



opposition to the proposed variance request. Therefore, in the spirit of customer service and creative problem solving, this is not seen to be a precedent and will allow a reinvestment in both this property and the neighborhood that meets many of the design guidelines as identified in the OCP.

## 4.0 Proposal

### 4.1 Project Description

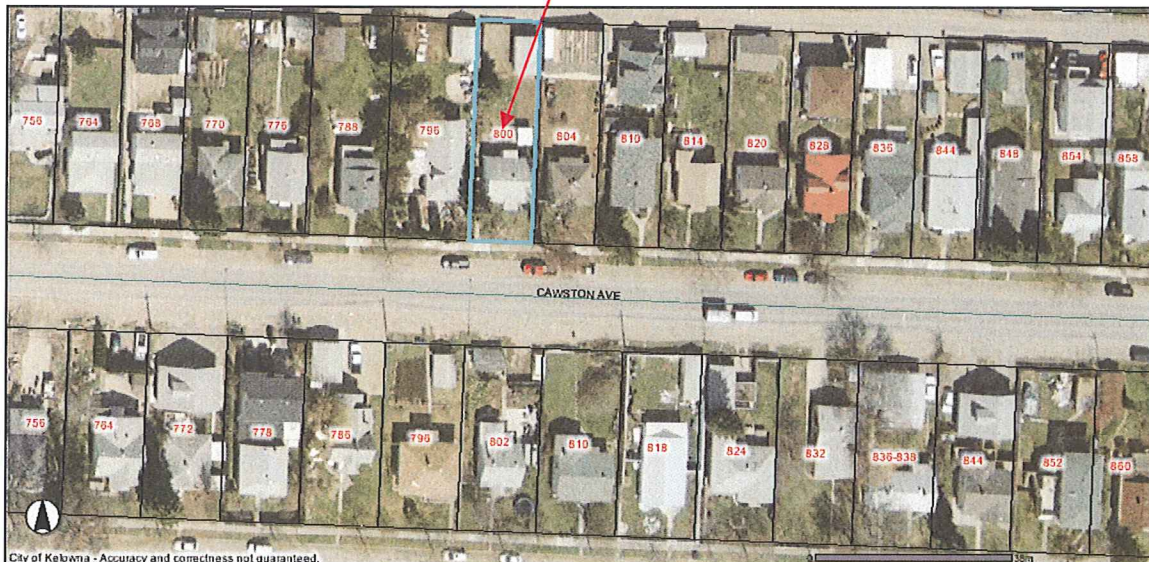
A Development Permit for both dwellings has been reviewed by Staff. The applicant had chosen a typical depression era building design for the new principal home. The two storey home has a friendly face with a front verandah, a peaked roof and a traditional style chimney. The proposed dwelling is taller than found in the immediate area, however given its strong traditional lines it complements the existing neighbourhood. The accessory building will contain a modest one bedroom secondary suite.

Procedurally, the applicant must submit Home Protection Office (HPO) documentation to accompany a Building Permit application. As the applicant will be the general contractor for both the detached accessory building and the principal dwelling re-build, HPO will not authorize a property owner to hold two Owner Builder Authorizations (an Owner Builder Authorization is required for any person wishing to construct a dwelling on their own without the supervision of a licensed contractor). In order for the applicant to proceed with their construction plans, a variance is required to permit the accessory building to be taller than the principal dwelling.

### 4.2 Site Context

The subject property is located on the north side of Cawston Avenue in the urban centre of Kelowna along the newly created multi-use corridor. The surrounding properties are zoned RU6-Two Dwelling Housing. A few sites in the immediate vicinity have suites in accessory buildings.

### 4.3 Subject Property Map: 800 Cawston Avenue



## 4.4 Zoning Analysis

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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR SECONDARY SUITE IN ACCESSORY BUILDING)
Subdivision Regulations		
Lot Area	517 m <sup>2</sup>	400 m <sup>2</sup>
Lot Width	12.2 m	13.0 m
Lot Depth	42.5 m	30.0 m
Development Regulations		
Site Coverage (buildings)	22 %	40%
Site Coverage (buildings/parking)	42.3 %	50%
Principal Dwelling		
Height	1 Storey / 3.5 m <sup>①</sup>	2 ½ storeys / 9.5 m
Floor Area	71.5 m <sup>2</sup>	
Front Yard	6.92 m	4.5 m or 6.0 m to a garage
Side Yard (w)	1.6m <sup>②</sup>	2.0 m (1½ storey)
Side Yard (e)	1.66m <sup>③</sup>	2.0 m (1½ storey)
Rear Yard	25.95 m	7.5m (2 - 2 ½ storeys)
Proposed Accessory Building		
Height	1 storey / 4.5m <sup>①</sup>	4.5 m
Floor area	45 m <sup>2</sup> / 62%	Lessor of 90 m <sup>2</sup> or 75% of total floor area of principal building
Front Yard	27.9 m	4.5 m or 6.0 m to a garage
Side Yard (e)	2.3 m	2.0 m (1 - 1 ½ storey)
Side Yard (w)	2.3 m	2.0 m (1 - 1 ½ storey)
Rear Yard	6.0 m	1.5m
Separation Between Units	7.89 m	4.5 m
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space /dwelling

① A variance is required to permit the accessory building be higher than the existing principal dwelling.

