

# REPORT TO COUNCIL



**Date:** September 30, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (PMc)

**Application:** DVP11-0126

**Owner(s):** Martin Edmund Tymm &  
Heather Ann White

**Address:** 644 Armour Cr.

**Applicant:** Heather White

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0126, for Lot 5, Sec. 6, Twp. 26, O.D.Y.D., Plan 18510, located on Armour Crescent, Kelowna, BC;

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

Section 13.1.6(d) Development Regulations:

To vary the northern side yard setback from 2.3m required to 1.6m proposed (as per Schedule "A").

## 2.0 Purpose

The applicant wishes to extend the roof structure over the second storey deck. The variance has been required as the area of the deck that is proposed to be covered is setback only 1.6 m where the RU1 zone requires a 2.3 m setback from property line for portions of the building that are 2 storeys high.

## 3.0 Land Use Management

The dwelling has existed on this property for a substantial length of time. The applicant received a Building Permit in 2009 to install a canopy cover over the portion of the deck that complies with the sideyard setback for a two storey building. The requested variance will allow the applicant to extend the canopy cover over the rear portion of the deck. The proposed changes will not increase the building footprint that exists on the property.

Staff did consider the privacy implications to the northern property owner however, to address this issue, the applicant provided signatures of support from all the neighbours on Armour Crescent.

The variance is considered relatively minor and is not visible from the road.

## 4.0 Proposal

### 4.1 Background / Project Description

The dwelling on the subject property was originally constructed in 1971. A building permit to cover a portion of the deck issued in 2009, where the sideyard setback complied with the 2.3 m setback of the RU1 zone. Subsequently, the owners wish to cover the remainder of the deck, and this application has been made to vary the required side yard setback to 1.6m. The applicant has provided written support from their neighbours.

### 4.2 Site Context

The subject property is located on the east side of Armour Crescent, near the south end of the road. The area is located in the North Mission / Crawford sector of the City.

Location Map

644 Armour Crescent.



Adjacent zones and uses are, to the:

- |       |   |  |
|-------|---|--|
| North | - | RU1 - Large Lot Housing - Single unit residential      |
| East  | - | A1 - Agriculture 1 (non-ALR) - Single unit residential |
| South | - | RU1 - Large Lot Housing - Single unit residential      |
| West  | - | RU1 - Large Lot Housing - Single unit residential      |



### 4.3 Zone Analysis

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

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	919 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	20 m	16.5 m
Lot Depth	37.8 m	30.0 m
Development Regulations		
Site Coverage	37.5% 41%	40% buildings 50% bldg, driveway
Height	7.78 m / 2 storey	9.5 m / 2½ storey
Front Yard	8.69 m to garage	4.5 m 6.0 m to garage
Side Yard (north & east)	1.6 m (1 or 1½ storey)❶ 1.6 m (2 or 2½ storey)❷	2.0 m (1 or 1½ storey) 2.3 m (2 or 2½ storey)
Side Yard (south west)	5.3 m	2.0 m (1 or 1½ storey) 2.3 m (2 or 2½ storey)
Rear Yard	29 m	7.5 m
Other Regulations		
Minimum Parking Requirements	1 stalls provided in garage 1 stalls available on driveway	2 stalls required

**NOTE:**

- ❶ 1.6m existing setback at ground floor, as permitted by the Zoning Bylaw of the day
- ❷ Variance requested to vary side yard setback to second storey from 2.3m required to 1.6m proposed.

### 5.0 Technical Comments

#### 5.1 Building & Permitting Department

No Concerns

#### 5.2 Development Engineering Department

This development variance permit application to vary the side yard setback from 2.3m to 1.6m does not compromise any municipal services.

