
CITY OF KELOWNA
MEMORANDUM

Date: February 19, 2008

To: City Manager

From: Planning and Development Services Department

APPLICATION NO. DVP08-0014

OWNER: 0773030 B.C. Ltd.

AT: 370 Trumpeter Crt.

APPLICANT: 0773030 B.C. Ltd.

PURPOSE: To vary the minimum eastern side yard setback requirement from 2.0m required to 1.86m proposed.

EXISTING ZONE: RU1(h) – Large Lot Housing (hillside)

REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0014 for Lot B, Sec. 24, Twp 28, SDYD, Plan KAP83997, located at Trumpeter Crt., Kelowna, B.C.

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

Section 13.1.6(d) – Development Regulations:

To vary the minimum eastern side yard setback from 2.0m required to 1.86m proposed.

2.0 SUMMARY

The variance requested will result in a reduced side yard setback, whereby the original building permit plans approved the required 2.0m setback. Presently, the foundation of the house is only partially constructed.

3.0 BACKGROUND

The subject property is situated in the upper mission in a new RU1(h) residential subdivision. Building plans were submitted that were evaluated and proven to conform to the bylaw requirements. However, a preliminary building inspection confirmed that the survey certificate did not conform to the original siting that was proposed, and the 2.0m minimum side yard setback was not achieved. The applicant has indicated that a miscommunication between the construction framing crew and the surveyor resulted in the error.

A stop work order is in effect at this time. The dwelling is at the foundation stage only and no further work has proceeded. However, given the type of construction and engineering requirements of the foundation wall, extensive revisions will be required to remove the engineered wall to be re-built to a conforming dimension.

The application meets the development regulations of the RU1(h) – Large Lot Housing (hillside) zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	896 m ²	550m ²
Lot Width (m)	22.18 m	17.0m
Lot Depth (m)	40 m	30.0m
Setbacks		
Front Yard	4.5 m except it is 6.0 m from a garage or carport having vehicular entry from the front measured from the back of curb or a sidewalk whichever is closest.	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 (east)	1.86 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
Side Yard (west)	4.0 m	As above
Rear Yard	7.5 m	7.5m

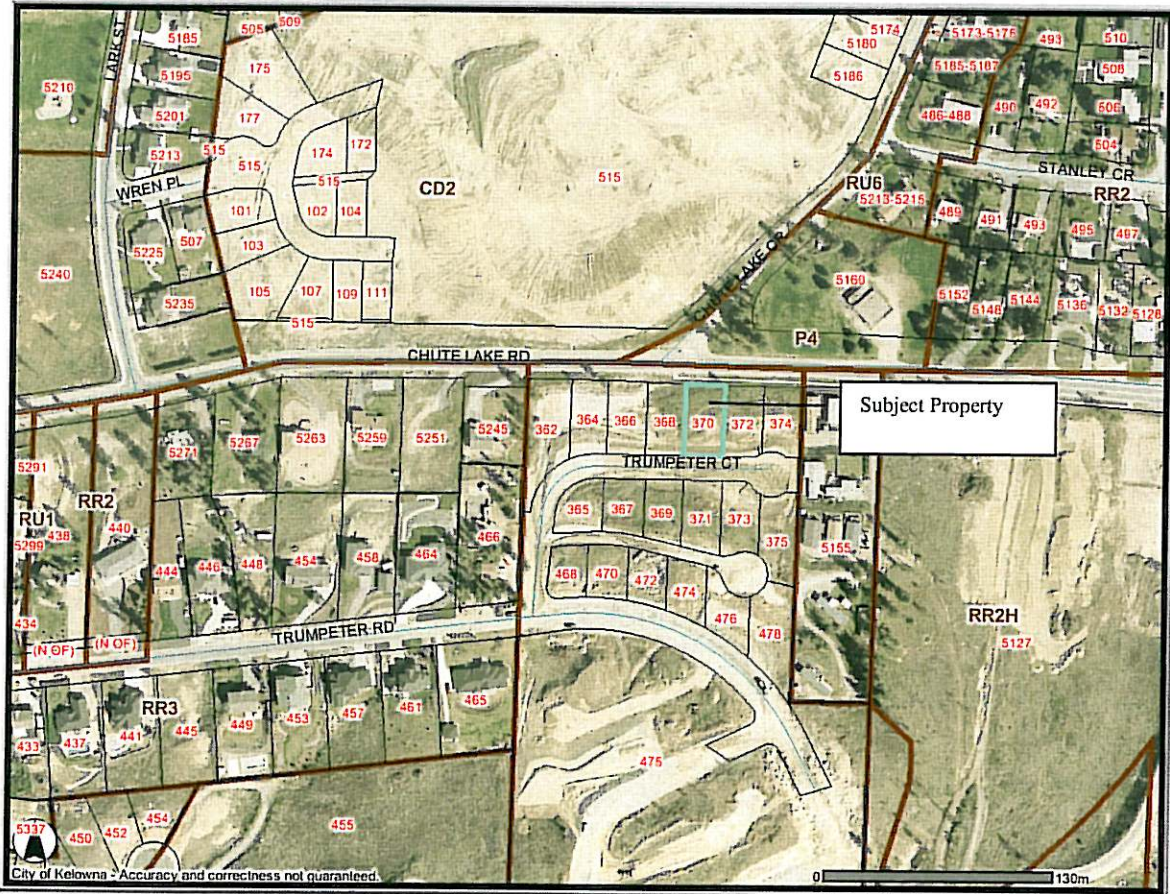
* = variance required

3.1 Site Context

The subject property is located off of Trumpeter Court, backing onto Chute Lake Road. Adjacent zones and uses are:

- North - P4 - Utilities
- East - RU1(h) – Single-family residential (hillside)
- South - RU1(h) – Single-family residential (hillside)
- West - RU1(h) – Single-family residential (hillside)

3.2 Site Location Map



4.0 TECHNICAL COMMENTS

4.1 Inspection Services

No comment.

