

REPORT TO COUNCIL



Date: February 23, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)

Application: DVP12-0024 **Owner:** Christopher N. and Catharine M. Jennens
Address: 1180 Pinecrest Lane **Applicant:** Christopher N. and Catharine M. Jennens
Subject: Development Variance Permit

Existing OCP Designation: Single / Two Family Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0024, for Lot A, Section 29, Township 26, O.D.Y.D., Plan 22609, located on Pinecrest Lane, Kelowna, BC;

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

Section 13.1.6 (c) Development Regulations - front yard setback:

To vary the minimum permitted front yard setback to a garage from 6.0m to 4.0 m for a portion of the site as shown in schedule A.

2.0 Purpose

A Development Variance permit is sought to reduce the required front yard setback to accommodate renovations to an existing single family dwelling.

3.0 Land Use Management

The applicant is seeking to add a garage and reconfigure the orientation of an existing single family dwelling. Given the non-conventional placement of the home in relation to the front property line, a variance is required for a portion of the front lot line to accommodate the garage. The required variance is seen to be minor in nature, having little to no impact on the neighbourhood or parking requirements. Additionally, improvements to the home will update the exterior and be a positive enhancement to the neighbourhood. The applicant has provided abutting property owner signatures supporting the proposed variance.

4.0 Proposal

4.1 Background / Project Description

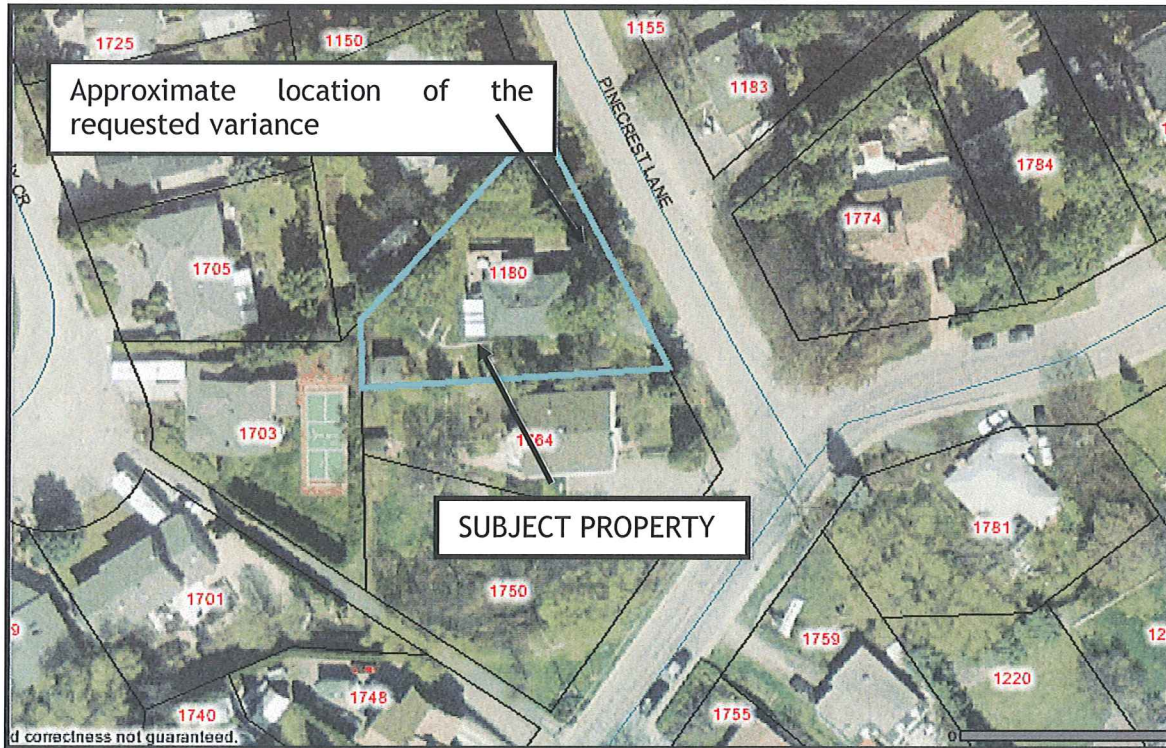
The single family dwelling was built in 1963 on a one acre orchard site which fronted on to Highland Drive N. Over time the lot was subdivided creating a situation where the rear of the home became oriented to the front yard.

