
CITY OF KELOWNA
MEMORANDUM

Date: May 5, 2008

To: City Manager

From: Planning and Development Services Department

APPLICATION NO. DVP07-0131

OWNER: David and Blossom Turner

AT: 4022 Finch Road

APPLICANT: David Turner

PURPOSE: To vary the retaining wall height requirements of Zoning Bylaw 8000 Section 7.5.9 from 1.2 m to 1.8m.

EXISTING ZONE: RR3 Rural Residential 3 Zone

REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0131 for Lot 11 Sections 32 and 33 Township 23 Osoyoos Division Yale District Plan 13462 located at 4022 Finch Road, Kelowna, B.C.

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

Section 7.5 Fencing and Retaining Walls Subsection 7.5.9 as follows:

To vary the height of a retaining wall on a residential lot from 1.2 m (4 ft.) to 1.8 m (5.8 ft.) measured from grade on the lower side.

2.0 SUMMARY

The subject application proposes to vary the retaining wall height requirement of Zoning Bylaw Section 7.5.9 from 1.2 m to 1.8 m to allow construction of a retaining parallel to the existing easement "driveway" to allow parking off of the travelled surface.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of April 22, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP07-0131 by D. Turner to obtain a Development Variance Permit to vary the height of a retaining wall from 1.2 m (4 ft.) to 1.8 m (5.8 ft.).

4.0 BACKGROUND

This existing lot presents a unique situation. In order to deal with parking challenges along the shared easement "driveway" the property owner is proposing to install a retaining wall adjacent to the roadway to permit parking on the subject site parallel to the access road on the subject property. The steepness of the land in this area is very restrictive. The owner/applicant is also proposing to install an electric tram from the proposed parking area down beside the existing residence to the lower beach level. Development Permit DP07-0130 will consider the environmental and hazardous conditions issues relative to the proposed development.

4.1 Site Location Map – See Attachment 'A'.

4.2 Site Context

The subject property is located on the lower (west) side of Finch Road. The portion of the property affected by this application is accessed via a driveway located on a common easement.

Adjacent zones and uses are in each direction RR3 – Rural Residential 3 Zone and residential.

4.3 Zoning Bylaw Requirements

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

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Lot Area (m ²)	0.41 Ha (1.024 ac.)	1.0 Ha (Existing non-conforming)
Lot Width (m)	~ 30.0 m to 45 m	18.0 m
Lot Depth (m)	~ 108.0 m	30.0m
Setbacks		
Front Yard	> 4.5 m	6.0 m
Side Yard (North)	23.14 m	2.0 m
Side Yard (South)	5.11 m	2.0m
Rear Yard (Lake)	5.1 m (16 ft. 8 in.)	Reduced to 16 ft. by Board of Variance Decision in 1984
Site coverage	< 30 % of total lot	30 %
Building Height	8.6 m	9.5 m or 2.5 storeys

5.0 TECHNICAL COMMENTS - See Attachment 'B'.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

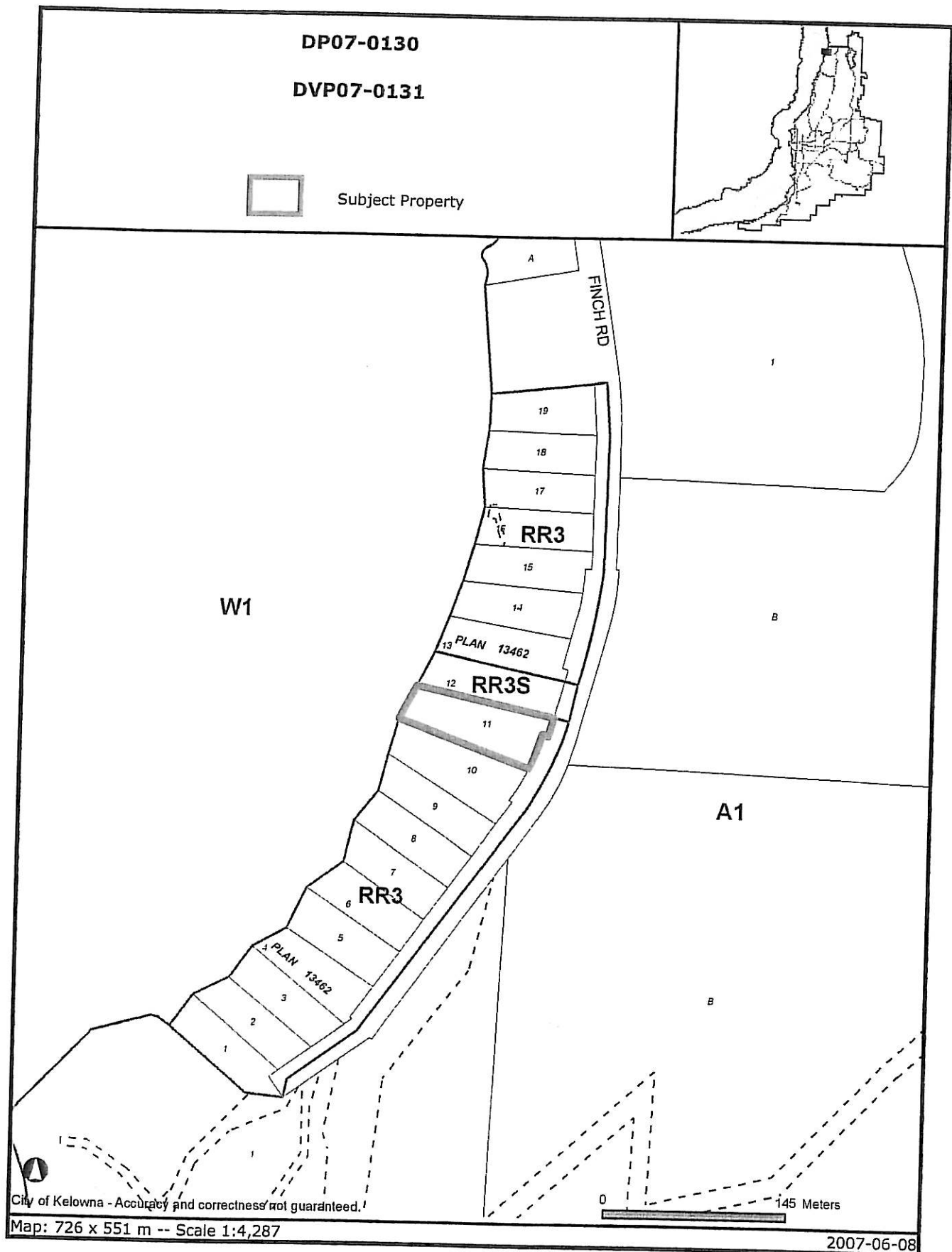
The subject property is designated as Future Urban Reserve in the Official Community Plan. The proposed construction of the retaining wall and electric tram is consistent with the uses currently existing surrounding the site.


