

4.0 Proposal

4.1 Project Description

In May 2011, a swimming pool and accompanying deck and railings were installed on the subject property with appropriate permits. At the inspection it was discovered that the shed for the pool equipment was attached to the single family dwelling which extended into the required side yard. A variance is required to permit this encroachment.

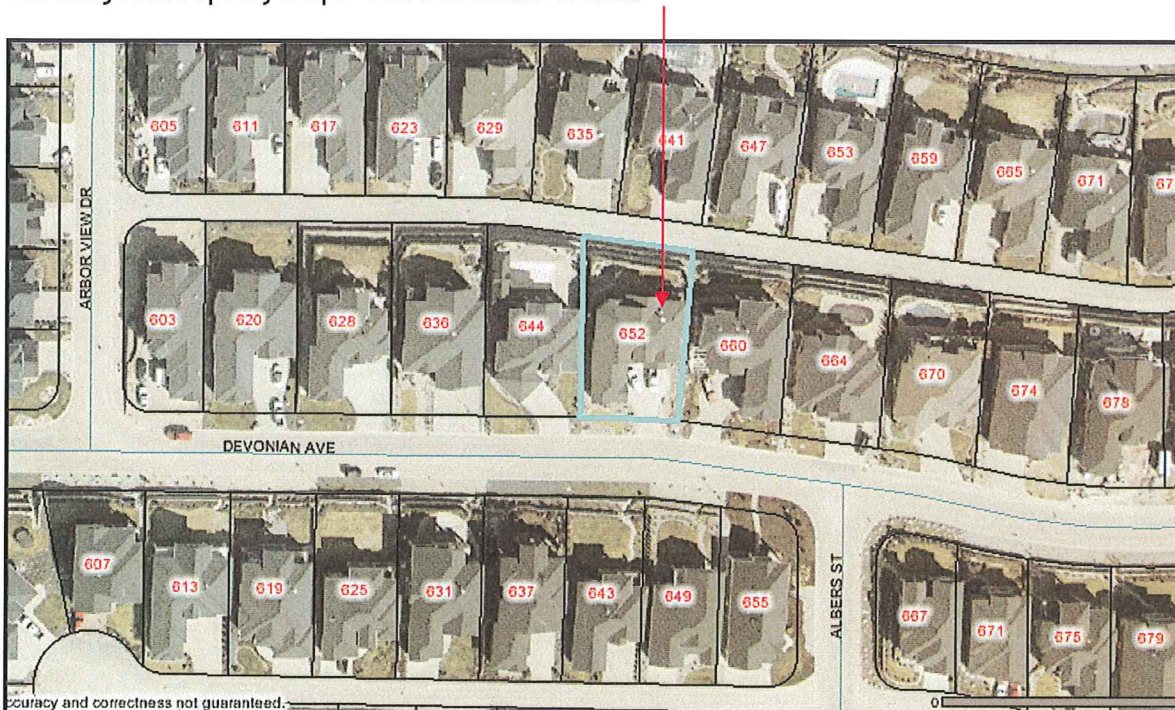
The proposed shed addition is quite modest at 2.8m² in area. Considering the configuration of the dwelling and its placement on the subject property, siting the addition at any other location would impede the owner's enjoyment of the property and would interfere with the view.

4.2 Site Context

The subject property is located on Devonian Avenue in the Southeast Mission of Kelowna. The lot is situated in a predominantly single family neighbourhood and is bounded by similar development on all sides. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1- Large Lot Housing	Residential
East	RU1- Large Lot Housing	Residential
South	RU2 - Medium Lot Housing	Residential
West	RU1- Large Lot Housing	Residential

4.3 Subject Property Map: 652 Devonian Avenue



4.4 The proposal meets the requirements of the RU1 Large Lot housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	948 m ²	550 m ²
Lot Width	24 m (average)	16.5 m
Lot Depth	40 m (average)	30.0 m
Development Regulations		
Front Yard	6.04 m	4.5 m or 6.0 m to a garage
Side Yard (west)	2.06 m	2.0 m (1 - 1 ½ storey)
Side Yard (east)	1 m ①	2.0 m (1 - 1 ½ storey)
Rear Yard	11.10 m	7.5 m

① Variance required for the east side yard set back from 2.0m permitted to 1.0m proposed.

5.0 Technical Comments

5.1 Building & Permitting Department

1. The B-Vent is to be placed in and insulated shaft up to and thru the upper roof as per B1-49-1-05 (8.14.4) & (8.14.5) of the gas code
2. Full foundations required below this addition to the single family dwelling

5.2 Development Engineering Department

This application does not compromise any municipal services.