The owners developing a front face to their home on Pinecrest Lane. The proposed changes include adding a front entry with porch and a garage to the home. A small addition is also proposed to the north side of the site. As the home is not sited parallel to the legal front line, the addition of the garage triggers the need for a variance to relax the front yard setback to 4.0m at the east corner of the garage.

Notably, the Development Engineering branch has concerns regarding the variance. This neighbourhood is envisaged to have road urbanization at some point in the future, which would include the installation of a sidewalk. The timing and location of the sidewalk are unknown, but the driveway location affords ample buffer between the road curb and the legal property line.

4.2 Site Context

Subject Property Map: 1180 Pinecrest Lane



The subject property is located on the west side of Pinecrest lane, west of Glenmore Drive. The property is located in the Old Glenmore area 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 | 1,082 m ² |
| Lot Width | 16.5 m | 42.84 m |
| Lot Depth | 30.0 m | 41.19 to 47.91 m |
| Development Regulations | | |
| Site Coverage | 40% buildings | 18% |
| Principal Dwelling | | |
| Front Yard | 4.5m unless 6.0m to garage | 6.21m - 3.68 m ^① |
| Side Yard (north) | 2.0 m (1 or 1½ storey portion) | 10.82m to garage |
| Side Yard (south) | 2.0 m (1 or 1½ storey portion) | 2.25 m to proposed addition |
| Rear Yard | 34.9 m | 7.5 m |
| Parking requirements | 2 stalls | 3 stalls |
| ^① Indicates a requested variance to vary the front yard setback from 6.0 m required to 3.68m proposed for a portion of the lot line. | | |

5.0 Technical Comments

5.1 Building & Permitting Department

- 1) Stair winders in exit stairwell beside kitchen are not to the minimum requirements of the Building Code.
- 2) Full plan check will occur at time of Building permit application.

5.2 Development Engineering Department

The request to vary the building addition front yard setback from 6.00m required to 4.0m proposed is not supported. The applicant is required to revise the Site Plan so that the distance from the garage door to the property line is a minimum of 6.00 meters.

LUM: The requested variance affects a portion of the front yard setback and is not requested for the entire length of the driveway frontage. The parking requirements of the Zoning Bylaw are satisfied given that 2 stalls are available in the proposed garage and one additional parking stall on the driveway meets the minimum stall requirements of (2.5 X 6m).

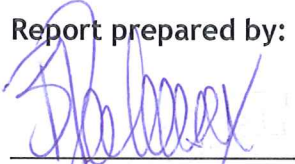
5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: February 7, 2012

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director of Land Use Management

