

Memo



Date: April 18, 2011
To: City Manager
From: Land Use Management, Community Sustainability (PMc)
Application: DVP11-0044 **Owner:** Emil Anderson Construction Co. Ltd.
Address: 521 Horn Cr. **Applicant:** Alan Ryder
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Unit Residential
Existing Zone: RU1h - Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0044, Lot 6, Section 24, Township 28, S.D.Y.D., Plan KAP87841, located on Horn Cr., Kelowna, BC;

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

Section 13.1.6(e): Development Regulation -To vary the rear yard setback from 7.5 m required to 3.5 m proposed.

2.0 Purpose

This application seeks a Development Variance Permit to reduce the rear yard setback from 7.5m required to 3.5m proposed for a new home to be built on a hillside lot.

3.0 Land Use Management

The subject property is steeply sloped upward from Mica Ct., and has access from an easement lane at the rear of the property adjacent to the available building area. The applicant wishes to locate the proposed dwelling 3.5 m from the rear yard in order to place the dwelling higher up the slope to minimize both the amount of required earthworks that would be required and the potential impact on the view from adjacent properties. The applicant has provided signatures of support from the affected neighbors. Even though the rear yard is being reduced to 3.5m, the driveway in front of the garage is in excess of 6.0m, which provides for additional tandem parking stalls located off of the access easement drive lane.

4.0 Proposal

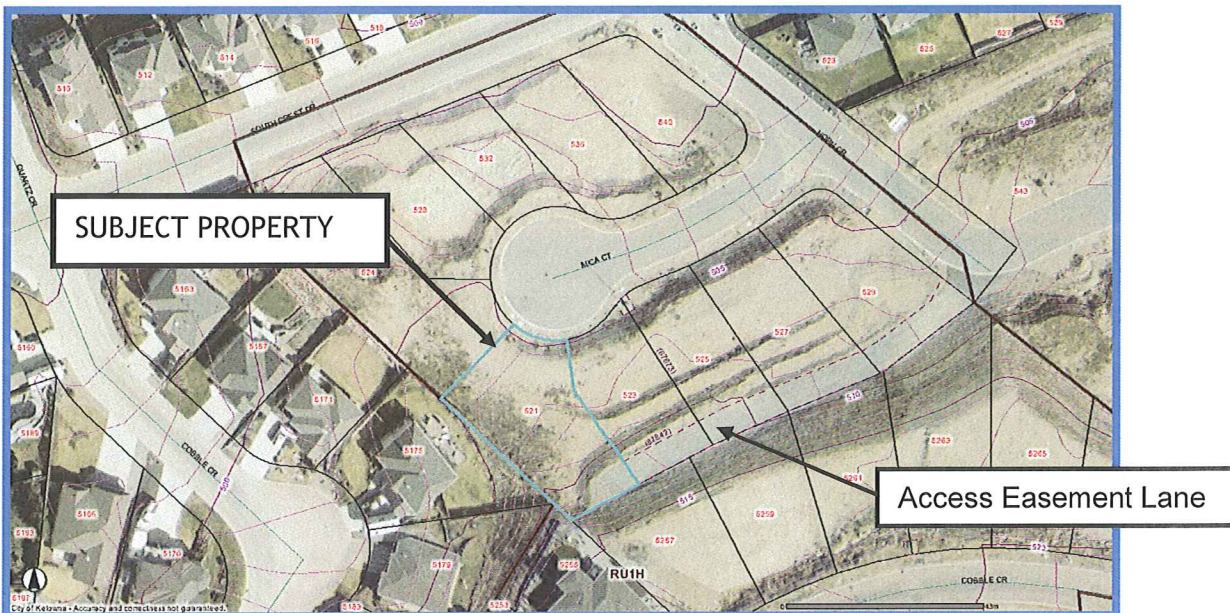
4.1 Background

The subject property was created in November 2008. The lots are configured with an access easement located along the south boundary of the properties. These properties have an elevation difference between the curb elevation of Mica Ct. and the adjacent subject properties, which precludes vehicle access from Mica Ct. This lot configuration supports access and a single storey building height from the access easement, and allows the building to step down the slope of the property.

4.2 Project Description

The applicant is seeking to reduce the rear yard setback from 7.5m to 3.5m proposed. The proposed dwelling is located on a flatter portion of the site near the rear yard and adjacent access easement. The lots to the south of the subject property and access easement are approximately 5m higher. The proposed dwelling for the subject property is designed as a single storey building height at the access easement, and will step down towards Mica Ct. The dwelling when viewed from Mica Ct. will be 2½ storeys in height.

4.3 Subject Property Map



4.4 Site Context

The subject property is located on the south side and at the end of Mica Ct. The property is accessed from an access easement running along the south boundary of the subdivision. The access easement is approximately 6m higher than the lot frontage facing Mica Ct.

