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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** February 21, 2007

**To:** City Manager

**From:** Planning and Development Services Department

**APPLICATION NO.** DVP06-0216

**OWNER:** K. FUNK & V. RIGETTI

**AT:** 1691 LINDSAY DRIVE

**APPLICANT:** AS ABOVE

**PURPOSE:** TO VARY MAXIMUM BUILDING HEIGHT FROM 2½ STOREYS OR 9.5 M PERMITTED TO 3 STOREYS OR 11.2 M PROPOSED

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

**REPORT PREPARED BY:** PAUL MCVEY

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#### 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0216 for Lot 13, Sec. 29 Twp. 26, O.D.Y.D., Plan KAP72536 located at 1691 Lindsay Drive; Kelowna, B.C.

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

Section 13.1.6(b): RU1 – Large Lot Housing **Development Regulations:**

Vary the maximum building height from the lesser of 9.5 m or 2 ½ storeys permitted to 11.2 m or 3 storeys proposed

#### 2.0 SUMMARY

The house plan proposed for the subject property is a unique design which was created to take advantage of both the challenging topography of the property, as well the view opportunities towards the south and west of the property.

There is a substantial elevation difference of approximately 10 m – 14 m between the Lindsay Drive road frontage, and the high point of the lot. The property is sloped to the south, the west, and the east property lines. There is a relatively level area on top of the sloped area that forms a building site.

The house design for the property proposes a two storey building height adjacent to the north property line, and steps down towards the west, east, and the south. The lowest

floor level is completely below grade, similar to a basement, adjacent to the north side of the property, but the foundation walls becomes exposed as the foundation gets closer to the west, east and south property lines. Because of this configuration, the building elevations facing the west, east, and south property lines become 3 storeys or 11.2 m in height. The RU1 zone permits a maximum building height of only 2 ½ storeys or 9.5 m.

The application meets the development regulations of the RU1 – LARGE LOT HOUSING zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	935.15 m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	16.5 m	16.5m
Lot Depth (m)	55.6 m	30.0m
<b>Setbacks</b>		
Front Yard (Lindsay Drive)	22.3 m	4.5 m
Side Yard (N)	2.3 m	2.0 m (1 storey or 1½ storey) 2.3 m (2 storey or 2½ storey)
Side Yard (S)	3.0 m	2.0 m (1 storey or 1½ storey) 2.3 m (2 storey or 2½ storey)
Rear Yard	7.5 m	7.5m
Building Height	3 Storeys (11.2 m) ❶	2.5 storeys (9.5m)

Variance requested;

- ❶ Vary maximum building height from 9.5 m or 2½ storeys permitted to 11.2 m or 3 storeys proposed.

## 2.1 Advisory Planning Commission

The above noted application (DVP06-0216) was reviewed by the Advisory Planning Commission at the meeting of December 5, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0216, for 1691 Lindsay Drive, Lot 13, Plan 72536, Sec. 32, Twp. 26, ODYD, by Funk/Rigetti, to obtain a Development Variance Permit to vary building height to south property line from 2.5 storeys permitted to 3 storeys proposed.