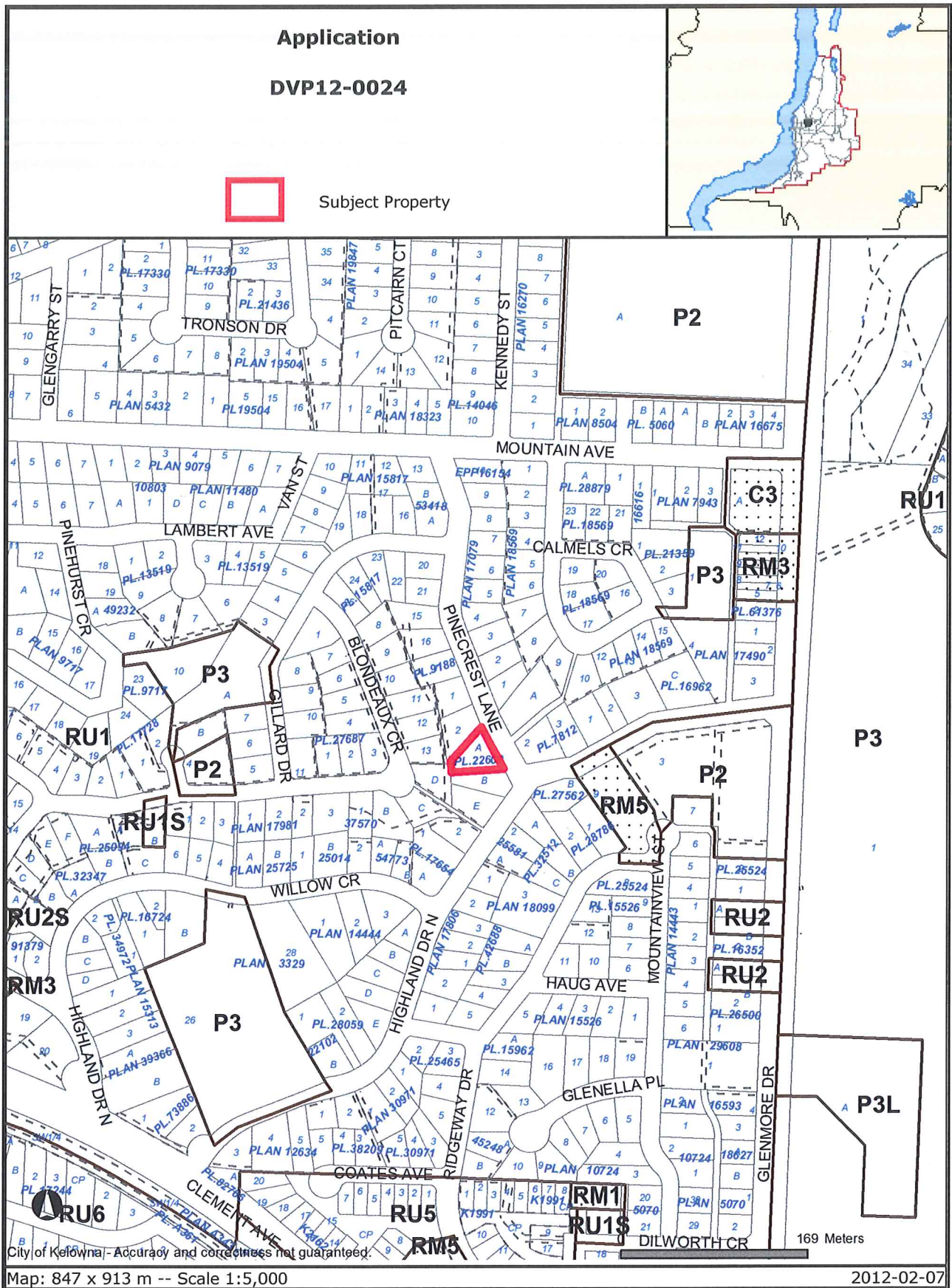
Attachments:

Subject Property Map

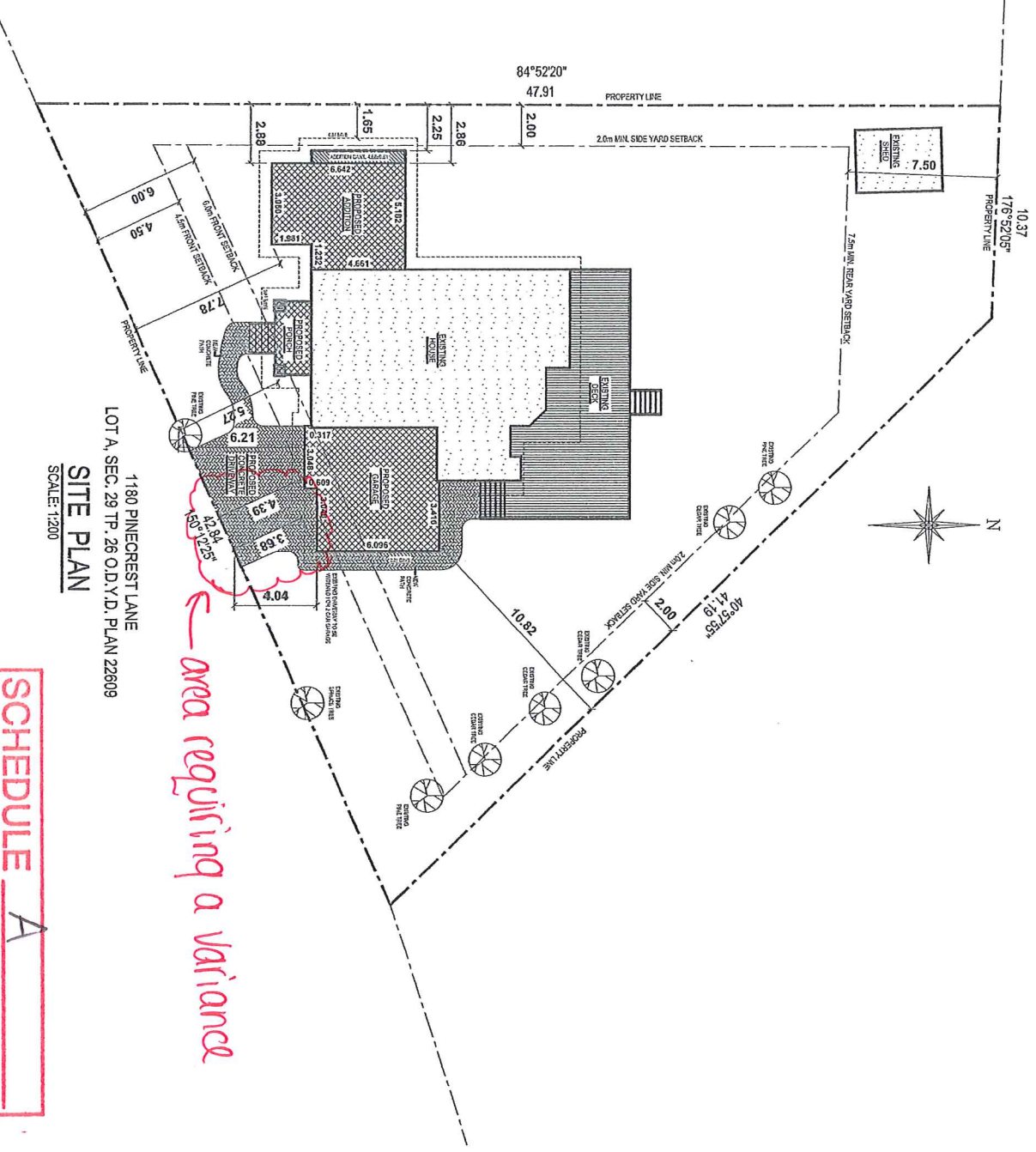
Site Plan

Elevation plans

Existing site photo



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.



1180 PINECREST LANE
 LOT A, SEC. 29 TP. 26 O.D.Y.D. PLAN 22609
SITE PLAN
 SCALE: 1:200

area requiring a variance

SCHEDULE A
 This forms part of development
 Permit # DP12-0024

JTECH DRAFTING LTD
 5-2040 ROSEALEE LANE
 WEST KELOWNA, BC
 V1Z 4C5
 P: 776-76-4448
 C: 250 870 4510

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ALL WORK IS PERFORMED TO COMPLY TO CURRENT BRITISH COLUMBIA BUILDING REGULATIONS AND ALL OTHER APPLICABLE JURISDICTIONS.

JENNENS RENOVATION
 1180 PINECREST LANE
 KELOWNA, BC

CHRIS & CATHY JENNENS

| DEVELOPMENT PERMIT - VARIANCE | |
|-------------------------------|--------------|
| ISSUED FOR: | DATE: (YYYY) |
| DEVELOPMENT PERMIT - VARL | 02/04/12 |
| REVISION: | DATE: (YYYY) |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |

| SITE PLAN | |
|--------------|------------------|
| PROJECT #: | 1201 |
| DATE: | JANUARY 16, 2012 |
| SCALE: | AS SHOWN |
| DRAWN BY: | JFB |
| DESIGNED BY: | |
| DATE: | |
| REVISION: | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |

PLEASE RECYCLE THIS PLAN UPON COMPLETION OF THE PROPOSED PROJECT.

DP1

JTECH DRAFTING LTD

9040 ROSALEE LANE
WEST KELOWNA, BC
V1Z 4C5
PH: 778-754-4448
C: 250 878 4519

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JENNENS RENOVATION
1180 PINECREST LANE,
KELOWNA, BC

CHRIS & CATHY JENNENS

DEVELOPMENT PERMIT - VARIANCE

ISSUED FOR: _____ DATE: (M/D/Y)
BUILDING PERMIT _____

REVISION: _____ DATE: (M/D/Y)
1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

