

2.0 Purpose

To consider two variances for a proposed garage, including variances to the maximum area of an accessory building and the maximum height of an accessory building.

3.0 Land Use Management

In general, Land Use Management is concerned with accessory building size in urban residential zones. Regulations on size and siting exist to achieve general community objectives. As an example, limiting height to 4.5 m reduces the impact of these structures on adjacent properties and on the community as they experience the neighbourhood from the public realm (i.e. street and lane). The same applies to the size of an accessory building which when excessively large can overwhelm an urban lot and create impacts to adjacent and abutting parcels especially. The size of an accessory building also affects site permeability which has downstream impacts on City infrastructure and the natural environment.

The above being said, at 0.78 ha (1.93 ac) the subject property is more akin to a rural residential than an urban residential property. For comparative purposes, the proposed height of 6.0 m is consistent with the maximum height permitted in the Rural Residential 1 (RR1) zone, while rural residential properties are not restricted in area.

Of note is that the subject property is encumbered by an approximate 18.5 m Terasen Gas right-of-way (ROW) which severs the parcel. While the ROW does not create a “hardship” given the size of the parcel, this constraint has led to the structure being detached from the home¹ does deserve consideration.

Further, the plans submitted by the applicant demonstrate a tasteful design with form and character consistent with the home under construction. The proposed development incorporates quality materials and building massing and roof articulation which will help to mitigate the impact of the variances being sought.

Of additional note is that the North Arm of Bellevue Creek runs adjacent and through the northern edge of this property. The land adjacent to the stream is sensitive and important to a variety of functions including water quality and quantity and at present is highly impacted (by previous landowners). The owner has agreed to remove the existing fence below the top-of-bank and restore a portion of the sensitive area as part of the requested variance.

The owner/applicant has consulted four immediately affected neighbours seeking their support. Affected property owners include the Central Okanagan School District #23, whose Okanagan Mission Secondary School backs onto the proposed development. At the time of the authoring of this report, support has been obtained from all but the School District. However, the proposed setback distance from side and front lot lines have been reduced, albeit minor (by 0.2 and 0.3m).

Given the above, Land Use Management recommends that the requested variances be supported.

4.0 Proposal

4.1 Background / Project Description

The subject property is located on the north side of McClure Road and east of Doeksen Road in the North Mission - Crawford sector. The North Arm of Bellevue Creek runs through or adjacent to the subject property en route to Okanagan Lake.

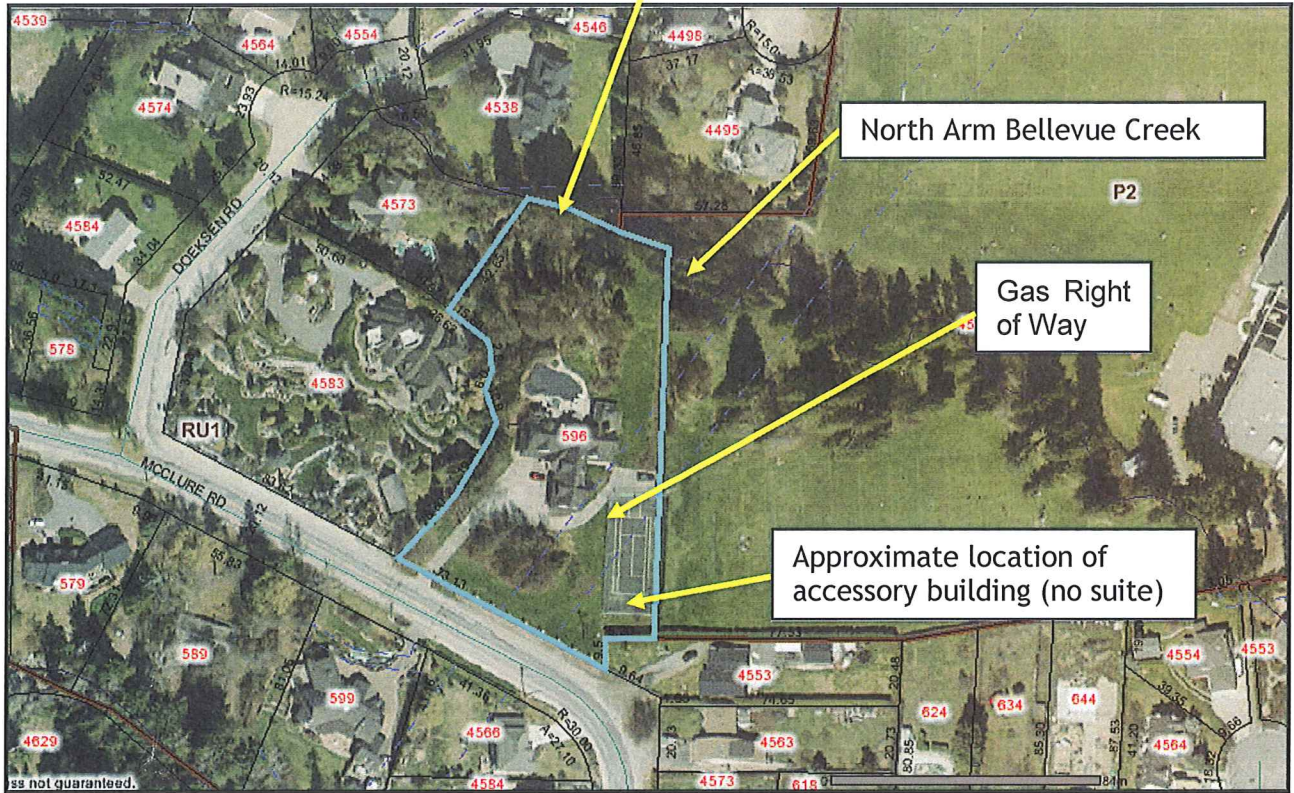
A principal dwelling is currently under construction in the approximate location as the former house illustrated in the subject property map below.

