

# Memo



Date: June 29, 2011

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP11-0098      Owner: Matthew and Victoria Hanson

Address: 4433 Pinegrove Rd.      Applicant: Hamlet Property Services  
(Paul Day)

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Family Residential

Existing Zone: RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0098, Lot 10, District Lot 167, ODYD Plan 20358, located at Pinegrove Road, Kelowna, B.C.;

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

### Section 13.1.6 (d): Development Regulations

To vary the required south side yard setback from 2.3m required to 1.2m proposed.

## 2.0 Purpose

The applicant is seeking to construct an addition to the existing principal dwelling which will impact the south side yard setback.

## 3.0 Land Use Management

The applicant is seeking to add a new master bedroom and upgrade an existing garage. Due to the floor plan of the home and the location of the single family dwelling on a non-conventionally shaped lot, a variance is required to allow a reduce side yard setback to provide for a two storey addition.

All immediate neighbours have provided letters of support therefore limited impact is anticipated on abutting properties. Given the siting limitations of the existing house and the property improvements that are endorsed by the neighbours, Staff support the proposed variance.

## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing to extend the roof line of a split level single family dwelling over an existing garage in order to add a bedroom to the dwelling. An addition was made to the garage by the previous owner without appropriate permits that encroached into the existing south side

yard setback. The applicant would like to re-construct the garage with living space directly above and to ensure that appropriate permits are secured. The dwelling will change from one storey to two storeys in height on the south elevation. Therefore, this application seeks to reduce the required setback from 2.3 m required to 1.2m proposed.

#### 4.2 Site Context

The subject property is located on the west side of Pinegrove Road in the Mission near Sarsons Beach. The surrounding properties are zoned RU1 -Large Lot Housing.

#### 4.3 Subject Property Map: 4433 Pinegrove Rd.



#### 4.4 Zoning Analysis

The proposed application meets the requirements of RU1- Large Lot Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	849 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	33.5 m	16.5 m
Lot Depth	35.04 m	30.0 m
Development Regulations		
Height	2 storey / 5.5m	2 ½ storeys / 9.5 m
Front Yard	8 m	6.0 m to a garage
Side Yard (south )	1.7 - 1.2 m ①	2.3m (2 - 2½ storey)
Side Yard (north)	2.0 -5.8 m	2.3m (2 - 2½ storey)

Rear Yard	12.4 m	7.5 m / 1.5 m for accessory buildings
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① A variance is required to reduce the required setback from 2.3 m required to 1.2m proposed

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

**5.2 Development Engineering Department**

This development variance permit application to vary the side yard setback from 2.3 to 1.2m does not compromise any municipal services.

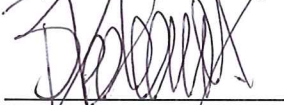
**5.3 Fire Department**

No Comment

**6.0 Application Chronology**

Date of Application Received: June 06, 2011

Report prepared by:

  
\_\_\_\_\_  
Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

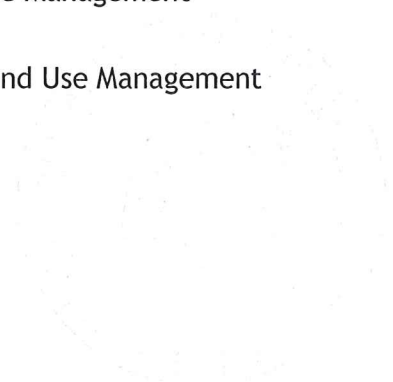
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

