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CITY OF KELOWNA

**MEMORANDUM**

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**Date:** September 26, 2007

**To:** City Manager

**From:** Planning and Development Services Department

**APPLICATION NO.** DVP07-0148

**OWNER:** 0726570 B.C. Ltd.

**AT:** 1429 Feedham Avenue  
Black Mountain Lakeview Estates

**APPLICANT:** Grant Maddock  
Protech Consultants Ltd.

**PURPOSE:** To vary the measurement of the setback requirement of Zoning Bylaw 8000 Section 13.1.6(c) for a garage or carport having vehicular entry from the front from "6.0 m from a garage or carport having vehicular entry from the front [property line]" to "6.0 m measured from the back of curb or a sidewalk whichever is closest" for eleven (Lots 1 through 11) RU1 zoned lots recently approved for subdivision from the parent property.

**EXISTING ZONE:** RU1 – Large 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. DVP07-0148 for the eleven lots to be created from Lot 13 Section 13 Township 26 Osoyoos Division Yale District Plan KAP82094 Except Plan KAP82241 located at 1429 Feedham Avenue, Kelowna, B.C.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1: RU1 – Large Lot Housing: 13.1.6(c):

The measurement of the setback requirement of Zoning Bylaw 8000 Section 13.1.6(c) for a garage or carport having vehicular entry from the front be varied from "6.0 m from a garage or carport having vehicular entry from the front [property line]" to "6.0 m measured from the back of curb or a sidewalk whichever is closest".

**2.0 SUMMARY**

The variance requested will result in the measurement of the setback distance from the face of the garage to the back of curb or a sidewalk rather to the property line. The intention is to create consistency with the measurement of the setback requirement with the RU1h zone.

The application is being pursued as an alternative to rezoning the subject property(ies) to the RU1h – Large Lot Housing (Hillside Area) zone.

### 3.0 **BACKGROUND**

The subject property is designated as Single and Two Family residential in the Official Community Plan. The subdivision to create eleven lots from the parent property has been processed in accordance with the existing RU1 zone bylaw requirements. Only lots 1 through 11 are included in this application. Lots 12 through 17 are not included in this application as the topography and site grading of these lots does not warrant application of hillside development standards. It is anticipated that construction will commence on the lots immediately upon registration of the legal subdivision plan.

The applicant advises that: “After completing the construction and site grading of the first stage of 39 lots, it become apparent that it would greatly reduce the amount of cut and fills for the building platform and would also provide more rear yard for the home owner. We feel that by reducing the front yard setback, it would also reduce the length of the down hill driveways and allow the house elevation to be raised closer to street level. We have based the requested variance on the Hillside setback for front yards, which we feel is justified in this area of the subdivision because of road grades and topography.”

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> ) | 551.6 to 815 m <sup>2</sup>   | 550m <sup>2</sup>  |
| Lot Width (m)              | 17.368 to 22.036 m  | 17.0m  |
| Lot Depth (m)              | > 30 m  | 30.0m  |
| <b>Setbacks</b>            |   |  |
| Front Yard                 | 4.5 m except it is 6.0 m from a garage or carport having vehicular entry from the front <b>measured from the back of curb or a sidewalk whichever is closest.</b> | 4.5m except it is 6.0 m from a garage or carport having vehicular entry from the front [measured from the property line] |
| Flanking Street            | 4.5 m   | 4.5m except it is 6.0 m from a garage or carport having vehicular entry from the front                                   |
| Side Yard                  | 2.3 m   | 2.0 m for a 1 or 1 ½ storey portion of a building and 2.3 m for 2 or 2 ½ storey portion of a building                    |
| Rear Yard                  | 7.5 m   | 7.5m   |
| Site Coverage              |   | Buildings 40%/All 50%  |
| Building Height            |   | 2.5 storeys  |

#### 3.1 **Site Context**

The subject property is located in the Black Mountain Lakeview Estates development located to the north of Highway 33 and south of the Prospect at Black Mountain development site.