¹ Personal communication with the applicant.

The proposed four bay garage is to be located in the “front yard” of the subject property in the location of a former tennis court along the western lot line. There are no variances being sought to reduce the setback to property lines.

4.2 Site Context

Subject Property Map: 596 McClure Road



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	P2 - Educational & Minor Institutional	Okanagan Mission Secondary School
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	550m ²	7,796m ²
Lot Width	16.5m	73m
Lot Depth	30.0m	130m
Development Regulations		
Site Coverage	40% buildings	9%
	50% buildings & driveways	20%
Accessory Building		
Height	4.5m	6.0m ①
Maximum area	90 m ²	184 m ² ②

Lot coverage	14% (max.)	<14%
① Indicates a requested variance to the maximum height of an accessory building from 4.5m permitted to 6.0m proposed. ② Indicates a requested variance to the maximum area of an accessory building from 90m ² permitted to 184m ² proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Natural Environment DP Guidelines

Vegetation.² Restore ecosystems to a natural state.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns.

6.2 Development Engineering Department

The variance requests do not compromise servicing requirements.

6.3 Fire Department

No concerns.

7.0 Application Chronology

Date Application Received: February 6, 2012

Report prepared by:

Greg Sauer, Environment & Land Use Planner

Reviewed by:

Danielle Noble Manager, Manager, Urban Land Use

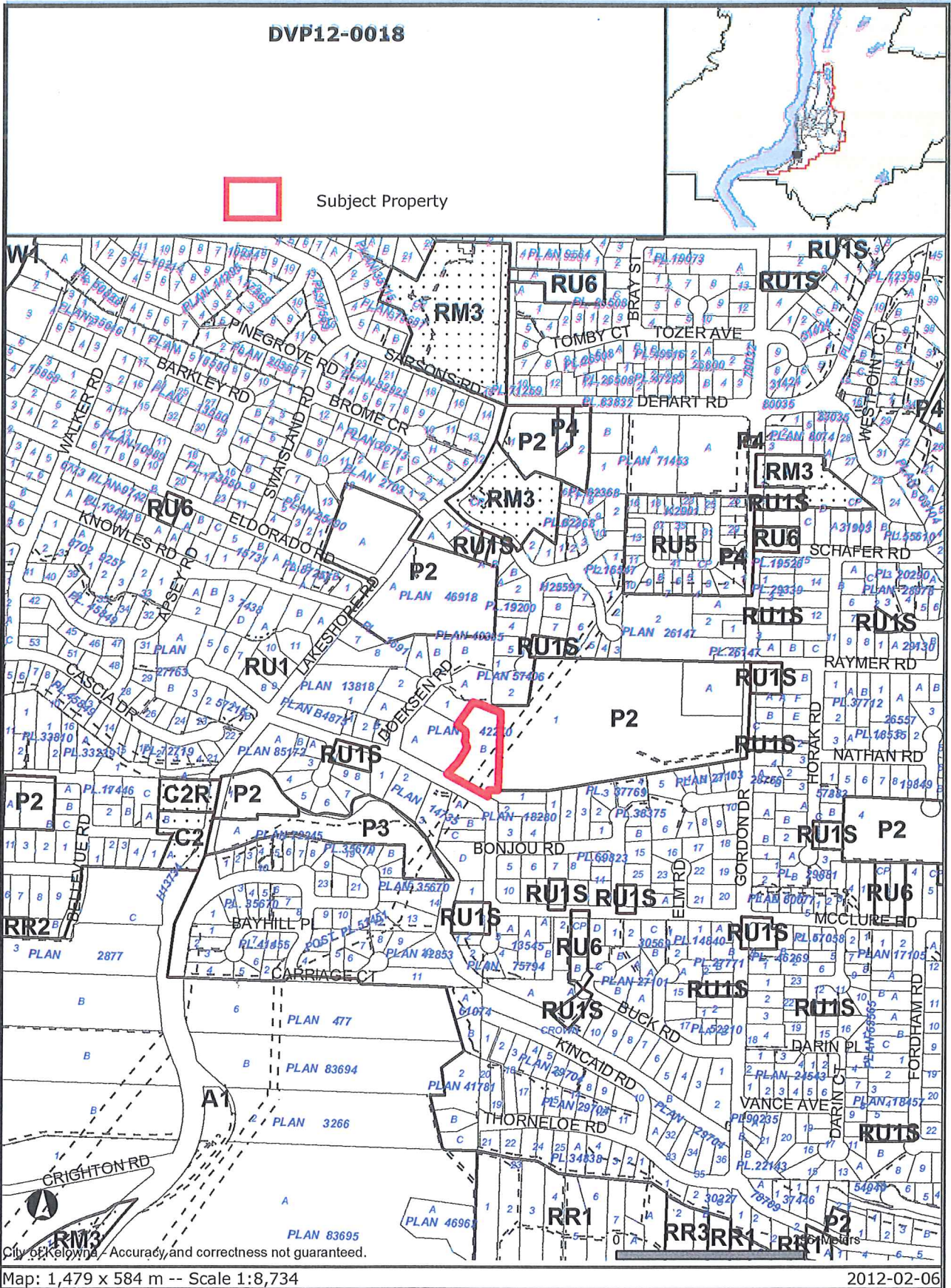
Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

Attachments:

- Subject Property Map
- Site Plan
- Accessory Building Plans
- Street View
- Draft Development Variance Permit

² City of Kelowna Official Community Plan (Natural Environment Development Permit Guidelines Chapter), Guideline 4.7; p. 12.5.



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,479 x 584 m -- Scale 1:8,734

