

REPORT TO COUNCIL



Date: September 20, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DVP12-0161 **Owner:** Denis Roger Bertrand & Louise Lucille Georget
Address: 1019 Guisachan Road **Applicant:** Denis & Louise Bertrand
Subject: Development Variance Permit
Existing Zone: RU1- Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0161, for Lot B, District Lot 136, ODYD Plan 38183, located on Guisachan Road, Kelowna, BC;

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

Section 13.1.6(d) Development Regulations:

To vary the required west side yard setback from 2.0m required to 1.2m proposed, as per schedule "A".

2.0 Purpose

To consider a variance to the west side yard of a single family dwelling from 2.0m required to 1.2m proposed.

3.0 Land Use Management

This single family dwelling was recently damaged by a fire. In rebuilding the interior, the owner would like to provide some additional space within the bedrooms and therefore, is seeking a variance to the west side yard setback. Given that the applicant is not proposing windows on the west side of the home and will be using non-combustible materials, Staff have no safety concerns about the requested variance. Additionally, privacy concerns for the abutting impacted parcel are minimum, and signatures of support from all abutting neighbours were submitted with the application.

4.0 Proposal

4.1 Project Description

The single family dwelling is being renovated after sustaining some damage from a fire. The owners are seeking to expand their storage space within the bedrooms by making a small addition to the west side of the dwelling. A variance to the side yard setback is required to facilitate the addition. The addition is expected to have no impact on the form and character of the home.

4.2 Site Context

The subject property is located on the south side of Guisachan Road in the South Pandosy KLO sector of Kelowna. The surrounding properties are zoned as follows:

| Orientation | Zoning | Land Use |
|-------------|-------------------------------|------------------------|
| North | RM2 - Low Density Row Housing | Residential |
| East | RU1 - Large Lot Housing | Single Family Dwelling |
| South | RU1 - Large Lot Housing | Single Family Dwelling |
| West | RU1 - Large Lot Housing | Single Family Dwelling |

4.3 Zoning Analysis:

The proposed application meets the requirements of RU1 - Large Lot Housing zone as follows:

| Zoning Analysis Table | | |
|-----------------------|----------|-----------------------|
| CRITERIA | PROPOSAL | RU1 ZONE REQUIREMENTS |
| Regulations | | |
| Front Yard | 9.7 | 6.0 m to garage |
| Side Yard (w) | 1.2 m ① | 2.0 m (1 - 1½ storey) |
| Side Yard (e) | 2.1 m | 2.0 m (1 - 1½ storey) |
| Rear yard | 19 m | 7.5m |

① indicates a variance required to west side yard setback.

4.4 Subject Property Map: 1019 Guisachan Road



5.0 Technical Comments

5.1 Building & Permitting Department

Full plan check will be done at time of building permit application process.

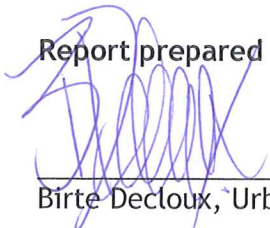
5.2 Development Engineering Department

This development variance permit application to vary the side yard setback from 2m to 1.2m does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: August 27, 2012

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:



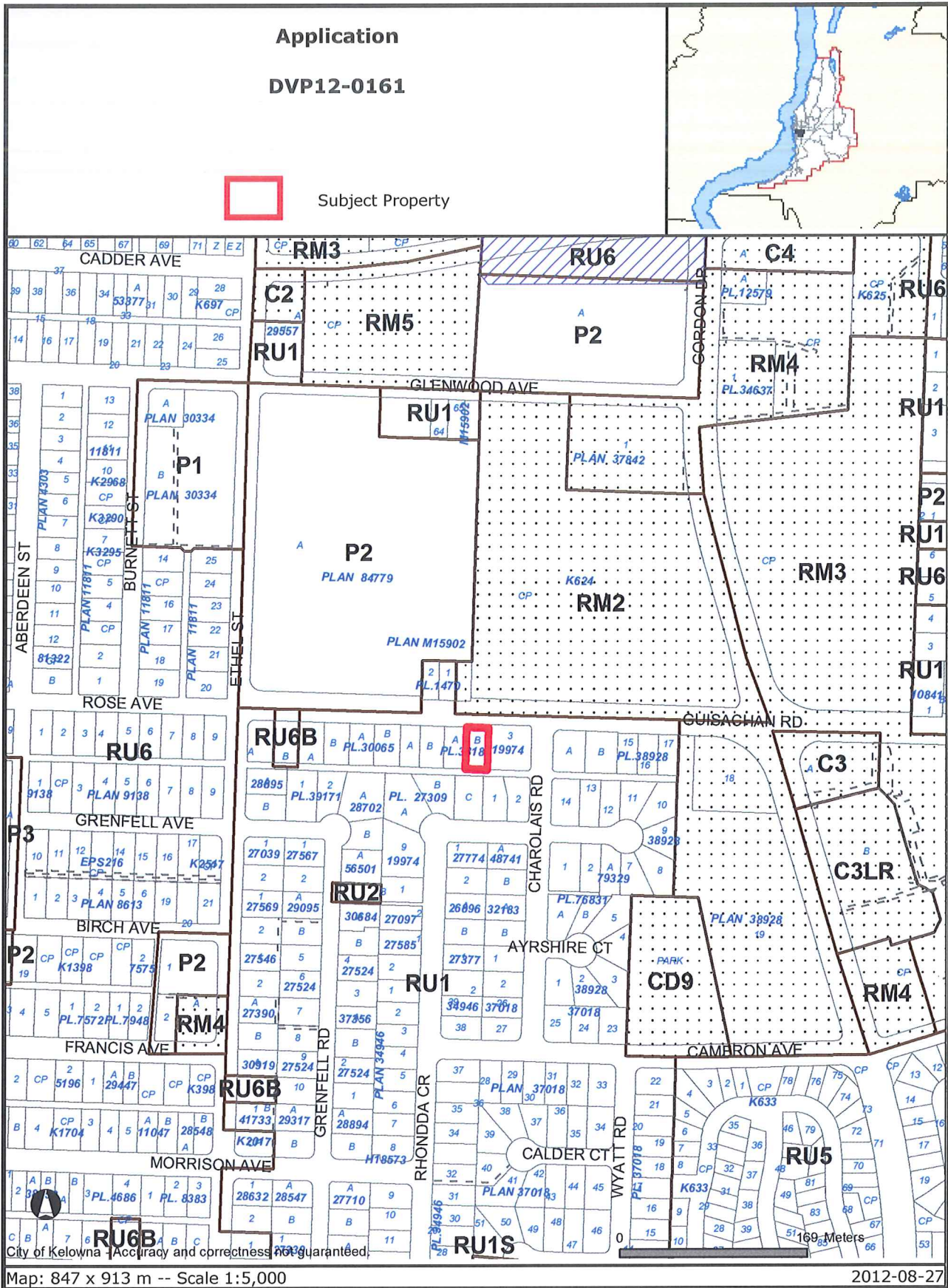
Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

