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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 6, 2006  
**To:** City Manager  
**From:** Planning & Development Services Department  
**Subject:**

**APPLICATION NO.** DVP06-0126

**OWNER:** Gerald Varzari

**LOCATION:** 3938 Bluebird Road

**APPLICANT:** Apchin Design Group

**PURPOSE:** TO VARY THE OKANAGAN LAKE SIGHTLINES FROM 60° REQUIRED TO 17° PROPOSED FOR A BUILDING ADDITION TO A SINGLE FAMILY DWELLING

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

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0126; Lot A, Section 1, Township 25, ODYD Plan KAP80660, located on Bluebird Road, Kelowna, B.C.;

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

Section 6.11 – Okanagan Sightlines: 6.11.1:

Vary the Okanagan Sightlines from 60° required on the northern side of the property to 17° proposed;

AND THAT the applicant be required to adhere to the recommendations of the Riparian Area Assessment and Mitigation Plan from EBA Engineering Consultants dated May 24, 2006.

AND THAT landscaping to be provided on the land be in general accordance with Schedule "C";

AND THAT The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

**2.0 BACKGROUND**

The applicants have consolidated two RU1 – Large Lot Housing zoned lots and demolished one of the houses with the goal of adding a large addition to the other house. As a result of the addition, the sight line of the neighbour to the south would be impacted.

### 3.0 SUMMARY

The applicant is seeking to vary the Okanagan Lake Sight Lines which would affect the neighbour to the south. The required line of sight is 60° and the applicant is proposing to reduce this to 17° to allow for a building addition to an existing single family dwelling on the subject property.

The house addition also triggers environmental issues with regard to existing and proposed minor encroachments into the Riparian Management Area. In order to allow for the new encroachment of a small patio area into the RMA, the applicant has committed to the removal and re-vegetation of an existing patio area in accordance with a Riparian Area Assessment and Mitigation Plan created by EBA Engineering Consultants dated May 24, 2006.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for the RU1 – Large Lot Housing zones as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	3433.2m <sup>2</sup>	550m <sup>2</sup>
Lot Width	45.7m	16.5m
Lot Depth	105.11m	30.0m
<b>Setbacks</b>		
Side Yard (North)	2.4m	2.3m
Side Yard (South)	3.2m	2.3m
Rear Yard (15m Lake Setback)	15.0m	1.5m
Front Yard	14.06m	9.1m
Okanagan Lake Sight Lines – North Side	60°	60°
Okanagan Lake Sight Lines – South Side	17° <sup>❶</sup>	60°

❶ Note: The required line of sight for the neighbour to the south is 60° and the applicant is proposing to reduce this to 17° to allow the construction of an addition to a new single family dwelling on the subject property.