2012-02-06

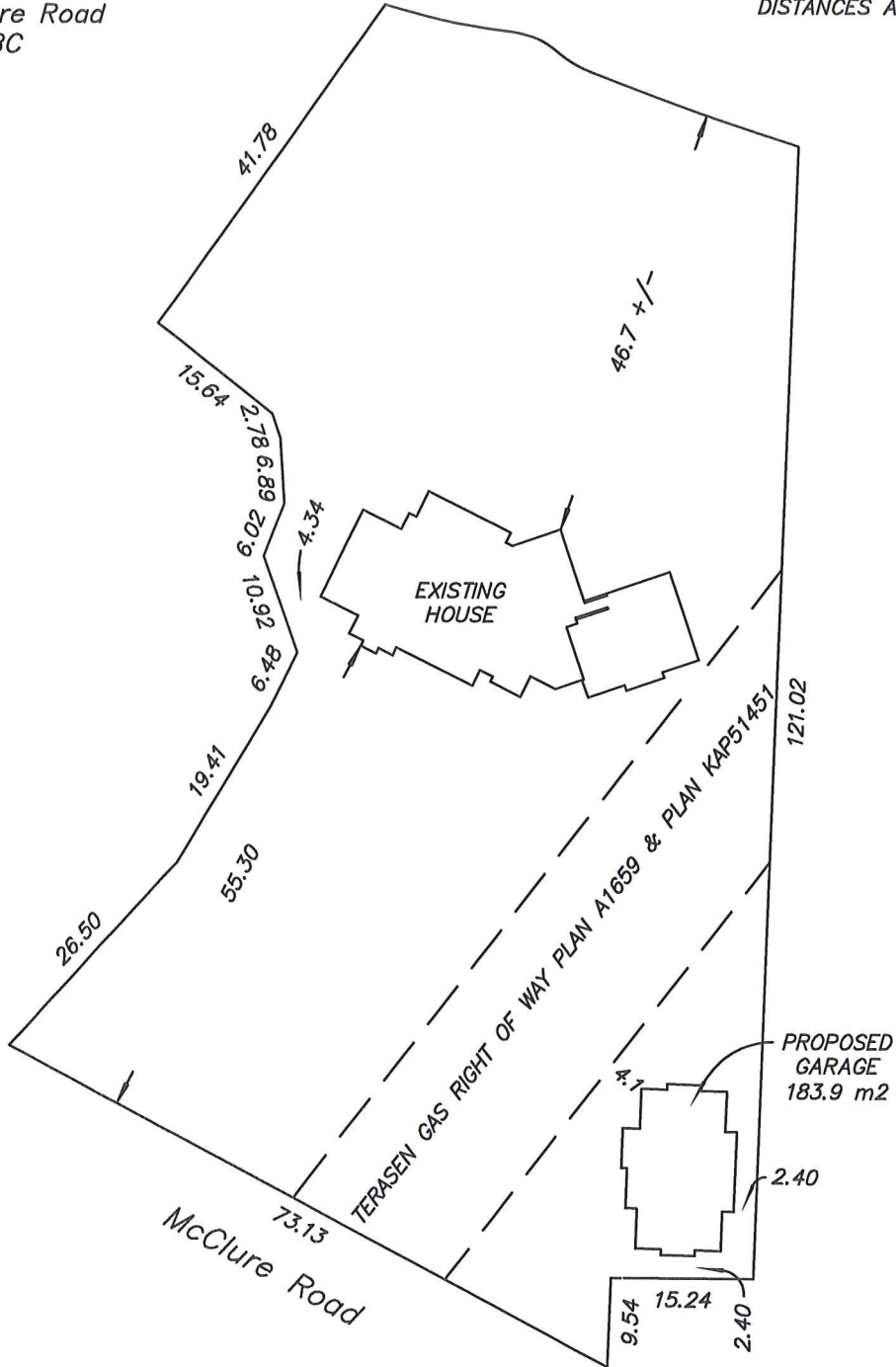
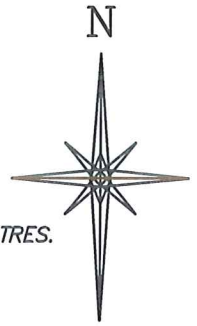
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

