
CITY OF KELOWNA

MEMORANDUM

Date: November 30, 2006

To: City Manager

From: Planning and Development Services Department

APPLICATION NO. DVP06-0137

OWNER: Bhushan Singla

AT: 678 Westpoint Court

APPLICANT: Bhushan Singla

PURPOSE: TO VARY THE MINIMUM PROXIMITY OF STRUCTURAL PROJECTIONS FROM 3.0M PERMITTED TO 1.5M PROPOSED

VARY THE MAXIMUM PROJECTION INTO A REAR YARD SETBACK FROM 0.6M PERMITTED TO 1.5M PROPOSED

TO VARY THE FRONT YARD SETBACK FOR A SINGLE FAMILY DWELLING FROM 4.5M REQUIRED TO 4.03M PROPOSED

TO VARY THE FRONT YARD SETBACK FOR CARPORTS AND GARAGES FROM 6M REQUIRED TO 5.06M PROPOSED

TO VARY THE REAR YARD SETBACK FROM 4.5M REQUIRED TO 2.885M PROPOSED

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. DVP06-0137; for Lot A, District Lot 358, ODYD Plan KAP76046, located on Westpoint Court, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

Section 6.4.1:

To vary the minimum proximity of structural projections from 3.0m permitted to 1.5m proposed.

Section 6.4.2:

To vary the maximum projection into a rear yard setback (of less than 6m) from 0.6m permitted to 1.5m proposed.

Section 13.1.6(c):

To vary the front yard setback from 4.5m required to 4.03m proposed.

To vary the front yard setback from a garage from 6.0m required to 5.066m proposed.

Section 13.1.6(e):

To vary the rear yard setback from 4.5m required (for lots wider than deep) to 2.88m proposed.

2.0 ADVISORY PLANNING COMMISSION

At the regular meeting of August 1st, 2006 it was resolved:

THAT the Advisory Planning Commission supports DVP06-0137, 678 Westpoint Court, Lot A, Plan 76046, Sec 31, Twp. 29, ODYD, B. Singla, to obtain a Development Variance Permit to vary the front yard setback from 4.5m to 4.030 and to vary the front yard setback for garages and carports from 6.0 m required to 5.066 m proposed.

3.0 SUMMARY

The subject property is located on the west side of Westpoint Court at its northernmost end. The property's width is greater than its depth and therefore is subject to a reduced rear yard setback of 4.5m. The applicant is seeking to vary both the front yard setback requirement to the proposed garage and to the single family dwelling. In addition the applicant is also seeking to vary the rear yard setback (to a road reserve) and to vary the maximum size of projections on the building's northern elevation.

The application meets the development regulations of the RU1 – Large Lot Housing zone subject to approval of the variances as noted:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	807m ²	550m ²
Lot Width (m)	40.2m	17.0m
Lot Depth (m)	16.3m	30.0m
Setbacks		
Front Yard	5.06m ^❶ 4.03m ^❷	6.0m (garage or carport) 4.5m
Side Yard (s)	2.3m	2.3m
Side Yard (w)	10m	4.5m
Rear Yard	2.88m ^❸	4.5m
Building Height	2.5 storeys	2.5 storeys
Projections (north side)	1.5m ^❹	0.6m
Proximity of Structural Projections	1.5m ^❺	3.0m

❶ The applicant is seeking to vary the front yard setback (to a garage or carport) from 6.0m required to 5.06m proposed.

❷ The applicant is seeking to vary the front yard setback (to a single family dwelling) from 4.5m required to 4.03m proposed.

❸ To vary the rear yard setback from 4.5m required (for lots wider than deep) to 2.88m proposed.

❹ To vary the maximum projection into a rear yard setback (of less than 6m) from 0.6m permitted to 1.5m proposed.

❺ To vary the maximum projection into a rear yard setback (of less than 6m) from 0.6m permitted to 1.5m proposed.

