

REPORT TO COUNCIL



Date: January 13, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: DVP12-0005 **Owner:** Tess & Loic Letailleur
Address: 640 Roanoke Avenue **Applicant:** Tess & Loic Letailleur
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Unit Residential
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0005 for Lot 19, Block 9, D.L. 9, ODYD, Plan 1306 located at 640 Roanoke Avenue, Kelowna, B.C;

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

Section 13.6.6 (d) Development Regulations

To vary the side yard setbacks from 2.3m required to 1.49m and 1.53m proposed.

2.0 Purpose

To consider a Development Variance Permit to vary the required side yard setbacks from 2.3m required to 1.49m and 1.53m proposed to accommodate the addition of a second storey to the existing single family dwelling.

3.0 Land Use Management

The existing single family dwelling does not conform with the current side yard setback requirements as it was built when different regulations applied. As the applicant is planning to add a second storey to the existing dwelling the grandfathered status is lost and a Development Variance Permit is required. The proposed variances have been endorsed by the adjoining properties. As the existing footprint will be used and the variances have been supported in writing by the impacted neighbours Staff are supportive of the proposed Development Variance Permit.

4.0 Proposal
4.1 Site Context

The subject property is located in the North End Residential neighbourhood.



The proposal compares to the Zoning Bylaw No. 8000 requirements as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 REQUIREMENTS
Lot Area	446 m ²	400 m ²
Development Regulations		
Site Coverage (buildings)	37%	40%
Height	7.0m	2 ½ storeys / 9.5 m
Front Yard	6.0 m	4.0 m
Side Yard (w)	1.53 m*	2.3 m (2 - 2½ storey)
Side Yard (e)	1.49 m*	2.3 m (2 - 2 ½ storey)
Rear Yard	12 m	7.5 m
* Variance Required		

5.0 Technical Comments

5.1 Building & Permitting Department
No Comment.

5.2 Development Engineering Department
See Attached

5.3 Fire Department
No concerns.

6.0 Application Chronology

Date of Application Received: January 9th, 2012

Report prepared by:



Alec Warrender, 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
Elevations

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0005

EXISTING ZONING DESIGNATION:	RU6 – Two Dwelling Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the side yard setbacks from 2.3m required to 1.49m and 1.53m proposed.

ISSUED TO:	Tess & Loic Letailleur
LOCATION OF SUBJECT SITE:	640 Roanoke Avenue

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	19	9	9		ODYD	1306

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 a Development Permit and/or 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 13.6.6 (d) Development Regulations

To vary the side yard setbacks from 2.3m required to 1.49m and 1.53m proposed.

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. 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 A BUILDING Permit.

4. 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.

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 Planning & Development Services.