② & ③ Existing non-conforming side yard setbacks.

## 5.0 Technical Comments

### 5.1 Building & Permitting Department

As per the requirements of Home Protection Act, if a land owner wants to act as OWNER BUILDER, he/she is allowed to construct the second dwelling 18 months after the occupancy of the first one. Development Services Staff have no issue to support the DVP as a solution to accommodate the customer need of occupancy and also to comply with provincial and local regulations.

### 5.2 Development Engineering Department

The requested variance to section 9.5.1(e) of the Zoning Bylaw to permit the accessory building be higher than the principal dwelling, does not compromise our servicing requirements.

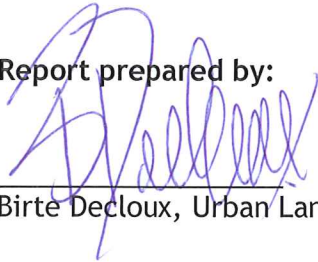
### 5.3 Fire Department

No Comment.

## 6.0 Application Chronology

Date of Application Received: June 16, 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

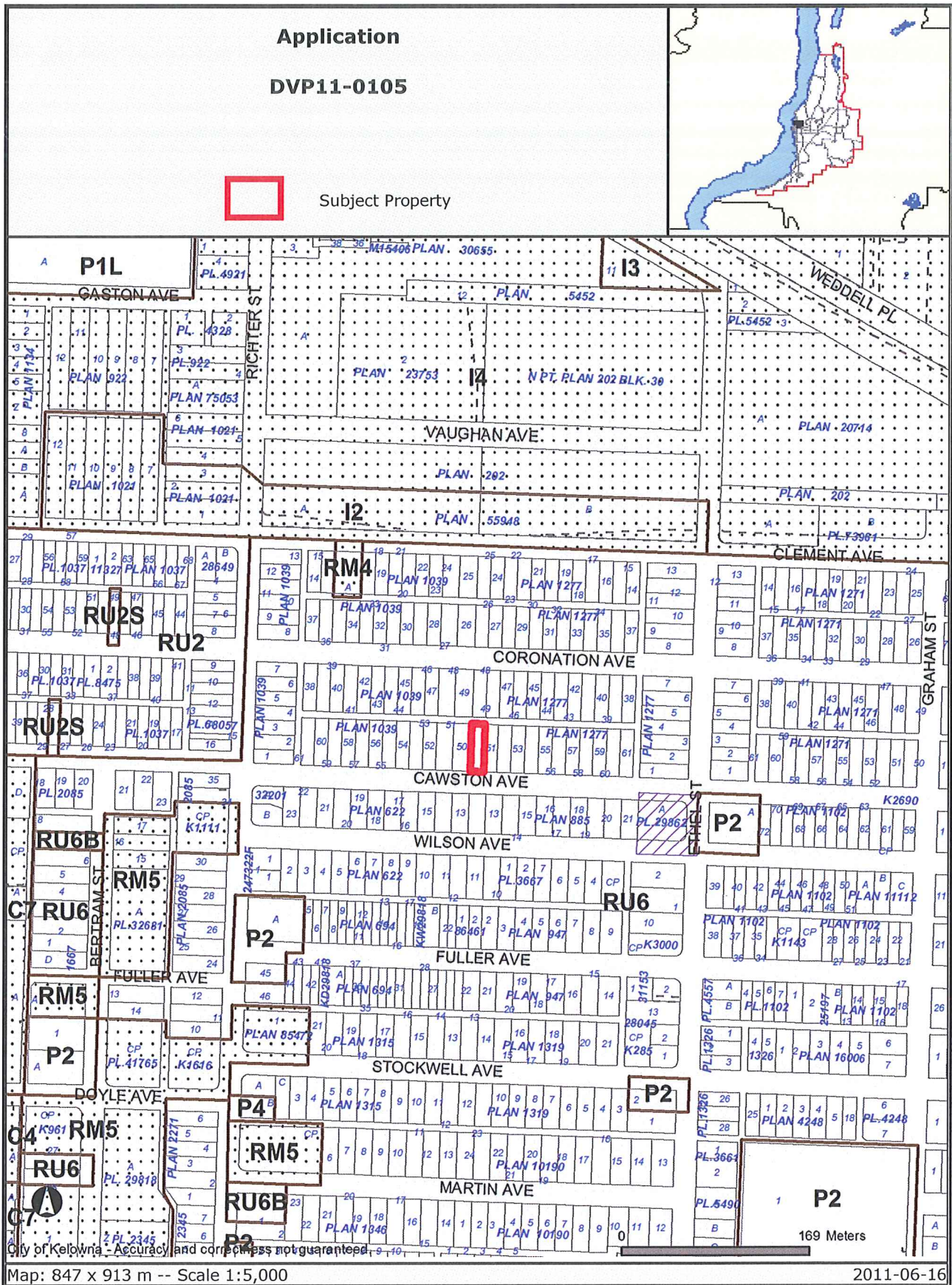
Site Plan

Conceptual Elevations

Summary of Technical Comments

2011-06-16 11:00:00 AM





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.

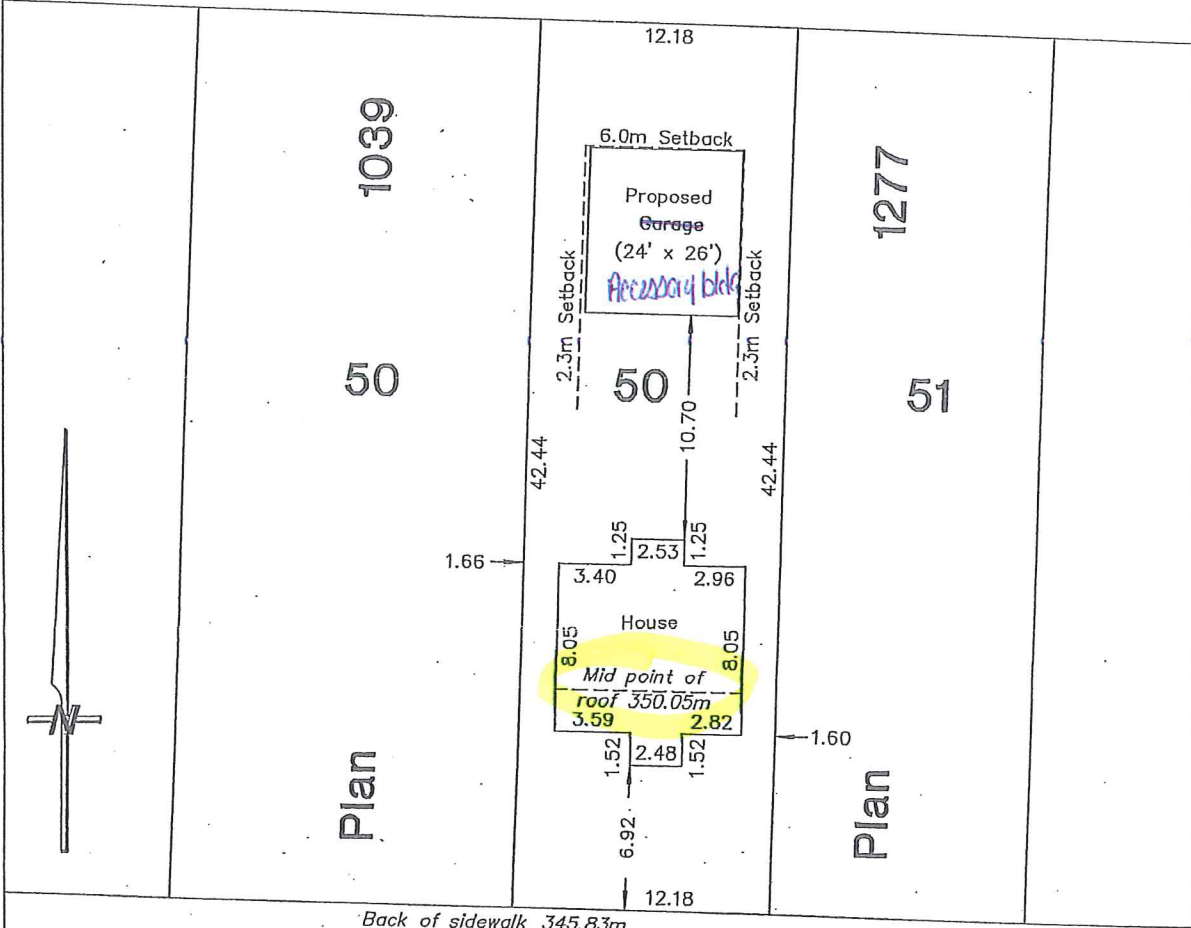
British Columbia Land Surveyors  
**BUILDING SITE PLAN**

800 Cawston Ave Lot 50, D.L.138, ODYD, P.Lan 1277

Scale 1:300 Metric.