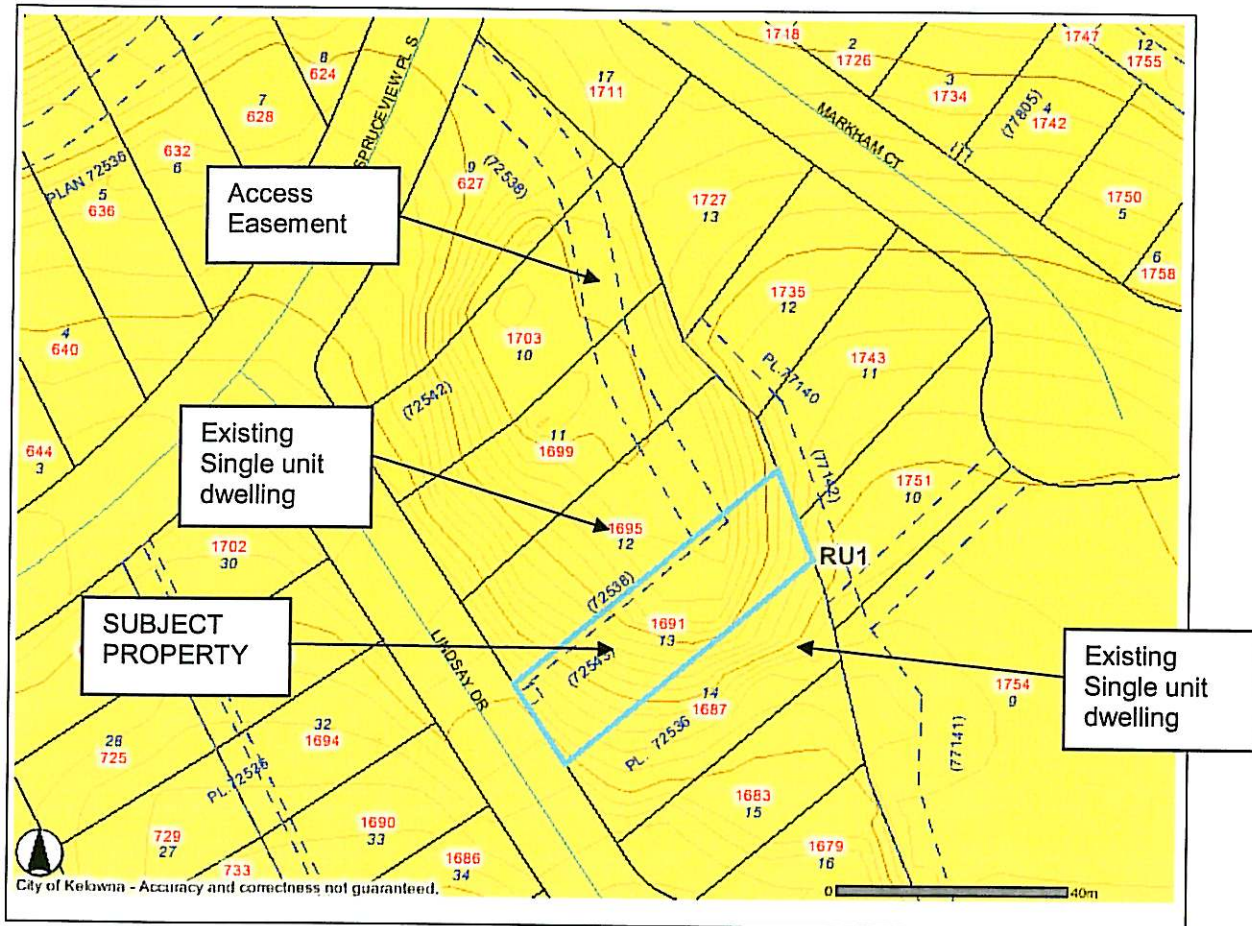
## 2.2 Site Context

The subject property was created by subdivision in 2002. The property is steeply sloped towards the east, west, and the south, and has a private access easement driveway to the north property line. The property to the south is developed with a single unit dwelling, and is approximately 6 m below the subject property. There are also a recently constructed single unit dwellings located on both the lot to the north and south of the subject property.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – single unit dwelling uses
- East - RU1 – Large Lot Housing – single unit dwelling uses
- South - RU1 – Large Lot Housing – single unit dwelling uses
- West - RU1 – Large Lot Housing – Lindsay Dr. / single unit dwelling uses

## Site Location Map



### 3.0 TECHNICAL COMMENTS

#### 3.1 Inspection Services

Spatial separation calculations for proposed side yard setbacks should be submitted prior to issuance of DVP.

#### 3.2 Works and Utilities

The application to vary the side yard height from 2.5 storeys to 3 storeys does not compromise Works & Utilities servicing requirements.

#### 3.3 Fire Department

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

4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

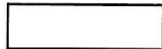
The subject property is designated as single / two unit residential future land use in the Official Community Plan. The proposed construction of a single unit dwelling is consistent with the existing uses surrounding the site. The applicant has discussed his proposed building program with the adjacent residents. However, as he was unable to attain support from all of the neighbours, this application was presented to the Advisory Planning Commission for review, and subsequently supported by the APC.

The subject property is challenging to develop due to slope conditions on the property. The north side of the proposed dwelling is located at the high side of the lot and is designed with a two storey building height. However, owing to the lot configuration, which slopes downwards from this location, the other three sides of the proposed dwelling have a higher building height when measured from grade adjacent to those building elevations. Those resulting building elevations create a three storey or 11.2 m building height, where the RU1 – Large Lot Housing zone limits maximum building height to 2 ½ storeys or 9.5 m.