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

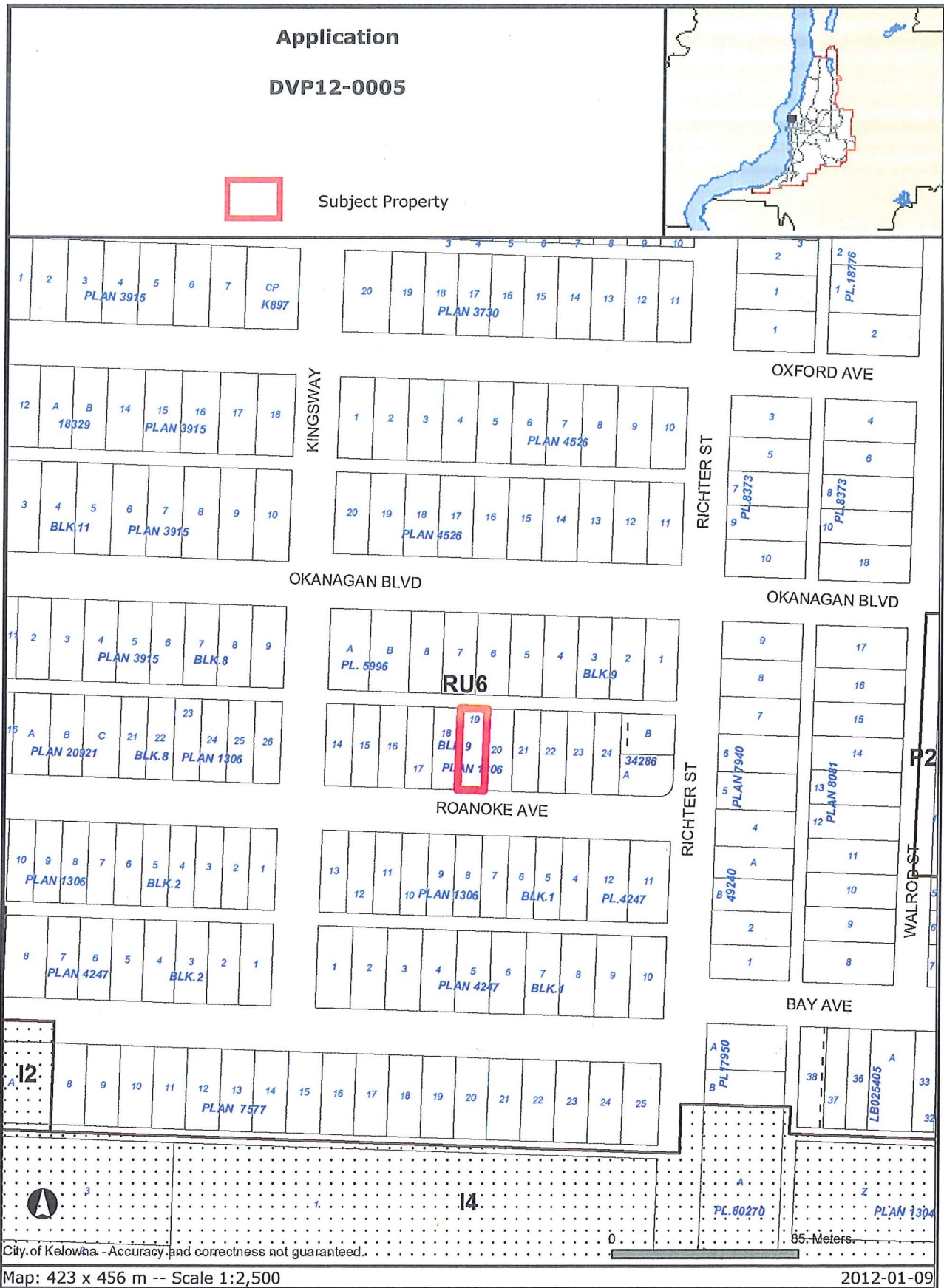
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 7th DAY OF FEBRUARY, 2012

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF FEBRUARY, 2012 BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management

