

4.0 Proposal

4.1 Project Description

The applicant is planning to construct a single family dwelling on the vacant subject property which has a bulb in the road immediately in front of the site. The plans provided show a home consistent with the form of the existing neighbourhood.

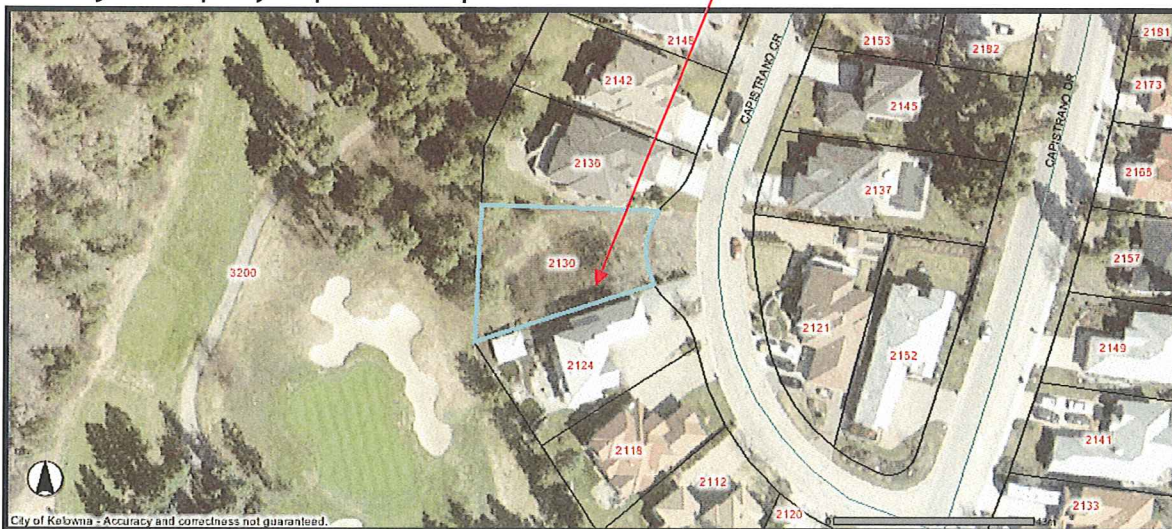
Through the application circulation process, information was received that the road irregularity was created to meet the minimum lot frontage at time of subdivision development. The effect of the road alignment sets the site farther back from the surrounding homes. Should the applicant build the proposed dwelling with the required setback there would be an anomaly in the street rhythm. By requesting a variance to the front yard set back the owner is able to achieve a consistent street rhythm and optimize the placement of the home with the least effect on the immediate neighbours. This placement also makes available the efficient use of the rear yard.

4.2 Site Context

The subject property is located on Capistrano Crescent in the Quail Ridge subdivision in the northern section 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 designated in the CD6 zone with the following uses:

Orientation	Land Use
North	Residential
East	Golf Course
South	Residential
West	Residential

4.3 Subject Property Map: 2130 Capistrano Crescent



The proposal meets the requirements of the CD6 - Comprehensive Golf Resort referring to RU1 - Large Lot Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	835 m ²	550 m ²
Lot Width	Front: 16.6 m Back: 29.3 m	16.5 m
Lot Depth	40.6 m	30.0 m
Development Regulations		
Front Yard	2.0 m ①	4.5 m or 6.0 m to a garage
Side Yard (north)	2.3 m	2.3 m (2 - 2 ½ storey)
Side Yard (south)	2.3 m	2.3 m (2 - 2 ½ storey)
Rear Yard	11.14 m	7.5 m

① Variance required for the front yard set back from 6.0m required to 2.0m proposed.