PROPOSED LOCATION OF BUILDING ON LOT B D.L. 167 and 358 O.D.Y.D. PLAN 42240

Civic Address:
596 McClure Road
Kelowna, BC

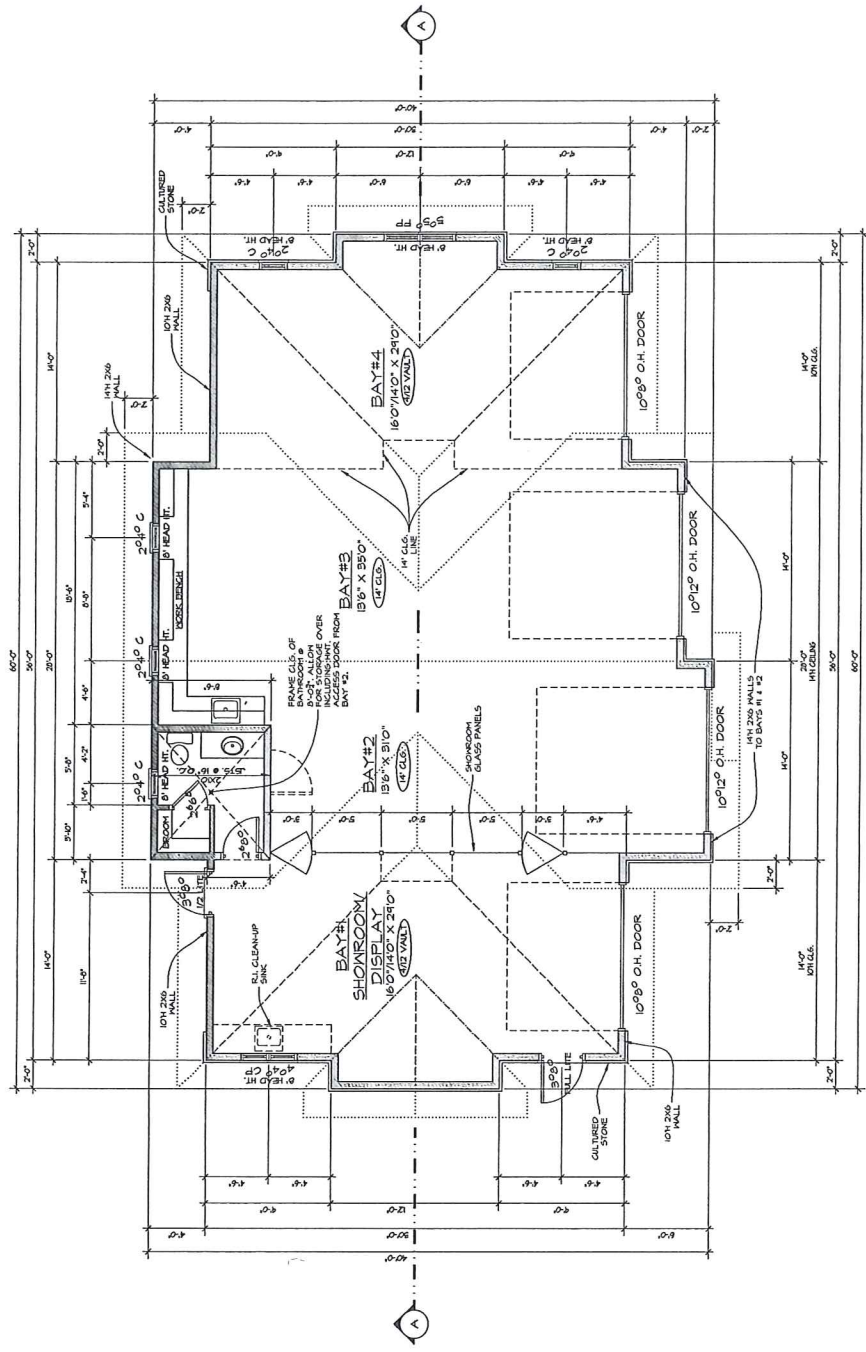
SCALE 1:750

DISTANCES ARE IN METRES.



FILE 15565 FB 352
Ocorp Developments

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733



MAIN FLOOR PLAN 1480 SQ. FT.

SCHEDULE "A"
 This forms part of development
 Permit # DVP12-0018

ERRORS AND OMISSIONS

• BAXTER DESIGN & SHARIC BAXTER shall not be responsible for any variances resulting from conditions encountered at the job site, and in the work performed by the contractor.

• BAXTER DESIGN & SHARIC BAXTER makes every effort to provide complete and accurate information, but does not warrant the accuracy of the information. It is the responsibility of the client to verify the information, and to make any necessary corrections and double check before commencing with their portion of the work.

• Please advise our office so we can make the necessary corrections.

Subject Property - 596 McClure Road



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0018

EXISTING ZONING DESIGNATION: RU1 - Large Lot Housing
DEVELOPMENT VARIANCE: To vary the maximum permitted area and height of an accessory building (garage).

ISSUED TO: Lance & Tammy Torgerson (C/O OCORP Developments Ltd.)

