

REPORT TO COUNCIL



Date: May 3, 2012
To: City Manager
From: Land Use Management, Community Sustainability (PMc)
Application: DVP12-0063 **Owner:** Louis Pouliot & Johanne Corbin
Address: 3270 Shayler Road **Applicant:** Keith Construction
Subject: Development Variance Permit Application
Existing OCP Designation: Resource Protection Area
Existing Zone: RR1 - Rural Residential 1

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0063 for Lot 2, Section 29, Township 23, ODYD, Plan KAP90169, located at 3270 Shayler Road, Kelowna, BC;

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

Section 12.1.6(b) (Development regulations): To vary the maximum height of an accessory building from 6.0 m permitted to 8.4 m proposed, as per Schedule "A".

2.0 Purpose

This application seeks a Development Variance Permit to vary the maximum accessory building height from 6.0 m permitted to 8.4 m proposed in order to allow construction of an over-height accessory building.

3.0 Land Use Management

The applicant recently had a Development Variance Permit application considered by Council to authorize an over-height retaining wall on the property. The drawings presented indicated an over-height garage building on the same property as well but were not part of the DVP under consideration. Notably, there were no concerns raised by the public at the Council meeting of March 6, 2012.

The requested variance for accessory building height from 6.0 m permitted to 8.4 m proposed would seem to be excessive at first review. However, the building site is unique and is topographically challenged with an average grade of 27%. The proposed layout sets a substantial portion of the garage building into the slope and is visually mitigated from the lake side by the single family dwelling. The building height of the upper level of the proposed garage (when measured from the grade of the driveway on the high side of the building) is approximately 3.25m high. When the building height is measured on the low side of the building it becomes 8.4m.

The garage has been designed to incorporate significant design elements of the dwelling currently under construction on the property. The plans also indicate that there is no provision for a washroom facility within the building, which will reduce the potential of a suite conversion occurring in the future.

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

4.0 Proposal

4.1 Background / Project Description

The property owner currently has a new dwelling under construction on the subject property, which is compromised by existing easements to the east, and a no-disturb covenant to the west of the homesite.

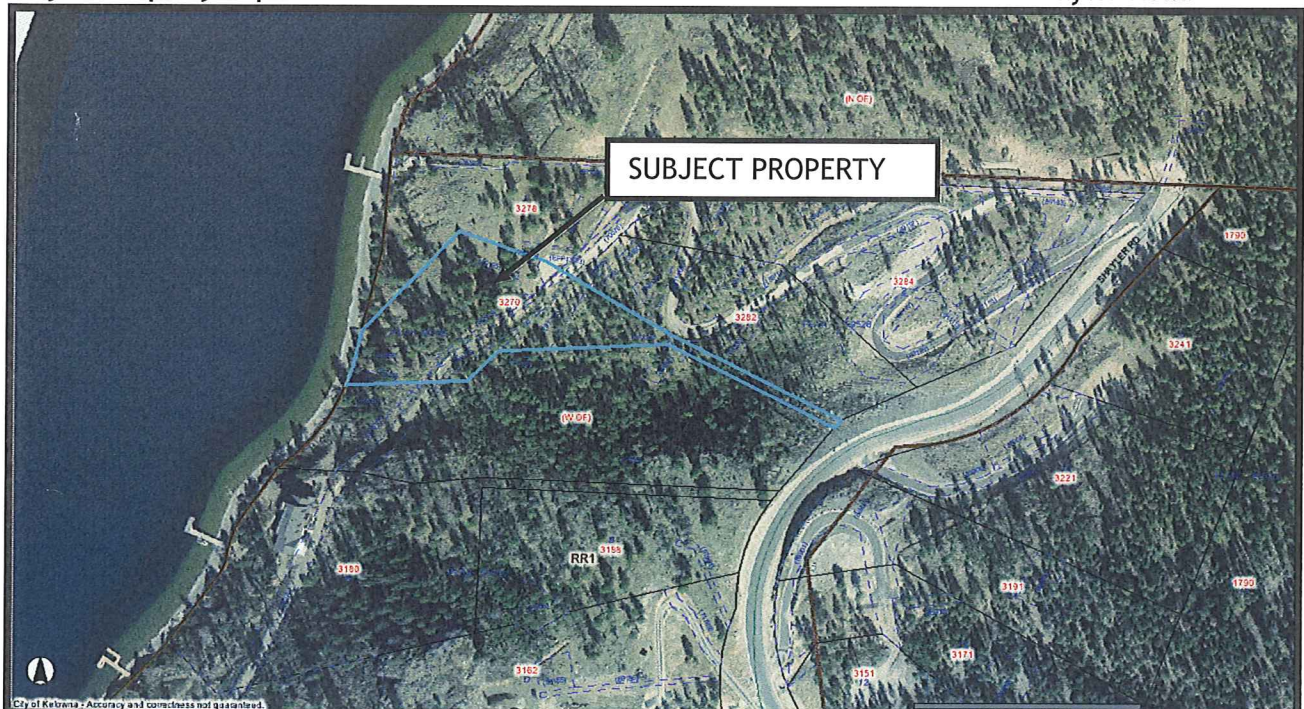
The applicant has obtained a Development Variance Permit to address an over-height retaining wall along the rear yard of the principal dwelling, as well as an environmental Development Permit to address the associated environment features. However, when Council considered the Development Variance Permit application, the issue of the over-height accessory building was not considered. This oversight was discovered during the Building Permit plans examination for the garage building.