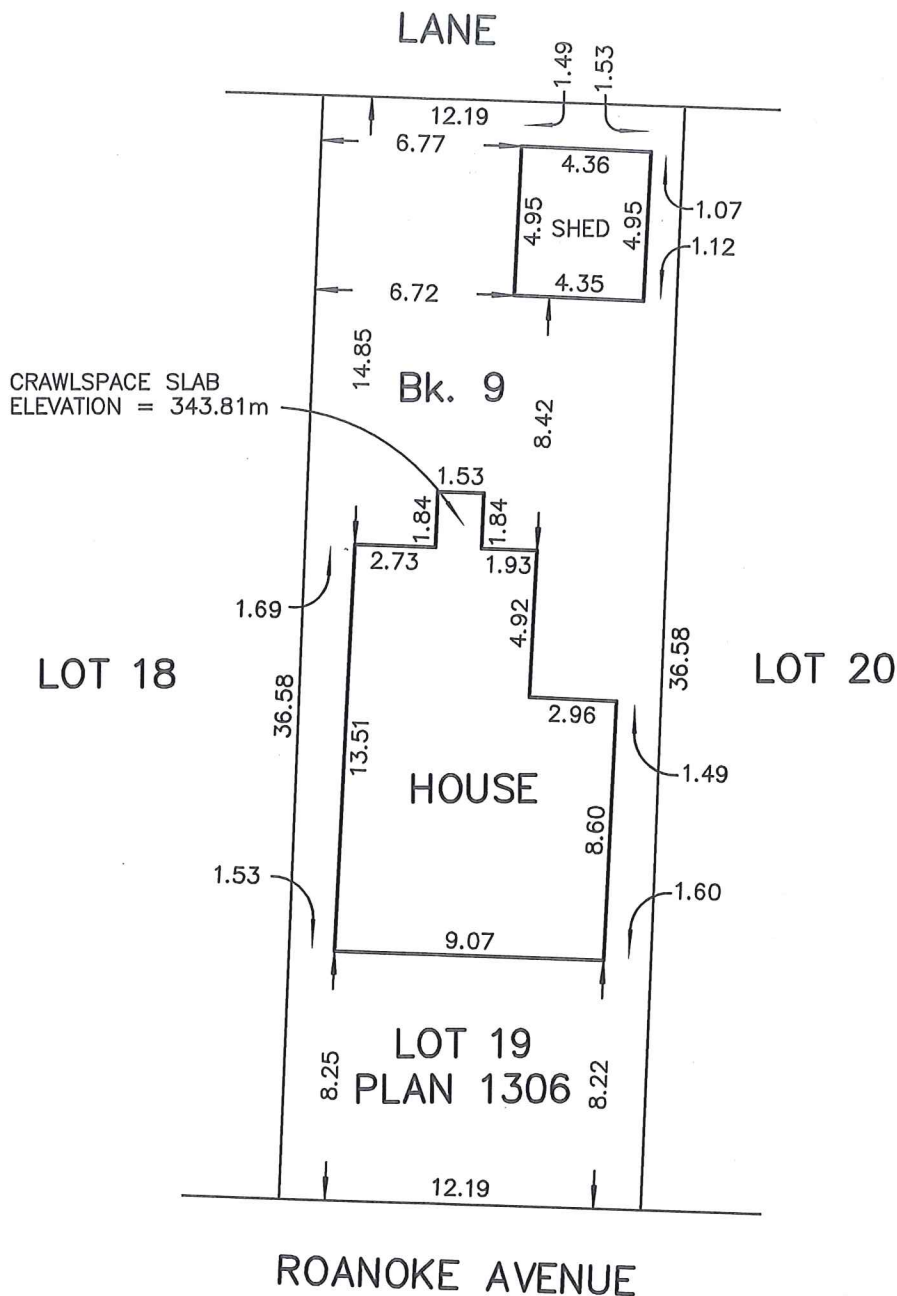


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 19, BLOCK 9, DISTRICT LOT 9, ODYD, PLAN 1306

PID: 011-649-577

640 ROANOKE AVENUE



NOTE: ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM ISA No. 4-CITY OF KELOWNA

