

# REPORT TO COUNCIL



**Date:** October 28, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (PMc)  
**Application:** DVP11-0166  
**Owner(s):** Colin David Ross Suttie and Kirsten Courtenay  
**Address:** 450 Collett Rd.  
**Applicant:** Colin David Ross Suttie  
**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. DVP11-0166, for Lot 2, D.L. 167, O.D.Y.D., Plan 33810, located on Collett Road, 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 eastern side yard setback from 2.3m required to 1.49 m proposed (as per Schedule "A").

## 2.0 Purpose

The applicant wishes to construct a 54.6 m<sup>2</sup> addition to the front of the existing dwelling. A variance is required to the eastern side yard setback from 2.3m setback required for a two storey building height to 1.49m proposed.

## 3.0 Land Use Management

The proposed addition is a substantial addition to the existing dwelling. However, the proposed design of the addition replicates the form and character of the existing dwelling, and will not look out of place in the neighbourhood. There are existing trees located along the east property line that will buffer the proposed addition from the affected neighbour, which has provided written support for the variance, as well as the existing, established landscape plantings in the front yard which will reduce the impact of the proposed addition when viewed from the road.

Given the current footprint and floor plan of the dwelling, there are minimal options available that would not require a setback variance. Given the aesthetic improvements and investment in

the house and consent from the impacted neighbour, this variance request is considered supportable.

#### 4.0 Proposal

##### 4.1 Background and Project Description

The dwelling on the subject property was originally constructed in 1984. The applicant is proposing a substantial 54.6 m<sup>2</sup>, two storey addition to the front of the dwelling. The addition adds a new larger garage to the front of the dwelling, as well as two bedrooms, a bathroom, and an office area to the second floor. The addition is off-set from the existing pedestrian door and garage area to reduce the apparent massing and assimilate the aesthetics of the original building. The exterior of the proposed addition is designed to be finished with the same texture and colour of material as the remainder of the dwelling.

The new garage area will be setback 11.7 m from property line, which exceeds the minimum 6.0m required setback. However, the resulting east side setback will be 1.49 m where the RU1 zone requires a 2.3 m setback for a 2 storey building height. The applicant has provided written support from their neighbours.

##### 4.2 Site Context

The subject property is situated in the South Okanagan Mission sector of the City, and is located on the north side of Collett Road, between Fuller and Bellevue Roads. The property is occupied with one single family dwelling and an accessory building.

Subject Property Map:

450 Collett Road



Specifically, adjacent land uses are as follows:

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

South	P2 - Education and Minor Institutional	Waldorf School
West	RU1 - Large Lot Housing	Single Family Dwelling

#### 4.3 Zone Analysis

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	930 m <sup>2</sup>
Lot Width	16.5 m	18.29 m
Lot Depth	30.0 m	50.9 m
Development Regulations		
Height	2½ storeys/9.5 m	2 storeys / 6.8 m
Front Yard	4.5 m 6.0 m to garage or carport	11.7 m
Side Yard (west)	1 or 1½ storey - 2.0 m 2 or 2½ storey - 2.3 m	2.72 m
Side Yard (east)	1 or 1½ storey - 2.0 m 2 or 2½ storey - 2.3 m	1.49 m ①
Rear Yard	7.5 m	14.7 m

① Indicates a requested variance to reduce the east side yard setback from 2.3 m required to 1.49 m proposed

#### 5.0 Technical Comments

##### 5.1 Building & Permitting Department

Structural Engineering consultant required at time of building permit

##### 5.2 Development Engineering Department

This application does not compromise any municipal services.

