

4.0 Proposal

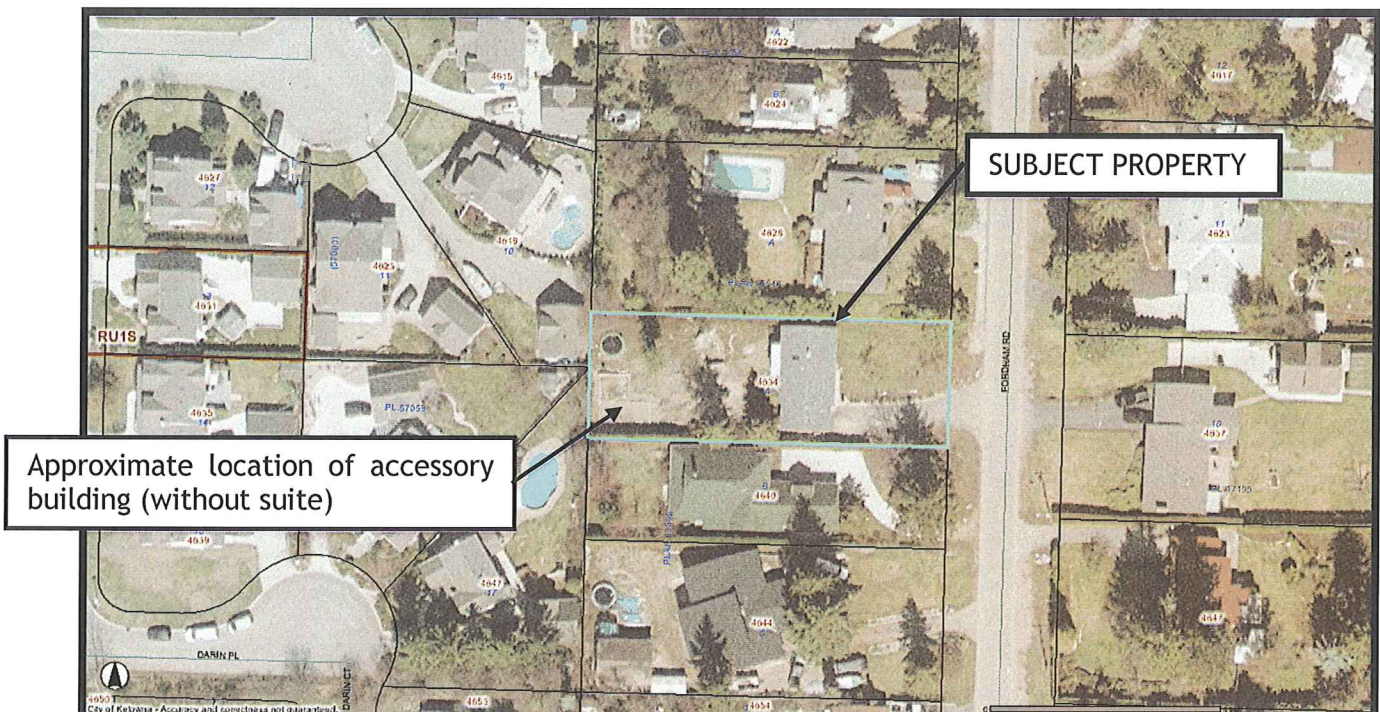
4.1 Background / Project Description

The principal dwelling was constructed in 1967. In September 2008, there was a Building Permit issued to authorize construction of an accessory building. A survey certificate was provided to the Inspection Services department that indicated that the side yard setback to the south west corner of the accessory building did not comply with the setback requirements of the zone. This application for a Development Variance Permit has been made to vary the south side yard setback to an accessory building from 1.0 m required to 0.91m proposed in order to address that non-complying setback. The applicant has provided written support from the affected neighbours.

4.2 Site Context

Subject Property Map:

4634 Fordham Road



The subject property is located on the west side of Fordham Road, south of McClure Road. The property is located in the North Mission - Crawford sector of the City.

