

REPORT TO COUNCIL



Date: April 5, 2012
To: City Manager
From: Land Use Management, Community Sustainability (LT)

Application: DVP12-0034 **Owner:** Corcoran Industries Ltd. & 634562 BC. Ltd.
Address: 316 Poplar Point Dr **Applicant:** Ken Corcoran
Subject: Development Variance Permit Application

Existing OCP Designation: Single/Two-Unit Residential (S/2RES)
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0034 for Lot A, District Lot 219, ODYD, Plan KAP81704 and an undivided 1/3 share in Lot 4, District Lot 219, ODYD, Plan 30206 (see plan as to limited access), located at 316 Poplar Point Drive, Kelowna, BC; AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.1.6(c) Development Regulations: To vary the minimum front yard from 4.5m required to 0.6m proposed, as per Schedule "A".

2.0 Purpose

This application seeks a Development Variance Permit to allow a reduced front-yard setback to accommodate a new exterior stairwell providing lakeshore access.

3.0 Land Use Management

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.

However, given the unique characteristics of the site, the proposed variance is relatively minor, and represents only a small change from existing conditions. The site topography and required environmental setbacks from the lakeshore significantly limit building envelope. In addition, the proposed location for the beach access is more visible and accessible, and affected property owners have provided written 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 is preparing to construct a new dwelling on the existing lot which would replace the former dwelling. The new dwelling would utilize the existing foundation, retaining and garage structure of the previous dwelling. Currently, the existing garage footprint extends into the required front yard, and is legally non-conforming. However, the new dwelling would see the garage converted to living space. This change of use would require the existing siting to be approved through a Development Variance Permit.

In addition, the existing beach access stairwell in the middle of the property is to be relocated. To maintain this shared beach access, the property owner proposes to construct an exterior staircase attached to the south end of property, adjacent to the existing garage. This stairwell would extend further into the required front yard setback. As such, the variance request is to reduced the minimum front yard from 4.5m required to 0.6m proposed.

In addition, the home construction will require a Natural Environment Development Permit, given the property’s location along the Okanagan Lake foreshore. This DP is to be executed at a staff level.

The proposed variance is summarized below:

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Front Yard (south)	4.5m	0.2m ①
Side Yard (lakeshore)	2.3m	Exceeds requirements
Side Yard (east)	2.3m	2.5m
Rear Yard (north)	7.5m	13.7m

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

Riparian Management Area Setbacks (Zoning Bylaw, Section 6.14)

Riparian Management Area Setback from Okanagan Lake (as per Table 12.1, Official Community Plan)	15.0m	To be approved through Natural Environment DP process.
Side Yard (lakeshore)	2.3m	Exceeds requirements

As per Table 12.1 in the Official Community Plan, a 15.0m Riparian Management Area (RMA) setback is required from Okanagan Lake. The RMA setbacks will be dealt with through the above-mentioned Natural Environment Development Permit process.

4.1 Site Context

The subject property is located in the Poplar Point residential neighbourhood, along the Okanagan Lake foreshore. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	n/a	Okanagan Lake
East	RU1 - Large Lot Housing	City-owned (beach access)
South	RU1 - Large Lot Housing	Single-Family Residential
West	RU1 - Large Lot Housing	Single-Family Residential

4.2 Subject Property Map: 316 Poplar Point Drive



5.0 Technical Comments

5.1 Building & Permitting Branch

Alternative solution approved by Chief Building Official to permit spiral staircase.

5.2 Development Engineering Department

Application does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: February 27, 2012

Report prepared by:

Luke Turri, Land Use Planner

Reviewed by:

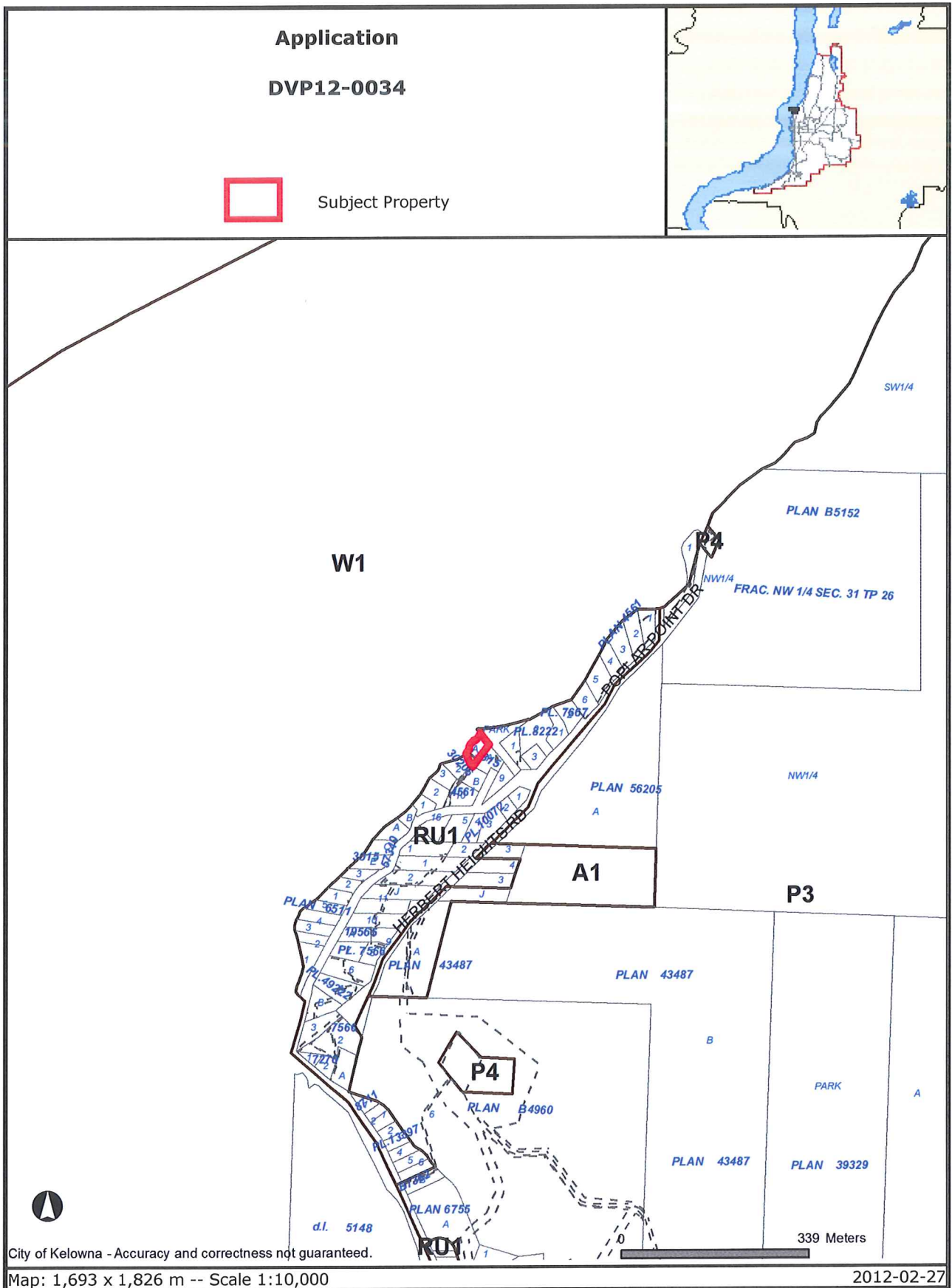
Danielle Noble, Manager, Urban Land Use

Approved for inclusion:

Shelley Gambacort, Director, Land Use Management

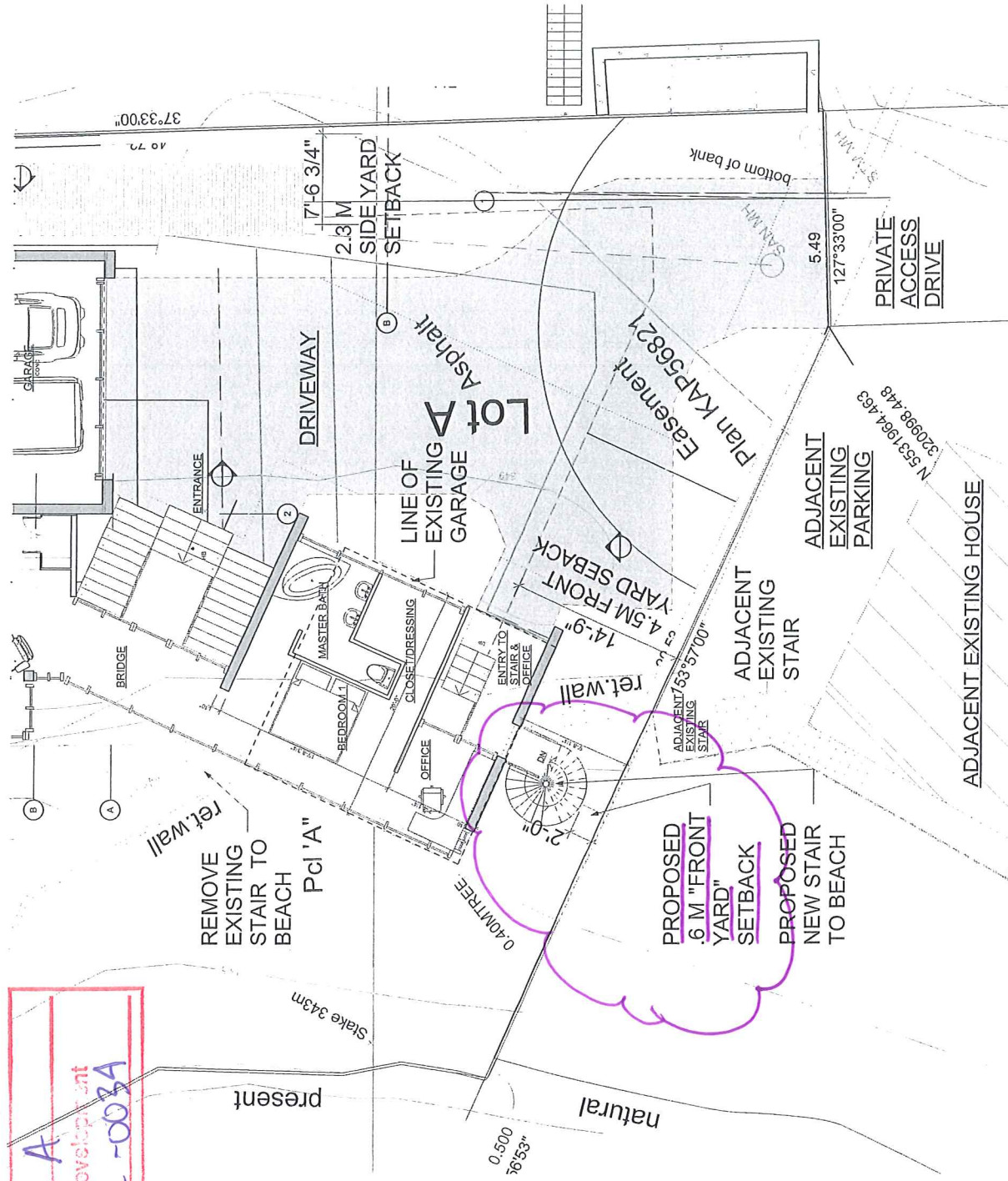
Attachments:

- Subject Property Map
- Proposed Site Plans
- Draft Development Variance Permit



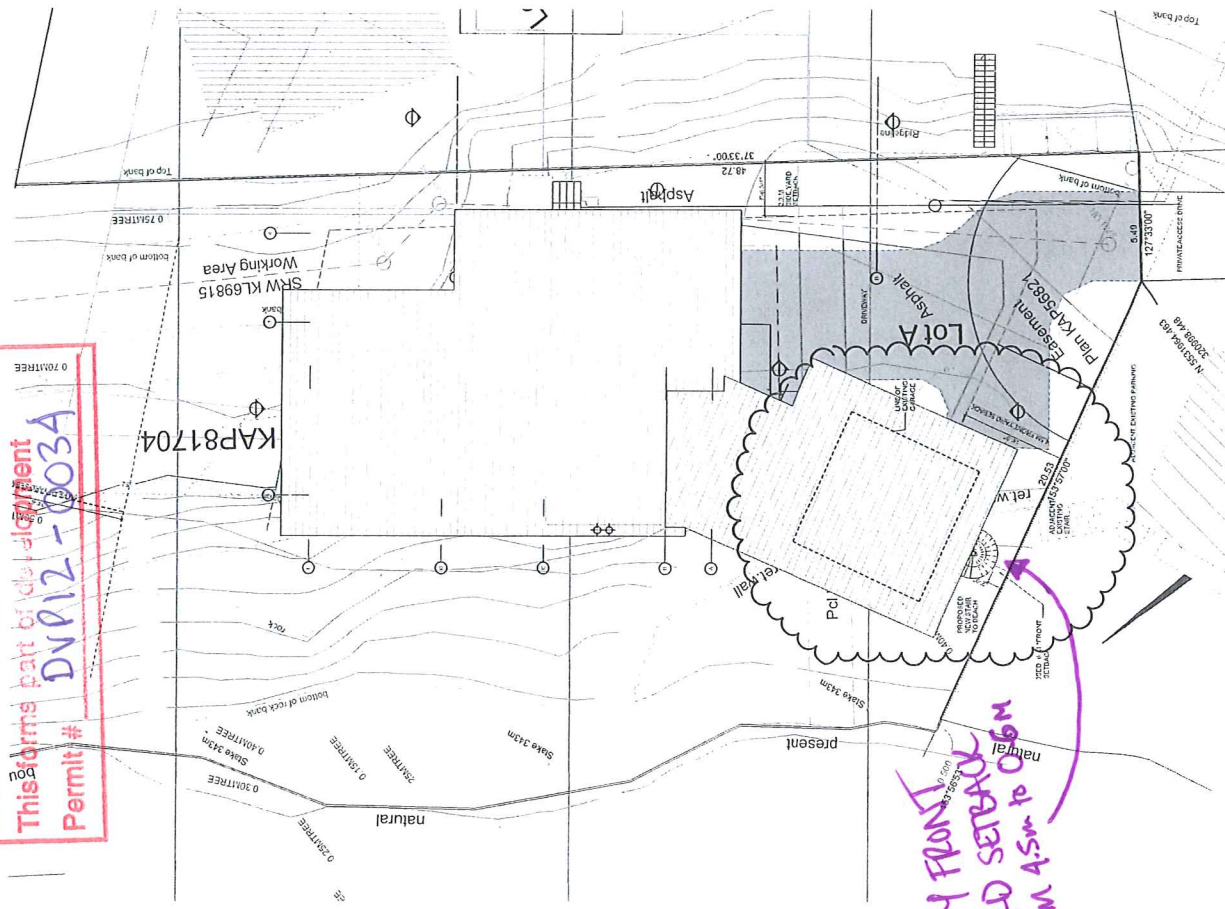
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

SCHEDULE A
 This forms part of development
 Permit # **D12-0034**



DETAIL SITE PLAN		02.21.12 Variance Submittal
Poplar Point Residence		11-01
201-1353 Ellis St Kelowna BC V1Y 1Z9 250.681.3691 foxarchitect.ca		SMART HOUSE SUSTAINABLE MODERN DESIGN

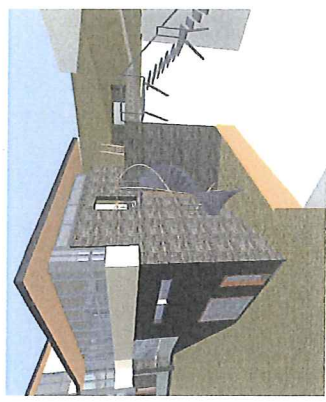
SCHEDULE A
 This forms part of the development
 Permit # **DVP12-003A**



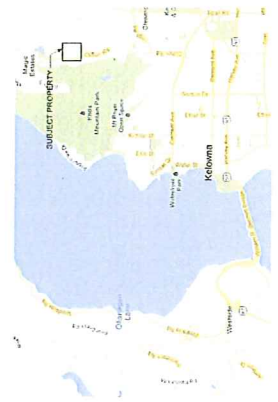
1 SITE PLAN



2 View to Stair & Bedroom From Driveway



3 View of Stair & Bedroom From Beach



4 Vicinity Plan

SITE ADDRESS
 316 POPLAR POINT DRIVE
 KELOWNA BC
ARCHITECT
 KEN COOPERMAN
 3555 LAKESHORE DR
 VANCOUVER BC
LEGAL DESCRIPTION
 LOT 1, D.L. 719, C.D.V.D. PLAN 32026
ORDINANCE
 ZONING 2006
CITY OF KELOWNA RU-1
SCORE AS WORKING
 SUBJECT PROPERTY NEW 416 SQ SINGLE FAMILY RESIDENCE
 ON EXISTING PREVIOUSLY DEVELOPED LOT

