

# Memo



**Date:** December 6, 2010  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability  
**Application:** DVP10-0118  
**Owner:** Ruth Welder  
William and Gertrude Welder  
**Address:** 1401 Highland Drive South  
**Applicant:** Lynn Welder Lalonde  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Single / Two Unit Residential  
**Existing Zone:** RU6 - Two Dwelling Housing zone

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0118, Lot 4, District Lot 137, ODYD Plan 27891, located on Highland Drive South, Kelowna, BC;

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

Section 13.6.6(d):

To vary the required south side yard of an existing dwelling from 2.0m required to 1.65 m proposed.

Section 13.6.6(e):

To vary the required rear yard of a proposed second dwelling from 6.0m required to 4.5m proposed.

## 2.0 Purpose

The subject property is zoned RU6- Two Dwelling housing. The applicant is proposing to infill the lot with a second house and requires two variances: one for the south side yard setback and one for the rear yard to facilitate the addition of a single family dwelling:

## 3.0 Land Use Management

The intent to infill the subject property with a second single detached house meets the general regulations of the RU6 - Two Dwelling Housing zone and the future land use, with the exception of two variance requests. The variance for the existing house is to legitimize the existing siting as the applicants intend to make modifications to the principal dwelling. The other variance request to relax the rear yard setback requirement for the proposed second dwelling is triggered

due to the corner lot configuration. Signatures of support were received from all abutting neighbors including the property owner to the east (rear yard property line), with the exception of one neighbor to the south.

The siting of the proposed second dwelling emulates the streetscape pattern along Leaside Avenue and the rear yard setback performs more closely to that of a side yard setback. Therefore, the requested 4.5m setback is a reasonable proposal and in general, is in keeping with the existing house pattern for this well established neighborhood.

A Development Permit for the proposed second dwelling will be reviewed at a staff level to assess the form and character should the variances receive favorable consideration.

## 4.0 Proposal

### 4.1 Site Context

The subject property is located on the corner of Highland Drive South and Leaside Avenue. All properties in the immediate area are zoned RU6 - Two Dwelling Housing.

### 4.2 Site Location Map: 1401 Highland Drive S.



### 4.3 Project Description

The applicant is proposing to construct a second dwelling on the site as the site meets the minimum size requirements to permit a second dwelling under the RU6 zoning. However, two variances are required to allow the applicant to proceed with their plans:

- A variance to legitimize a non-confirming side yard set back on the south side of the existing dwelling to accommodate upgrades to the existing house;



- A variance to reduce the required rear yard set back to facilitate the siting of the second dwelling.

#### 4.4 Zoning Analysis

The proposed application meets the requirements of RU6 - Two Dwelling Housing Zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	832 m <sup>2</sup>	800 m <sup>2</sup>
Lot Width (street frontage)	26.29 m	18.0 m
Lot Depth	34.14 m	30.0 m
Development Regulations		
Site Coverage (buildings)	30 %	40%
Site Coverage (buildings/parking)	36 %	50%
Existing Dwelling		
Height	1 storey / 5.44 m	2 ½ storeys / 9.5 m
Front Yard (Highland Drive)	7.4 m	4.5 m or 6.0 m to a garage
Side Yard (north) (Leaside Avenue)	5.2 m	2.0 m (1 - 1 ½ storey)
Side Yard (south)	1.65 m ①	2.0 m (1 - 1 ½ storey)
Rear Yard	17.12 m	6.0 m (1 - 1 ½ storey)
Proposed Dwelling		
Height	1 storey / 5.44 m	2 ½ storeys / 9.5 m
Front Yard	20.45 m	4.5 m or 6.0 m to a garage
Side Yard (north)	6 m	2.0 m (1 - 1 ½ storey)
Side Yard (south)	2.0 m	2.0 m (1 - 1 ½ storey)
Rear Yard	4.5 m ②	6.0 m (1 - 1 ½ storey)
Separation (Distance Between Houses)	4.57 m	4.5 m

Other Requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

- ① variance required to vary north side yard set back from 2.0m required to 1.65m requested.  
 ② variance required to vary the rear yard for the proposed second dwelling from 6.0m required to 4.5m requested.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Infrastructure Availability.**<sup>1</sup> Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

**Ground-Oriented Housing.**<sup>2</sup> Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets, including families with children, in those areas where Map 19.1 indicates necessary densities as being appropriate. Ground oriented housing is defined as housing where each dwelling unit has direct access to the unit and private open space at grade level.