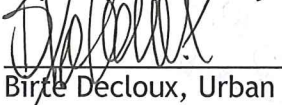
5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: November 16, 2011

Report prepared by:


 Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

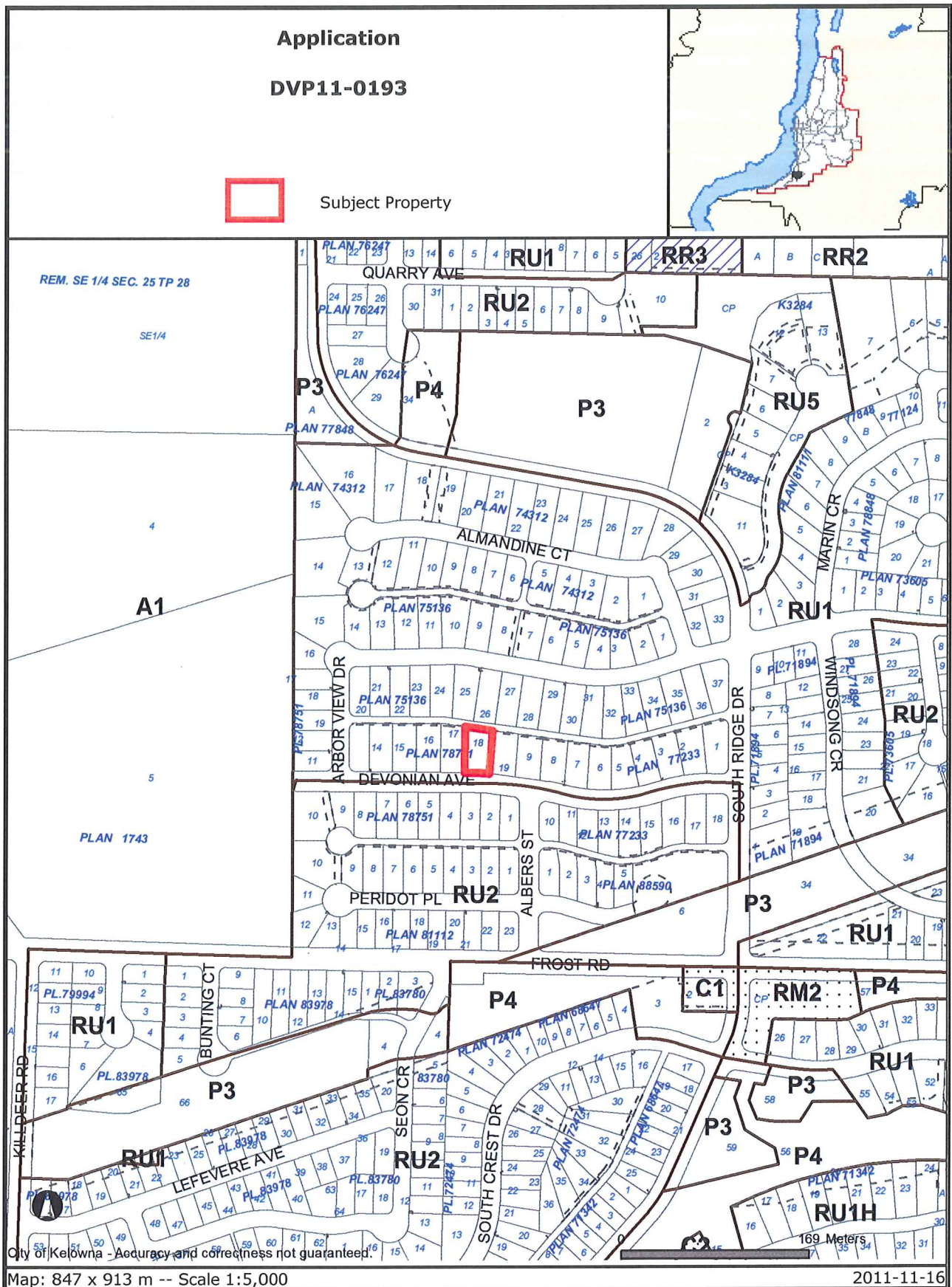
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan - Schedule A
 Context/Site Photos



