

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, September 24, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

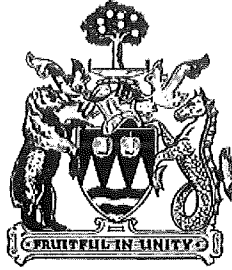
Pages

1. Call to Order
2. Prayer
A Prayer will be offered by Councillor Given.
3. Confirmation of Minutes 1 - 9
Public Hearing - September 10, 2013
Regular Meeting - September 10, 2013
4. Notification of Meeting
The City Clerk will provide information as to how the following items on the Agenda were publicized.
5. Development Permit and Development Variance Permit Reports
 - 5.1 Development Variance Permit Application No. DVP13-0080 - 1008 Fuller Avenue, Gwendolyn Rathbone & Alan Nordstrom 10 - 18
City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.
To consider a request to vary the maximum width of a dormer from 1.2m permitted to 1.85m proposed and to allow the accessory building to be higher than the principal dwelling in order to construct a carriage house on the subject property.
 - 5.2 Development Variance Permit Application No. DVP13-0107 - 1510 Lawrence Avenue, Cynthia Stevenson 19 - 32
City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.
This application seeks to vary the required east and west side yard setbacks to

facilitate an addition to accommodate a secondary suite.

6. Reminders

7. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, September 10, 2013
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Andre Blanleil

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble-Brandt; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m.

Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 7, 2013 and by being placed in the Kelowna Capital News issues on August 30, 2013 and September 3, 2013 and by sending out or otherwise delivering 326 letter to the owners and occupiers of surrounding properties between August 27, 2013 and August 30, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10882 (Z13-0029) - 4770 Crighton Road, Donald Cowie & Varina Russell

Staff:

- Summarized the application before Council.
- Advised that revised Plans were submitted to staff yesterday afternoon.
- Displayed the revised Plans and summarized the changes.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Shane Worman, Worman Resources Inc., Applicant's Representative

- Nothing further to add to staff's comments, but available for questions from Council.
- Provided an overview of the history of the property.
- Advised that the new owners want to bring the property into conformity.

Gallery:

Roger Cumming, 4780 Crighton Road

- Read and submitted a prepared statement.
- Opposed to the rezoning.
- Advised that the Crighton Road properties are currently zoned A1 due to lot size.
- Advised that he has lived next door to the subject property since 1984.
- Believes that there is a restrictive covenant on the non-conforming beach house which states that it can only be used by family members.
- The beach house is not a carriage house. It's not heated, insulated and there is no parking provided.
- Other nearby A1 properties have a beach house and do not have the A1c zoning.
- The subject property has had non-resident owners for the past 25 years and provided an overview of the history of the property and the beach house.
- Requested that Council deny the A1c zoning and simply allow the beach house as a non-conforming structure.
- Not opposed to the proposed variances, just the rezoning.
- Advised that the beach house is approximately 100 feet from his bedroom window.
- Advised that the current owners of the property have been very co-operative.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding why the City is requiring the rezoning from the A1 zone to A1c zone.
- Confirmed that staff is aware of the 'covenant' on the beach house that stipulates it can only be occupied by family members; however, the 'covenant' is not registered on title and was provided by way of an Affidavit.
- Confirmed that as part of the rezoning, the current owners have agreed to do some kind foreshore restoration.
- Confirmed that if the rezoning is not approved, then it is possible that the foreshore restoration may not be completed.

Shane Worman, Worman Homes Inc., Applicant's Representative

- Provided an overview of the previous work that was conducted on the site.
- Advised that the beach house renovation was done under a permit and is legal.

- Advised that there is some foreshore restoration planned for an area of the property.
- Believes that the beach house should be considered 'legal non-conforming' as it was constructed with a Building Permit.
- Advised that the current owners are only focusing on constructing a new principle dwelling on the site.
- Responded to questions from Council.
- Confirmed that the previous Building Permit included a kitchen in the beach house.
- Believes that the beach house would not meet the Building Code standards of a carriage home.
- Advised that the current owners are not intending to upgrade the beach house nor are they intending on renting it out.

There were no further comments.

