>Project details</b>	Site area:	1,328 m <sup>2</sup> (0.33 ac) **to high water line**
	Building Footprint:	318 m <sup>2</sup>
	Floor Area (principal dwelling):	357 m <sup>2</sup>
	Floor Area (secondary suite)	65 m <sup>2</sup>
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,328 m <sup>2</sup> (0.33 ac)	550 m <sup>2</sup>
Lot Width	23.4 m	16.5 m
Lot Depth	78.4	30.0 m
Development Regulations		
Site Coverage (buildings)	24%	40%
Site Coverage (buildings/parking)	34%	50%
Height	6.9 m / 2 storeys	9.5 m / 2 ½ storeys
Front	4.5 m	4.5 m
Side (north)	2.0 m (main floor) 2.3 (2 <sup>nd</sup> floor)	2.0 m for a 1 or 1 ½ storey 2.3 m for a 2 or 2 ½ storey
Side (south)	1.6 m 1.9 m <sup>A</sup>	2.0 m for a 1 or 1 ½ storey 2.3 m for a 2 or 2 ½ storey
Rear	21.6 m	7.5 m
Other requirements		
Okanagan Lake Setback	> 15.0 m	15.0 m
Okanagan Sight Lines	50 degrees <sup>B</sup>	60 degrees
Floor Area of Suite	65 m <sup>2</sup>	lesser of 40% of principal dwelling or 90 m <sup>2</sup>
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

<sup>A</sup> The Applicant is applying to vary the sideyard setback requirement for both the first and second storey.

<sup>B</sup> A variance was previously approved by Council to allow the reduced sight line (DVP05-0003).

The subject property is a lakefront lot, located on Bluebird Road, just south of Mission Creek. The surrounding area has been developed primarily as a single-family neighbourhood, with the RU1 zone predominating. More specifically, the adjacent land uses are as follows:

## Site Location Map

The map displays a residential neighborhood with the following details:

- Subject Property:** Lot 3920, located on the west side of Bluebird Rd, is highlighted with a black rectangle.
- Streets:** Truswell Rd (top), Martin Rd (horizontal, center), Bluebird Rd (diagonal, center), Radan Rd (diagonal, bottom right), and Haug Rd (bottom right).
- Zoning Designations:**
  - RU1:** Residential Single-Family, located along Martin Rd and Bluebird Rd.
  - RU6:** Residential Medium-Density, located along Truswell Rd and Bluebird Rd.
  - C9:** Community Neighbourhood, located along Truswell Rd.
  - C2:** Community Neighbourhood, located along Haug Rd.
  - C1:** Community Neighbourhood, located along Haug Rd.
  - C2r:** Community Neighbourhood, located along Radan Rd.
- Lot Numbers and Addresses:** Numerous lots are shown with their respective addresses, such as 3882, 3858, 3854, 3848, 3880, 3896, 3889-3899, 3879, 3869, 519, 529, 539, 549, 559, 579, 593, 599, 581, 587, 593, 599, 575, 569, 557, 563, 551, 545, 539, 533, 564, 558, 576, 582, 588, 594, 3929-3933, 3935, 3957, 3969, 3975, 3985, 3989-3991, 3960, 3970, 3973, 3979, 3985, 3980, 3984, 3974, 3968, 3962, 3956, 3950, 3944, 3938, 3932, 3926, 3920, 3914, 3908, 3902, 3882, 3858, 3854, 3848, 3880, 3896, 3889-3899, 3879, 3869, 519, 529, 539, 549, 559, 579, 593, 599, 581, 587, 593, 599, 575, 569, 557, 563, 551, 545, 539, 533, 564, 558, 576, 582, 588, 594, 3929-3933, 3935, 3957, 3969, 3975, 3985, 3989-3991, 3960, 3970, 3973, 3979, 3985, 3980, 3984, 3974, 3968, 3962, 3956, 3950, 3944, 3938, 3932, 3926, 3920, 3914, 3908, 3902.

The property is zoned RU1s – Large Lot Housing with secondary suite. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots. Principal uses are “single dwelling housing”, with secondary uses such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

Secondary suites are permitted within the RU1s - Large Lot Housing with Secondary Suite zone.

### **3.4 Current Development Policy**

#### **3.4.1 City of Kelowna Strategic Plan (2004)**

*Objective #4* – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

*Objective #5* – Achieve accessible, high quality living and working environments.

*Objective #7* – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

#### **3.4.2 Kelowna 2020 Official Community Plan (OCP)**

*Future Land Use Designation* - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP. The proposed RU1s zone is consistent with that future land use designation.

*Development Permit Process* - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

### **4.0 CIRCULATION COMMENTS**

#### **4.1 Fire Department**

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

#### **4.2 Inspection Services**

No concerns.

#### **4.3 Environment Division:**

The setback should be from the “natural boundary”. It appears that there is an assumption by the builder that 15 meters from high water mark is in the same location. I would like to see the surveyed setback on a survey plan.

We also would like to see a landscape plan for the DP area within the 15 meter setback area. Are there any works (docks, retaining walls, pools, etc.) contemplated that should be addressed now?

#### **4.4 Works & Utilities**

The requested variance to reduce the side yard setback from the required 2.00m to 1.60m, does not compromise Works and Utilities servicing requirements.

### **5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

In June, 2005 a building permit was issued to allow construction of the single family dwelling on the subject property. Unfortunately, the surveyor's certificate supplied to the City of Kelowna building department was in error. The abutting landowner hired a second surveyor to establish this fact. The owner of the subject property now has a partially constructed dwelling: footings and foundation are in place for the entire building, and framing has been completed on the garage portion of the dwelling. Framing of the main portion of the dwelling has been stopped until the non-conforming side yard setback issue is resolved. Staff also note that the applicant has submitted letters of support for the proposed variances from the affected neighbours.

Staff has no concerns with the requested variance to the side yard setback at this time. However, there are some matters relating to the setback from the “natural boundary” and landscaping elements, which are detailed below:

- the setback should be from the “natural boundary”. There is an assumption that 15.0 m from the “high water mark” is the same location. The Applicant must provide a surveyor’s certificate showing the proposed dwelling relative to the “natural boundary”.
- the landscape plan submitted with the development permit application (DP05-0062) must detail the desired landscaping in the area between the house and the natural boundary. No structures will be permitted with the riparian management area setback and all landscaping will require approval as part of the development permit application.

The matters detailed above will need to be addressed prior to issuance of DP05-0062.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

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**ATTACHMENTS**  
**Location of subject property**  
**Site Plan**  
**Main Floor Plan**  
**Upper Floor Plan**  
**Elevations**  
**Building Section**  
**Applicant’s Letter of Rationale**