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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** August 28, 2006  
**To:** City Manager  
**From:** Planning and Development Services Department  
**Subject:**

**APPLICATION NO.** DVP06-0138      **OWNER:** Alma Helen Wert  
**AT:** 5110 South Ridge Drive      **APPLICANT:** Dilworth Homes Inc.

**PURPOSE:** TO REDUCE THE FRONT AND SIDE YARD SETBACK REQUIREMENTS UNDER SECTION 13.2.6(c) & (d) FROM 4.5 m TO 4.25 m AND FROM 6.0 m TO 5.9 m FOR THE GARAGE HAVING VEHICULAR ENTRY AT THE FRONT AND FROM 1.5 m TO 1.43 m AT THE NORTHWEST CORNER OF THE DWELLING.

**EXISTING ZONE:** RU2 – Medium Lot Housing  
**REPORT PREPARED BY:** Corine (Cory) Gain, MCIP, CPT

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#### 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0138 for Lot13 District Lot 1688S Similkameen Division Yale District Plan KAP71342 located at 5110 South Ridge; Kelowna, B.C.

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

Section 13.2 RU2 – Medium Lot Housing: 13.2.6(c):  
Vary the front yard setback from 4.5 m to 4.27 m and From 6.0 m to 5.93 m for the garage having vehicular entry at the front to accommodate the location of a recently constructed single family dwelling.

Section 13.2 RU2 – Medium Lot Housing: 13.2.6(d):  
Vary the side yard setback from 1.5 m to 1.43 m at the northwest corner of the subject dwelling.

to legitimize the location of the existing single family dwelling relative to the front and side property lines.

## 2.0 SUMMARY

The applicant recently constructed a one storey home with a walk-out basement on the subject property under an approved building permit. The site plan submitted with the building permit application as attached indicated adequate setbacks to the property lines. However, a Surveyor's Certificate of Location dated June 7, 2006 indicates that the setbacks to property lines are inadequate. The applicant was advised by the Inspection Services Department to submit an application for a Development Variance Permit as soon as the setback deficiencies were identified.

## 3.0 BACKGROUND

The application meets the development regulations of the RU2 – Medium Lot Housing zone, with the exception of the measurements in bold print, as follows:

CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	544 m <sup>2</sup>	4000m <sup>2</sup>
Lot Width (m)	16.0 m	13.0m
Lot Depth (m)	34.0 m	30.0m
Lot Coverage	32.9%/39.6 %	40 %/50%
<b>Setbacks</b>		
Front Yard	<b>4.27 m and 5.93 m *</b>	4.5m except 6.0m to a garage or carport
Side Yard (W)	<b>1.43 m *</b>	1.5 m
Side Yard (E)	1.52 m	21.5 m
Rear Yard	15.71	7.5m
Building Height	1 storey	2.5 storeys

### 3.2 Site Context

The subject property is located on South Ridge Drive on the northwest side of the road three properties to the west of the intersection of South Ridge Drive and Cantina Court.

Adjacent zones and uses are:

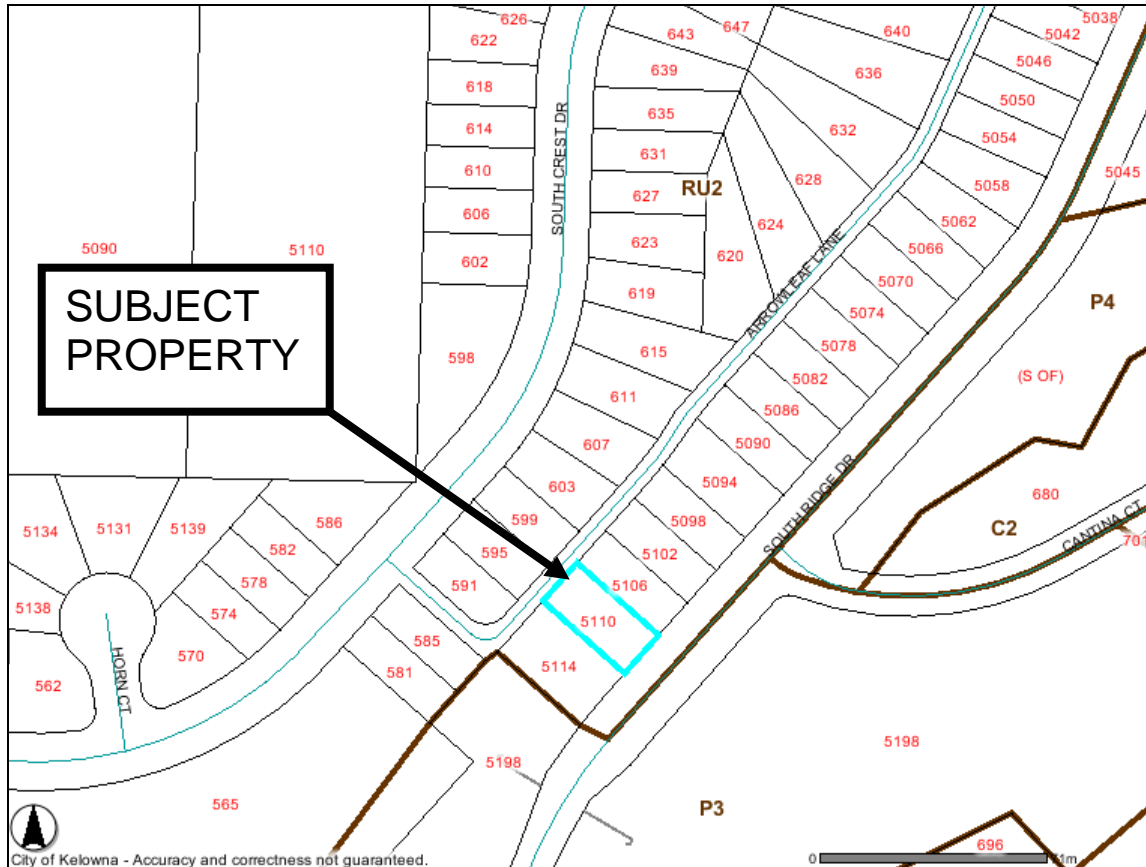
- North - RU2 Medium Lot Housing
- East - P3 Parks and Open Space
- South - RU2 Medium Lot Housing
- West - RU2 Medium Lot Housing