**Attachments:**

- Subject property map
- Site Plan
- Conceptual Elevations

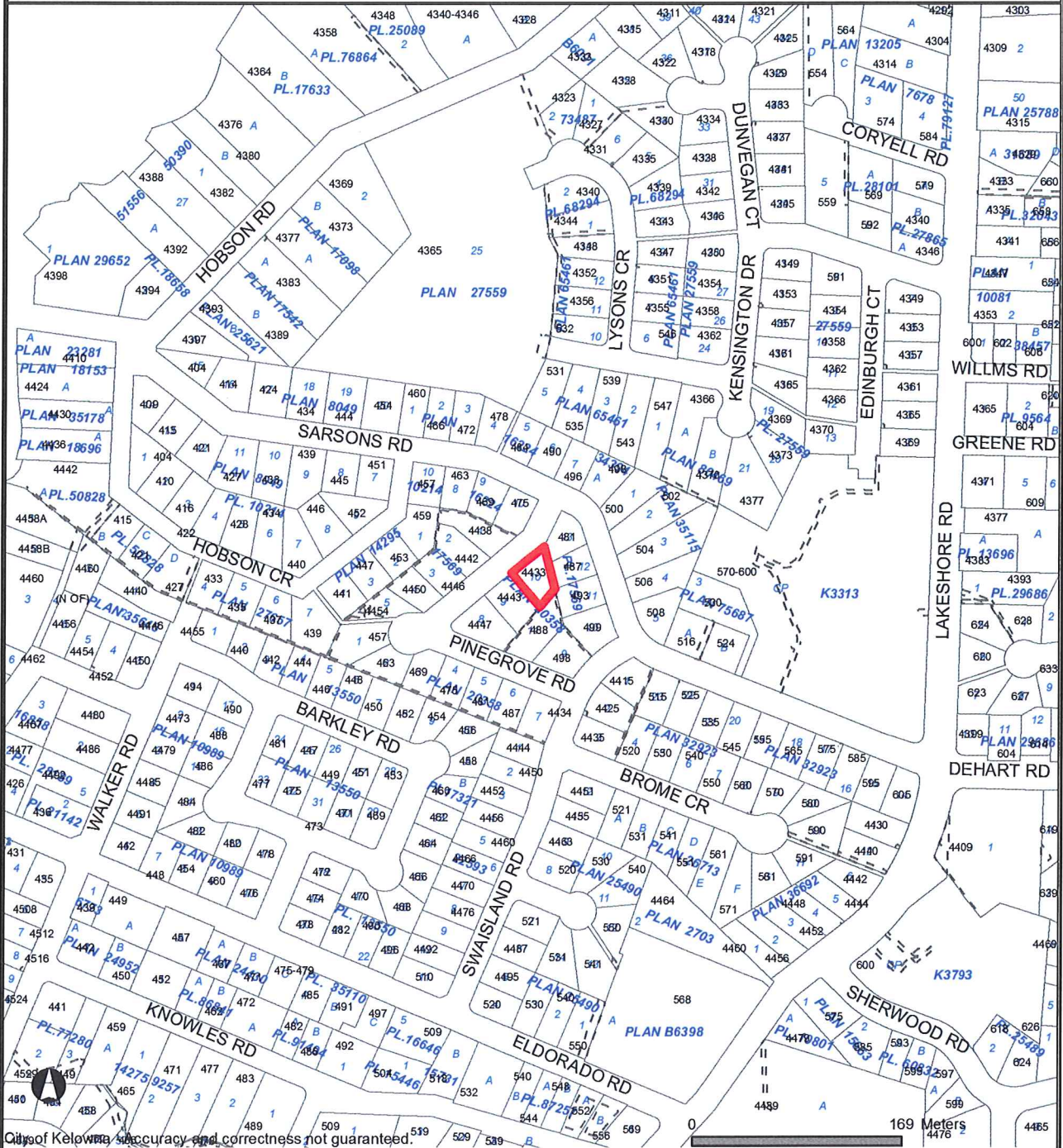


# ADDRESS MAP

## DVP11-0098



Subject Property