The accessory building design has a strong relationship to the single family dwelling and utilizes the topography of the site in a way that mitigates the height from both the front side and the lakeshore.

4.2 Site Context

Subject Property Map:

3270 Shayler Road



The subject property is located in the McKinley Road area, south of the proposed McKinley Resort area. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 - Rural Residential 1	Single-Family Residential
East	RR1 - Rural Residential 1	Single-Family Residential
South	RR1 - Rural Residential 1	Single-Family Residential
West	W1 - Recreational Water Use	Okanagan Lake

Zoning Analysis Table		
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Accessory Building Height	6.0 m	8.4 m ①
① Indicates a requested variance to the accessory building height from 6.0m permitted to 8.4m proposed		

5.0 Technical Comments

5.1 Building & Permitting Department

A structural and geotechnical engineer is required at time of building permit for the garage and the retaining wall in front of the house.

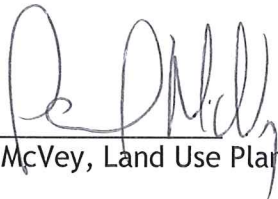
5.2 Development Engineering Department

This development variance permit application to vary the height of an accessory building does not compromise any municipal services.


6.0 Application Chronology

Date of Application Received: April 13, 2012


Report prepared by:


Paul McVey, Land Use Planner

Reviewed by:

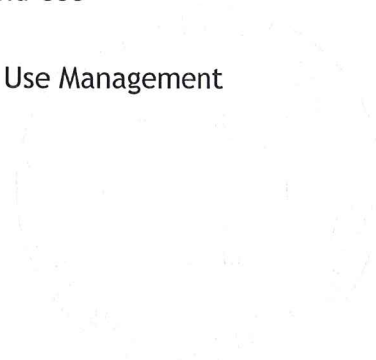
 Danielle Noble, Manager, Urban Land Use