LOCATION OF SUBJECT SITE: 596 McClure Road

	LOT	District Lot(s)	DIV & DIST	PLAN
LEGAL DESCRIPTION:	B	167 & 358	ODYD	42240

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:

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

Section 6.5.7 (Accessory Development): To vary the maximum allowable lot coverage for accessory buildings or structures from 90 m² to 184 m², as per Schedule "A"; and,

13.1.6(b) Development Regulations: To vary the maximum allowable height of 4.5 m for accessory buildings in an urban residential zone to 6.0 m, as per Schedule "B".

2. 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 \$ TBD .
- (c) An Irrevocable Letter of Credit in the amount of \$ TBD .

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.

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 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.

4. 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 the 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

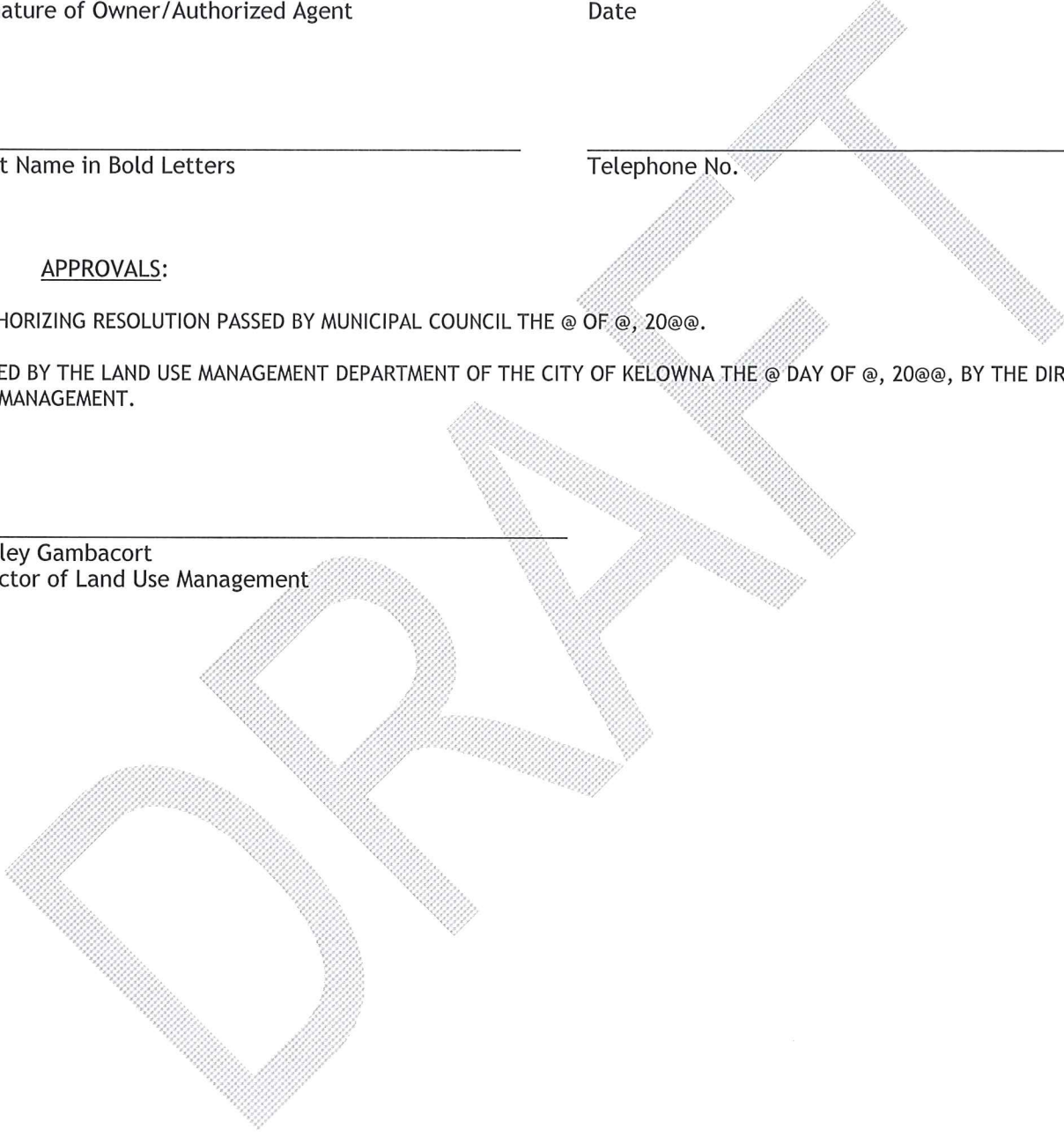
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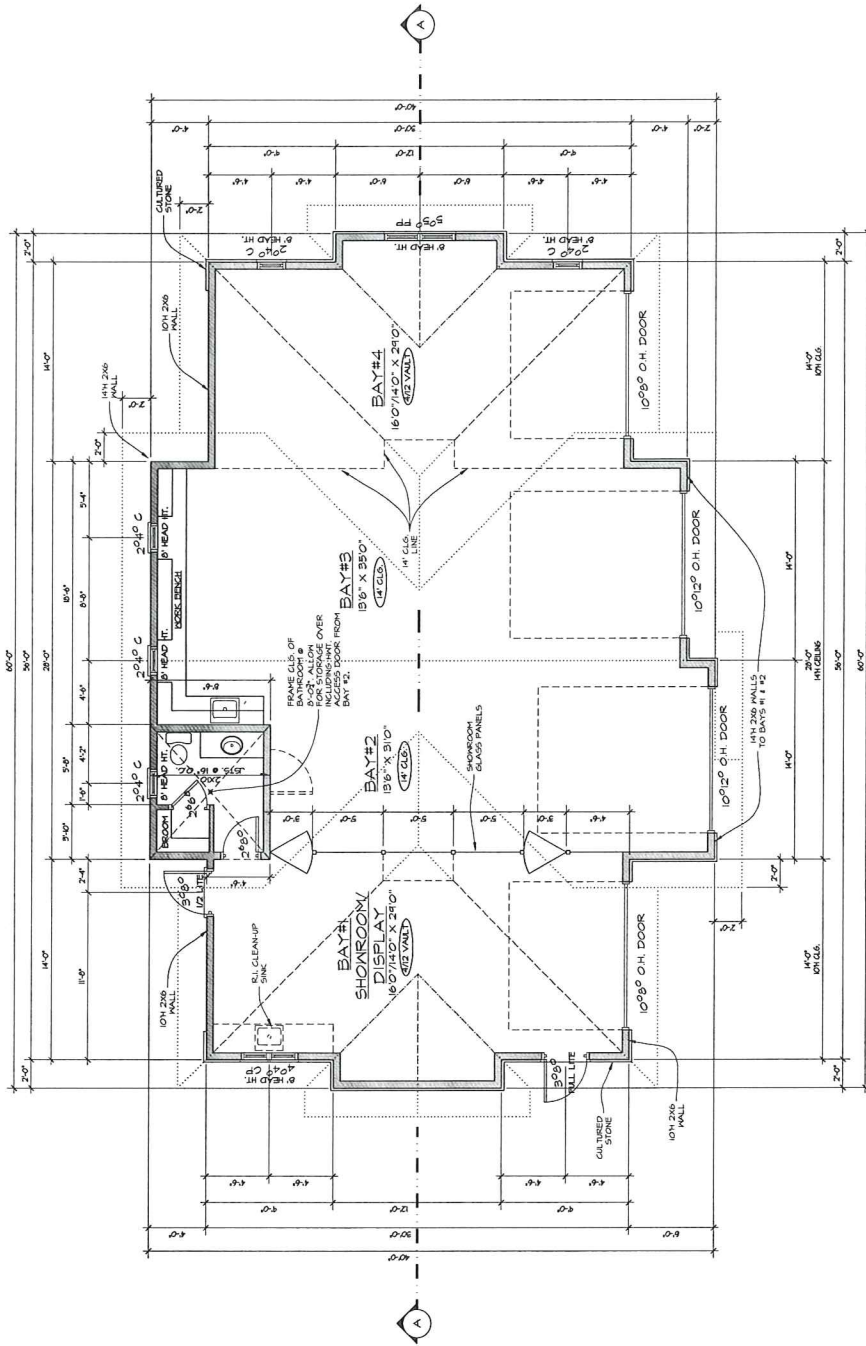
5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE @ OF @, 20@@.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE @ DAY OF @, 20@@, BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management