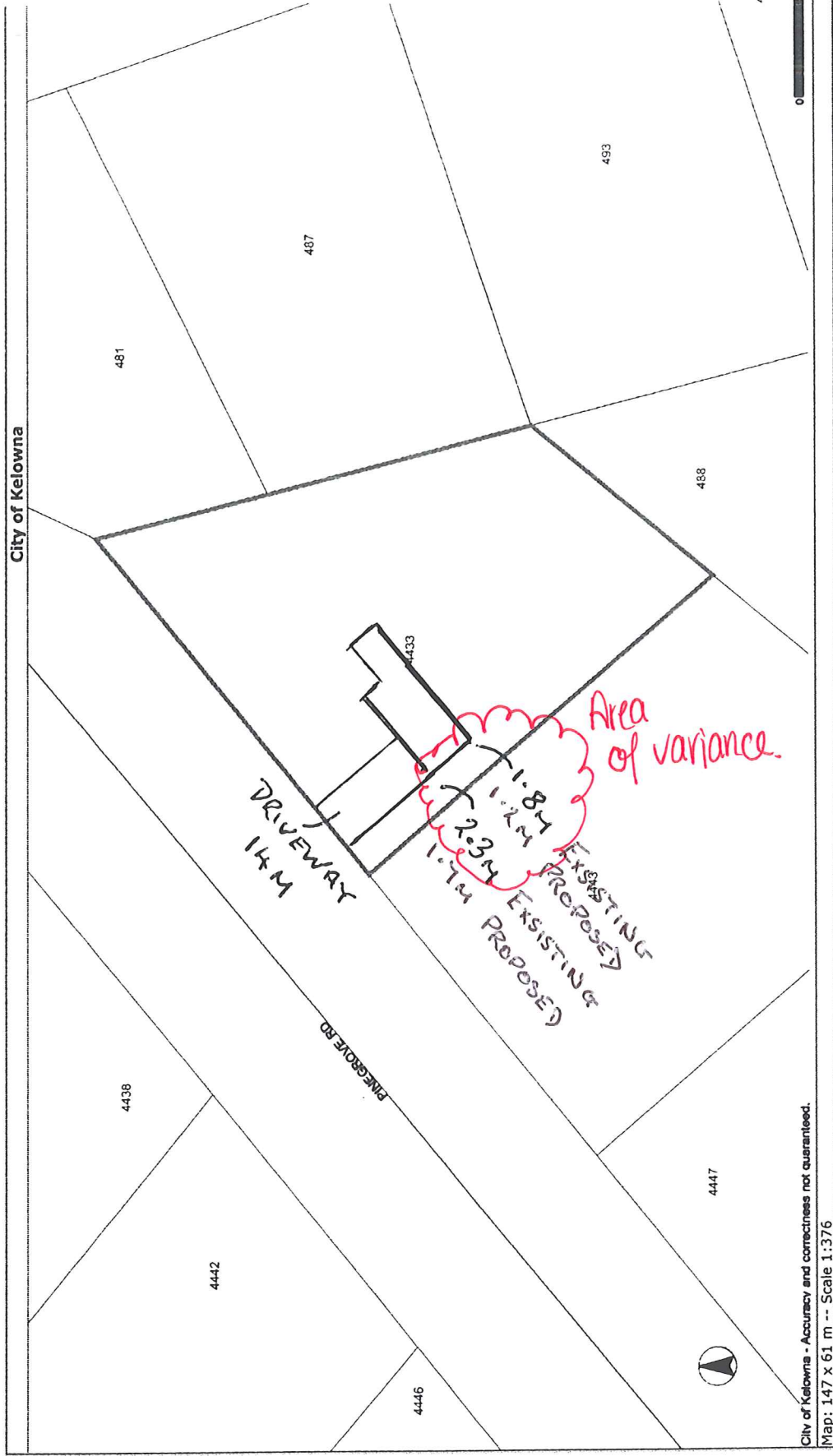


City of Kelowna accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2011-06-06

