

# Memo



**Date:** November 17, 2010

**To:** City Manager

**From:** Land Use Management, Community Sustainability

**Application:** DVP10-0141

**Owner:** Laura-Lee Haight &  
Dean Regnier

**Address:** 4340 Turner Road

**Applicant:** Laura-Lee Haight &  
Dean Regnier

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single /Two-Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0141, Lot C, District Lot 358, ODYD Plan 18499, located on Turner Road, Kelowna, BC;

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

### Section 6.5.7 Accessory buildings in residential zones:

To vary the permitted lot coverage of an accessory building or structure from 90m<sup>2</sup> permitted to 130 m<sup>2</sup> proposed.

## 2.0 Purpose

The applicant seeks to vary the lot coverage for an accessory building in a residential zone to expand an existing garage.

## 3.0 Land Use Management

The Zoning Bylaw limits the lot coverage of accessory buildings to 90m<sup>2</sup> or 14% in urban residential zones, with the intent to ensure that larger, dominating accessory structures are not disproportionate to the lot area and surrounding residential context. However, in this instance, the property is comparatively large and the size of the proposed structure exceeds the 90m<sup>2</sup> yet at 8% lot coverage, is well within the 14% limitation. Notably, the proposed expansion to the garage will not be visible from the street, as it is sited from view behind the single family dwelling.

The applicant has submitted signatures of neighbours indicating they do not object to the proposed variance. Given that support was secured from all impacted neighbours and the large

size of the site, Land Use Management has no concerns with the proposed accessory structure lot coverage.

#### 4.0 Proposal

##### 4.1 Project Description

A 66.8m<sup>2</sup> garage was built on the rear portion of the subject property in 1999. The applicant purchased the home in 2007 and would like to expand the footprint of the garage by 62.5m<sup>2</sup> to a total size of 129.3m<sup>2</sup>. The building expansion would be added to the south side of the existing structure.

The original structure is 3.35m in height and the proposed addition would increase the height to the expanded portion by 1.67m (4.42m total height), which meets the requirements of the zoning bylaw.

##### 4.2 Site Context: 4340 Turner Road



4.3 The proposal meets the regulations of the RU1- Large Lot housing zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,531 m <sup>2</sup>	550m <sup>2</sup>
Lot Width	30.48m	16.5m
Lot Depth	50.26m	30m
Development Regulations - accessory building		
Front Yard	41.2m	18m
Side Yard (south)	11.66m	1.0m
Side Yard (north)	2.0m	1.0m

Distance from Principal residence	17.9m	1m
Lot Coverage	130m <sup>2</sup> or 8.5% ①	90m <sup>2</sup> or 14%

① This application seeks to vary the lot coverage from 90m<sup>2</sup> permitted to 130m<sup>2</sup> proposed.

## 5.0 Technical Comments

### 5.1 Building & Permitting Department

A Structural Engineer registered in the province of British Columbia is required to supply sealed drawings and Building Code schedules at the time of building permit application.

### 5.2 Development Engineering Department

This development variance permit application to vary the size of an accessory building from 90 m<sup>2</sup> to 120 m<sup>2</sup> does not compromise any municipal services.

### 5.3 Fire Department

No Concerns.