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 foundation for the garage portion of the future single-family dwelling at a reduced setback was made in error with both the surveying company and the construction crew. A stop work order is in place and construction for the property has ceased pending approval of this application.

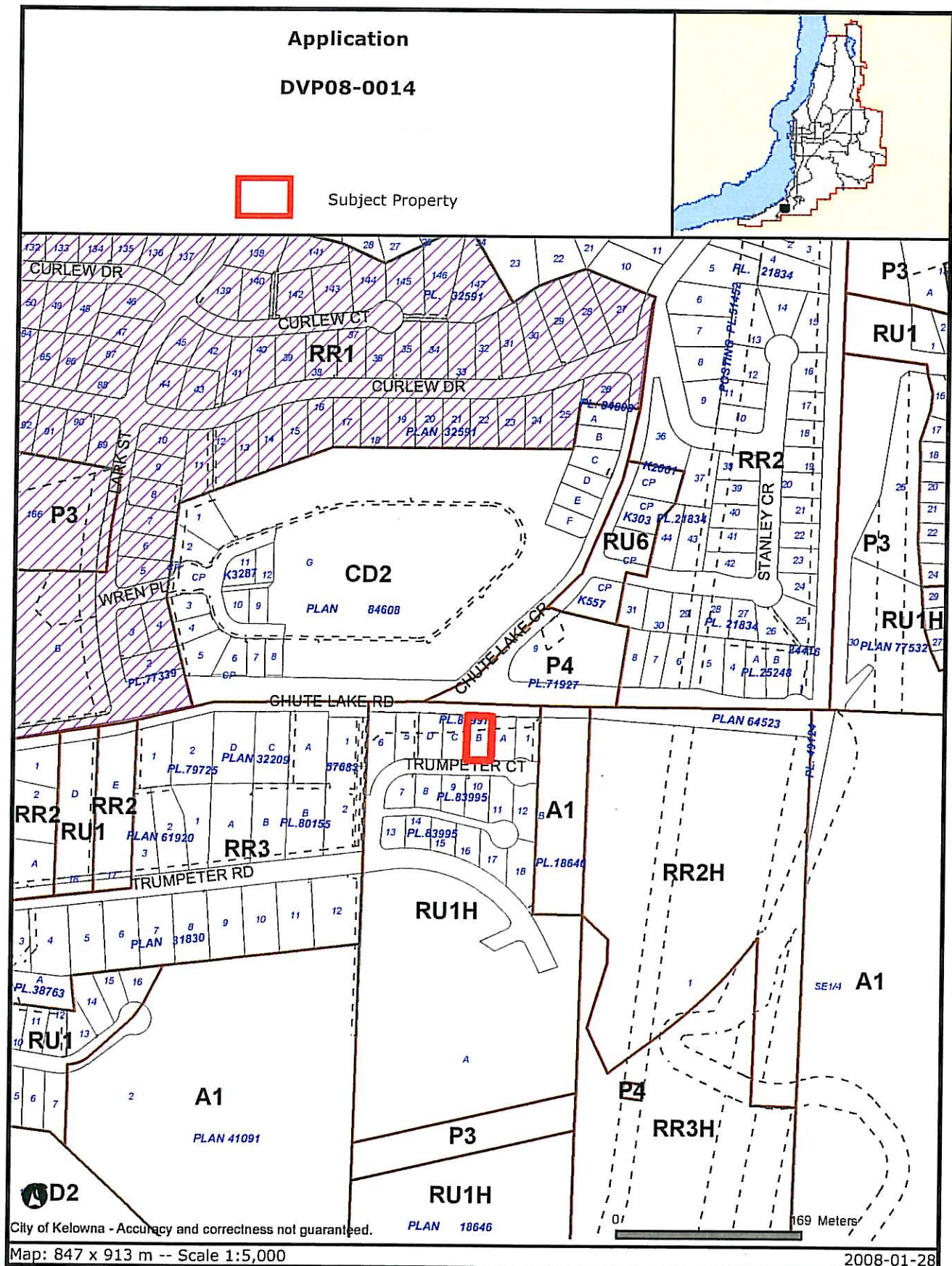
Given the engineering requirements for this foundation wall due to the hillside constraints, substantial measures would have to be taken to remove this non-conforming wall and to have it re-positioned. The abutting eastern property owner that is most impacted by the setback reduction has submitted a letter of consent. Included in the attachments are a survey certificate for the property at 372 Trumpeter Court displaying the siting of that house under construction.