Adjacent zones and uses are:

North - RU1 – Single-family residential  
East - RU1 – Single-family residential  
South - RU1 – Single-family residential  
West - RU1 – Single-family residential

3.2 Site Location Map - See attachment 'A'

4.0 **TECHNICAL COMMENTS**

4.1 Inspection Services

No concerns

4.2 Works and Utilities

The requested variance for a front yard setback does not compromise Works and Utilities servicing requirements.

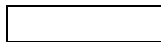
5.0 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

The proposed construction of the garage portion of future single-family dwellings at a reduced setback is consistent with the hillside development standards of the RU1h Large Lot Housing (Hillside Area) zone.

Site grading within the Black Mountain Lakeview Estates development area has been significant. The reduction of the front yard setback requirements will not impact the existing site disturbance, but will create a suitable template for future development by establishing the character of the neighbourhood streetscape at setbacks consistent with hillside development principles.

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Bob Shaughnessy  
Subdivision Approving Officer



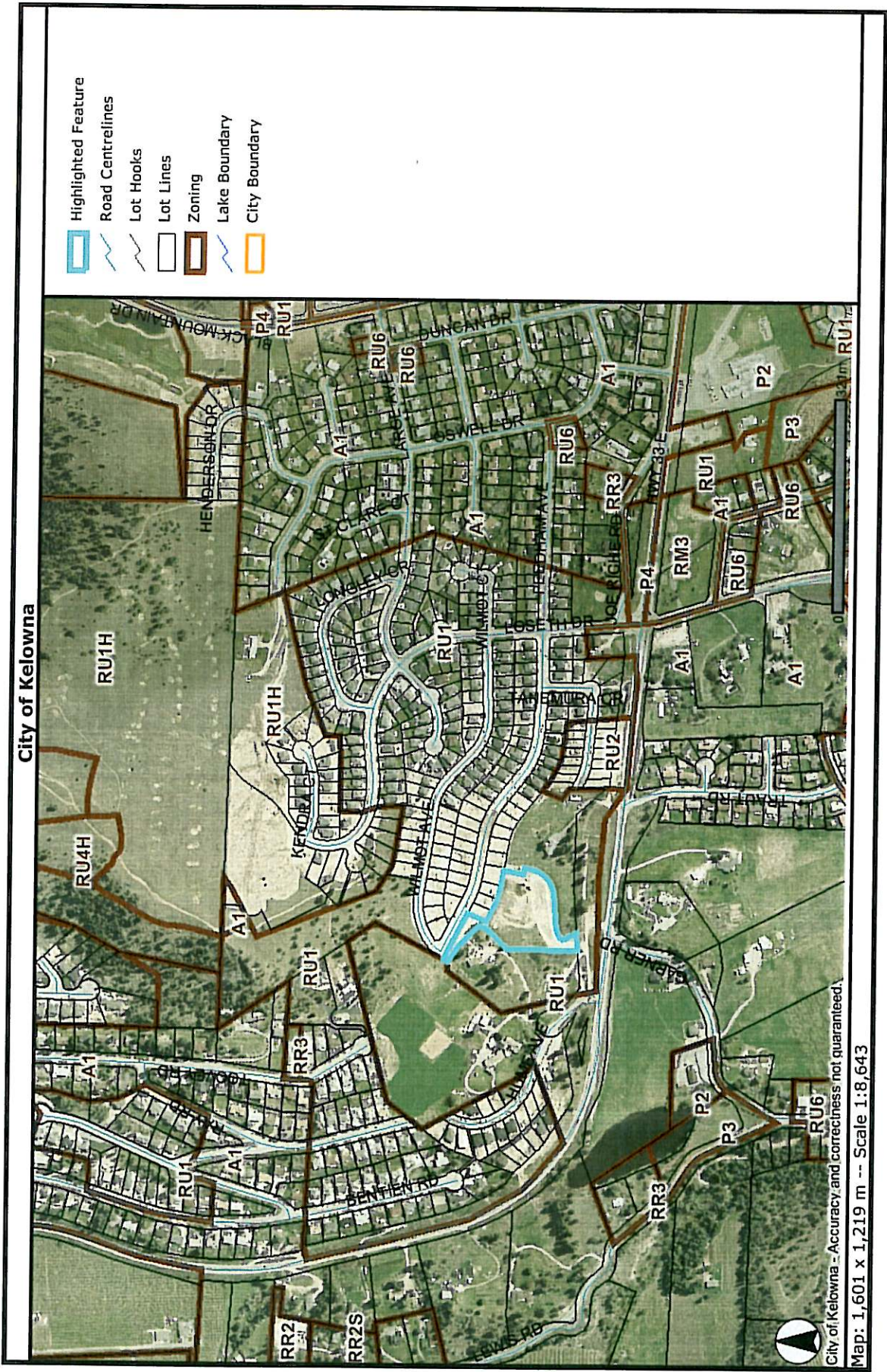
David Shipclark  
Acting Director of Planning & Development Services