Exterior Elevations

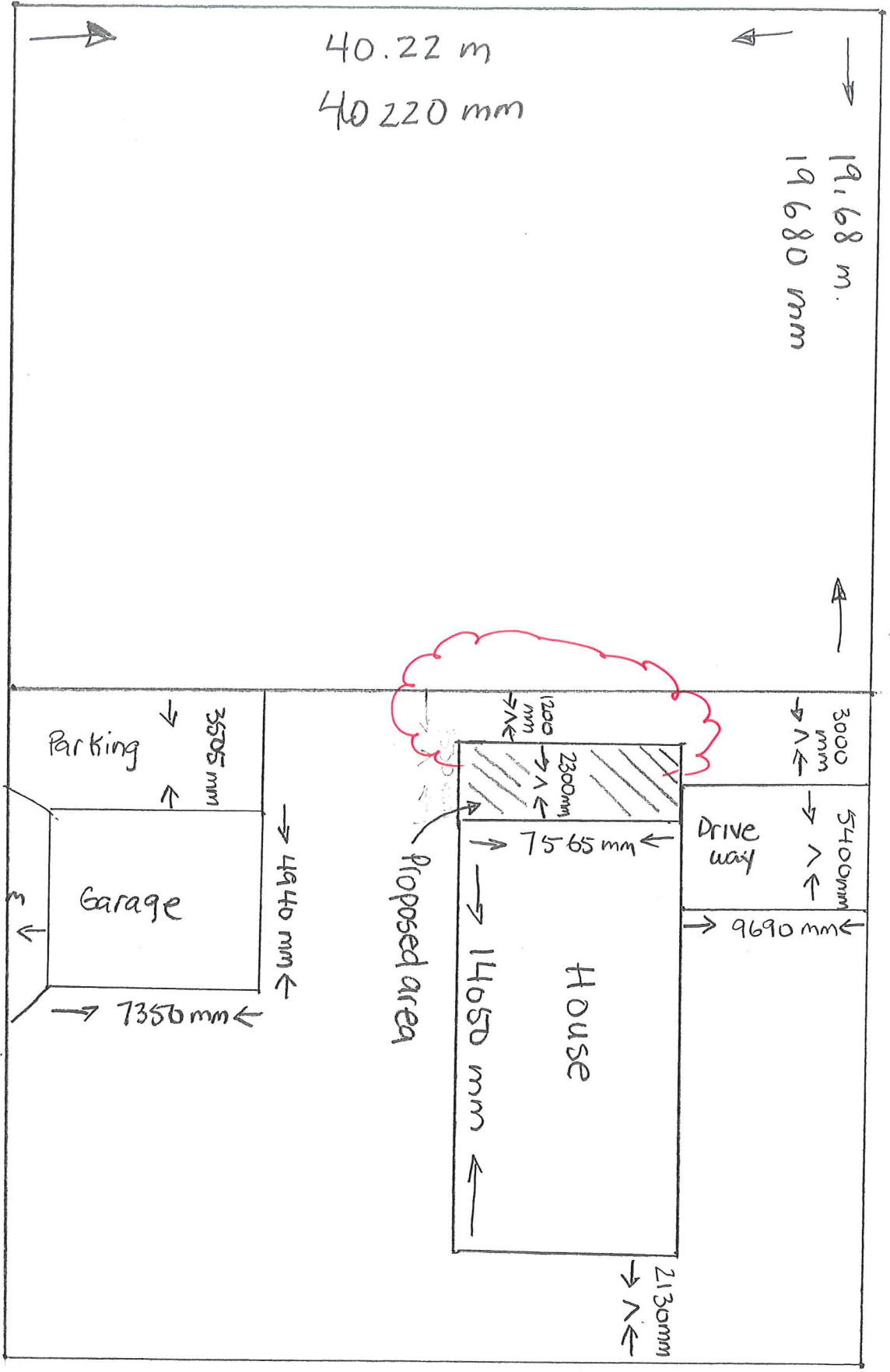




Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

North
↓

1019 GUISACTAN RD
