

REPORT TO COUNCIL



Date: May 2, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DVP10-0044 **Owner:** Jackie Brian Scherle
Address: 1096 Quesnel Road **Applicant:** Lynn Welder Consulting Ltd.
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Family Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10470 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0044, for Lot 1, District Lot 135, O.D.Y.D., Plan 17194, located on Quesnel Road, Kelowna, BC;

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

Section 13.1.6 (a) Development Regulations - site coverage:

To vary the maximum permitted site coverage from 50% permitted to 57% proposed.

2.0 Purpose

A Development Variance permit is sought to allow greater site coverage for buildings, covered porches, driveways and parking than permitted by the Zoning Bylaw.

3.0 Land Use Management

Council granted third reading of the rezoning application to allow a secondary suite in an accessory building on February 8th 2011. The applicant has recently completed all the requirements to proceed to final adoption.

The applicant initially requested a relaxation of the setback to the creek which was resolved with an environmental Development Permit. A variance to allow a relaxation of the site coverage from 50% permitted to 57% is being sought to allow the property owner to maintain the site as it currently exists.

Policies in the Official Community Plan suggest landscaping with native plants and maintaining healthy, mature vegetation for urban residential sites. This is particularly critical for sites that exceed site coverage and have a significant amount of impervious surface treatment. However,

through the environmental DP a riparian no-disturb covenant was registered and restoration of the riparian area from an urbanized stream to a naturalized state was executed. As the environmental impacts on this site were mitigated, Staff support the variance to allow the residence and accompanying garages to remain. Additionally, the applicant has provided abutting property owner signatures supporting the proposed variance.

4.0 Proposal

4.1 Background / Project Description

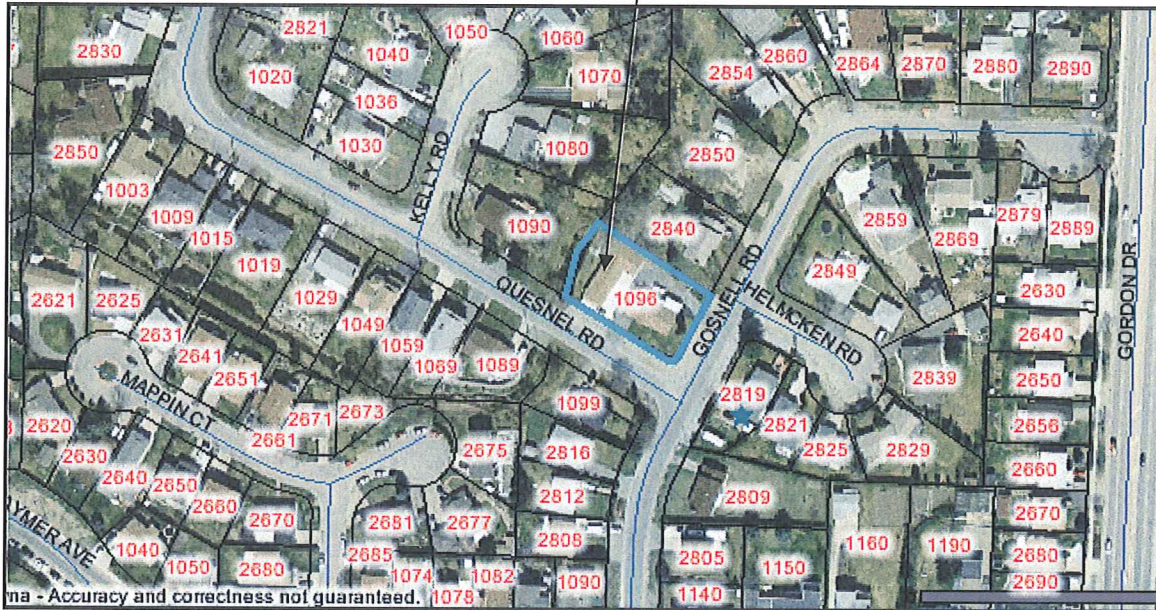
The rezoning application sought to legalize a modest one room suite. The accessory building containing the suite has been in existence prior to 1997 and was considered “grandfathered” by the Building and Permitting branch when the building was expanded to annex a four car garage. In reviewing the site for the rezoning application staff noted that the buildings, parking and driveways exceeded the 50% site coverage. The applicant is seeking a variance to allow the site to remain as is and increase the permitted site coverage to 57%.