Building Permit No. 30999 issued February 20, 2006 for construction of a single family dwelling at 5110 South Ridge Drive, the subject property, was issued on the basis of setbacks of 4.5 m and 6 m (garage) to the front property line. The single family dwelling on the subject property is actually located at 4.27 m and 5.93 m (garage) to the front property line. It appears that the foundation placement was skewed to the west such that the setback at the rear corner of the house to the western side lot line is reduced to 1.43 m and the setback to the eastern property line is increased to 1.59 m. These setback deficiencies were discovered at the time that a B.C. Land Surveyor's Certificate

of Location for the building on the subject property was submitted as part of the standard building permit process.

### Site Location Map

Subject Property: 5110 South Ridge Drive



Building Permit for the dwellings on either side of the subject property were issued in 2003 and 2004. It appears that there may have been some confusion with respect to the setback requirements for these lots. The setbacks appear to be consistent with the requirements of the RU2h – Medium Lot Housing (Hillside Area) zone. There is no record of setback variances being applied for or approved for either of the neighbouring properties. As such, the Planning & Development Services Department is prepared to support the subject application as it results in setbacks consistent with the two neighbouring properties.

The photographs attached to this report show the relationship of the three dwellings to each other. Note that the subject dwelling is consistent to, or at a greater setback than the front yard setbacks on the adjacent properties.

3.0 TECHNICAL COMMENTS

3.1 Inspection Services

Concerned that two front yard setbacks and one side yard setback are encroaching zoning bylaw requirements.

3.2 Works and Utilities

Works and Utilities will not support the application for a front yard variance for a driveway length of less than 6.0 metres.

The application for a front yard variance does not compromise Works & Utilities servicing requirements.

3.3 Fire Department

Fire Department access, as per the BC Building Code.

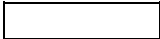
4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The subject property is designated as Single & Two Family Residential in the Official Community Plan. The existing construction of a single family dwelling is consistent with the uses currently existing surrounding the site. The variance to the front yard setback as requested is deemed to be a reasonable request given the setbacks to property lines on directly adjacent properties. However, the Planning Department would like to reiterate to the applicant the importance of adhering to the existing bylaw requirements in all future developments. The bylaw requirements should not be arbitrarily ignored in any case. If it is necessary or appropriate to make application for a Development Variance Permit an approved Permit must be obtained prior to application for building permit and/or commencement of construction.

The directly adjacent property owners have indicated their support for the proposal by way of written submission.

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Shelley Gambacort  
Acting Manager of Development Services

  
Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/cg

**ATTACHMENTS**

- Site plan submitted with Building Permit
- Surveyor's Certificate of Location dated June 7, 2006
- Front and Side Elevations at 5110 South Ridge Drive
- Photographs

## Site Plan submitted with Building Permit Application

Dist. from garage to curb: \_\_\_\_\_

Overall driveway length: \_\_\_\_\_

Proposed driveway grade (max.): \_\_\_\_\_

Main floor elevation: \_\_\_\_\_

Footing elevation: \_\_\_\_\_

Proposed rear yard depth (min.): \_\_\_\_\_

A/C pad within building envelope: ☐

Sewer invert checked & meets min. grade requirements: ☐

Neighbouring properties referenced in determining layout: ☐

All minimum setbacks checked in the field: ☐

All grades are to be relative to the front right property pin set at 100.00' for layout purposes.