Shelley Gambacort
Current Planning Supervisor

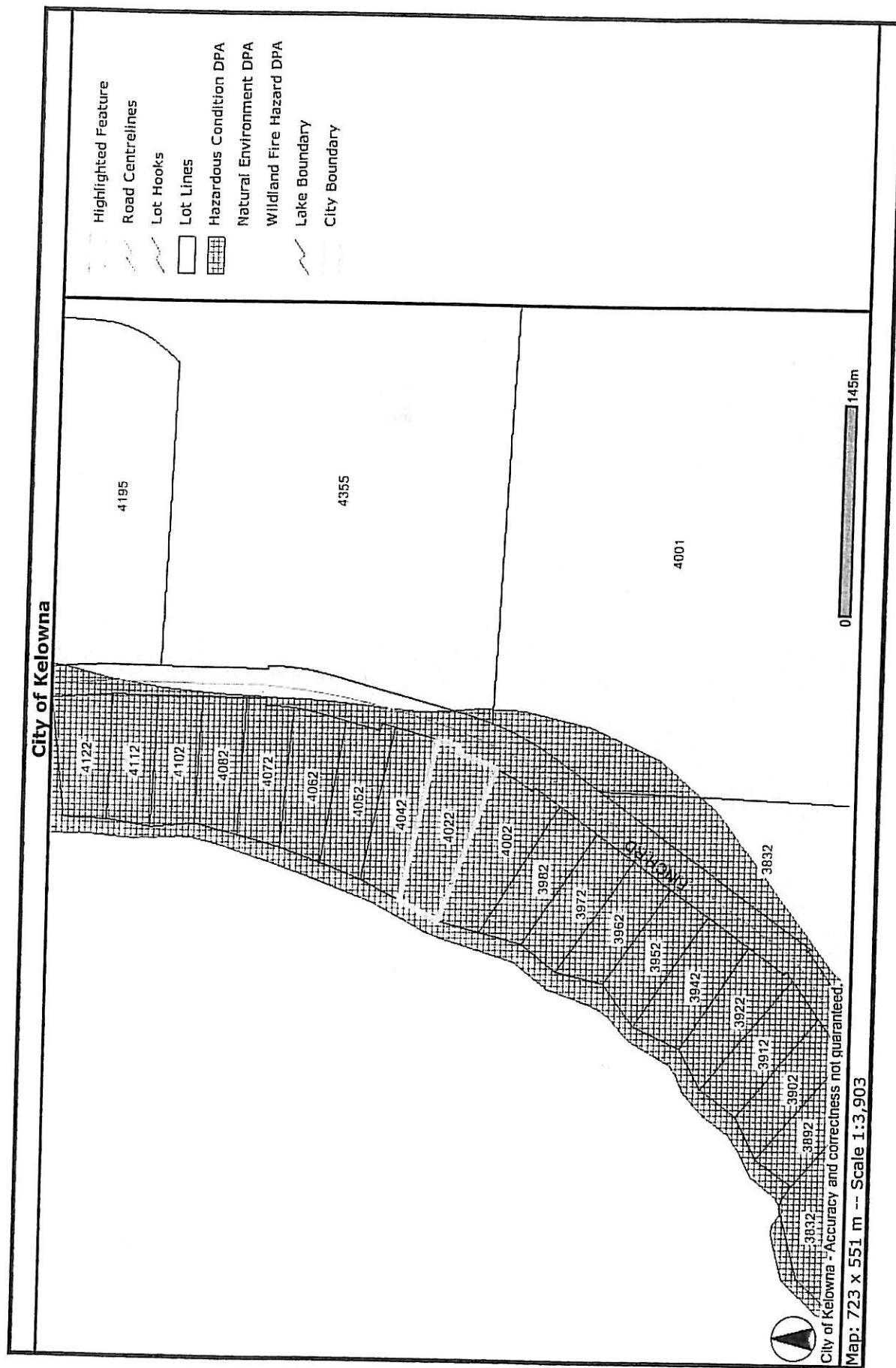
SG/cg

Attachments

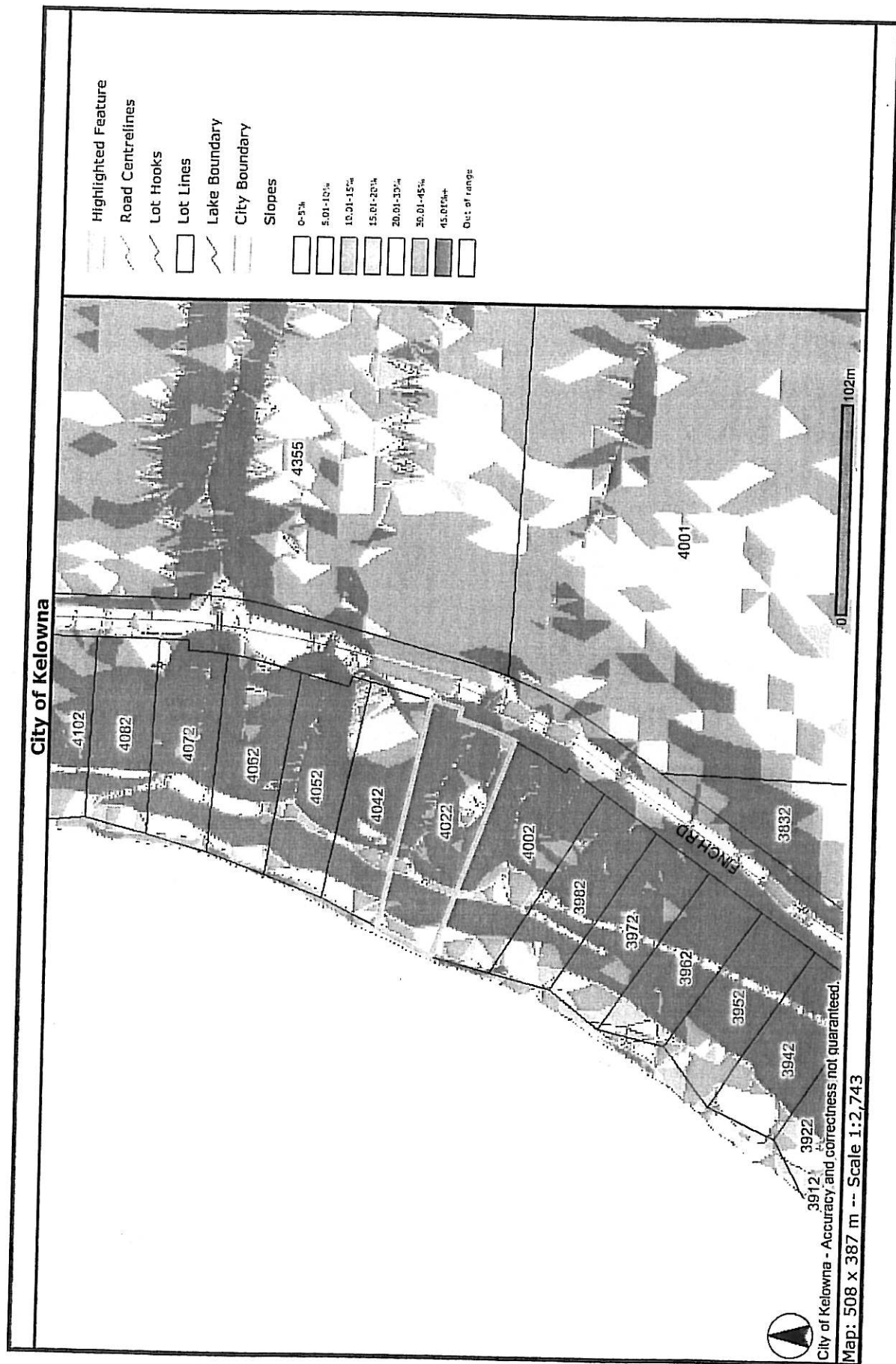
- A - Subject Property Map
- B - Subject Property/Hazardous Condition
& Wildland Fire Hazard DPA Map
- C - Subject Property/Slopes Map
- D - 2006 Orthophoto with 1 m Contours Map
- E - Site Plan
- F - Site Plan with Cross-sections
- G - Retaining Wall and Tram Support Plans (4 pages)
- H - Site photos taken March 6, 2008
- I - Development Application File Circulation Report



