

# REPORT TO COUNCIL



**Date:** July 18, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (JM)

**Application:** DVP12-0121

**Owner:** Lane & Maegan Merrifield

**Address:** 10 - 180 Sheerwater Court

**Applicant:** MGC Construction Ltd.

**Subject:** Development Variance Permit

Existing OCP Designation: Resource Protection Area

Existing Zone: RR1s - Rural Residential 1 with Secondary Suite

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## 1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10744 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0121, for Strata Lot 25, Section 6, Township 23, ODYD, Strata Plan KAS3129 Together With An Interest In Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V, located on 10 - 180 Sheerwater Court, Kelowna, BC;

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

### Section 9.5.1(e): Secondary Suites

To vary the maximum height of an accessory building containing a secondary suite from 4.5m permitted to 5.98m proposed.

## 2.0 Purpose

The applicant is seeking a Development Variance Permit in order to vary the maximum height of an accessory building from 4.5m permitted to 5.98m proposed in order to facilitate the development of a "guest house" on the subject property.

## 3.0 Land Use Management

Land Use Management staff is generally supportive of the proposed variance for two primary reasons. First, the variance will have no appreciable impact on adjoining properties, and will not likely be visible at all to surrounding parcels. Second, the structure actually softens the visual impact of the retaining wall on the hillside by breaking up the continuous wall face.

## 4.0 Proposal

### 4.1 Background

Concurrent with this application, the proponent has applied to rezone the subject property from RR1 - Rural Residential 1 to RR1s - Rural Residential 1 with Secondary Suite in order to permit a detached secondary suite (“guest house”).

### 4.2 Project Description

The applicant proposes to construct a detached secondary suite (“guest house”) approximately 25m southwest of the principal dwelling presently under construction on the parcel. The two buildings are linked together via a contiguous retaining wall structure. In fact, the proposed guest house is built into the west face of the retaining wall, so that the roof of the guest house is level with the grade of the principal dwelling and driveway/concourse area. This is in keeping with the comprehensive manner in which the site has been planned, with all buildings on the site set surrounding the circular driveway/vehicle concourse.

The proposed one-bedroom guest house is approximately 89.7m<sup>2</sup> in area and is accessed via staircase from the driveway/concourse area above. The roof of the guest house is identified in the plans submitted as being a “green roof”.

The variance for the height of the guest house is triggered, as it is connected to the retaining wall structure. While the living space of the guest house is only a single storey, the retaining structure supporting the guest house and functioning as the house’s foundation is considered to be part of the guest house. Measuring height from the base of this structure leads to a total height for the guest house of 5.98m, which exceeds the Zoning Bylaw maximum of 4.5m.

### 4.3 Site Context

The subject property is approximately 3.4 ha in area and is located west of Clifton Road at the northwest corner of the Sheerwater development. The property presently contains a principal dwelling and garage both currently under construction. Much of the parcel is comprised of lands having grades in excess of 30%.

The surrounding area is characterized by similar rural residential development on large parcels. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Okanagan Lake	Okanagan Lake
East	RR1 - Rural Residential 1	Rural residential
South	RR1 - Rural Residential 1	RR1 - Rural Residential 1
West	RR1 - Rural Residential 1	RR1 - Rural Residential 1

Subject Property Map: 10 - 180 Sheerwater Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1s ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1ha	3.42ha
Lot Width	40m	Exceeds
Lot Depth	30m	Exceeds
Development Regulations		
Site Coverage	10%	Approx. 2%
Height (detached suite)	4.5m	5.98m <sup>①</sup>
Front Yard	28.8m	6.0m
Side Yard (south)	54.5m	3.0m
Side Yard (north)	90.8m	3.0m
Rear Yard	32.5m	3.0m
Other Regulations		
Minimum Parking Requirements	3 stalls	6
Minimum Building Separation	4.5m	25.5m
Private Open Space	30m <sup>2</sup>	m <sup>2</sup>
Floor Area (Secondary Suite)	90m <sup>2</sup>	89.7m <sup>2</sup>
Okanagan Lake Sightlines	120°	Meets requirements
① To vary the maximum height of an accessory building containing a secondary suite from 4.5m permitted to 5.98m proposed.		

**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

The Kelowna 2030 Official Community Plan Future Land Use designation for the subject property is Resource Protection Area.

**6.0 Technical Comments**

Technical comments have been addressed through the associated Rezoning application (Z12-0042).