The adjacent zones and uses are:

- South West RU1 - Large Lot Housing (single unit residential)
- North West RU1h - Large Lot Housing (Hillside Area) (single unit residential)
- South East RU1h - Large Lot Housing (Hillside Area) (single unit residential)
- North East RU1h - Large Lot Housing (Hillside Area) (single unit residential)

4.5 Zone analysis

The proposed application meets the requirements of RU1h- Large Lot Housing (Hillside Area) as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU1h ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	881 m ²	550 m ²
Lot Width	16.6 m	15.0 m with lane
Lot Depth	38.8 m	30.0 m
Development Regulations		
Height	2½ Storeys / 8.0 m	2 ½ storeys/9.5 m max
Front Yard (Mica Ct)	13.5 m	4.5 m
Side Yard (south west)	2.0 m	2.0 m (1 storey height)
Side Yard (north east)	2.3 m	2.3 m (2 storey height)
Rear Yard (lane)	3.5 m ❶	7.5 m
Site Coverage	24% 35%	40% (buildings) 50% (buildings, parking, and driveways)

❶ Vary rear yard from 7.5 m required to 3.5 m proposed

5.0 Technical Comments

5.1 Building & Permitting Department

No Comment

5.2 Development Engineering Department

This development variance permit application to vary the rear yard setback does not compromise any municipal services.

5.3 Fire Department

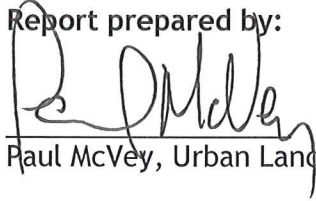
No objections

6.0 Application Chronology

Date of Application Received: March 21, 2011

Revised Site Plan Received; April 11, 2011

Report prepared by:



Paul McVey, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:

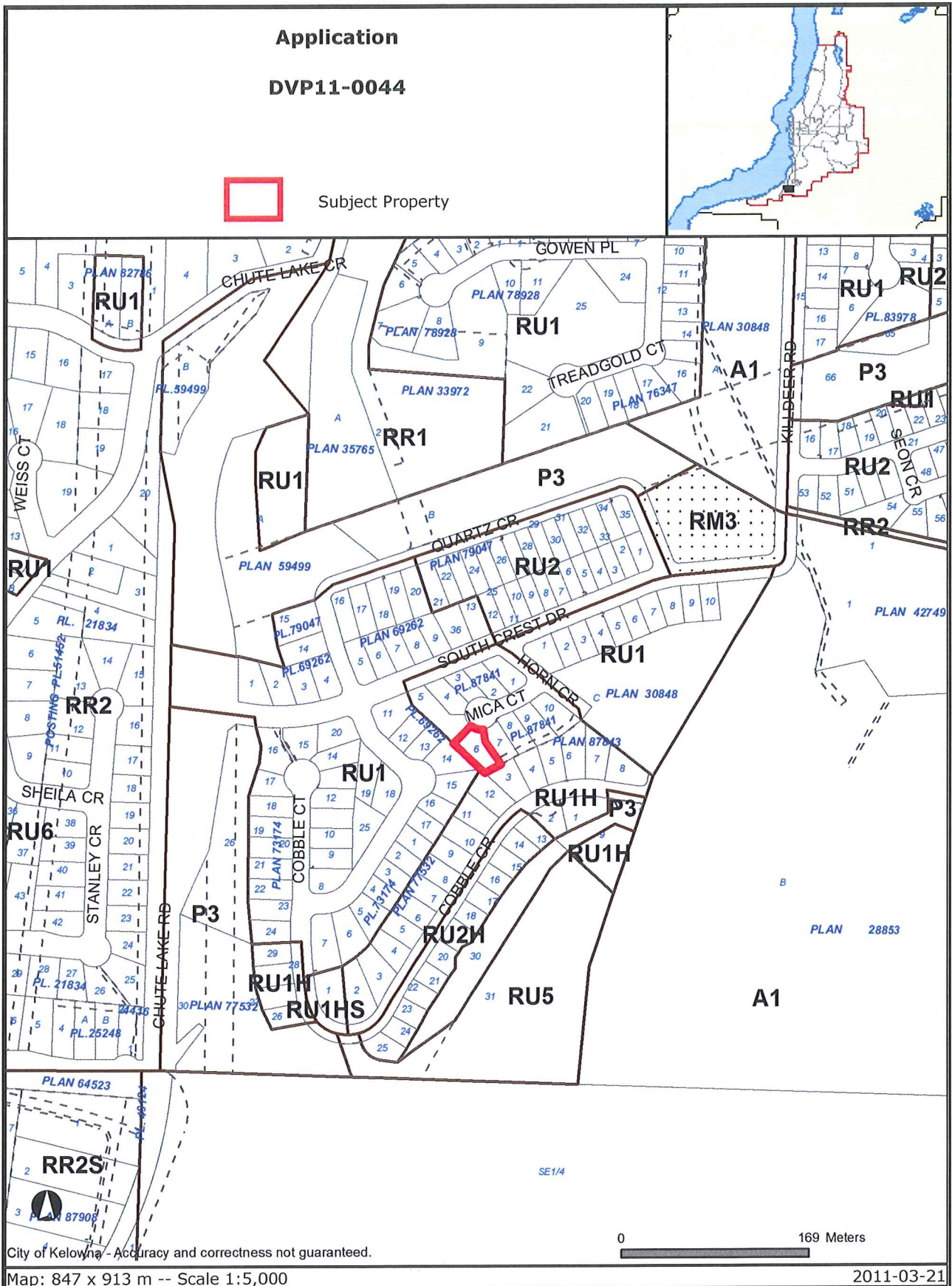


Shelley Gambacort, Director, Land Use Management

Attachments:

Location Map
Site Plan
Rationale Letter
Conceptual Elevations
Context/Site Photos
Draft Development Variance Permit





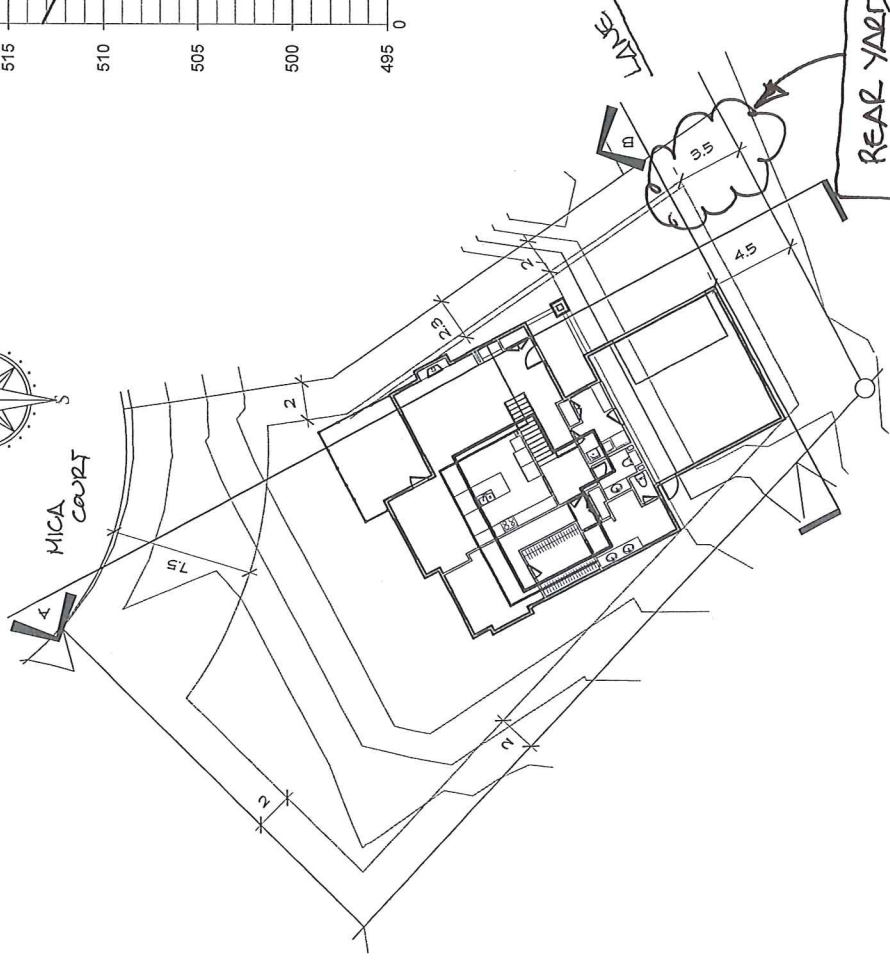
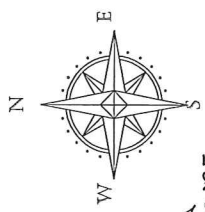
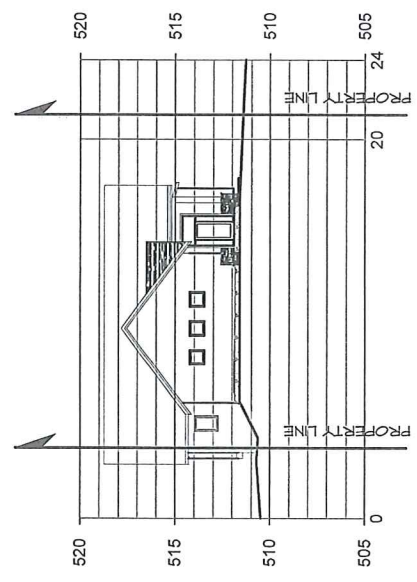
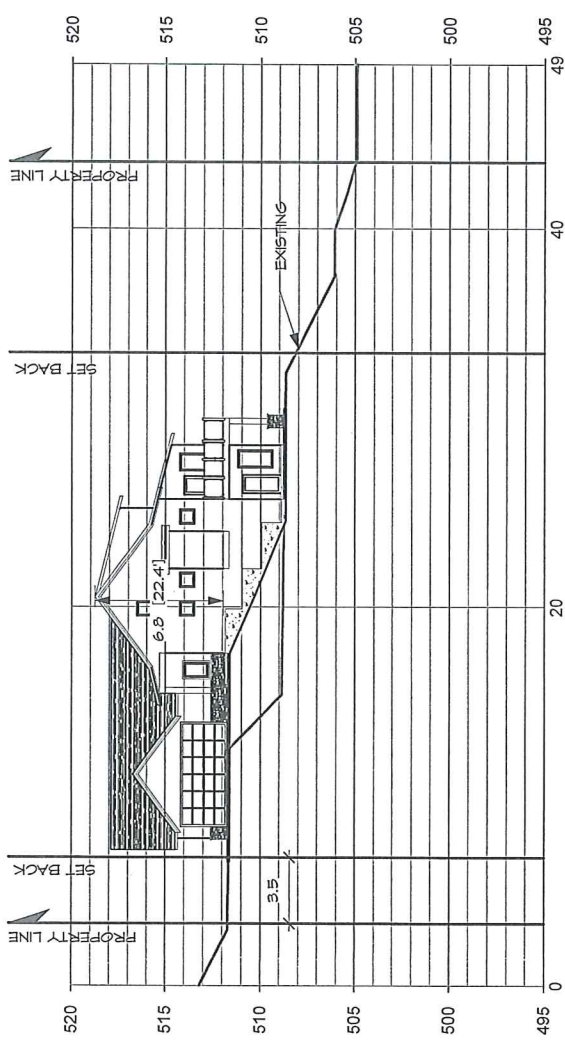
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