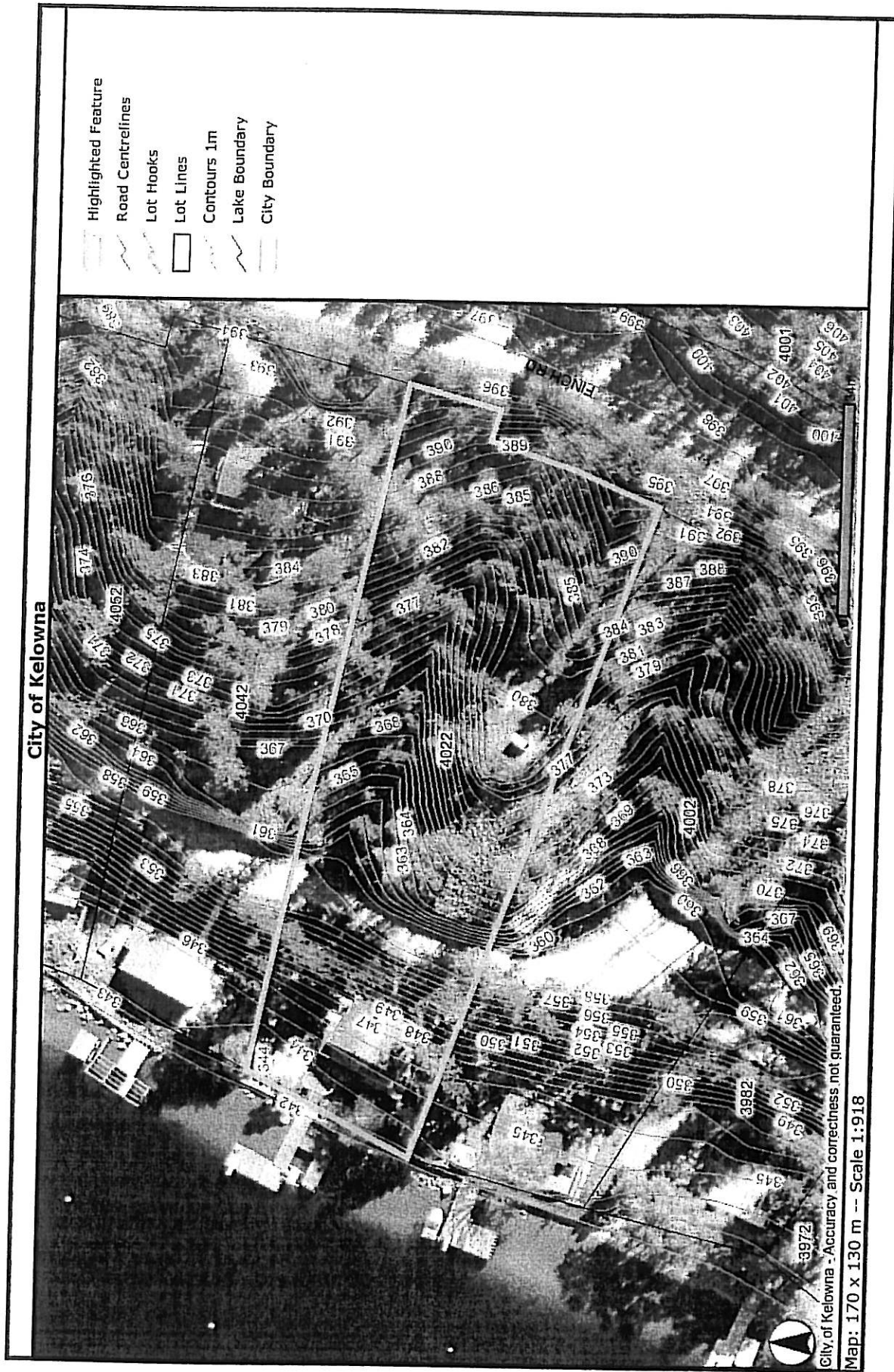
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



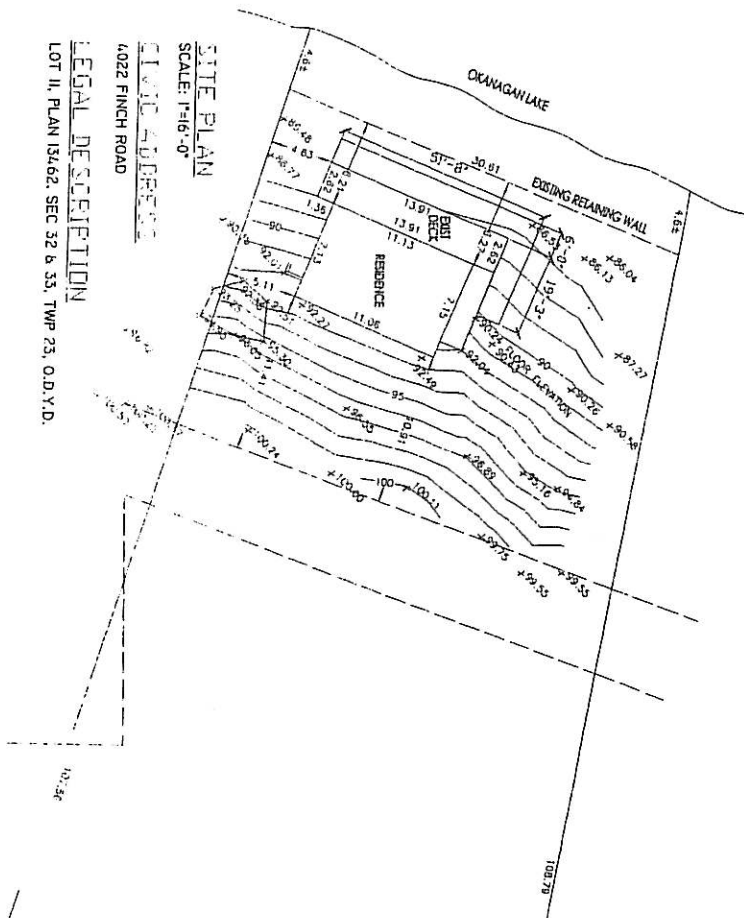
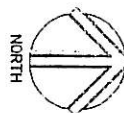
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FINCH ROAD