3.2. Bylaw No. 10885 (Z13-0028) - Braniff Real Estate Services Inc. & Ministry of Forests, Land & Natural Resource Operations

Staff:

- Summarized the application before Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- o **Letter of Comment:**
 - G. Barber, 308-650 Lexington Drive

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Tim McClellan, Applicant's Representative

- Displayed a PowerPoint presentation.
- The intention is to continue with the already established frontal parking area.
- Provided an overview of the proposed development.
- The project will include a reconstruction of the dyke.
- The structure will be constructed out of wood.
- Responded to questions from Council.
- Confirmed that the dyke is on Crown Land and that there will be full public access to the dyke.
- With the redevelopment of Mission Creek Bridge, he does not feel that public access to the dyke will be an issue.

Gallery:

Gerry Barber, 308-650 Lexington Drive

- Confirmed that he has had discussions with the Applicant's Representative.
- Likes what is being proposed on the site.
- Would like to see screening between his yard and the subject building (concrete barrier or fence).
- Likes that the parking will be available for the public who use the dyke during the evening.
- Thinks the proposal is a win-win situation.

4. Termination

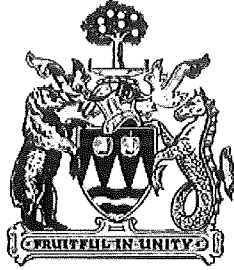
The Hearing was declared terminated at 7:00 p.m.

Mayor
/slh



City Clerk

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 10, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson*, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Andre Blanleil

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble-Brandt; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 7:00 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Hobson

R600/13/09/10 THAT the Minutes of the Public Hearing and Regular Meeting of August 27, 2013 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

- 4.1. **Bylaw No. 10882 (Z13-0009) - 4770 Crighton Road, Donald Cowie & Varina Russell**

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R601/13/09/10 THAT Bylaw No. 10882 be read a second and third time and be adopted.

Carried

- 4.2. **Bylaw No. 10885 (Z13-0028) - 3935 Lakeshore Road & adjacent Bed of Mission Creek, Braniff Real Estate Services & Ministry of Forests, Land & Natural Resource Operations**

Moved By Councillor Stack/Seconded By Councillor Given

R602/13/09/10 THAT Bylaw No. 10885 be read a second and third time.

Carried

5. **Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1,367 letters to the owners and occupiers of the surrounding properties between August 27, 2013 and August 30, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. **Development Permit and Development Variance Permit Reports**

- 6.1. **Development Variance Permit Application No. DVP13-0062 - 4770 Crighton Road, Donald Cowie & Varina Russell**

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add. No one came forward.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R603/13/09/10 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0062, for Lot 2, Section 25, Township 28, ODYD Plan 8026, located at 4770 Crighton Road, Kelowna, BC;

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

Section 6.6.2: Height and Grade

To vary the maximum height of the rear building elevation from 3 storeys permitted to 4 storeys proposed as per Schedule 'A';

Section 6.11.1: Okanagan Lake Sight Lines

To vary the requirement that all buildings and structures greater than 1.2 m above natural grade permit the adjacent occupants a 120 degree panoramic view (required) to 105 degrees proposed as per Schedule 'A';

Section 11.1.6(a): A1 Development Regulations

To vary the maximum site coverage from 10% permitted to 22% proposed as per Schedule 'A';

Section 11.1.6(b): A1 Development Regulations

To vary the maximum height of 9.5 metres permitted to 11.02 metres proposed as per Schedule 'A';

AND THAT the Development Variance Permit be issued following staff issuance of a Natural Environment Development Permit for the subject property;

AND FURTHER THAT the applicant be required to complete the above noted conditions within 180 days of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

6.2. Development Variance Permit Application No. DVP13-0102 - 4316 Hobson Road, Joseph Karl Huber

Councillor Hobson declared a conflict of interest as he resides within the notification area of the subject application and left the meeting at 7:07 p.m.

Staff:

- Summarized the application before Council.
- Provided the history of the Development Variance Permit application that was previously denied by Council.
- Displayed photos of the subject pergola from 2009.
- Displayed current photos of the site.