**Housing Variety.**<sup>3</sup> Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code for any future basement bedrooms.
- 3) Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- 4) Spatial Calculations required for both buildings to the proposed new property line.

### 6.2 Development Engineering Department

The requested side yard setback variance from 2.0m to 1.65 proposed and the rear yard setback variance from 6.0m to 4.5m proposed, do not compromise our servicing requirements.

### 6.3 Bylaw Services - N/A

### 6.4 Fire Department - N/A

### 6.5 Interior Health Authority - N/A

<sup>1</sup> OCP Policy 8.30

<sup>2</sup> OCP Policy 8.38

<sup>3</sup> OCP Policy 8.40

- 6.6 Irrigation District - N/A
- 6.7 School District No. 23 - N/A
- 7.0 Application Chronology

Date of Application Received: August 16, 2010  
(Date of APC was delayed by request of the client)

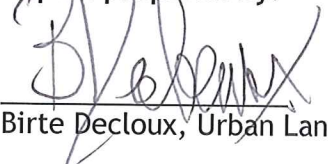
Advisory Planning Commission November 9, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on November and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Permit Application No. DVP10,0118, for 1401 Highland Drive South, to vary the required side yard of an existing dwelling from 2.0 m required to 1.65 m proposed. To vary the required rear yard of a proposed second dwelling from 6.0m required to 4.5m proposed.

(No anecdotal comments from the APC were recorded).

Report prepared by:

  
Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

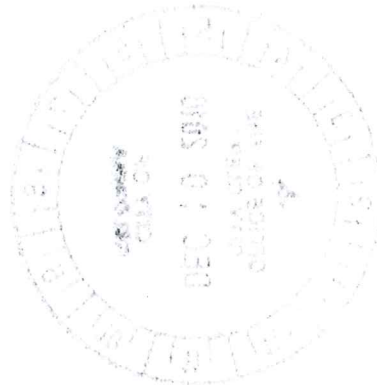
Approved for Inclusion:



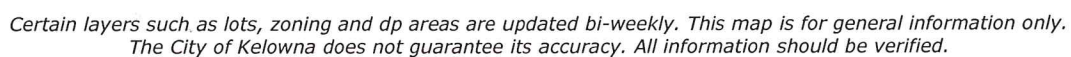
Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan  
Survey Certificate  
Site, Elevation, and floor Plan  
Site Photo