CONTRACTOR IS RESPONSIBLE TO CHECK AND CONFIRM ALL DIMENSIONS AND ELEVATIONS ON DRAWINGS.	
DATE: <u>11/11/20</u> ELEV: <u>1111.750</u>	
DRAWING NO. <u>1111.750</u> PROJECT NO. <u>1111.750</u> SHEET NO. <u>1111.750</u>	
CONTRACTOR: PROV CONCRETE INC. ADDRESS: 4022 Finch Road, Kelowna, BC, V4V 1N4 PHONE: (250) 766-0471 CELL: (250) 869-6500 FAX: (250) 763-9485	
CLIENT: David Turner ADDRESS: 4022 Finch Road, Kelowna, BC, V4V 1N4 PHONE: (250) 766-0471 CELL: (250) 869-6500 FAX: (250) 763-9485	
PROJECT: RETAINING WALL & TRAM SUPPORT ADDRESS: 4022 FINCH ROAD LOT: 11 Plan 13482 RD: C.O.	
TITLE: SITE PLAN	
SCALE: 1" = 10'	
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DRAWING NO. 1111.750	
PROJECT NO. 1111.750	
SHEET NO. 1111.750	
CONTRACTOR: PROV CONCRETE INC.	
ADDRESS: 4022 Finch Road, Kelowna, BC, V4V 1N4	
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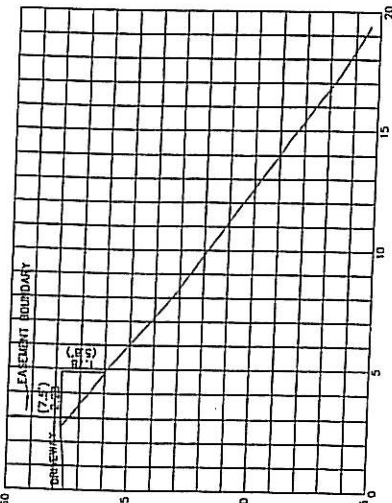
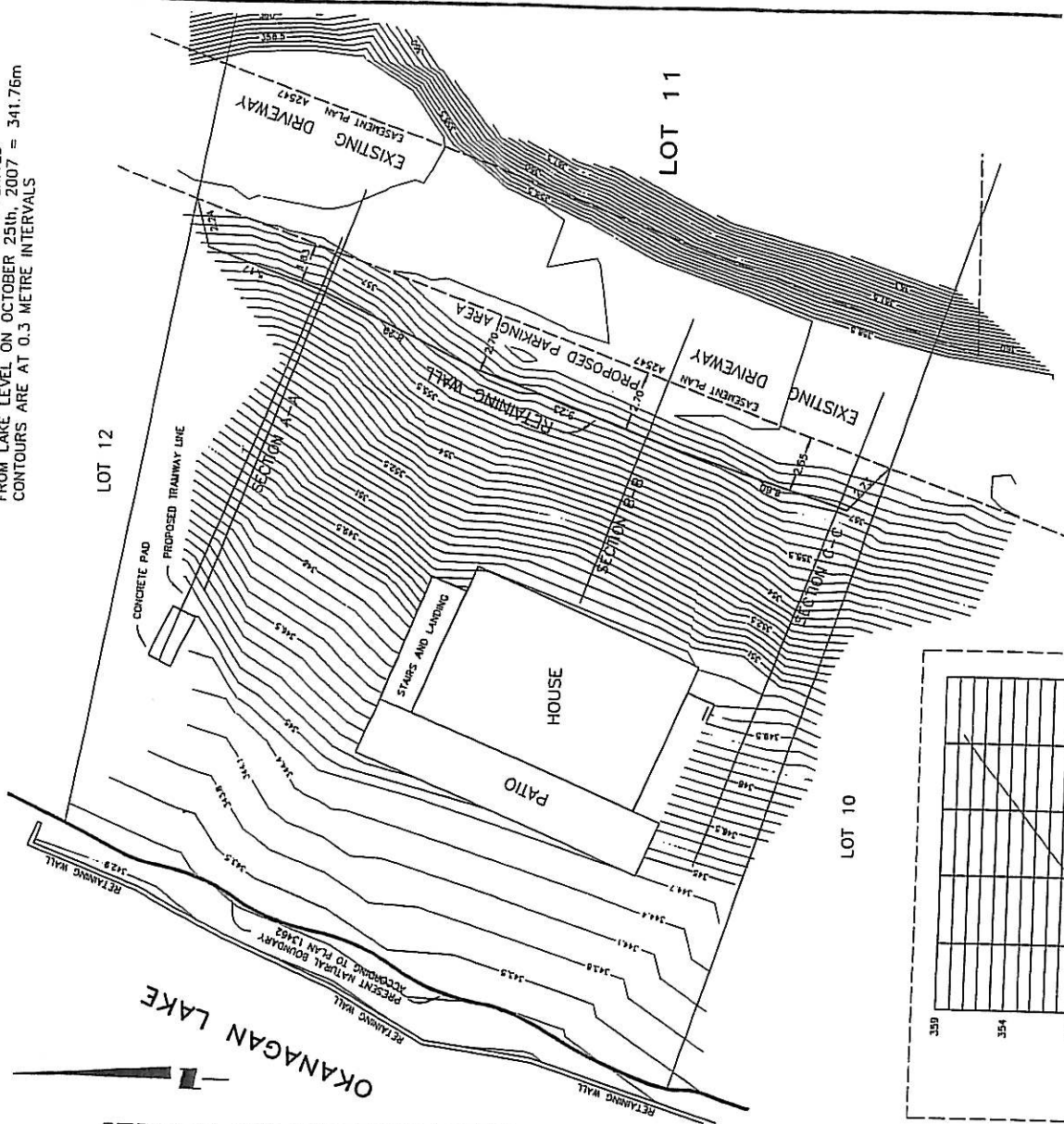
SITE PLAN OF PART OF LOT 11, PLAN 13462,
SECTION 32 AND 33, ODYD.

SCALE : 1:150 METRES

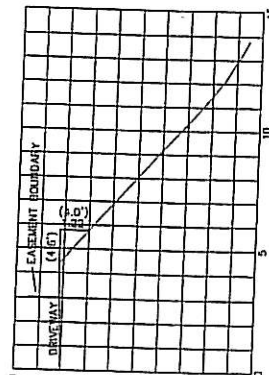


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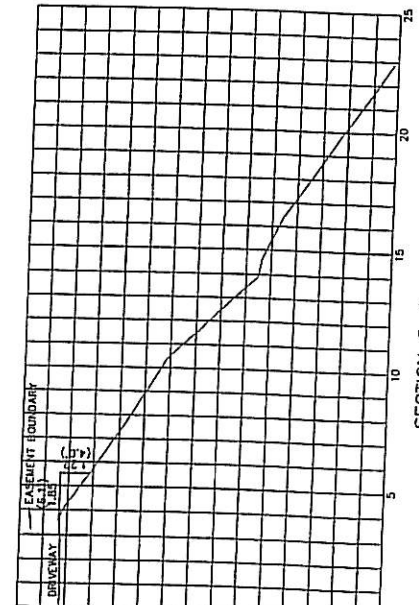
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FROM LAKE LEVEL ON OCTOBER 25th, 2007 = 341.76m
CONTOURS ARE AT 0.3 METRE INTERVALS



