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CITY OF KELOWNA  
**MEMORANDUM**

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**Date:** October 31, 2008  
**To:** City Manager  
**From:** Land Use Management Department  
**APPLICATION NO.** DVP08-0102      **OWNER:** Juliana Wilgar  
**AT:** 3909 Bluebird Road      **APPLICANT:** RLJ Homes Inc.  
**PURPOSE:** To vary the front yard, side yard, and rear setback requirements of Zoning Bylaw 8000  
**EXISTING ZONE:** RU1 – Large Lot Housing  
**REPORT PREPARED BY:** Damien Burggraeve

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**1.0    RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0102 for Lot 1 Section 1 Township 25 Osoyoos Division Yale District Plan 3527 located at 3909 Bluebird Road, Kelowna, B.C.

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

Section 13.1.6 (c) Development Regulations - Front Yard Set Back  
Vary the front yard setback from 6.0 m to 0.8 m proposed.

Section 13.1.6 (d) Development Regulations – Side Yard Set back  
Vary the side yard setback from 2.3 m required to 0.2 m proposed.

Section 13.1.6 (e) Development Regulations – Back Yard Setback  
Vary the rear yard setback from the 4.5 m required to 1.0 m proposed.

**2.0    SUMMARY**

The subject property is very small and is restricted by a number of factors including the proximity to Mission Creek and future transportation plans for Bluebird road. Given proper setback from the creek and proper front yard setback, the property is without a building envelope (See attached site plan showing proper setbacks for RU1 zone). In an effort to comply with riparian regulations, the applicant is proposing to redevelop onto the existing grandfathered footprint of the building, remove the encroachment into the road right away, and add a second storey.

The subject property is approximately 472 m<sup>2</sup> and has a triangle shape which makes it extremely challenging to design a building. The proposed building will have a footprint of approximately 161.91 m<sup>2</sup> representing a 34% site coverage. The applicant is requesting a front yard variance from 6.0 m to the proposed 0.8 m (a greater setback than exists today). The City of Kelowna Transportation department expressed concerns with the proposed setback reduction which was addressed through a meeting with the property owner. The property owner voluntarily agreed to dedicate a portion of the land to accommodate Transportation needs. The proposed design has a double door garage that will accommodate two vehicles.

The applicant is proposing a two storey building which will not be closer to the property lines than the original building but the second storey triggers the requirement for side and rear yard variances

The subject property is also located within a City of Kelowna Environmental Development Permit area and is subject to 15 m setback from Mission Creek. This setback would eliminate any development potential on the subject property. However, the existing structure (foundation) is grandfathered and the applicant is proposing to utilize the existing foundation. The City of Kelowna's Environmental Division reviewed the proposed project and has no concerns with this proposal.

The following table compares the proposal to the development regulations of the RU1 – Large Lot Housing zone.

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	472 m <sup>2</sup> <sup>A</sup>	550m <sup>2</sup>
Lot Width (m)	36.30	17.0m
Lot Depth (m)	21.4 m <sup>2</sup> <sup>B</sup>	30.0m
Site Coverage	34 %	40%
<b>Setbacks</b>		
Front Yard	0.8 <sup>C</sup>	4.5m
Side Yard (W)	N/A	4.5m except 6.0m to a garage or carport
Side Yard (E)	0.2 m <sup>D</sup>	2.3m
Rear Yard	1.0m <sup>E</sup>	4.5m where lot width exceeds lot depth
Building Height	2 storeys	2.5 storeys
Parking	2 stalls	2 stalls

A – Existing non-conforming lot area

B – Existing non-conforming lot depth

C – The applicant is proposing to remove the illegal encroachment but is requesting a relaxation of the front yard setback to accommodate the placement of the new building.

D – The proposed house will not be closer to the east property line but the addition of a second storey will worsen the non-conformity, thus triggering the requirement for side yard setback relaxation.