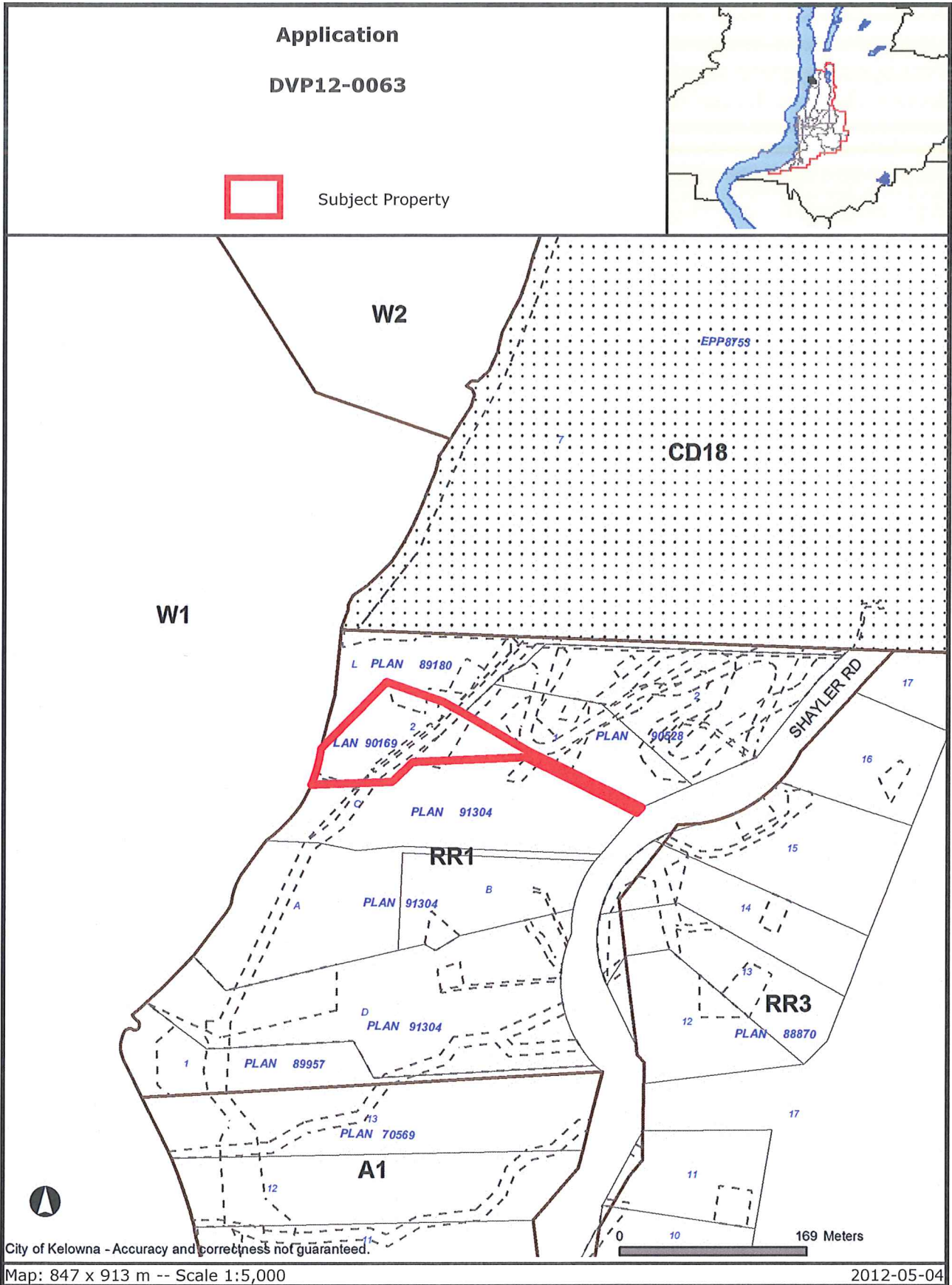
Approved for Inclusion:

 Shelley Gambacort, Director, Land Use Management

Attachments:

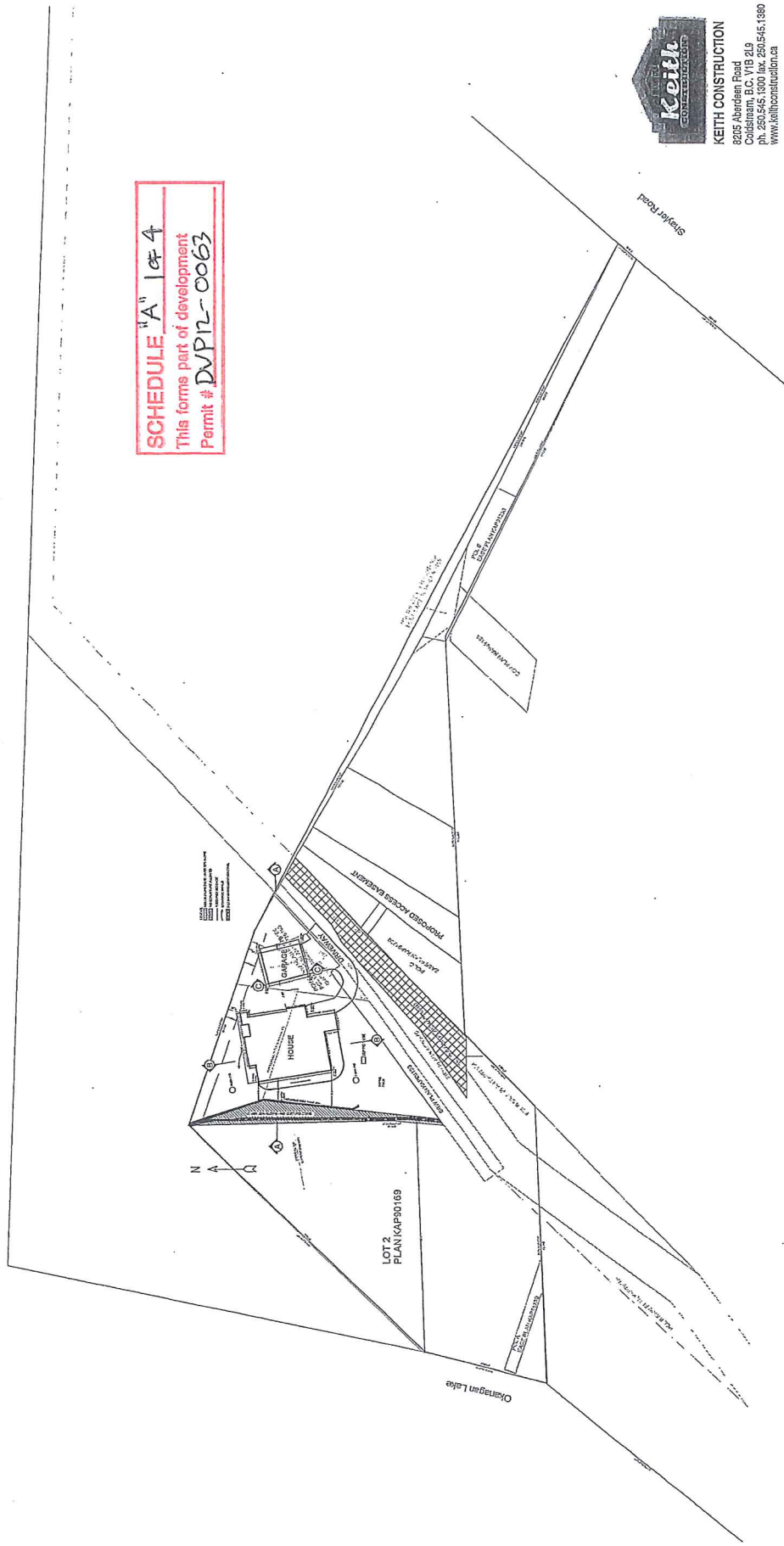
- Subject Property Map
- Site Plan
- Conceptual Building Elevations
- Draft Development Variance Permit





*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" of 4
 This forms part of development
 Permit # **DVP12-0063**



KEITH CONSTRUCTION
 8205 Aberdeen Road
 Coquitlam, B.C. V1B 2L9
 Ph. 250-945-1840 fax. 250-945-1890
 www.keithconstruction.ca
CORBIN-POULLIOT
RESIDENCE
 3270 SHAYLER ROAD
 KELOWNA, B.C.

A-1
 DATE: 11/20/12
 PROJECT: 4/02/12
 DRAWN BY: KEITH CONSTRUCTION
 APPROVED BY: KEITH CONSTRUCTION

LOT 2, SEC 29, TP 23, ODYD, PLAN KAP90169
 3270 SHAYLER ROAD KELOWNA, B.C.