**7.0 Application Chronology**

Date of Application Received: June 22, 2012

**Report prepared by:**



James Moore, Land Use Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

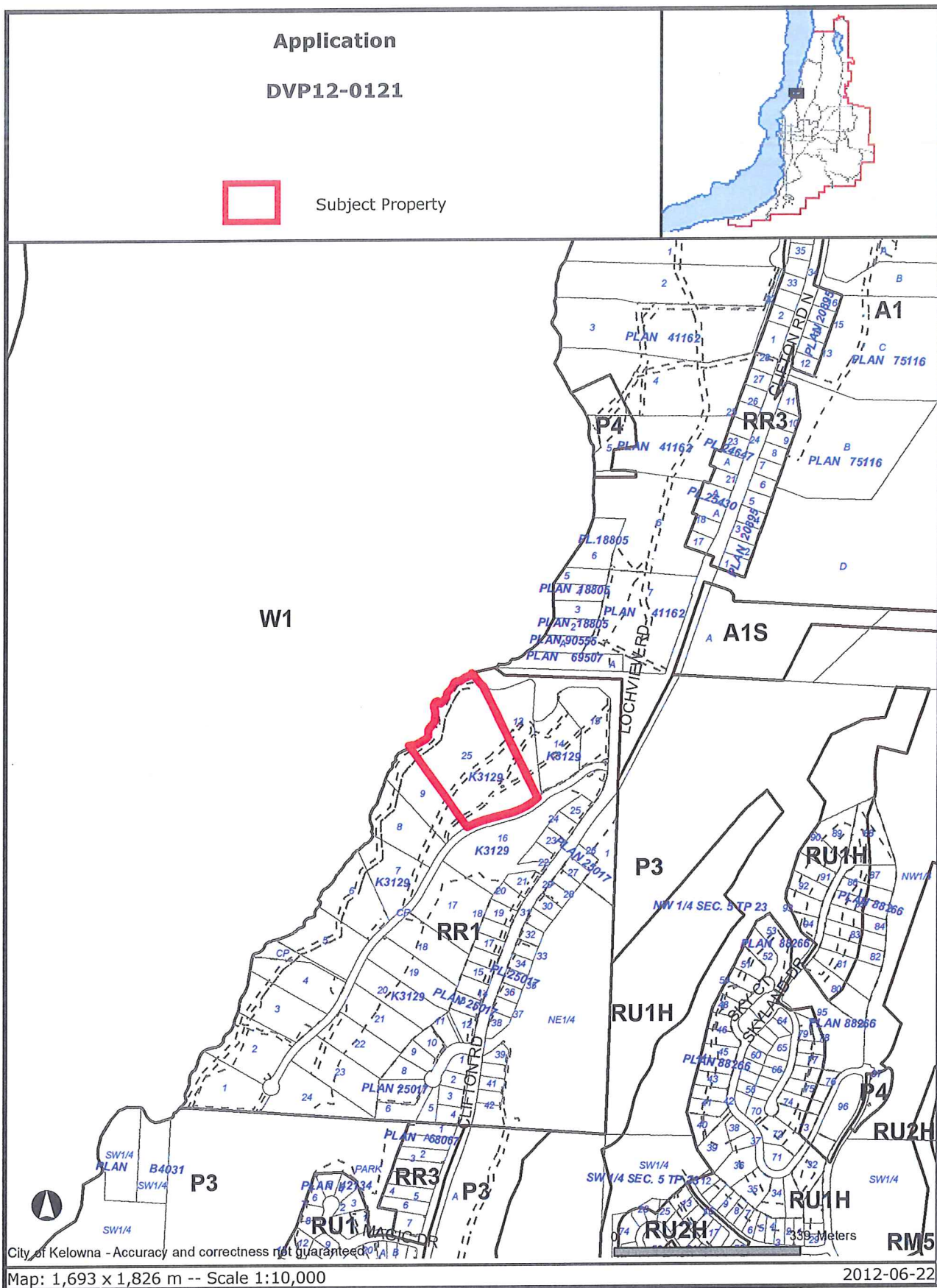
Subject Property Map

Site Plan

Conceptual 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.

**NOTES:**  
 1. This is a preliminary site plan for the proposed development. It is intended to provide a general overview of the site and its potential. It is not intended to be used for construction purposes.  
 2. The site plan is based on the information provided by the client and the survey data. It is the responsibility of the client to ensure that the information is accurate and complete.  
 3. The site plan is subject to change without notice. It is the responsibility of the client to ensure that the site plan is updated as the project progresses.  
 4. The site plan is not intended to be used for any other purpose without the written consent of the architect.