The City Clerk advised that the following correspondence and/or petitions had been received:

- **Letters of Opposition:**
 - Don Salekin & Isabelle Joncas, 4333 Hobson Road
 - Mark & Deb Ledwon, 4310 Hobson Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Joseph Huber, Applicant

- Nothing further to add to staff's comments, but available to respond to questions.
- Confirmed that the vegetation on his neighbour's property would block the view of the pergola.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Given

R604/13/09/10 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0102, for Lot 14, District Lot 167, ODYD, Plan 2194, located at 4316 Hobson Road, Kelowna, BC, subject to:

1. The registration of a no build/no disturb Section 219 Restrictive Covenant in favour of the City of Kelowna against the title of the subject property under the Land Title Act, to protect the Riparian Management Area, measuring 15 m upland from the natural boundary of Okanagan Lake;

AND THAT a variance to the following section of the Zoning Bylaw No. 8000 be granted:

Section 6.11.1 - Okanagan Lake Sight Lines

To vary the sight line of the established abutting development to the east from a minimum of 60 degrees required to 34 degrees provided, as per Schedule 'A';

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

6.3. Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street

Councillor Hobson rejoined the meeting at 7:18 p.m.

Moved By Councillor Singh/Seconded By Councillor Basran

R605/13/09/10 THAT Bylaw No. 10872 be adopted.

Carried

6.3.1. Development Permit Application No. DP13-0082 and Development Variance Permit Application No. DVP13-0083 - 1369 & 1375 Bertram Street, Bertram Townhouses Inc.

Staff:

- Summarized the application before Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- **Letter of Support:**
 - Beryl Itani, 1380 Richter Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved By Councillor Basran/Seconded By Councillor Given

R606/13/09/10 THAT Final Adoption of Zoning Amending Bylaw No. 10872 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0082 for Lot 13, D.L. 139, ODYD, Plan 2271, located at 1369 Bertram Street and Lot 14, D.L. 139, ODYD, Plan 2271, located at 1375 Bertram Street, Kelowna B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0083 for Lot 13, D.L. 139, ODYD, Plan 2271, located at 1369 Bertram Street and Lot 14, D.L. 139, ODYD, Plan 2271, located at 1375 Bertram Street, Kelowna, B.C.;

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

Section 13.11.6 (d) Development Regulations - Front Yard Setback
To vary the front yard setback from 6.0m required to 1.5m proposed.

Section 13.11.6 (e) Development Regulations - Side Yard Setback
To vary the side yard setback from 6.0m to 1.5m (northern setback) and 1.5m (southern setback) proposed.

Section 13.11.6 (f) Development Regulations - Rear Yard Setback:
To vary the rear yard setback from 6.0m required to 1.5m proposed.

Section 8.1.10 (d) Parking Regulations - Setback
To vary the setback from parking from 1.5m required to 0.5 proposed.

Table 8.1 Parking Schedule
To vary parking from 17 stalls maximum permitted to 18 stalls proposed.

Carried

- 6.4. Development Variance Permit Application No. DVP13-0123 - 1458 Ethel Street, Qiuyan Li Holding Inc.

Staff:

- Summarized the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

R608/13/09/10 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0123, for Lot 3, District Lot 138, ODYD, Plan 3748, located on 1458 Ethel Street, Kelowna, BC;

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

Section 6.6.4: Height and Grade

To vary the maximum width of a dormer from 1.2m permitted to 1.9m proposed.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:25 p.m.

Mayor

/slh

Heptle Flein

City Clerk

DRAFT

REPORT TO COUNCIL



Date: August 27, 2013
RIM No. 0940-50
To: City Manager
From: Urban Planning Department, Community Planning and Real Estate (BD)
Application: DVP13-0080
Owner: Gwendolyn Lea Rathbone & Alan Eric Nordstrom
Address: 1008 Fuller Avenue
Applicant: Gwendolyn Lea Rathbone & Alan Eric Nordstrom
Subject: DVP13-0080 Fuller Ave Council Report
Existing Zone: RU6 - Two Dwelling Housing Zone

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0080, for Lot 21, District Lot 138, ODYD, Plan 3707 located on 1008 Fuller Avenue, Kelowna, BC;

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

Specific Regulations

Section 6.6.4 Height and Grade - Dormer width:

To vary the maximum permitted dormer width from 1.2m permitted to 1.85m proposed (as per Schedule 'A').

Section 9.5b.1(d) Carriage House regulations - height:

To allow the carriage house to be higher than the existing principal dwelling to a maximum of 4.5 (Schedule 'A').