Specifically, adjacent land uses are as follows:

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

4.3 Zoning Analysis

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1,415.3 m ²
Lot Width	16.5 m	22.13 m
Lot Depth	30.0 m	63.95 m
Development Regulations		
Site Coverage	40% buildings	14.5%
	50% bldg & dwys	22.6%
Principal Dwelling		
Height	9.5 m / 2 ½ storey	5.3 m / 1½ storey
Front Yard	4.5 m	21.46 m
Side Yard (north)	2.0 m (1 or 1½ storey portion)	2.77 m
Side Yard (south)	2.0 m (1 or 1½ storey portion)	2.10 m
Rear Yard	34.9 m	7.5 m
Accessory Building		
Height	4.44 m	4.5 m
Separation between bldgs	24.08 m	1.0 m
Front Yard	53.3m	N/A
Side Yard (north)	0.91 m ①	1.0 m
Side Yard (south)	10.6 m	1.0 m
Rear Yard	1.55 m	1.5 m
① Indicates a requested variance to vary south side yard setback from 1.0 m required to 0.91 m proposed		

5.0 Technical Comments

5.1 Building & Permitting Department

This is an old file that the building department has been chasing for compliance. The building permit was issued in November 2008 and has yet had an approval of the framing inspection. Two registered letters were sent with no response and the owner was only willing to apply for variance after a fine was issued by Bylaws

5.2 Development Engineering Department

The request to vary the side-yard setback from 1.00m required to 0.91m proposed, does not compromise our servicing requirements.

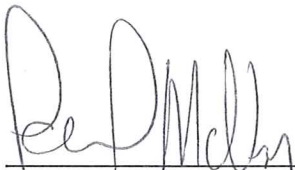
5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: December 8, 2011

Report prepared by:



Paul McVey, Land Use Planner

Reviewed by:



Danielle Noble Manager, Manager, Urban Land Use

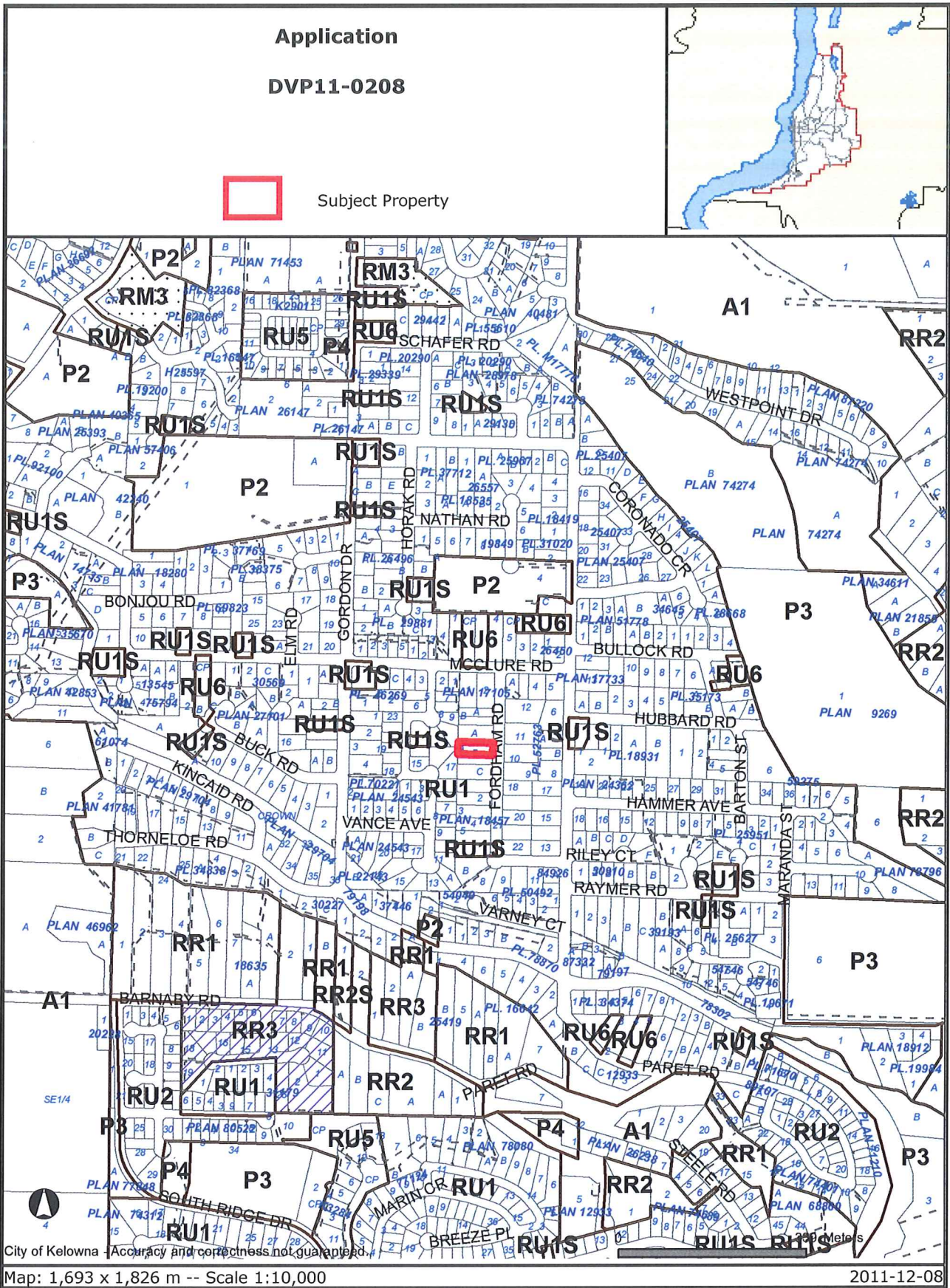
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