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

CLIENT: TESS LETAILLER | DATE: NOVEMBER 21, 2011

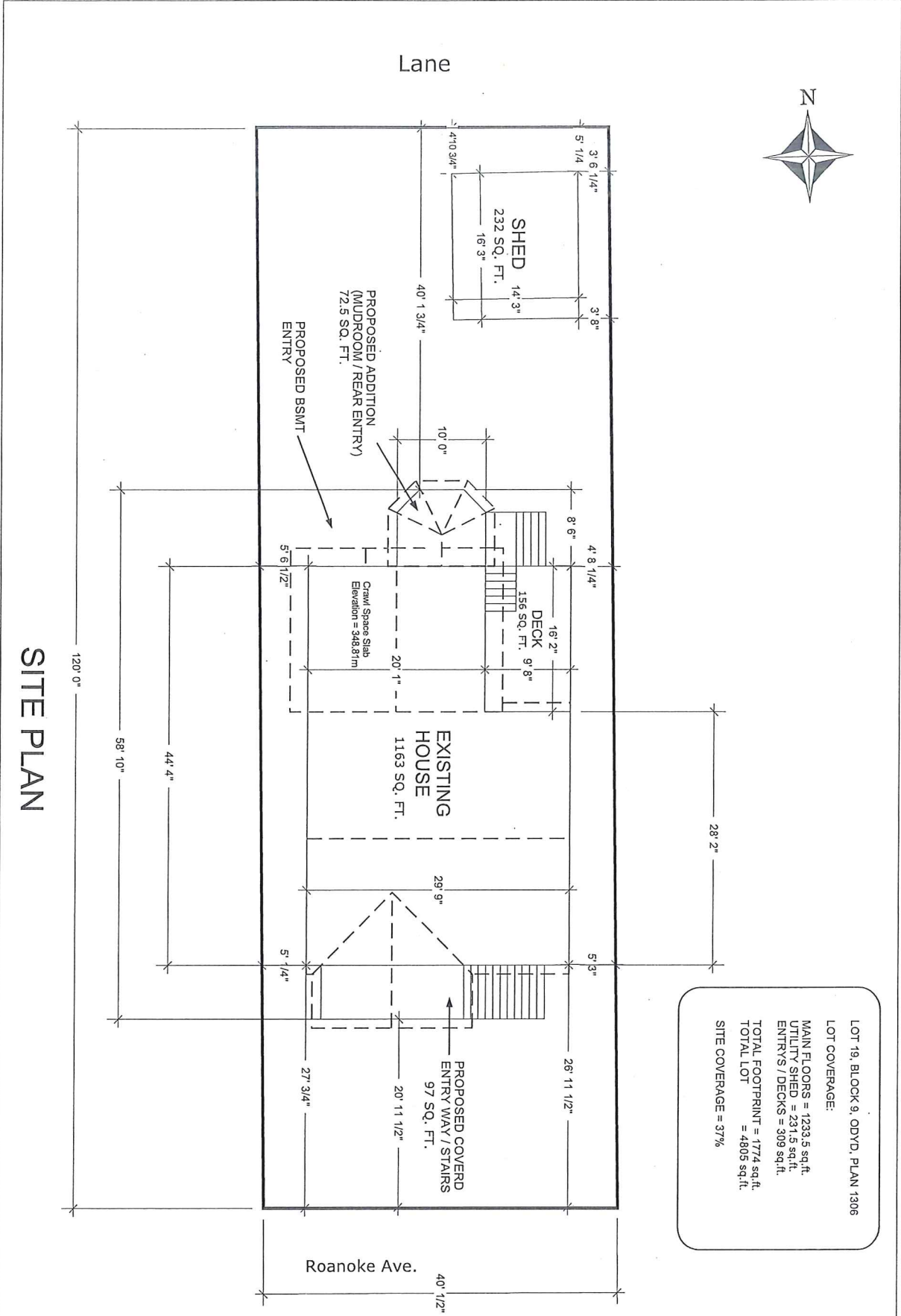
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Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

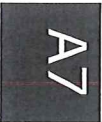
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COLIN FERGUSON, BCLS
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED



SITE PLAN

LOT 19, BLOCK 9, ODVD, PLAN 1306
 LOT COVERAGE:
 MAIN FLOORS = 1233.5 sq.ft.
 UTILITY SHED = 231.5 sq.ft.
 ENTRYS / DECKS = 309 sq.ft.
 TOTAL FOOTPRINT = 1774 sq.ft.
 TOTAL LOT = 4805 sq.ft.
 SITE COVERAGE = 37%



DRAWN BY
 Chad W. Nugent

REVISION
 SITE PLAN
 SCALE: 1" = 10'

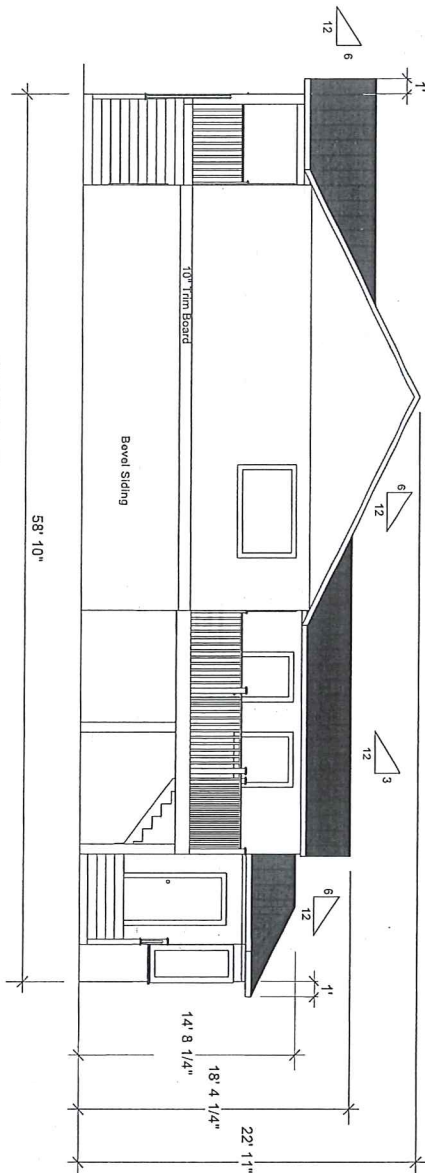
PROJECT
 Tess & Loic
 Letailleur
 House Renovation