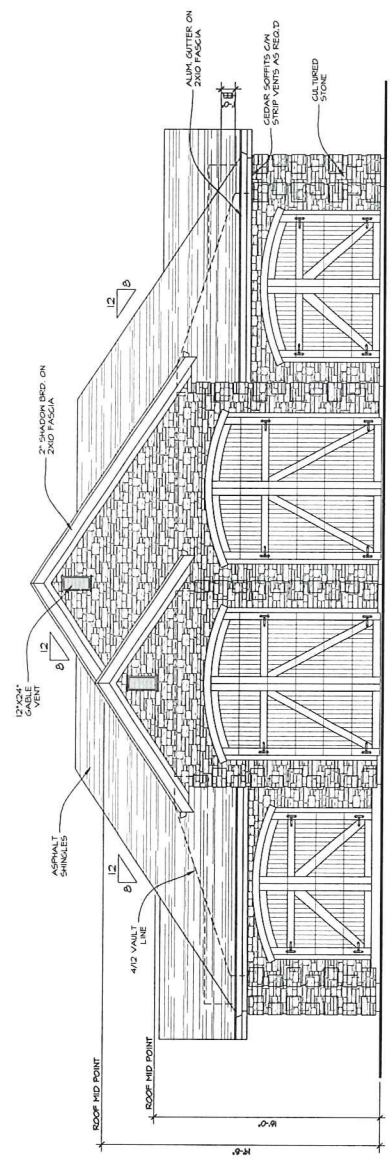




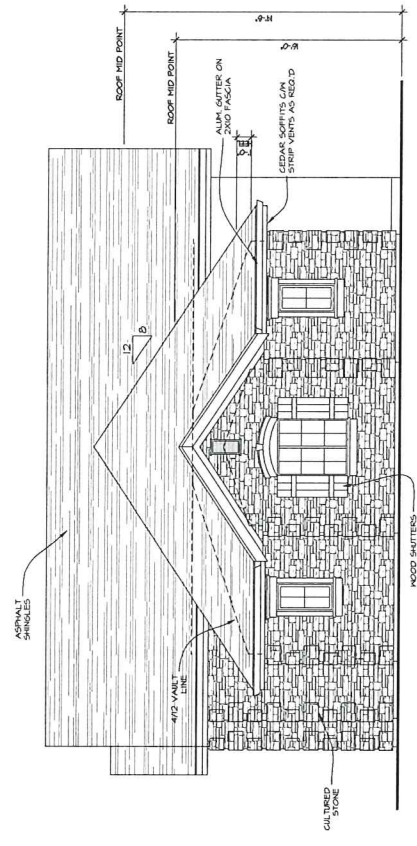
SCHEDULE "A"
 This forms part of development
 Permit # DVP12-0018

ERRORS AND OMISSIONS

• BAXTER DESIGN INC. MAKES NO WARRANTIES, REPRESENTATIONS, OR GUARANTEES FOR ANY SERVICES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENTS REQUIRED TO CONFORM TO THE PERMITS AND REGULATIONS OF THE LOCAL JURISDICTION. THE USER ASSUMES ALL RESPONSIBILITY OF THE WORK, OR CONSTRUCTION, OF THE PROJECT. HOWEVER, WE ASSUME NO LIABILITY FOR ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR THE RESPONSIBILITY OF ALL LEGAL AND NON-LEGAL ASPECTS OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR THE NECESSARY CORRECTIONS. PLEASE ADVISE OUR OFFICE AS WE CAN MAKE THE NECESSARY CORRECTIONS.



FRONT ELEVATION



RIGHT ELEVATION

SCHEDULE "B"
 This forms part of development
 Permit # DVP12-0018

ERRORS AND OMISSIONS

• BAXTER DESIGN & SHANE BAXTER (DBI) and be responsible for any variances resulting from construction and specifications, or adjustments required to meet the same.

• BAXTER DESIGN & SHANE BAXTER (DBI) shall make every effort to make complete and accurate construction drawings. However, we assume no liability for responsibility of all trades and sub-trades to check and verify all construction. Should any discrepancies be found on these plans, please advise our office so we can make the necessary corrections.