**PROJECT DATA**  
 ADDRESS: 14151 SHEERWATER COURT  
 VICTORIA, BC V8M 2G2  
 CLIENT: SHEERWATER COURT DEVELOPMENT  
 ARCHITECT: URBAN ARCHITECTURE + INTERIOR DESIGN

**REVISIONS:**  
 01/20/10 - Initial Site Plan  
 02/10/10 - Revised Site Plan  
 03/10/10 - Revised Site Plan  
 04/10/10 - Revised Site Plan  
 05/10/10 - Revised Site Plan  
 06/10/10 - Revised Site Plan  
 07/10/10 - Revised Site Plan  
 08/10/10 - Revised Site Plan  
 09/10/10 - Revised Site Plan  
 10/10/10 - Revised Site Plan  
 11/10/10 - Revised Site Plan  
 12/10/10 - Revised Site Plan

**PRIVATE RESIDENCE**  
**LOT 10**  
**SHEERWATER COURT**  
**SITEPLAN**

**A.100**





SCALE:

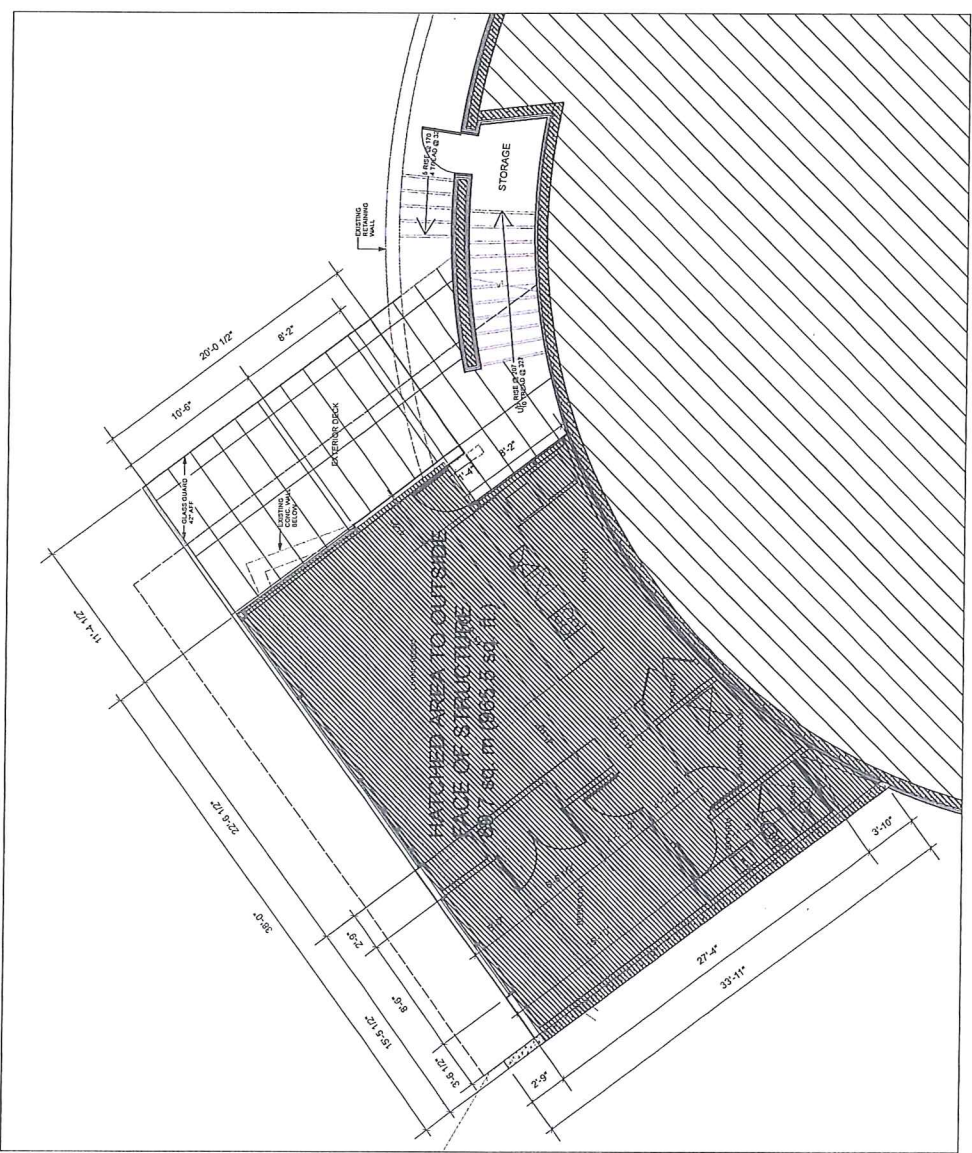
**NOTES:**  
 This drawing is the property of Urban Design Architecture and may be used for the project only. It is not to be used for any other project without the written consent of Urban Design Architecture. All dimensions are in Imperial units unless otherwise indicated.  
 The Contractor shall verify all dimensions and report any discrepancies to the Architect immediately.

