

4.0 Proposal

An existing covered veranda was built by previous property owners to within 1.65m of the property line. A Building Permit was not obtained for this construction. The existing veranda extends into the required rear yard setback.

The current property owners are seeking to replace the existing veranda. The new structure would reduce the projection into the required rear yard; however, a variance would still be required. The proposed structure would be setback a minimum of 2.2m from the rear property line, where a minimum of 4.5m is required. The height of the deck floor would be approximately 2.3m - matching the existing floor height, with the existing roof line and finishing material extended over the veranda.

4.1 Site Context

The site is located in the Lower Mission area, off of Eldorado Road. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Housing
East	RU1 - Large Lot Housing	Single Family Housing
South	RU1 - Large Lot Housing	Single Family Housing
West	RU1 - Large Lot Housing	Single Family Housing

Subject Property Map: 470 Barkley Road



Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m ²	913m ²
Lot Width	16.5m	22.8m
Lot Depth	30.0m	43.6m
Development Regulations		
Front Yard	4.5 m	7.2m
Side Yard (west)	2.0 m (1 - 1 ½ storey)	2.76m
Side Yard (east)	2.0 m (1 - 1 ½ storey)	6.40m
Rear Yard (where lot width exceeds depth)	4.5m	2.2m ^⓪
<small>⓪ Indicates a requested variance to minimum rear yard setback from 4.5m required to 2.2m proposed.</small>		

5.0 Technical Comments

5.1 Building & Permitting Department

Building Permit required.

5.2 Development Engineering Department

Application does not compromise any municipal services.

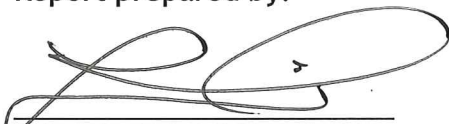
5.3 Fire Department

No concerns.

6.0 Application Chronology

Date of Application Received: September 30, 2011
 Advisory Planning Commission n/a

Report prepared by:


 Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble Manager, Manager, Urban Land Use

Approved for Inclusion:

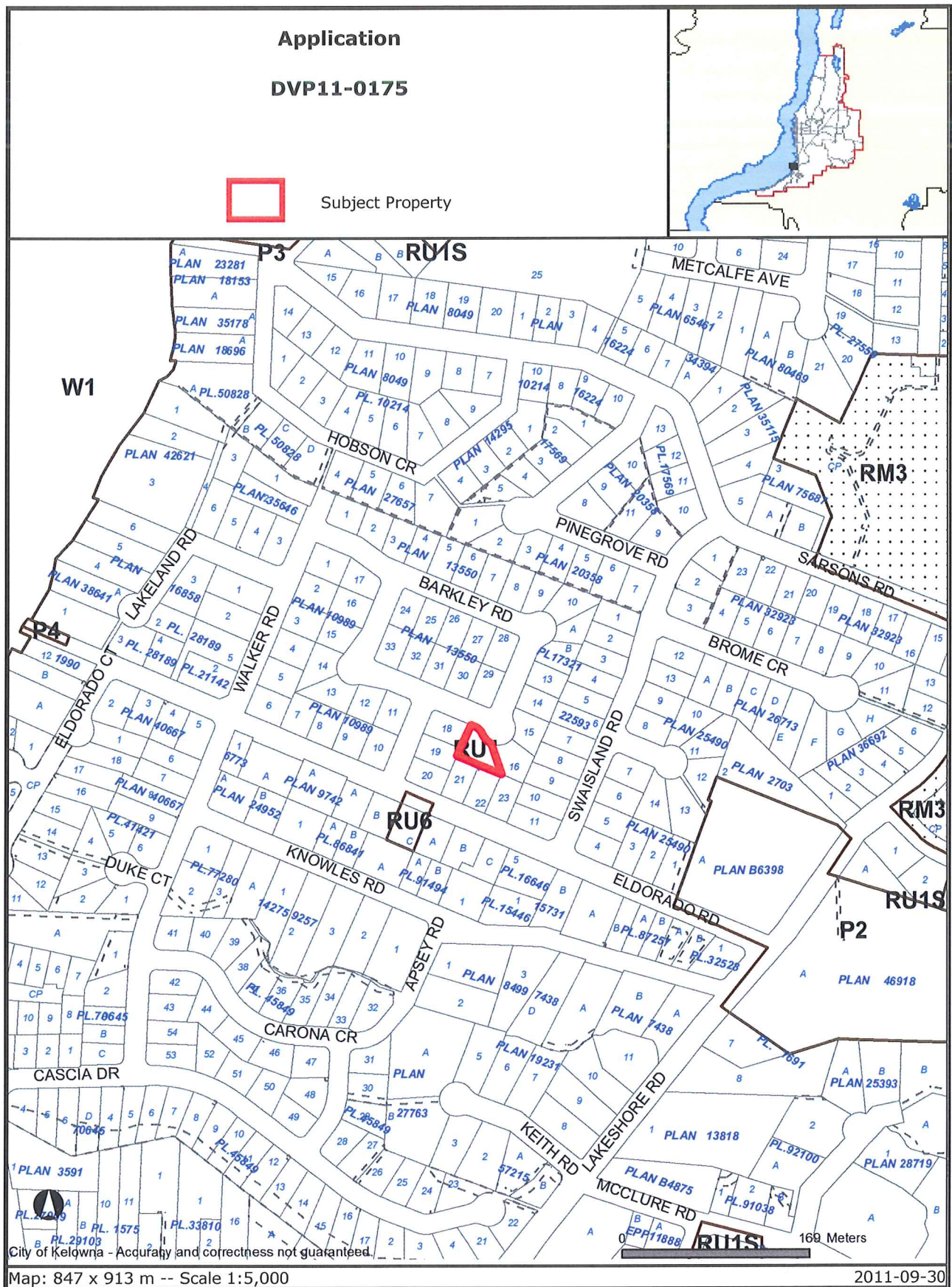


Shelley Gambacort, Director, Land Use Management

Attachments:

- Site Plan
- Existing Survey Certificate/Site Plan
- Veranda Floor Plan