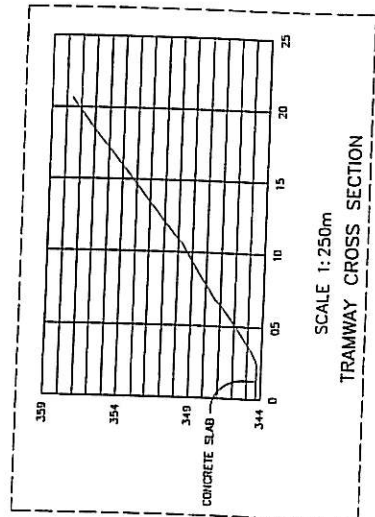
SECTION A-A



SECTION B-B



SECTION C-C



SCALE 1:250m
TRAMWAY CROSS SECTION

DATE: OCTOBER 31st, 2007

T.E. Ferguson Land Surveying Ltd.
B.C. AND CANADA LAND SURVEYORS
216-1628 RICHER STREET, KELLOWNA, B.C.
TELEPHONE (250) 763-3115
FAX (250) 763-0321

JOB NO. #17670.1

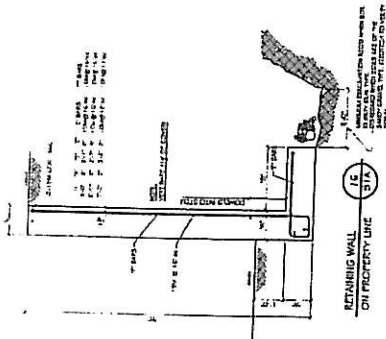
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IMPORTANT NOTE INFORMATION

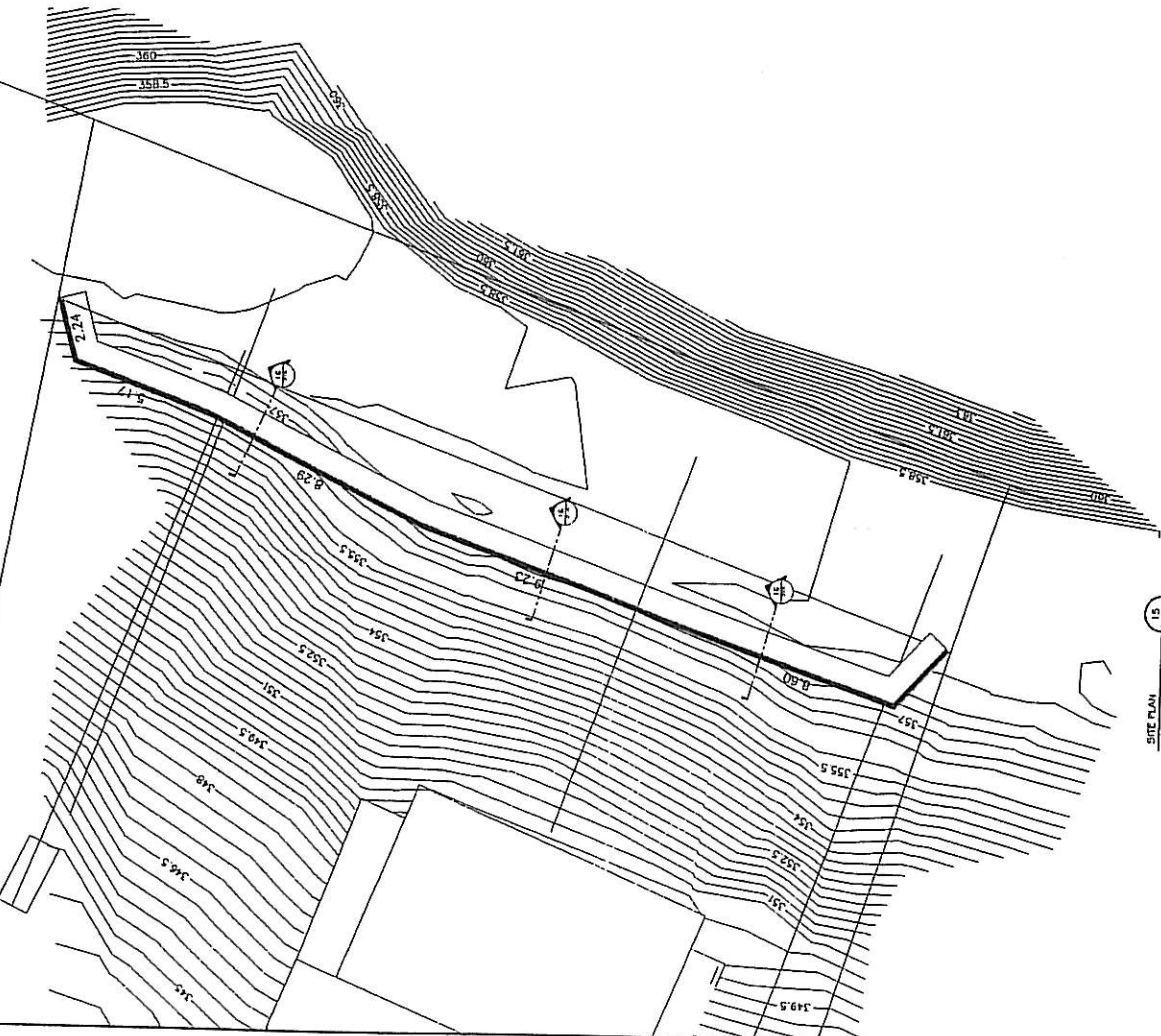
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8	REVISION	2014.07.07
9	REVISION	2014.07.07
10	REVISION	2014.07.07



SITE PLAN
SCALE: 1"=10'



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4022 Finch Road
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Ph: (250) 766-0471
Fax: (250) 763-8485

