

# Memo



Date: December 2, 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: DVP10-0129

Owner: Bruce Saunders

Address: 964 Campus Court

Applicant: Bruce Saunders

Subject: Supplemental Report

Existing Zone: RU2 - Medium Lot Housing

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## 1.0 Recommendation

THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated December 2, 2010 with respect to the information requested from Staff for DVP10-0129;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0129, Lot 37, District Lot 135, ODYD Plan 26296, located on Campus Court, Kelowna, BC;

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

### Section 13.2.6(b) - Development Regulations:

To vary the maximum height permitted from 2.5 storeys permitted to 3 storeys proposed.

AND THAT the vegetation plan proposed for the front yard be planted in accordance with Schedule A1.

## 2.0 Council Direction

At the November 16<sup>th</sup>, 2010 regular meeting of Council, the following resolution was adopted:

THAT Council defers consideration of Development Variance Permit Application No. DVP10-0129 pending a meeting between staff and the applicant with respect to the potential additional variance that may be required for the development.

## 3.0 Land Use Management

The purpose of this application is to vary the permitted height of a single family dwelling. The variance is required because the height of the basement floor exceeds the definition of a half storey by 0.44 meters. Staff have confirmed that no additional variances beyond height are required.

The Director of Land Use Management and staff from the Building and Permitting branch met with the applicant on November 17, 2010 to review the proposal and determined that revised

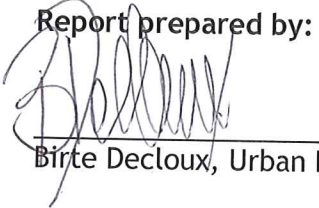
drawings were required as the original submission did not accurately represent the building height and elevations. Accordingly, revised drawings were submitted and are attached to this report. The new drawings include a proposed landscape elevation (schedule A1) for the front yard which aims to mitigate the height of the dwelling. Given the applicants commitment to the landscape plan, the alternative option to create retaining walls to alter the grade (see technical comments) would have a greater visual impact on the neighborhood and abutting property owners.

#### 4.0 Technical comments

##### Building and Permitting Branch

As a possible option, the applicant could raise the grade by adding fill around the house for the same height as he requested in his Development Variance Permit. This option would require him to protect the wood frame construction at the base of the building where it will be back filled by soil and also to construct a retaining wall at the west property line (where needed) to protect the neighbor's landscape and to prevent the drainage run-off into adjacent property.

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

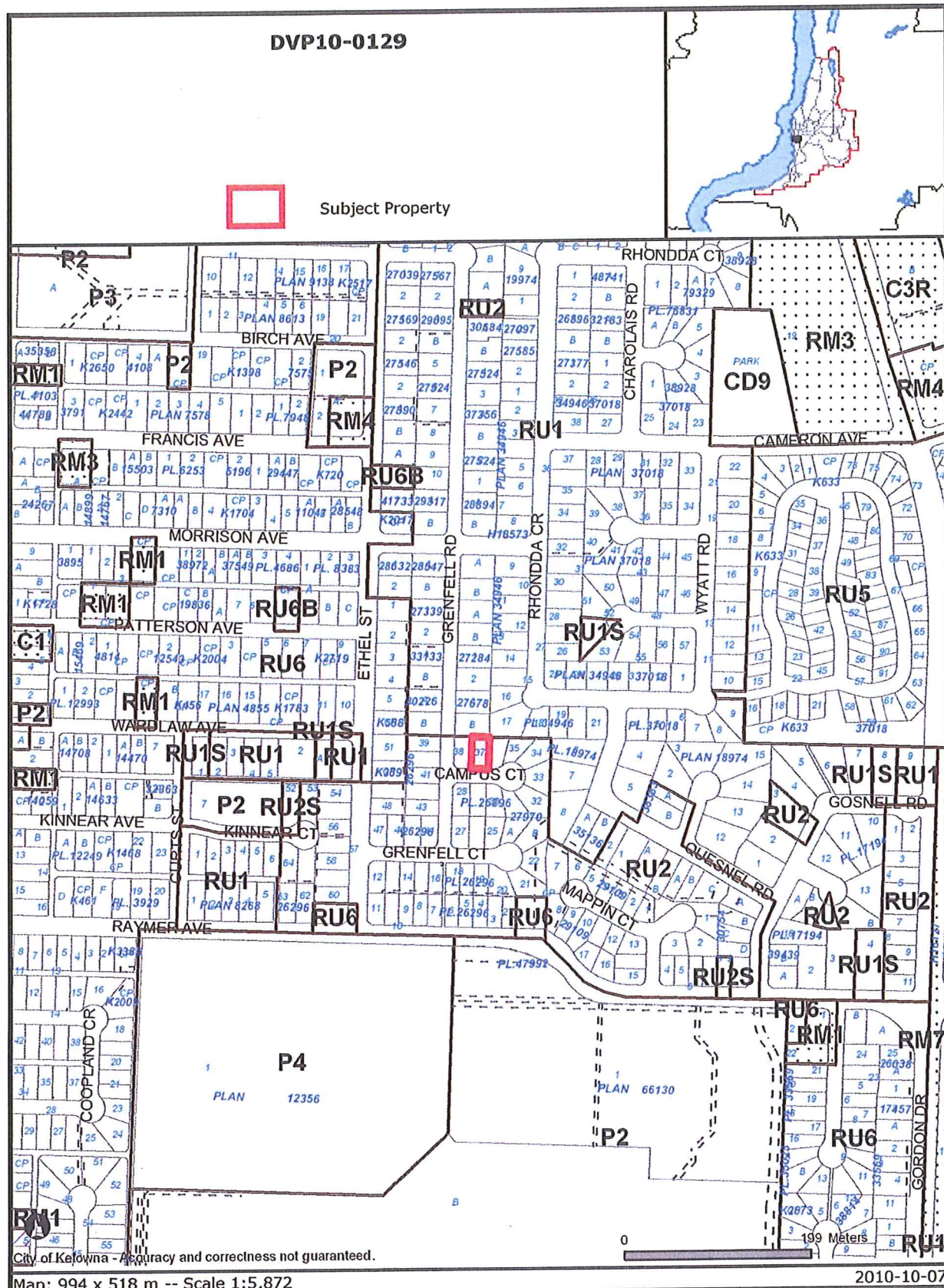
##### Attachments:

Site Plan

Revised Conceptual Elevations (Schedules A1 & A2)

Original Elevations and plans



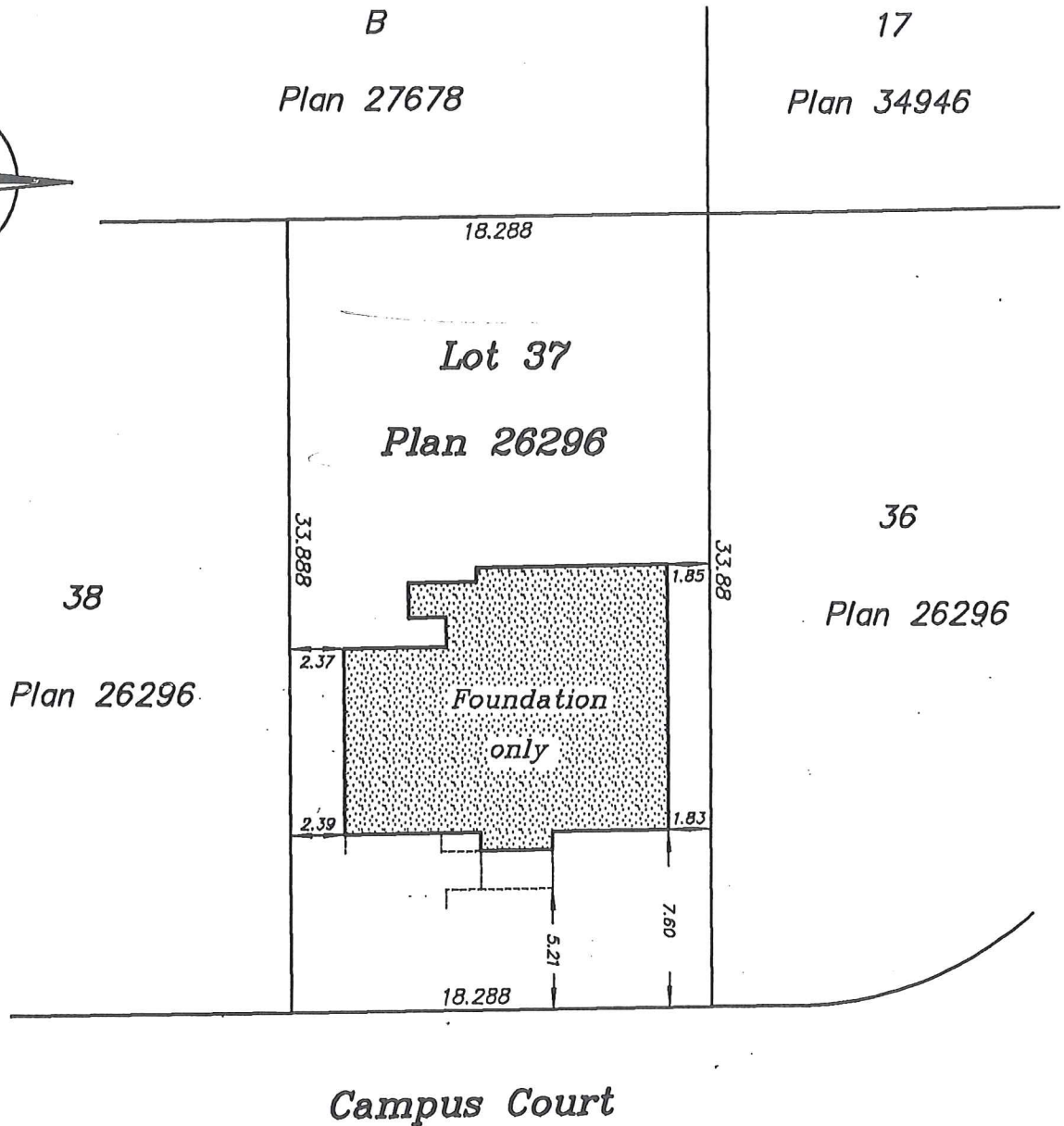
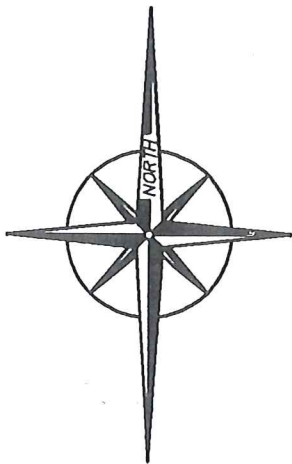


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

964 Campus Ct

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION**  
**ON LOT 37, PLAN 26296, DL 135, ODYD**

BP 39287



Bruce Saunders

Lot dimensions are from registered records.  
This plan prepared for Municipal and/or mortgage  
purposes only and it is not to be used for the  
establishment of property boundaries.

Scale: 1:300 All distances are in metres.

**VAN GURP & COMPANY**  
land surveyors

2010 201-1470 St. Paul Street  
Kelowna, B.C. Tel. (250) 763-5711

Copyright



Certified correct this 23rd day of July, 2010.

*[Signature]*  
This document not valid unless  
originally signed and sealed.

B.C.L.S.