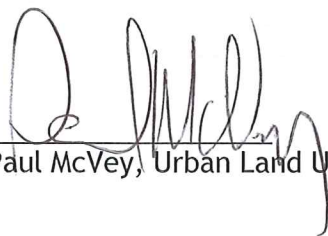
#### 5.3 Fire Department

No Concerns

## 6.0 Application Chronology

Date of Application Received: July 19, 2011

### Report prepared by:



Paul McVey, Urban Land Use Planner

### Reviewed by:



Danielle Noble Manager, Urban Land Use Management

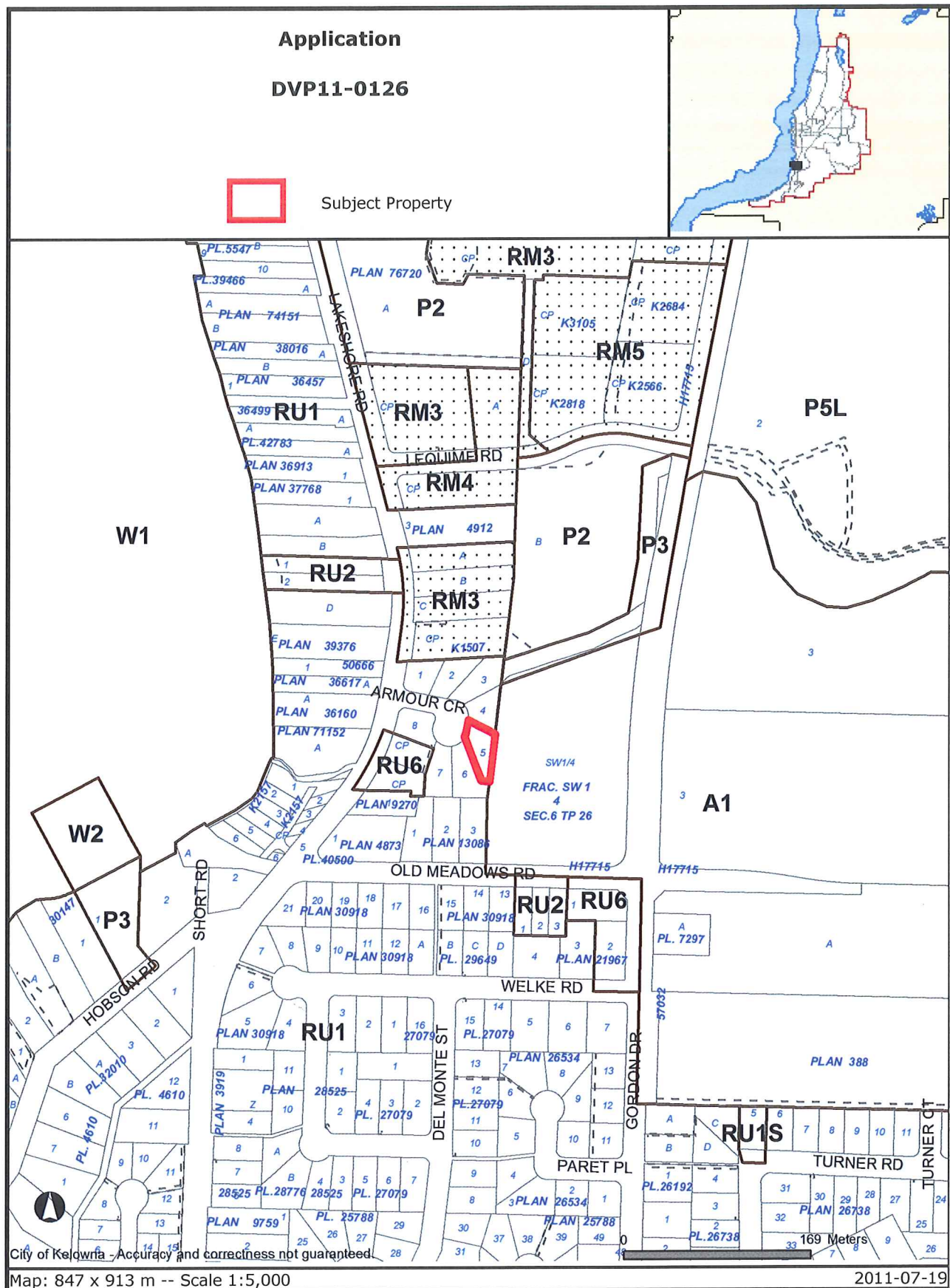
### Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