ISSUE
 01
 RE-ISSUE
 01

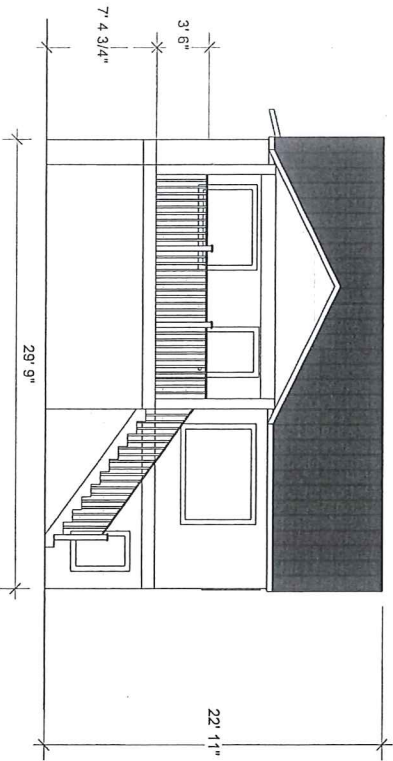
Tess & Loic Letailleur
 640 Roanoke
 Kelowna BC
 Tel: 250 808
 5642

NUGENT CONSTRUCTION
 0820124 BC LTD
 250 808 6843

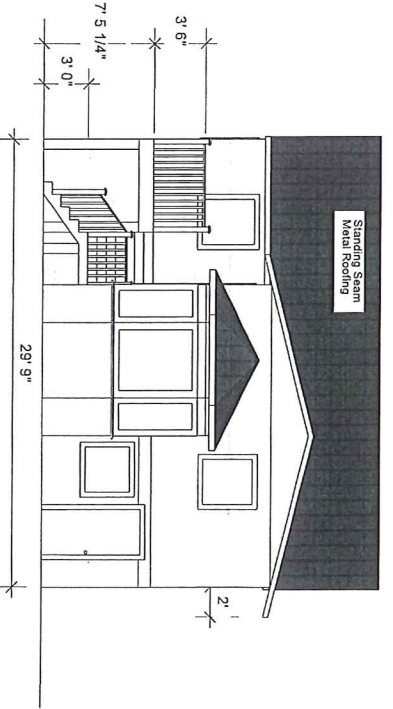
541
 OKANAGAN
 BLVD.
 KELOWNA BC
 V1Y 7K9