## 6.0 Application Chronology

Date of Application Received: October 18, 2010

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

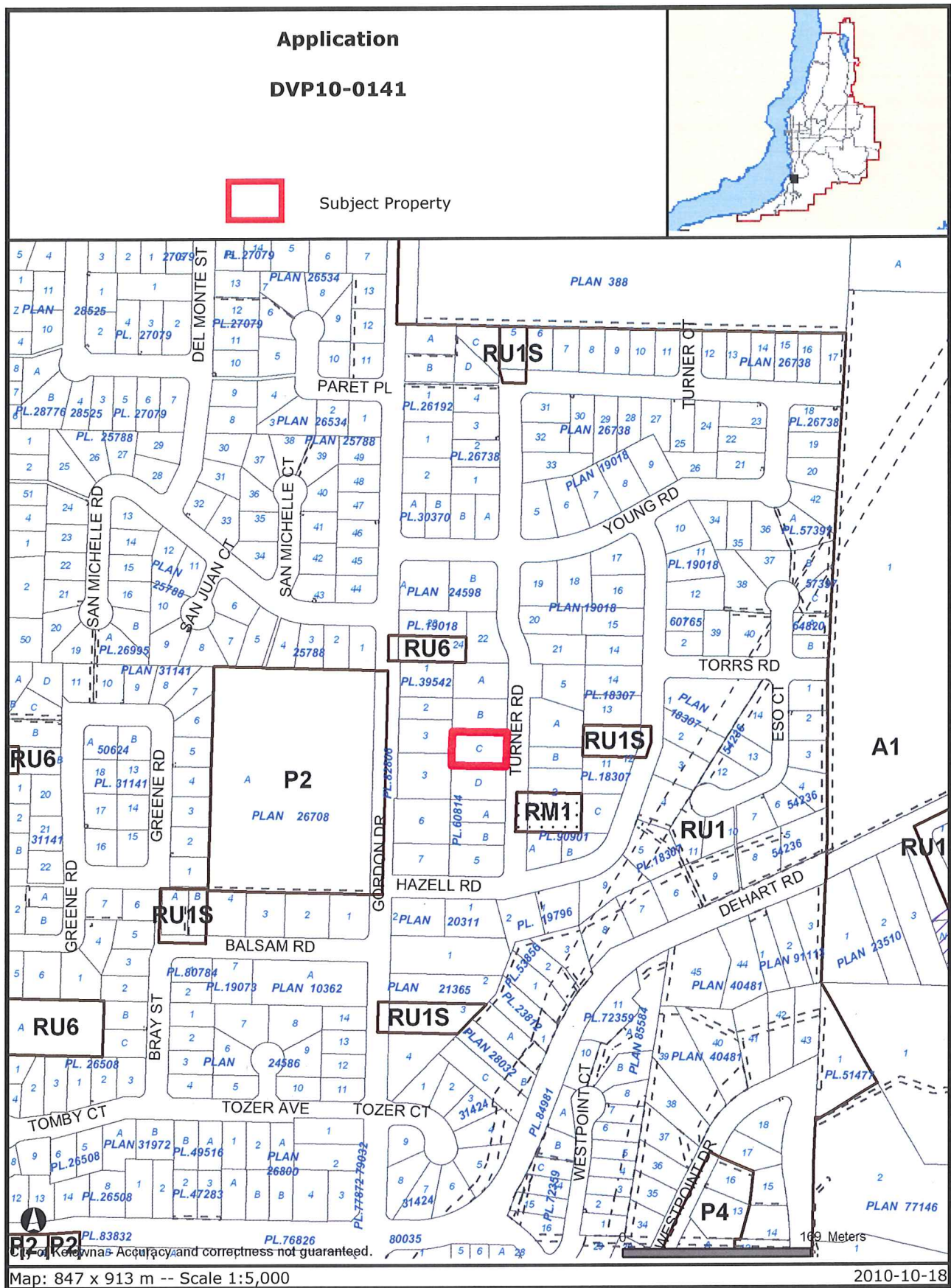
### Attachments:

Subject Property Map

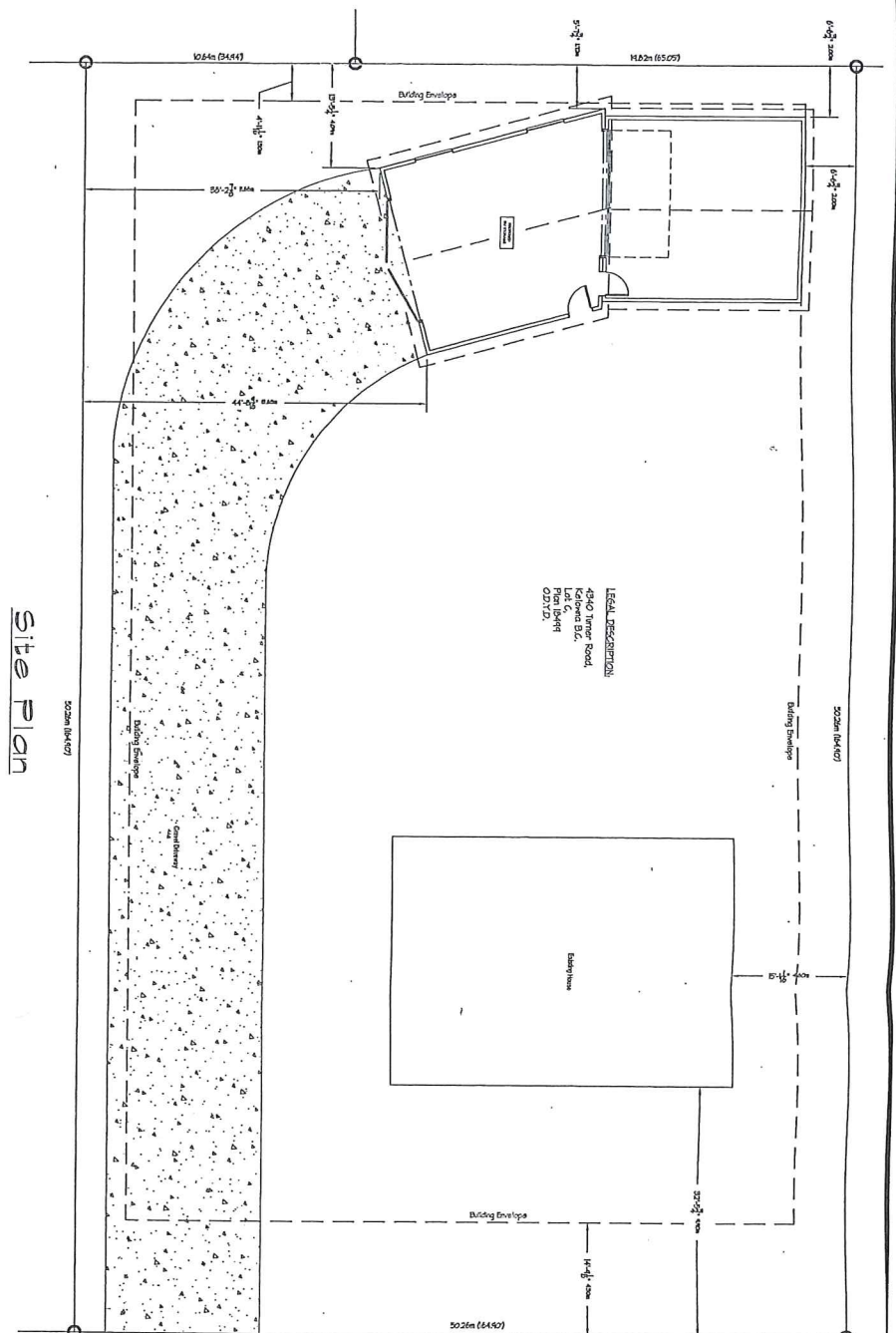
Site Plan

Conceptual Elevations

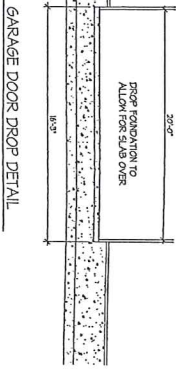




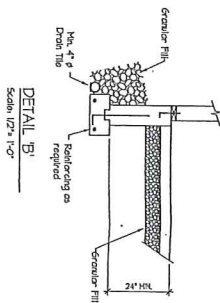
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



