
**CITY OF KELOWNA
MEMORANDUM**

Date: July 8, 2008
To: City Manager
From: Planning & Development Services Department
APPLICATION NO. DVP08-0088 **APPLICANT:** Rykon Construction Mgmt. Ltd.
AT: 1360 Clear Pond Court **OWNER:** South Brook Developments Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO ALLOW A REDUCTION IN THE SIDE YARD SETBACK OF AN ACCESSORY STRUCTURE FROM 1.0 M TO 0.08 M.

EXISTING ZONE: RU2h – MEDIUM LOT HOUSING (Hillside Area)
REPORT PREPARED BY: KEVIN NG

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0088 for Lot 20, Sec. 5, Twp. 23, ODYD, Plan KAP 83526, located on Clear Pond Court, Kelowna, B.C.

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

Section 6.5.8(b) – Side Yard Setback:

To vary the maximum side yard setback for an accessory structure in an urban area from 1.0 m to 0.08 m proposed.

2.0 SUMMARY

The variance request is to relax the side yard setback requirements from 1.0 m to 0.08 m proposed, to facilitate the construction of an outdoor enclosed gas fireplace with an overhead trellis on the west side of the subject property.

3.0 BACKGROUND

There is an existing showhome on the subject property, and the applicant intends to construct an accessory structure that includes an enclosed gas fireplace with trellis to the west side of the property.

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU2h zone
Subdivision Regulations		
Lot Area	1360 m ²	400m ²
Lot Width	17.4 m	13.0 m
Lot Depth	79.3 m	30.0 m
Development Regulations		
Site Coverage (2 buildings)	17 %	40%
Front Yard (accessory bldg.)	3.84 m	18.0 m
Side Yard (east)	0.08 m *	1.0 m
Side Yard (west)	Meets requirement	1.0 m
Separation (Distance Between buildings)	5.0 m	5.0 m
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	1100 m ²	30 m ² of private open space per dwelling

* The applicant is requesting a variance to allow a sideyard setback of 0.08 m, where 1.0 m is required.