All layouts must be verified in the field by a Dilworth Homes project manager. Field observations must be taken into account and adjustments to the layout are to be forwarded to Dilworth Homes head office.

Lot Area = 544.0m<sup>2</sup>  
 MBE = \_\_\_\_\_  
 Basement Elevation = \_\_\_\_\_  
 Driveway Grade = \_\_\_\_\_

**RU2<sub>1/2</sub> - Medium Lot Housing**

Front Yard Setback - 4.5m side entry garage  
 6.0m front entry garage

Side Yard Setback - 1.5m for 1 or 1½ storey  
 1.8m for 2 or 2½ storey

Rear Yard Setback - 6.0m for 1 or 1½ storey  
 7.5m for 2 or 2½ storey

**STONEBRIDGE PLATEAU**  
 5110 South Ridge Drive  
 Kelowna, BC

**DILWORTH HOMES INC.**

PAGE 1 of 1  
 Drawing Title: \_\_\_\_\_  
 Scale: 1/8" = 1'-0"  
 Date: September 30, 2003  
 Drawn by: CUE

0 15 meters

**SOUTH RIDGE DRIVE**

**13**

16.000m, 14.501m, 1.521m, 34.000m, 1.521m, 7.510m, 4.500m, 16.000m, 1.521m, 34.000m, 1.521m

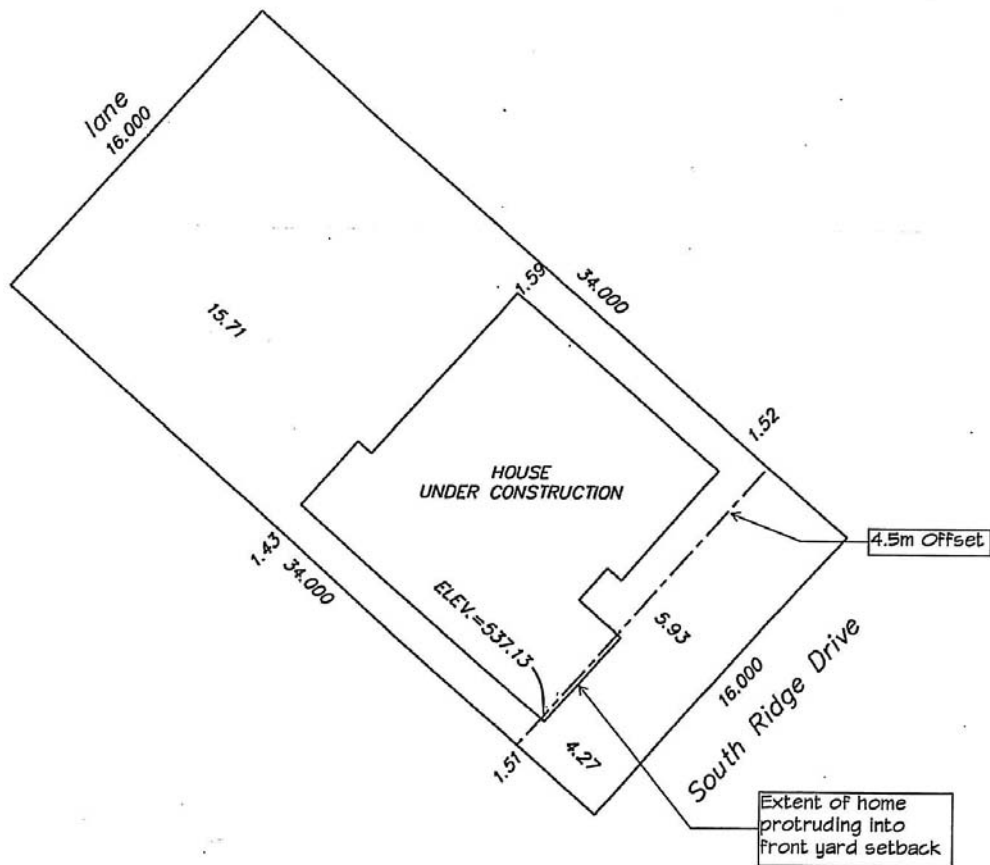
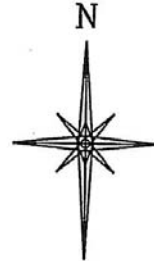
W, N, E, S

Surveyor's Certificate of Location Dated June 7, 2006

**B.C. LAND SURVEYOR'S CERTIFICATE OF  
LOCATION OF BUILDING ON LOT 13  
PLAN KAP71342 D.L. 1688 S.D.Y.D.**

SCALE 1:250

DISTANCES ARE IN METRES.