EAST ELEVATION



FRONT ELEVATION



REAR ELEVATION

A5

DRAWN BY
Chad W. Nugent

PROJECT
Tess & Loic
Letailleur
House Renovation

ISSUE
01
RE-ISSUE
01

Tess & Loic Letailleur
640 Roanoke
Kelowna BC
Tel: 250 808
5642

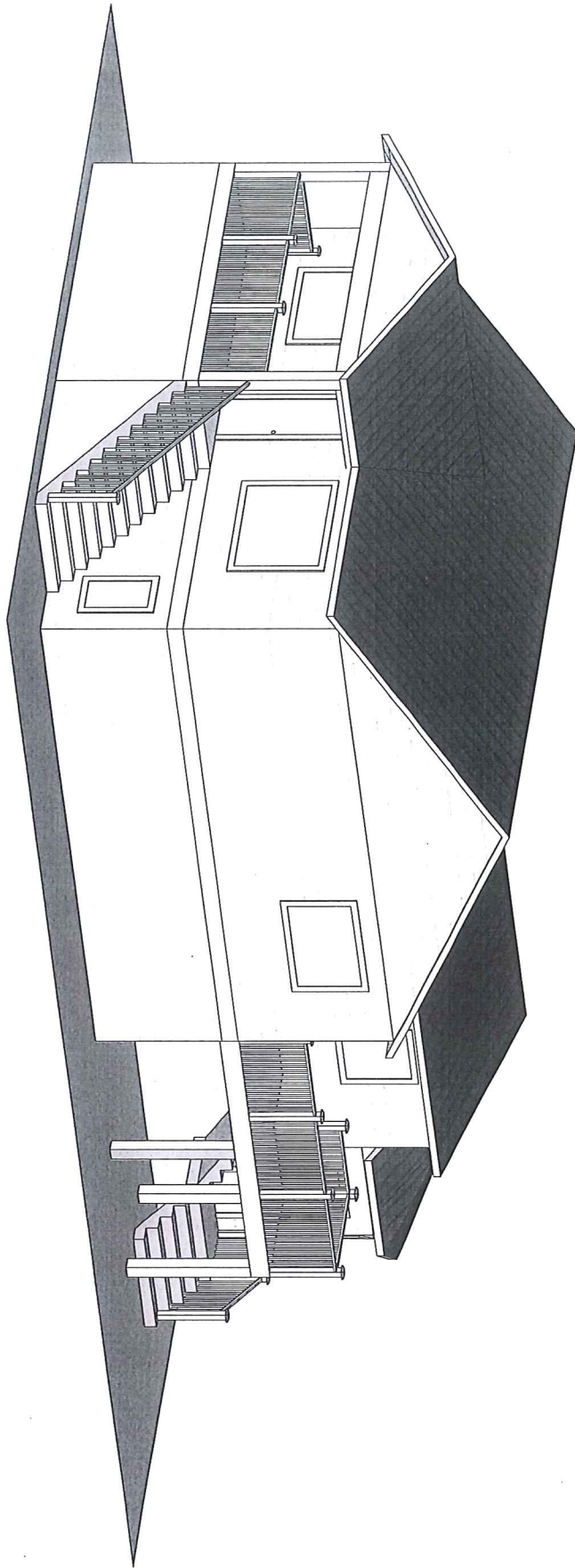
NUGENT CONSTRUCTION
0820124 BC LTD
250 808 6843

541
OKANAGAN
BLVD.
KELOWNA BC
V1Y 7K9

REVISION
ELEVATION VIEWS
SCALE 1/8"=1'

GENERAL NOTES

1. All work shall be in accordance with the current edition of the BC Building Code
2. Before construction commences it is the responsibility of the Contractor to check all details and dimensions to confirm for accuracy and assure there are no discrepancies
3. Every effort has been made to assure an accurate and complete set of drawings however the possibility of human error cannot be eliminated. Therefore Nugent Construction & Design will not be liable for any errors or omissions.



LETAILLEUR RESIDENCE

A1

DRAWN BY
Chad W. Nugent

DESCRIPTION
GENERAL NOTES/
ISOMETRIC VIEW

OWNER
Tess & Loic
Letailleur
House Renovation

ISSUE
01
RE-ISSUE
01

DESIGNER
Tess & Loic Letailleur
640 Roanoke
Kelowna BC
Tel: 250 808
5642

NUGENT CONSTRUCTION
0820124 BC LTD
250 808 6843

541
OKANAGAN
BLVD.
KELOWNA BC
V1Y 7K9

CITY OF KELOWNA
MEMORANDUM

Date: January 12, 2012
File No.: DVP12-0005

To: Planning & Development Services Department (AW)

From: Development Engineering Manager (SM)

Subject: 640 Roanoke Ave. Lot 19 Plan 1306

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) water service, which is substandard. Disconnect and provide a new water services to meet current by-law requirements. Service upgrades can be provided by the City at the owner's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.**

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service. **The applicant will be required to sign a Third Party Work Order for the cost of the water and sanitary service upgrades.** For estimate inquiry's please contact John Filipenko, by email jfilipenko@kelowna.ca or phone, 250-469-8581. **It should be noted that the depth of service is 1.22m at the rear property line.**

3. Development Permit and Site Related Issues

The request to vary the side-yard setbacks from 2.0m required to 1.53m and 1.49m proposed, does not compromise our servicing requirements.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

Steve Muenz, P. Eng.
Development Engineering Manager
jJF