- Elevations





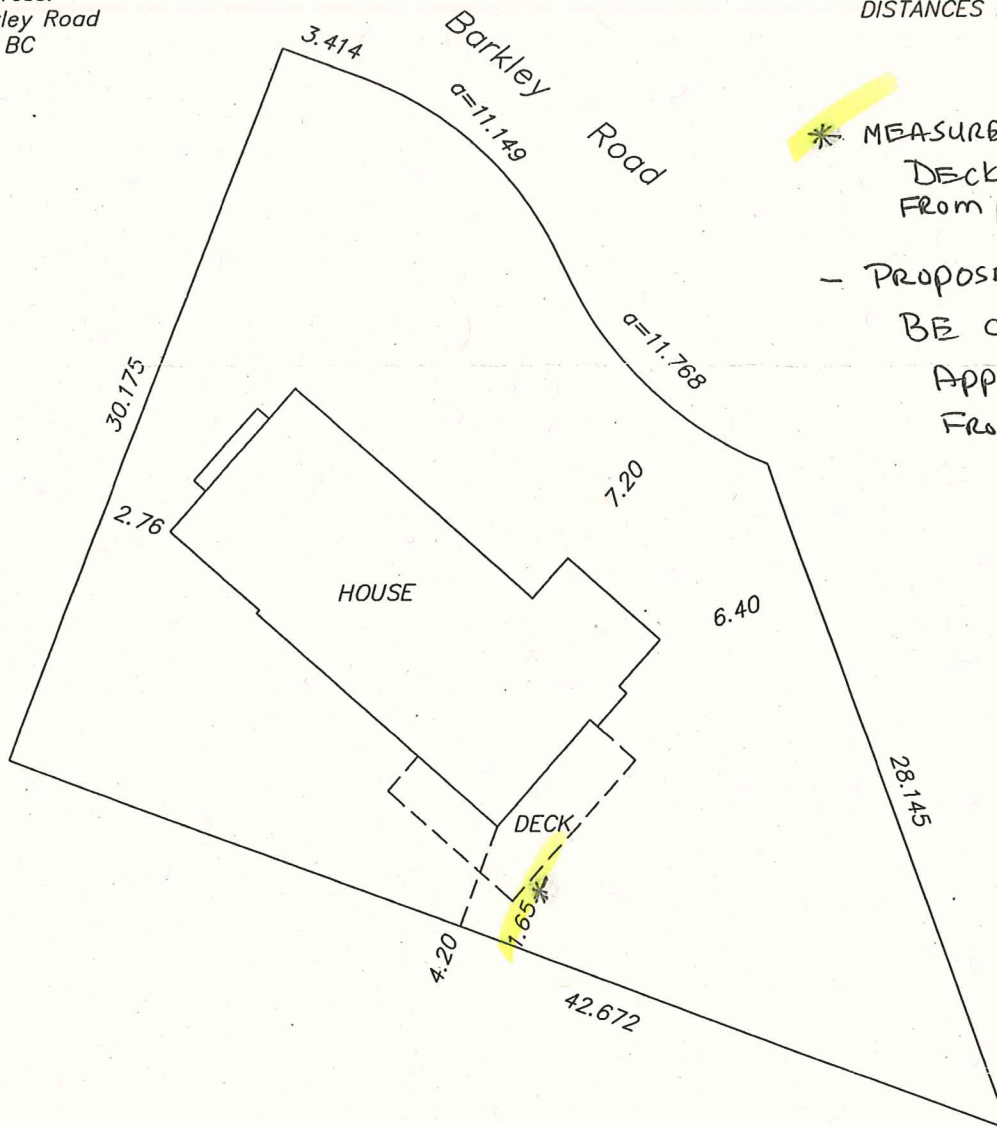
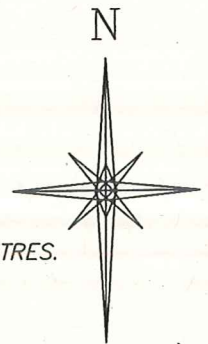
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 17 PLAN 13550 D.L. 167 O.D.Y.D.