#### Site Context

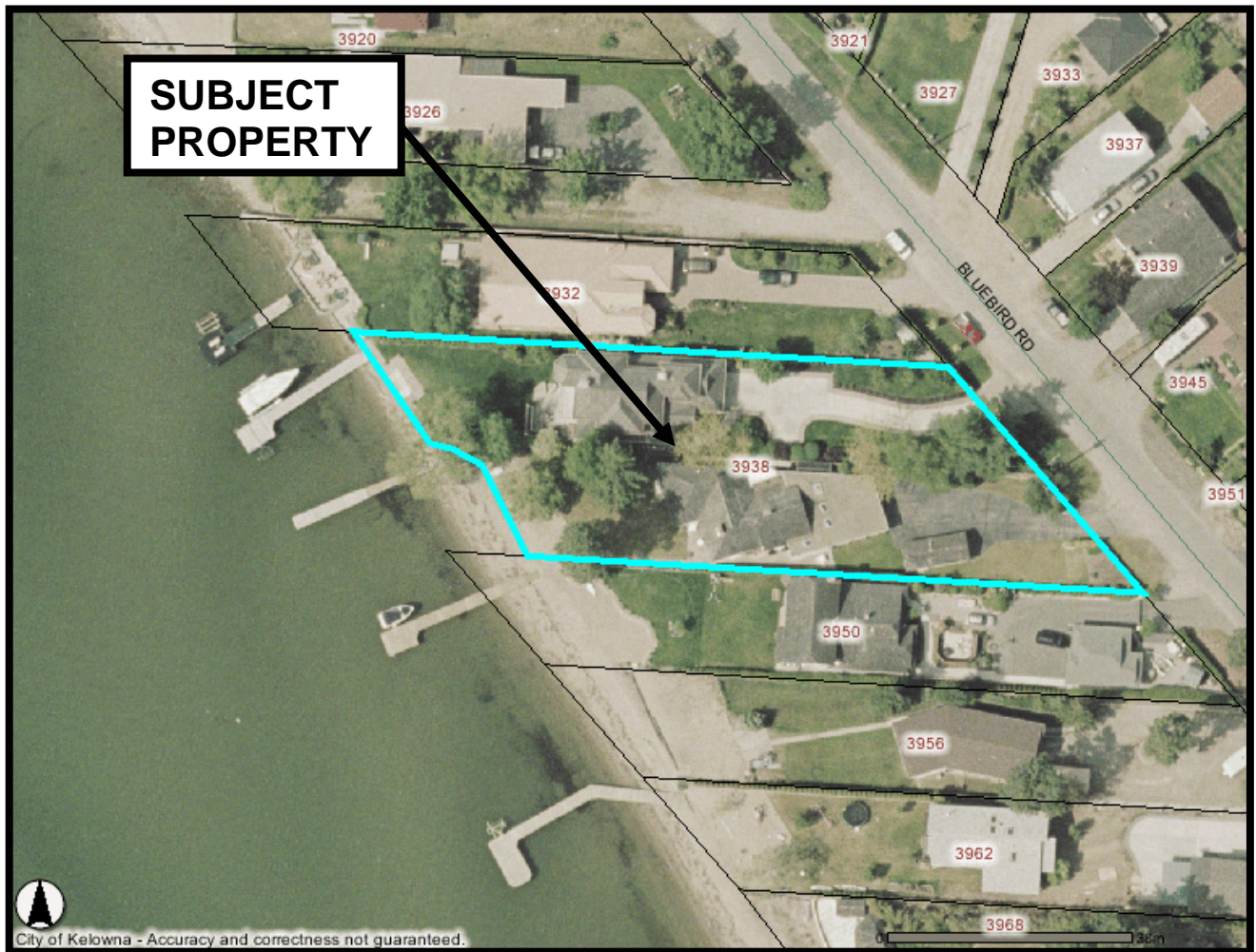
The subject property is located

Adjacent zoning and existing land uses are to the:

- 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 - Okanagan Lake

Site Map

Subject Property: 3938 Bluebird Road



#### 4.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and technical agencies and the following comments were received:

##### 4.1 Inspection Services Department

High water table and flood plain area home addition to meet flood construction level requirement of 343.66 meters.

Part 3 Building. Registered Architect required.

##### 4.2 Works and Utilities Department

###### 4.2.1 Domestic Water and Fire Protection

The subject property is provided with two 19mm copper water services. One of the services may continue to be used to supply the main residence and the proposed addition. The applicant, at his cost, will arrange for the disconnection and removal of the second service.

###### 4.2.2 Sanitary Sewer

The subject property is provided with two 100mm sanitary services. One of the services may continue to be used to supply the main residence and the proposed addition. The applicant, at his cost, will arrange for the disconnection and removal of the second service.

###### 4.2.3 Site Related Issues

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

The environmental ramifications of the house addition, landscape and pool features, as well as building setbacks from Okanagan Lake must be considered. Development Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government

## 5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Development Services Department has no concerns with the proposed Okanagan Lake sightline variance given the uneven shoreline bordering this neighbourhood. By way of written submission, the neighbour to the south of the subject property (3650 Bluebird Road) has indicated the he has no concerns regarding the proposed variance.

Staff have also reviewed the proposed mitigation measures and trade-offs for the new encroachments into the Riparian Management Area and have no concerns.

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Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion ☐

Signe Bagh  
Acting Director of Planning & Corporate Services

SB/SG/rs  
Attach.

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Site Plan Showing Proposed Variance
- Riparian Area Assessment and Mitigation Plan