File: 16235sc



# REVISED PLANS

NOV 24 2010

CITY OF KELOWNA  
Land Use Management

FRONT ELEVATION  
SCALE: 1/8"=1'0"

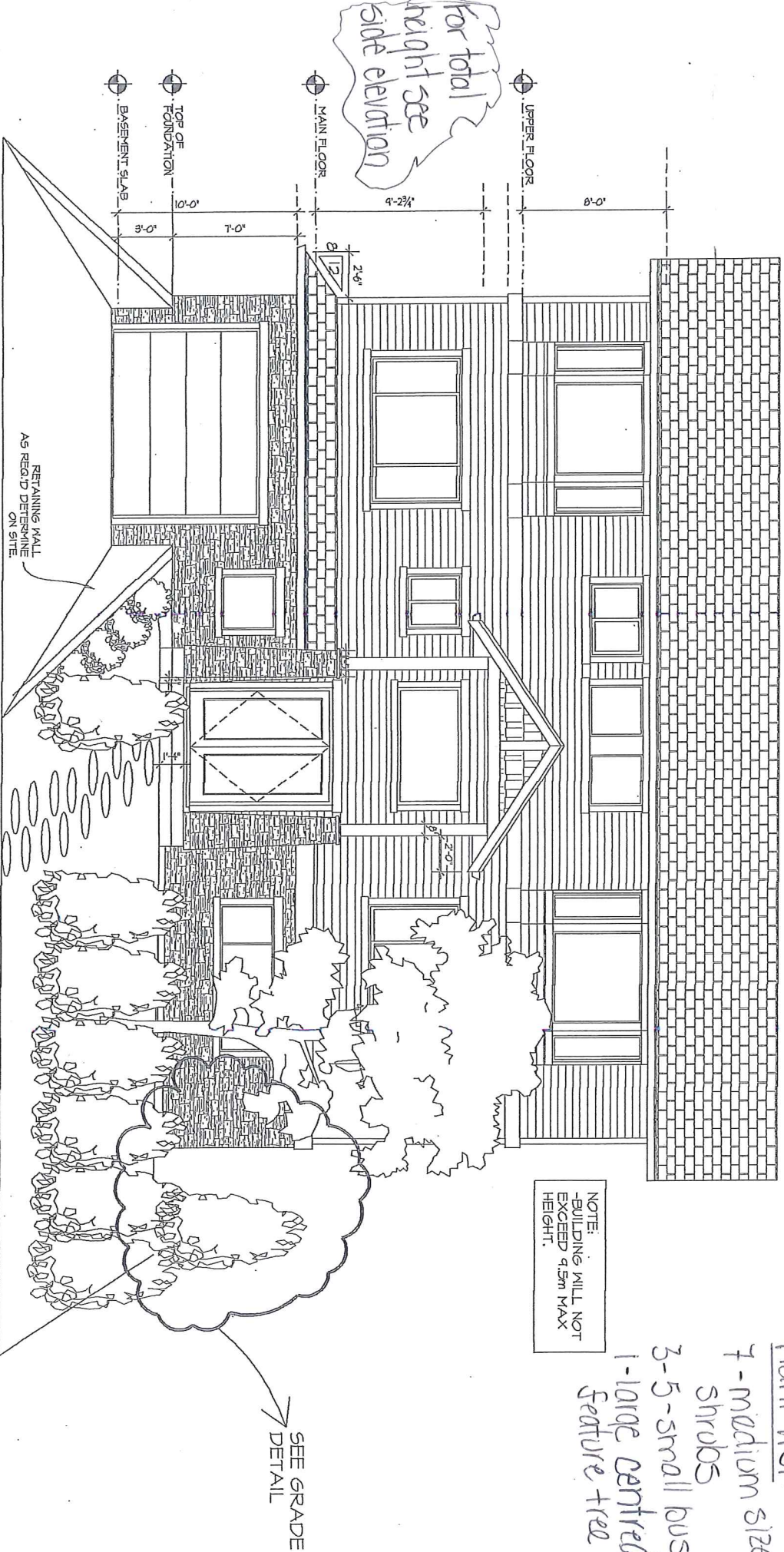
SCHEDULE A1/2

This forms part of development  
Permit # D1P10-0129

RECEIVED

NOV 24 2010

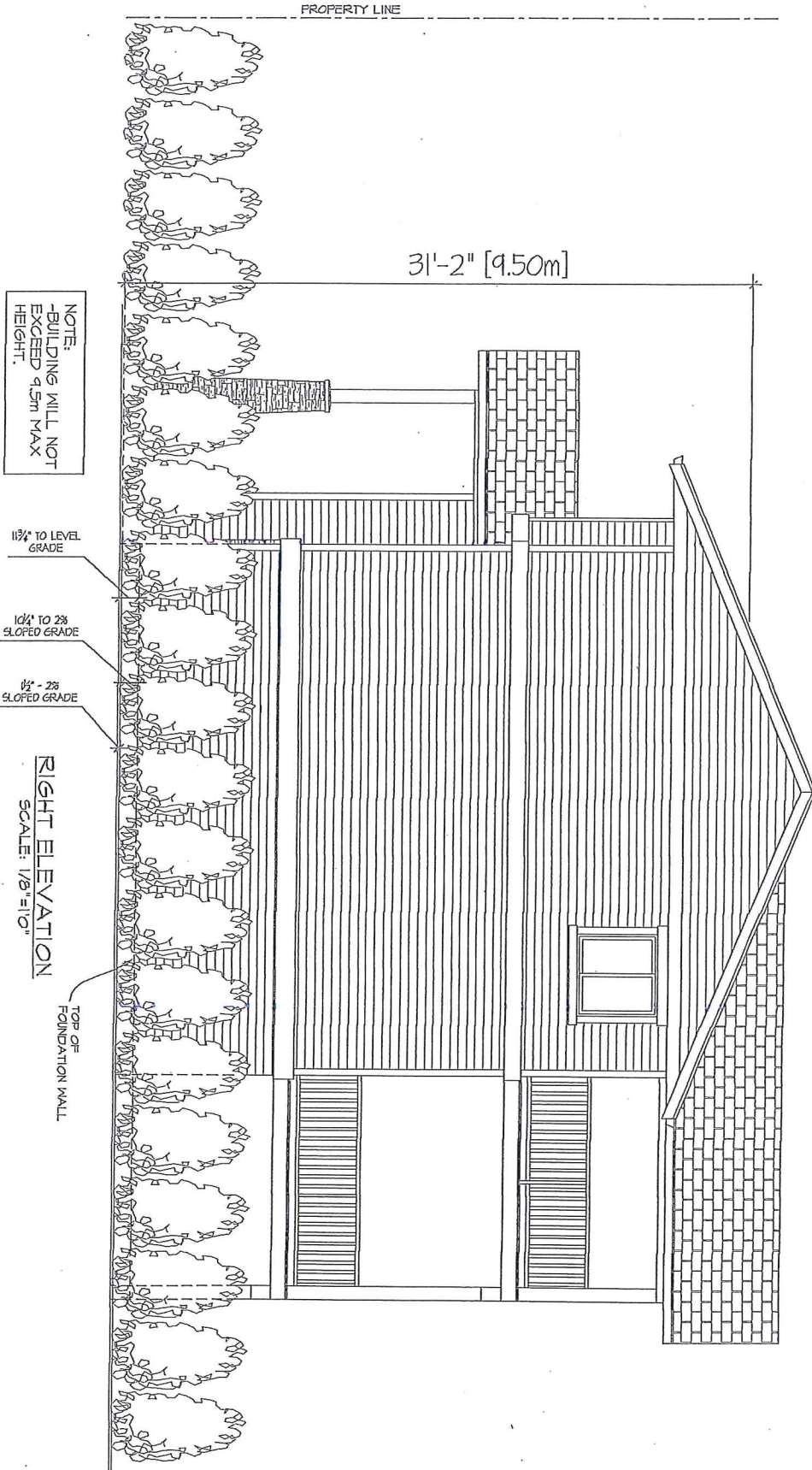
City of Kelowna



# REVISED PLANS

NOV 24 2010

CITY OF KELOWNA  
Land Use Management

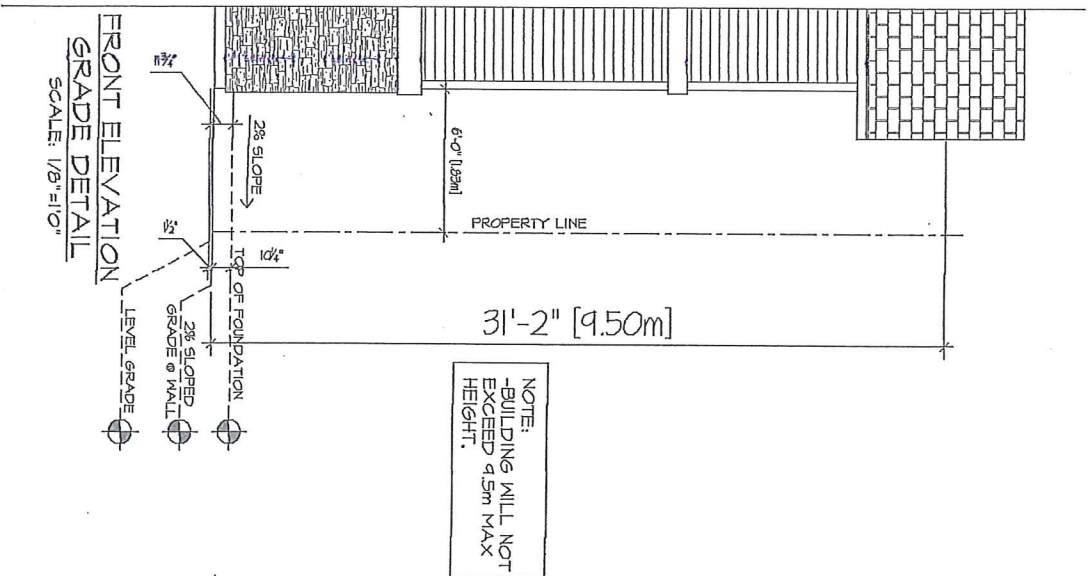