E – The proposed house will not be closer than the north property line but the addition of a second storey will worsen the non-conformity, thus triggering the requirement for rear yard setback relaxation.

## 2.2 Site Context

The subject property is located at the end of Bluebird Road near the mouth of Mission Creek.

Adjacent zones and uses are:

- North - C9 – Tourist Commercial
- East - RU1 – Large Lot Housing
- South - RU1 – Large Lot Housing
- West - RU1 – Large Lot Housing

## Site Location Map

Subject Property:

3909 Bluebird Road



## 3.0 TECHNICAL COMMENTS

See Attachment.


## 4.0 LAND USE MANAGEMENT DEPARTMENT

The existing single family dwelling does not conform to the current form and character of the surrounding neighbourhood. There is no occupant in the existing structure and the

City had reports of transients utilizing the structure as a shelter, which has triggered significant concerns from the neighbours.

The subject property is extremely restricted and does not offer a building envelope that conforms to the RU1 zone. However, the applicant has provided a design that does not exceed the original footprint and removes the illegal encroachment. The applicant has also demonstrated flexibility in working with the City of Kelowna's Transportation Department and is willing to dedicate a portion of the property for future transportation needs if this application is successful.

The Land Use Management department supports the requested variances given the limitations on the site. The applicant has demonstrated a significant hardship and cooperated with the City of Kelowna on the design. The applicant is using the original footprint and has obtained neighbours support for the project. The proposed building will be a better fit in the current neighbourhood and will alleviate the current transient/drug problem associated with this site.