*Phase 1*

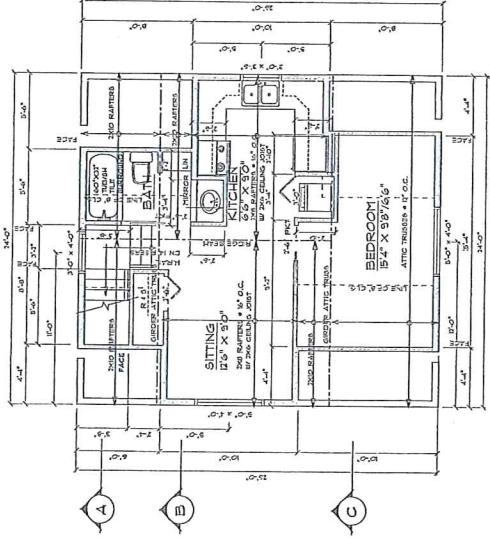
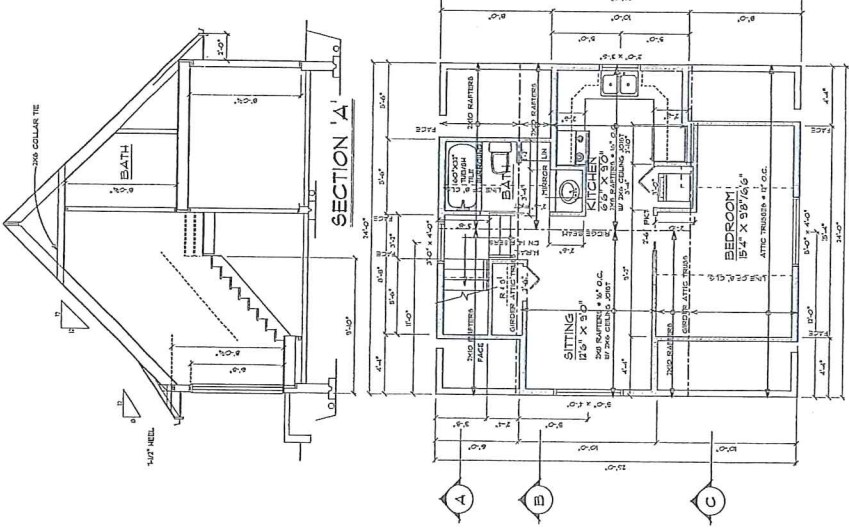
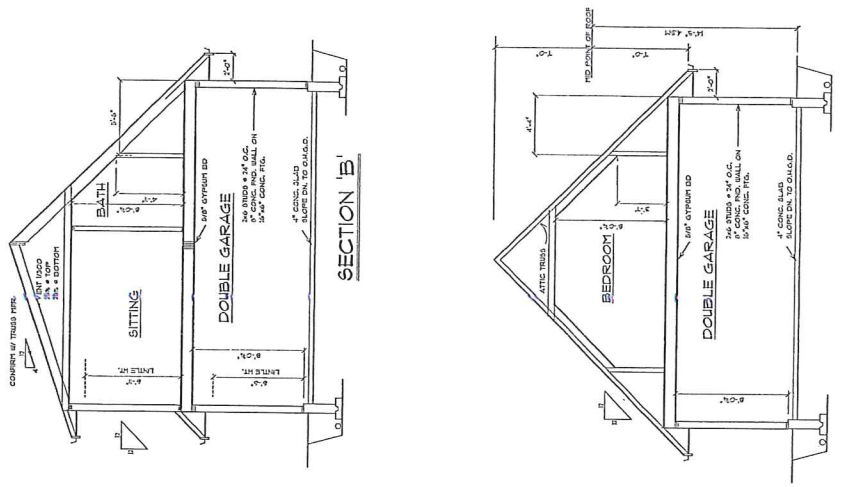
Lane



Back of sidewalk 345.83m

Cawston Avenue

DATE:	DATE:	DATE:	DATE:	DATE:
REVISION:	SHANNON ROUSEL	201 - 1581 Sutherland Ave., Kelowna, BC V1Y 5Y7	250-861-8812	ROBINSON
COPYRIGHT	RESIDENTIAL DESIGN	DATE ISSUED: February 25, 2011	PLAN BY: CRN/BS	SCALE: W/1/8"
PROJECT NO. 1581	JOB NO. 1581	LOT NUMBER: 2	LOT NUMBER: 2	SHEET: 2



SECTION 'C'

SECTION 'A'

SECTION 'B'

SECOND FLOOR PLAN  
484 SQ. FT.





# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP11-0105

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

ISSUED TO: Shannon Roussel
LOCATION OF SUBJECT SITE: 800 Cawston Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	50	138	1277			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:

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

#### Section 9.5.1 (e): Secondary Suite - Accessory Building Height

To vary the requirement that the accessory building shall not be higher than the existing principal dwelling and allow the accessory building to be higher than the principal dwelling.

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.

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