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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 20, 2006  
**File No.:** **DVP06-0050**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP06-0050

OWNER: DAVID & MARGARET  
HOBSON

AT: 4328 HOBSON ROAD

APPLICANT: EDGECOMBE BUILDERS

PURPOSE: TO VARY THE PROVISIONS OF THE OKANAGAN LAKE SIGHT  
LINES FROM MINIMUM ANGLE OF 60° REQUIRED TO 41°  
PROPOSED

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: PAUL McVEY

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1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0050; Edgcombe Builders Ltd. (Kevin Edgcombe); Lot B. DL 167, O.D.Y.D., Plan KAP69885, located on Hobson Road, Kelowna, B.C.;

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

**Section 6.11 Okanagan Lake Sight Lines** be varied from 60° required to 41° proposed.

2.0 SUMMARY

The applicant is proposing to construct a new dwelling on the subject property. However, owing to the existing dwelling located on the property to the northeast of the subject property being sited approximately 32 m from the lake, the configuration of the lake shore adjacent to both of the affected properties, and the proposed dwelling being sited approximately 22 m from the lake, the proposed dwelling impacts the existing lake sight line of the existing dwelling. This application for a Development Variance Permit has been triggered to address this situation.

This application has not been circulated to the Advisory Planning Commission as the applicant has provided proof of support from the surrounding neighbours.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is proposing the construction of a new dwelling on the subject property. This application for a Development Variance Permit has been triggered owing to the combination of the existing dwelling located on the property to the northeast of the subject property being located approximately 32 m from the lake, the configuration of the lake shore adjacent to both of the affected properties, and the proposed dwelling being sighted approximately 22 m from the lake, the proposed dwelling impacts the existing lake sight line of that dwelling located at 4322 Hobson Road.

The lake shoreline in front of the subject property juts further into the lake than the dwelling located on the property to the north east of the subject property, which creates a situation where the location of the proposed dwelling on the subject property impacts the 60° lake view sightline, even though the proposed location of the dwelling on the subject property is greater than the minimum setback from Okanagan Lake of 15m.

This application has not been circulated to the Advisory Planning Commission as the applicant has provided proof of support from the surrounding neighbours.

The proposal as compared to the RU1 zone requirements is as follows:

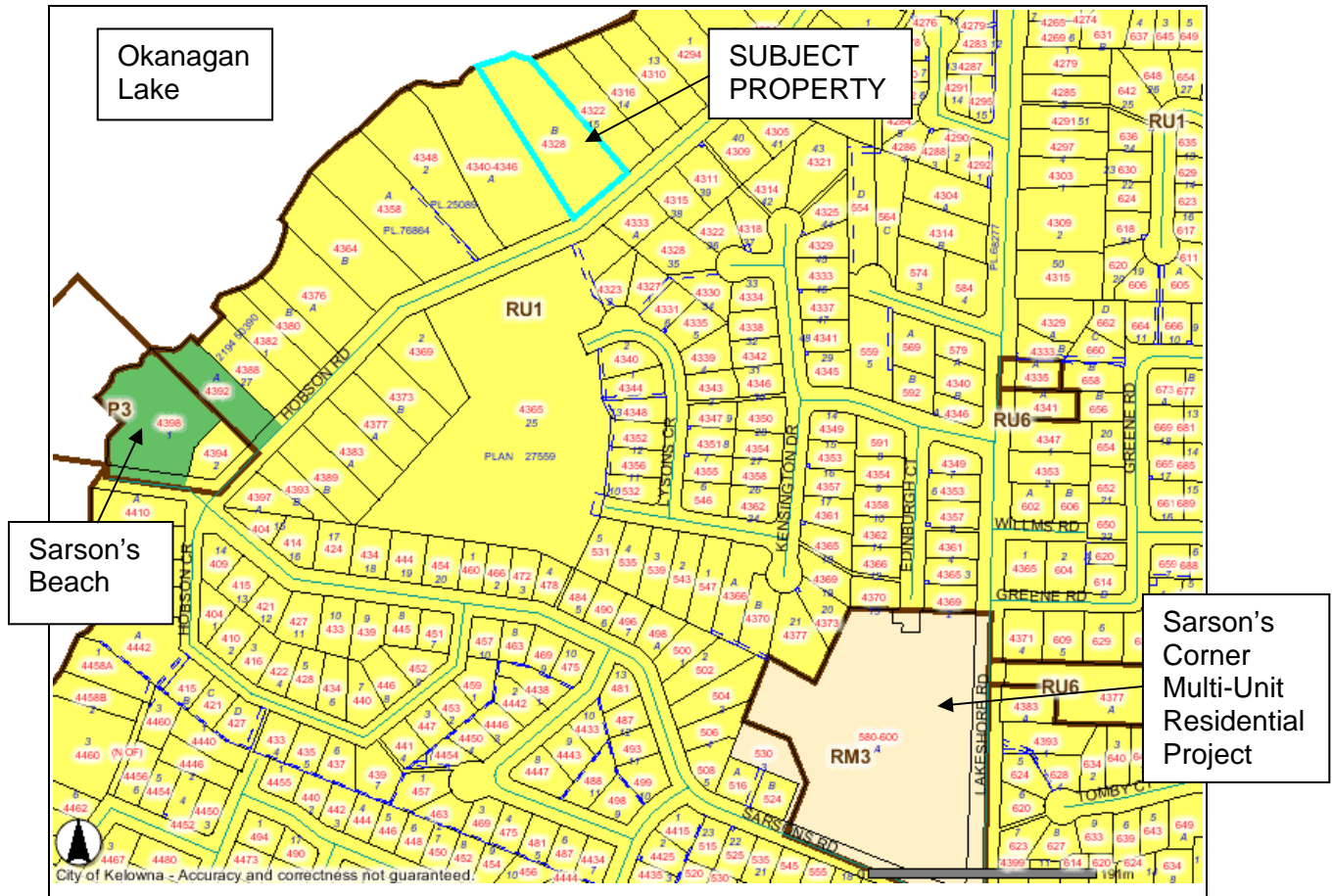
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	6,930m <sup>2</sup>	550m <sup>2</sup>
Site Coverage (%)	4.4% building	40% buildings 50% buildings, dwys, prkg areas
Storeys (#)		2 ½ storeys (9.5 m)
Setbacks (m)		
- Front	76m	4.5 m 6.0 m to garages/carports
- Rear (Okanagan Lake)		7.5 m
OCP Riparian Management Area	22 m	15.0 m
- West Side	8.71m	2.0 m for 1 or 1 ½ storey height 2.3 m for 2 or 2 ½ storey height
- East Side	16.79m	2.0 m for 1 or 1 ½ storey height 2.3 m for 2 or 2 ½ storey height