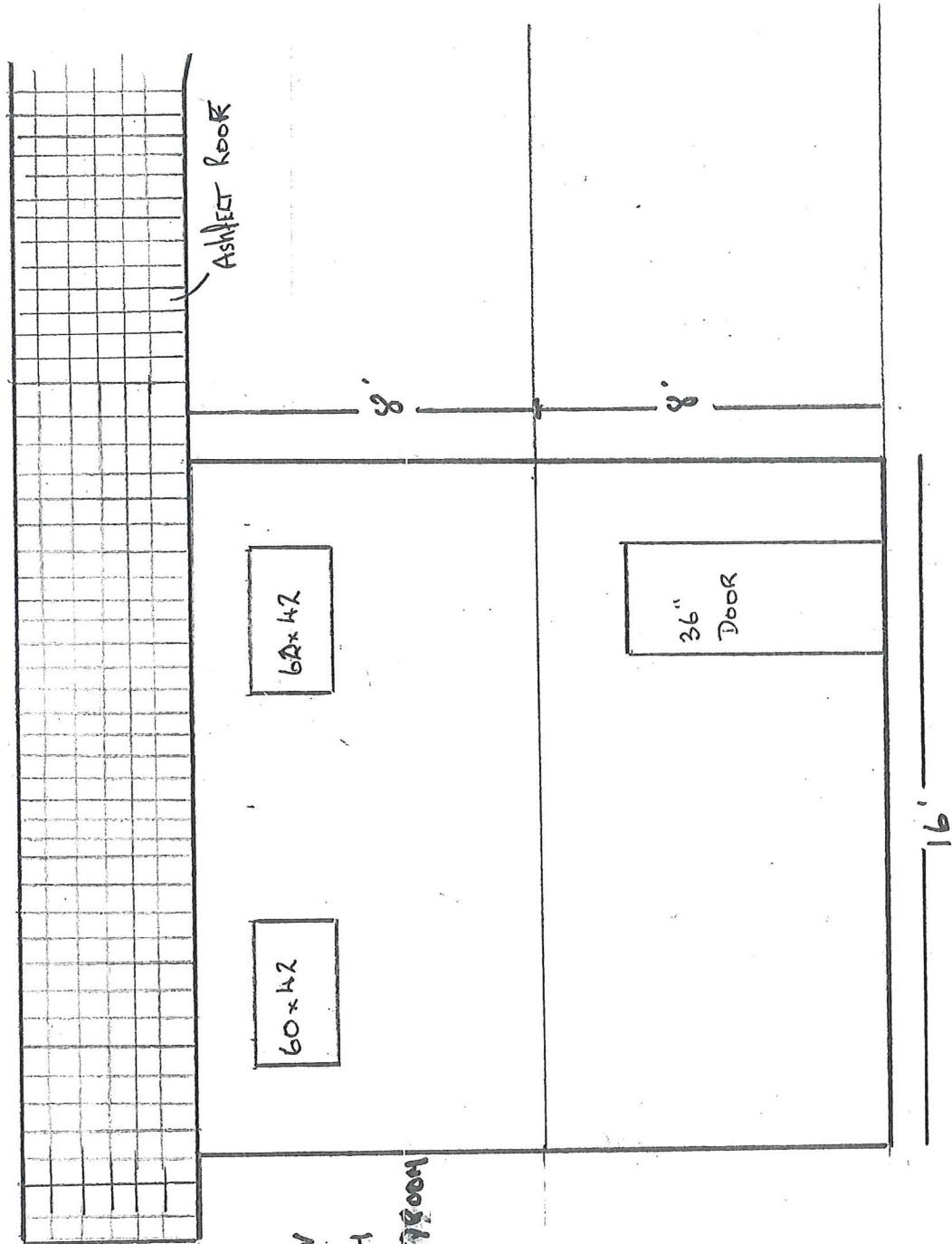
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