©

THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

**CERTIFIED CORRECT**

this 7th day of June, 2006.

D.A. Goddard

BCLS

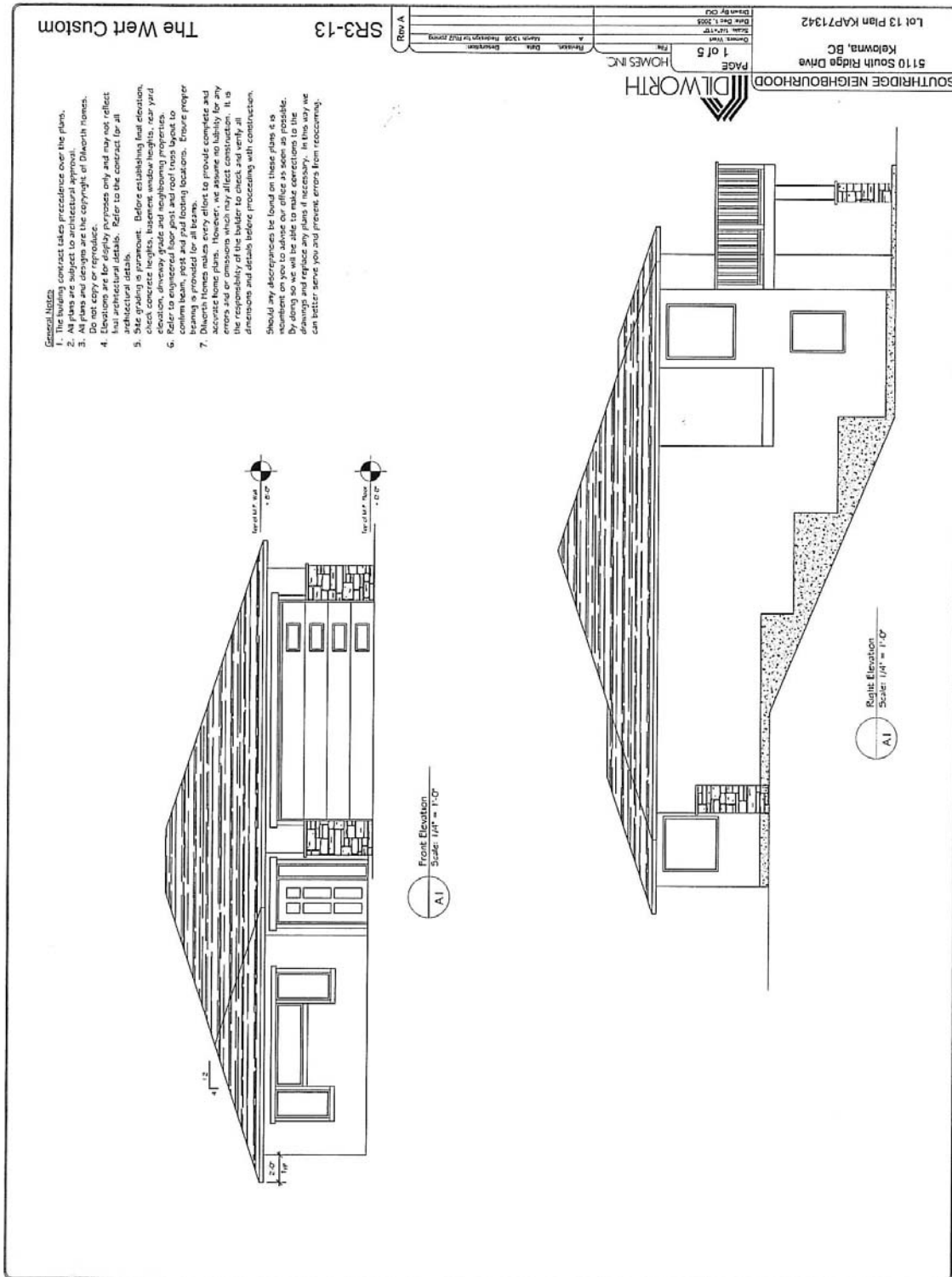
**FILE 13737 FB 303**

**RE: Diworth Homes**

THIS PLAN IS FOR MORTGAGE OR  
MUNICIPAL PURPOSES ONLY AND IS  
NOT TO BE USED TO DEFINE THE  
BOUNDARIES OF THIS LOT.

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET, KELOWNA

# Front Elevation of the Dwelling at 5110 South Ridge Drive



## Photographs of 5110 South Ridge Drive



Looking towards 5114 South Ridge Drive along the front of the subject dwelling at 5110 South Ridge Drive.



Looking from 5114 South Ridge Drive to the subject property.



Looking along the front of the garage on the subject property to the dwelling at 5106 South Ridge Drive.