
**CITY OF KELOWNA
MEMORANDUM**

Date: January 15, 2009
To: City Manager
From: Community Sustainability Division
APPLICATION NO. DVP07-0141 **APPLICANT:** Adrian & Patricia Demmers
AT: 1345 Shaunna Rd. **OWNER:** Adrian Demmers
 Patricia Demmers

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO VARY THE SIDE YARD SETBACK FROM 2.0 M REQUIRED TO 1.11 M. PROPOSED
EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3 ZONE
REPORT PREPARED BY: Birte Decloux

1.0 RECOMMENDATION

THAT council authorize the issuance of Development Variance Permit no. DVP07-0141 for Lot 113, Section 18, Township 27, ODYD, Plan 21008, located on Shaunna Road, Kelowna, B.C.; AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 12.3.6 (d) Side Yard Setback

A variance to the side yard setback requirement, allowing a setback of 1.11 m on the north side of the property where 2.0m is required;

AND THAT prior to issuance of the Development Variance Permit, a professional report be submitted by a structural engineer to the satisfaction of the Building and Inspections Manager and that relevant documentation be submitted to ensure that no fencing encroaches onto the abutting properties.

2.0 SUMMARY

The applicant is seeking to legalize a garage addition to the existing dwelling that was built a number of years ago without securing the appropriate approvals. The addition creates a non conforming situation as it is only 1.11 m from the north side lot line, where 2.0 m is required in the RR3 zone.

3.0 ADVISORY PLANNING COMMISSION

This application was reviewed by the Advisory Planning Commission at the meeting of July 31, 2007 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Permit Application No. DVP07-0141, for 1345 Shaunna Road, Lot 113, Plan 21008, Sec. 18, Twp. 27, ODYD by Demmers to obtain a Development Permit to vary setback for north side yard from 2.0 m to 1.6 m, conditional upon the building/garage to meet BC Building code requirements upon a City building inspection.

After the APC review, the applicant submitted a survey certificate of the site which indicates the garage conforms with the zoning bylaw at the front of the building, however, it is only 1.11m from the lot line at the back of the structure. No changes to meet the building code issues have been made to date.

4.0 BACKGROUND

4.1 Site Context

The subject property is located on Shaunna Road, which is part of a residential subdivision located north of Hwy 33, and west of Gopher Creek. This area of development was created prior to amalgamation of these lands into the City of Kelowna in 1973. The subject property is located on a portion of the road that lies lower in elevation in comparison to their neighbours to the north and east.

The surrounding lands have been developed primarily for single- two-family residential development. More specifically the existing zoning for adjacent lands is as follows:

- North- RR3 – Rural Residential 3
- East RR2 – Rural Residential 2
P3 – Parks and Open Space
- South RU1 – Large Lot Housing
- West RR3 – Rural Residential 3

4.2 Subject Property: 1345 Shaunna Road



TECHNICAL COMMENTS

5.1 Inspection services

Single attached garage built without building permit and inspections and the permit application is now applied for, construction must comply to requirements of BCBC 2006. Structure is not to code and will need sufficient upgrades at the direction of a structural engineer.

5.2 Works and Utilities

The requested variance for the existing reduced setback situation does not compromise Works and Utilities servicing requirements.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

This application came forward in response to the City notifying the owner that he had made additions to the existing residence without securing the necessary permits from the Building and Permitting Department. In reviewing the work that had been completed, it was discovered that there is an encroachment into the required north side yard setback area. Prior to staff approving a building permit that would legalize the existing addition, the owner must have a Development Variance Permit approved by Council, allowing a 1.11 m setback, where 2.0 m is required.

Land Use Management staff do not condone construction in advance of the necessary permits and notes that the affected neighbours were not prepared to provide letters of support for this Development Variance Permit application. As noted in the APC minutes from July 31, 2007 there is concern by the neighbours with the quality of construction and the location of the fencing. Therefore, as conditions of approval of this application, it is recommended that prior to issuance of the Development Variance Permit a professional report be prepared to the satisfaction of the Building & Permitting Manager and a survey certificate be provided to the Land Use Management Director verifying that no fencing encroaches onto the neighbouring properties.