SITE PLAN
 SCALE: 1:1000 ON 11X17 SHEET

SITE INFORMATION

ZONING: RRT1
 LEGAL ADDRESS: LOT 2, SEC 29, TP 23, ODYD, PLAN KAP90169
 MAP ADDRESS: 3270 SHAYLER ROAD, KELOWNA, B.C.
 SITE AREA: 1 HA (107,630 SF)
 BUILDING AREA: 313.27 M² (3372 SF)
 GARAGE: 85.20 M² (915 SF)
 TOTAL AREA: 398.55 M² (4280 SF)
 SITE COVERAGE: 0.2%

SETBACKS
 REQUIRED FRONT SETBACK: 6.0 M
 PROPOSED FRONT SETBACK: 19.7 M
 REQUIRED SIDE SETBACK: 3.0 M
 PROPOSED SIDE SETBACK: 3.30 M
 REQUIRED REAR SETBACK: 3.0 M
 PROPOSED REAR SETBACK: 4.8 M
 MAXIMUM BUILDING HEIGHT: 8.5 M
 PROPOSED BUILDING HEIGHT: 8.11 M

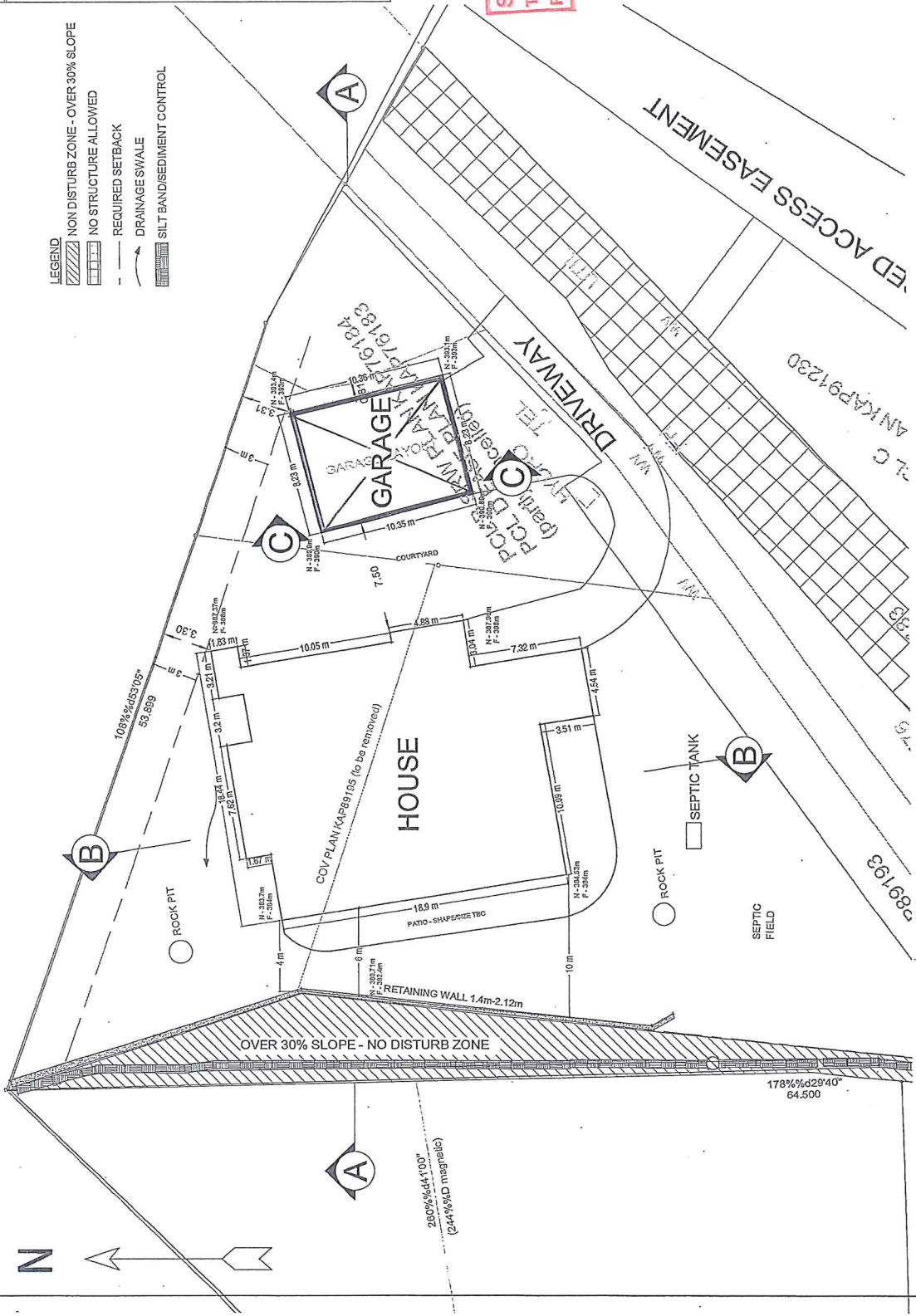
SCHEDULE "A" 2 of 4
 This forms part of development
 Permit # DVP12-0063

