

# Memo



**Date:** February 3, 2010  
**To:** City Manager  
**From:** Community Sustainability Division  
**File No:** DVP10-0009      **Applicant:** Berard Design Group (Debra Berard)  
**At:** 4664 Fuller Road      **Owner:** Mark & Julie Krehel  
**Purpose:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE SOUTH SIDE YARD SETBACK FROM 2.0M REQUIRED TO 1.6M PROPOSED TO FACILITATE AN ADDITION TO THE CURRENT DWELLING.  
**Existing Zone:** RU1s - Large Lot Housing with Secondary Suite  
**Report Prepared by:** Greg Sauer

---

## 1.0 RECOMMENDATION:

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0009 for Lot 2, Section 25, Township 28, S.D.Y.D., Plan 18018, located at 4664 Fuller Road, Kelowna, BC;

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

Section 13.1.6(d) Side Yard Setback- To vary the required south side yard setback from 2.0m required to 1.6 m proposed.

## 2.0 SUMMARY:

The applicant's are currently undertaking the renovation of the single family dwelling. The renovation has been found to worsen an existing non-conforming use by encroaching into the required side yard setback.

## 3.0 BACKGROUND/SITE CONTEXT:

The property is situated in the Southwest Mission sector of the City. The property is within a Natural Environment Development Permit Area due to its proximity to Okanagan Lake.

There is an existing single family dwelling on the subject property which was constructed on the property in 1969. The current owners purchased the property in June 2009 and prepared to undertake a major renovation in the fall of 2009. Through the building permit process it was determined that the home contained an illegal secondary suite and would require rezoning to legalize the existing suite. The home was successfully rezoned in 2009 and renovations including those to the suite were able to proceed.

Through regular inspections during construction it was noted that an exterior wall that was relocated did not meet the minimum side yard setbacks requirement for Large Lot Housing. While the wall will extend from an existing wall which does not meet the setbacks, the new construction would worsen an existing non-conformity and therefore requires a variance to proceed as proposed by the applicant.

The proposed renovation of the single family dwelling meets, or does not meet, the requirements of RU1s Large Lot Housing with a Secondary Suite zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS (Suite in Principal Dwelling)
Development Regulations		
Site Coverage (buildings)	12.4%	40%
Site Coverage (buildings/parking)	21.5 %	50%
Height (existing house)	1 storey	2 ½ storeys / 9.5 m
Front Yard	45 m	4.5 m
Side Yard (n)	3.0 m	2.0 m (1- 1 ½ storey)
Side Yard (s)	<b>1.6 m *</b>	2.0 m (1- 1 ½ storey)
Rear Yard	55 m	7.5 m