- Subject Property Map
- Applicant Design Rationale
- Site Plan
- Site Photos
- Accessory Building Plans
- Neighbourhood Photos
- 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.

December 3rd, 2011

Dear Council,

I am hereby requesting a variance on the side setback of an accessory building , a workshop.

It was completely unintentional that the said foundation is slightly askew and while the front half of the building conforms to mandated setback bylaws, the building is over that setback running from 0 to 2.9 inches for the back half of the building only.

I hired a contractor to build and pour the foundation. All plans had been approved and we had a permit in place. No survey was requested at that time. The contractor worked off the existing fence post, assuming that this was the property line. My husband arrived a short time after from out of province and continued to build sincerely unaware of any setback non-compliance.

At a future inspection, we were asked to provide a survey. When we had the survey completed we were surprised and concerned about the numbers it represented. The building was already framed and shingled.

The properties in this neighborhood are quite large. Consequently, it is of my honest opinion that this slight overlap does not create undue concern for any neighbors. This workshop is alongside our most direct neighbor to the south. It sits in the back corner, a considerable distance from her home and separated by a twelve foot hedge so that she does not see it. Mrs. Sutherland has only ever spoken positively of our construction project and that it enhances property values of the neighborhood.

I have included pictures to indicate how the new survey post falls just inside the existing fence.

I apologize for not being able to attend this council meeting in person. I am currently on a teacher exchange in Australia and was not able to postpone this variance hearing until my return.

I trust that I have submitted everything you may require to make a decision and hope that you will be able to grant us this variance,

Respectfully,

Caroline Loesgen

A handwritten signature in cursive script that reads "C. Loesgen". The signature is written in dark ink and is positioned to the right of the typed name "Caroline Loesgen".

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT A, PLAN KAP53565,
DISTRICT LOT 357, O.D.Y.D.

SCALE 1:300 All distances are in metres.