521 Horn Crescent – Stonebridge 6-6

It is the intent of the prospective purchasers, Alan Ryder and Susan Howland to purchase the property at 521 Horn Crescent and construct a home on this property. Alan and Susan are applying to the City of Kelowna for a variance to allow the home to be built with a rear yard setback of 3.5 meters rather than the city standard of 7.5 meters.

The rationale is that by locating the home closer to the rear property line the following will be achieved:

- Side load garage from the access lane.
- Moving home closer to property line will assist homes above to have a better sight line from their rear yard.
- Moving home closer to property line will possibly leave a better sight line for homes built at 5175 Cobble Crescent and 5179 Cobble Crescent.
- Moving home closer to property line will reduce slope from walkout of house to road level on Mica Court side of lot.
- Consistent appearance for homes on the same side of the street as all other homes load from the lane.



REAR YARD
 VARIANCE
 FROM 7.5m
 TO 3.5m PROPOSED

REVISED PLANS

APR 11 2011
 CITY OF KELOWNA
 Land Use Management

MILLSTONEBRIDGE ESTATES PH 6 LOT 6	
521 HORN CRESCENT	
KELOWNA BC	
DRAWING NO.	DATE
PAGE 1 of 1	CKJ APRIL 10 2011
SCALE	FILE NAME ALAN RYDER

GENERAL NOTES

1. ALL PLANS ARE SUBJECT TO ARCHITECTURAL APPROVAL.
 2. ELEVATIONS ARE FOR DISPLAY PURPOSES ONLY AND DO NOT REFLECT FINAL ARCHITECTURAL DETAILS.
 3. ALL CONSTRUCTION SHALL COMPLY WITH PART 4 OF THE BC BUILDING CODE'S CURRENT EDITION.
 4. THE CLIENT IS RESPONSIBLE FOR VERIFYING AND ESTABLISHING FINAL ELEVATION, GROUND CONCRETE HEIGHTS, BASEMENT FINISH HEIGHTS, REAR YARD HEIGHTS, DRIVEWAY GRADE AND NEIGHBORING PROPERTIES.
 5. REFER TO STRUCTURAL, ENGINEERED FLOOR JOIST, ROOF TRUSS LAYOUT DRAWINGS TO VERIFY ALL DIMENSIONS, SPACING, AND SUPPORT LOCATIONS AND SIZES. VERIFY PROPER DIMENSIONS ARE PROVIDED FOR ALL POINT LOADS.
 6. THE CLIENT IS RESPONSIBLE TO PROVIDE COMPLETE AND ACCURATE PLANS, NOTES AND ASSUME NO LIABILITY FOR ANY ERRORS AND OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE BUILDING DEPARTMENT TO OBTAIN A BUILDING PERMIT. VERIFY ALL DIMENSIONS AND DETAILS BEFORE PROCEEDING WITH CONSTRUCTION.
- SHOULD ANY DISCREPANCIES BE FOUND ON THE PLANS IT IS NEARBY ON YOU TO ADVISE AS SOON AS POSSIBLE. THE ARCHITECT SHALL BE ABLE TO MAKE CONNECTIONS TO THE DRAWINGS AND REPLACE ANY PLANS NECESSARY. IN THIS CASE, THE ARCHITECT SHALL BE RESPONSIBLE FOR ANY ERRORS FROM OCCURRING.