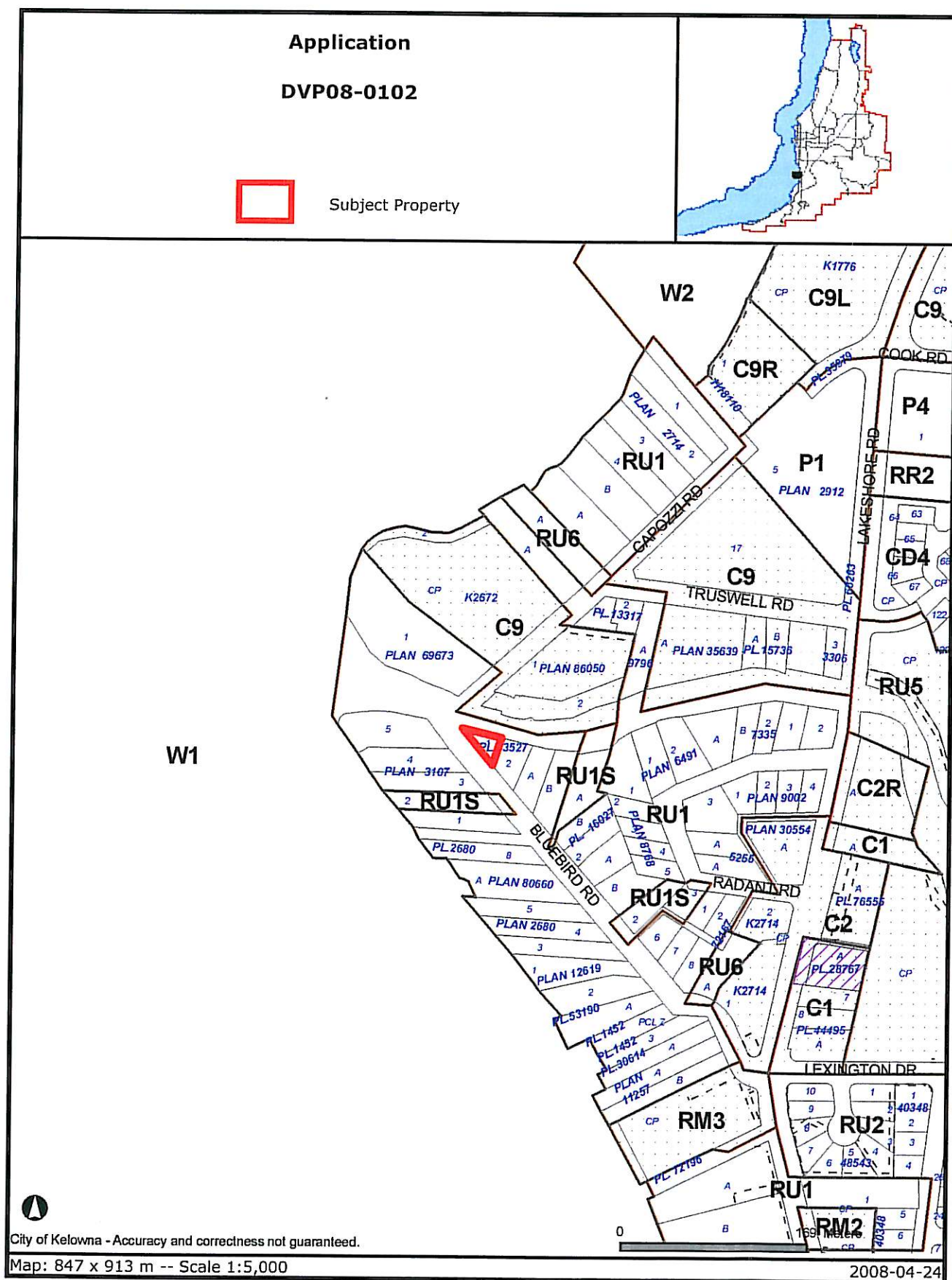
  
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Shelley Gambacort  
Director of Land Use Management

SG/db

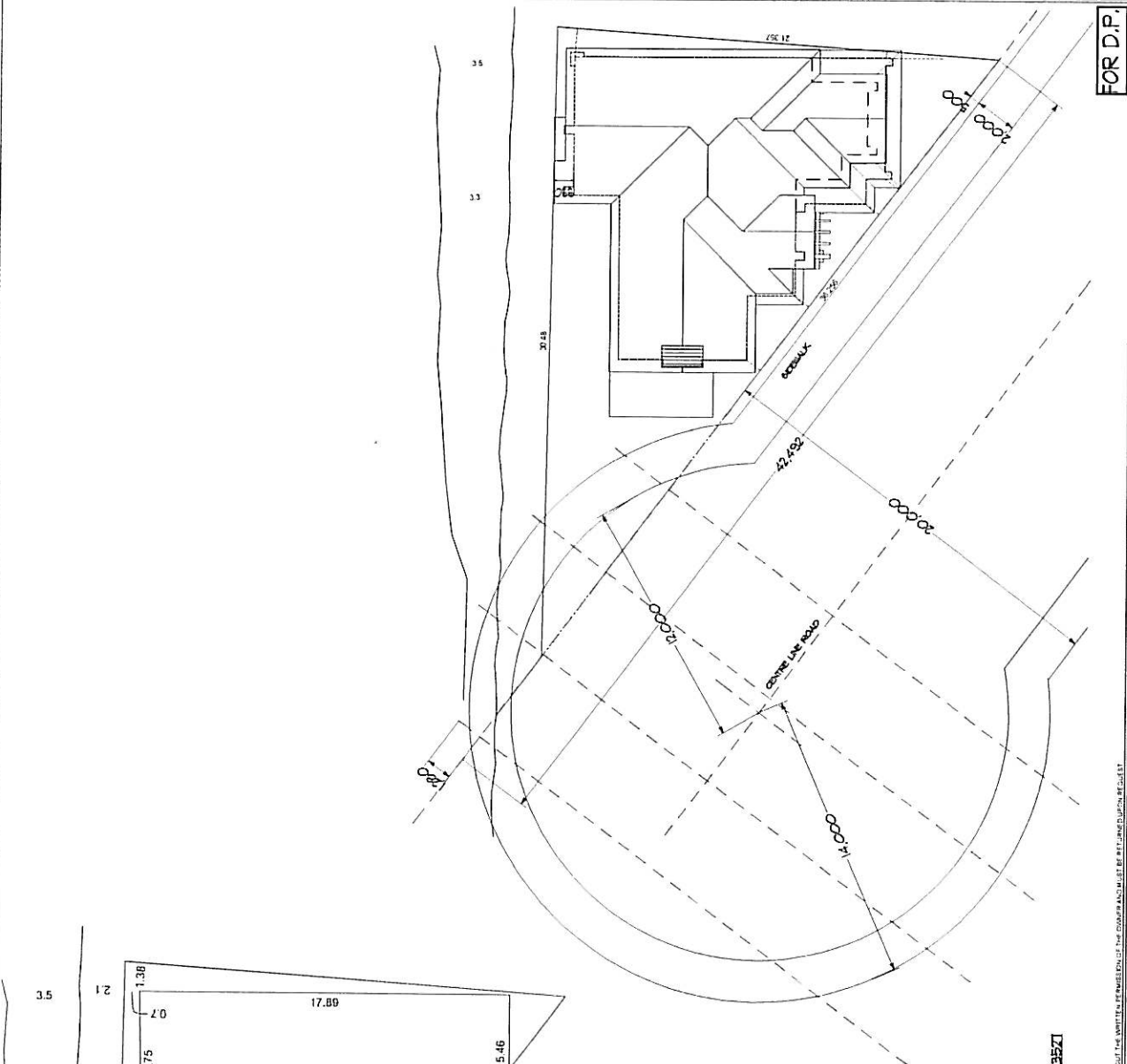
ATTACHMENTS (not attached to the electronic version of the report)