4.2 Site Context

The subject property is located at the corner of Quesnel and Gosnell Roads in the south Pandosy/KLO area of Kelowna. Facieux Creek traverses the property on the northwest property line. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	North-east	RU1- Large Lot Housing
South	South-east	RU1- Large Lot Housing
East	North-west	RU1 - Large Lot Housing
West	South-west	RU2 - Medium Lot Housing

4.3 Subject Property Map: 1096 Quesnel Road



4.4 Zoning Analysis

The proposed application meets the requirements of RU1s- Large Lot Housing with a secondary suite zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1S ZONE REQUIREMENTS (FOR SECONDARY SUITE IN ACCESSORY BUILDING)
Subdivision Regulations		
Lot Area	1,459m ²	550 m ²
Lot Width	25.9 m	17 m for corner lot
Lot Depth	47.03 m	30.0 m
Development Regulations		
Site Coverage (buildings)	24.6 %	40%
Site Coverage (buildings/parking)	56% ①	50%
Existing Dwelling		
Height	3.66 m	< 2 ½ storeys / 9.5 m
Front Yard	7.35 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	5.49 m	2.0 m (1 - 1 ½ storey)
Side Yard (sw)	7.94 m	2.0 m (1 - 1 ½ storey)
Rear Yard	19.85 m	7.5 m
Proposed Secondary Suite in an Accessory Building		
Height	3.65 m	1½ storeys / 4.5 m
Front Yard	25.82 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	2.04 m	2.0 m (1 - 1 ½ storey)
Side Yard (sw)	4.79 m	2.0 m (1 - 1 ½ storey)
Rear Yard	7.25m	1.5 m
Separation (Distance Between Houses)	8.6 m	5.0 m
Other Requirements		
Parking Stalls (#)	7 spaces	3 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

① To vary the maximum permitted site coverage from 50% to 57% proposed.


5.0 Technical Comments

All Technical comments were reviewed at the rezoning application.

6.0 Application Chronology

Date of Application Received: March 19, 2010
Council Approval of Rezoning: February 8, 2011
Outstanding zoning requirements completed: April 18, 2012

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble, Urban Land Use Manager

Approved for Inclusion:

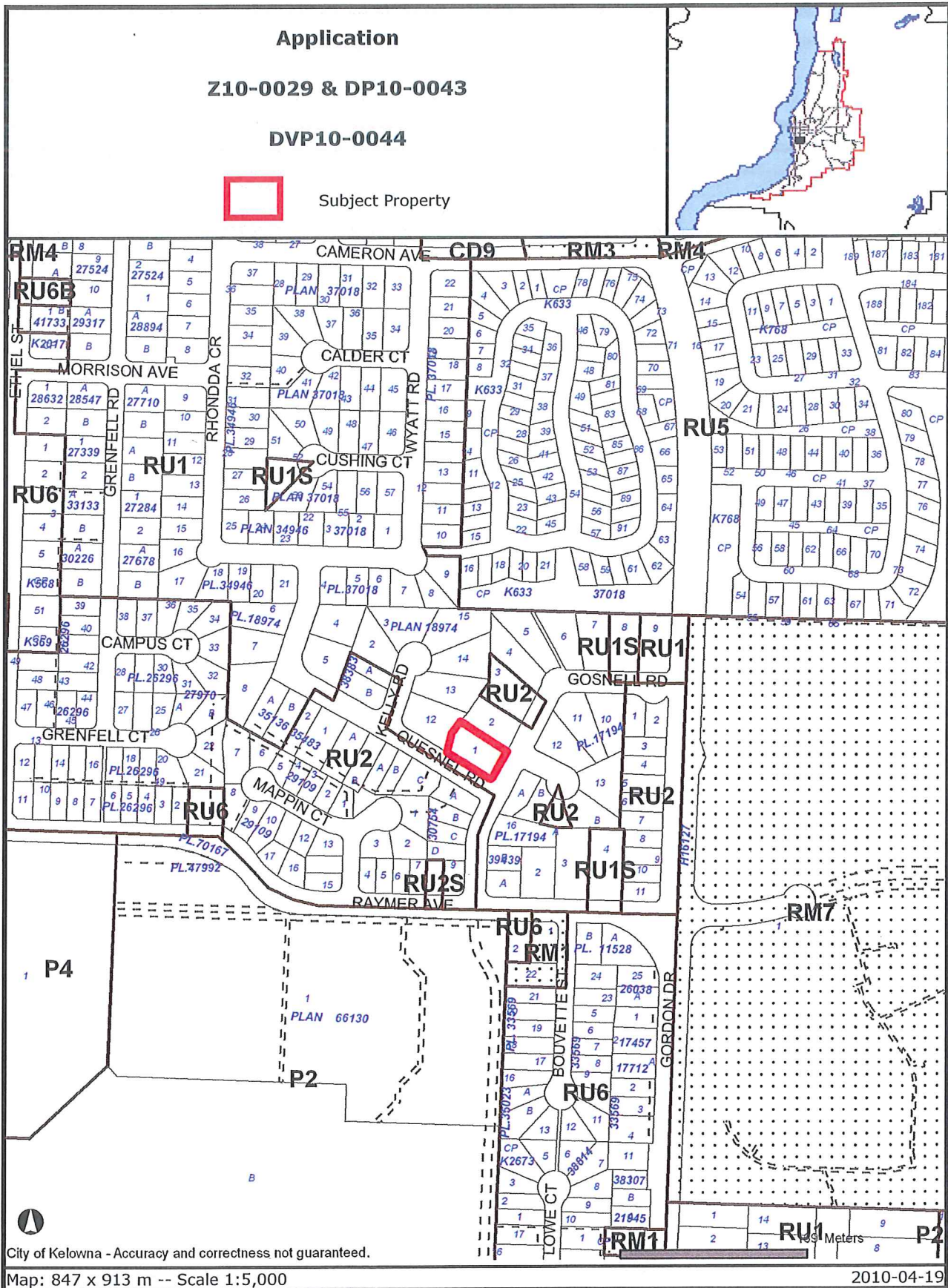


Shelley Gambacort, Director of Land Use Management

Attachments:

- Subject Property Map
- Site Plan
- Elevation plans
- Existing site photo



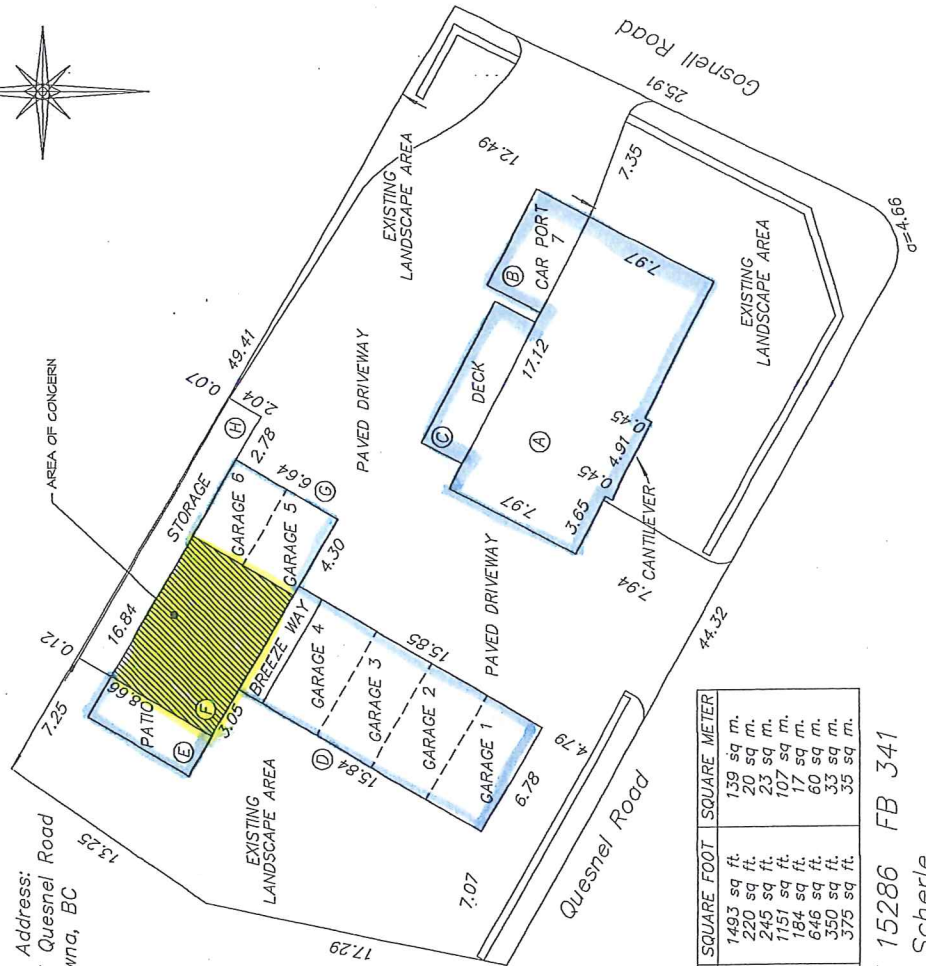
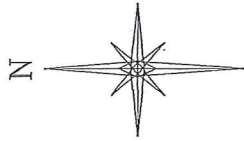


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

B.C. LAND SURVEYOR'S CERTIFICATE OF
 LOCATION OF BUILDING ON LOT 1
 PLAN 17194 D.L. 135 O.D.Y.D.

DISTANCES ARE IN METRES.

Civic Address:
 1096 Quesnel Road
 Kelowna, BC

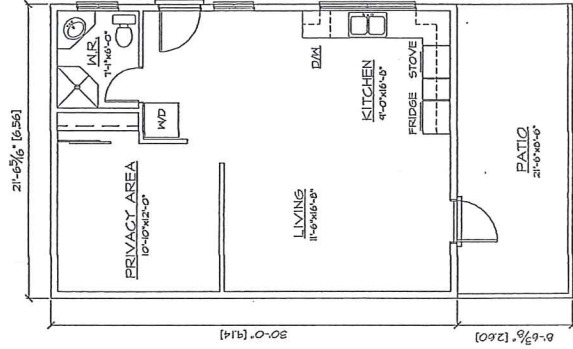


AREA	SQUARE FOOT	SQUARE METER
A	1493 sq ft.	139 sq m.
B	220 sq ft.	20 sq m.
C	245 sq ft.	23 sq m.
D	1151 sq ft.	107 sq m.
E	184 sq ft.	17 sq m.
F	646 sq ft.	60 sq m.
G	350 sq ft.	33 sq m.
H	373 sq ft.	35 sq m.