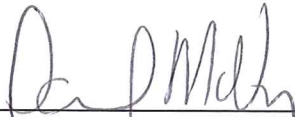
##### 5.3 Fire Department

No Concerns

#### 6.0 Application Chronology

Date of Application Received: September 15, 2011

##### Report prepared by:

  
Paul McVey, Land Use Planner

##### Reviewed by:


Danielle Noble Manager, Manager, Urban Land Use

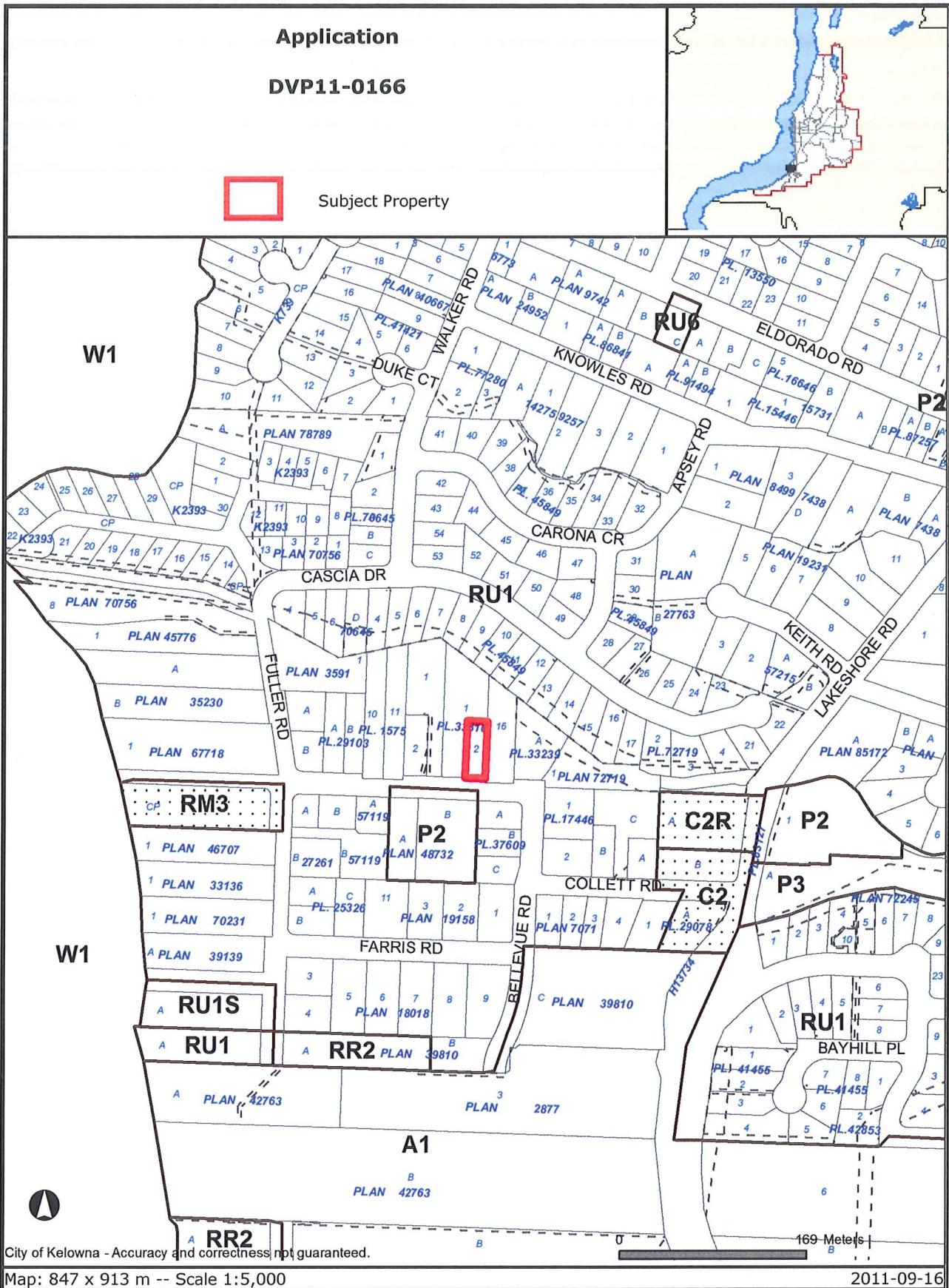
##### Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

##### Attachments:

Subject Property map

Site Plan & Conceptual 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.*

Property Line

18.285

RUI Zoned  
Minimum Lot Area = 550m<sup>2</sup> = 5920 s.f.  
Lot Area = 10,018 s.f.  
Lot Coverage with Addition = 2157 s.f./10,018 s.f.  
Lot Coverage Allowed = 40%, Proposed = 21.5%