Civic Address:
470 Barkley Road
Kelowna, BC

SCALE 1:300

DISTANCES ARE IN METRES.



* MEASUREMENT OF EXISTING DECK IS 1.65 METRE FROM PROPERTY LINE

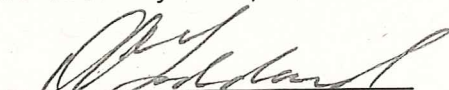
- PROPOSED DECK TO BE CUT BACK TO APPROX. 2.21 METRES FROM PROPERTY LINE.

CLIENT- Murovec Renovations

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

CERTIFIED CORRECT
this 15th day of April, 2011.


D.A. Goddard BCLS

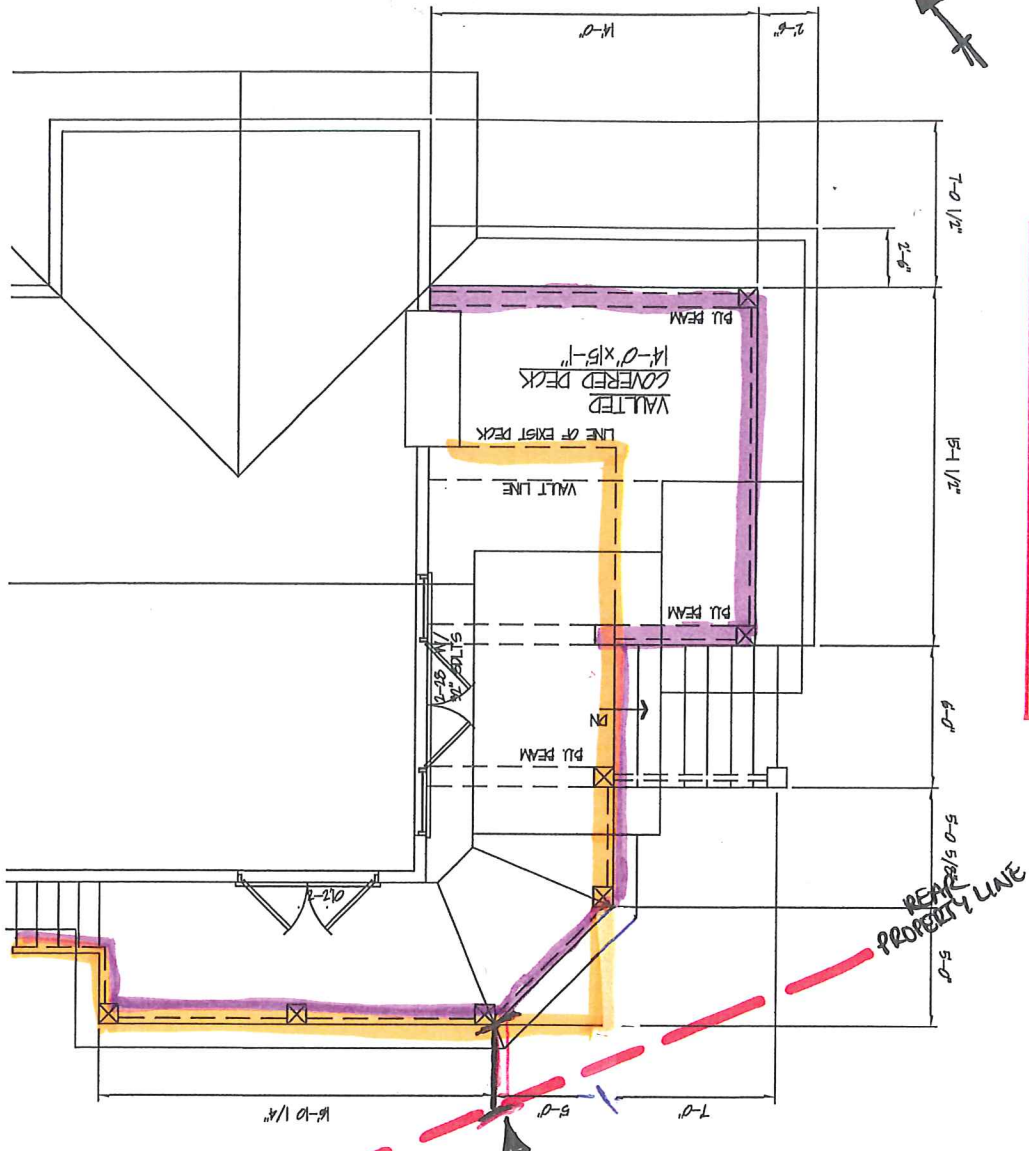
This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 15622 FB 353

