

# REPORT TO COUNCIL



Date: April 5, 2012

To: City Manager

From: Land Use Management, Community Sustainability (LT)

Application: DVP12-0038 Owner/Applicant: Nicole Begrand-fast  
Kerry Begrand-fast

Address: 4920 Westridge Drive

Subject: Development Variance Permit

Existing OCP Designation: Single/Two-Unit Residential

Existing Zone: RR3 - Rural Residential 3

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0038 for Lot 63, Section 29, Township 29, SDYD, Plan KAP 52450, located at 4920 Westridge Drive, Kelowna, BC;

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

Section 6.2.1 - Swimming Pools: To allow a swimming pool to be located in a front yard where one is not permitted, as per Schedule 'A'.

Section 12.3.6(c) Development Regulations: To vary the minimum front yard from 6.0m required to 2.0m proposed, as per Schedule "A".

## 2.0 Purpose

This application seeks a Development Variance Permit to allow an at-grade swimming pool to be constructed within the required front yard (6.0m).

## 3.0 Land Use Management

The setback regulations within the Zoning Bylaw aim to support Official Community Plan design objectives for residential areas, including the preservation and enhancement of the scale and character of individual neighbourhoods and streetscapes, as well as to ensure compatibility with existing dwellings and surrounding properties.

The Zoning Bylaw defines the front yard for the property as the Mid Ridge Ct (southwest) lot line, however, for this corner lot, this southern property line functions as a side yard. The siting of the dwelling, driveway and civic address are all based on Westridge Dr being the "front" of the property. Given the perimeter fencing and landscaping, the construction of the pool would have no visual impact from the adjacent street. In addition, surrounding neighbours have provided support for the proposed variance.

Given the above, the Land Use Management Department recommends that the variance be supported.

#### 4.0 Proposal

The property owner wishes to construct an at-grade pool near the southeast corner of the property. As the location of the pool is within the required front yard, a variance is being requested. The edge of the pool would be located 2.0m from the front (southwest) property line, where the required front yard is 6.0m.

The proposed variance is summarized below:

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Setback of At-Grade Swimming Pool		
Front Yard (Mid Ridge Ct)	6.0m	2.0m ①
Side Yard (Westridge)	2.3m	Exceeds requirements
Side Yard	0.9m	6.0m
Rear Yard	0.9m	Exceeds requirements

① Indicates a requested variance to minimum front yard setback from 4.5m required to 0.2m proposed.

#### 4.1 Site Context

The site is located in the Crawford Estates area, within an established single family neighbourhood.

##### Subject Property Map: 4920 Westridge Drive



#### 5.0 Technical Comments

##### 5.1 Building & Permitting Department

Building Permit required.

5.2 Development Engineering Department

Application does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: March 14, 2012

Report prepared by:



Luke Turri, 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

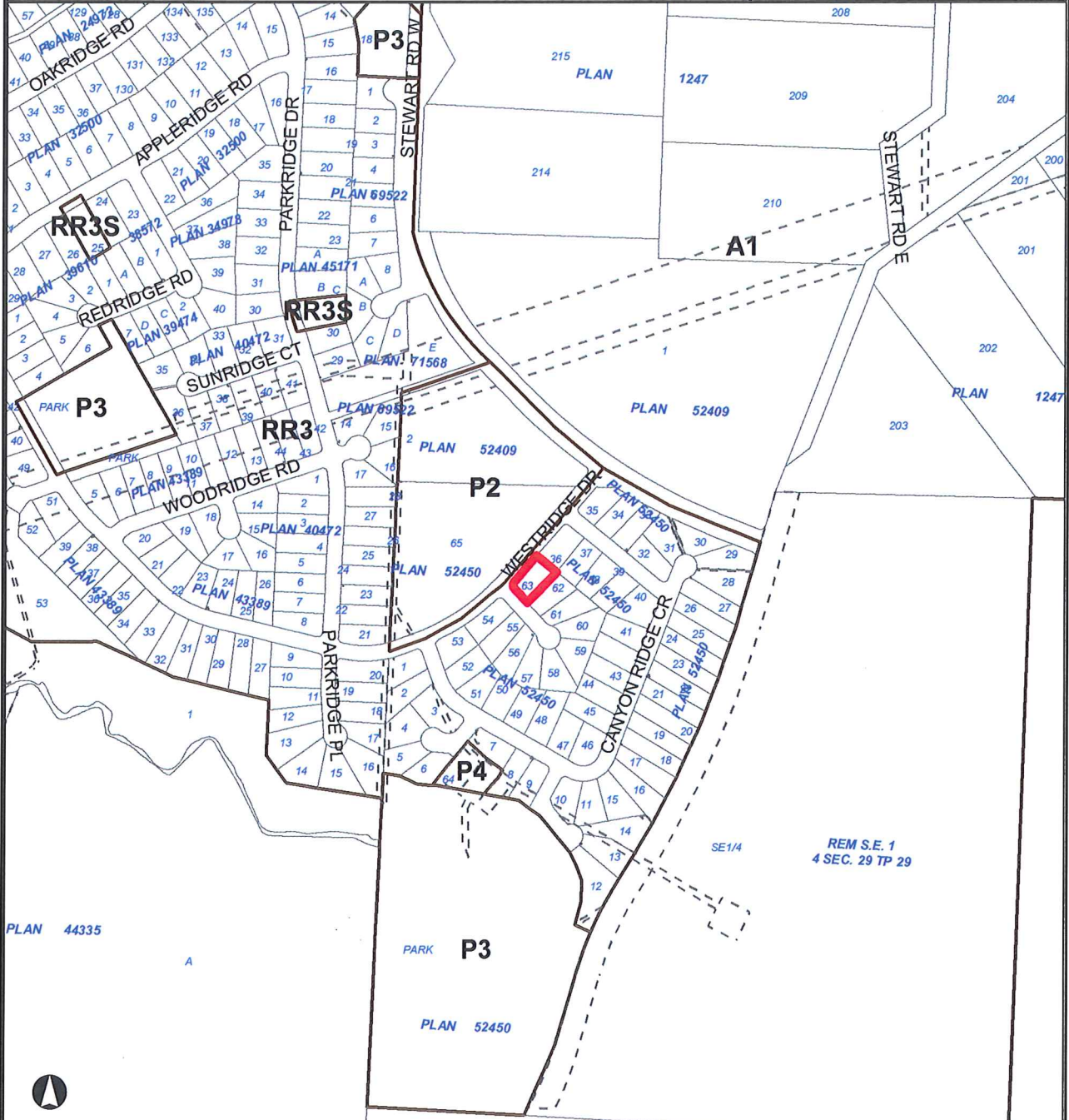
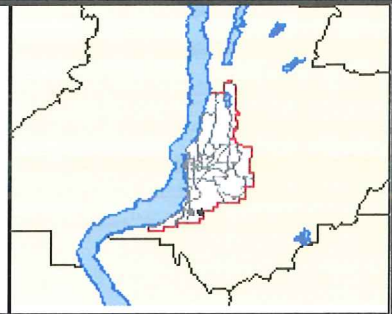
Site Plan

Draft Development Variance Permit

DVP12-0038



Subject Property



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,356 x 535 m -- Scale 1:8,007

2012-03-13

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.

# SITE PLAN DVP12-0038

SCHEDULE A  
This forms part of development  
Permit # DVP12-0038

= FENCE 6 FOOT  
= 4 FOOT SELF-latching gate



4920 WESTRIDGE DRIVE

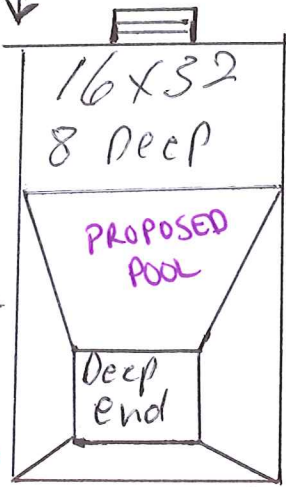
FOUNDATION ONLY  
1.78 M ABOVE GRB

EXISTING DWELLING

30

VARIANCE REQUIRED  
TO ALLOW POOL IN  
FRONT YARD

30



20

6 Feet

MID RIDGE COURT

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0038

EXISTING ZONING DESIGNATION:	RR3 - Rural Residential 3
DEVELOPMENT VARIANCE:	To vary minimum front yard. To allow swimming pool within required front yard.

ISSUED TO:	Ken Corcoran
LOCATION OF SUBJECT SITE:	316 Poplar Point Drive

	LOT	SECTION	DIV & DIST	PLAN
LEGAL DESCRIPTION:	63	29	ODYD	KAP 52450

### 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 section of Zoning Bylaw No. 8000 are granted as per Schedule "A":

**Section 6.2.1 - Swimming Pools:** To allow a swimming pool to be located within the required front yard (4.5m), as per Schedule 'A'.

**Section 12.3.6(c) Development Regulations:** To vary the minimum front yard from 6.0m required to 2.0m proposed, as per Schedule "A".

### 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

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.

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

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE @ OF @, 2012.

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

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Shelley Gambacort  
Director of Land Use Management