CIVIC ADDRESS: 4634 FORDHAM ROAD

CLIENT : CAROLINE LOESGEN

FILE No : 12805 SC

FB/PG : FILE

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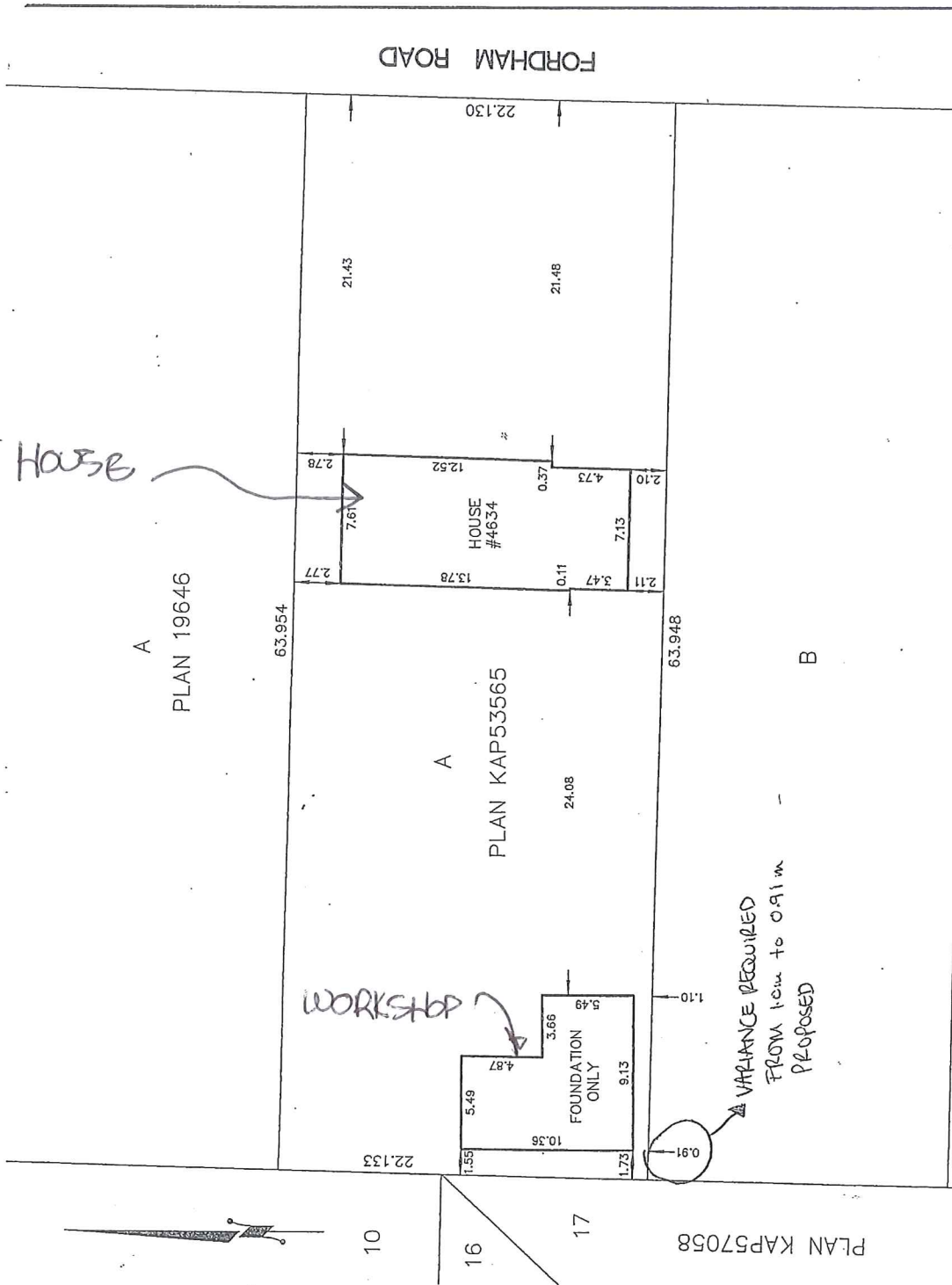
THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO BE USED TO DEFINE PROPERTY BOUNDARIES.

Certified correct this 4th day of November, 2008

NEIL R. DENBY  B.C.L.S.