DS/SG/cg

**ATTACHMENTS**

- A - Subject Property Map
- B - Zoning/Orthophoto
- C - Plan of Subdivision
- D - Variance Plan
- E - Excerpt from Site Grading Plan

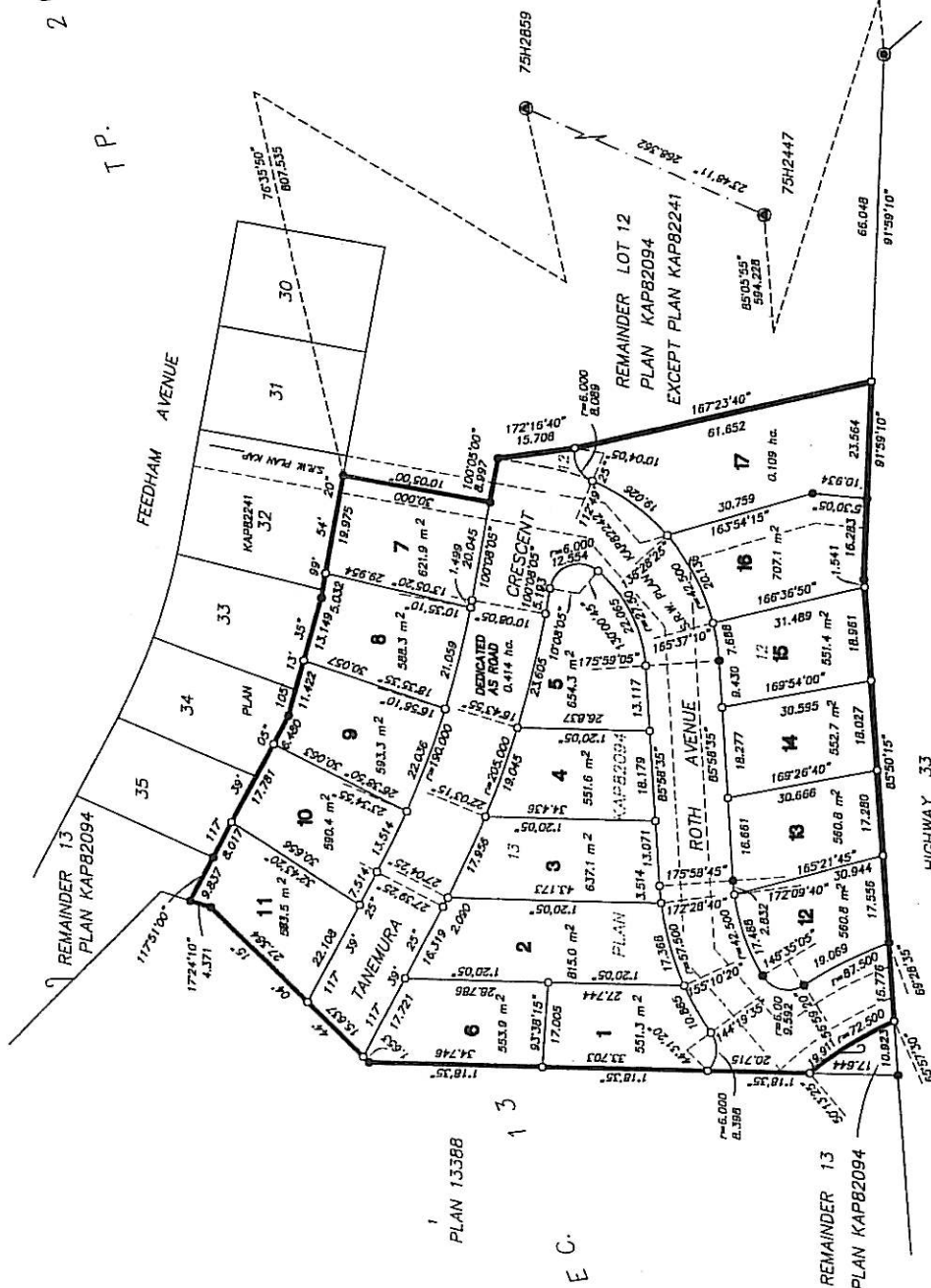




This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**PLAN OF SUBDIVISION OF PART OF LOT 12 PLAN KAP82094  
AND PART OF LOT 13 PLAN KAP82094 EXCEPT PLAN KAP82241  
SEC. 13 TP. 26 O.D.Y.D**

SCALE 1:750 BCGS 82E.084



I, Douglas A. Goddard a British Columbia Land Surveyor, of the City of Kelowna in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 22nd day of August, 2007. The plan was completed and checked and the checklist filed under #89336 on the 22nd day of August, 2007.

*[Signature]*  
B.C.L.S.

WITNESS  
CITY OF KELOWNA  
L145812

WITNESS

OWNER  
ROMESHA VENTURES INC.

WITNESS

OWNER  
0728570 B.C. LTD.

*[Signature]*  
T. Lloyd Callahan  
solicitor  
2-215 LAWRENCE AVE. E. Box 20019  
KELOWNA, B.C. ADDRESS  
Sedonay A287341  
USA

*[Signature]*  
T. Lloyd Callahan  
solicitor  
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KELOWNA, B.C. ADDRESS  
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USA

*[Signature]*  
James Benham  
MAYOR  
1821 N. 16th Street  
PHOENIX, AZ 85020  
ADDRESS

*[Signature]*  
Elliott C.L. Maynard  
MAYOR  
1821 N. 16th Street  
PHOENIX, AZ 85020  
ADDRESS

*[Signature]*  
Elliott C.L. Maynard  
MAYOR  
1821 N. 16th Street  
PHOENIX, AZ 85020  
ADDRESS

*[Signature]*  
Elliott C.L. Maynard  
MAYOR  
1821 N. 16th Street  
PHOENIX, AZ 85020  
ADDRESS

13652sub

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA PHONE 763-3733

PLAN No. KAP

Deposited in the Land Title Office at Kamloops, B.C.  
this day of , 20 .

Registrar

26

Approved under the Land Title Act this 26 day of September, 2007.

*[Signature]*  
Approving officer for the Ministry of Transportation

Approved under the Land Title Act this day of , 20 .

Approving officer for the City of Kelowna

The registered owners designated hereon declare that they have entered into a covenant in favour of the City of Kelowna under Section 219 of the Land Title Act.