RYDER RESIDENCE

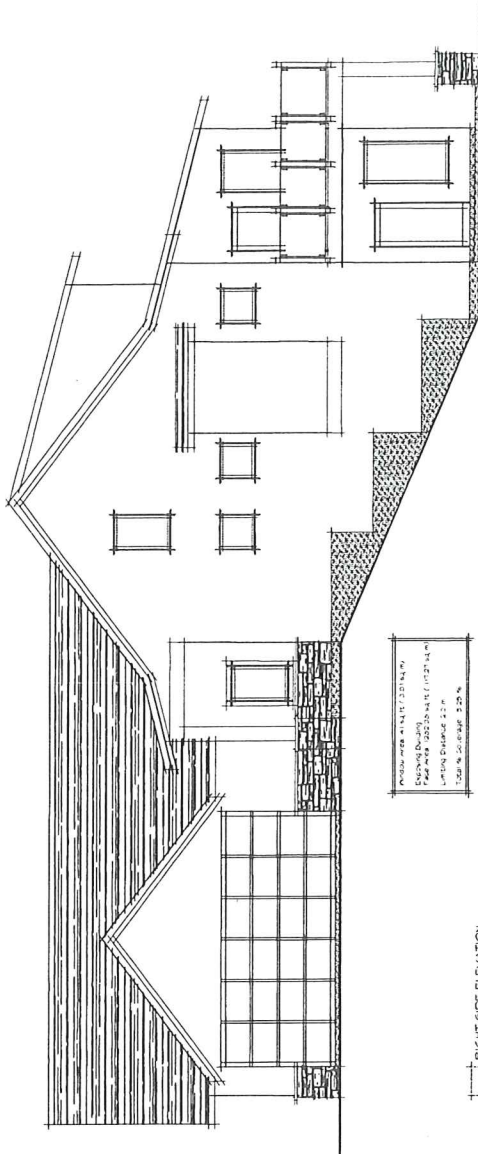
SB66-6

REV:

Description	Date	Revision

OWNER	
DATE	MARCH 6 2011
SCALE	1/4"=1'-0"
DRAWN BY	CJARVIS, CTECH CRD
RENDERINGS	

SHEET
1 OF 5

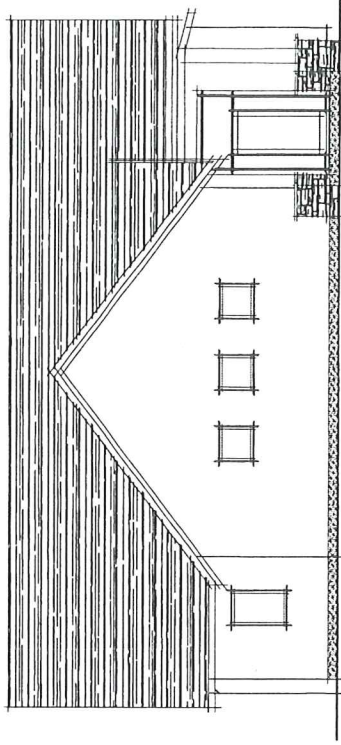


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 DRAWING DATE: 11/27/14
 DRAWING SCALE: 1/4" = 1'-0"
 DRAWING BY: CJARVIS, CTECH CRD