2.0 Purpose

To consider a request to vary the maximum width of a dormer from 1.2m permitted to 1.85m proposed and to allow the accessory building to be higher than the principal dwelling in order to construct a carriage house on the subject property.

3.0 Urban Planning Department

The applicant is seeking to construct a carriage house on the subject property that is 0.52m (1.7 ft) taller than the existing 1946 dwelling. Long term plans include replacing the principal dwelling with a larger home. In anticipation of this, the client is seeking to maximize the carriage house size. While it is acknowledged that over-height variances for habitable accessory buildings are not typically supported, the regulation intends to support a built form of carriage houses to

be clearly subordinate to the principal dwelling. Ideally, the applicant would be in a position to apply for a comprehensive site redevelopment plan; however the variance is an interim measure to facilitate the first phase to construct the carriage house. As the site is on a corner and comparatively large in size, the perceived difference in height is mitigated.

A variance for the width of the dormer is also sought. Urban Planning staff are supportive of the proposed variance to the maximum width of a dormer. The proposed change results in a significant improvement to the functionality of the carriage house design, without compromising the privacy of adjoining properties in the process. Favorably, no neighbors have indicated opposition to the proposed variances. In the near future, Staff intend to bring forward an amendment to the Zoning Bylaw to provide additional flexibility in the regulation of dormers for carriage houses recognizing the functional restrictions.

4.0 Proposal

4.1 Project Description

The applicant is planning to construct a carriage house on the subject property. The site, located on a corner, is of ample size and is suitable for infill development. The plan shows a two bedroom carriage house with a west facing balcony and a pedestrian friendly street frontage. It may appear large given that the carriage house building also encompasses a double garage. Two variances are triggered by the proposal which include the width of the north facing dormer and the height of the carriage house in relation to the principal dwelling.

The first variance is to seek a dormer wider than is presently permitted. The proposed dormer is on the north face of the carriage house with a narrow high window for light purposes only which is not anticipated to impact the privacy of the neighbors. It is acknowledged that dormers are a key element in successfully providing functional living space in carriage house designs. The requested width aligns with the proposed changes to the Zoning Bylaw that Staff are anticipating bringing to Council in late 2013.

The second variance seeks to allow the carriage house to be taller than the existing single family dwelling. When considering the neighbourhood context, the proposed carriage house at 1 ½ storeys in height is not excessive. In comparison, the duplex on the neighbouring property to the east is a full two storeys and appears to have maximized site coverage. Taken against this, the proposed carriage house and principal dwelling allow for ample open space and the mature landscaping, which work to mitigate the minor height difference to be more consistent with the established neighbourhood character.

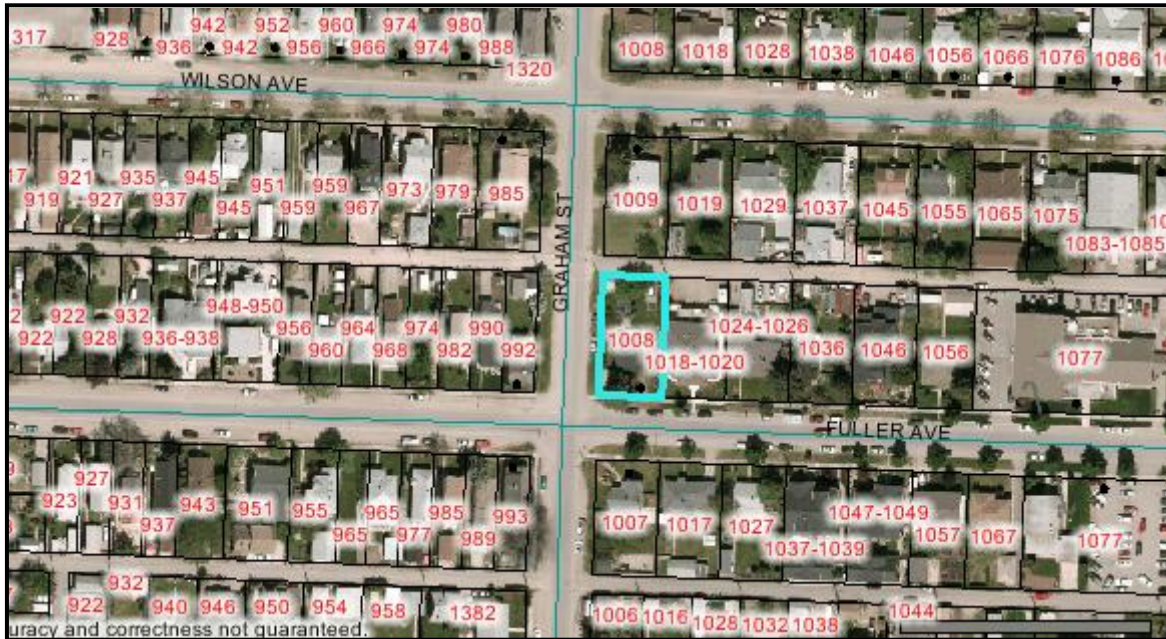
The immediate area is characterized by a variety of building types and building ages. It is clear that renewal is occurring. By supporting the variances associated with the application, investment in this neighbourhood close to the downtown core will continue. Should the variances be successful, the form and character of the carriage house will be reviewed by staff through an associated Development Permit.