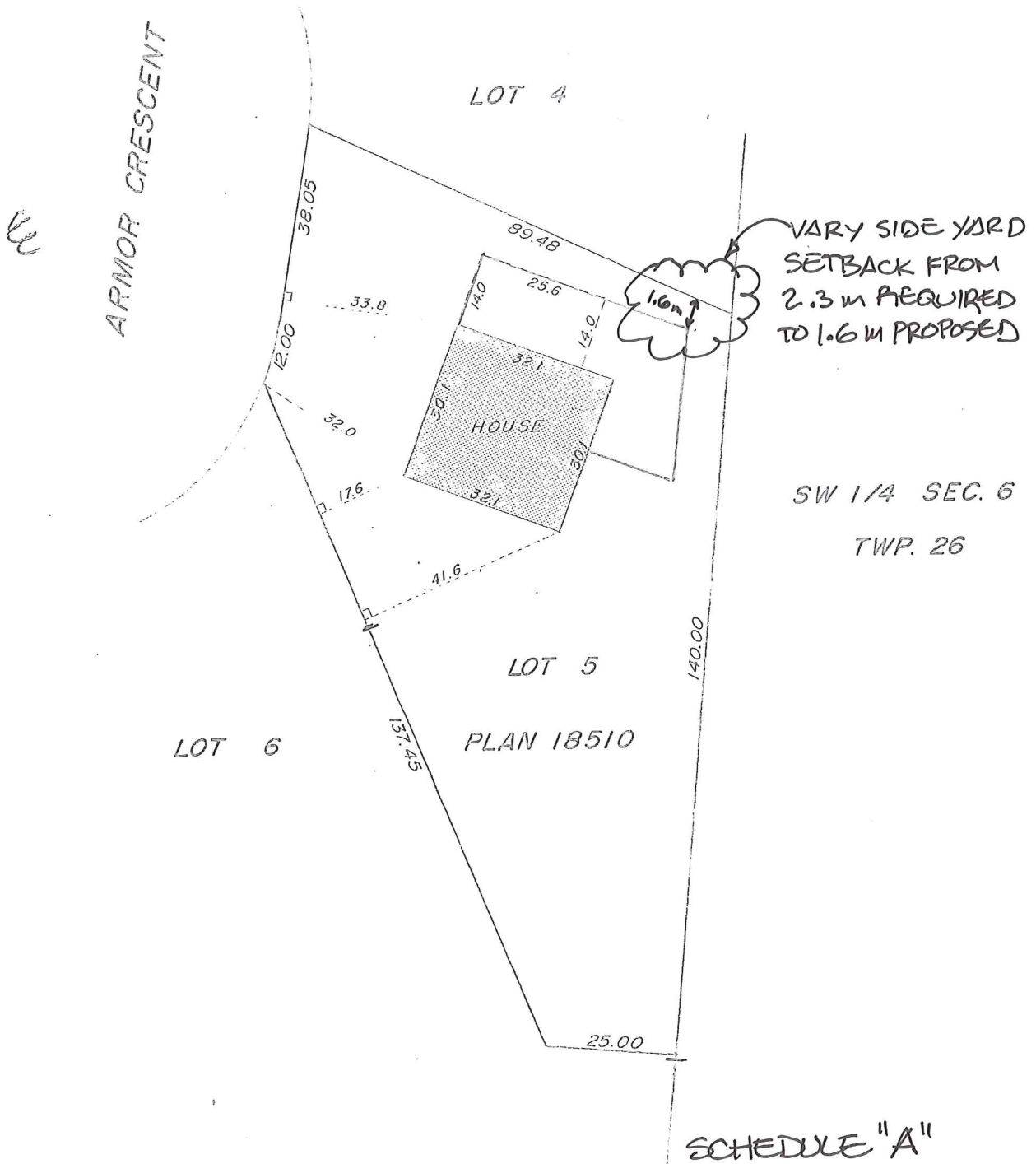
### Attachments:

Location Map  
Site Plan showing location of requested variance  
Issued building permit elevation drawings  
Proposed Deck cover plan drawings  
Photos of dwelling and partial deck cover existing  
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.