5.0 Technical Comments

5.1 Building & Permitting Department
No Comments.

5.2 Development Engineering Department
The Developments Engineering comments and requirements regarding this Development Variance Permit application are as follows:

General

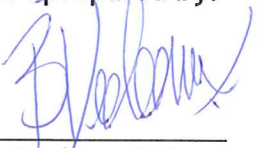
- a) The applicant's statement regarding the location of the curb "where it was supposed to be" is erroneous; actually, the front property line was recessed to create a property with the minimum 16.5 m lot width in accordance with the zone requirement.
- b) The requested front yard setback variance does not compromise any municipal infrastructure.

5.3 Fire Department
No concerns

6.0 Application Chronology

Date of Application Received: January 6, 2012

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

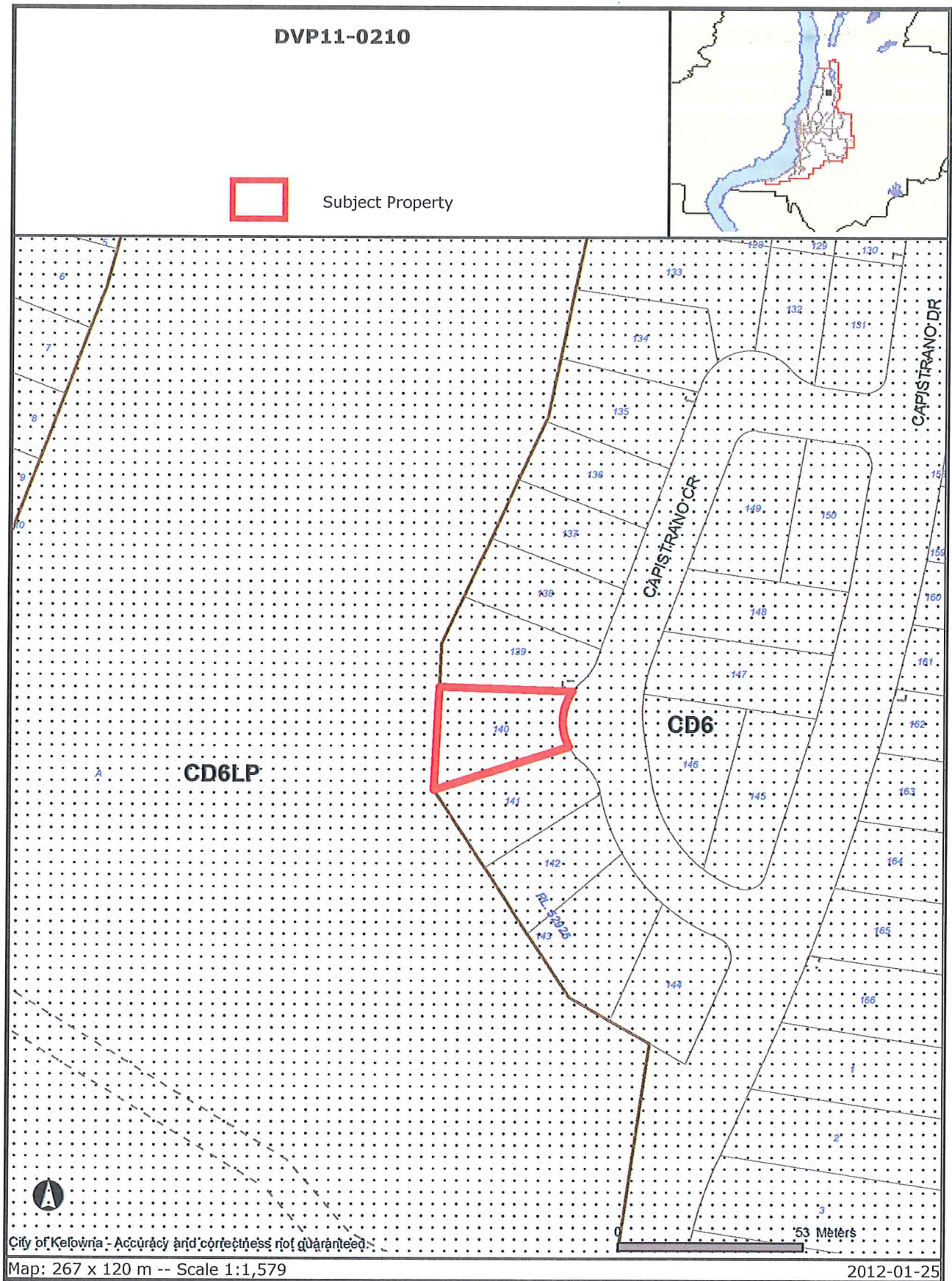
Approved for Inclusion:



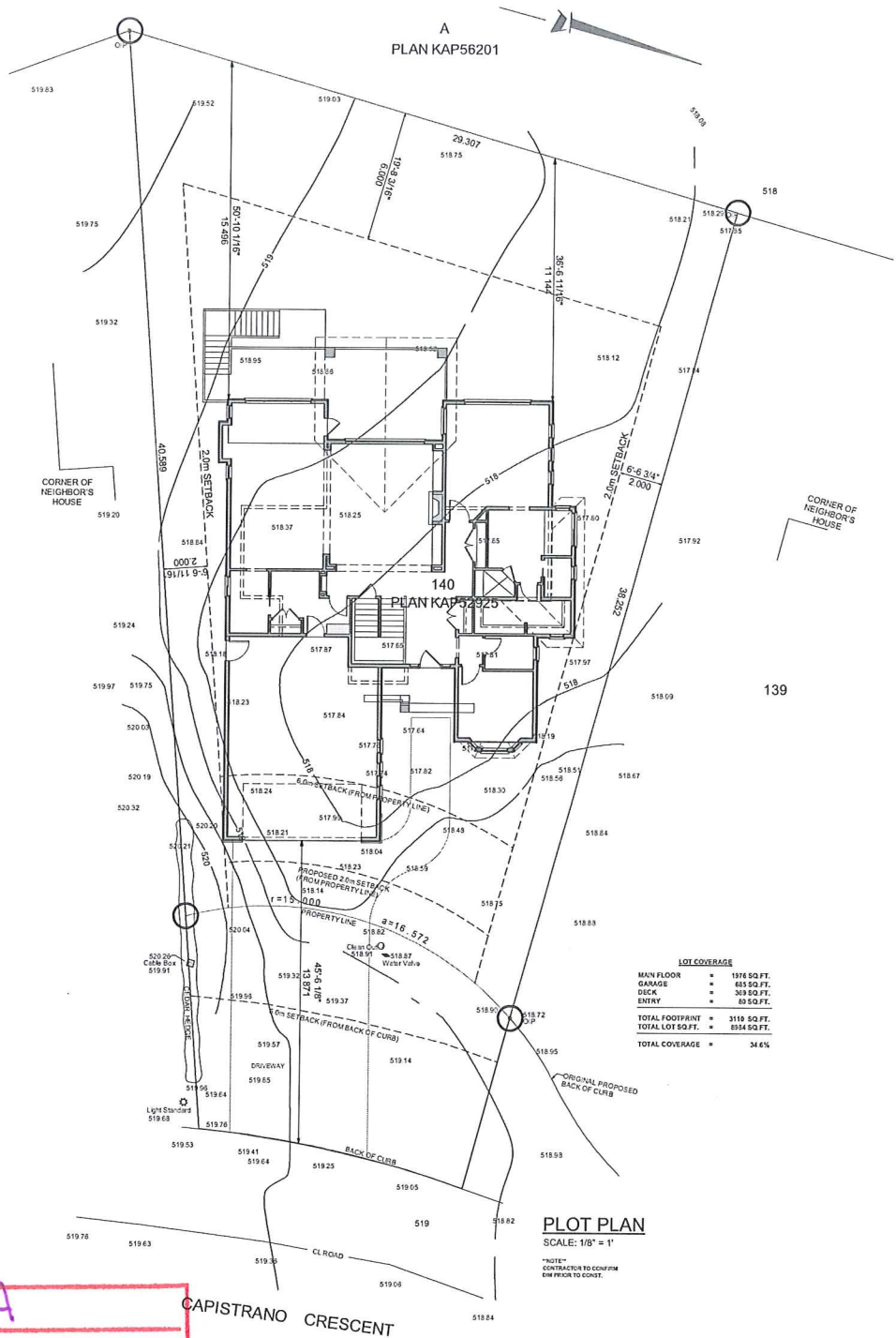
Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan - Schedule A
Elevation drawings



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.