Keith CONSTRUCTION
 KEITH CONSTRUCTION
 8205 Aberdeen Road
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 Ph: 290.5485, 1900 fax: 290.5451, 680
 www.keithconstruction.ca
CORBIN-POULIOT
 RESIDENCE
 3270 SHAYLER ROAD
 KELOWNA, B.C.

A-2

DWG: 05/20/11
 REV: 01/20/12
 DATE: 01/20/12
 DON'T SCALE THESE DRAWINGS
 www.keithconstruction.ca

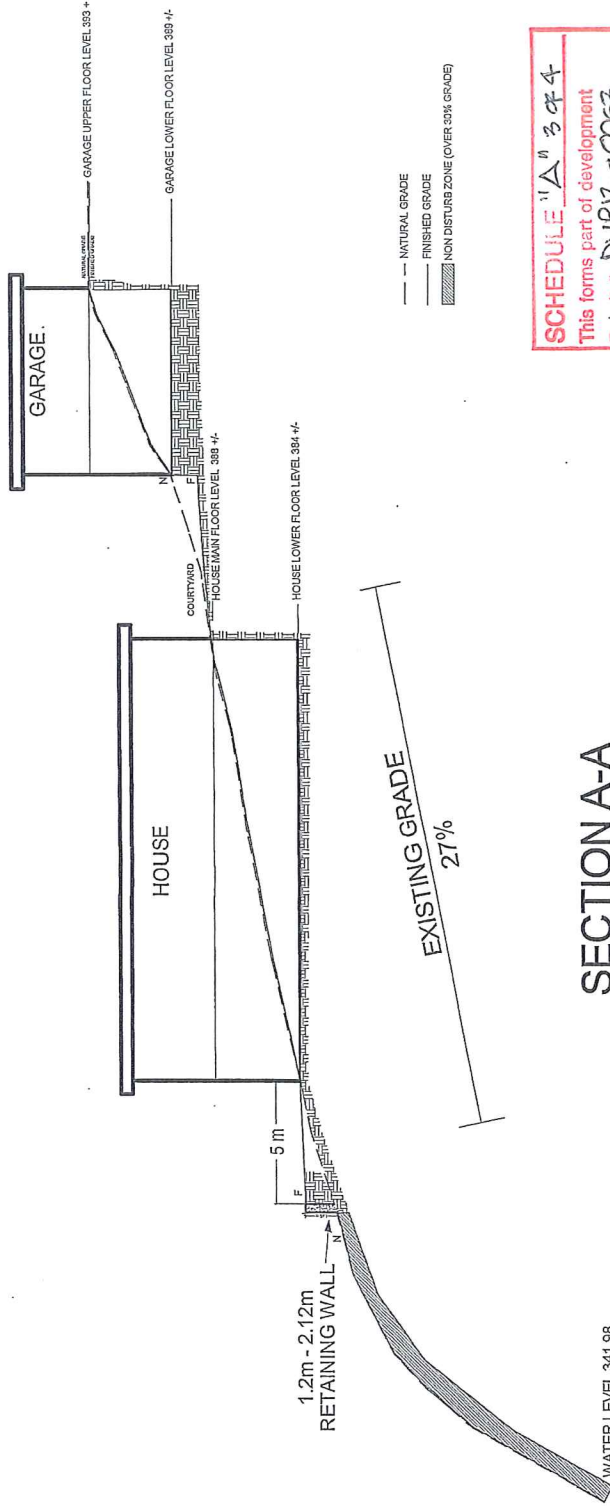
- LEGEND**
- NON DISTURB ZONE - OVER 30% SLOPE
 - NO STRUCTURE ALLOWED
 - REQUIRED SETBACK
 - DRAINAGE SWALE
 - SILT BANDSIDEMENT CONTROL



