**CITY OF KELOWNA**

# MEMORANDUM

**Date:**      June 12, 2006

**To:**        City Manager

**From:**      Planning & Corporate Services Department

**Subject:**

| | |
|---|---|
| **DEVELOPMENT VARIANCE PERMIT APPLICATION NO.** DVP06-0049 | **OWNER:**      Bob & Debra Mills |
| **AT:**   642 Almandine Court | **APPLICANT:**  Bob Mills |

**PURPOSE:**       TO VARY THE MAXIMUM FENCE HEIGHT FROM 2.0M PERMITTED TO A MAXIMUM OF 2.28M PROPOSED

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

**REPORT PREPARED BY:**   RYAN SMITH

1.0    RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0049; Lot 22, District Lot 357, SDYD Plan KAP74312, located on 642 Almandine Court, Kelowna, B.C.;

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

### Section 7.5.3 – Landscaping and Screening – Fencing & Retaining Walls

Vary the maximum height for fencing from 2.0m permitted to 2.28m proposed;

2.0    ADVISORY PLANNING COMMISSION
At the regular meeting of April 11, 2006 meeting it was resolved:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0049, for 642 Almandine Court, Lot 22, Plan 74312, Sec. 30, Twp. 29, ODYD, by Bob Mills, to obtain a Development Variance Permit to vary the fence height from 2.0 m to the proposed 2.28 m and to be placed on top of an existing retaining wall, subject to the applicant setting the fence back 90 cm from the western property line in accordance with a compromise reached with the affected neighbour.

3.0    SUMMARY
The application is seeking Council support for a Development Variance Permit to allow overheight fencing along the western property line. The maximum permitted fence height separating residential zones is 2.0m. The applicants are seeking to add a chainlink fence (1.2m in height) to their property lines which is required by building code to enclose their newly constructed swimming pool. In order to achieve an adequate setback from the

pool and height to meet the building code, the fence must exceed the maximum bylaw provisions in one area along the western property boundary where the fence will sit atop a 1.2m portion of retaining wall. Zoning Bylaw No.8000 requires that fence height be measured from the base of the retaining wall on the lower property in such situations and therefore a development variance permit is required. The maximum fence height sought by the applicants is a total of 2.28m.

The proposal as compared to the RU1 – Large Lot Housing zone requirements is as follows:

| CRITERIA | PROPOSAL | RU1 ZONE REQUIREMENTS |
|---|---|---|
| Fence Height | 2.28m | 2.0m |

3.0 SITE CONTEXT
The subject property is located on the north side of Almandine Court and is a double fronting lot as it also has frontage on South Ridge Drive.

Adjacent zones and uses are:

North - RU1 – Large Lot Housing – Single Family Dwelling
East - RU1 – Large Lot Housing – Single Family Dwelling

South - RU1 – Large Lot Housing – Single Family Dwelling
West - RU1 – Large Lot Housing – Single Family Dwelling

4.0 SUBJECT PROPERTY MAP
Subject Properties: 642 Almandine Court
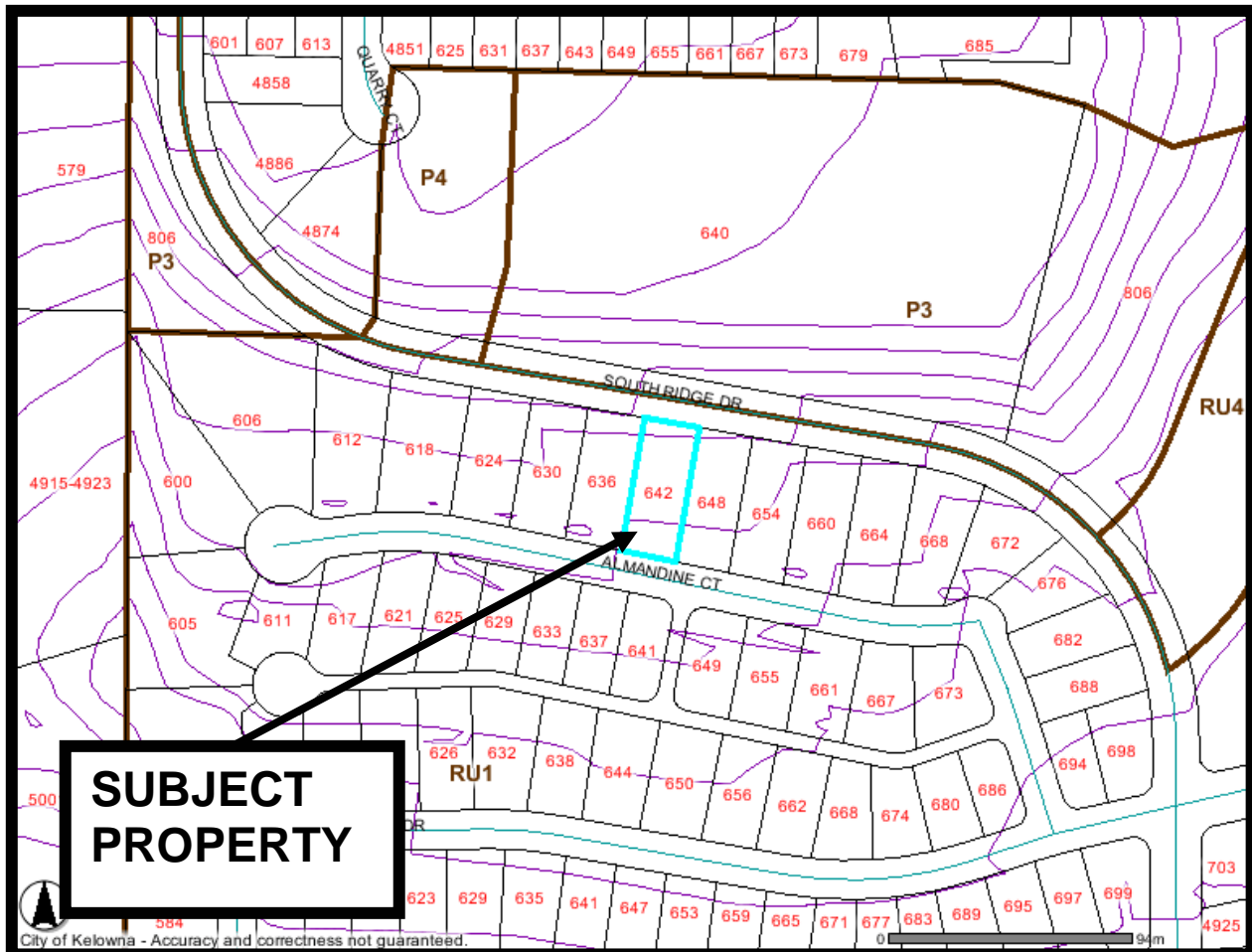
4.0    <u>TECHNICAL COMMENTS</u>
No concerns were expressed by any of the technical agencies or City Departments who reviewed this application.


4.0    <u>PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS</u>
Staff have no concerns with the proposed over-height fence. The applicant is seeking to provide the fence in order to comply with the building code and provide a safe perimeter around the swimming pool. The applicant is proposing a chainlink style fence with cedars facing the neighbouring property to allow for appropriate screening. It appears as though the variance would have little impact on the neighbour to the west. In order to further mitigate the variance, the applicant has committed to setting the fence as far back from the property line as possible but will be unable to meet the 1.2m requirement.


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Andrew Bruce
Manager of Development Services


Approved for inclusion    [          ]

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

RM/AB/rs
<u>Attach</u>.

**<u>Attachments</u>**

- Subject Property Map
    - Photos