LOT COVERAGE

MAIN FLOOR	=	1976 SQ. FT.
GARAGE	=	653 SQ. FT.
DECK	=	309 SQ. FT.
ENTRY	=	80 SQ. FT.
TOTAL FOOTPRINT	=	3118 SQ. FT.
TOTAL LOT SQ. FT.	=	8534 SQ. FT.
TOTAL COVERAGE	=	34.6%

PLOT PLAN
SCALE: 1/8" = 1'

NOTE
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

SCHEDULE A
This forms part of development
Permit # OVPII-0210

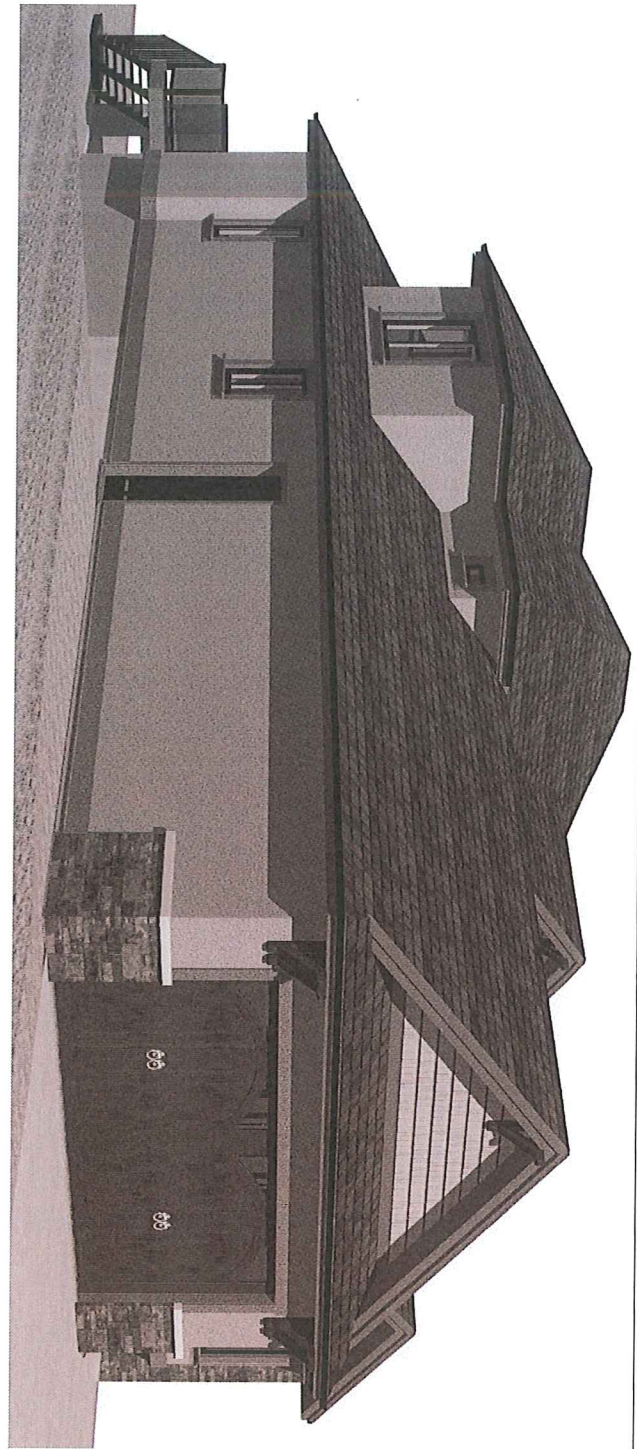
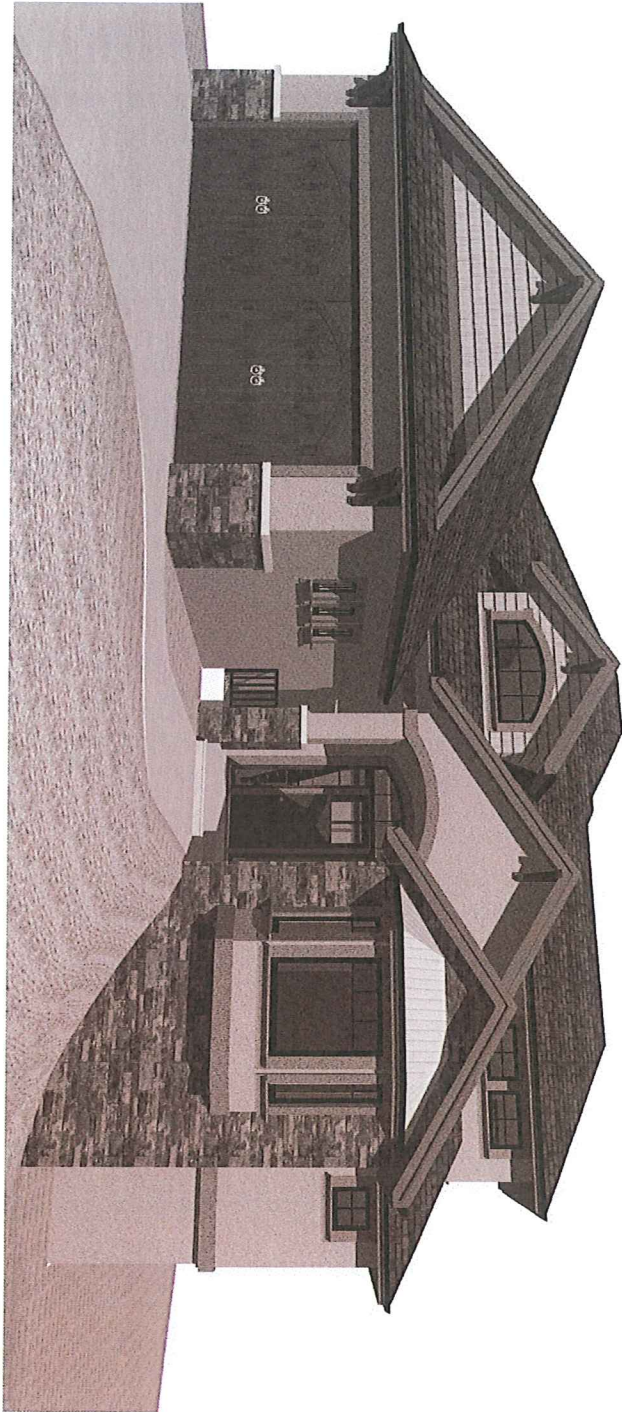