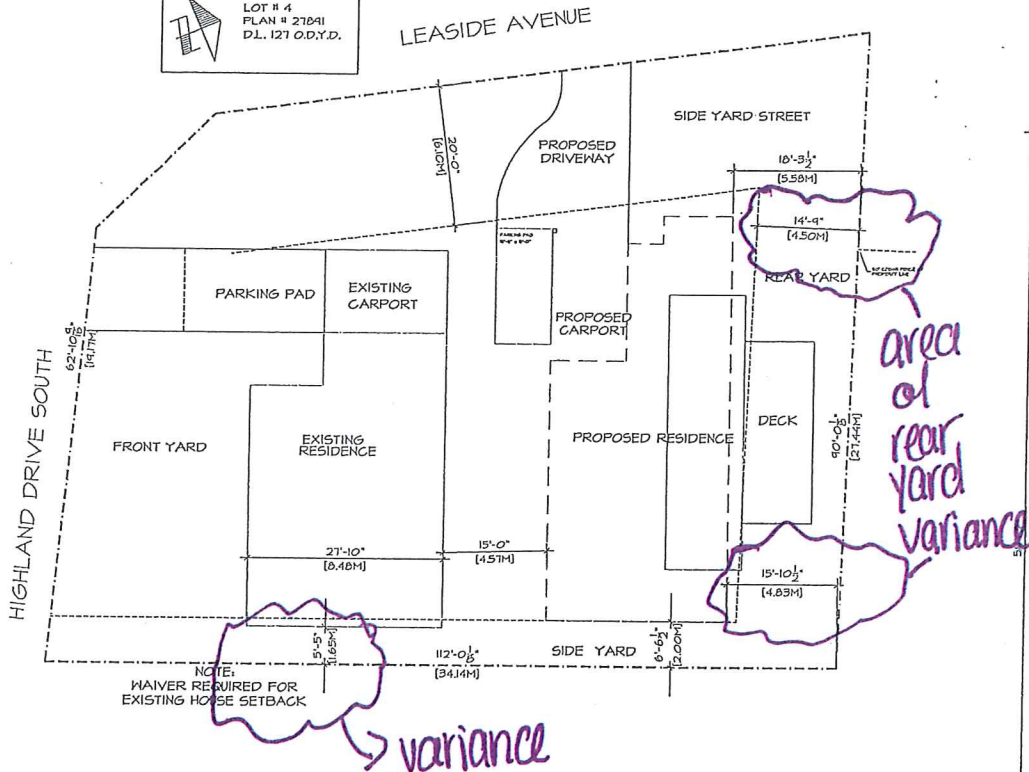








**LEGAL DESCRIPTION**  
 LOT # 4  
 PLAN # 27041  
 D.L. 127 O.D.Y.D.



## Site Plan

### SITE CALCULATIONS:

<b>SITE AREA</b>	9747 sq. ft. / 850 H2
<b>DB No.</b>	
<b>BUILDING AREA</b>	
EXISTING	1049 sq. ft. / 1015 H2
PROPOSED	1281 sq. ft. / 1171 H2
TOTAL	2166 sq. ft. / 2187 H2
<b>SITE COVERAGE</b>	
PERMITTED	40 %
PROVIDED	30 %
<b>PARKINGS &amp; DRIVEWAYS</b>	
PERMITTED	50 %
PROVIDED	56 %
<b>BUILDINGS HEIGHT</b>	
PERMITTED	13 M / 2 1/2 Storeys
PROVIDED	5.43M / 1 Storey

### PROPOSED BUILDING: SETBACKS:

SETBACKS	PERMITTED	PROVIDED
FRONT YARD	45 M / 14.76'	45.71 M / 15'
REAR YARD	75 M / 24.6'	4.83 M / 15'-10"
		WAIVER REQUIRED
SIDE YARD	6.0 M / 19.68'	6.10 M / 20'
SIDE YARD	2.0 M / 6'-6"	2.0 M / 6'-6"

**PARKING**

RESIDENTIAL PARKING STALLS  
 2 PER DWELLING UNIT  
 TOTAL REQUIRED 4  
 TOTAL PROVIDED 4  
 2 CARPORTS & 2 PARKING PADS

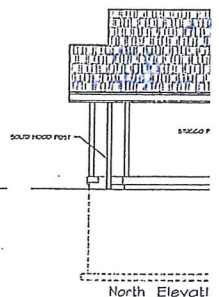
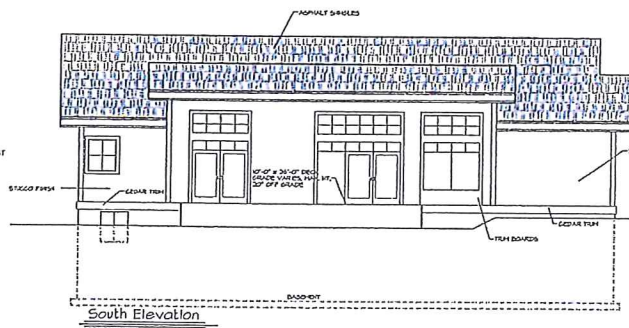
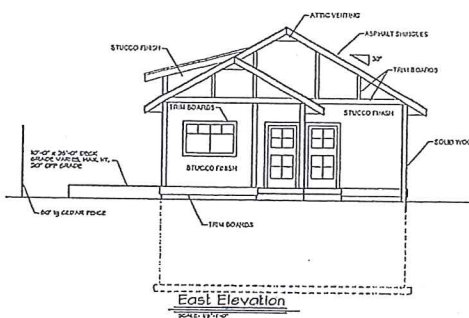
## REVISED PLANS