In conclusion, the Planning and Development Department supports this application for a variance to the proposed building height, and recommends for positive consideration by Council.

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Shelley Gambacort  
Acting Manager of Development Services

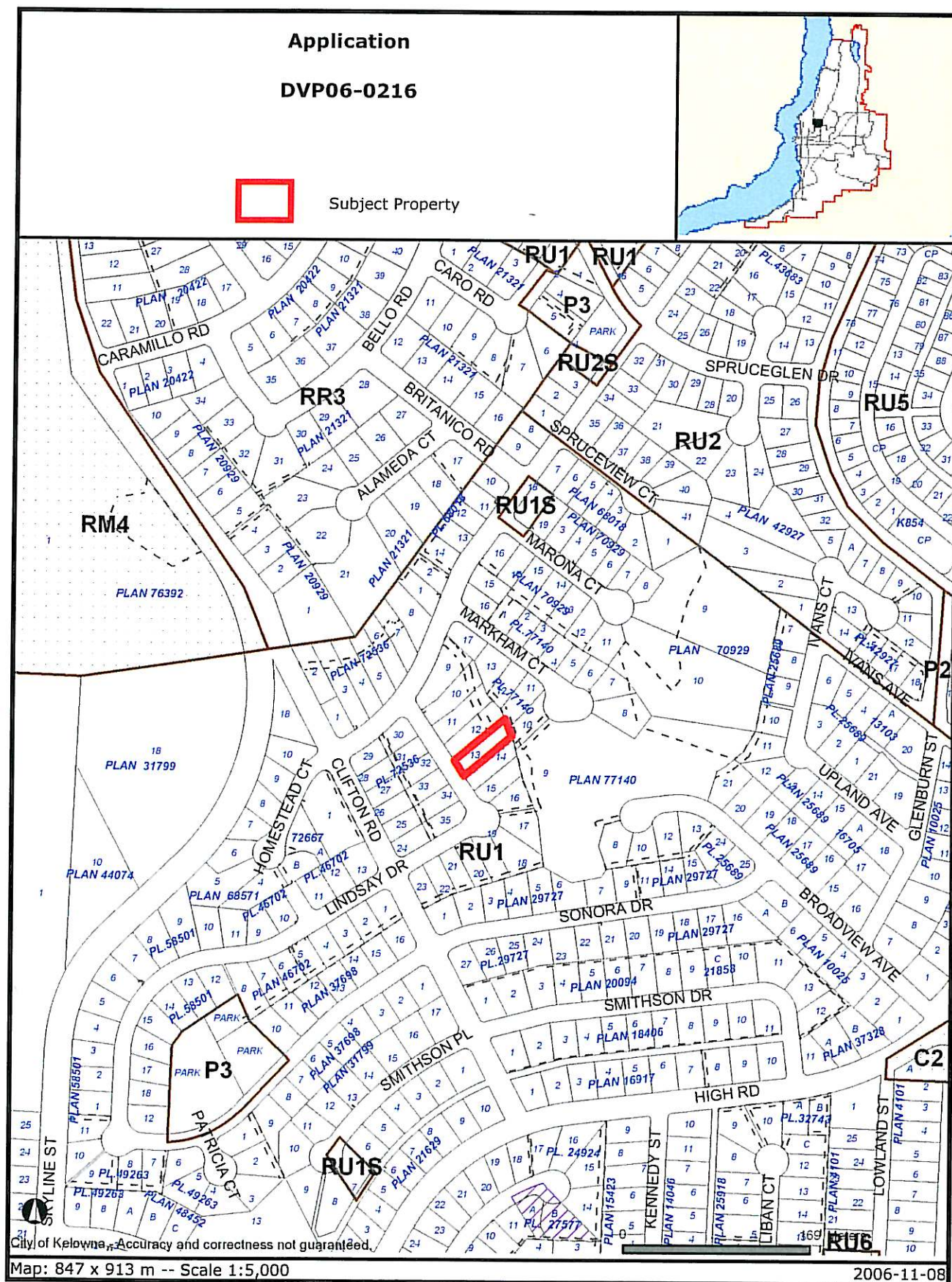


Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/>

Attach.





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.