ZONING INFORMATION	
ALLOWED	PROPOSED
MIN LOT SIZE	500 M ² / 5000 M ²
WIDTH	16.5 M / 208 M'
DEPTH	30.0 M / 487 M'
SETBACKS	4.5 M / 15 M'
REAR	7.5 M / 25 M'
MIN. EAVES	1.5 M / 5 M'
MIN. OVERHEAD SPACE	2.0 M / 6.6 M'
MIN. EXPOSURE	2

MAXIMUM GENERAL 2.5 STORES 9.5 M 7.0 M
MAX AVIATION GARAGE 13.5 M 10.2 M
MAX HOUSE FOOTPRINT 482 M² 17% 208 M²
MAX HOUSE FLOOR AREA 482 M² 17% 208 M²
MIN OVERHEAD SPACE 2.0 M 6.6 M'
MIN EXPOSURE 2



Corcoran Residence Variance Rationale

Project Address: 316 Poplar Point Drive
 Legal Description: Lot 1, D.L.219, O.D.Y.D, Pln 30206
 Jurisdiction: City Kelowna
 Zoning: RU 1
 Code: BCBC 2006
 Client: Ken Corcoran
 3556 Lakeshore Dr
 Kelowna BC V1W 3L5

PREAMBLE

The proposed Corcoran residence site is a previously developed waterfront property in a developed neighbourhood. The City approved intent is to re-use/build the existing concrete work such as foundation and retaining as well as the garage/shop/boathouse structure. The private access road enters the back of property from the side yard. Based on City regulations this means the side yard is now considered the front yard

EXISTING CONDITIONS

The existing garage/shop/boathouse structure extends into what is now considered the front yard setback. Previous discussions with the City have determined that no variance is required if there is no change of use. However we propose two changes that will require a variance to implement.

PROPOSED CHANGES

The first change is to reconfigure the existing garage as a master suite with bedroom, bathroom, closet and office. While the bedroom itself is beyond the setback line, the overall structure is still in the same location, and is not being used for a garage, so there is a change of use and the variance is required.

This is a logical request, as it is a waste to use the prime waterfront location for parking cars. It is also a logical environmental request as the vehicles and associated toxins are kept away from the waterfront. The proposed new garage is located at the rear of the property.

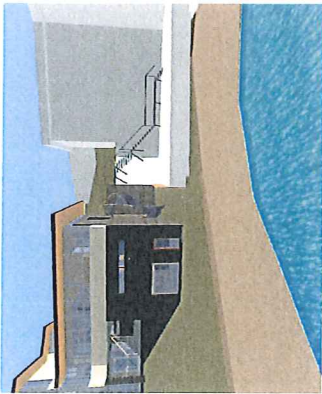
The second change is to relocate the existing beach access stair into the yard beside the existing garage. We propose a metal stair with an open mesh tread to minimise both the visual impact and the shading impact on the planting below. Currently the adjacent neighbour has a similar stair located at their property line, right beside our proposed stair.

VARIANCE REQUEST

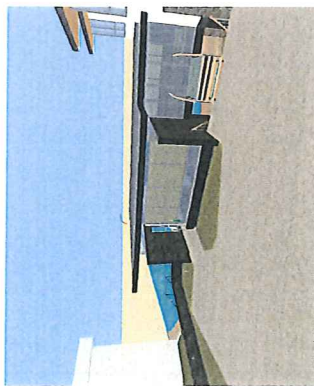
Since this location is now considered the front yard, in order to implement these changes, a Variance is required to reduce the front-yard setback.

NEIGHBOUR'S SUPPORT

We have met with the neighbours adjacent, and have shown them the plans and renderings. They have enthusiastically stated their support for this design, and have signed comment letters to that effect. We trust you will find this Variance a reasonable request and look forward to a positive outcome.