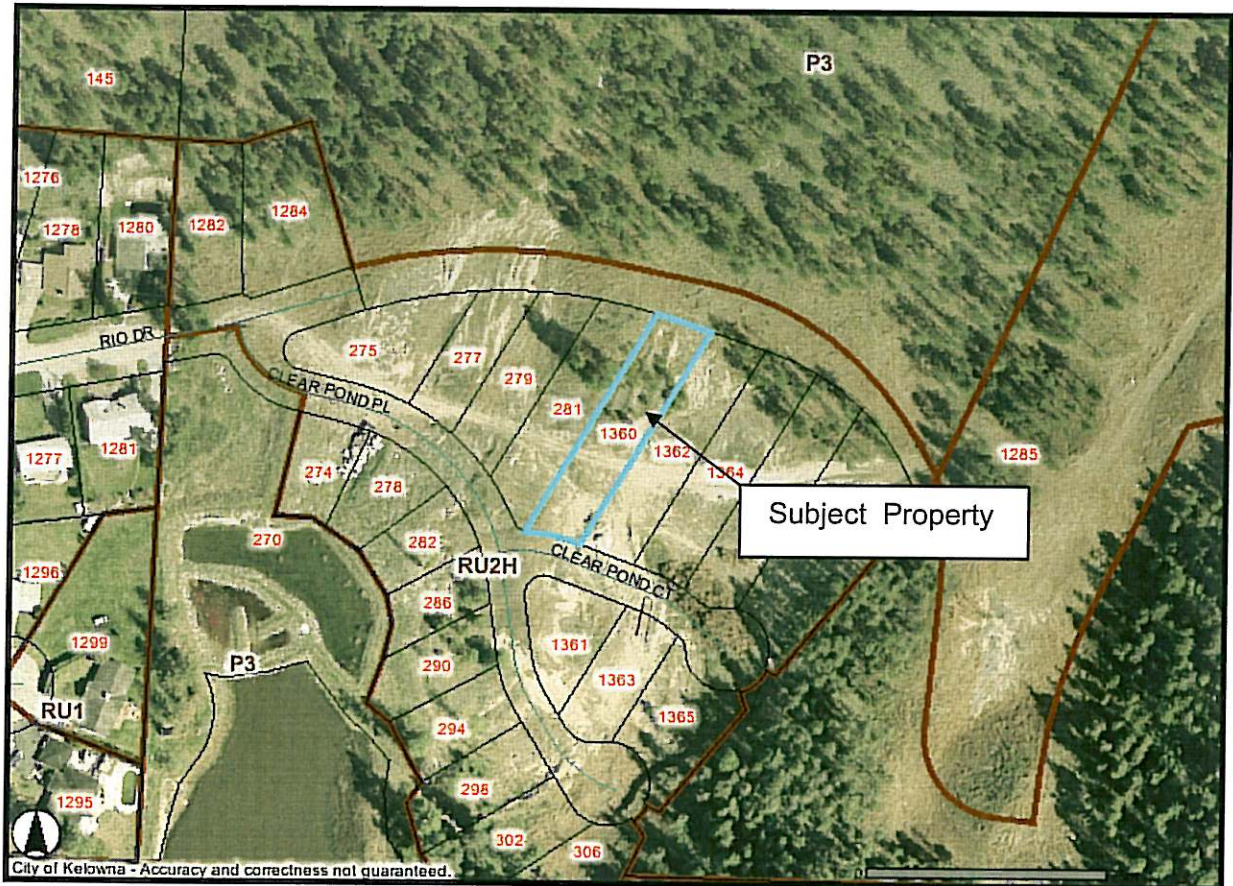
4.0 SITE CONTEXT

The subject property is located on the north side of Clear Pond Court, and south of Rio Drive:

North	P3 – Parks and Open Spaces
East	RU2h – Medium Lot Housing
South	RU2h – Medium Lot Housing
West	RU2h – Medium Lot Housing

4.1 Site Location Map

Subject property: 1360 Clear Pond Court



4.2 Existing Development Potential

The purpose is to provide a zone for single detached housing and compatible secondary uses, on Medium sized serviced urban lots on a hillside.

5.0 Technical Comments

Works and Utilities Department has confirmed the outdoor fireplace is a gas appliance and does not constitute a problem with safety.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The City has received signed letters from the abutting property owners with no objections to their proposed variance. The proposed construction of the accessory structure is consistent with the uses currently existing surrounding the site. The Planning and

Development Services Department does not have any concerns and is generally supportive of the proposed sideyard variance to facilitate the construction of and to the side setback reduction and that recommends this application be supported.