MULLINS
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PROPOSED PROJECT FOR
ENRIGHT RESIDENCE
LOT 140-CAPISTRANO CRES.

SCALE: 1/4" = 1'
DATE: JAN-24-2012

SHEET NUMBER
6/6



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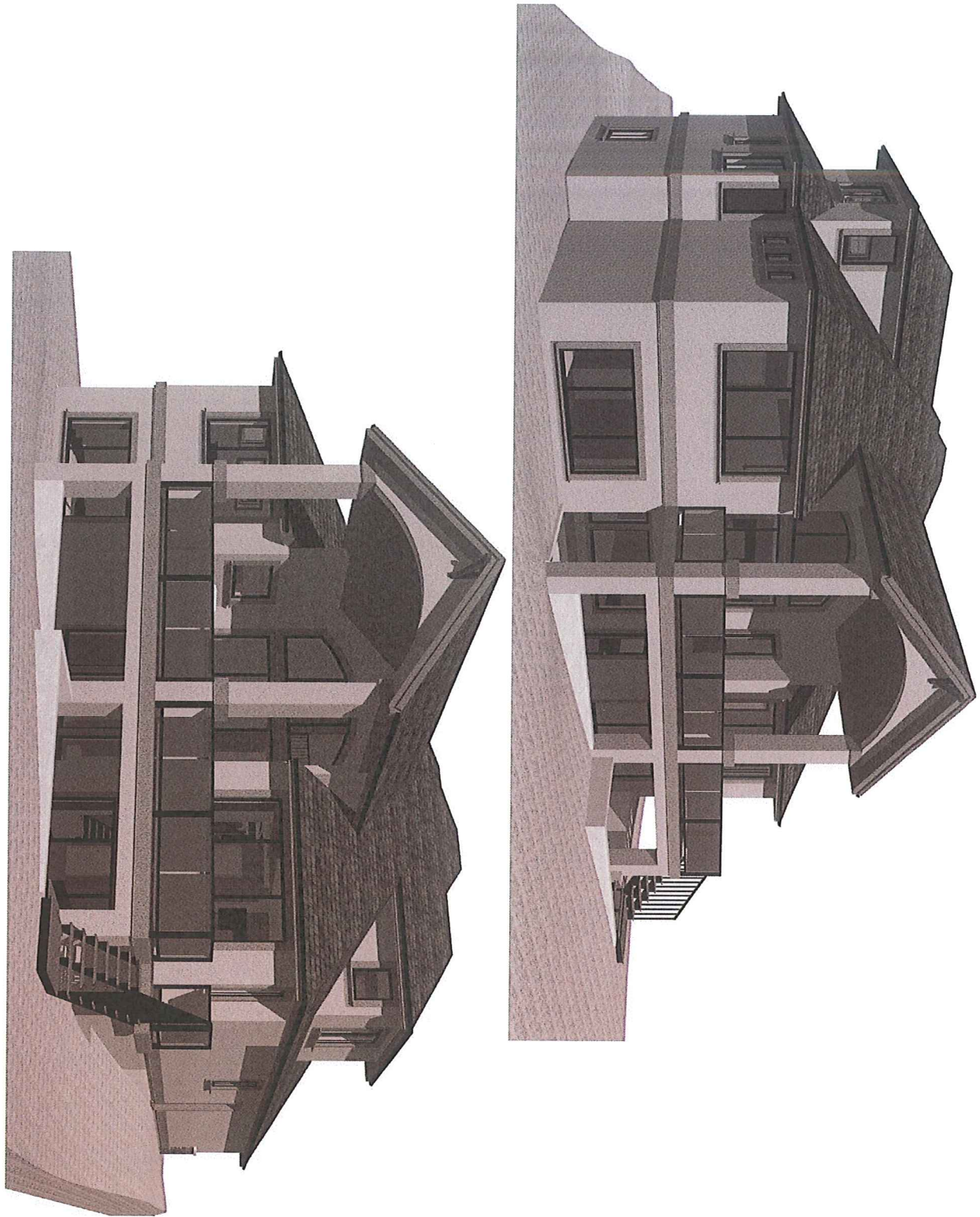
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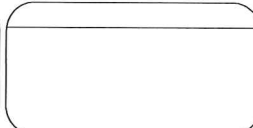
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PROPOSED PROJECT FOR
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SCALE: 1/4" = 1'
DATE: JAN-24-2012

SHEET NUMBER
2/6

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP11-0210

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

ISSUED TO: Peter M. and Lori A. Enright APPLICANT: Mullins Drafting and Design (Lee Mullins)
LOCATION OF SUBJECT SITE: 2130 Capistrano Cr.

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	140		KAP52925	15	23	ODYD

<u>SCOPE OF APPROVAL</u>	
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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(c): Development Regulations

To vary the required front yard from 6.0m to 2.0m 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 ____ DAY OF FEBRUARY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____ DAY OF FEBRUARY 2012.

Shelley Gambacort
Director of Land Use Management