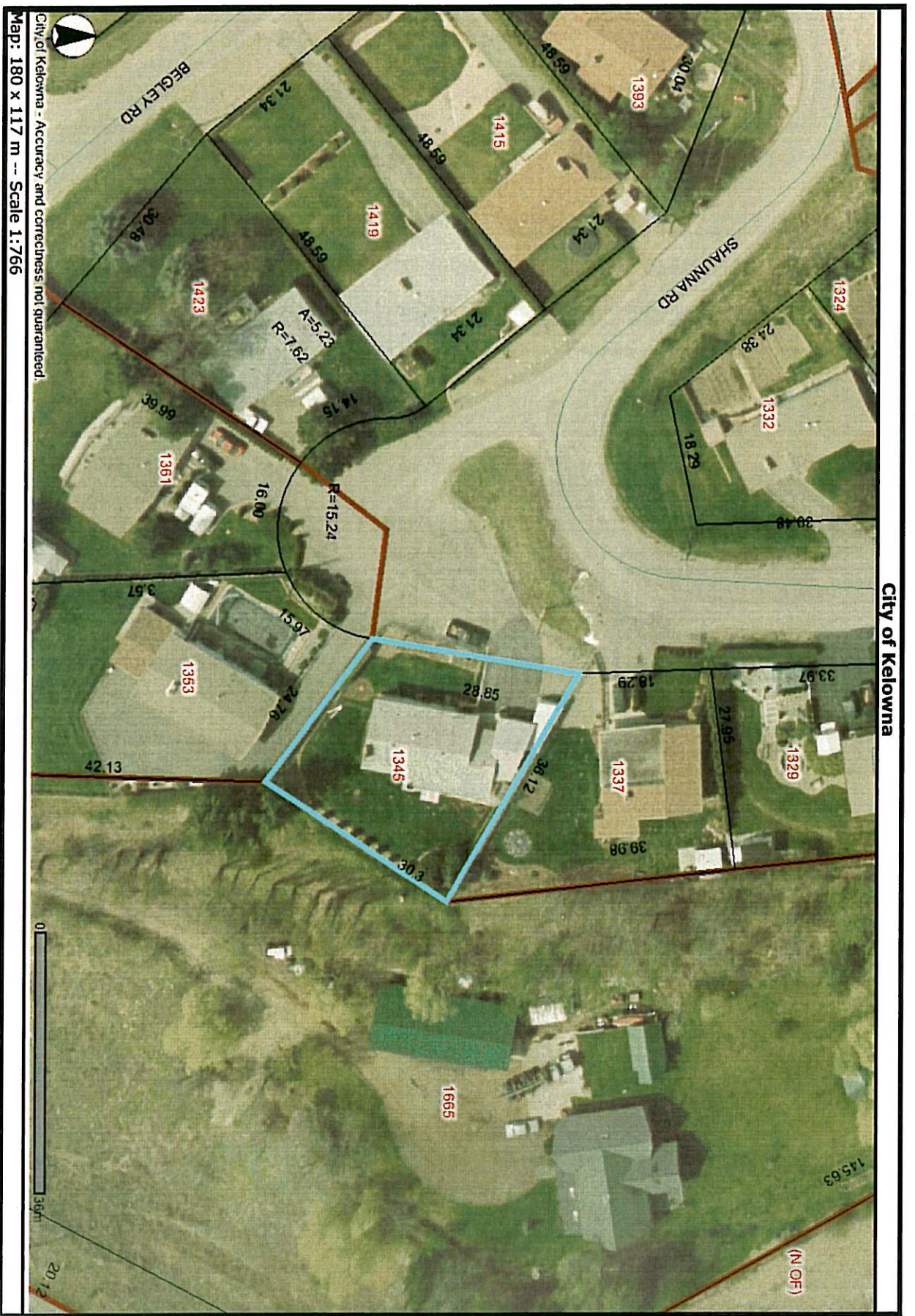
Danielle Noble
Urban Land Use Manager