LOT B, PLAN 38183, D.L.136, OBYD



Lane

5

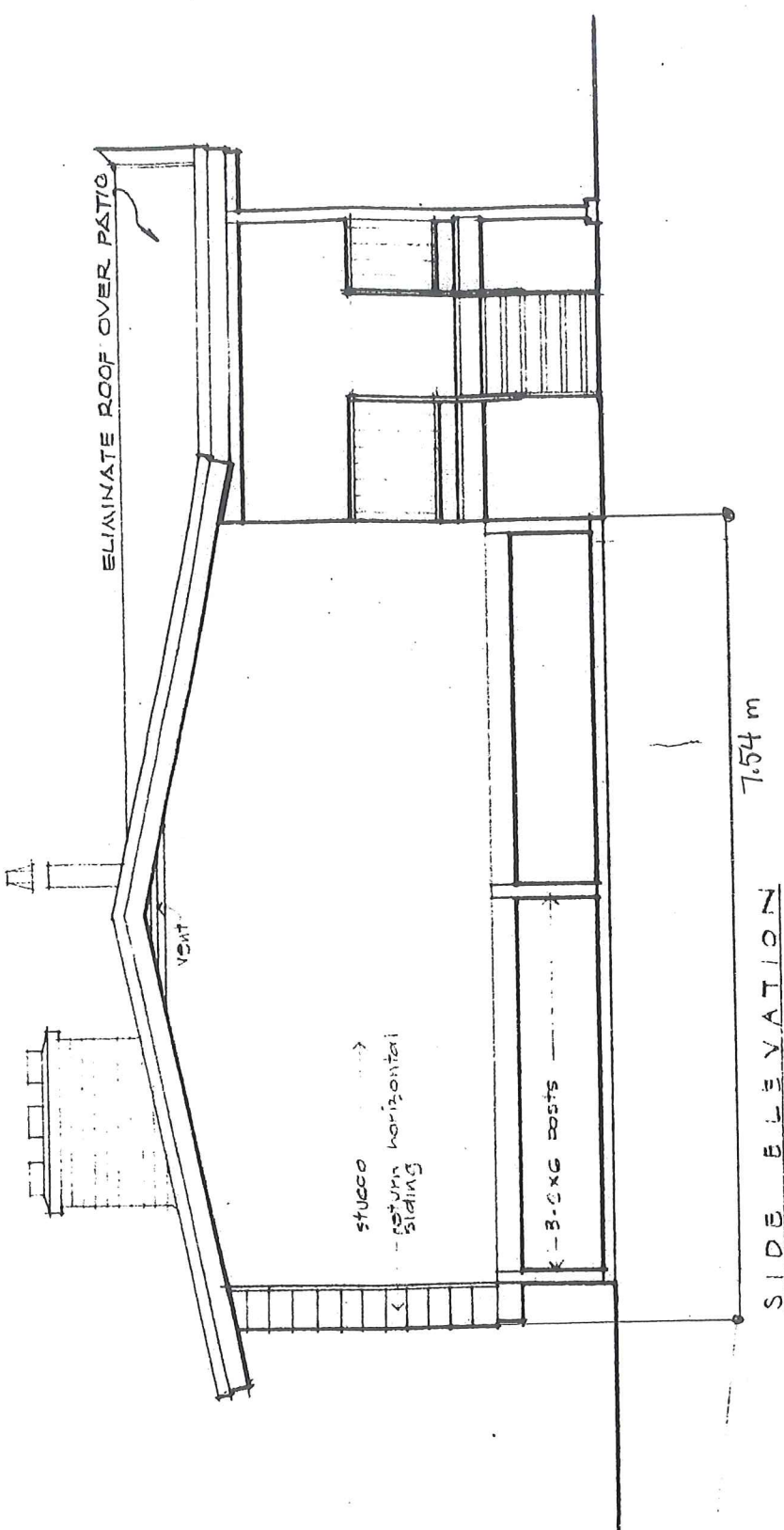
SCHEDULE A
This forms part of development
Permit # D1P12-0161