3.72

Out Building  
4.96

7.5m Setback

14.7

3.72

Lot 2  
Plan 33810

Property Line

2.3m Setback

2.3m Setback

Proposed 1.5m Setback

Property Line

50.90

2.72

3.68

10.98  
Deck

3.05

Existing Residence  
1567 s.f. Total  
House

12.70

12.44

5.48

0.61

6.73

50.90

VARY SIDEYARD  
SETBACK FROM  
2.3m REQUIRED  
TO 1.49m PROPOSED

0.94

2.09

1.94

1.25

5.96

0.26

2.25

0.26

Proposed Addition  
588 s.f.

24'-8"

1.49 m

21'-9"

6m Setback

19.27

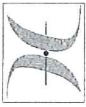
18.285

Property Line

SCHEDULE "A"

Collett Road

1 SITE  
A-0.1 1:20



**KH**  
DESIGNS  
CUSTOM  
RESIDENTIAL  
DESIGN

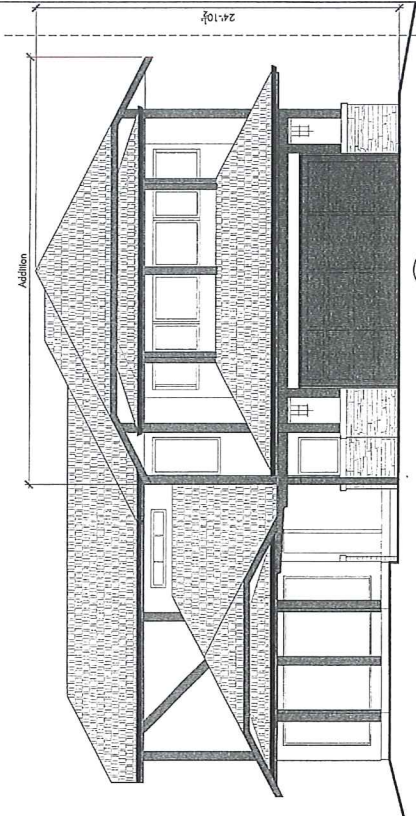
5295 Buchanan Road  
Kelowna, BC V1Y 1X1  
250-576-9590

**SUTTIE**  
Residence  
**450**  
Collette Road  
Kelowna

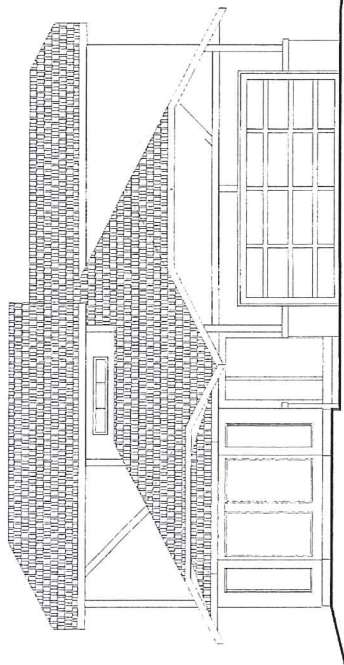
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PROJECT: 027-11  
FILE:  
ISSUE: DATE: 8/17/11