Shelley Gambacort
Current Planning Supervisor

SG/dn

ATTACHMENTS

- Subject property map
- Survey Plan denoting existing vs. designed foundation
- Proposed Elevations
- Property Photos
- Survey Plan for 372 Trumpeter Crt.

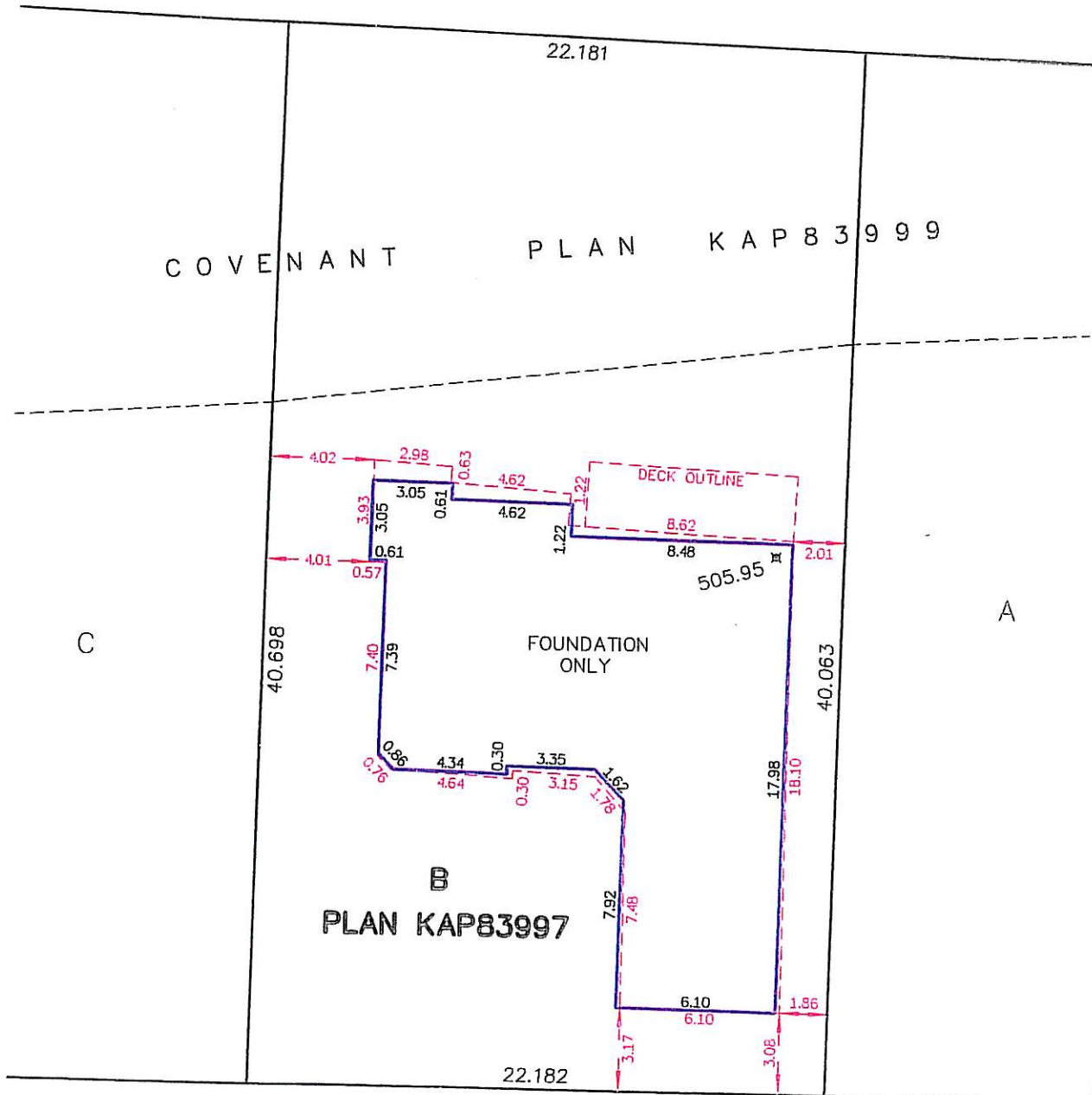


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CIVIC ADDRESS: 370 TRUMPETER COURT