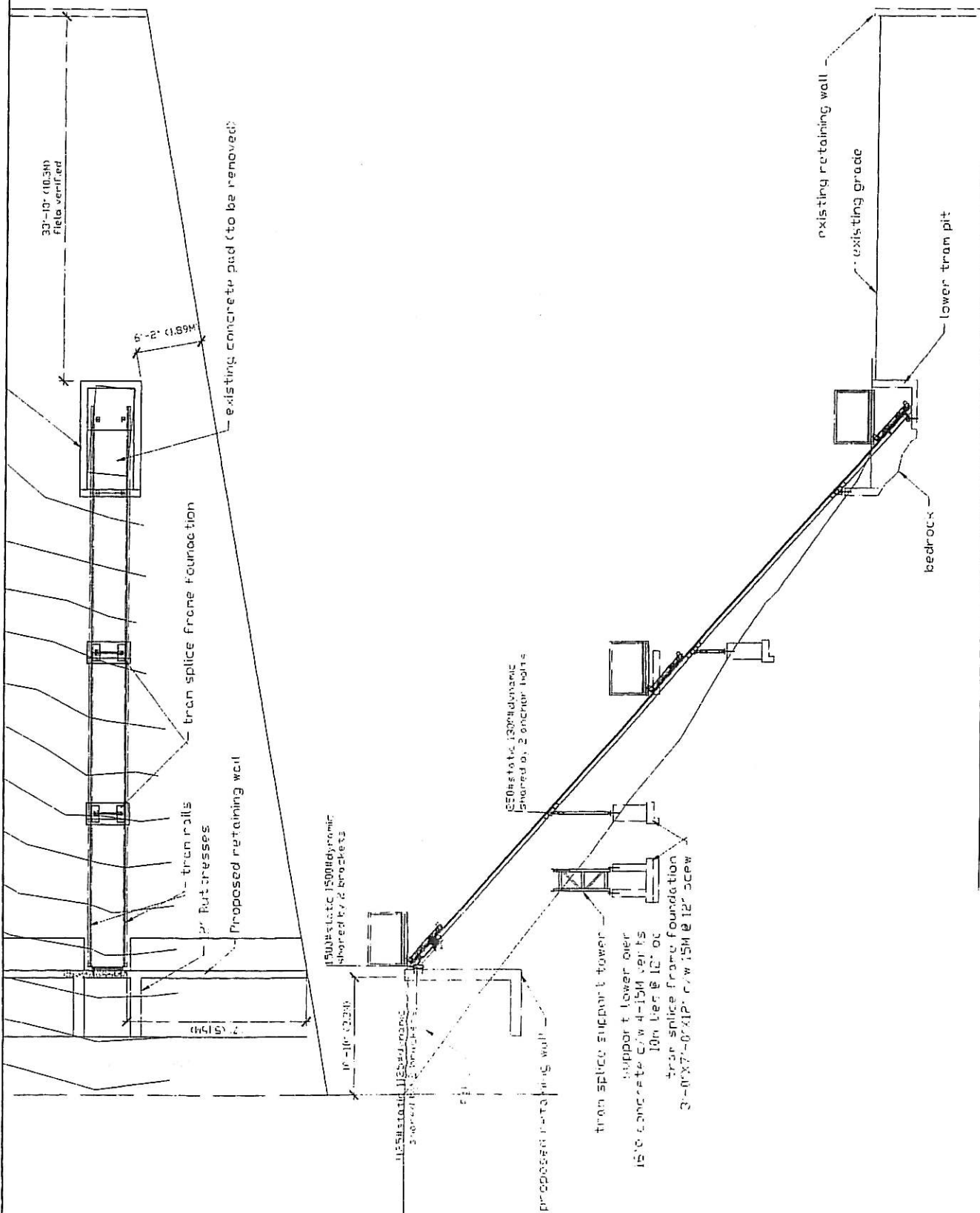


PROJECT: TURNER RES.
4022 FINCH ROAD
LOT 11 Plan 13462
R.D.C.O.

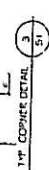
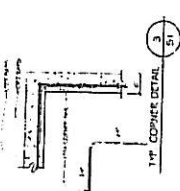
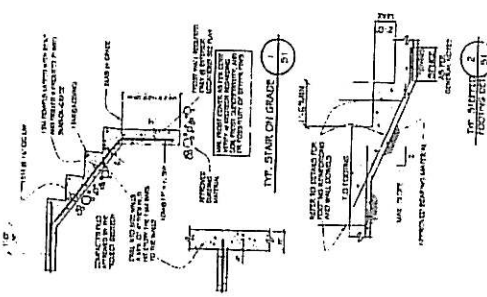
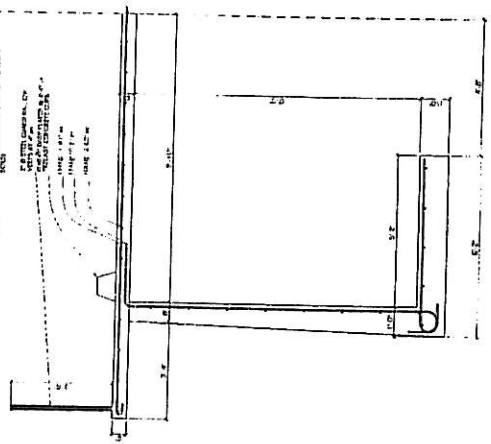
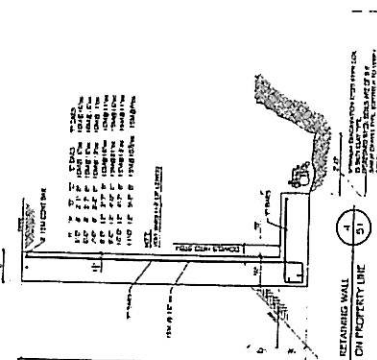
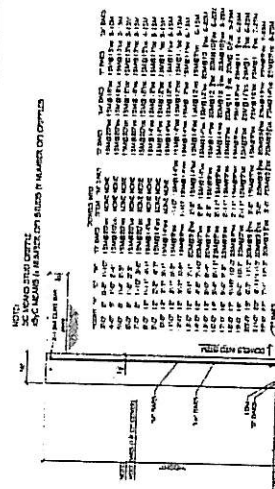
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ON DRAWINGS.



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CHECKED BY: [Signature]
APPROVED BY: [Signature]

PROJECT: RETAINING WALL & TRAM SUPPORT
4022 FINCH ROAD
LOT 11 PLAN 13462
R.D.C.O.

CLIENT: David Turner
4022 Finch Road
KELOWNA, BC, V4V 1N4
Ph: (250) 766-0471
Cell: (250) 869-6500
Fax: (250) 763-9485

