

REPORT TO COUNCIL



Date: August 24, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DVP12-0148 **Owner:** Jeffrey David Kohn
Address: 4224 Hobson Rd **Applicant:** RC Alliance Ltd.
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Family Residential
Existing Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0148 for Lot 1 District Lot 167 ODYD Plan 30147, located at 4224 Hobson Rd, Kelowna, B.C.

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

General Development Regulations:

Section 6.5.7 - To vary the maximum site coverage of an accessory building from 90 m² permitted to 116 m² proposed.

Specific Use Regulations - 9.5 Carriage House:

Section 9.5b.1(c) - To vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

2.0 Purpose

To vary the maximum site coverage of an accessory building from 90 m² permitted to 116 m² proposed and to vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

3.0 Land Use Management

The proposed variance for the location of a carriage house is common for lakefront property as riparian regulations and Okanagan Lake sightlines preclude locating the building in what is considered the property's rear yard (front yard being defined as the road frontage).

The applicant also proposes to vary the maximum site coverage for an accessory building from the lesser of 90 m² or 14% permitted, to 116 m² and 4% proposed. The effect of this variance is mitigated by the large size of the subject property (and ample landscape screening), and the end result is low site coverage for accessory structures (4% of lot). Written confirmation of support from abutting neighbours has been submitted and is on file.

Through the rezoning application a no-build/no-disturb covenant to protect the foreshore, as well as restoration of the foreshore with bonding and an environmental monitor was secured.

4.0 Proposal

4.1 Project Description

The applicant proposes to expand the existing accessory building and to establish a carriage house within it. The accessory building accommodates three cars as is, and site coverage is being expanded to facilitate a ground-oriented addition for a portion of the suite (as opposed to it being entirely above grade). Visually, the addition is to be made to match the existing exterior finish of the accessory building (painted stucco, masonry facing to ~ 2 feet above ground). Gable and dormer features define the roofline of the proposed expansion.

An associated rezoning to permit the carriage house was approved by Council in April 2012. A Development Permit will be processed at a staff level for the form and character of the carriage house. Variances sought include the position (within the front yard) and size (116 m² proposed when 90 m² is permitted) of the carriage house.

4.2 Site Context

The subject property is located in the North Mission - Crawford sector in a predominantly residential area. Specifically, the adjacent zones and land uses are:

North	W2 - Intensive Water Use	Okanagan Lake
South	RU1 - Large Lot Housing	Residence
East	P3 - Parks and Open Space	Central Okanagan Small Boat Assoc.
West	RU1 - Large Lot Housing	Residence



The proposal compares with the Zoning Bylaw No. 8000 requirements for the RU1c - Large Lot Housing with Carriage house zone as follows:

Criteria	Proposed	RU1c Zone Requirement
Site Coverage (buildings)	~ 16.1%	40%
Site Coverage (buildings + driveways + parking)	~ 33.3%	50%
Front Yard (Hobson Rd)	~ 28 m	9.0 m
Side Yard (affected)	2.7 m	2.0 m (1½ storey accessory building)
Side Yard (other)	~ 5 m	2.0 m (1½ storey accessory building)
Rear Yard (Okanagan Lake)	~ 26 m	15 m from natural boundary
Accessory Building Site Coverage	116 m ² and 4% *	Lesser of 90 m ² or 14% of lot area
Accessory Building Height	4.5 m	4.5 m
Separation Between Dwellings	15.77 m	4.5 m
Carriage house Size	90 m ²	Lesser of 90 m ² or 75% of principal dwelling floor area
Carriage house Location	Front yard *	Rear yard
Parking	3 stall garage plus large driveway	3 stalls
* A Development Variance Permit is required.		

5.0 Technical Comments

5.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).

3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage. Man doors are required from the garage to the exterior or from the garage to the interior of the suite for exiting.

4) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.