**NOTE:**

Variance has been made to reduce Okanagan Lake Sight Lines from 60° required to 41° proposed

### 3.2 Site Context

#### SUBJECT PROPERTY MAP



The subject property was created in 2001 as the result of an application for a lot line adjustment (S01-035). The neighbourhood is developed with single unit homes on large lots on the north side of Hobson Road adjacent to Okanagan Lake. The area on the south side of Hobson Road has been developed in the last 7 years with a number of single dwelling unit subdivisions.

The adjacent zone uses are as follows:

- North - W1 – Recreation Water Use / Okanagan Lake
- East - RU1 – Large Lot Housing – Single Unit Housing
- South - RU1 – Large Lot Housing/Hobson Road – Single Unit Housing
- West - RU1 – Large Lot Housing – Single Unit Housing

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The subject property is designated as a “single / two unit residential” future land use. The proposed development is consistent with that designation.

#### 3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 1;

Objective #3. Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.

### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

#### 4.1 Environmental Manager

Ensure 15.0 m setbacks are protected from disturbance and construction activity, and storm run off.

#### 4.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

#### 4.3 Inspection Services Department

No Comment.

#### 4.4 Policy Research and Strategic Planning

The subject property is designated as Single/ Two Unit Residential in the Official Community Plan. The proposed construction of a single family dwelling is consistent with the uses currently in existence surrounding the site. The request for a variance to the Okanagan Lake panoramic sight line from 60° to approximately 38° does not relate to the applicant's ability to build on the site. The applicant wishes to construct a walk out basement home on a portion of the

lot not suitable for this type of construction as the rear yard drop off is not sufficient to warrant the height of the proposed basement. Moving the site of the home further back on the property will facilitate the proposed design as the property increases in elevation by another metre toward the centre of the lot. Construction at this location would better allow for the 2.78m required for construction of the proposed basement with little grading required and with no need for a sight line variance.

It is recommended that that this variance not be supported as it is not necessary to build the desired house and could adversely affect the adjacent property to the north. Construction further back on the site will require less site alteration.

#### 4.5 Works and Utilities Department

The requested Okanagan Lake Sight Lines Variance does not compromise Works and Utilities servicing requirements.

#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with the variance to the Okanagan Lake Sight Line as requested. The configuration of the lakeshore of the subject property juts further into Okanagan Lake that the affected property to the northeast (4322 Hobson Road), which creates a situation where if the proposed dwelling was sighted to respect the 15m Riparian Management Area adjacent to Okanagan Lake, the 60° Okanagan Lake Sight Line would have been impacted even worse. This situation is further worsened in that the dwelling located on 4322 Hobson Road is setback approximately 33m from the lakeshore adjacent to that property, where the lakeshore is setback further into that lot.

The applicant has approached the affected neighbours, and has received written support for the variance from them.

However, the site grading adjacent to the proposed dwelling will be very critical to the proposed building development. The location near Okanagan Lake will have a high ground water table, and may also be impacted by minimum Okanagan Lake flood water elevations. The applicant is cautioned that there is the potential create a 3 storey building height adjacent to the lake, as the review of the building plans at the building permit application review may trigger a further review of the building floor elevation relative to the lake elevation and associated flooding, and may potentially require that the minimum basement elevation be increased to ensure that the basement is above the flood elevation of the lake. As well, there are also concerns regarding the potential to create a 3 storey high building facing the lake. In order to preserve the maximum building height of 2 ½ storeys, the level of the top of the main floor can only be a maximum of 2.0 m above grade at that location in order to preserve the maximum 2 ½ storey building height. Anything that causes the basement floor elevation to be raised higher may create a situation where the building height will be 3 storeys.

The building plans also indicate a separate suite above the garage. The property is not currently zoned to permit a secondary suite, and due to the configuration of the second kitchen, this will not likely be approved as a second kitchen.

There will be a complete review of the proposed building plans at the time of the building permit application. The depth of the water table and the elevation of the building

foundation will be reviewed at that time, as well as compliance with the zoning bylaw regulations.

In conclusion, staff are not overly concerned with the sight line variance requested as the house placement is not significantly out of character with the adjacent buildings. However, staff are concerned that the design of the proposed house is inappropriate for a relatively flat, large lakefront lot.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

### Attachments

State of Title  
Subject Property Map  
Schedule A, B & C (pages)  
3 pages of site elevations / diagrams

### Air Photo