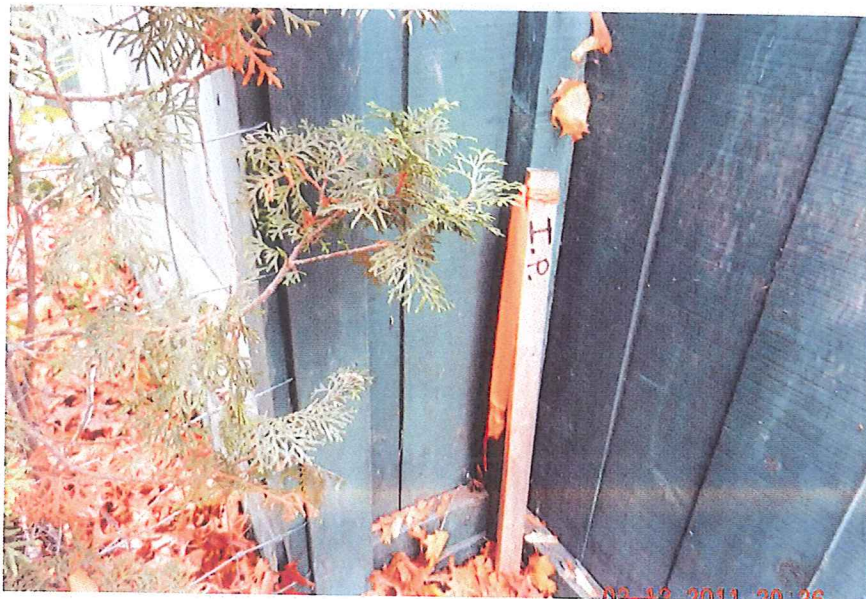
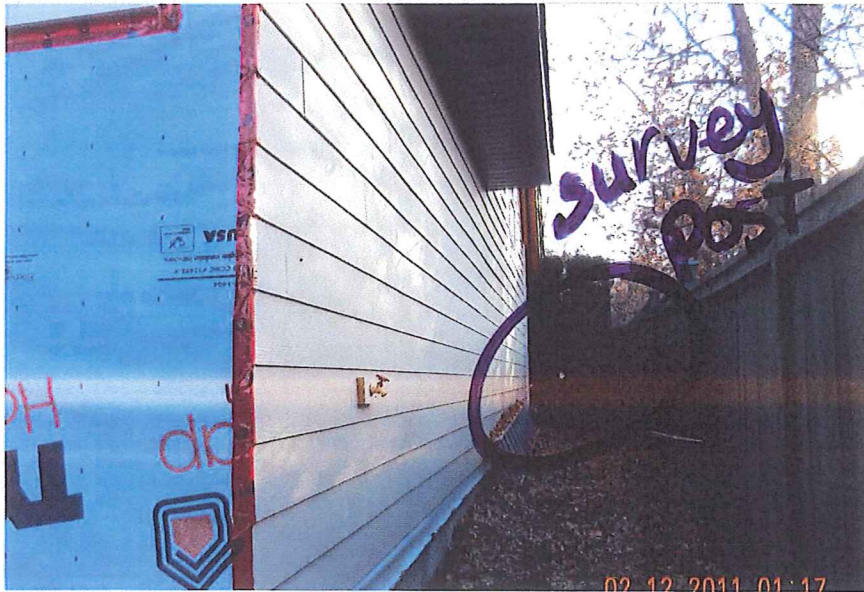
RUNNALLS DENBY
british columbia land surveyors
#2-1470 Water Street Phone: (250)763-7322
Kelowna, B.C. Fax: (250)763-4413
V1Y 1J5 Email: nell@runnallsdenby.com