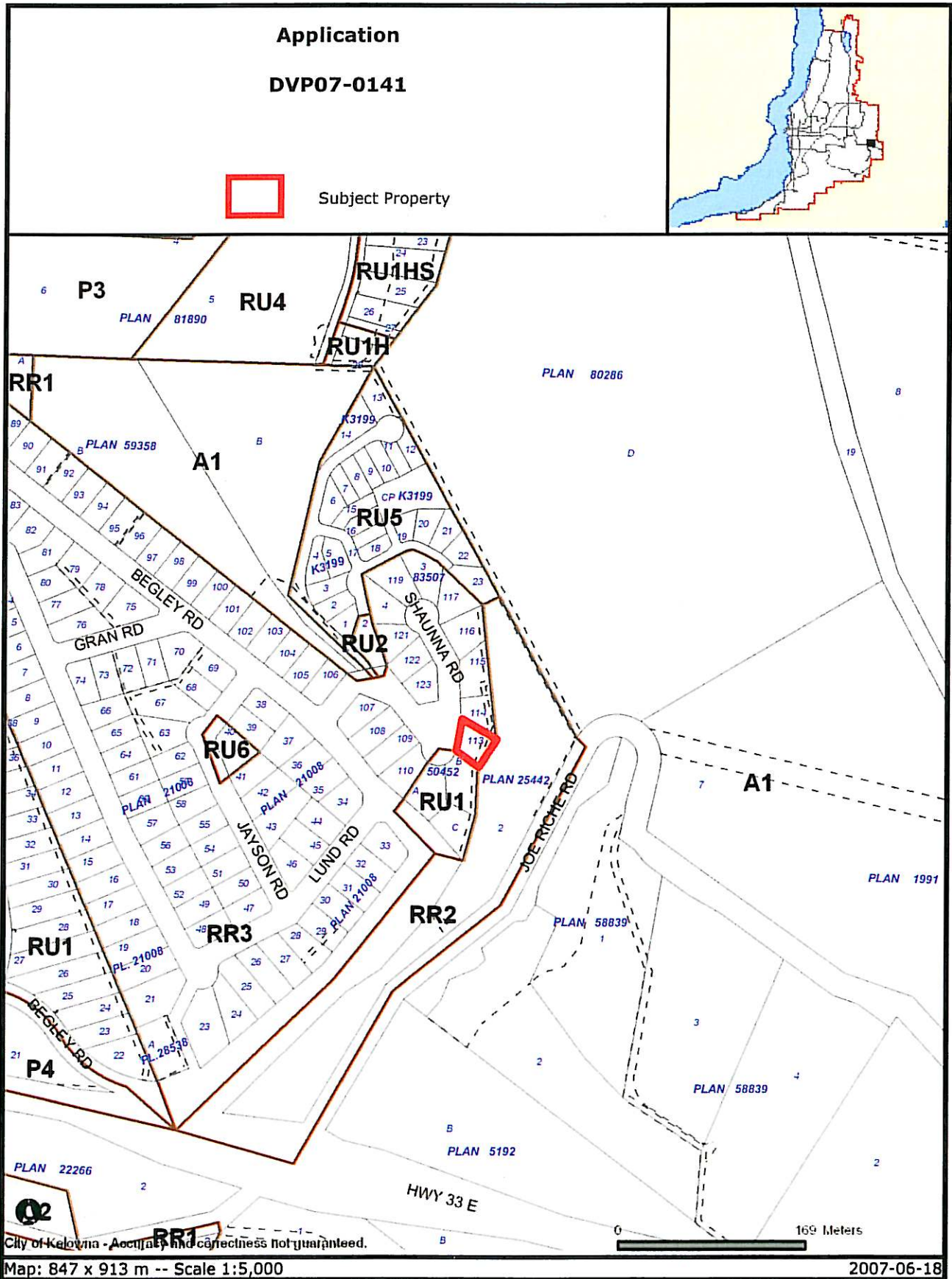
Shelley Gambacort
Director of Land Use Management Department