- Subject property map
- Site plan (showing existing and proposed)
- Site plan showing proper setback for RU1 zone
- Elevations
- Technical Comments





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.



FOR D.P.

3.3

2.1

1.0

6

30.48

4

5

2.38

8.61

8.61

2.39

1.07

9.15

7.02

1.12

39.25%

3908 BLUEBIRD RD

3908 BLUEBIRD RD - EXISTING  
3908 BLUEBIRD RD  
SCALE 1/8" = 1'-0"

SITE PLAN - EXISTING

3908 BLUEBIRD RD - LOT 1 PLAN

SCALE 1/8" = 1'-0"

SITE CALCULATIONS

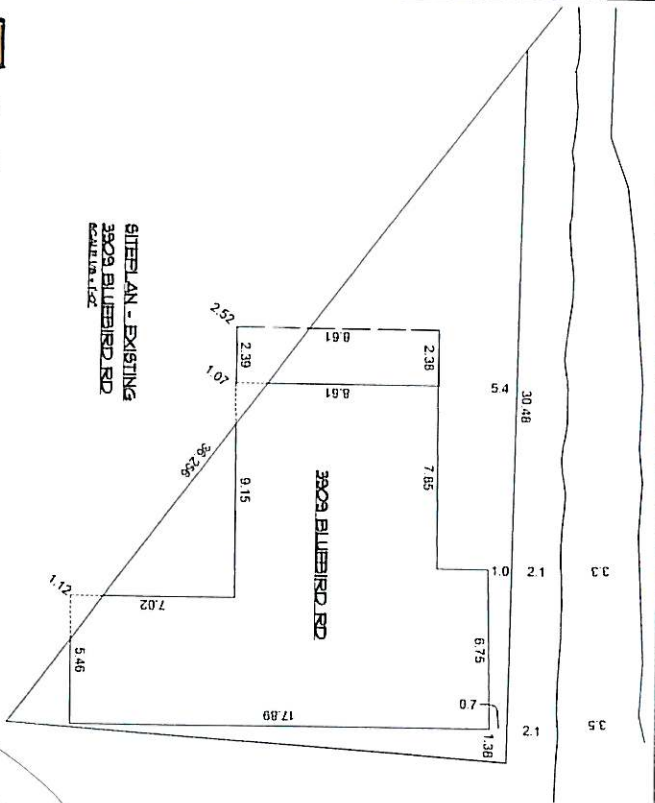
AREA OF LOT = 5088.00 SQ. FT.  
BUILDING FOOTPRINT = 1142.16 SQ. FT.  
COVERAGE = 34.2 %