**LEGEND:**

**DESIGNED BY:**  
 2002-04-25: Initial Guest House Development Plan  
 14 Feb 2011: Initial Guest House Development Plan  
 14 Feb 2011: Initial Guest House Development Plan  
 14 Feb 2011: Initial Guest House Development Plan

DESIGNED:

PRIVATE RESIDENCE  
 LOT 10  
 SHEERWATER COURT  
**GUEST HOUSE  
 DETAIL PLAN**  
 A.121



1 Guest House Detail Plan  
 Scale: 1/4" = 1'-0"



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0121

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	Vary maximum height of an accessory building containing a secondary suite from 4.5m permitted to 5.98m proposed

ISSUED TO:	Lane & Maegan Merrifield
LOCATION OF SUBJECT SITE:	10 - 180 Sheerwater Court

	STRATA LOT	STRATA PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	25	KAS3129	6	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:

#### Section 9.5.1 (d) - Secondary Suites

To vary the maximum height of an accessory building containing a secondary suite from 4.5m permitted to 5.98m 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

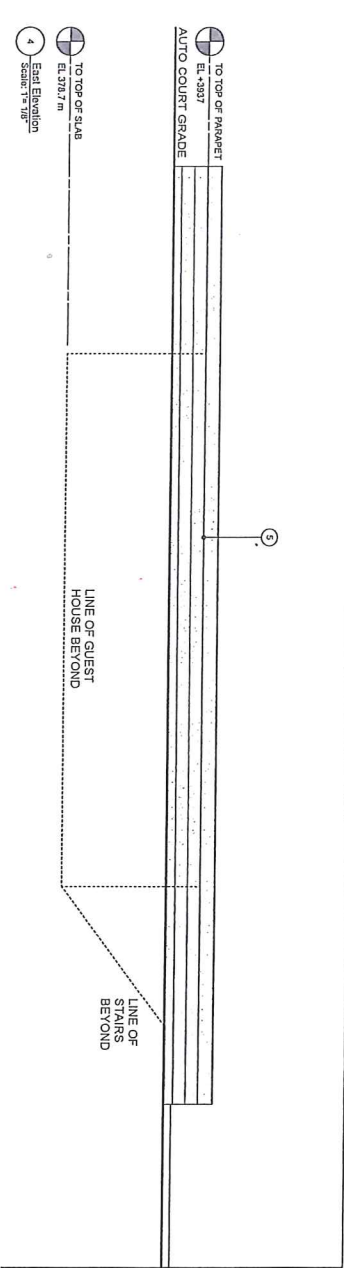
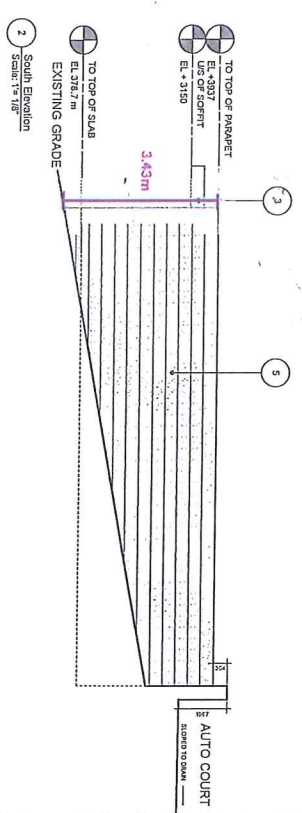
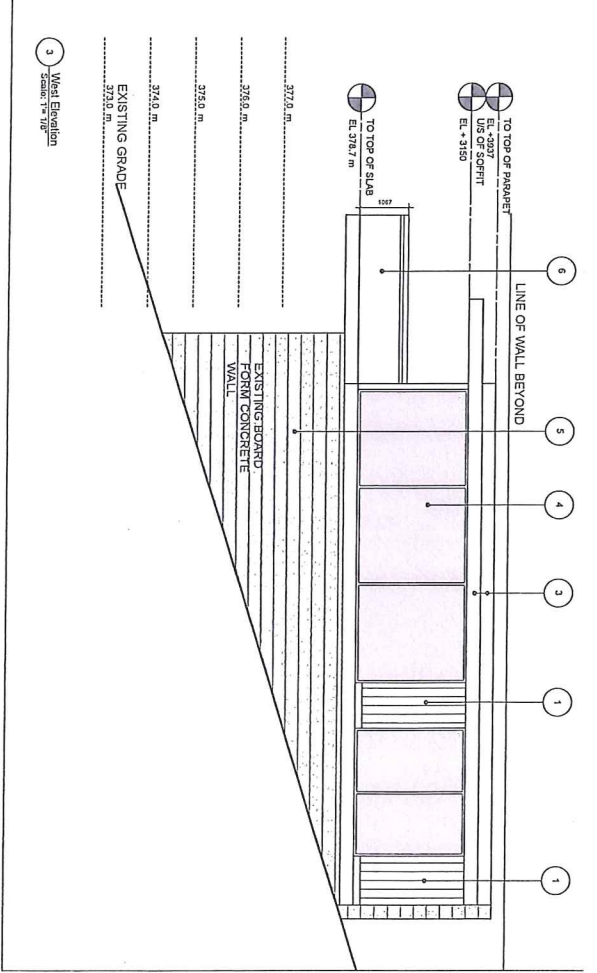
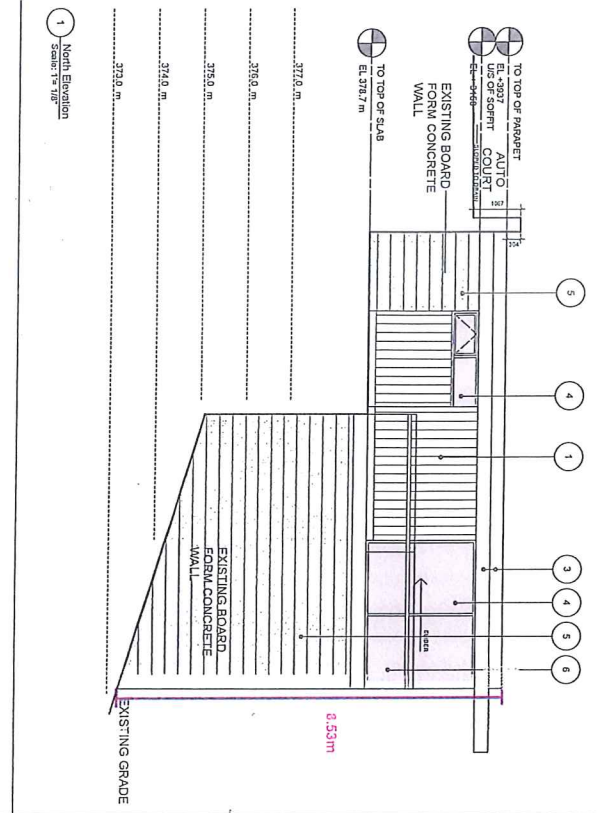
\_\_\_\_\_  
Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE \_\_ DAY OF JULY, 2012.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE \_\_ DAY OF JULY, 2012.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management