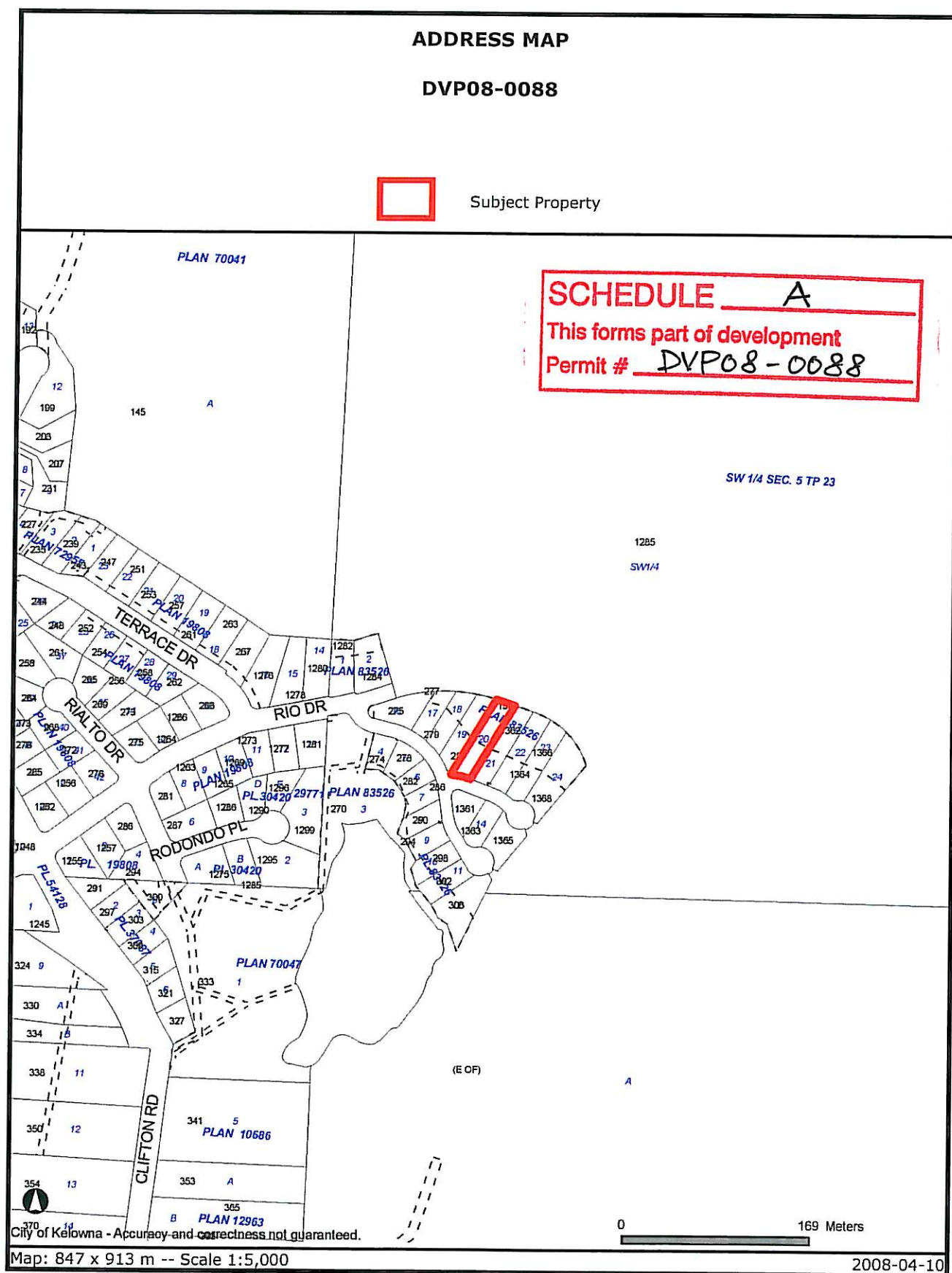


Danielle Noble
Current Planning Supervisor

KN/dn

ATTACHMENTS

- A - Location Map
- B - Site Plan
- C - Floor Plan
- D - Elevation



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.

ON LOT 20, PLAN KAP83526,
SEC. 5, TP. 23, O.D.Y.D.

CIVIC ADDRESS: 1360 CLEAR POND COURT

~~This forms part of development~~

Permit # DVP 08-0088

20
PLAN KAP83526

19

FOUNDATION
ONLY

WING
WALL

21

Certified correct this 17th day of December, 2007.

NEIL R. DENBY

B.C.L.S.

RUNNALLS DENBY

british columbia land surveyors

#2-1470 Water Street
Kelowna, B.C. V1Y 1J5

Phone: (250)763-7322
Fax: (250)763-4413

Email: [neil @ runnallsdenby.com](mailto:neil@runnallsdenby.com)

ELEVATIONS ARE ASSUMED GEODETIC AND ARE
TAKEN FROM CITY OF KELOWNA LOT GRADING PLAN.
ELEVATIONS ARE TO TOP OF FOUNDATION WALL. *

CLIENT : RYKON CONSTRUCTION

FILE No : 12442 SC 20

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED
AND SEALED.

© THIS PLAN IS PROTECTED BY COPYRIGHT.

NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT
PRIOR CONSENT OF RUNNALLS DENBY.

THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO BE USED TO DEFINE PROPERTY BOUNDARIES.

SCHEDULE C

This forms part of development

Permit # DVP 08-0088

RECEIVED

JUN 6 1 2008

CITY OF KELOWNA
PLANNING DEPT.

COURT
YARD

36" OUTDOOR GAS F.P.
INSTALL TO MFR'S SPEC'S
FINISH TO OWNER'S SPEC'S

CASITA

14'6" / 10'0" X 7'8" / 15'0"

9'0-3/4" CLG.

28"x22" A.A.

WEATHER STRIPPED

POWDER

TRELLIS

10" SQ. POSTS

4"x10" BEAM

2"x10" RAFTERS,

28" LONG @ 24" O.C.

MAIN FLOOR PLAN

1454 SQ. FT. June 11, 2008

SIDE LOT LINE
SET BACK 0.00m
FROM LOT LINE

SCHEDULE D
This forms part of development
Permit # DVPO8-0088