2 RIGHT SIDE ELEVATION
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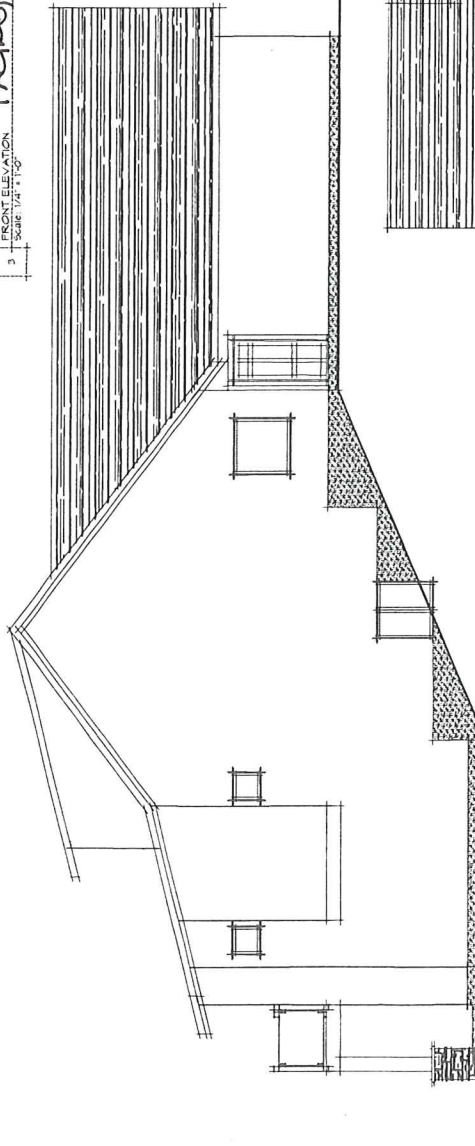
FACING NORTHEAST

MICA COURT



3 FRONT ELEVATION
Scale: 1/4" = 1'-0"

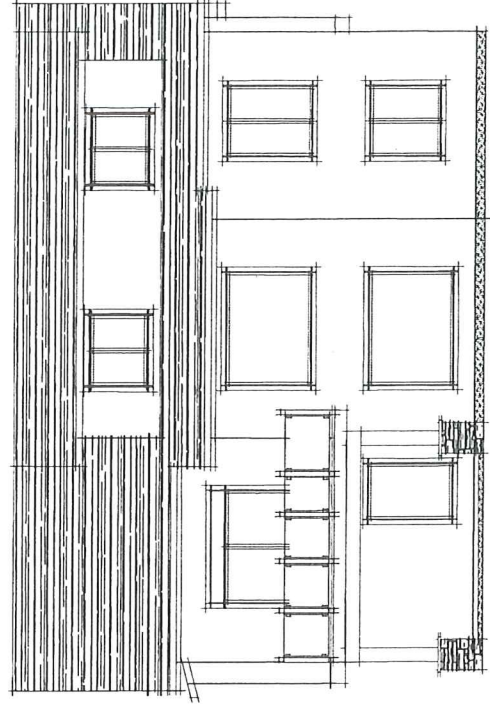
FACING REAR PROPERTY LINE



4 LEFT SIDE ELEVATION
Scale: 1/4" = 1'-0"

FACING SOUTHWEST PROPERTY LINE

MICA COURT



5 REAR ELEVATION
Scale: 1/4" = 1'-0"

FACING MICA COURT

RYDER RESIDENCE

SB6-6

REV:

Revision	Date	Description

OWNER:

Date:

MARCH 6 2011

Scale:

1/4" = 1'-0"

Drawn By:

C.JARVIS - CTECH CRD

RENDERINGS

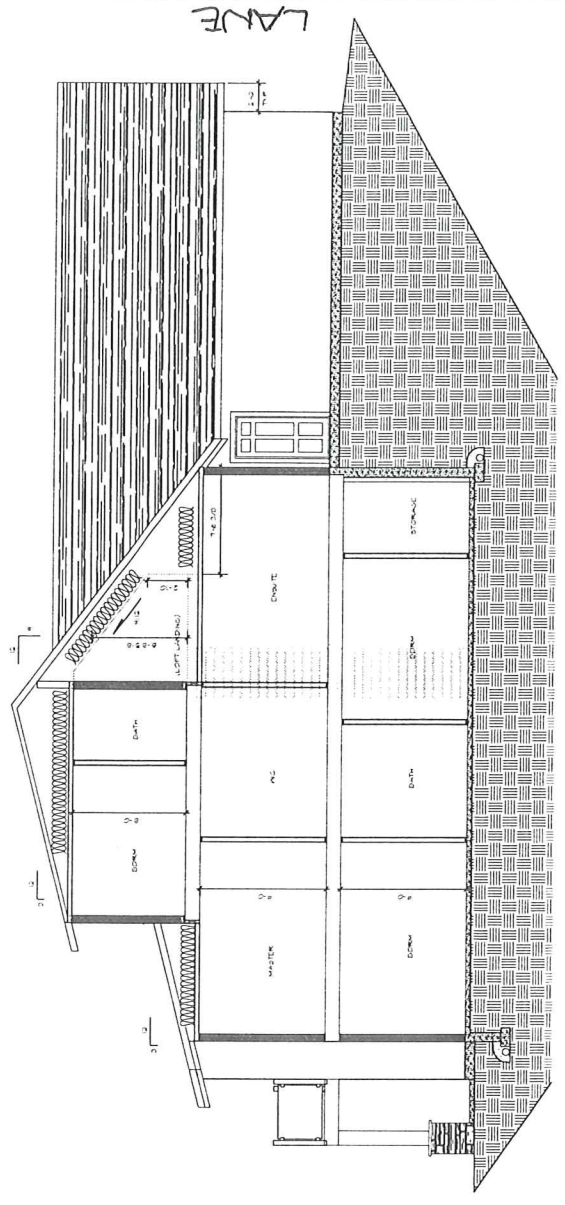
SHEET

2 OF 5

Description	Date	Revision

Owner	
Date	MARCH 6 2011
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Drawn By	CLARYS, CTECH GRD

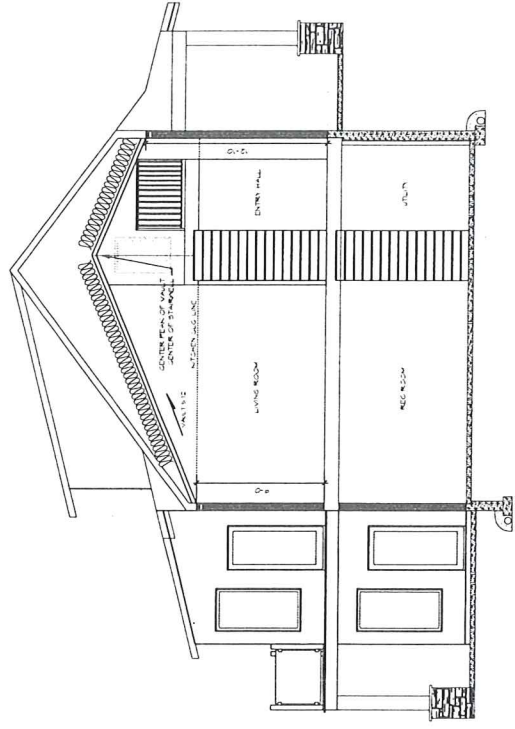
SECTIONS



MICHA COURT

- 1. ROOF SYSTEM
 - EXTERIOR BANKED ROOFING PAPER
 - 1/2" POLYSTYRENE INSULATION
 - 1/2" GYP BOARD
 - 1/2" CEILING BOARD (TEXTURED)
- 2. EXTERIOR WALL
 - 2" GYP SHEATHING
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD
- 3. INTERIOR LOAD BEARING WALL
 - 1/2" GYP BOARD
 - 2x4 STUD WALL
 - 1/2" GYP BOARD
- 4. INTERIOR NON-LOAD BEARING WALL
 - 1/2" GYP BOARD
 - 2x4 STUD WALL
 - 1/2" GYP BOARD
- 5. FLOOR SYSTEM
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD
- 6. DECK SYSTEM
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD
 - 1/2" GYP BOARD

A SECTION Scale 1/4" = 1'-0"



B SECTION Scale 1/4" = 1'-0"

- 7. DECK SUPPORT
 - 1" 2x4 POST BUILT OUT TO 1/2" X 1" FINISHED W/ SHINGLES
 - 1" 2x4 POST BUILT OUT TO 1/2" X 1" FINISHED W/ SHINGLES
 - 1" 2x4 POST BUILT OUT TO 1/2" X 1" FINISHED W/ SHINGLES
 - 1" 2x4 POST BUILT OUT TO 1/2" X 1" FINISHED W/ SHINGLES
- 8. CONCRETE FOUNDATION
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
- 9. BASEMENT CONCRETE SLAB
 - 4" CONCRETE SLAB (25 MPa MIN)
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
- 10. GARAGE CONCRETE SLAB
 - 4" CONCRETE SLAB (25 MPa MIN)
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS
 - 100' HEIGHT 8" CONCRETE WALL
 - REFER TO APPROVED ENGINEERED DRAWINGS FOR WALL AND FOOTING DETAILS



Subject Property from Mica Court



Access Easement to Subject Property



Subject Property Below Access Easement



Dwelling at 525 Horn Court

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0044

EXISTING ZONING DESIGNATION:	RU1h - Large Lot Housing (Hillside Area)
DEVELOPMENT VARIANCE PERMIT:	A Development Variance Permit to vary rear yard from 7.5m required to 3.5 m proposed

ISSUED TO:	Alan Ryder
LOCATION OF SUBJECT SITE:	521 Horn Ct.