**\*Indicates that a variance is required**

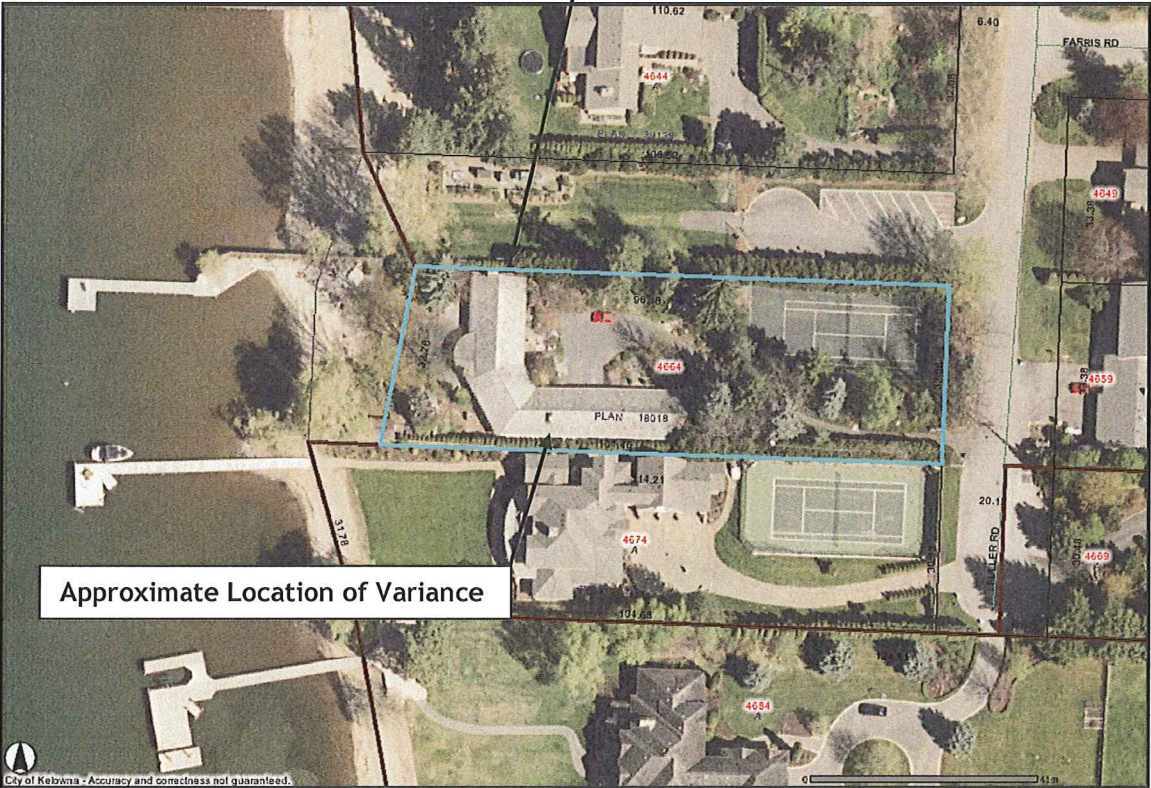
3.1 Zoning of Adjacent Property

The adjacent zones and uses are:

North	RU1 - Large Lot Housing	Road-End Park
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	W1 - Recreational Water Use	Lake

3.2 Site Location Map

Subject Property - 4664 Fuller Road



**4.0 TECHNICAL COMMENTS:**

**4.1 Building & Permitting**

No concerns.

**4.2 Environment & Land Use**

The owners have voluntarily undertaken significant restoration of the foreshore (wharf removal) in the summer of 2009. This enhancement was completed under the watch of a qualified environmental professional and to the City's standards. The Environment Branch is satisfied with the enhancement provided and commends the owner for undertaking this work voluntarily.

**4.3 Development Engineering**

No concerns.

**4.4 Fire Department**

No concerns.

**5.0 LAND USE MANAGEMENT DEPARTMENT:**

Land Use Management has no concerns with the reduced side yard setback being proposed. The wall that is being moved out would be an extension of the existing wall which is at 1.6m from property line. The subject property owners also own the adjacent lot to the south (4674 Fuller Road) which provides a high level of assurance that no adjacent owners will be adversely affected by granting the variance and legalizing the existing non-conformity.

Submitted by:



---

Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:

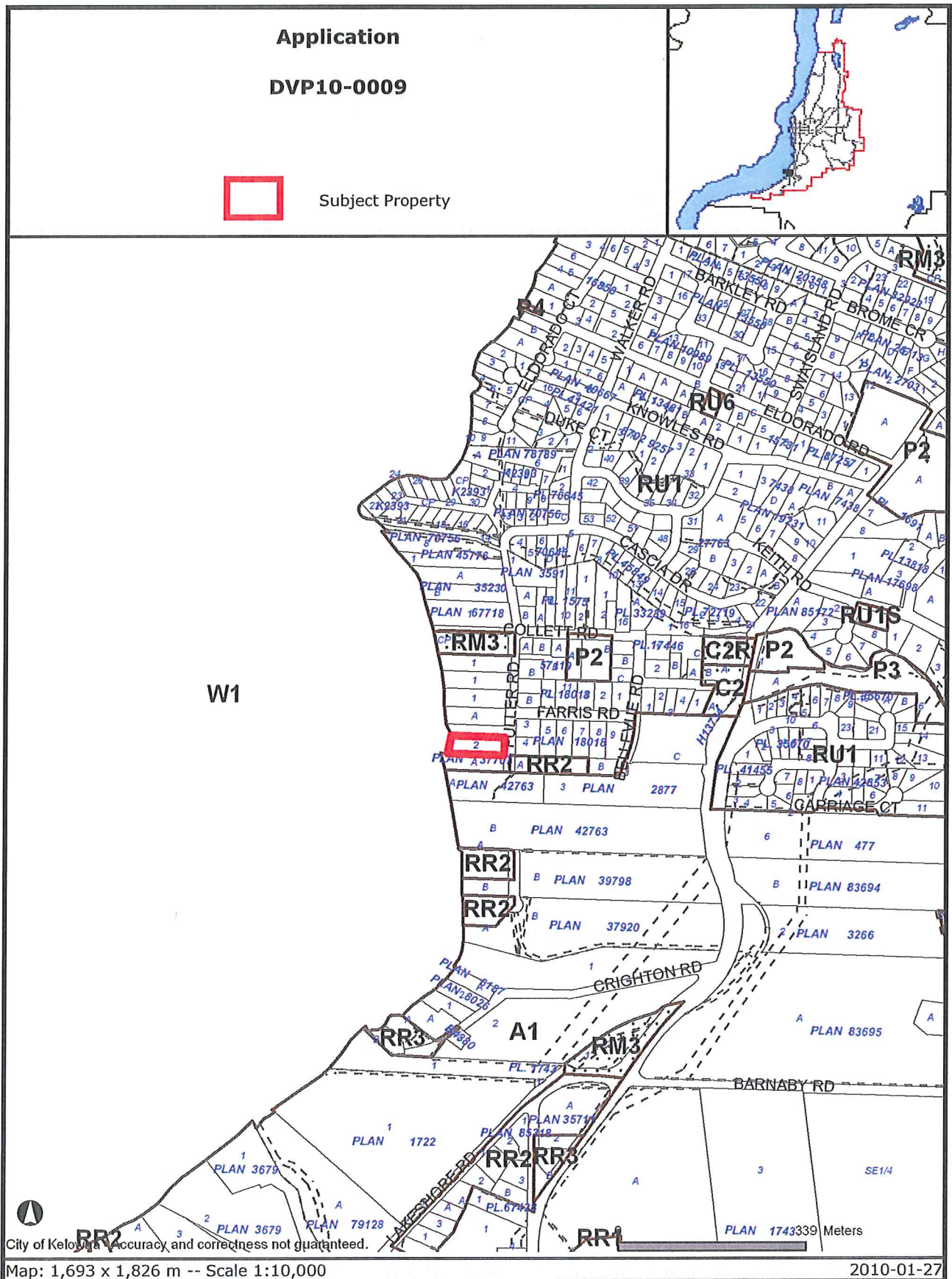


Shelley Gambacort  
Director, Land Use Management

---

**Attachments:**

- Location Map of Subject Property
- Site Plan
- Sketch Plan
- Building Main Floor Plan
- Construction Images



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.

1664 Fuller Rd  
Bl 37328

# SKETCH PLAN ON LOT 2 SECTION 25 TOWNSHIP 28 SDYD PLAN 18018

SCALE: 1:400



Old crawl elevation = 343.53m  
New crawl elevation = 343.73m

Note:  
Bottom of new Geothermal units  
will be at elevation of 343.70m

OKANAGAN LAKE

BOUNDARY

NATURAL

PRESENT

ROAD

FULLER ROAD

95.923

NOTE: MAIN FLOOR ELEVATION = 344.54m.  
ELEVATION IS TO A GEODETIC DATUM  
DERIVED FROM OKANAGAN LAKE ON  
JANUARY 20, 2010  
LAKE ELEVATION = 341.47m