M

E

SECTION - 1/4 = 1:10

N

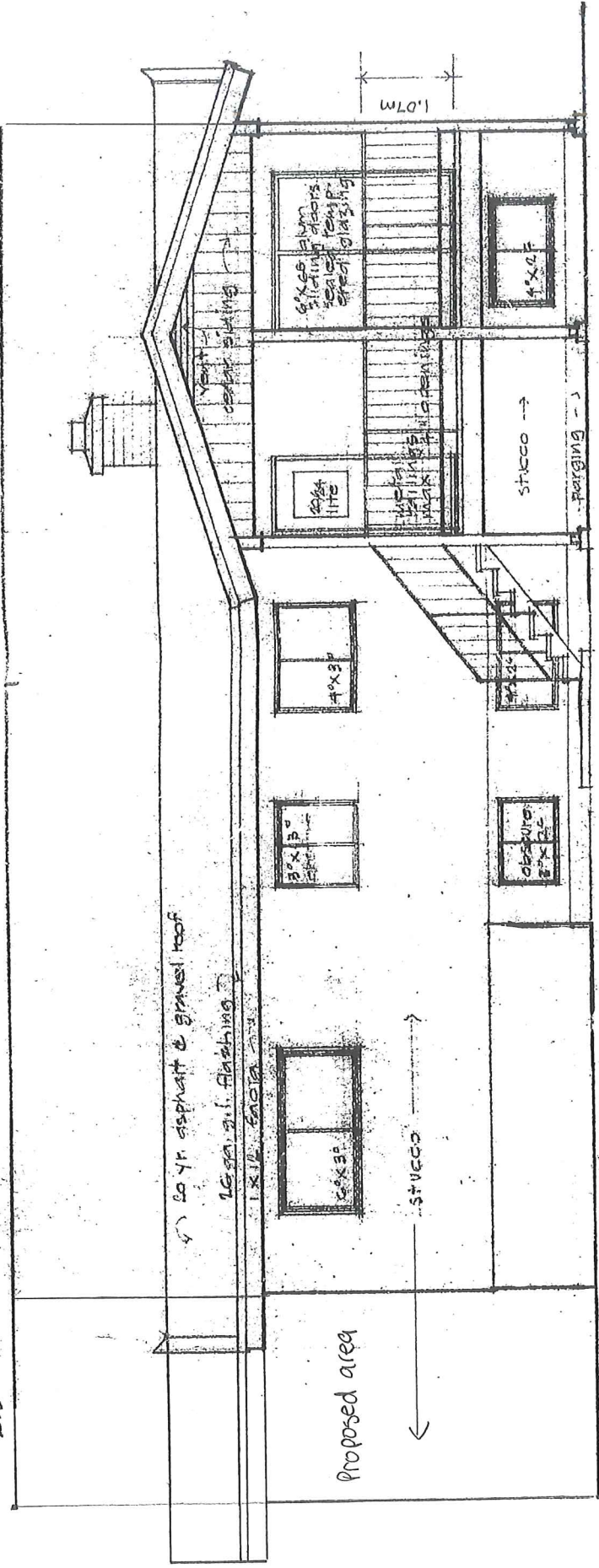


scale - 20mm = 1m

N ↑

14.05 m

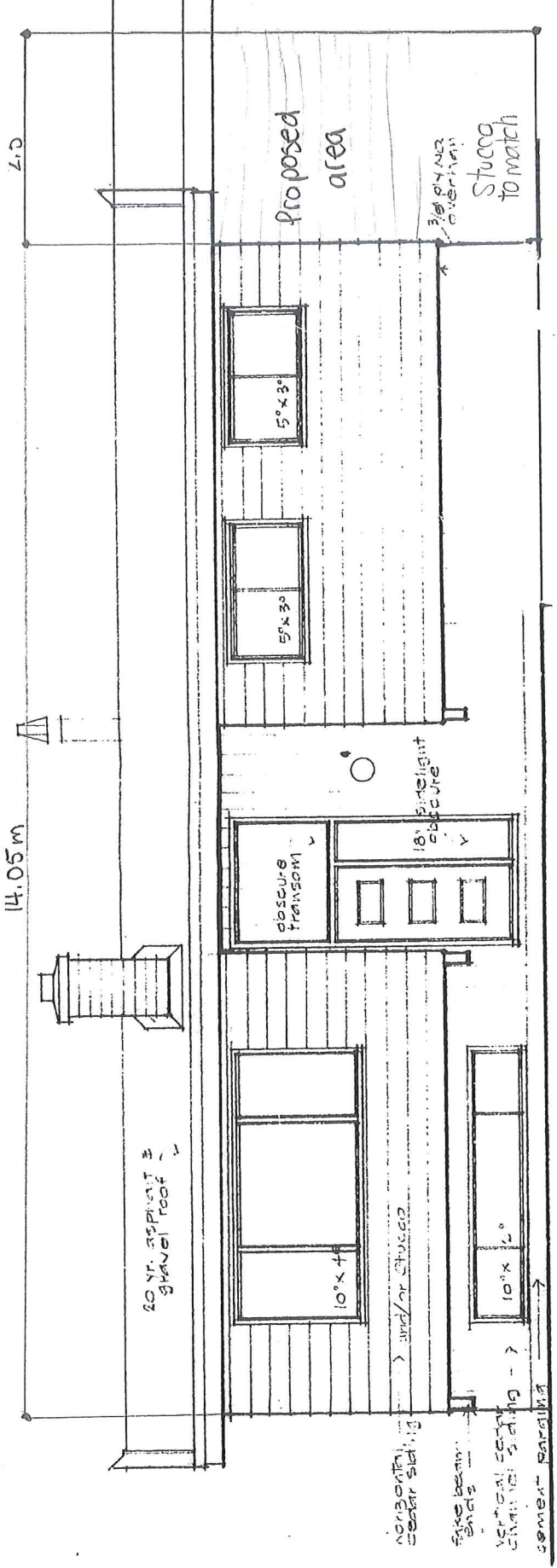
2.5 m



1.07 m

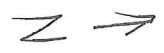
REAR ELEVATION
Scale = 1/4" = 1'-0"

scale - 20mm = 1m



SECTION = 1/4 = 0.25

scale - 20mm = 1m



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP12-0161

| | |
|---------------------------------|------------------------|
| EXISTING ZONING DESIGNATION: | RU1- Large Lot Housing |
| WITHIN DEVELOPMENT PERMIT AREA: | N/A |

| |
|---|
| ISSUED TO: Denis & Louise Bertrand |
| LOCATION OF SUBJECT SITE: 1019 Guisachan Road |

| | LOT | D.L. | PLAN | SECTION | TOWNSHIP | DISTRICT |
|--------------------|-----|------|-------|---------|----------|----------|
| LEGAL DESCRIPTION: | B | 136 | 38183 | | | SDYD |

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 are granted:

Section 13.1.6(d) Development Regulations:

To vary the required west side yard setback from 2.0m required to 1.2m 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: 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 DAY OF OCTOBER, 2012.

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

Shelley Gambacort
Director of Land Use Management

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