MAIN FLOOR	1236.30	SQ. FT.
GARAGE	506.88	SQ. FT.
UPPER FLOOR	1329.25	SQ. FT.
TOTAL	3072.43	SQ. FT.
FLOOR AREA RATIO = 0.50		

SITE PLAN

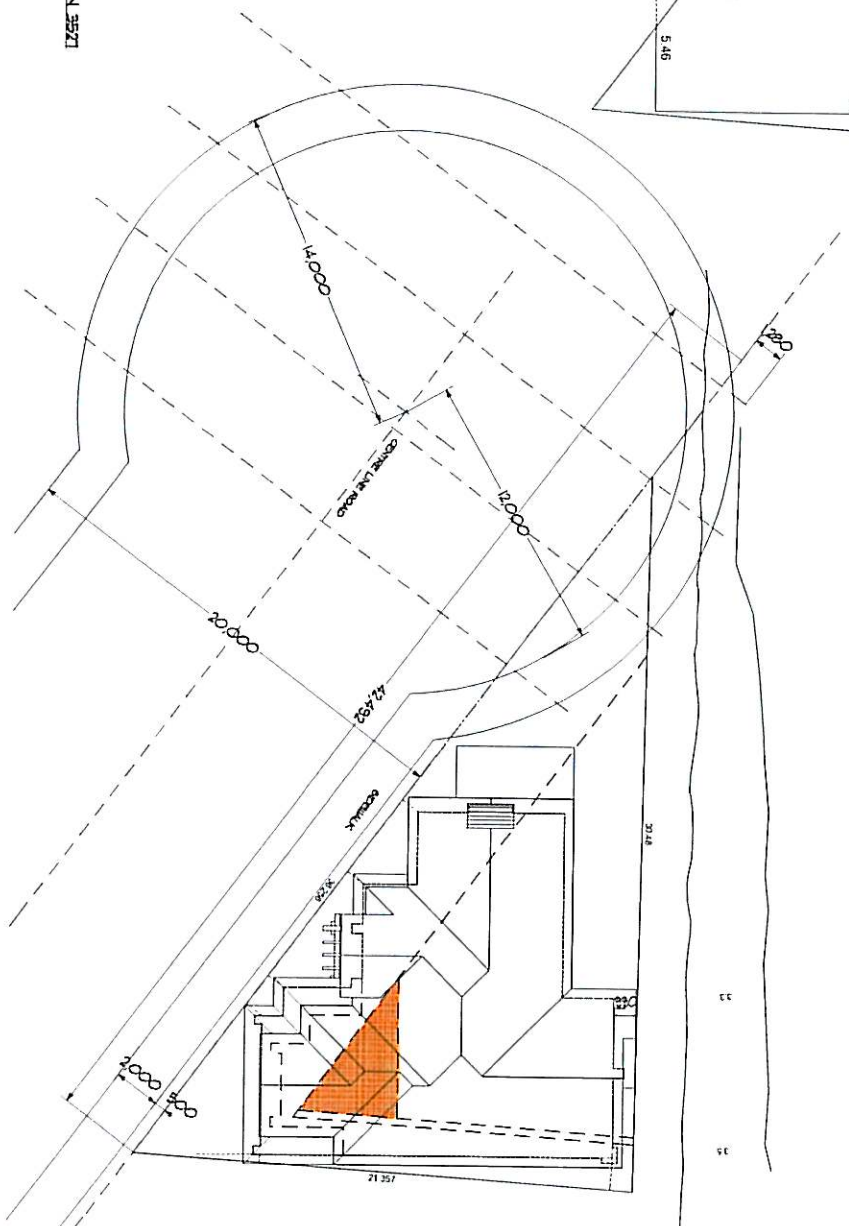
3908 BLUEBIRD RD - LOT 1 PLAN

SCALE 1/8" = 1'-0"