DESIGNED BY: [Signature]
DATE: 11/1/2007

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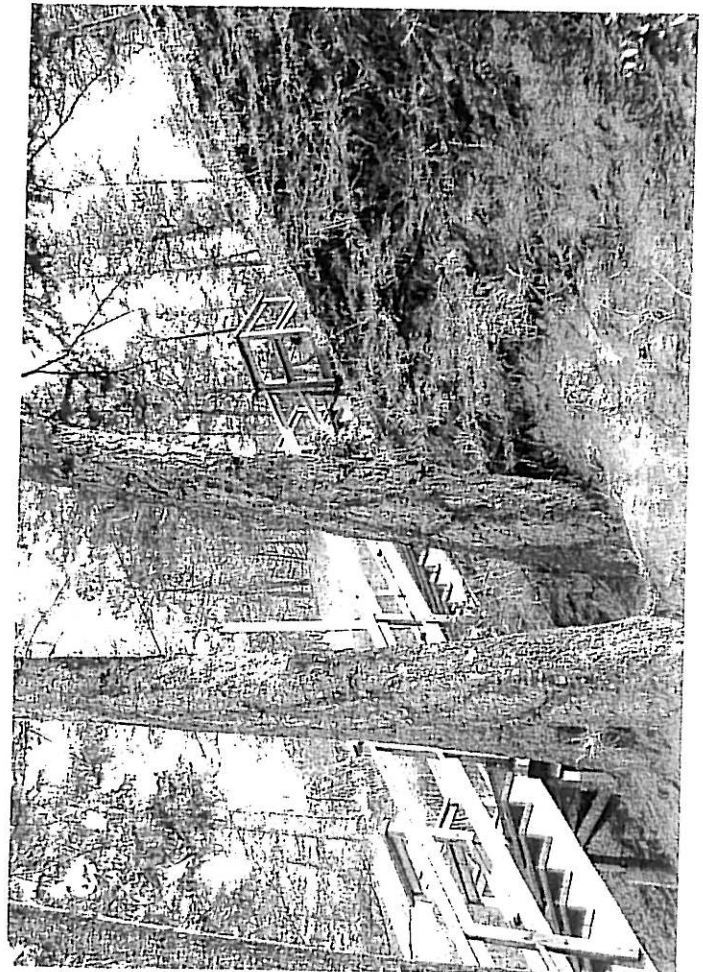
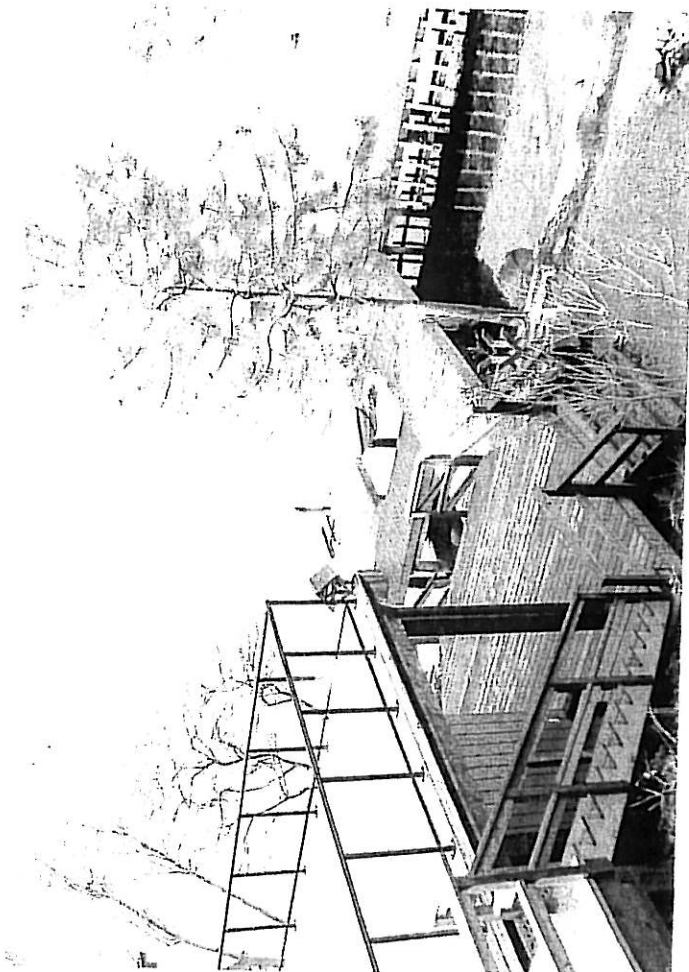
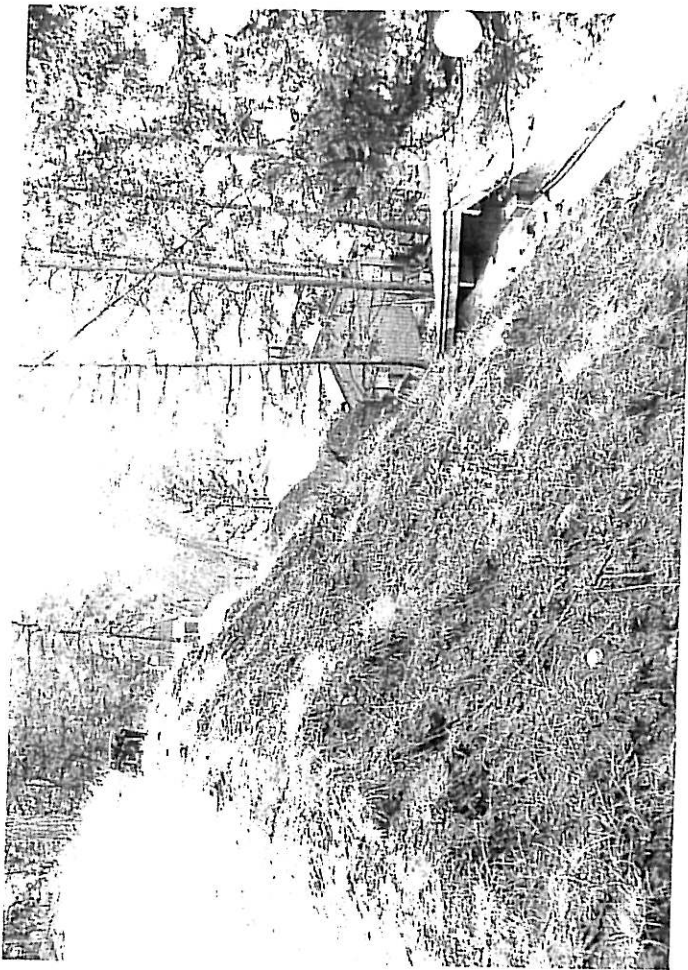
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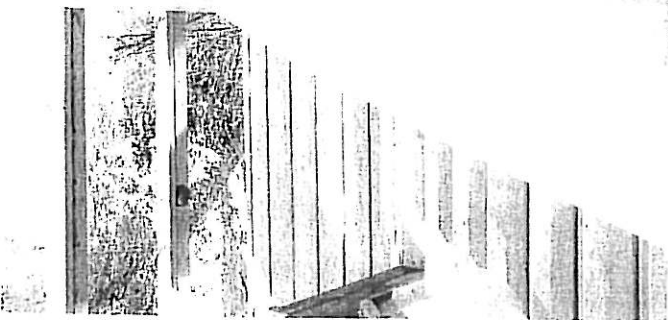
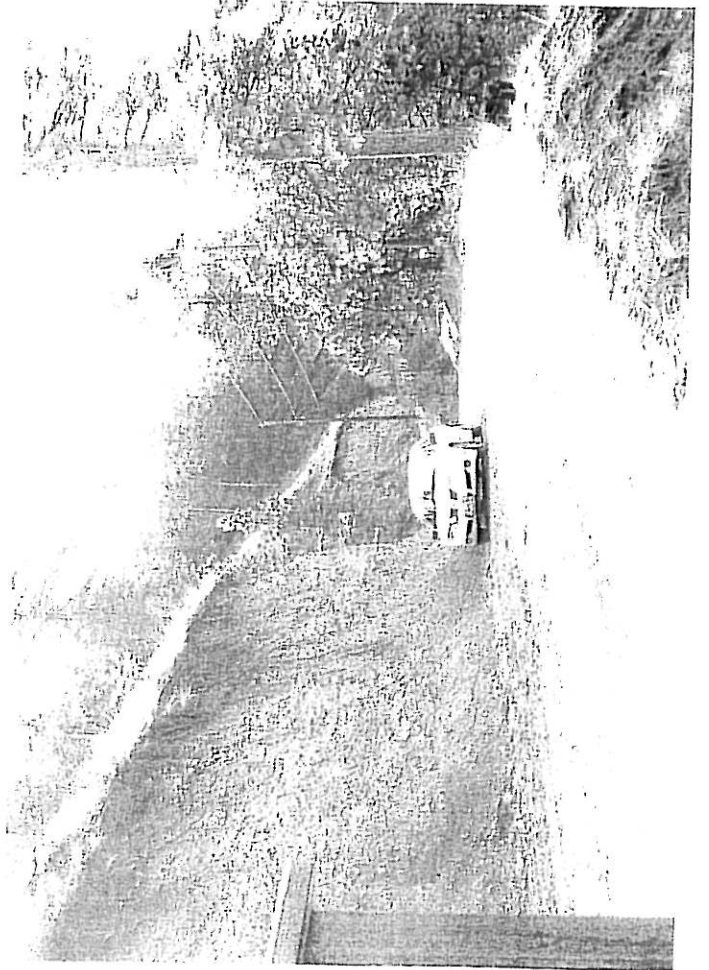
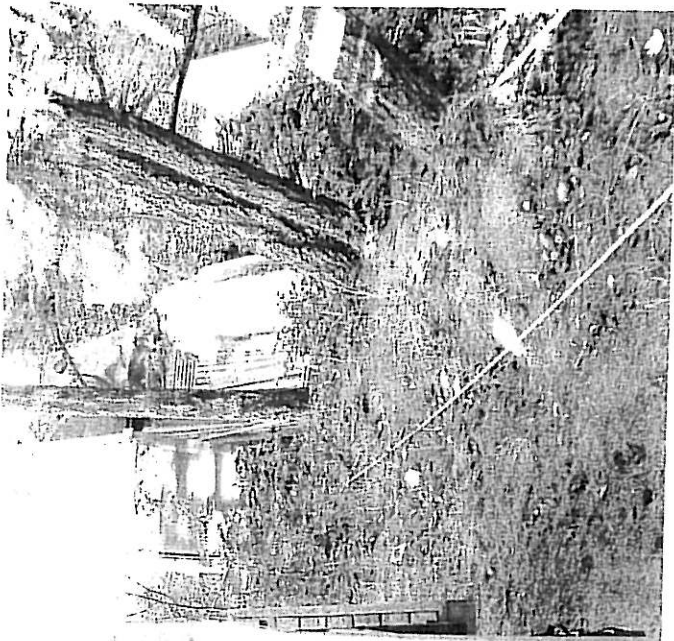
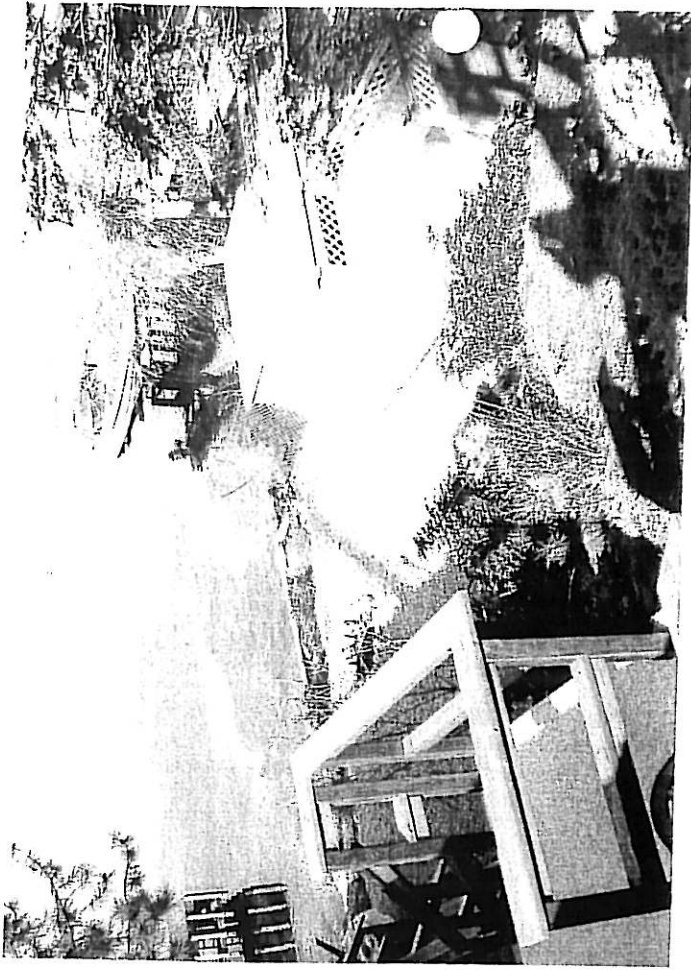
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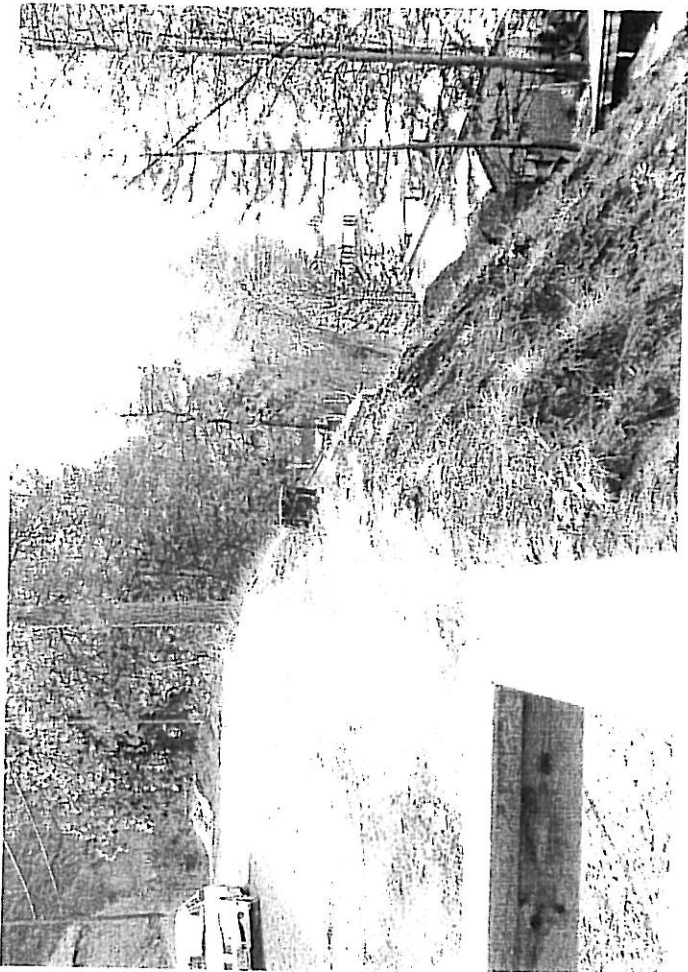
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DATE: 11/1/2007
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APPROVED BY: [Signature]