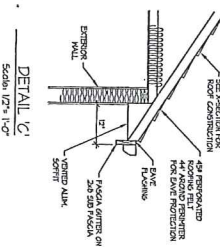
Site Plan



GARAGE DOOR DROP DETAIL



DETAIL B



DETAIL C

Turner Road

# SPECIFICATIONS

CODE	DESCRIPTION
B-1	CONCRETE FOUNDATION WALL
B-2	CONCRETE FOUNDATION WALL
B-3	CONCRETE FOUNDATION WALL
B-4	CONCRETE FOUNDATION WALL
B-5	CONCRETE FOUNDATION WALL
B-6	CONCRETE FOUNDATION WALL
B-7	CONCRETE FOUNDATION WALL
B-8	CONCRETE FOUNDATION WALL
B-9	CONCRETE FOUNDATION WALL
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B-98	CONCRETE FOUNDATION WALL
B-99	CONCRETE FOUNDATION WALL
B-100	CONCRETE FOUNDATION WALL

GENERAL NOTES

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE (NBC) AND ALL APPLICABLE LOCAL CODES AND BY-LAWS.

DOOR AND WINDOW TYPES, SIZES AND STILES ARE TO BE SELECTED BY THE BUILDERS.

THE BUILDERS ARE RESPONSIBLE TO COORDINATE EXACT DIMENSIONS OF ROOFS, INTERIOR CABINETS, STAIRS AND ALL OTHERS TO THE FITTING COMPONENTS.

PROVIDE A COMPLETE AND PROPERLY DETAILING OF ALL ROOFING SYSTEMS AND BY-LAWS TO LOCAL BUILDING CODES.

ALL WORK SHALL BE IN ACCORDANCE WITH THE CORRECT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BY-LAWS.

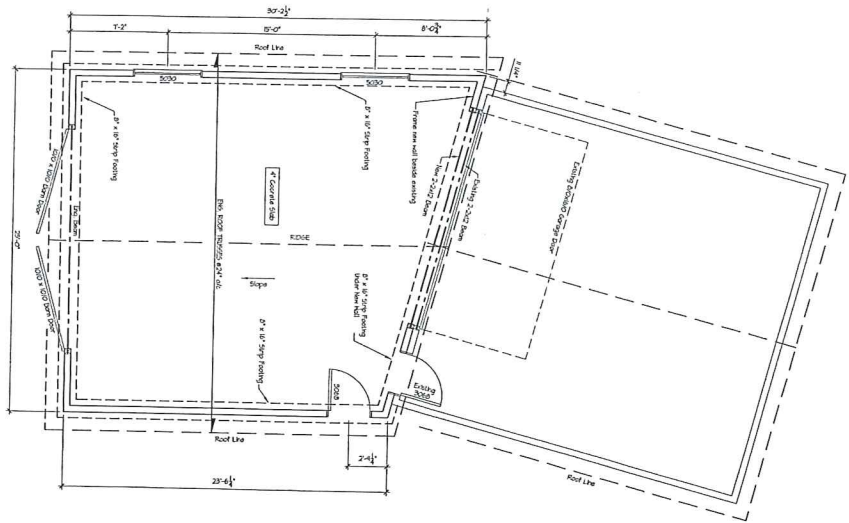
BEFORE CONSTRUCTION COMMENCES, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DETAILS AND DIMENSIONS TO BE CONSTRUCTED AND TO ASSURE THAT THERE ARE NO DISCREPANCIES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE NECESSARY BUILDING SERVICES.

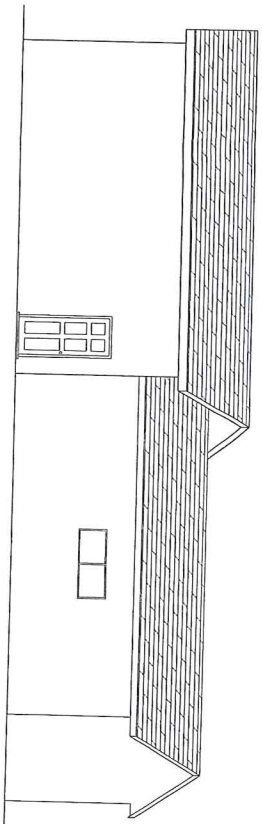
ALTHOUGH A BAY REPORT HAS BEEN MADE TO INSURE COMPLETENESS AND ACCURACY OF DRAWINGS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