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REAR  
ELEVATION

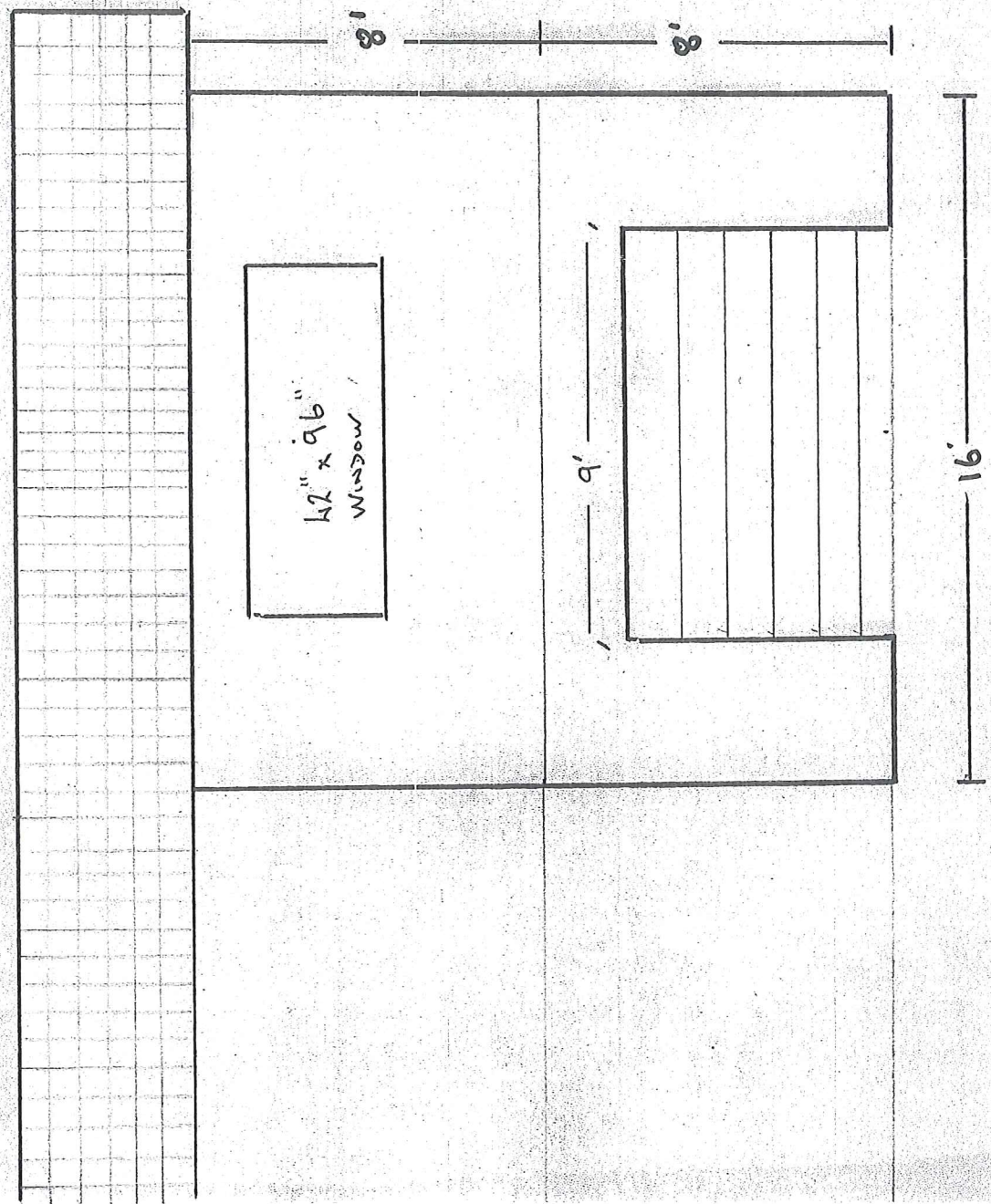
PROPOSED NEW  
GARAGE WITH  
2nd STOREY BEDROOM