ON LOT 5, PLAN 18510, SECTION 6, TOWNSHIP 26  
 OSQY005 DIVISION ——— YALE DISTRICT



DBH 2

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WILLIAM H. HUNTER

1963

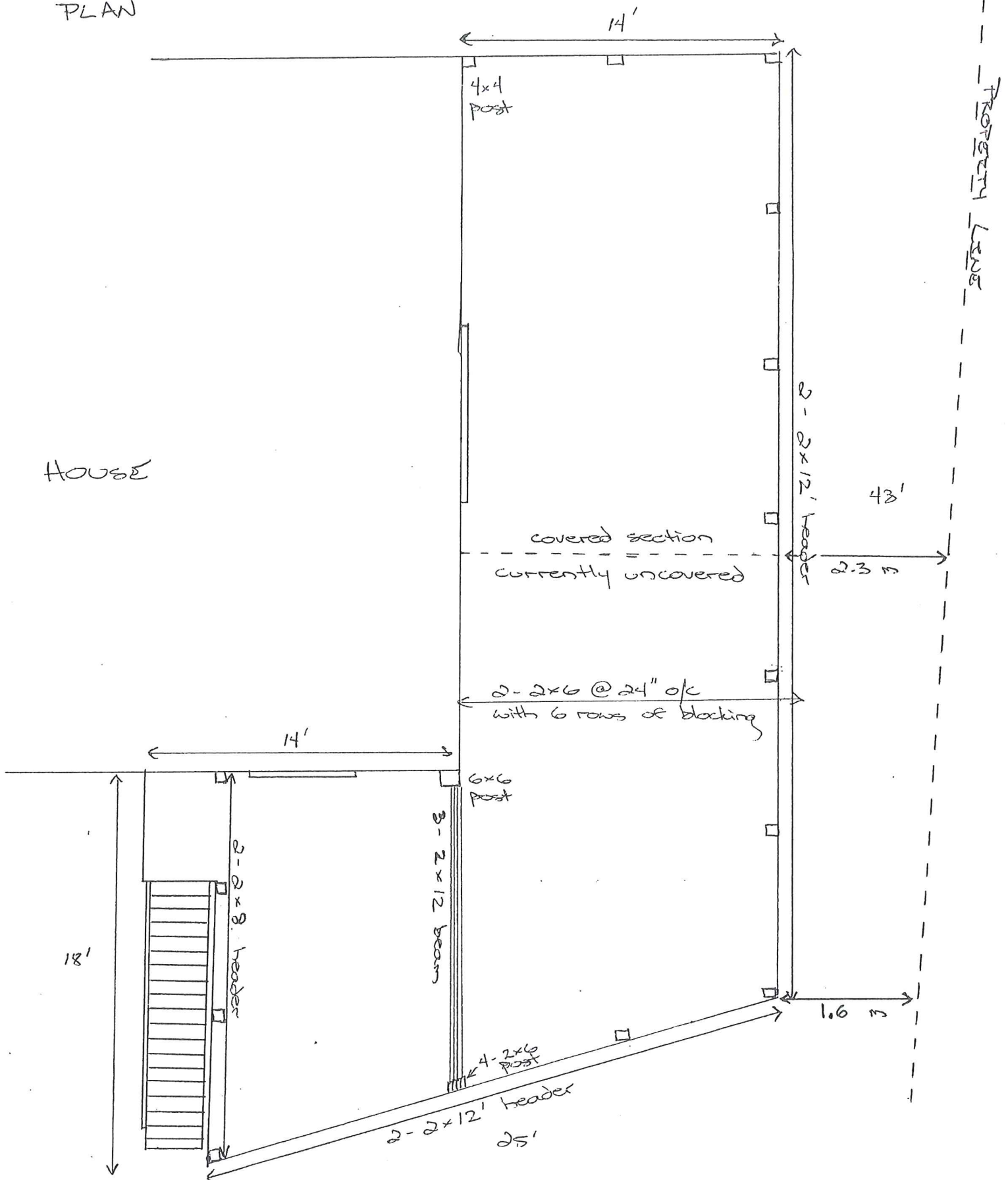
MAY 8,

*W. H. Hunter*



DECK  
FLOOR  
PLAN

ARMOUR CRESCENT







# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP11-0126

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	A Development Variance Permit to vary side yard setback from 2.3m required to 1.6 m proposed

ISSUED TO:	Heather White
LOCATION OF SUBJECT SITE:	644 Armour Crescent

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	5	18510	6	26	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 be granted:

Section 13.1.6(d): Development Regulations;

To vary side yard setback from 2.35m required to 1.6m proposed.  
(as per Schedule "A")