Proposed  
South  
Elevation

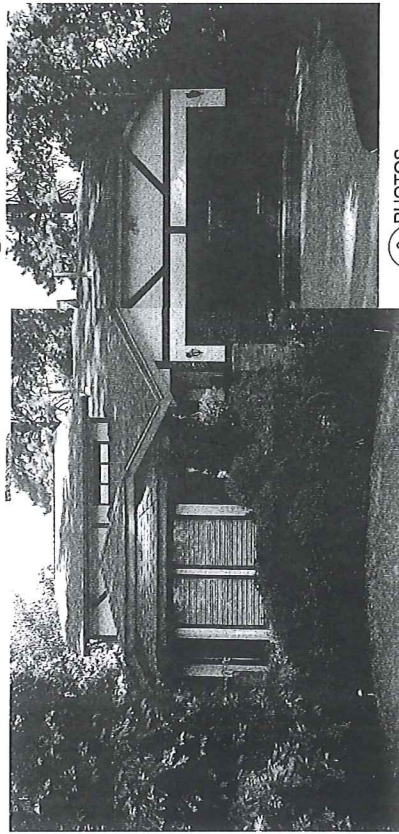
**A-2**



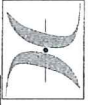
2 PROPOSED  
A-2 1/8\"/>



1 EXISTING  
A-2 1/8\"/>



3 PHOTOS  
A-2



**KH**  
DESIGNS  
INC.

CUSTOM  
RESIDENTIAL  
DESIGN

5225 Buchanan Road  
PEACHLAND  
B.C. V0R1X1  
296-5750390

**SUTTIE**  
Residence

**450**  
Collette Road  
Kelowna

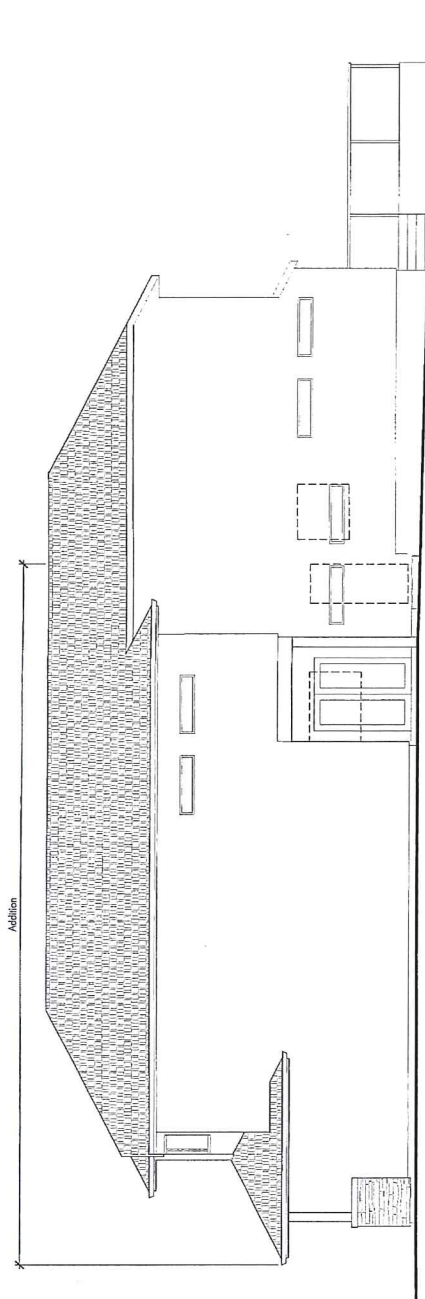
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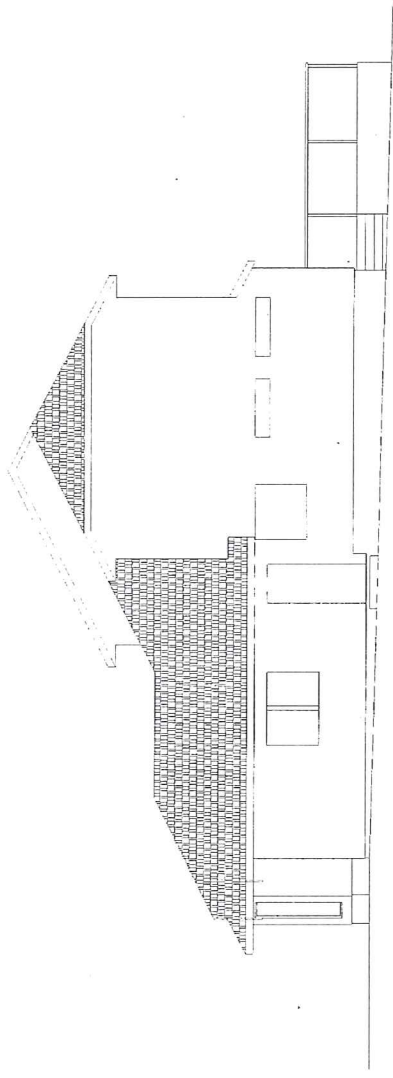
FILE:

ISSUE DATE: 07/27/11

Proposed  
East  
Elevation  
**A-4**



1 PROPOSED  
A-4



2 EXISTING  
A-4



450 Collett Road



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0166

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	Variance to east side yard setback from 2.3m required to 1.49m proposed to allow a new addition to the existing building

ISSUED TO:	Colin David Ross Suttie
LOCATION OF SUBJECT SITE:	450 Collett Road

	LOT	DISTRICY LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2	167	33810	36	28	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 2.3 m required to 1.49 m 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

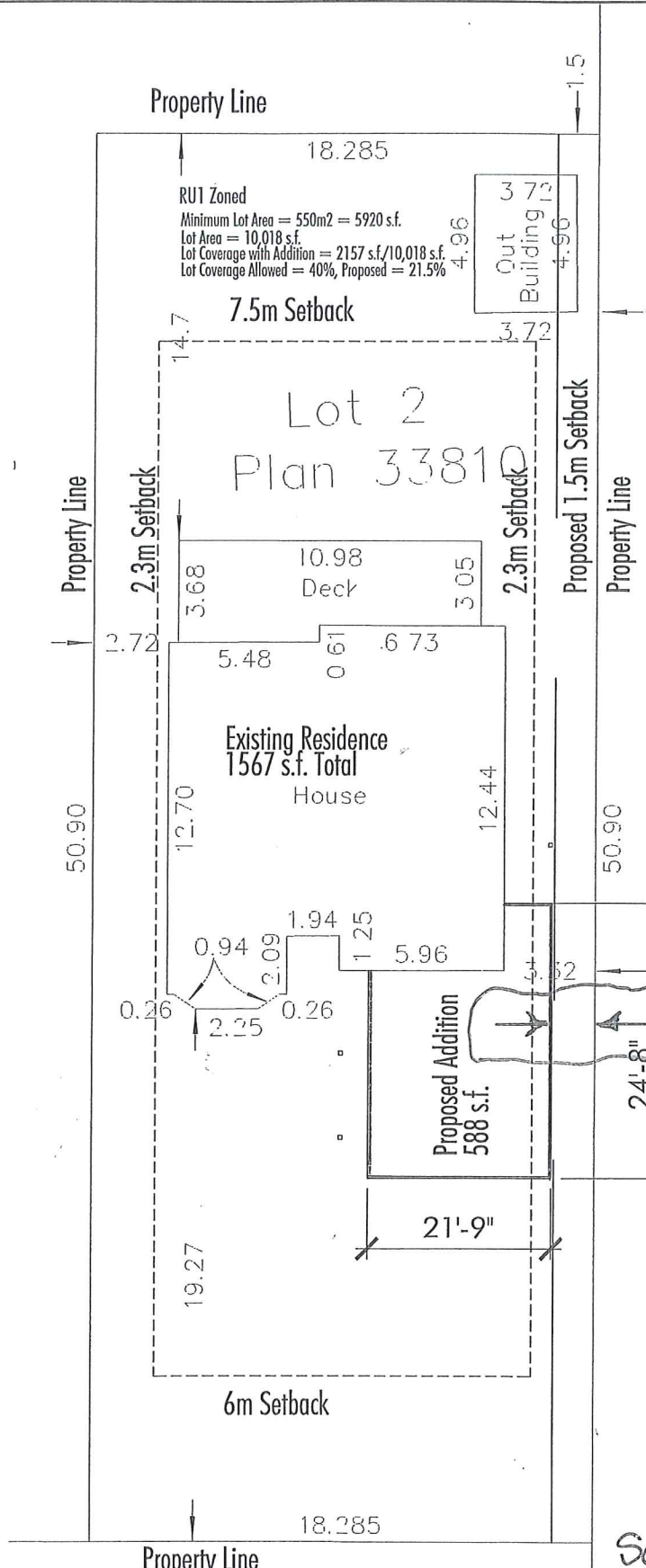
\_\_\_\_\_  
Telephone No.

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



VARY SIDEYARD  
 SETBACK FROM  
 2.3m REQUIRED  
 TO 1.49m PROPOSED

SCHEDULE "A"

Collett Road

1 SITE  
 A-0.1 1:20