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

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**Date:** March 2, 2006  
**File No.:** DVP05-0218  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP05-0218      **OWNER(S):** Bernhardt, Jim and Jackie

**AT:** 3908 Bluebird Road      **APPLICANT:** Ian Paine

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE OKANAGAN LAKE SIGHT LINES FROM 60 DEGREES TO 40 DEGREES.

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

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0218 for Lot 4, Sec. 1, Twp. 25, O.D.Y.D. Plan 3107, located at 3908 Bluebird Road, Kelowna, B.C., subject to the following:

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

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

### **Section 6.11 – Okanagan Lake Sight Lines**

Vary the Okanagan Sight Lines from 60 degrees required to 40 degrees proposed.

## **2.0 SUMMARY**

The Applicant is proposing to construct a covered patio at the rear of the existing building within the required Okanagan sightline setback. A development variance permit is required to allow this addition.

## **3.0 BACKGROUND**

### **3.1 The Proposal**

The applicant is proposing to cover an existing at grade patio with a single storey roof. Located at the rear of the house, facing Okanagan Lake, the covered patio will encroach within the required 60 degree sightline when measured from the existing house on the property to the south.

The application meets the requirements of the RU1 - Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area	1,570 m <sup>2</sup> (0.388 ac)	550 m <sup>2</sup>
Lot Width	28.65 m <sup>2</sup>	16.5 m
Lot Depth	70.33 m <sup>2</sup>	30.0 m
Site Coverage (buildings)	20%	40%
Site Coverage (driveways and parking)	25%	50%
<b>SETBACKS</b>		
Front	4.5 m	4.5 m
Side (north)	2.0 m	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Side (south)	2.3 m	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Rear	29.0 m	7.5 m
<b>OTHER REQUIREMENTS</b>		
Setback from high water mark	29.0 m	15.0 m
Okanagan Sight Lines	40 degree on south side does not meet requirements <sup>A</sup>	120 panoramic view from adjacent properties (60 degrees to each side)

<sup>A</sup> The Applicant is applying to vary this requirement of the Zoning Bylaw to allow an Okanagan Sight Line of 40 degrees to the property to the south, where a 60 degree view line is required.

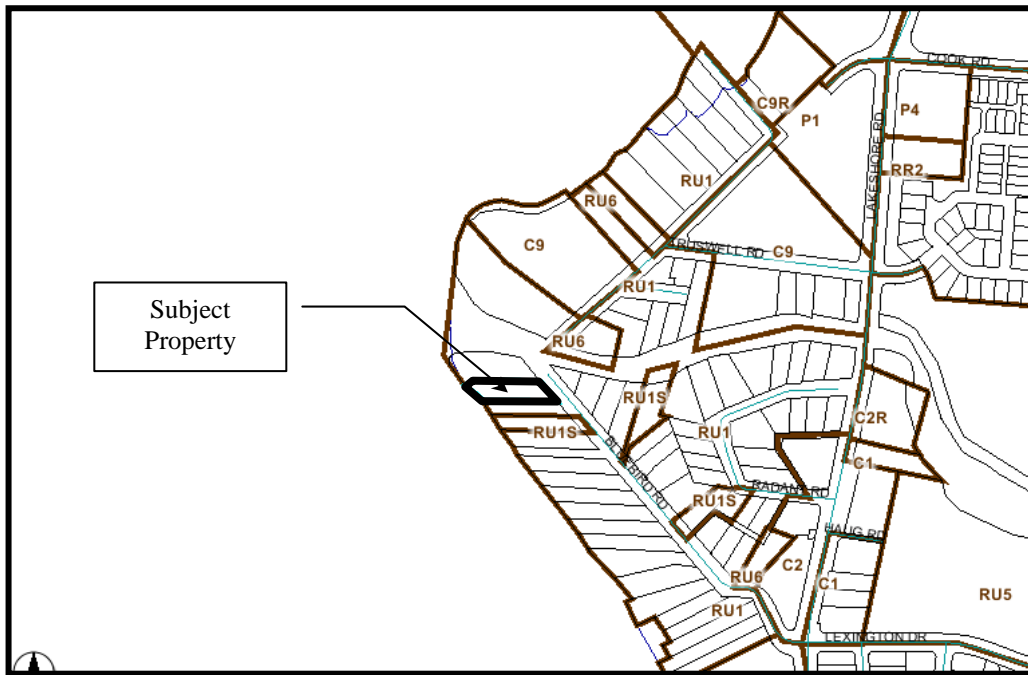
### 3.2 Site Context

The subject property is a lakefront lot on Bluebird Road. More specifically, the adjacent land uses are as follows:

North	RU1 – Large Lot Housing
East	RU1 – Large Lot Housing
South	RU1 – Large Lot Housing
West	W1- Okanagan Lake

### 3.3 Site Map

Subject Property: 3908 Bluebird Road



### 3.4 Development Potential

The property is zoned RU1 – Large Lot Residential. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

### 3.5 Policy and Regulation

#### 3.5.1 Zoning Bylaw No. 8000

##### Section 6.11 – Okanagan Lake Sight Lines

All buildings and structures, greater than 1.2 m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° panoramic view from the corner of the house, parallel with the adjacent property lines, as shown in Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line.

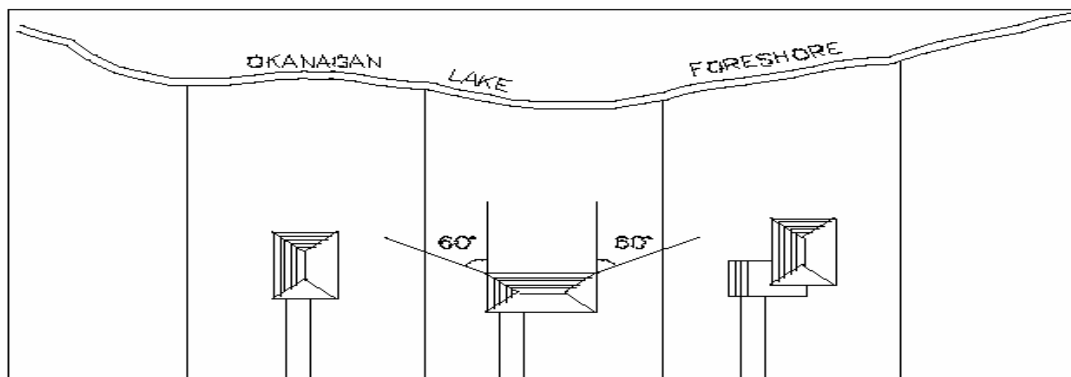


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

#### 4.0 TECHNICAL COMMENTS

4.1 Fire Department, Inspection Services, Environment Division  
No concerns.

4.2 Works & Utilities  
The requested variance does not compromise Works and Utilities servicing requirements.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Corporate Services Department is supportive of the proposed variance to the Okanagan Lake Sightline requirement. Staff notes that the existing house was sited with a front yard setback of 4.5m, the minimum permitted by the Zoning Bylaw. The requirement for the variance is therefore largely due to the angle of the lake and Bluebird Road which allows the adjacent house to be pulled further forward on the neighbouring lot. The Applicant has submitted a letter of support from the affected neighbour to the south side of the subject property.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

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#### ATTACHMENTS

Location of subject property

Site Plan (Schedule "A")

Applicant's rationale letter

Letter of support from affected neighbours at 3914 Bluebird Road

Applicant's letter explaining attempt to contact neighbour at 3902 Bluebird Road