FRONT  
ELEVATION

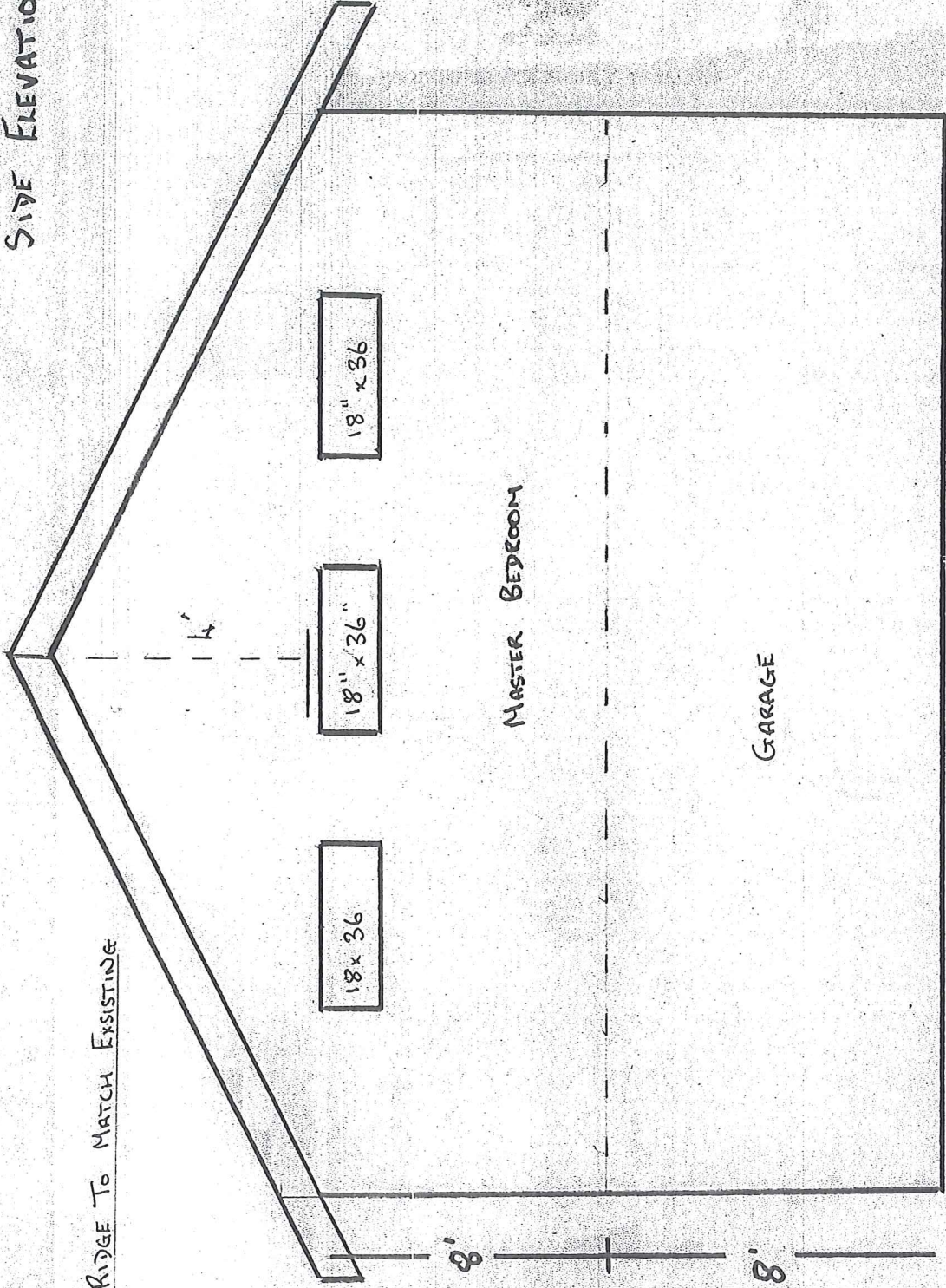
PROPOS

PROPOSED NEW  
GARAGE + 2nd  
STOREY BEDROOM



SIDE ELEVATION

RIDGE TO MATCH EXISTING



4'

18" x 36

18" x 36"