⇒ **EXISTING BUILDING ENVELOPE**  
**RUI ZONE**

**SITE CALCULATIONS**  
 AREA OF LOT = 808.00 SQ.FT.  
 BUILDING FOOTPRINT = 742.16 SQ.FT.  
 COVERAGE = 91.85 %  
 MAIN FLOOR = 236.30 SQ.FT.  
 GARAGE = 506.86 SQ.FT.  
 UPPER FLOOR = 139.35 SQ.FT.  
 TOTAL = 307.13 SQ.FT.  
 FLOOR AREA RATIO = 0.38



FOR D.P.

<b>3909 BLUEBIRD RD</b> <b>SITEPLAN</b>		PROJECT: 3909 BLUEBIRD RD KELONA, B.C.	SHEET: 1 OF 1
CLIENT: RU HOMES - 563 SAN CARLO COURT KELONA, B.C. - V1V 5S8 - (501) 840-1548		DATE: 10/11/2023	SCALE: 1/8" = 1'-0"
DRAWN BY: J. LEE		CHECKED BY: J. LEE	DATE: 10/11/2023
PROJECT NO.: 2023-001		SHEET NO.: 1 OF 1	SCALE: 1/8" = 1'-0"

PLAN 1000000000

CUSTOM HOME

DESIGN



3909 BLUEBIRD RD  
KELOONA B.C. V1Y 1B8 • (250) 842-1548

3909 BLUEBIRD RD  
RENDERINGS

DATE

DATE: LOT 1 - PLAN 1000000000  
3909 BLUEBIRD RD  
KELOONA B.C.  
3909 BLUEBIRD RD  
KELOONA B.C. V1Y 1B8 • (250) 842-1548