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733



SCHEDULE A
 This forms part of development
 Permit # **01P11-0175**

New Deck

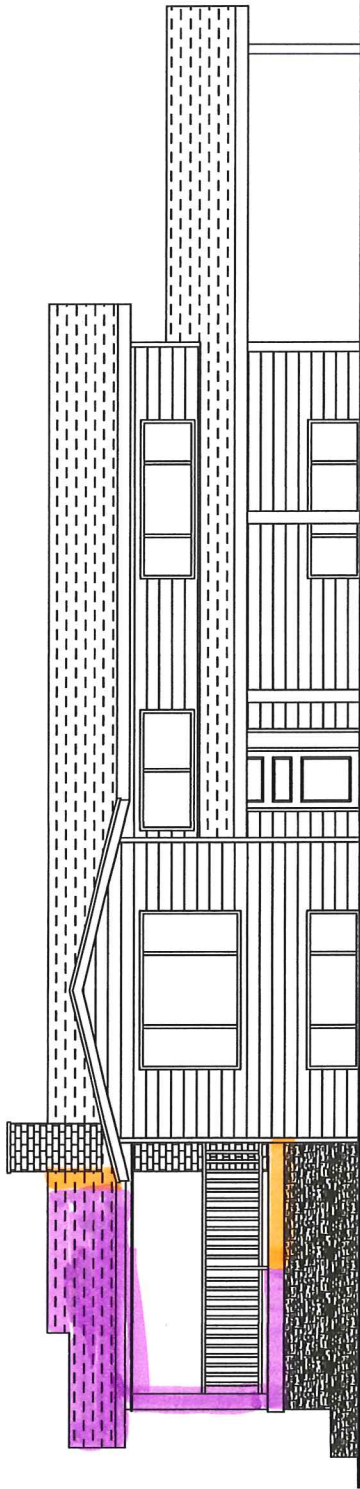
Old Deck

PROPOSED VARIANCE
 FROM 4.5M REQUIRED
 TO 2.2M PROPOSED

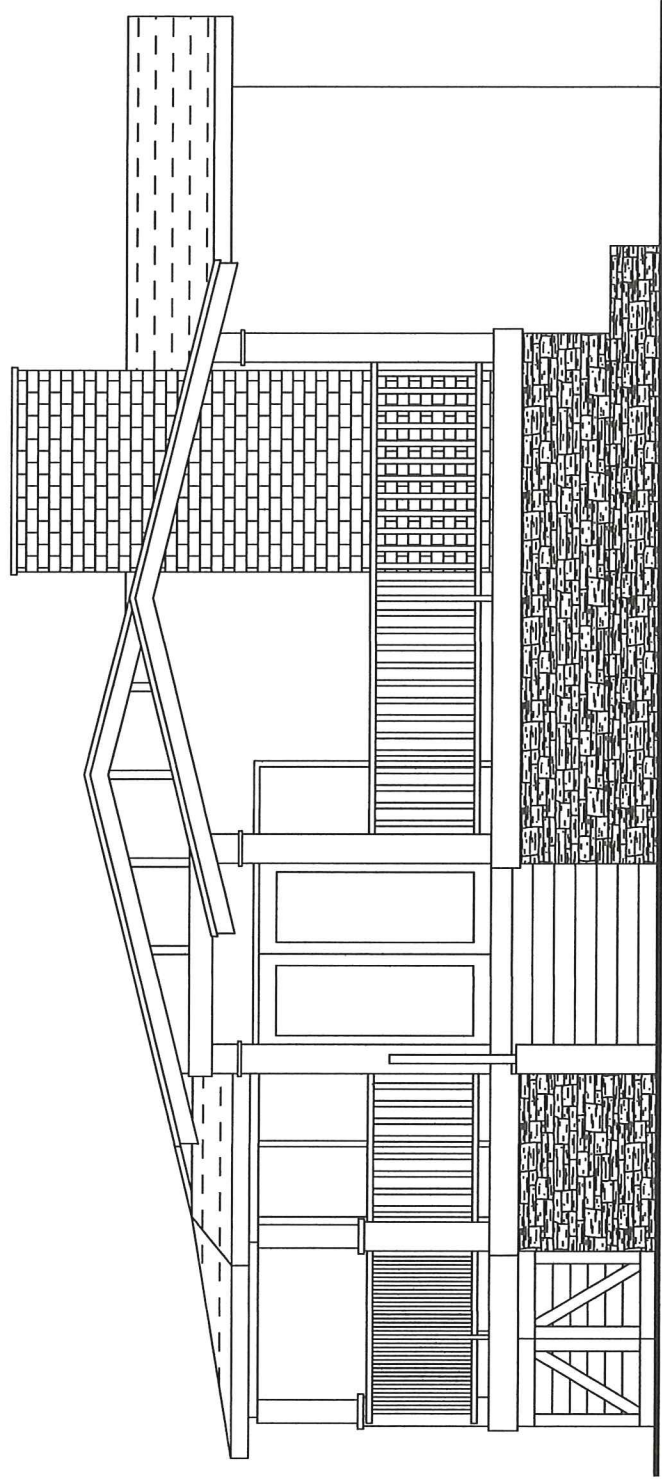
OLD DECK



New Deck



FRONT ELEVATION
1/4" = 1'-0"



**LEFT ELEVATION**
1/4" = 1'-0"

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0175

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE:	To vary maximum height of accessory building.

ISSUED TO:	Walter Murovec
LOCATION OF SUBJECT SITE:	470 Barkley Road

	LOT	DISTRICT LOT	DIV & DIST	PLAN
LEGAL DESCRIPTION:	17	167	ODYD	13550

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:

- a) THAT variances to the following section of Zoning Bylaw No. 8000 are granted as per Schedule "A":

Section 13.1.6(e) - RU1 Development Regulations: To vary the minimum rear yard from 4.5m required to 2.2m proposed, as per Schedule "A".

2. 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.

3. 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.

4. 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 the 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 MUNICIPAL COUNCIL THE @ OF @, 20@@.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE @ DAY OF @, 20@@, BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management