LOT 2, SEC 29, TP 23, ODYD, PLAN KAP90169
 3270 SHAYLER ROAD KELOWNA, B.C.

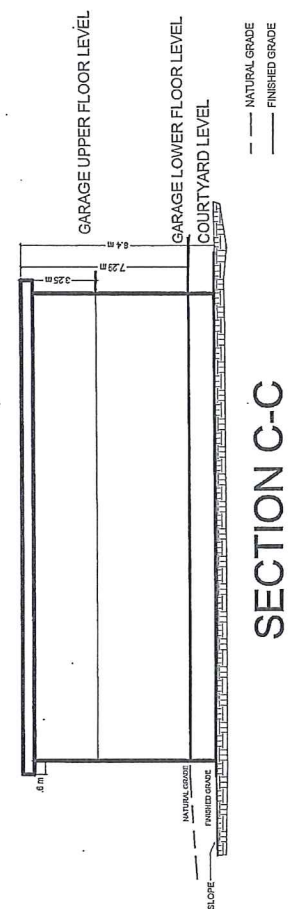
SITE PLAN

SCALE: 1:250 ON 11X17 SHEET



SCHEDULE 'A' 3 of 4
 This forms part of development
 Permit # **DVP12-0063**

SECTION A-A



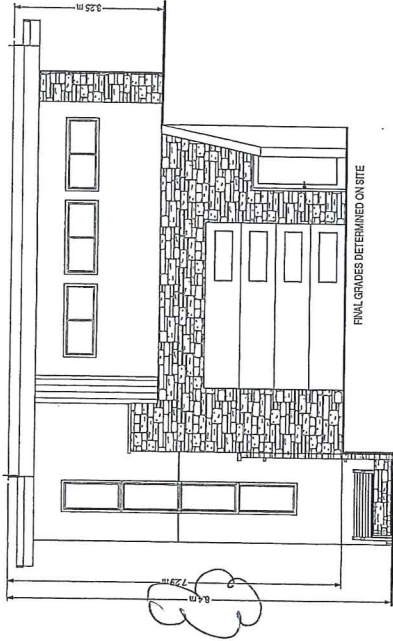
SECTION C-C

Keith
 CONSULTANTS
KEITH CONSTRUCTION
 8055 Aberdeen Road
 Coquitlam, B.C. V1B 2J9
 Ph. 250.545.1300 Fax. 250.545.1380
 www.keithconstruction.ca
CORBIN-POULLIOT
 RESIDENCE
 3270 SHATLER ROAD
 REGIONAL, B.C.

A-3
 DATE: 04/20/11
 REVISION: 4/20/11
 DO NOT SCALE THESE DRAWINGS
 All dimensions to be double checked by the engineer

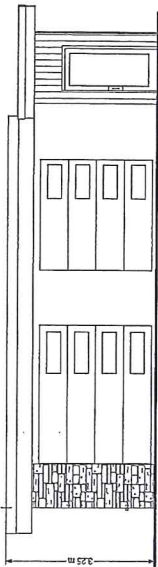
EXTERIOR FINISHES

- ROOFING
- METAL FLASHING ROOFING
- METAL FLASHING
- 9 SHE SIP - COLOUR TBD
- FASCIA
- 1/2" BOARD FASCIA
- COLOUR TBD
- SOFFIT
- CEILING TO SOFFIT SHIMMED CORNERS
- COLOUR TBD
- RAILING
- FASCIA MOUNTED TOP/LES
- SAFETY GLASS
- DECK SKIRT
- SMOOTH HANDBOARD
- COLOUR TBD
- ARCHITECTURAL FINISHES
- COLOUR TBD
- CULTURED STONE
- CULTURED STONE TBD
- WOOD SHIM
- WOOD SHIM
- WOOD SHIM
- COLOUR TBD