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	6	KAP87841	24	28	SDYD

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

Section 13.1.6: Development Regulation

To vary 13.1.6 (e) rear yard from 7.5 m permitted to 3.5 m 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 transferrable 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

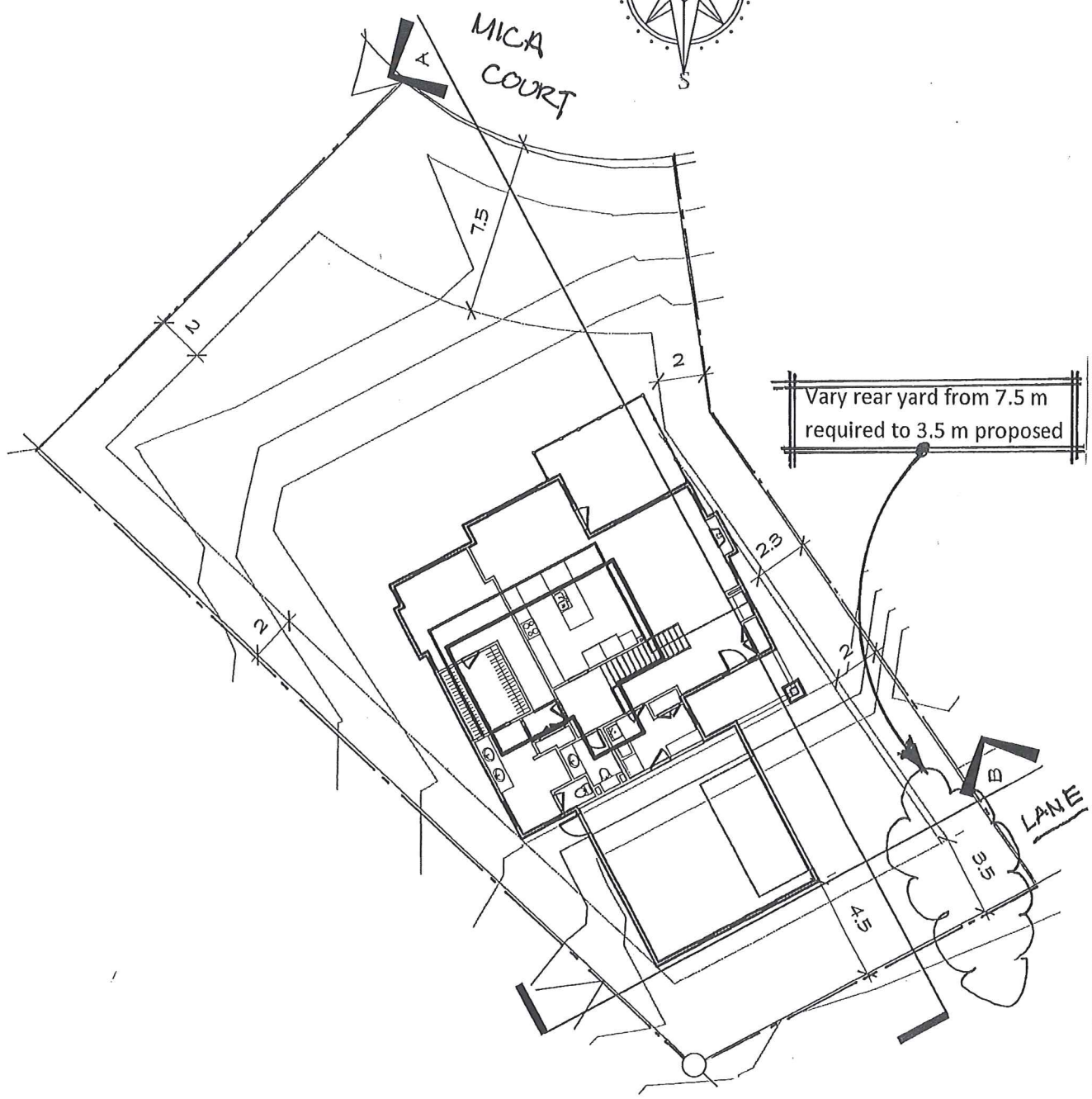
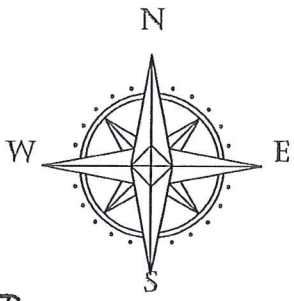
Print Name in Bold Letters

Telephone No.

5. APPROVALS:

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE ____ DAY OF APRIL, 2011.

Shelley Gambacort
Director of Land Use Management



Vary rear yard from 7.5 m required to 3.5 m proposed

TITLE: STONEBRIDGE ESTATES PH 6 LOT 6 521 HORN CRESCENT KELOWNA BC		
DRAWING NO. PAGE 1 OF 1	DRAWN BY CKJ	DATE APRIL 10 2011
SCALE	FILE NAME ALAN RYDER	