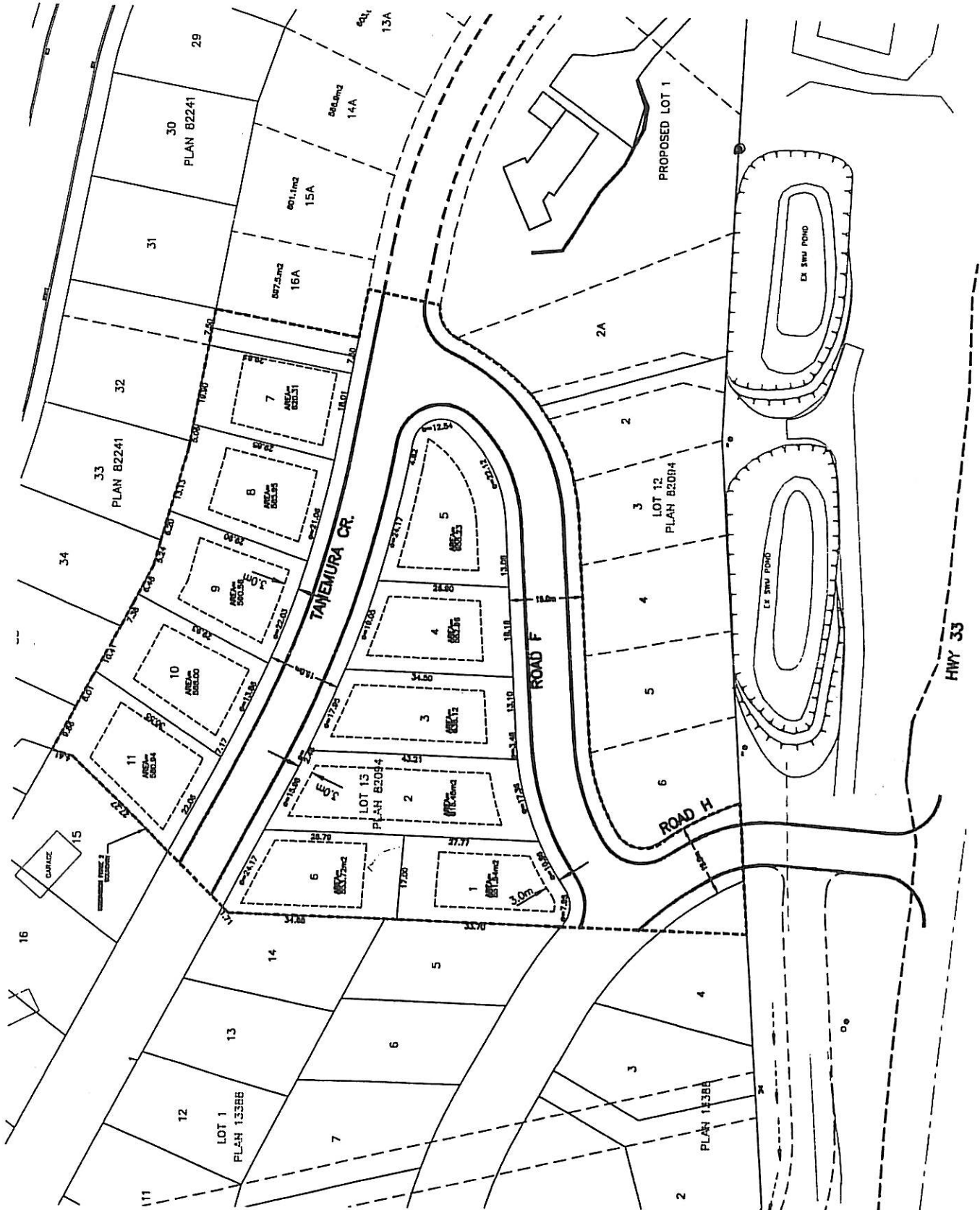
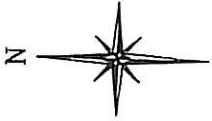
This plan lies within the Central Okanagan Regional District.

**LEGEND**

All distances are in metres.

- Iron Post Found
- Iron Post Set
- ⊙ Control Monument Found
- ⊙ Concrete Post Found

Grid bearings are derived from observations between control monuments 75H2447 and 75H2859 integrated survey area No. 4 - City of Kelowna. This plan shows ground-level measured distances. Prior to computation of U.T.M. coordinates multiply by combined factor 0.9998599.



FRONTYARD VARIANCE  
SETBACK FROM 6.0m TO 3.0m

ATTACHMENT E