4.0 Site Context

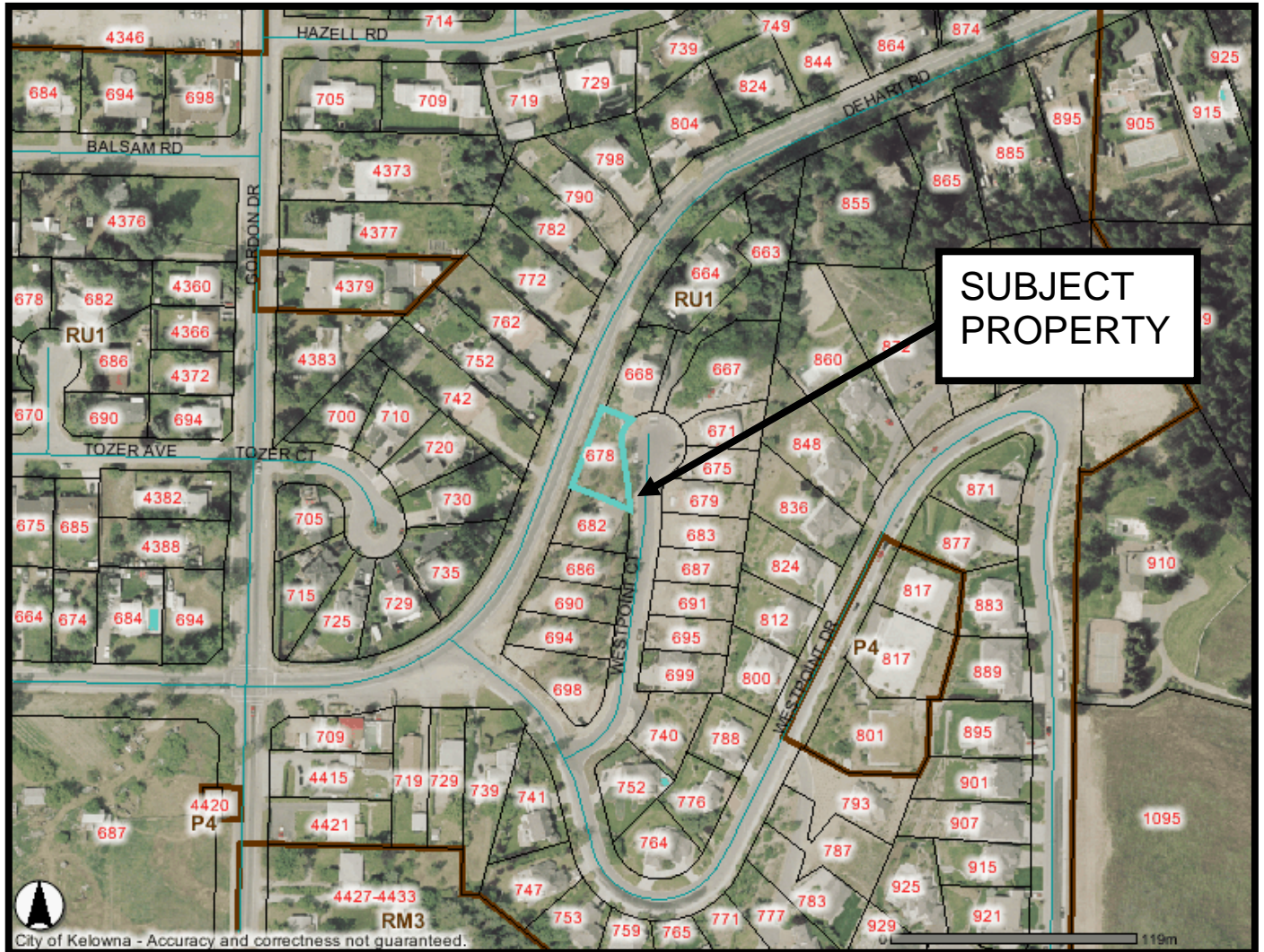
The subject property is located on the west side of Wespoint Court at its northernmost end.

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

5.0 SITE LOCATION MAP

Subject Property: 678 Westpoint Court



6.0 DEVELOPMENT POLICY

Not applicable.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with regard to this Development Variance Permit application. When the size of the property is taken into account, the applicant appears to have ample room to locate a single family dwelling in a manner that does not encroach on the established building setbacks.

Staff is also concerned that the proposed design may undermine the retaining wall between this property and Westpoint Court, however, the Inspection Services Department will require a Professional Geotechnical report addressing this at the Building Permit stage.

Should Council choose to support this Development Variance Permit application, an alternate recommendation is provided below.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0137; for Lot A, District Lot 358, ODYD Plan KAP76046, located on Westpoint Court, Kelowna, B.C.;

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

Section 6.4.1:

To vary the minimum proximity of structural projections from 3.0m permitted to 1.5m proposed.

Section 6.4.2:

To vary the maximum projection into a rear yard setback (of less than 6m) from 0.6m permitted to 1.5m proposed.

Section 13.1.6(c):

To vary the front yard setback from 4.5m required to 4.03m proposed.

To vary the front yard setback from a garage from 6.0m required to 5.066m proposed.

Section 13.1.6(e):

To vary the rear yard setback from 4.5m required (for lots wider than deep) to 2.88m proposed.

And that prior to issuance of the Development Variance Permit, a Geotechnical report be provided satisfying the concerns of the Inspection Services Division.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

MP/SG/rs
Attach