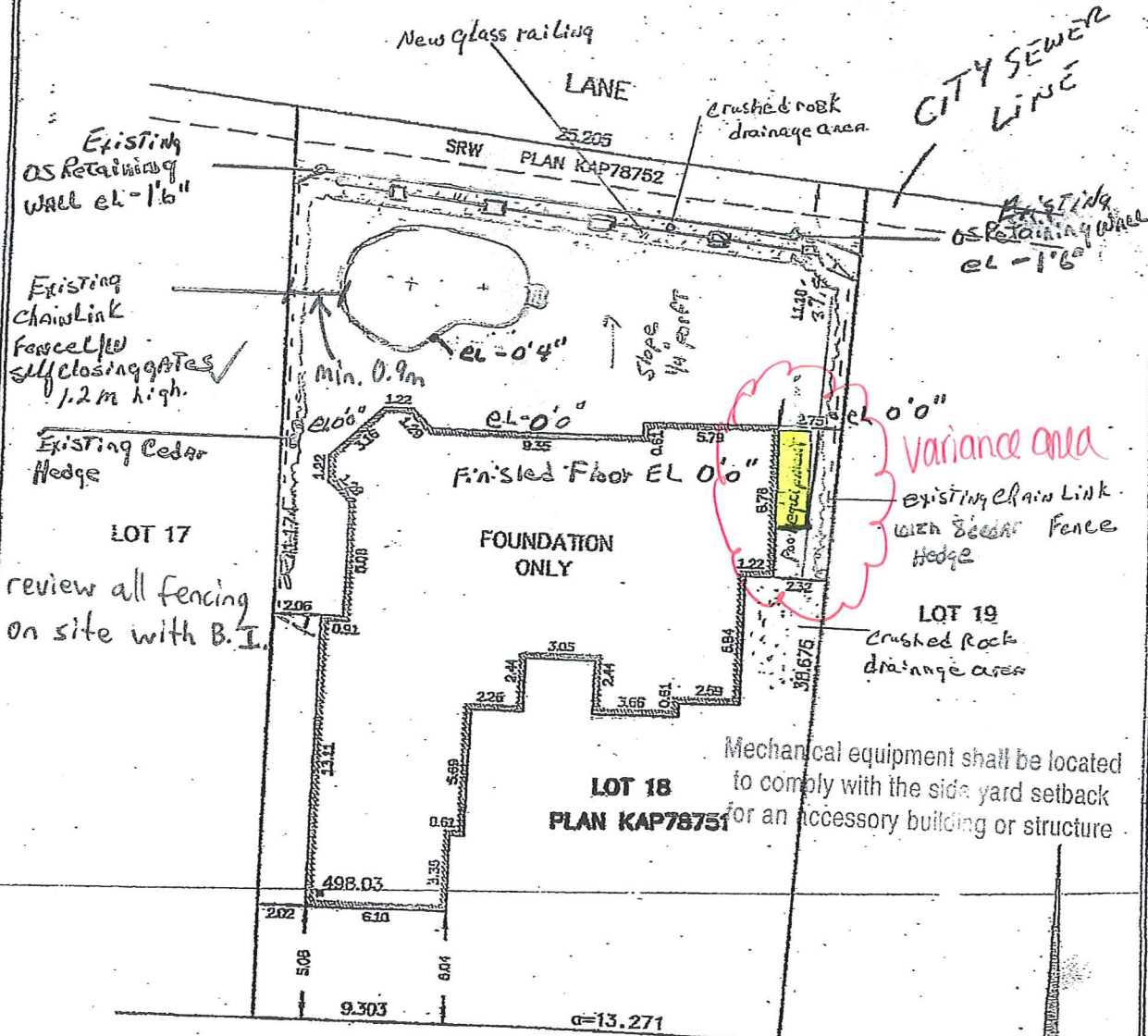
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 18, PLAN KAP78751, 652 Devonian
DISTRICT LOT 357, S.D.Y.D.

SCALE 1:250 All distances are in metres.

CIVIC ADDRESS: 652 DEVONIAN AVENUE



review all fencing on site with B.I.

Mechanical equipment shall be located to comply with the side yard setback for an accessory building or structure.

SCHEDULE A
This forms part of development Permit # DVP11-0193

DEVONIAN AVENUE

REVIEWED BY CITY OF KELOWNA INSPECTIONS SERVICE

FORMING PART OF BUILDING PERMIT # BP42189 THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS

DATE May 2/11 PLAN CHECKER J.F.