CHUTE LAKE ROAD

COVENANT PLAN KAP 83999



TRUMPETER COURT

— 2.98 — DENOTES EXISTING FOUNDATION

— — DENOTES DESIGNED FOUNDATION



REVISED

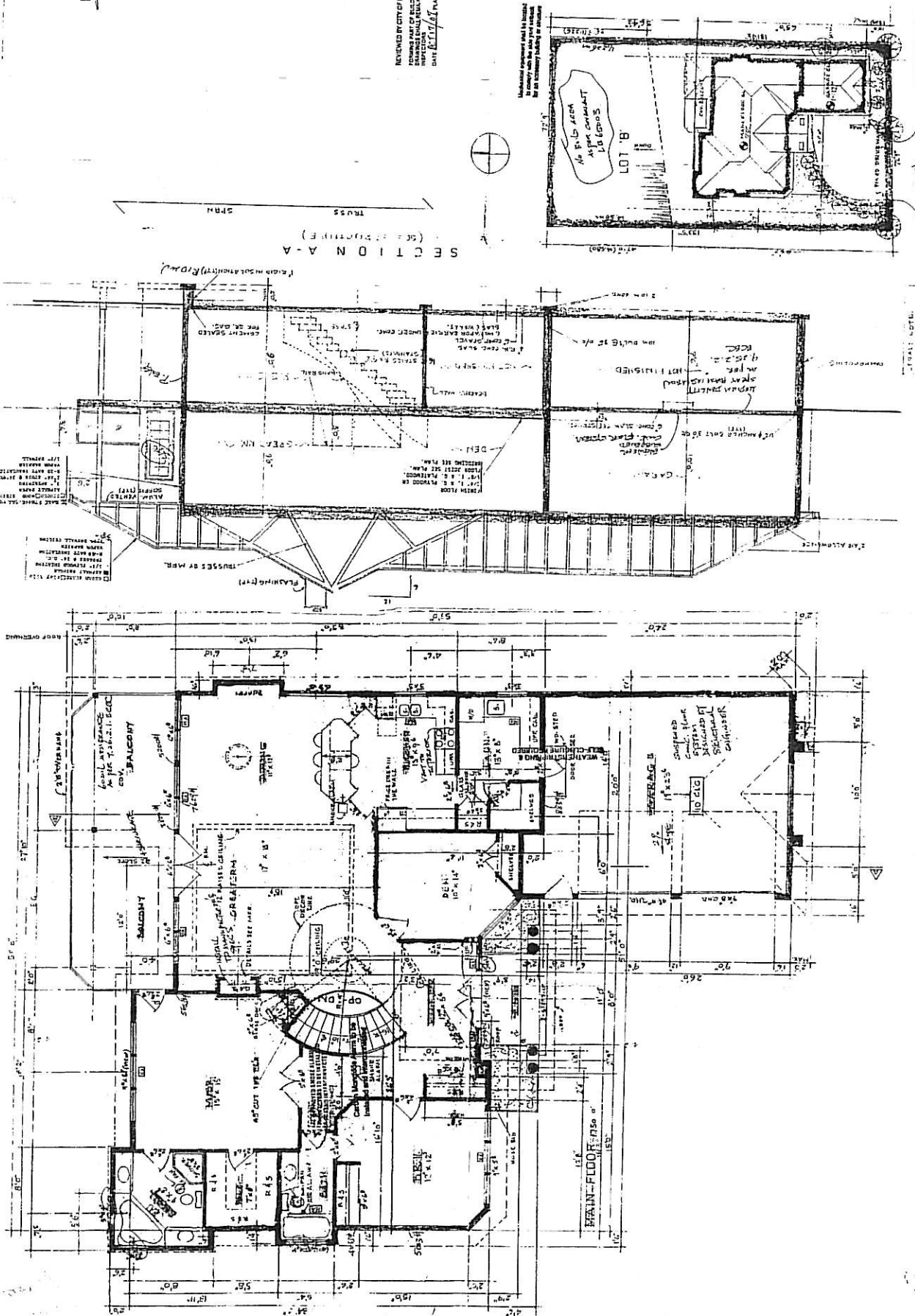
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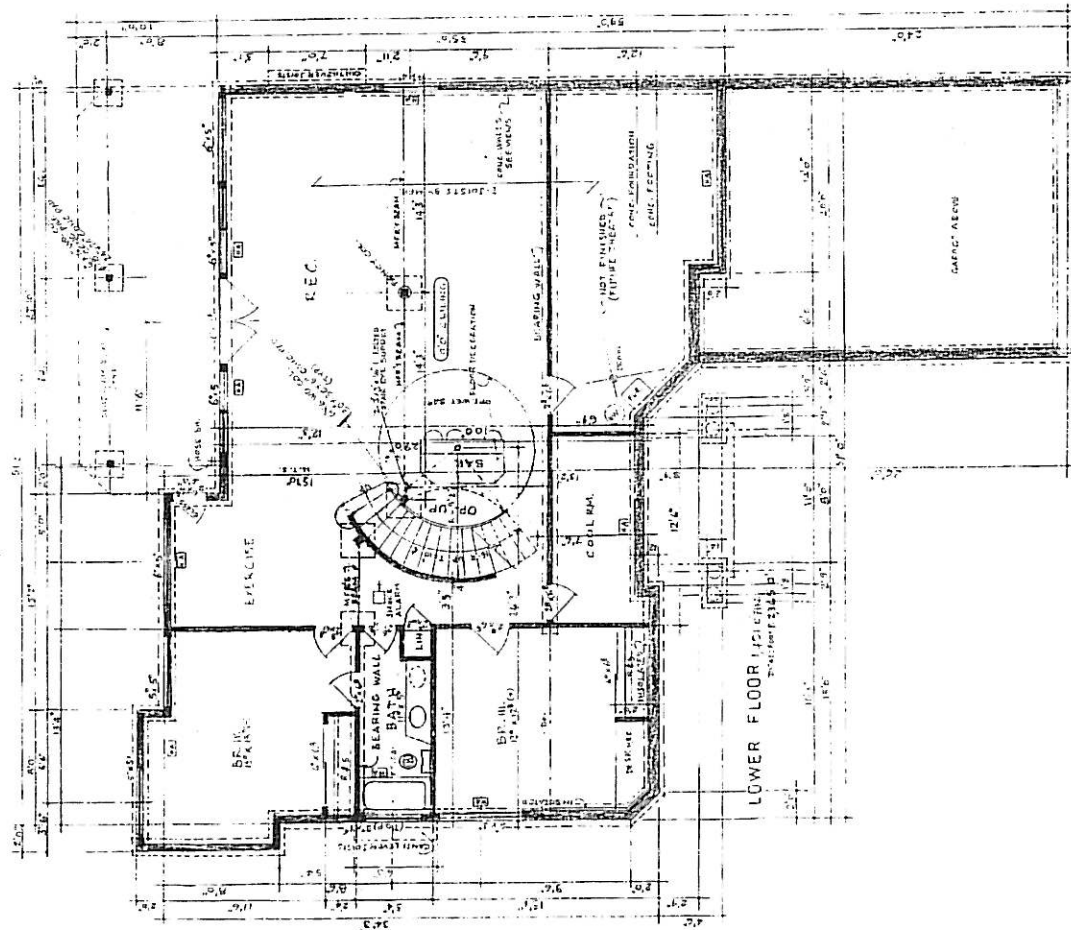