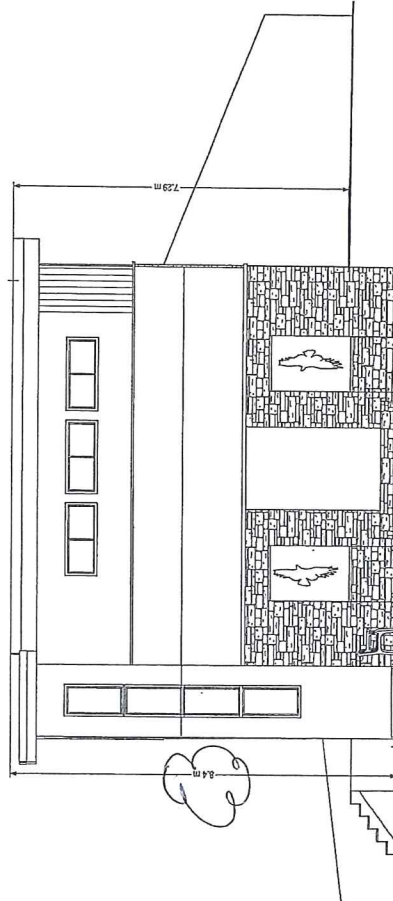


LEFT ELEVATION
SCALE: 1:100 ON 11x17 SHEET

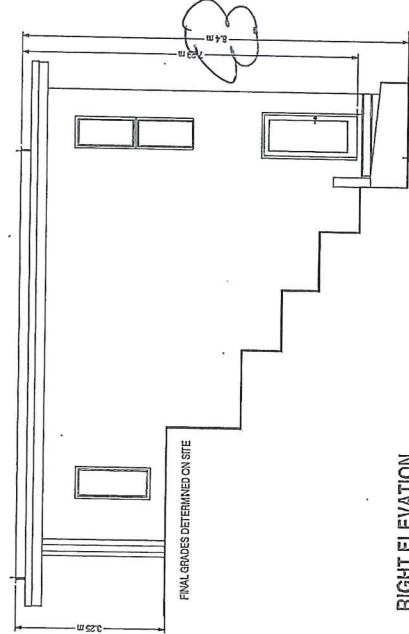
SCHEDULE "A" 4 of 4
This forms part of development
Permit # **DVPR-0063**



FRONT ELEVATION
SCALE: 1:100 ON 11x17 SHEET



REAR ELEVATION
SCALE: 1:100 ON 11x17 SHEET



RIGHT ELEVATION
SCALE: 1:100 ON 11x17 SHEET



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CORBIN-POULIOT RESIDENCE
8270 SHAYLER ROAD
KELOWNA, B.C.

A-5

DATE: 02/20/11
REVISED: 02/01/11
4/03/11

DO NOT SCALE THESE DRAWINGS
All dimensions are in millimeters unless otherwise stated

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0063

EXISTING ZONING DESIGNATION:	RR1 - Rural Residential 1
DEVELOPMENT VARIANCE PERMIT:	To vary the maximum height of an accessory building from 6.0 m permitted to 8.4 m proposed

ISSUED TO:	Keith Construction
LOCATION OF SUBJECT SITE:	3270 Shayler Road

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2	KAP90169	29	23	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:

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

a) Section 12.1.6 (d) Development Regulations:

To vary the maximum height of an accessory building from 6.0 m permitted to 8.4 m proposed, as per 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 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.

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.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE ____ DAY OF _____, 2012.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2012.

Shelley Gambacort
Director of Land Use Management