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:

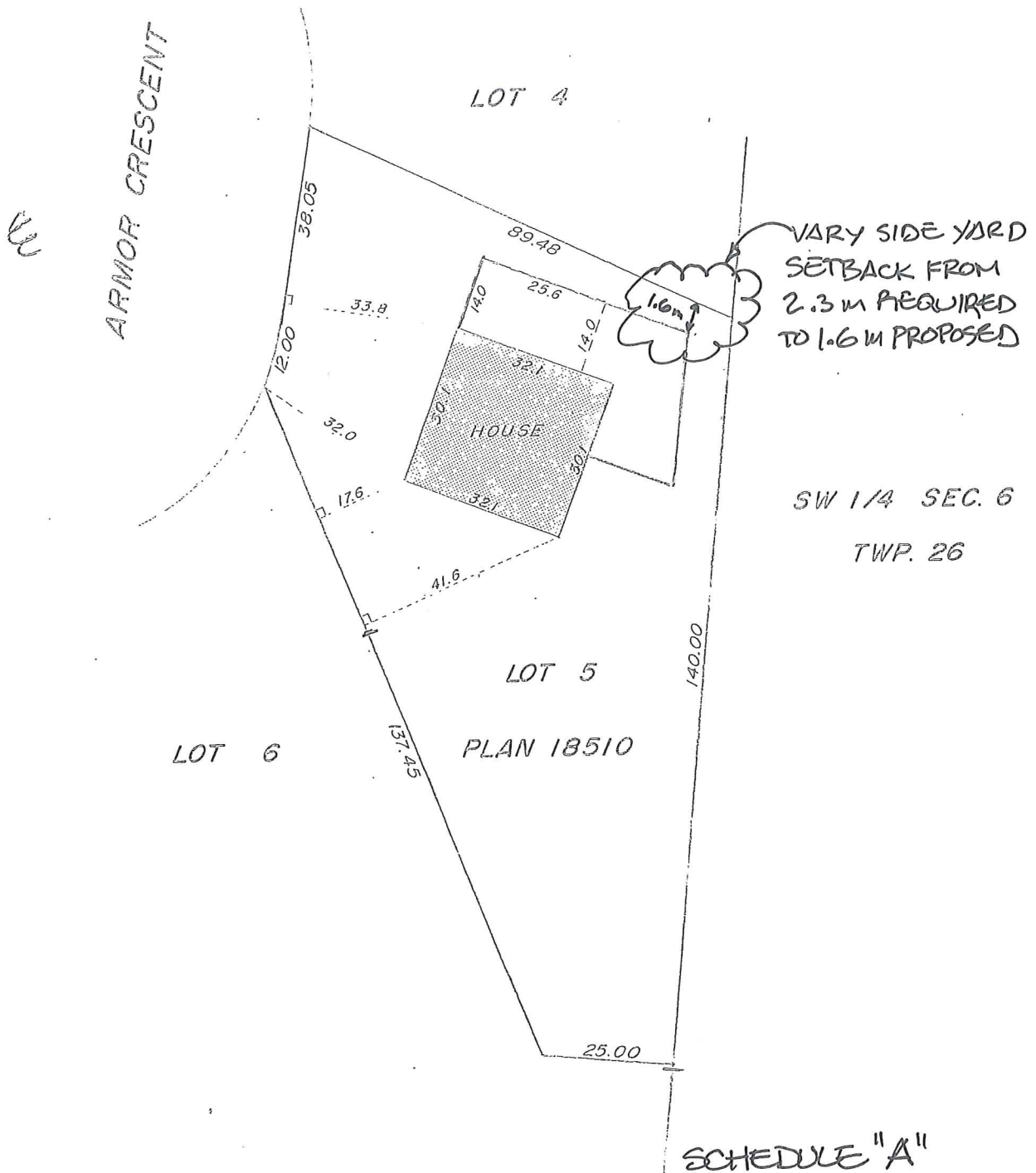
AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE \_\_\_\_ DAY OF OCTOBER, 2011.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF OCTOBER, 2011.

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



ON LOT 5, PLAN 18510, SECTION 6, TOWNSHIP 26  
OSQYOOS DIVISION ——— YALE DISTRICT



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MAY 8,

*[Signature]*