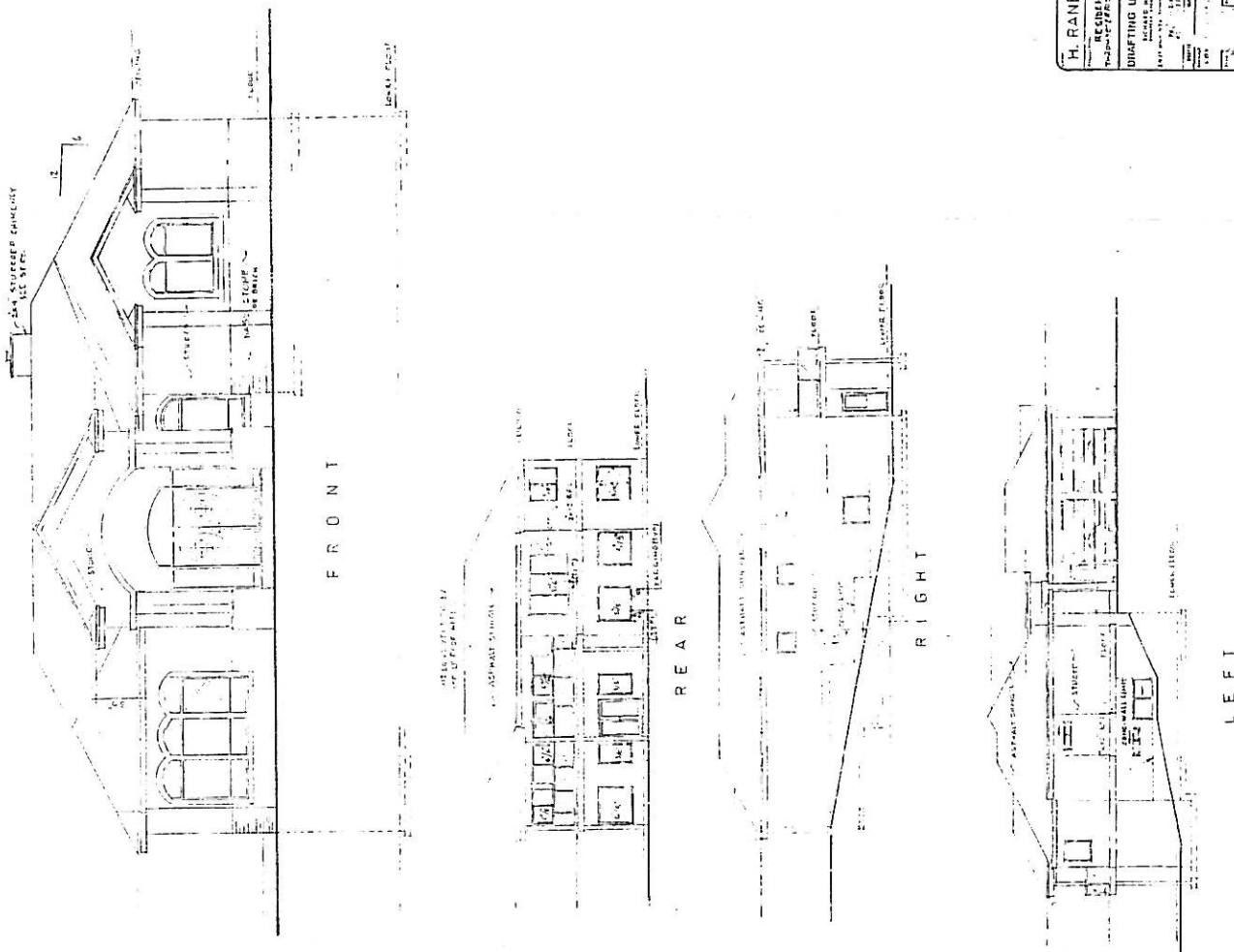
NOTED BY CITY OF KILGORE INSPECTION SERVICES
FORWARD PART OF BUILDING PERMIT # 54-717 - 3RD
FLOOR. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE
DATE 10/16/67