Height calculation:  
 North Elevation (max. height) = 8.53m (28ft)  
 South Elevation (max. height) = 3.43m (11.25ft)  
 Height (as per "Grade, Building" and "Height" definitions, Section 2.0, Zoning Bylaw) = 9.98m (19.6ft)  
 \*Based on average building grade of highest (west) elevation.

- MATERIALS**
1. GEORG CLADDING
  2. STONE CLADDING
  3. METAL FASCIA / FLASHING
  4. DOUBLE GLAZED CURTAIN WALL
  5. BOARD FORM CONCRETE
  6. GLASS CURD

**SCHEDULE A**  
 This forms part of development  
 Permit # 0VR12-0121

**NOTICE**  
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 The Contractor shall be responsible for obtaining all permits and approvals.  
 Drawings showing:

**Urban**  
 Architecture • Urban Design  
 #31 - 1st Avenue Street, Vancouver, BC, V6B 2M4  
 E: 604-683-5500  
 F: 604-683-5500  
 www.urbandesign.ca

2021/04/25 - Issued for Client Review (Development Permit)  
 12 2021/04/25 - Issued for Client Review (Development Permit)  
 11 2021/04/25 - Issued for Client Review (Development Permit)  
 10 2021/04/25 - Issued for Client Review (Development Permit)  
 9 2021/04/25 - Issued for Client Review (Development Permit)  
 8 2021/04/25 - Issued for Client Review (Development Permit)  
 7 2021/04/25 - Issued for Client Review (Development Permit)  
 6 2021/04/25 - Issued for Client Review (Development Permit)  
 5 2021/04/25 - Issued for Client Review (Development Permit)  
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 1 2021/04/25 - Issued for Client Review (Development Permit)

PRIVATE RESIDENCE  
 LOT 10  
 SHEERWATER COURT

GUEST HOUSE  
 ELEVATIONS  
 A.321