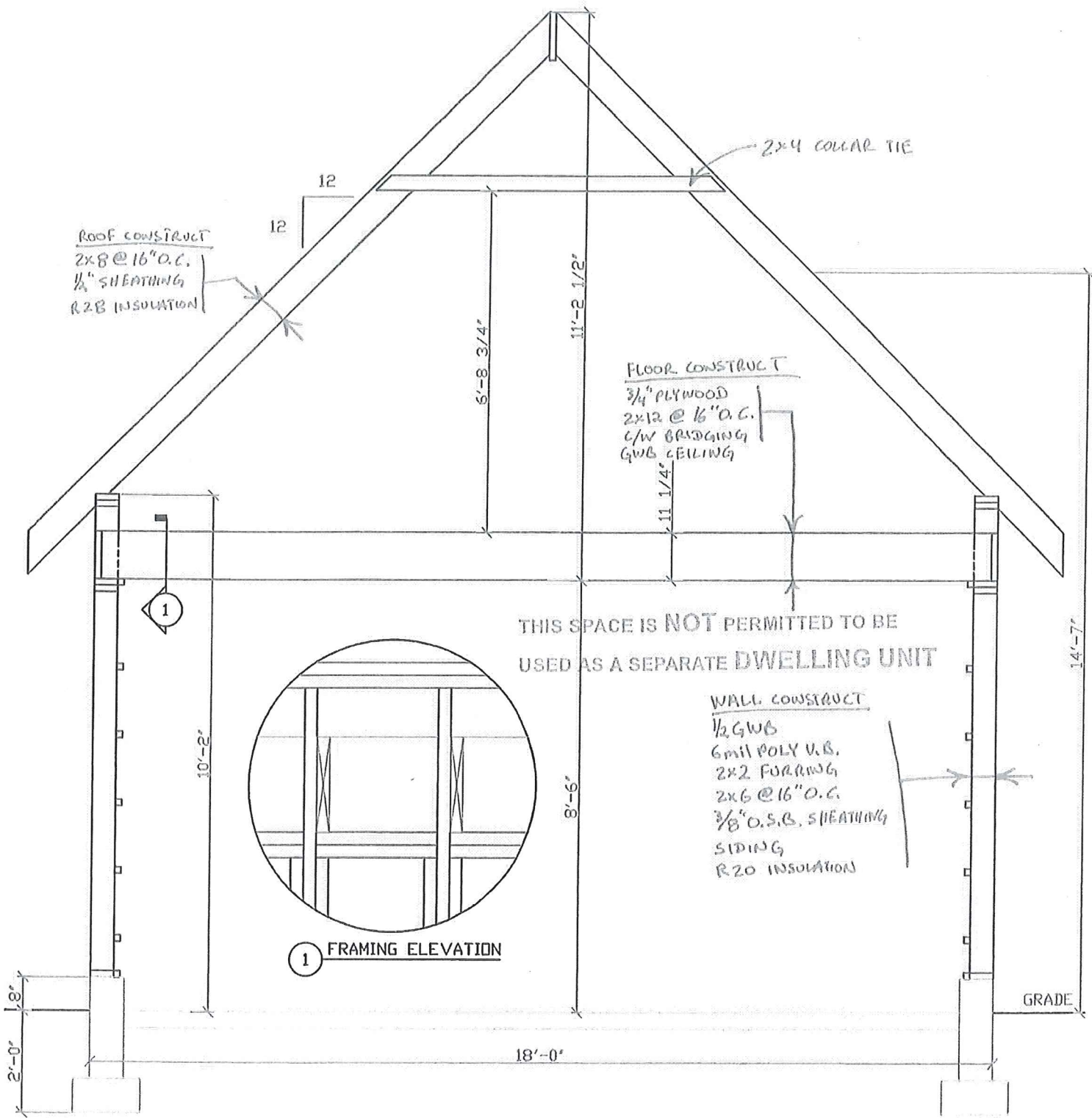
SITE PLAN





ACCESSORY
BUILDING





ROOF CONSTRUCT
 2x8 @ 16" O.C.
 1/2" SHEATHING
 R28 INSULATION

2x4 COLLAR TIE

FLOOR CONSTRUCT
 3/4" PLYWOOD
 2x12 @ 16" O.C.
 C/W BRIDGING
 GWB CEILING

THIS SPACE IS NOT PERMITTED TO BE
 USED AS A SEPARATE DWELLING UNIT

WALL CONSTRUCT
 1/2 GWB
 6mil POLY V.B.
 2x2 FURRING
 2x6 @ 16" O.C.
 3/8" O.S.B. SHEATHING
 SIDING
 R20 INSULATION

1 FRAMING ELEVATION

GRADE

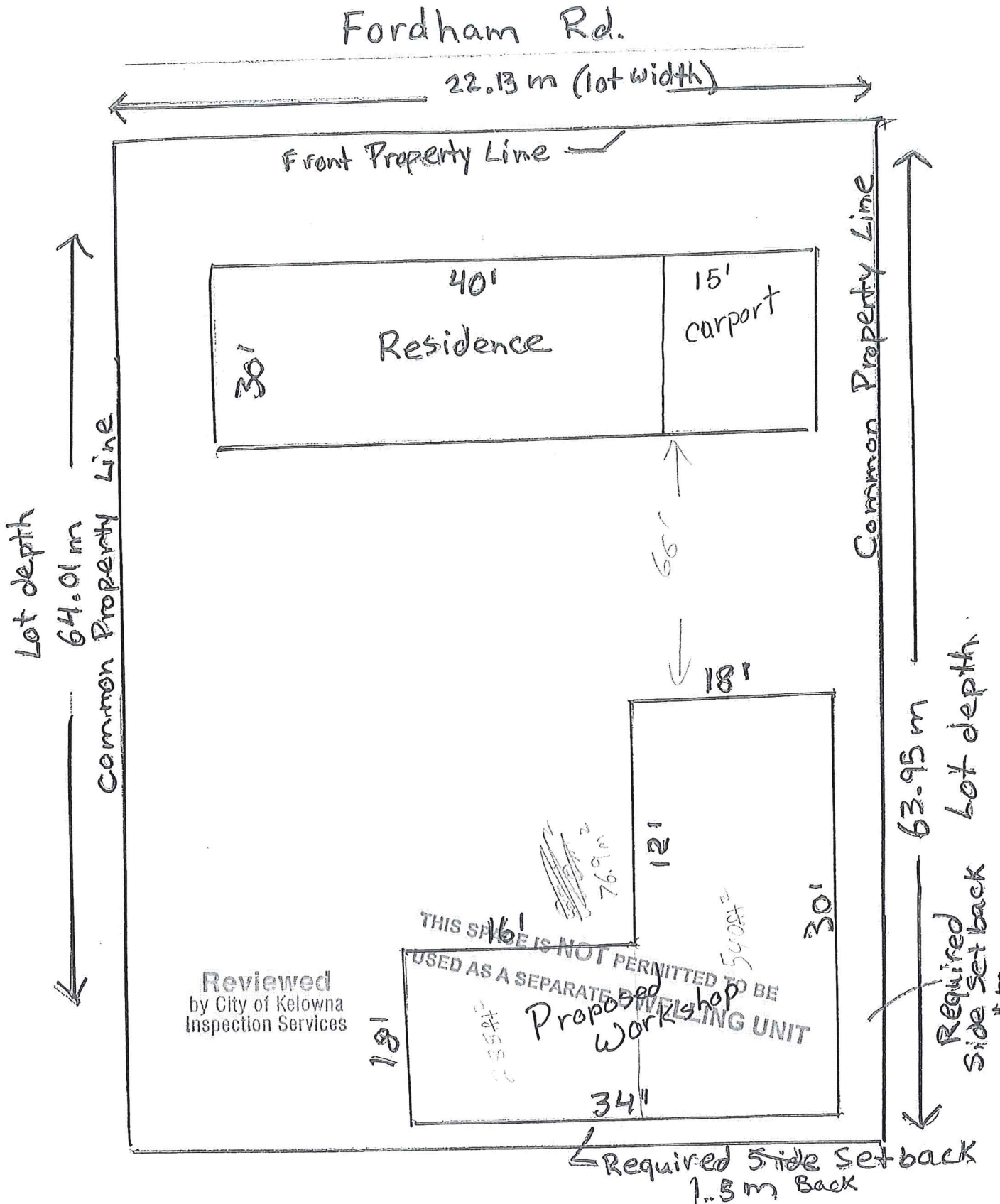
EXCERPT - BUILDING PERMIT

Reviewed
 by City of Kelowna
 Inspection Services

Site Plan

Loesgen

4634 Fordham Rd.
Kelowna
250-448-6381 (h)
250-575-8124 (c)





4640 Fordham



4634 Fordham (Subject Property)

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0208

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	Variance to south side yard setback to accessory building from 1.0m required to 0.91m proposed

ISSUED TO:	Caroline Johanna Loesgen
LOCATION OF SUBJECT SITE:	4634 Fordham Road

	LOT	DISTRICY LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	B	357	KAP53565	30	29	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 6.5.8(b) Accessory Development:

To vary the minimum south side yard setback to an accessory building from 1.0 m required to 0.91 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 _____, 2012.

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

Shelley Gambacort
Director of Land Use Management

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT A, PLAN KAP53565,
DISTRICT LOT 357, O.D.Y.D.

SCALE 1:300 All distances are in metres.