ATTACHMENTS

Location of subject property
Site Plan
Photos



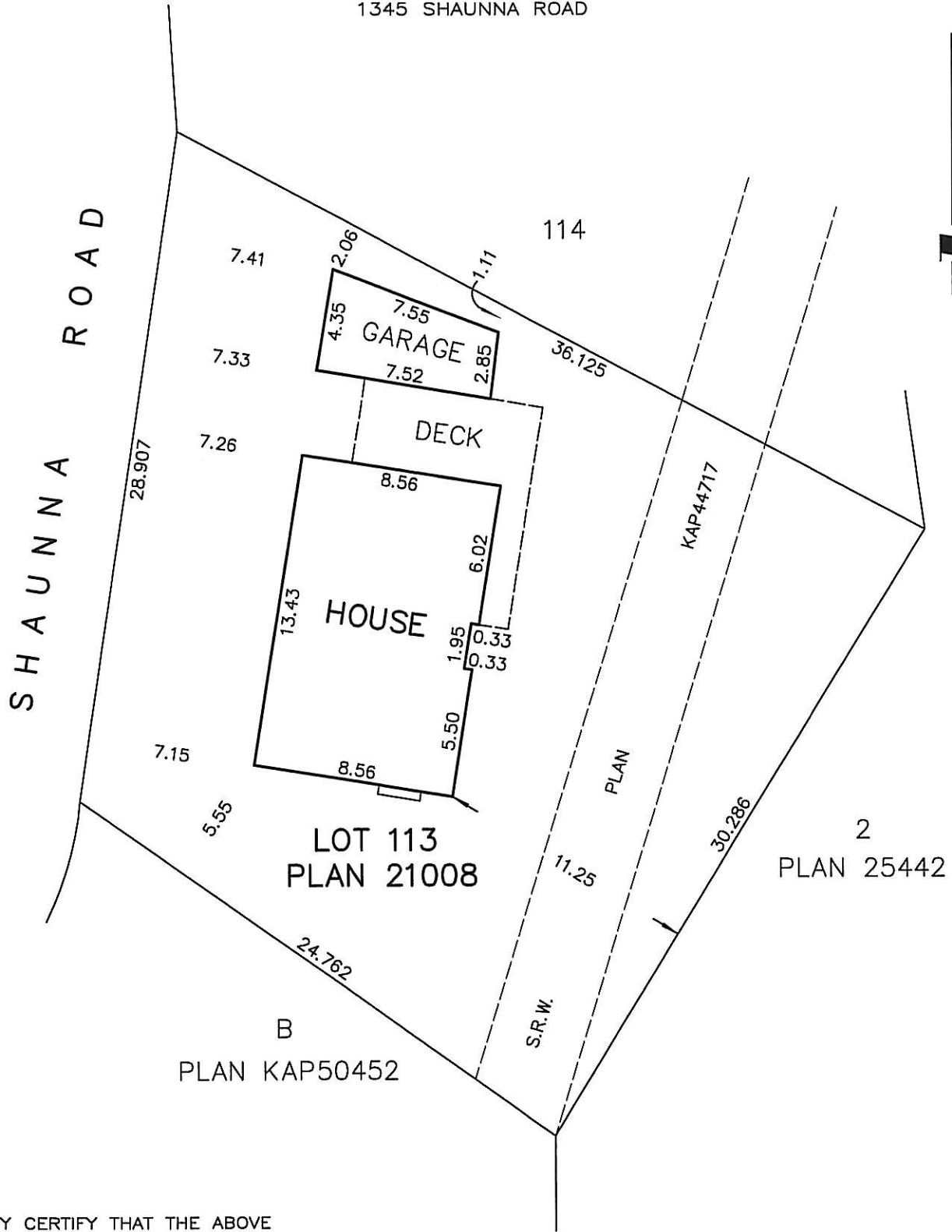
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



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.