5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

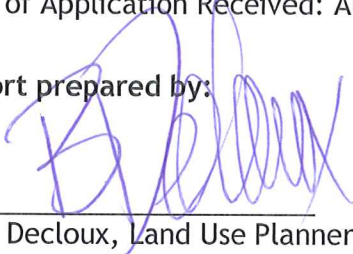
5.2 Development Engineering Department

This development variance permit application to vary the site coverage and suite location does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: August 3, 2012

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:



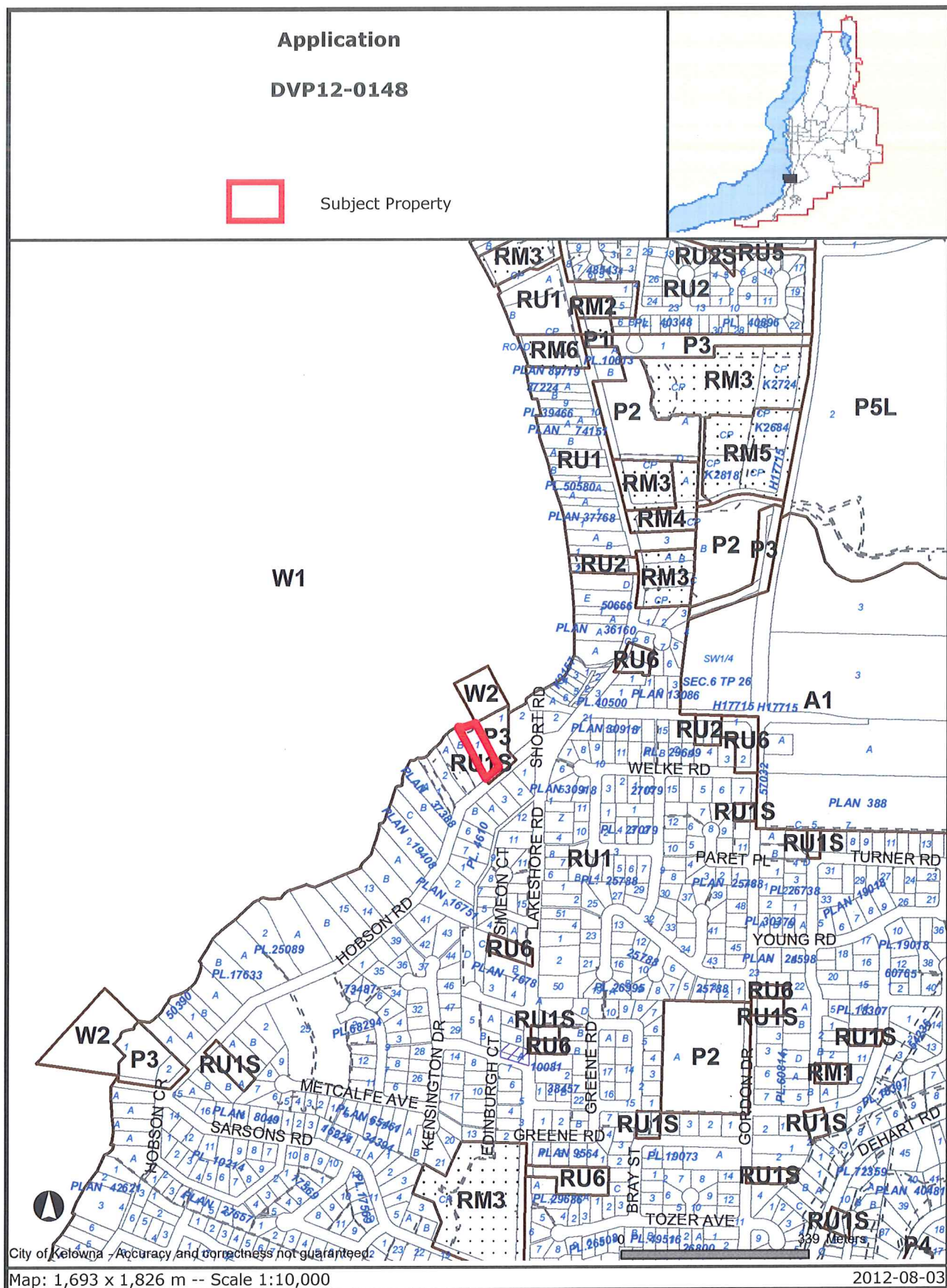
Shelley Gambacort, Director of Land Use Management

Attachments:

Subject Property Map
Schedule A - Site plan
Elevation drawings

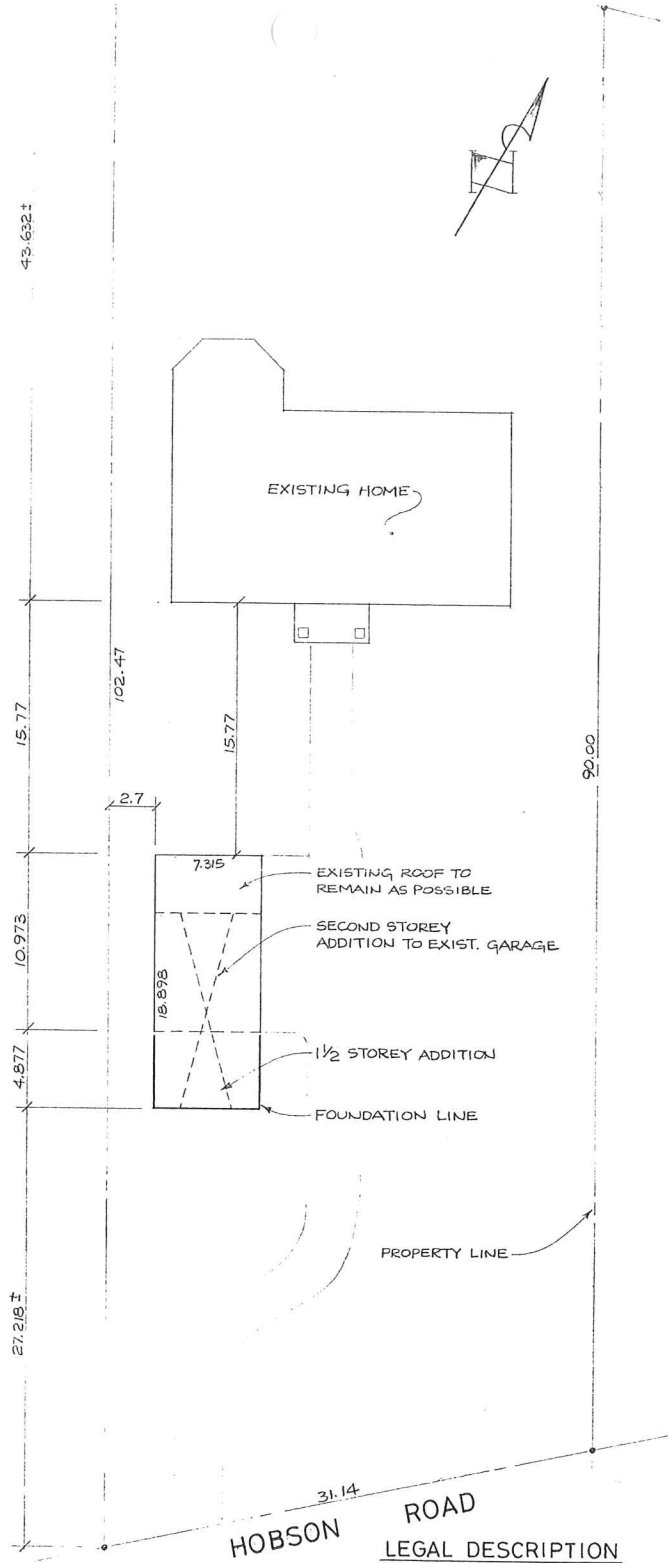
for:





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.

T - ST. LANE SERVICE	
DATE: 2010, SEPT	
OWNER: TERRY O'NEILL	
RC ALLIANCE LTD.	