PROPOSED FRONT & REAR ELEVATION

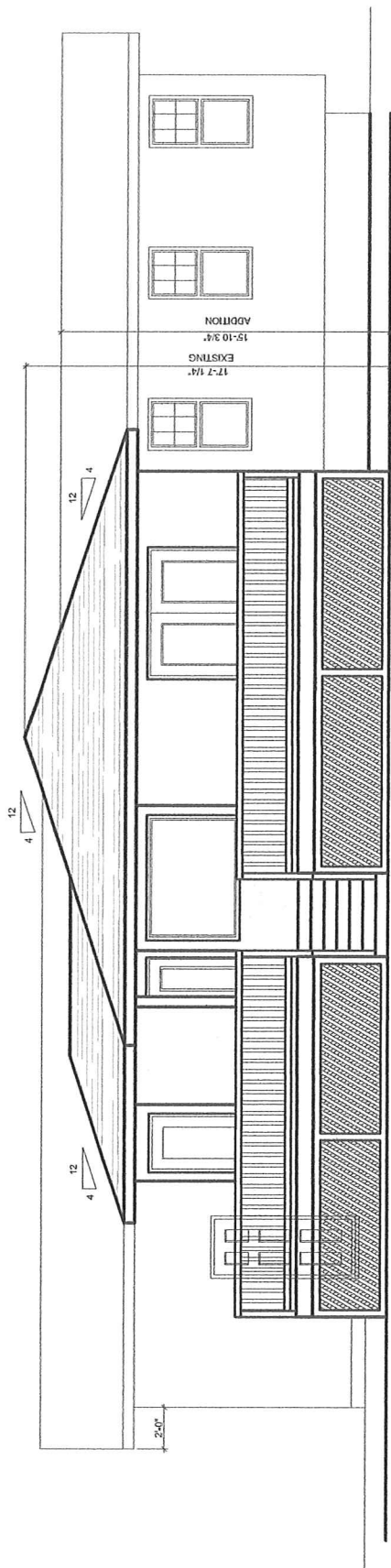
PROJECT #: 12-01
DATE: JANUARY 16, 2012
SCALE: AS SHOWN
DRAWN BY: JPB

DP2

PLEASE RECYCLE THIS PLAN UPON COMPLETION OF THE PROPOSED PROJECT.



PROPOSED FRONT (EAST) ELEVATION
SCALE: 3/16"=1'0"



PROPOSED REAR (WEST) ELEVATION
SCALE: 3/16"=1'0"

**JTECH
DRAFTING LTD**
 9-2810 ROSEALEE LANE
 WEST KELOWNA, BC
 V1Z 7K3
 PH: 778-918-4468
 C: 250 918 4619

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DRAWINGS ARE NOT TO BE SCALED. ANY ERRORS, OMISSIONS OR DISCREPANCIES WITH THE DRAWINGS MUST BE REPORTED TO THE DRAWING ENGINEER IMMEDIATELY UPON CONSTRUCTION. IF THESE ERRORS, OMISSIONS OR DISCREPANCIES ARE NOT REPORTED IMMEDIATELY UPON COMMENCEMENT OF CONSTRUCTION THE BUILDER AND/OR OWNER ARE FULLY RESPONSIBLE.

ALL WORK IS PERFORMED TO COMPLY TO CURRENT BRITISH COLUMBIA BUILDING REGULATIONS AND ALL OTHER AUTHORITIES HAVING JURISDICTION.

JENNENS RENOVATION
 1180 PINECREST LANE,
 KELOWNA, BC

CLIENT:
CHRIS & CATHY JENNENS

DEVELOPMENT PERMIT - VARIANCE

ISSUED FOR:
 BUILDING PERMIT

DATE: (M/D/Y)

REVISIONS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

DATE: (M/D/Y)

DATE: (M/D/Y)