FILE 15286 FB 341

RE: Scherle

SITE PLAN
 SCALE: 1"=40' 0" 1:25



EXISTING FLOOR PLAN
 AREA: 616 sq ft. 60 sq m.
 SCALE: 1/4" = 1'-0"

1 of 1

DATE: 10/25/00
 DRAWN: Timb Fischer
 CHECKED: []
 DRAWING NO: []

PROJECT: APPLICATION FOR ZONING PERMITS
 FOR: MR. Joel Scherle
 1096 Quesnel Road
 Kelowna, BC V1Y 4K6
 TEL: 250-868-7189

DRAWING TITLE: SITE PLAN
 EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"
 DATE: 10/25/00
 DRAWN: Timb Fischer
 CHECKED: []
 DRAWING NO: []

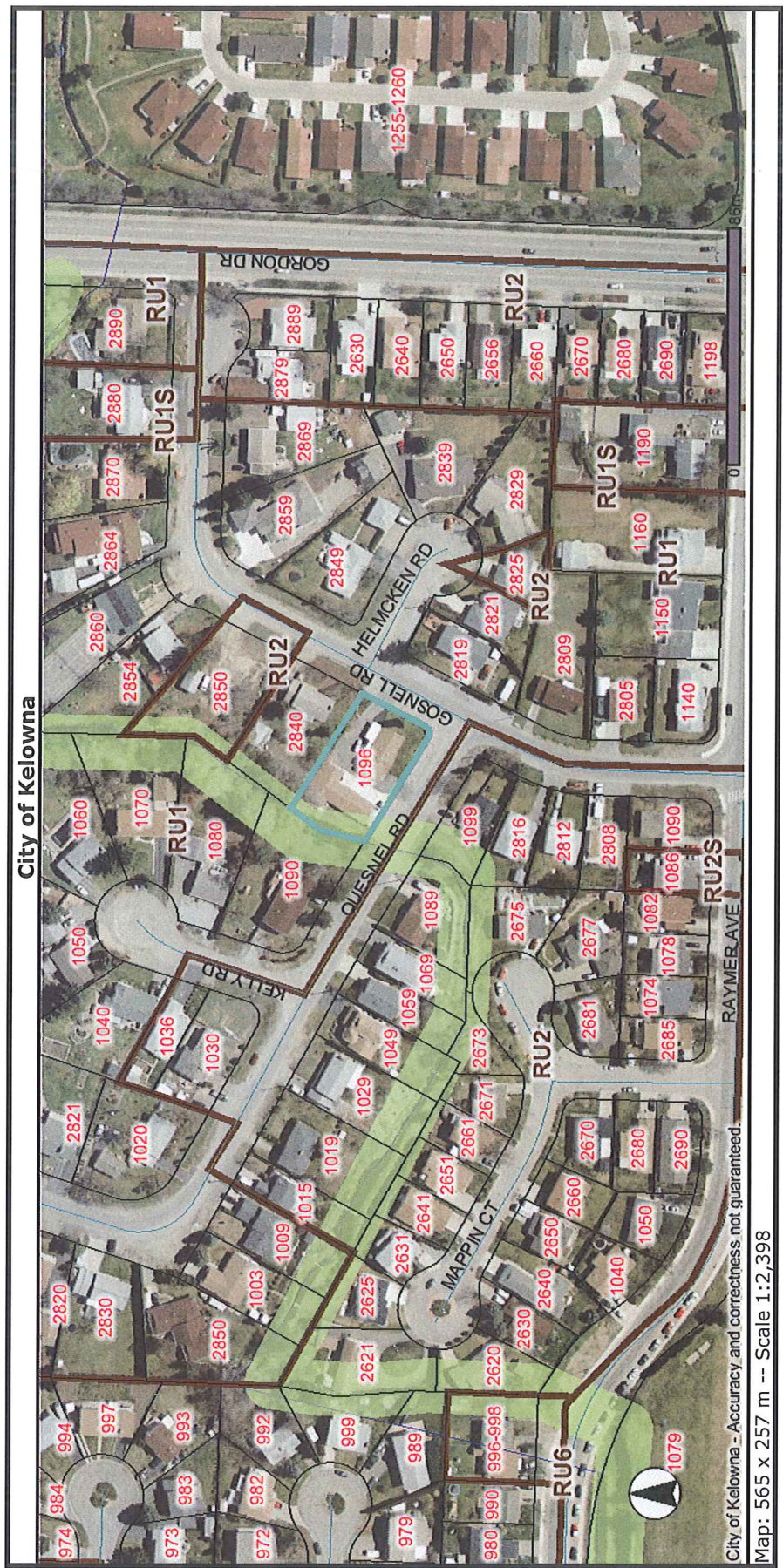
FOR: SCHEERLE ASSOCIATES LTD.
 1760 DOLAN AVENUE
 SUITE 200
 VANCOUVER, BC V6L 4G8
 TEL: 250-683-5189
 FAX: 250-683-5182