OCT 06 2010

CITY OF KELOWNA  
 Land Use Management

### Floor Plan

SCALE: 3/16" = 1'-0"



1401 HIGHLAND



# British Columbia Land Surveyors BUILDING LOCATION CERTIFICATE

This is to state that on the 7th day of March, 2008 a survey was performed under my superintendence, on the property described as follows:

1401 - Highland Drive South Lot 4, D.L. 137, ODYD, Plan 27891.

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

Property boundary dimensions shown are derived from registered records.

This certificate is intended for mortgage purposes only.

Scale 1:300 Metric.



**FRITSCH LAND SURVEYING INC.**  
Legal & Engineering Survey Consultants

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"Fritsch Land Surveying Inc."

"This document is not valid unless originally signed and sealed."

This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 7th day of March, 2008.

  
British Columbia Land Surveyor

08-222(240/39)

NAME  
NOM

PHOTOS

No.

1401 HIGHLAND DR. S.

EXISTING  
HOUSE



REAR OF HOUSE  
SHOWING VARIANCE

Spécifiez si vous  
demandez une  
modification  
Mississauga



REAR OF HOUSE INCLUDING  
CARPORT

FRONT AND PORTION  
OF WEST SIDE  
OF HOUSE

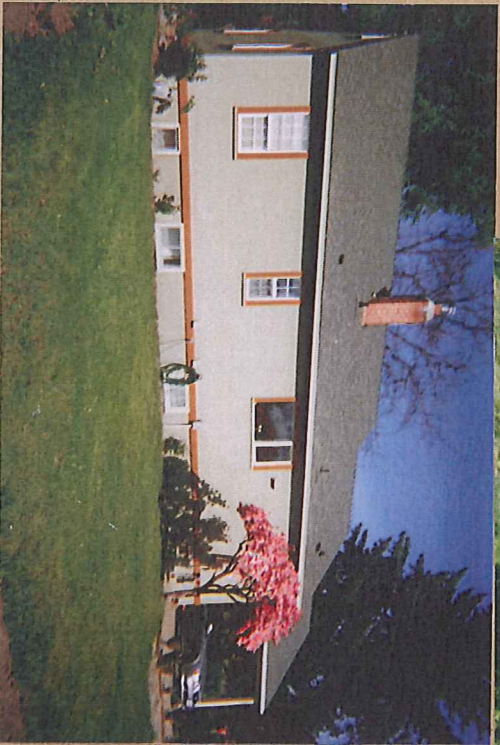


FRONT OF  
HOUSE  
SHOWING  
VARIANCE  
REQUESTED



REAR OF PROPERTY WHERE  
SECONDARY DWELLING  
WILL BE LOCATED.  
(SHED WILL BE REMOVED)  
OFF OF LEASIDE AVE.

REAR OF HOUSE WHICH WILL  
BE A NEW DWELLING



NAME  
NOM

No.



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No. : DVP10 -0118

EXISTING ZONING DESIGNATION:	RU6 – Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Ruth Welder, William and Gertrude Welder (Applicant: Lynn Welder Lalonde)
LOCATION OF SUBJECT SITE: 1401 Highland Drive South

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	4	137	ODYD Plan 27891			

### 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 Council authorized the issuance of Development Variance Permit No. DVP10-0117, Lot 4, District Lot 137, ODYD Plan 27891, located on Highland Drive South, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 are granted (as seen on Schedule A):

#### Section 13.6.6(d):

To vary the required south side yard of an existing dwelling from 2.0m required to 1.65 m proposed.

#### Section 13.6.6(e):

To vary the required rear yard of a proposed second dwelling from 6.0m required to 4.5m 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.