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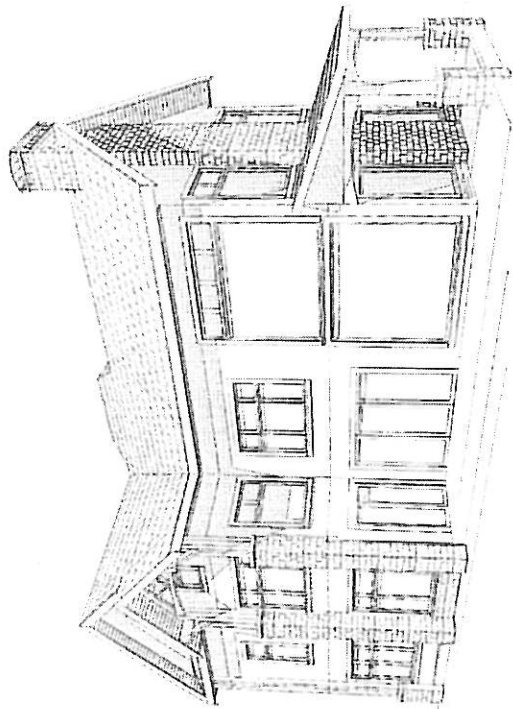
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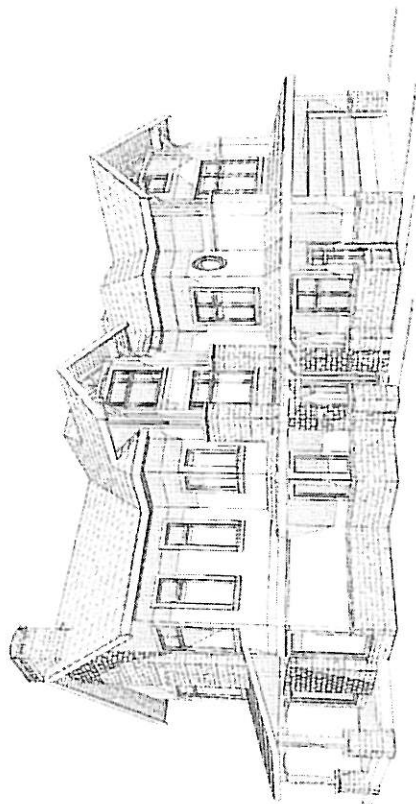
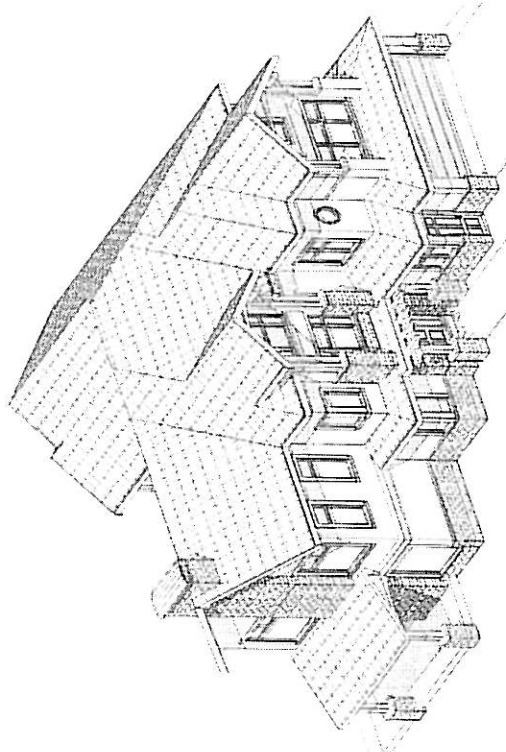
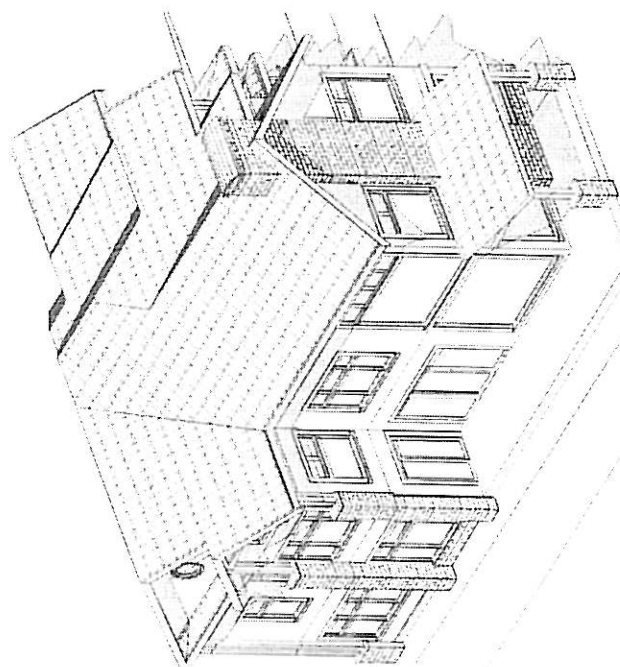
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3909 BLUEBIRD RD



FOR D.P.

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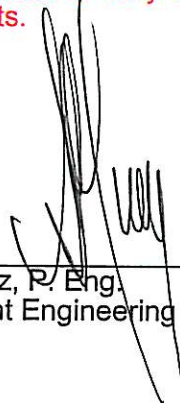
**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 28, 2008 Revised  
**File No.:** DVP08-0102  
**To:** Planning and Development Officer (AW)  
**From:** Development Engineering Manager (SM)  
**Subject:** 3909 Bluebird Rd. Lot 1, Plan 3527 Sec 1, Twp 25

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This application to vary the front yard setback does not compromise Works & Utilities servicing requirements.



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Steve Muenz, P. Eng.  
Development Engineering Manager

DC