18x36

MASTER BEDROOM

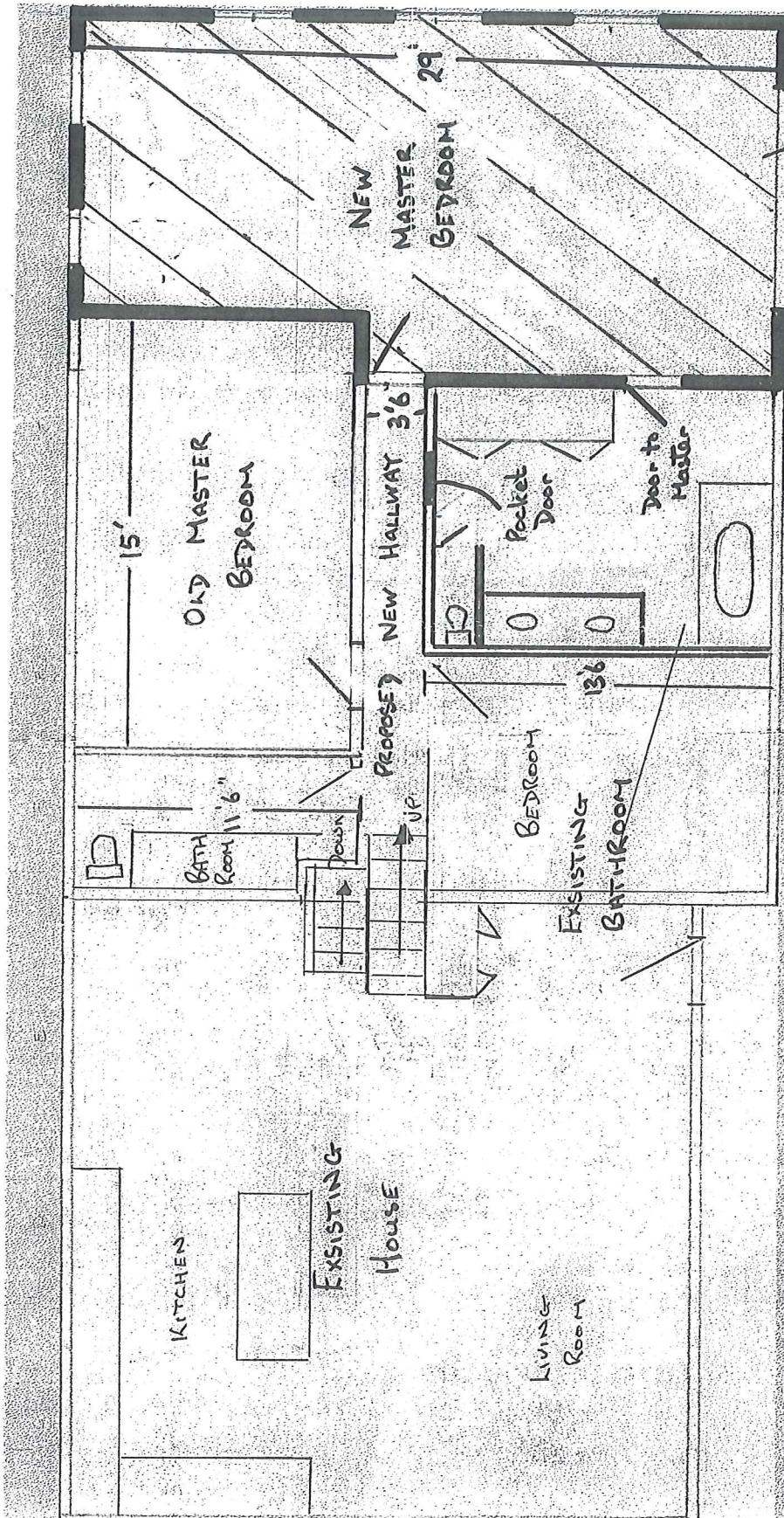
GARAGE

8'

8'

29'





UPPER LEVEL  
FLOOR PLAN

Roof line to match existing  
Gable end on new garage wall

16' x 29' new  
master bedroom

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP11-0098

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

ISSUED TO: Mathew and Victoria Hanson	APPLICANT: Hamlet Property Services (Paul Day)
LOCATION OF SUBJECT SITE: 4433 Pinegrove Rd.	

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	10	167	20358			ODYD

### 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:

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

Section 13.1.6 (d): Development Regulations

To vary the required south side yard setback from 2.3m required to 1.2m 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 JULY, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_<sup>TH</sup> DAY OF JULY 2011.

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Shelley Gambacort  
Director of Land Use Management