TEAROE design

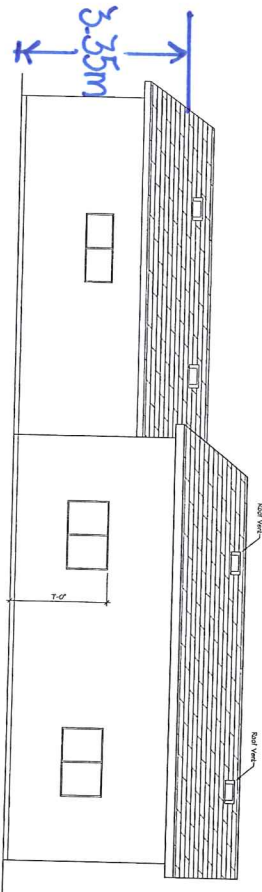
TEAROE design	1/4" = 1'-0"
1091 GILSON ROAD	
KELOWNA, B.C.	
TEL: 860-5506	
DESIGNED PROJECT:	
Devo Regier	
4340 Turner Road	
Kelowna, B.C.	
DATE:	Jul 8, 2000
SCALE:	1/4" = 1'-0"
PAGE:	2 OF 2



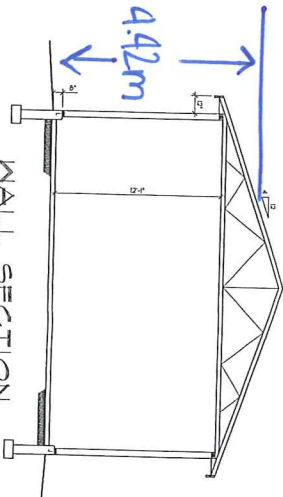
FOUNDATION PLAN  
673 SQ. FT.



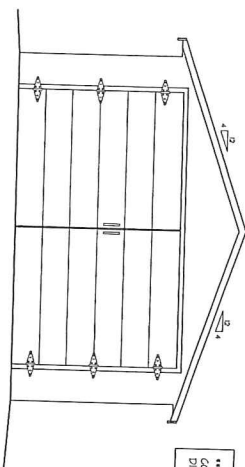
RIGHT ELEVATION



LEFT ELEVATION



WALL SECTION



FRONT ELEVATION

\*\*\*NOTES\*\*\*  
CONTRACTOR TO CONFIRM ALL  
DIMENSIONS PRIOR TO CONSTRUCTION

<b>TEAROE design</b>	
CUSTOM HOME PLANS	
5075 KENNEDY BLVD.	
KELOONA, B.C.	
(250) 860-3006	
DESIGNED BY: D. K.	
DRAWN BY: D. K.	
4540 KENNEDY ROAD	
KELOONA, B.C.	
SCALE:	1/4" = 1'-0"
DATE:	JAN 8, 2020
PAGE:	1 OF 2





# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No. : DVP10 -0141

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO:	Laura-Lee Haight & Dean Regnier
LOCATION OF SUBJECT SITE:	4340 Turner Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	C	358	ODYD Plan 18499			

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

### 1. TERMS AND CONDITIONS:

THAT a variance to the following section of Zoning Bylaw No. 8000 have be granted (as seen in Schedule A):

#### Section 6.5.7 Accessory buildings in residential zones:

To vary the permitted lot coverage of accessory buildings or structures from 90m<sup>2</sup> permitted to 130 m<sup>2</sup> proposed.



2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ n/a.
- (b) A Certified Cheque in the amount of \$ n/a.
- (c) An Irrevocable Letter of Credit in the amount of \$ n/a.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE @<sup>th</sup> DAY OF @, 2010.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE @<sup>TH</sup> DAY OF @ 2010.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management