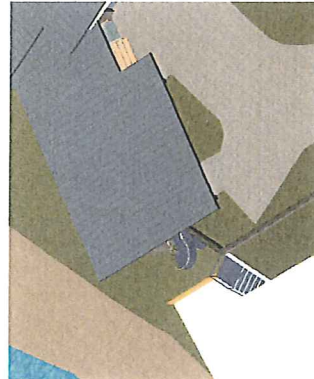
1 View of Stair & Bedroom From Below



2 View of Stair & Bedroom From Driveway



3 View of Stair & Bedroom From South



4 Aerial View of Stair & Bedroom



1 View to South from driveway, front yard



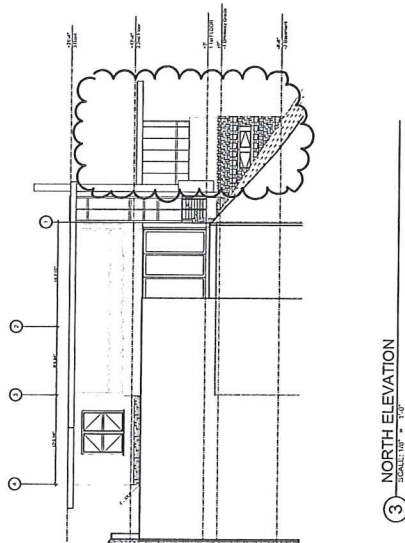
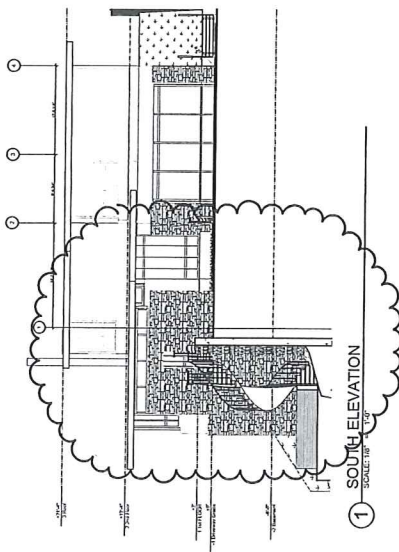
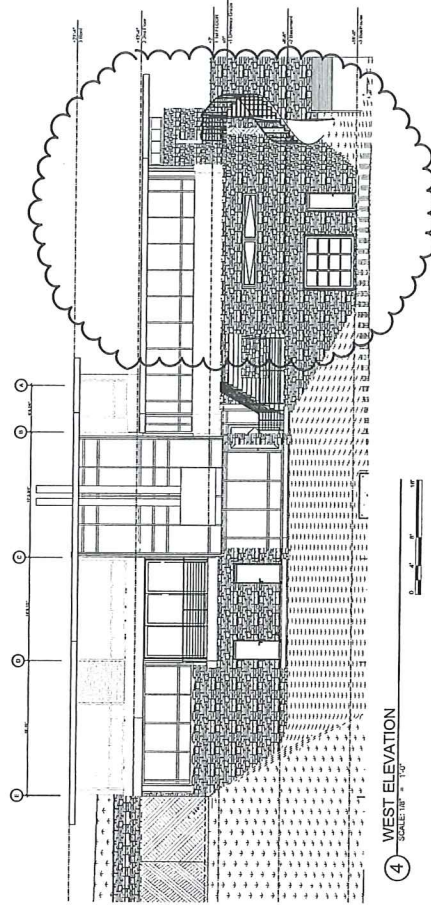
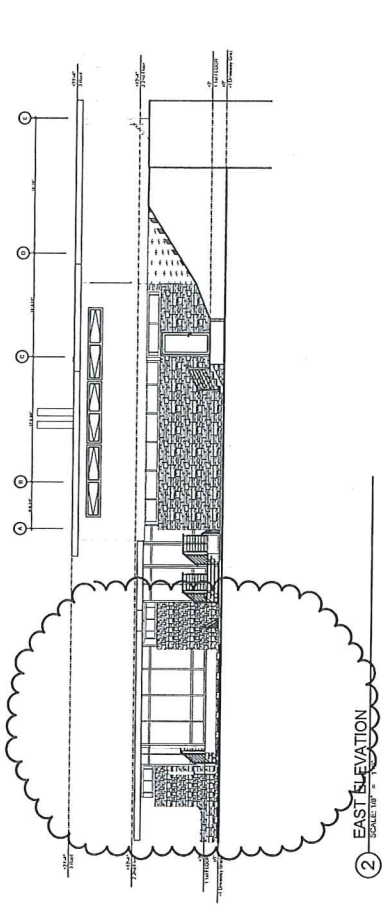
2 View from beach to existing garage & neighbour's existing stair



3 View of proposed new stair location from beach



4 View of neighbour's stair and proposed new stair location from driveway



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0034

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE:	To vary minimum front yard.

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

	LOT	DISTRICT LOT	DIV & DIST	PLAN
LEGAL DESCRIPTION:	A	219	ODYD	KAP81704

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 13.1.6(c) Development Regulations: To vary the minimum front yard from 4.5m required to 0.6m 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 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.

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.

Shelley Gambacort
Director of Land Use Management