NOTES:
1. CONTRACTOR SHALL OBTAIN
A.C. BUILDING CODE BOOK
2. ALL WORK SHALL BE DONE
IN ACCORDANCE WITH THE
BUILDING CODE BOOK
3. ALL WORK SHALL BE DONE
IN ACCORDANCE WITH THE
BUILDING CODE BOOK
4. ALL WORK SHALL BE DONE
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BUILDING CODE BOOK

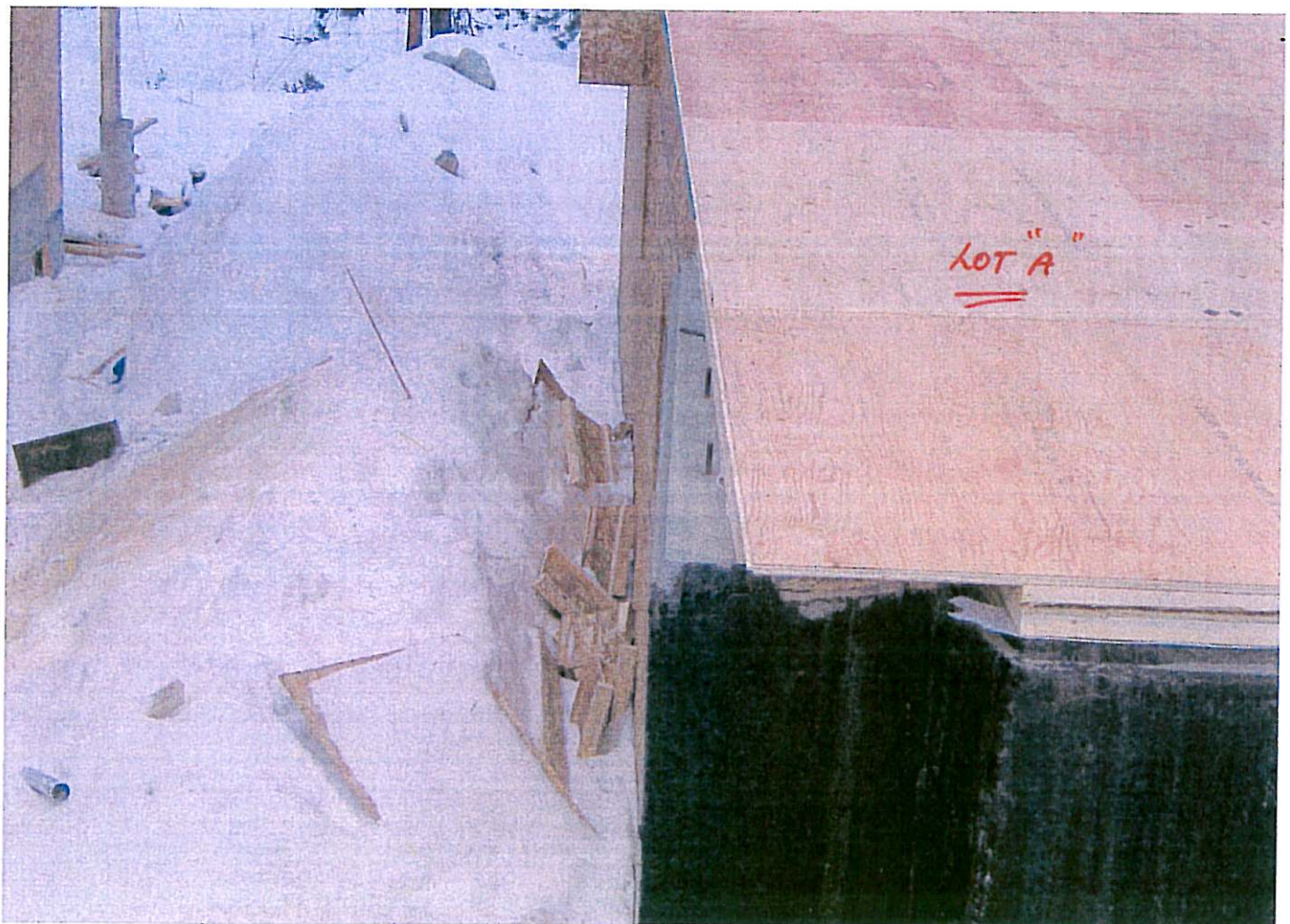
Reviewed
10/16/67

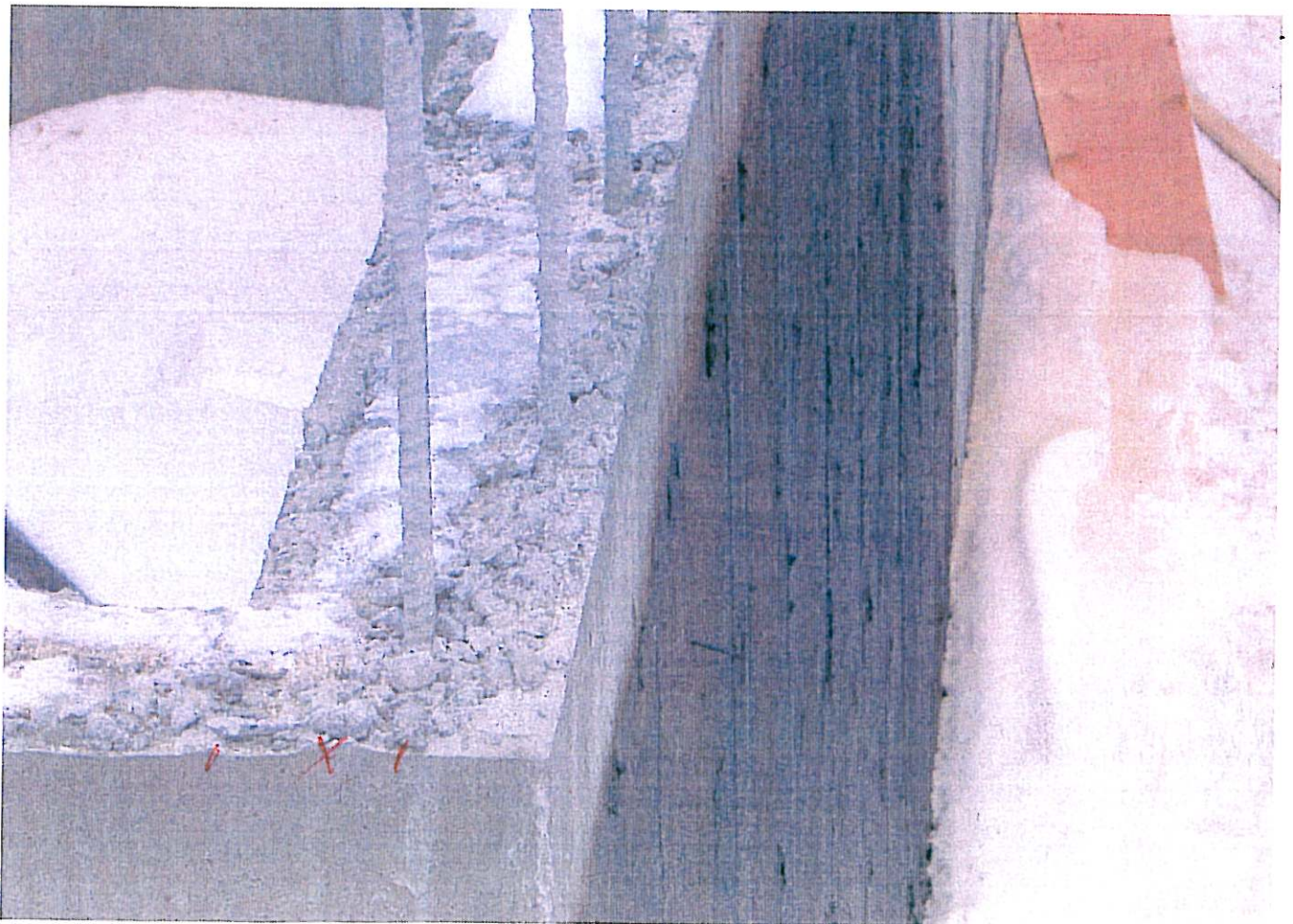
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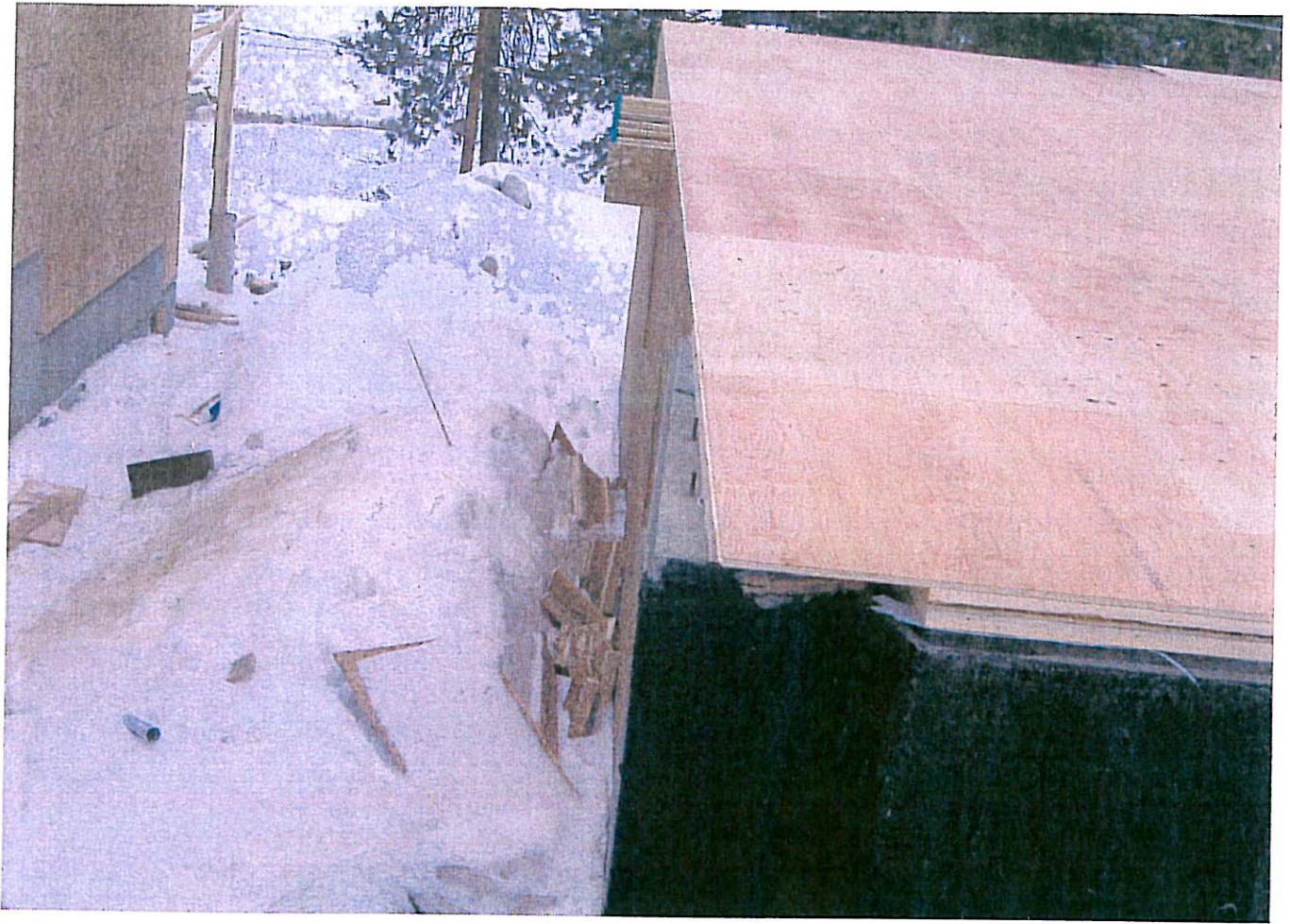