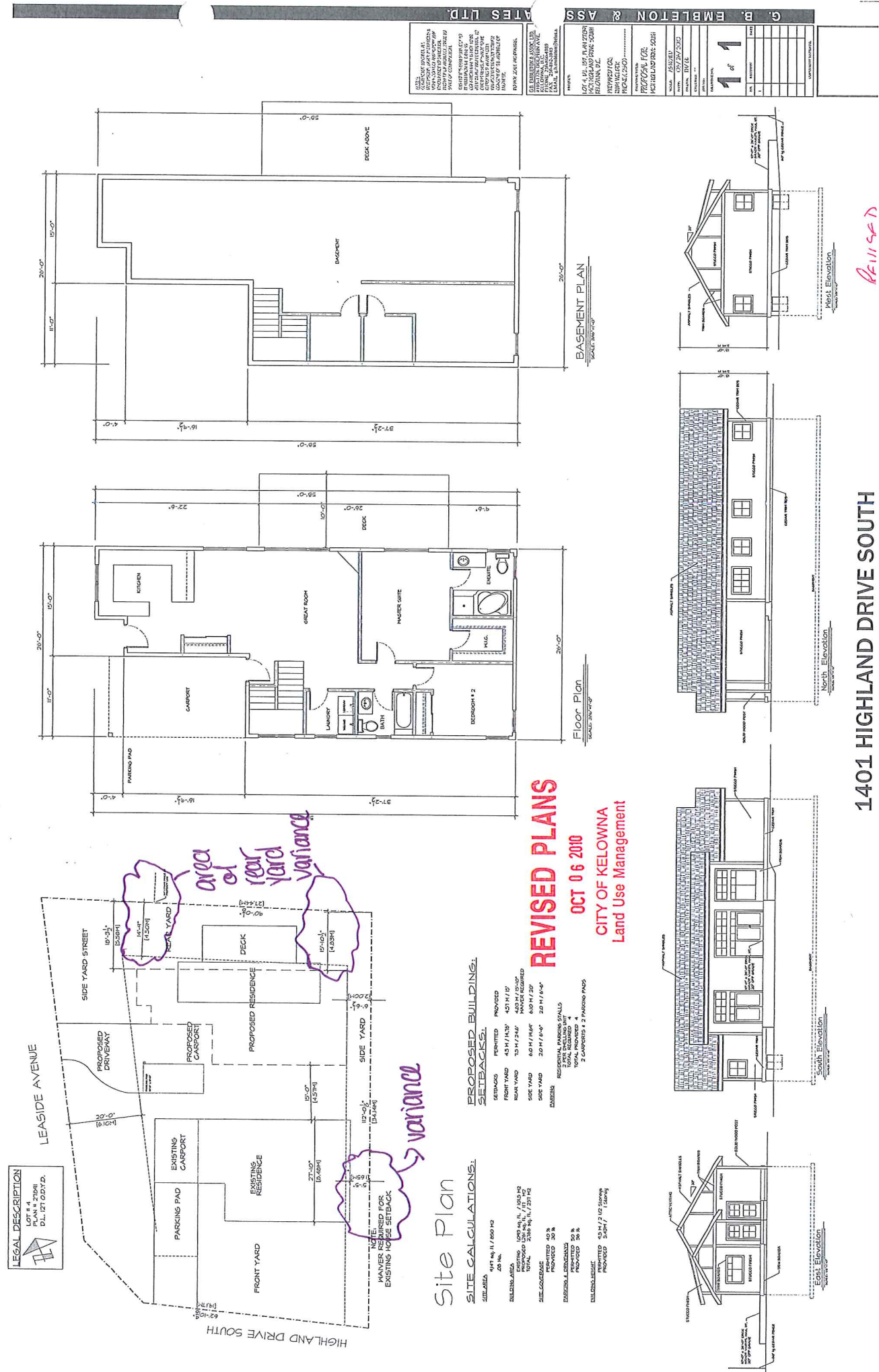
ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE @@<sup>TH</sup> DAY OF @@ 2010.

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



# SCHEDULE A

This forms part of development  
Permit # **DVP 10-018**



1401 HIGHLAND DRIVE SOUTH

Revised

British Columbia Land Surveyors  
**BUILDING LOCATION CERTIFICATE**

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originally signed and sealed."

This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 7th day of March, 2008.

British Columbia Land Surveyor

08-222(240/39)