2

PLAN 18018

32.196

HOUSE

10.23

1.65

1.60

22.28

101.427

2.36

A

PLAN 37707

DATE: JANUARY 20, 2010

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

JOB NO. #18064.2-SKETCH

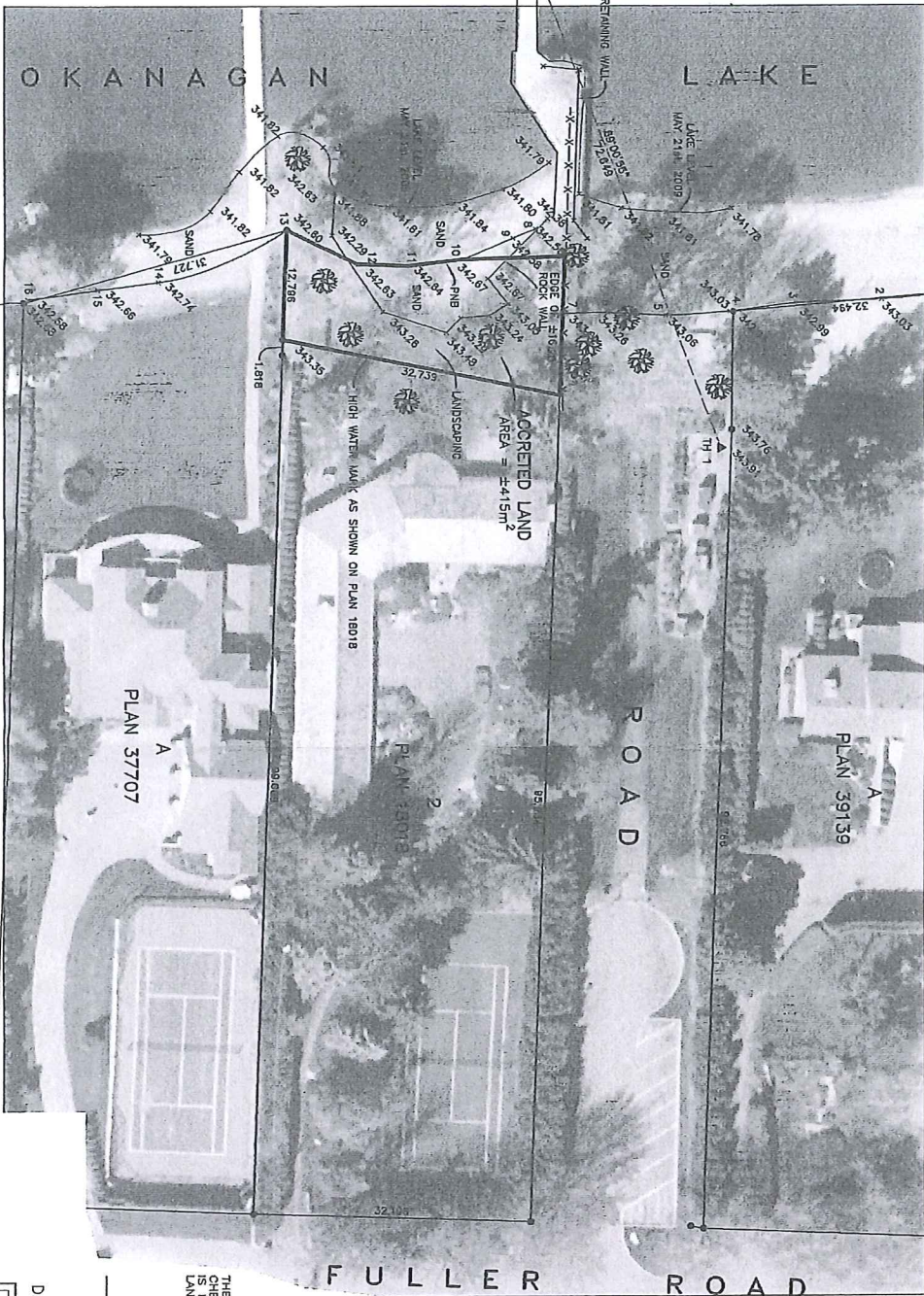
S:\Shared (Aug 10, 2006)\Job\_Files\18064\18064.2\18064.2-SKETCH.DWG  
DRAFT BY: CF PJ/PC SHEET

SKETCH PLAN TO ACCOMPANY ACCRETION APPLICATION ON  
 LOT 2, PLAN 18018, SECTION 25, TOWNSHIP 28, SDYD.

SCALE: 1:400



PLAN KAP70231



FROM TH #	DISTANCE	BEARING	TIE
2	74.4	41°24'	1
2	67.5	48°34'	2
2	51.8	55°40'	3
1	15.9	273°42'	4
1	16.7	247°21'	5
1	20.5	230°02'	6
1	23.9	221°01'	7
2	42.5	84°06'	8
2	43.4	87°38'	9
2	48.0	94°59'	10
2	47.7	102°10'	11
2	48.1	108°07'	12
2	48.9	119°55'	13
2	68.4	128°05'	14
2	67.6	133°09'	15
2	74.2	137°09'	16

LEGEND

- DENOTES STANDARD IRON POST FOUND
- DENOTES TREE
- X-X- DENOTES FENCE

THE PLAN WAS COMPLETED AND CHECKED, WITH THE CHECKLIST FILED UNDER #, ON THE DAY OF, 20 AND 15 AND 15, 2009, AND IS BEING FILED IN ACCORDANCE WITH THE BC AND TITLE OFFICE RECORDS.

PRELIMINARY

B.C.L.S.

DATE: MAY 21, 2009

T.E. Ferguson Land Surveying Ltd.  
 B.C. AND CANADA LAND SURVEYORS  
 218-1626 RICHTER STREET, KELOWNA, B.C.

# FLOOR PLAN (as per AP)