File: DVP07-0131

Application

File: DVP07-0131

Type: DEVP VARIANCE PERMIT

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2008-03-19 2008-03-19 Community Development & Real Estate Mgr 2008-03-19 Environment Manager 2008-03-19 2007-06-12 The City of Kelowna Environment Division has reviewed the environmental assessment report for the proposed development plan at 4022 Finch Rd. This report forms the basis for support of a Development Variance Permit to Kelowna City Council with regard to the protection of the natural features, functions or conditions that support fish life processes. The adverse environmental impacts on features, functions and conditions that support fish life processes are anticipated to be negligible because the proposed tram will not result in the removal of riparian vegetation and tram construction has a low environmental risk to aquatic habitats. The portion of the tram that encroaches into the Riparian Management Area will occur within the footprint of an existing concrete pad. It is important to note that the applicant meets Ministry of Environment and Department of Fisheries and Oceans Riparian Area Regulation requirements with regard to the proposed construction and placement of the tram lift. The Environment Division supports the efforts by the applicant to avoid and protect the Riparian Management Area.
2	Environment Manager 2008-03-19 2008-03-20 Fire Department 2008-03-19 FortisBC 2008-03-19 Inspections Department 2008-03-19		CDAVIS	No concerns
2	Inspections Department 2008-03-19 Mgr Policy, Research & Strategic Plannin 2008-03-19 Park/Leisure Services Dir. (info only) 2008-03-19 2008-03-19 Parks Manager 2008-03-19			
2	Parks Manager 2008-03-19 Public Health Inspector 2008-03-19 RCMP 2008-03-19 School District No. 23 2008-03-19 Shaw Cable 2008-03-19 Telus 2008-03-19 Terasen Utility Services 2008-03-19 Works & Utilities 2008-03-19			
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