DATE: 10/25/00
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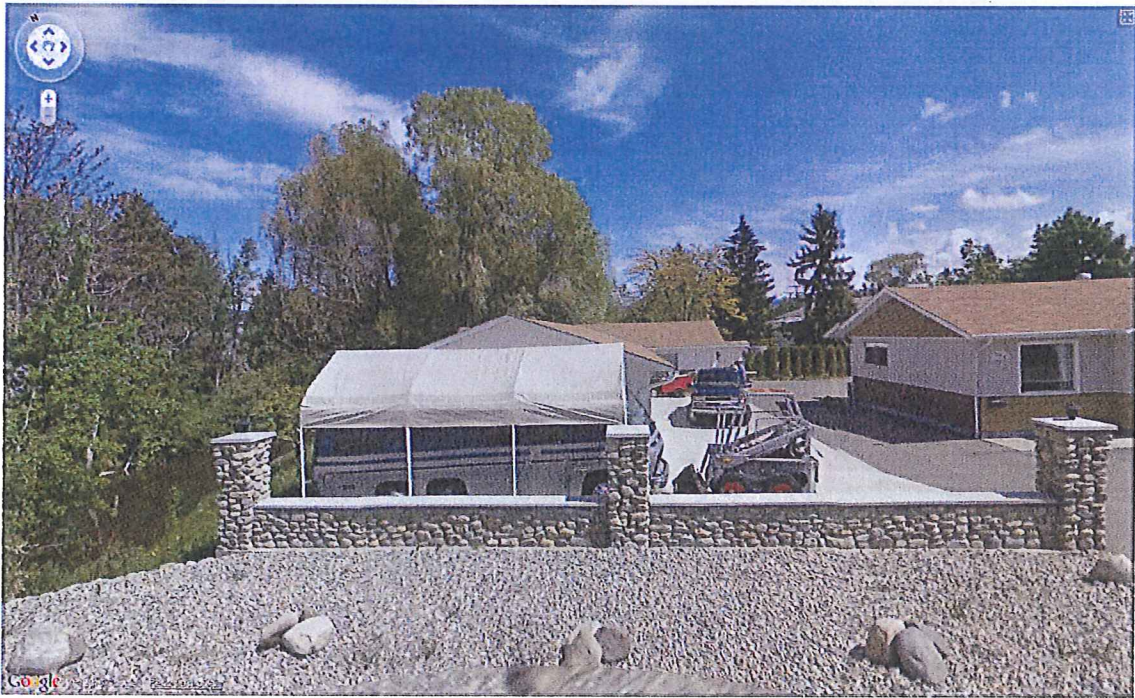
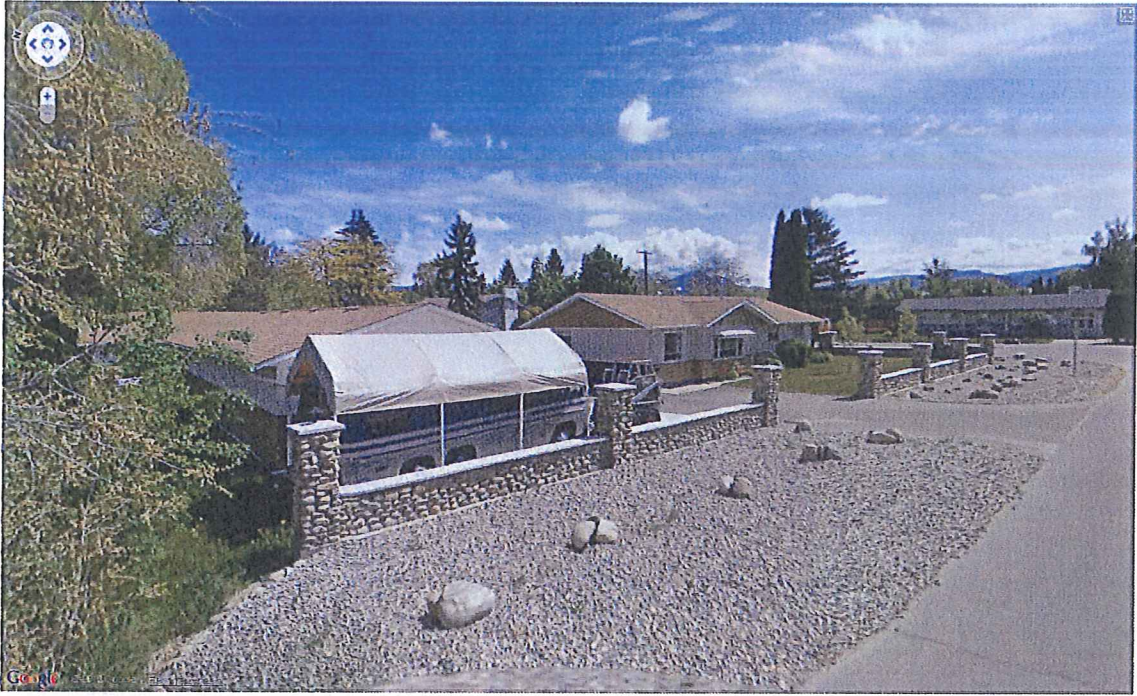
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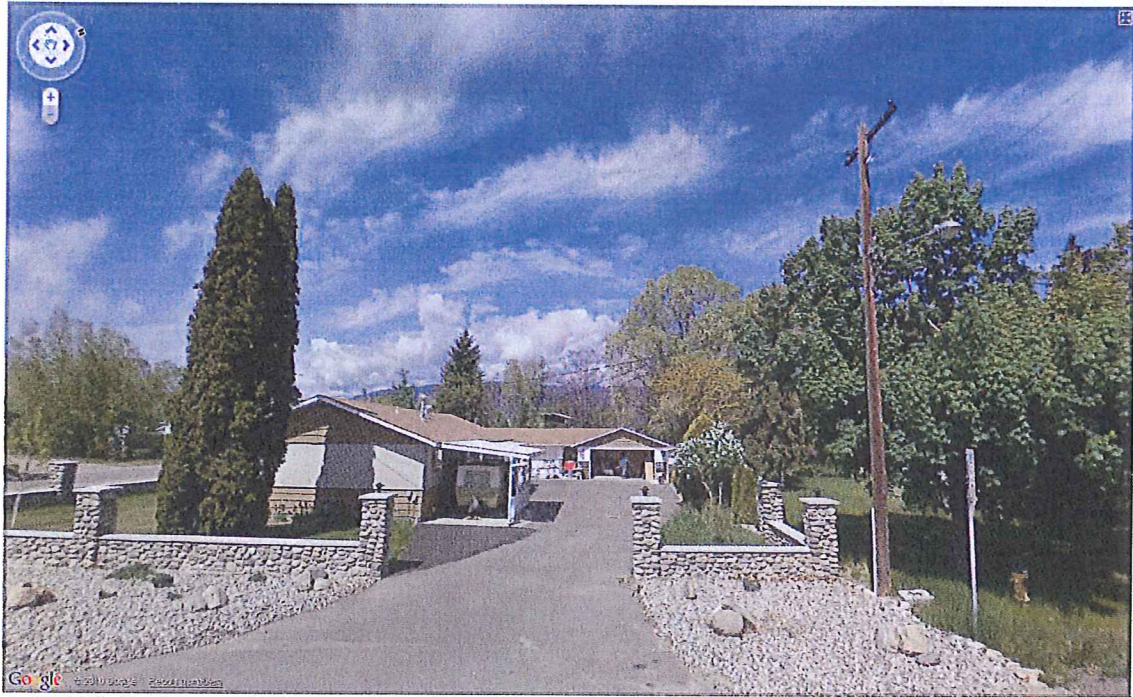
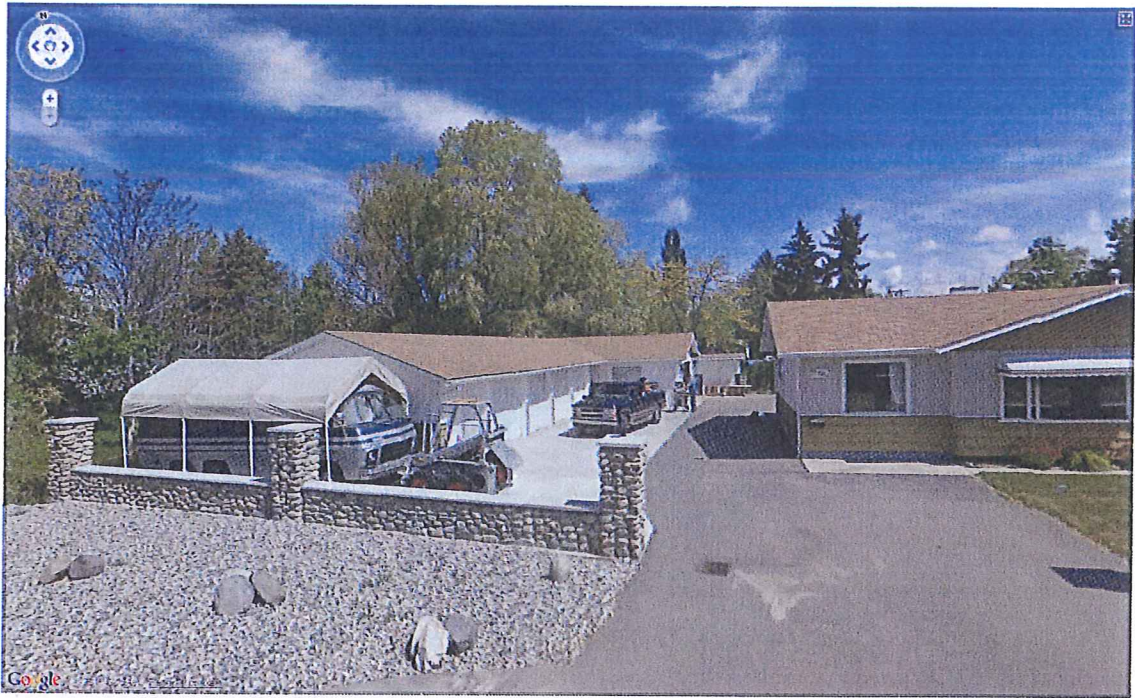
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CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP10-0044

EXISTING ZONING DESIGNATION:	RU1s - Large Lot Housing with Secondary Suite
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO Jackie Brian Scherle	APPLICANT: Lynn Welder Consulting Ltd.
LOCATION OF SUBJECT SITE: 1096 Quesnel Road	

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	135	17194			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 a variance to the following sections of Zoning Bylaw No. 8000 is granted:

Section 13.1.6 (a) Development Regulations - site coverage:

To vary the maximum permitted site coverage from 50% permitted to 57% 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 ___th DAY OF May 2012.

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

Shelley Gambacort
Director of Land Use Management