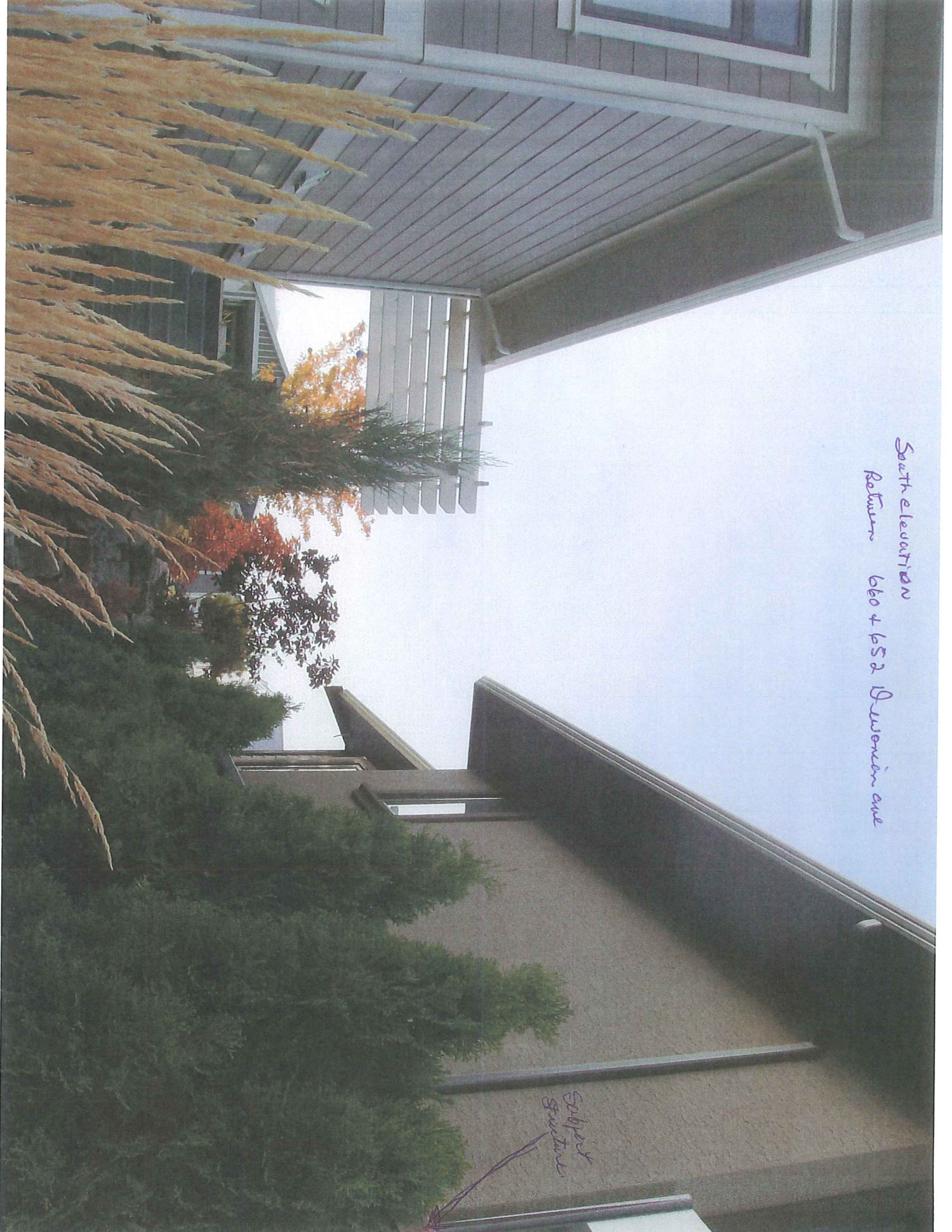
Certified correct this 15th day of May, 2007.

ELEVATIONS ARE ASSUMED GEODETIC AND ARE TAKEN FROM CITY OF KELOWNA LOT GRADING PLAN. ELEVATIONS ARE TO TOP OF FOUNDATION WALL. *

CLIENT : TERREN BROS.
FILE No : 12374 SC 18

South elevation
Return 660 + 652 Duvernay ave

Spillout
structure



West elevation



North elevation



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP11-0193

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

ISSUED TO: Cody L. Franson	APPLICANT: Gerry Scrimbit Construction (Dan Colton)
LOCATION OF SUBJECT SITE: 652 Devonian Ave	

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	18	357	KAP78751			SDYD

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 2.0m required to 1.0m 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 ___th DAY OF JANUARY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ___TH DAY OF JANUARY 2012.

Shelley Gambacort
Director of Land Use Management