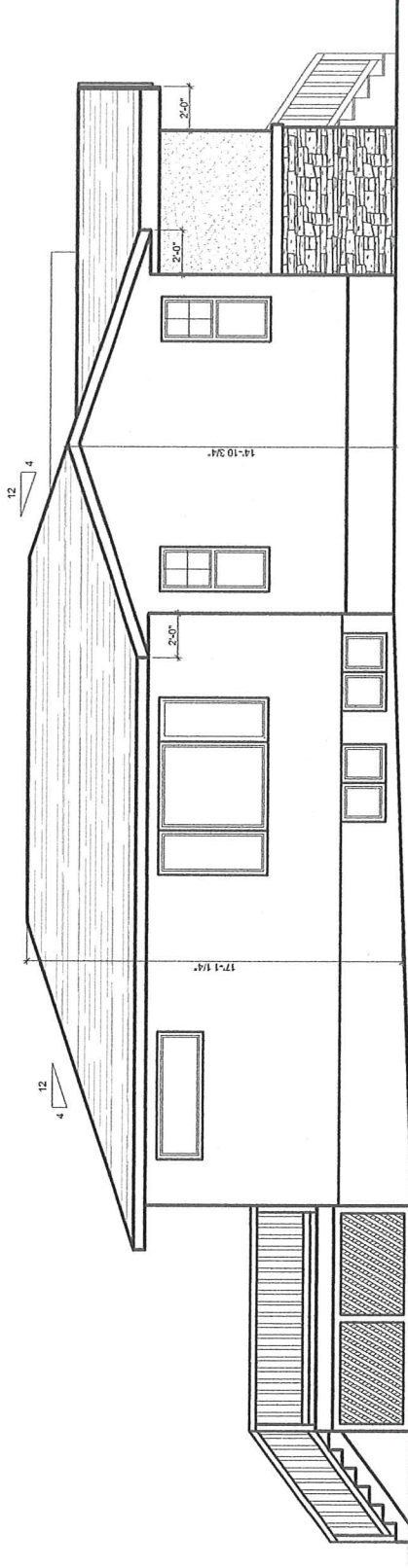
LEFT & RIGHT ELEVATIONS

PROJECT #:
 DATE:
 SCALE:
 DRAWN BY:

JTECH DRAFTING LTD

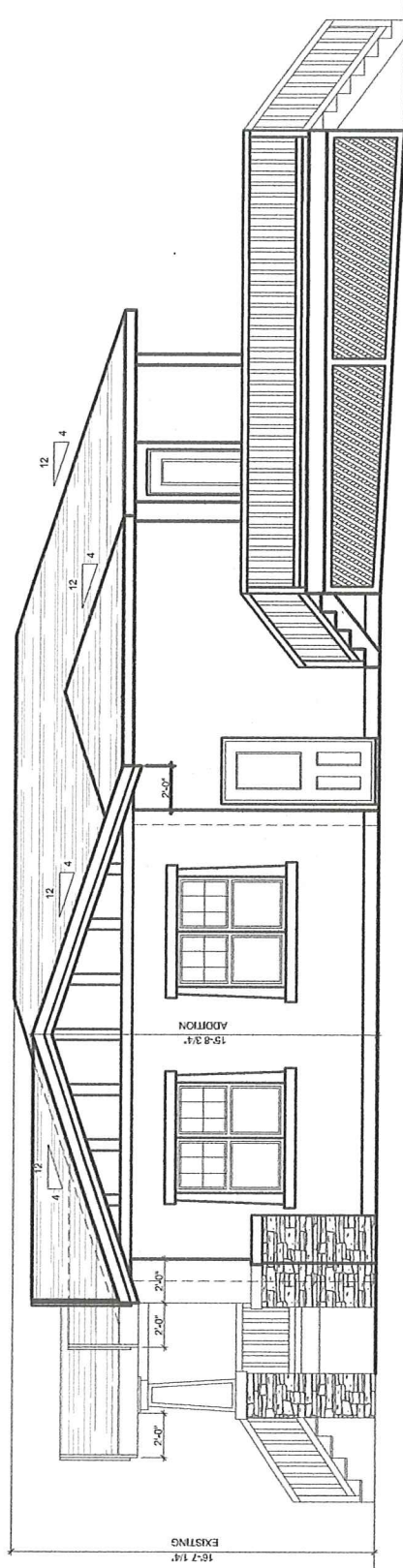
DP3

PLEASE RECYCLE THIS PLAN UPON COMPLETION OF THE PROPOSED PROJECT.



PROPOSED LEFT (SOUTH) ELEVATION

SCALE: 3/16"=1'0"



PROPOSED RIGHT (NORTH) ELEVATION

SCALE: 3/16"=1'0"



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0024

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

| |
|--|
| ISSUED TO: Christopher N. and Catharine M. Jennens |
| LOCATION OF SUBJECT SITE: 1180 Pinecrest Lane |

| | LOT | D.L. | PLAN | SECTION | TOWNSHIP | DISTRICT |
|--------------------|-----|------|-------|---------|----------|----------|
| LEGAL DESCRIPTION: | A | | 22609 | 26 | 26 | 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:

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

Section 13.1.6 (c) Development Regulations - front yard setback:

To vary the minimum permitted front yard setback to a garage from 6.0m to 4 m for a portion of the site as shown in 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 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 MARCH, 2012.

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

Shelley Gambacort
Director of Land Use Management