STOP WORK ORDER.







LOT "A"

312[±] ~~474~~ TRUMPETER CT. B.P.# 35036

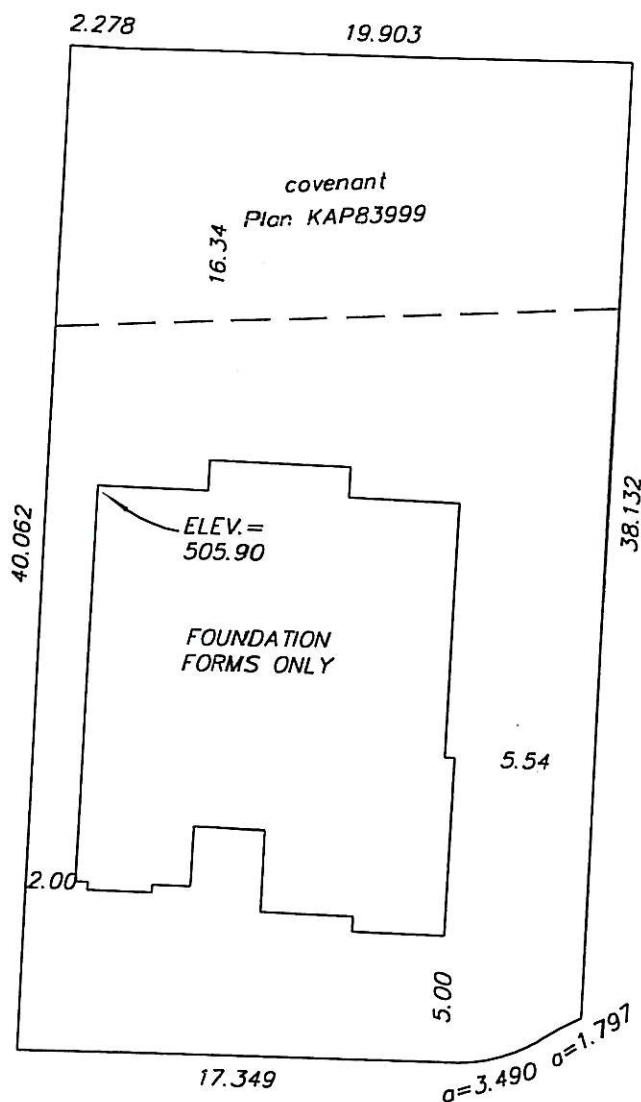
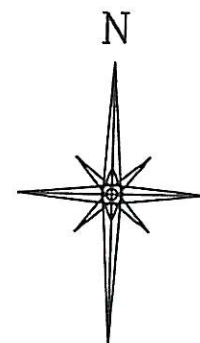
**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF BUILDING ON LOT A
PLAN KAP83997 SEC. 24 TP. 28 S.D.Y.D.**

SCALE 1:300

DISTANCES ARE IN METRES.

Civic Address:

312~~474~~ Trumpeter Court
Kelowna, BC



R.O.P.
Nov 09/07.

(C)

312 Trumpeter Court

Adjacent Lot

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT

this 30th day of October, 2007.

D.A. Goddard BCLS

FILE 14424 FB 322

RE: Andy Sandhu

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

RE: 370 TRUMPETER CT. B.P. #34777