# REVISED PLANS

NOV 24 2010

CITY OF KELOWNA  
Land Use Management

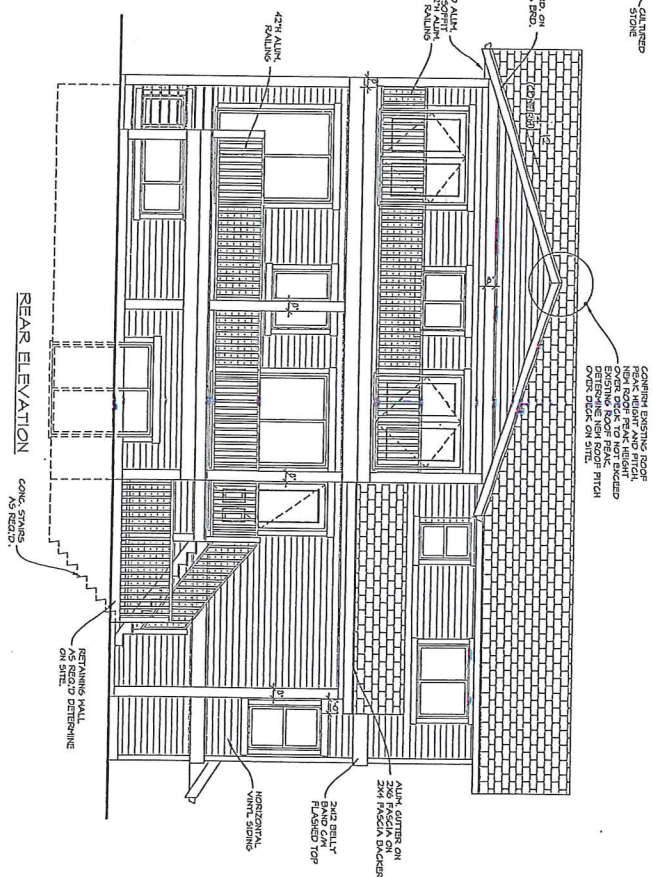
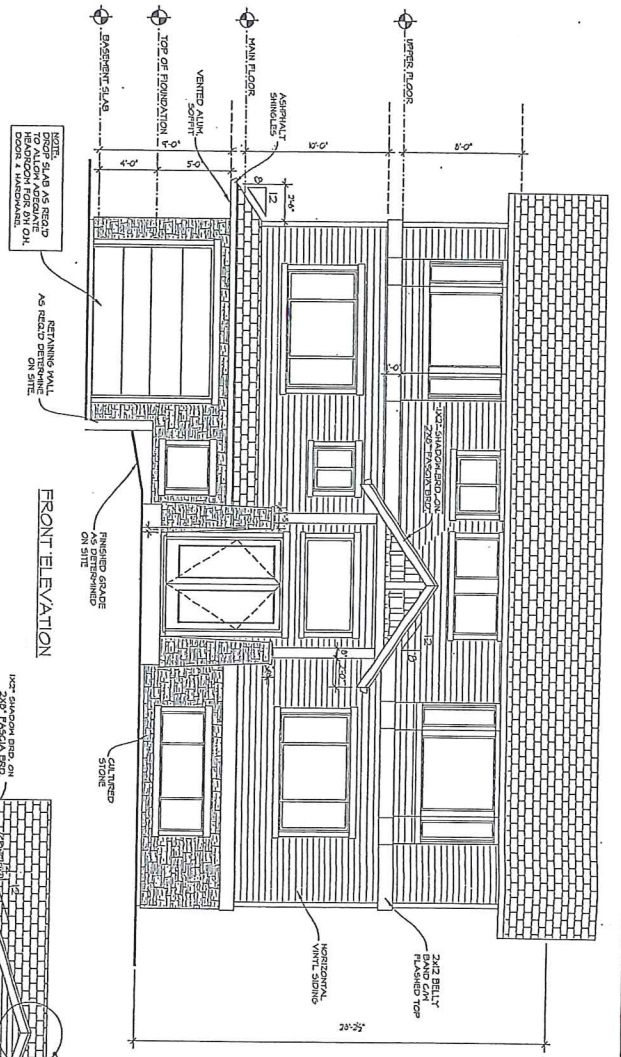


SCHEDULE A2/2

This forms part of development

Permit # DWP10-0129

REVISIONS		
REV	DATE	DESCRIPTION
1		
2		
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replaced  
on Nov 24, 2010

"Original Submission"

<b>EVAN GILBERT</b> DRAFTING & DESIGN 43 - OLDSBORO RD. NEWTON, MASS 02459-1111 TEL: 781-552-1111 FAX: 781-552-1112 EMAIL: evan@evangilbert.com	
<b>PROJECT TITLE</b> BRUCE SAUNDERS 964 CAMPUS CRT.	
<b>DATE</b> 07/24/10	<b>DRAWING SCALE</b> 1/8" = 1'-0"
<b>DRAWN BY</b> EGO	<b>CHECKED BY</b> EGO
<b>APPROVED BY</b> _____	
<b>SHEET NAME</b> ELEVATIONS	
<b>PROJECTS FOR TENDER</b>	
<b>REGION</b> 121	<b>PLAN NUMBER</b> 121
<b>SHEET NUMBER</b> A1	<b>SHEET</b> 1 of 2