OFFICE ADDRESS: 4634 FORDHAM ROAD

CLIENT : CAROLINE LOESGEN

FILE No : 12805 SC

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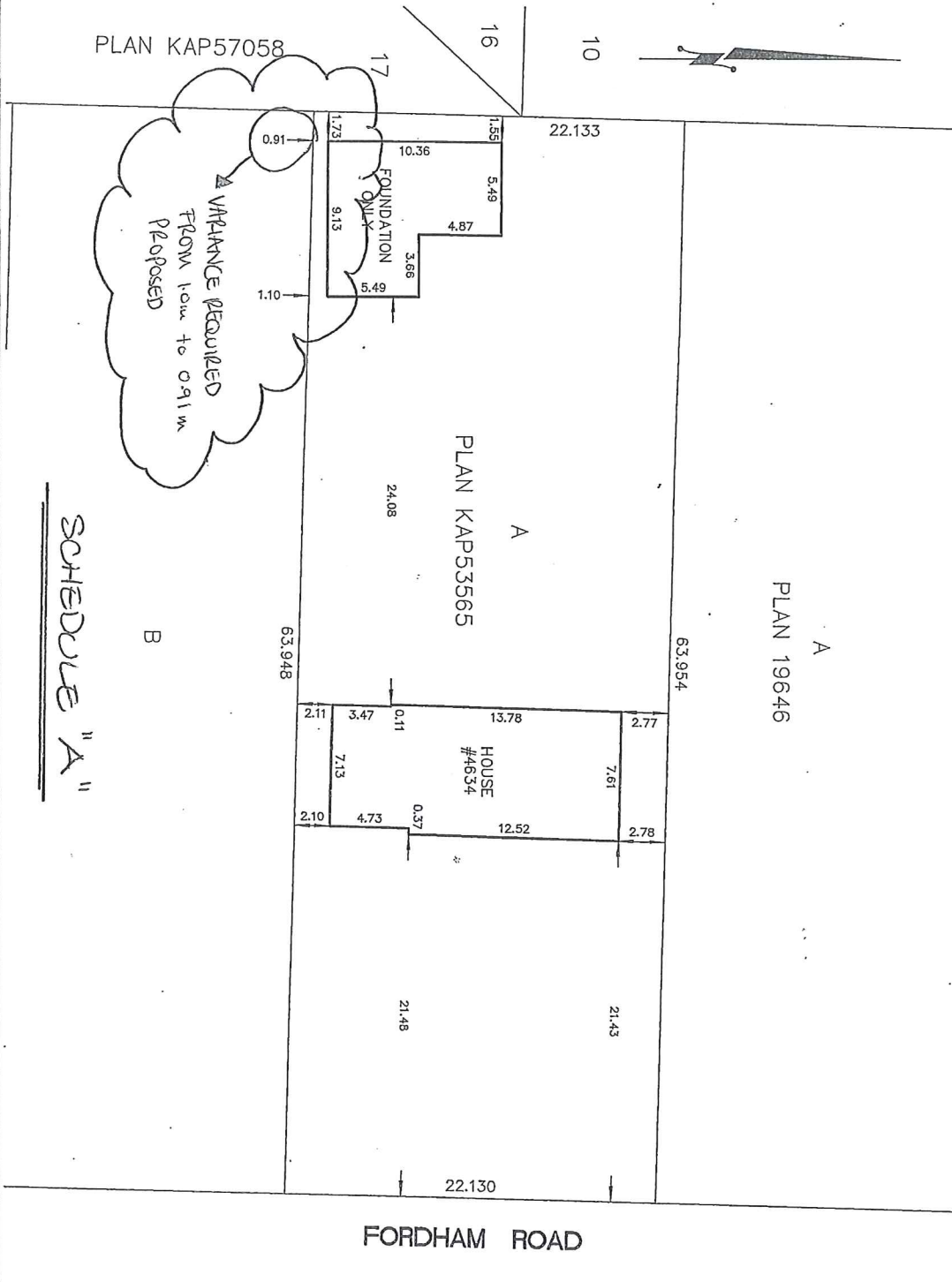
NEIL R. DENBY

B.C.L.S.

RUNNALLS DENBY

british colombia land surveyors

#2-1470 Water Street Phone: (250)763-7322
Kelowna, B.C. Fax: (250)763-4413
V1Y 1J5 Email: neil@runnallsdenby.com



SCHEDULE "A"