B.C. LAND SURVEYORS CERTIFICATE OF LOCATION ON LOT 113, PLAN 21008, SEC. 18, TP. 27, O.D.Y.D.

1345 SHAUNNA ROAD



I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

Bruce H. Davis

B.C.L.S., C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: ADRIAN DEMMERS

DATE: AUGUST 3, 2007

SCALE: 1:250 METRES

FILE: 17671

©T.E. FERGUSON LAND SURVEYING LTD.

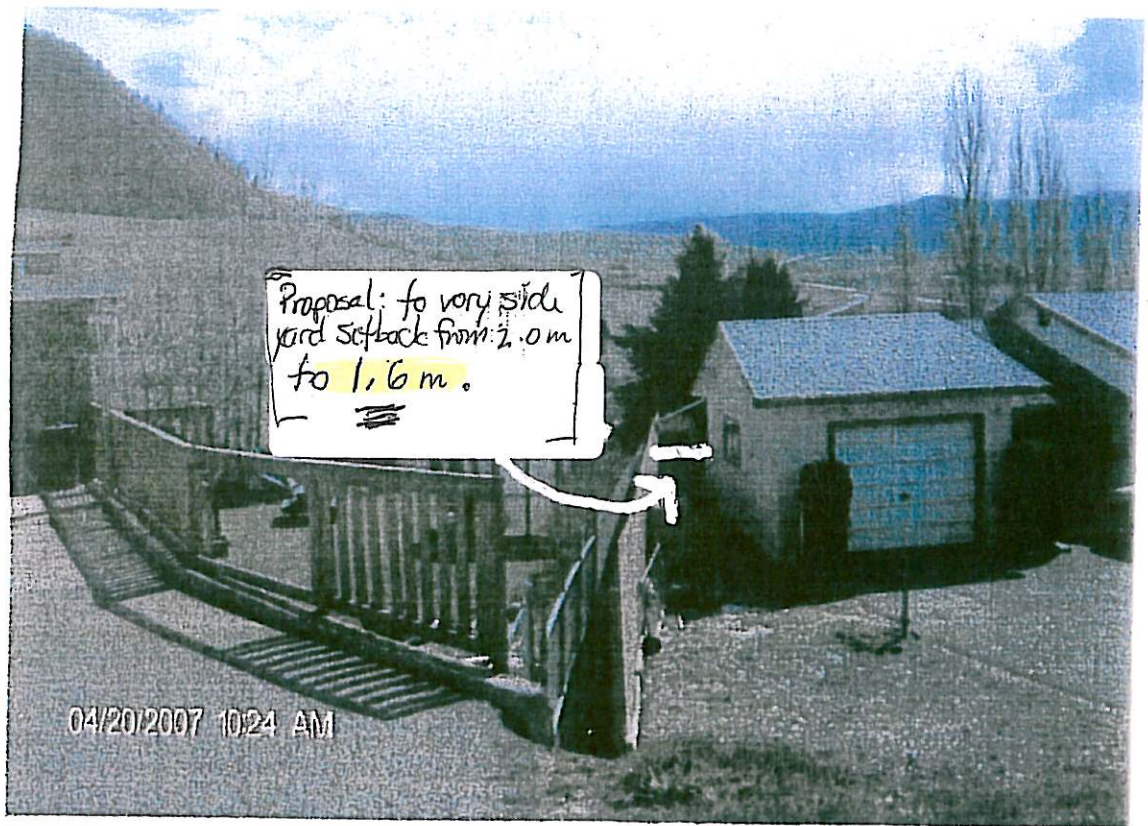
T.E. Ferguson Land Surveying Ltd.

B.C. AND CANADA LAND SURVEYORS

216-1626 RICHTER STREET, KELOWNA, B.C.

TELEPHONE: (250) 763-3115

FAX: (250) 763-0321





January 12, 2009
1345 Shaunna Road
DVP07-0141