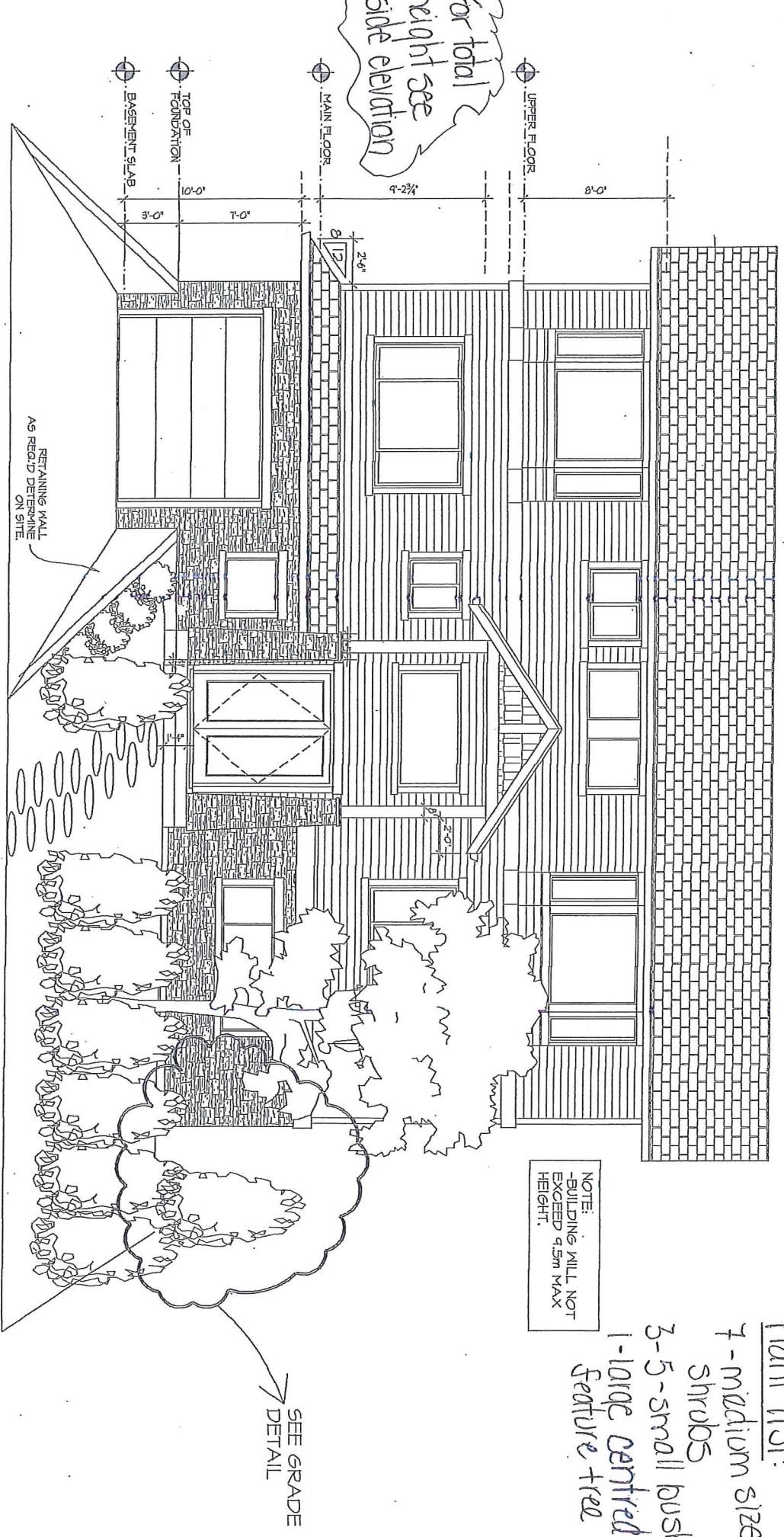


**REVISED PLANS**  
**NOV 24 2010**  
**CITY OF KELOWNA**  
**Land Use Management**

FRONT ELEVATION  
 SCALE: 1/8"=1'0"

**SCHEDULE A1/2**  
 This forms part of development  
 Permit # DVP10-0129

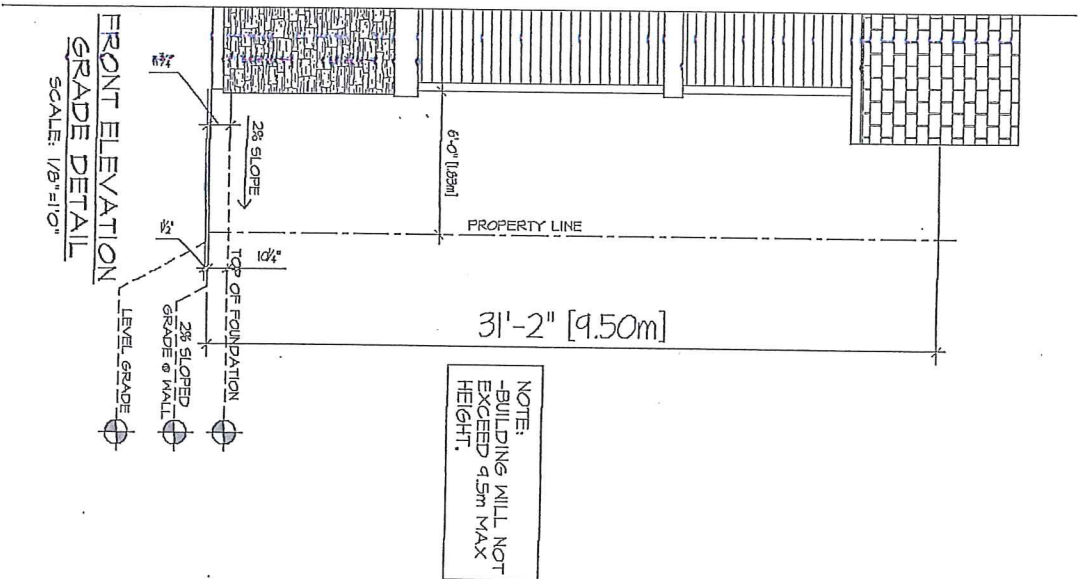
**RECEIVED**  
**NOV 24 2010**  
**City of Kelowna**



# REVISED PLANS

NOV 24 2010

CITY OF KELOWNA  
Land Use Management



SCHEDULE A2/2

This forms part of development

Permit # DWP10-0129



# Memo



**Date:** October 21, 2010

**To:** City Manager

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

**Application:** DVP10-0129

**Owner:** Bruce Saunders

**Address:** 964 Campus Ct

**Applicant:** Bruce Saunders

**Subject:** Development Variance Permit

**Existing Zone:** RU2 Medium Lot Housing

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## 1.0 Recommendation

THAT Council not authorize the issuance of Development Variance Permit No. DVP10-0129, Lot 37, District Lot 135, ODYD Plan 26296, located on Campus Court, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 not be granted:

**Section 13.2.6(b) - Development Regulations:**

To vary the maximum height permitted from 2.5 storeys permitted to 3 storeys proposed.

## 2.0 Purpose

This application seeks to vary the permitted height of a single family dwelling from 2.5 storeys to 3 storeys to facilitate an over height basement.

## 3.0 Land Use Management

A variance is being sought to the permit a three storey single family dwelling. The proposal meets the maximum permitted height of 9.5m, however the ground floor does not meet the half storey definition and thus a variance is required. The massing and height of the building is much taller than the surrounding dwellings and imposes a change to the rhythm of the streetscape in a well established neighbourhood.