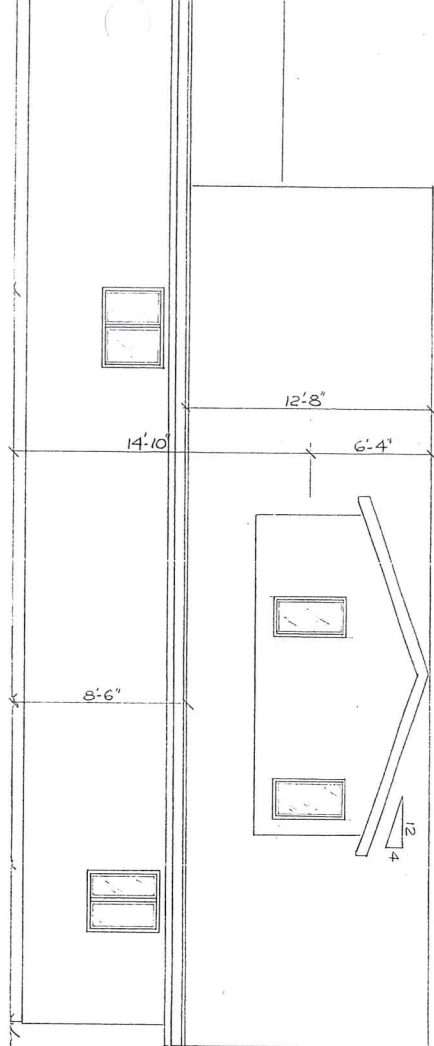


PLOT PLAN

SCALE = 1:200 (METRIC)

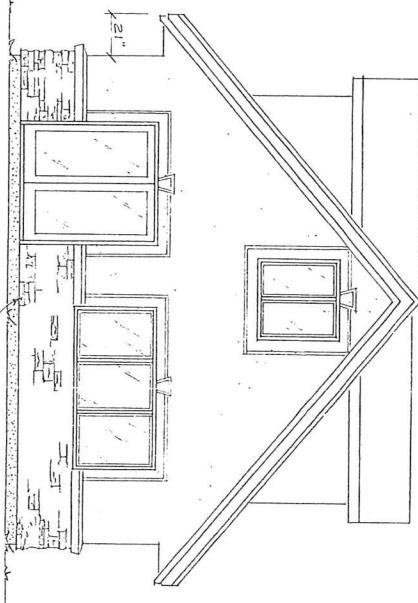
LEGAL DESCRIPTION

LOT 1
PLAN 30147
D.L. 167
O.D.Y.D.



FRONT ELEVATION

1/4" = 1'-0"

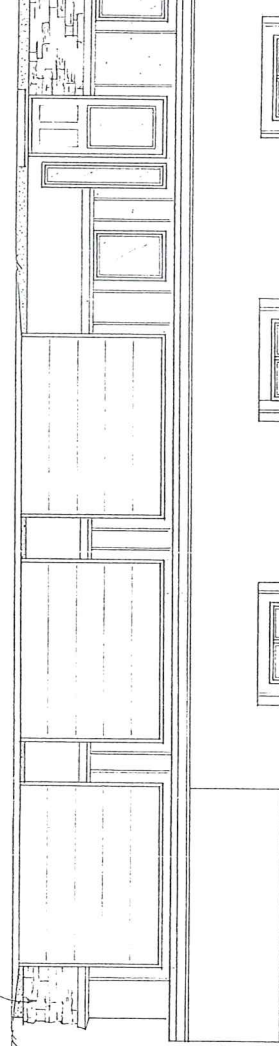
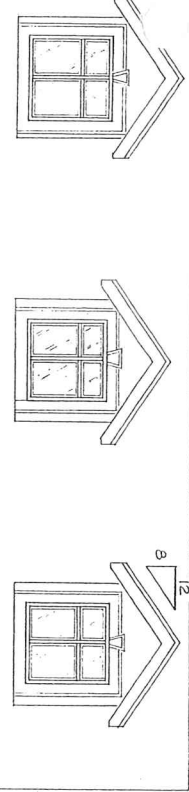


LEFT ELEVATION

MASONRY FACING
TO MATCH EXISTING

MAIN & 2ND FLR.
ADDITION

SECOND FLR.
ADDITION



RIGHT ELEVATION

EXISTING MASONRY FACING
TO BE COPIED ON ADDITION

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No .: DVP12-0148

EXISTING ZONING DESIGNATION:	RU1c - Large Lot Housing with Carriage House
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: RC Alliance Ltd. (Ron Chen) OWNER: Jeffrey David Kohn
LOCATION OF SUBJECT SITE: 4224 Hobson Rd

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	167	30147			ODYD

SCOPE OF APPROVAL	
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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 variances to the following sections of Zoning Bylaw No. 8000 are granted:

General Development Regulations:

Section 6.5.7 - To vary the maximum site coverage of an accessory building from 90 m² permitted to 116 m² proposed.

Specific Use Regulations - 9.5 Carriage House:

Section 9.5b.1(c) - To vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

- 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.
- PERFORMANCE SECURITY: None Required.

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 of September, 2012.
ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF SEPTEMBER 2012.

Shelley Gambacort
Director of Land Use Management