The Building and Permitting Branch have invested considerable time exploring many design alternatives that would eliminate the need for the variance. There are no topographic or site considerations that warrant special consideration for the over-height of the building.

While the applicant has submitted signatures of all immediate neighbours indicating they do not object to the proposed variance, one neighbour (to the east) has since withdrawn their support. Considering the impact on the existing neighbourhood context, established massing of the single family homes, and the lack of sensitive integration, there are no compelling reasons to justify the height variance.

## 4.0 Proposal

### 4.1 Background

A Building Permit was issued to allow a single family dwelling to be lifted to facilitate the construction of a new foundation and lower floor. At the footing and foundation inspection, it was noted that the foundation was higher than permitted and a stop work order was issued. In consultation with the Building and Permitting Branch, alternatives were suggested to make the building comply with the BC building code and

the Zoning bylaw. However the applicant has chosen to proceed with the variance application and not to pursue any design alternatives.

#### 4.2 Site Context

The subject property is located in the South Pandosy - KLO sector of Kelowna. All immediate properties are residential in nature and the typical house is of 1 to 2 stories in height. They are zoned:

North RU1 - Large Lot Housing  
East RU2 - Medium Lot Housing  
West RU2 - Medium Lot Housing  
South RU2 - Medium Lot Housing

#### 4.3 Subject Property: 964 Campus Court



### 5.0 Policies

#### Kelowna Official Community Plan (OCP)

##### Housing Policies for Secondary Suite and Two Dwelling Housing:

All new development should respect the scale and general character of the houses and landscape for the neighbourhood in which it is built.

All new development should be sensitive to the privacy of adjacent neighbours and the privacy of individual dwelling units on a lot.

New building entrances should be in scale with the development where possible, should face the street and be clearly identifiable from the street

New housing should be compatible with the massing and scale of the housing in the surrounding area.<sup>1</sup>

Note: While single family housing is not subject to Development Permit process, the general principles of sensitive integration are still relevant in this context.

<sup>1</sup> Official Community Plan Section 8 pg 8-17



## 6.0 Technical Comments

- 6.1 Building & Permitting Branch  
The Building & Permitting Branch has no technical objection to the proposed variance.
- 6.2 Development Engineering Department  
The requested to vary the height from 2.5 to 3 storey, does not compromise our servicing requirements.
- 6.3 Bylaw Services - N/A
- 6.4 Fire Department - No comment
- 6.5 Interior Health Authority -N/A
- 6.6 Irrigation District -N/A
- 6.7 School District No. 23 -N/A

## 7.0 Application Chronology

Date of Application Received: October 8, 2010

Advisory Planning Commission N/A

## 8.0 Alternate Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0129, Lot 37, District Lot 135, ODYD Plan 26296, located on Campus Court, Kelowna, BC;


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

**Section 13.2.6(b) - Development Regulations:** To vary the maximum height permitted from 2.5 storeys permitted to 3 storeys proposed.

Report prepared by:



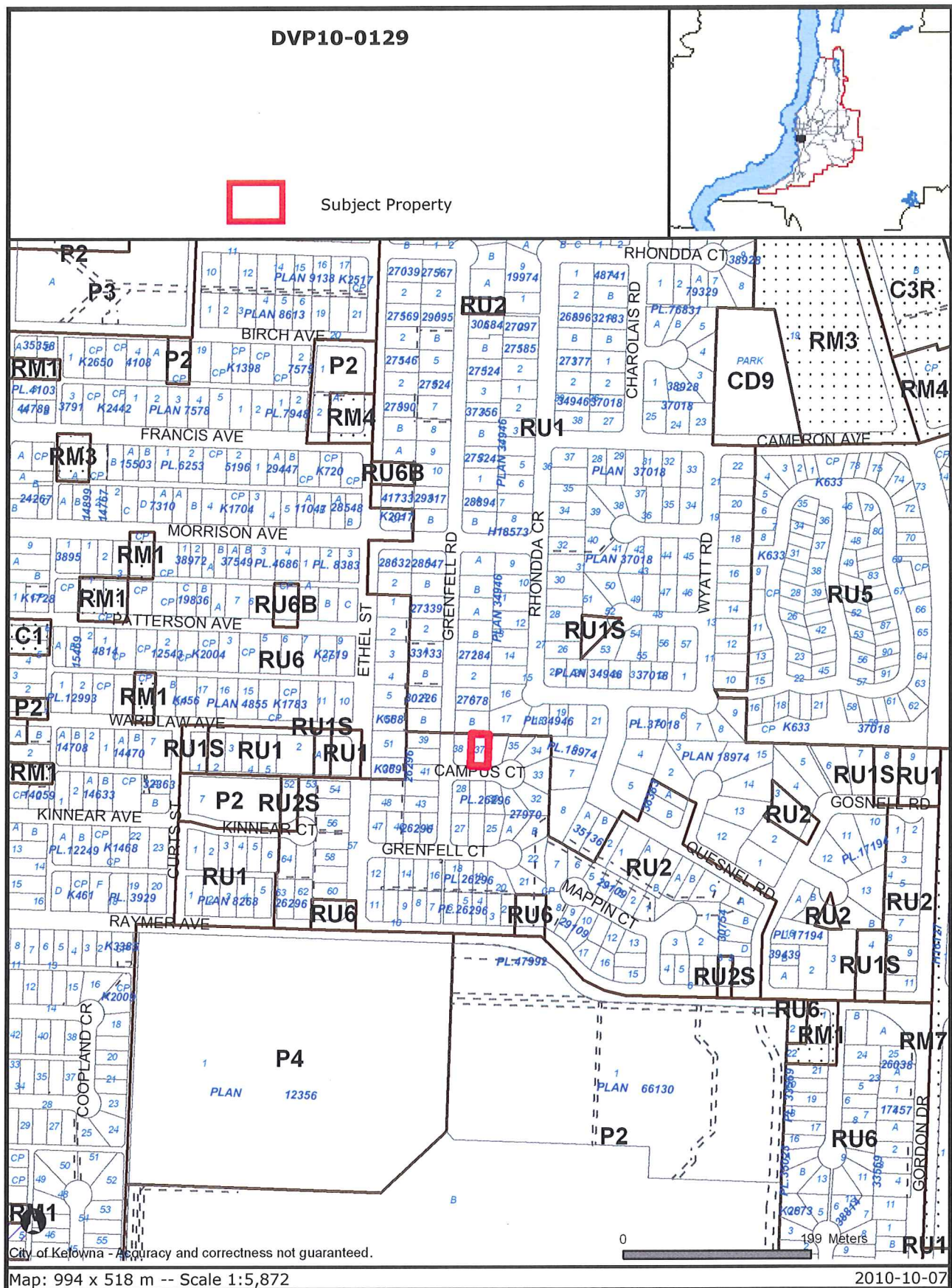
Birte Decloux, Urban Land Use Planner

Reviewed by:  Danielle Noble Manager, Urban Land Use Management

Approved for inclusion:  Shelley Gambacort Director, Land Use Management

### Attachments:

Site Plan  
Site Photos



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
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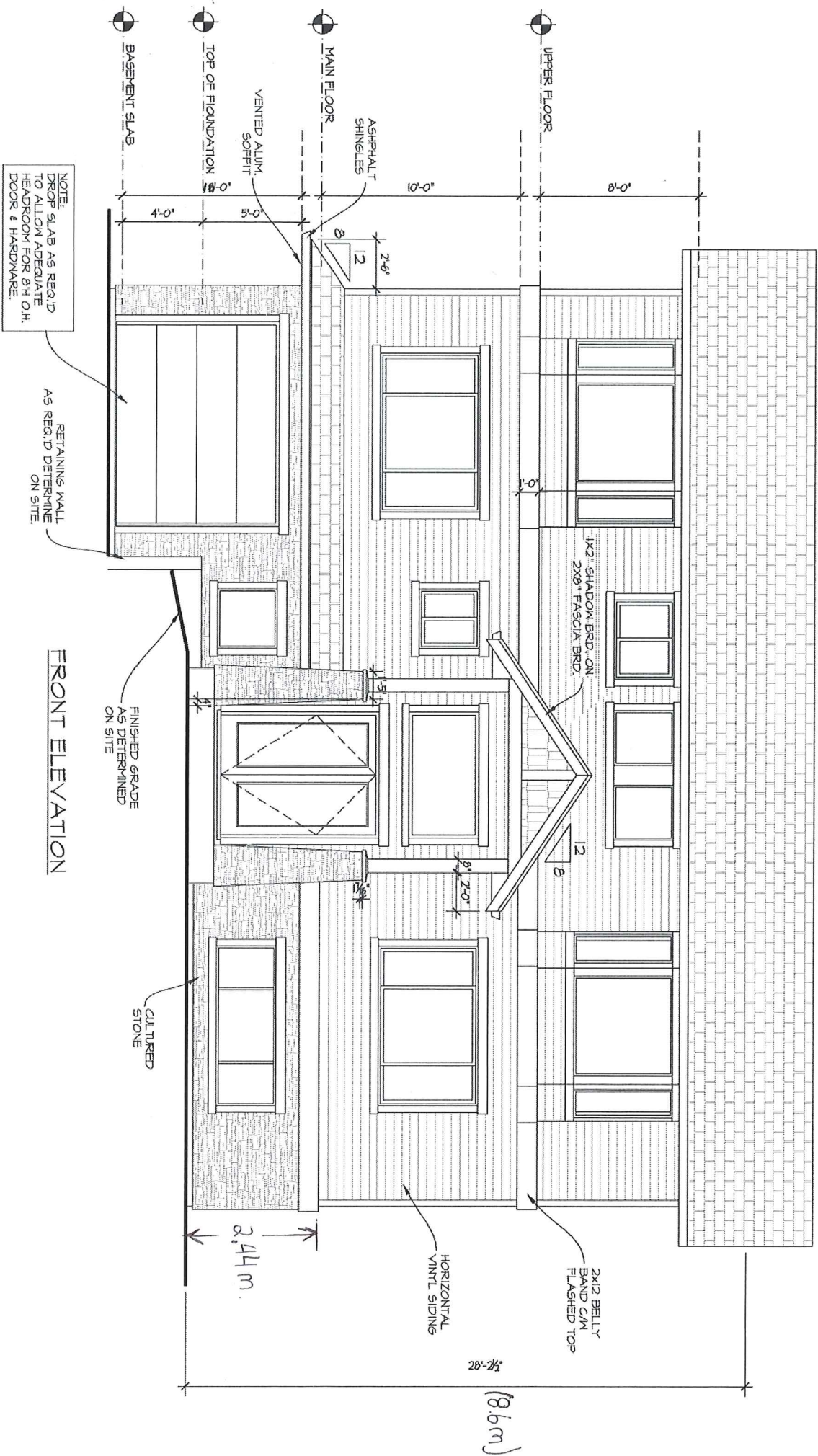












# CITY OF KELOWNA

APPROVED ISSUANCE OF A:



Development Variance Permit No.:

DVP10 -0129

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Bruce Saunders
LOCATION OF SUBJECT SITE: 964 Campus Court

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	37	135	ODYD 26296			

## 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 has been granted:

### Section 13.2.6(b) - Development Regulations (as seen on Schedule A2):

To vary the maximum height permitted from 2.5 storeys permitted to 3 storeys proposed.

AND THAT the vegetation plan proposed for the front yard be planted in accordance with Schedule A1.

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