Council Policy No. 367 requires that the applicant undertake Neighbour Consultation in advance of the Council meeting. In this case, the applicant was able to provide three letters of support for the height difference from immediate neighbours. The dormer variance is considered minor given that Staff have identified the need for the Zoning Bylaw amendment, and accordingly did not require signatures of support for this variance.

4.2 Site Context

The subject property is located on the north side of Fuller Avenue within two blocks of Kelowna’s Downtown urban centre. Urban amenities including transit, shopping and recreational opportunities are easily accessible. The surrounding properties are zoned RU6-Two Dwelling Housing. Sites in the immediate vicinity have developed infill units.

4.3 Subject Property Map: 1008 Fuller Avenue



4.4 Zoning Analysis Table

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 REQUIREMENTS
Existing Lot/Subdivision Regulations		
Lot Area	745 m ²	400 m ²
Lot Width	19.81 m	13 m
Lot Depth	37.61 m	30 m
Development Regulations		
Site Coverage (buildings)	22.7 %	40%
Site Coverage (buildings/parking)	28 %	50%
Single Family Dwelling		
Height	1 storeys / 3.96 m	2 ½ storeys / 9.5 m
Front Yard	6.6 m	6.0 m
Side Yard (w)	6.06 m	2.0 m (1 - 1½ storey) or 4.5m for a flanking street
Side Yard (e)	3.36 m	2.0 m (1 - 1½ storey)
Rear Yard	20.2 m	7.5 m
Proposed Carriage House		
Height	1.5 storeys / 4.48 mⓈ	1 ½ storeys / 4.5 m

Front Yard	26.5 m	4.5 m
Side Yard (w)	4.55 m	2.0 m (1 - 1½ storey) or 4.5m for a flanking street
Side Yard (e)	2.76 m	2.0 m (1 - 1½ storey)
Rear Yard	2.1 m	1.5 m
Lot coverage of accessory building	90m ² / 12%	May not exceed 14% or 90m ²
Other Requirements		
Floor Area Ratio	Principal dwelling: m ² Carriage House: m ² %	May not exceed the lesser of 90 m ² or 75%
Parking Stalls (#)	2 spaces in garage and 1 crushed gravel space	3 spaces
Private Open Space	Meets Requirements	30 m ² per dwelling
Dormer width	1.85m ^②	maximum width of 1.2m
① To allow the carriage house to be taller than the principal dwelling ② To vary the permitted width of the dormer.		

5.0 Current Development Policies

5.1 Zoning Bylaw 8000

Section 6.6.4 The height of dormers will be measured as if they are the main roof, unless the dormers are limited to 2 dormers per elevation, with a maximum width of 1.2m each and a minimum 1m separation. The total width of the dormers may not exceed 50% of the horizontal width of the building elevation on which they are located.

Section 9.5b.1(d) A carriage house shall not be higher than the lesser of 4.5 m or the height of the existing principal dwelling unit on the same property.

6.0 Technical Comments

6.1 Building & Permitting Department
No comments.

6.2 Development Engineering Department
This development variance permit application to vary the dormer does not compromised any municipal services.

Report prepared by:

Birte Decloux, Urban Planner

Reviewed by: Danielle Noble-Brandt, Manager, Urban Planning

Approved for Inclusion: Doug Gilchrist, Divisional Director of Community Planning and Real Estate

Attachments:

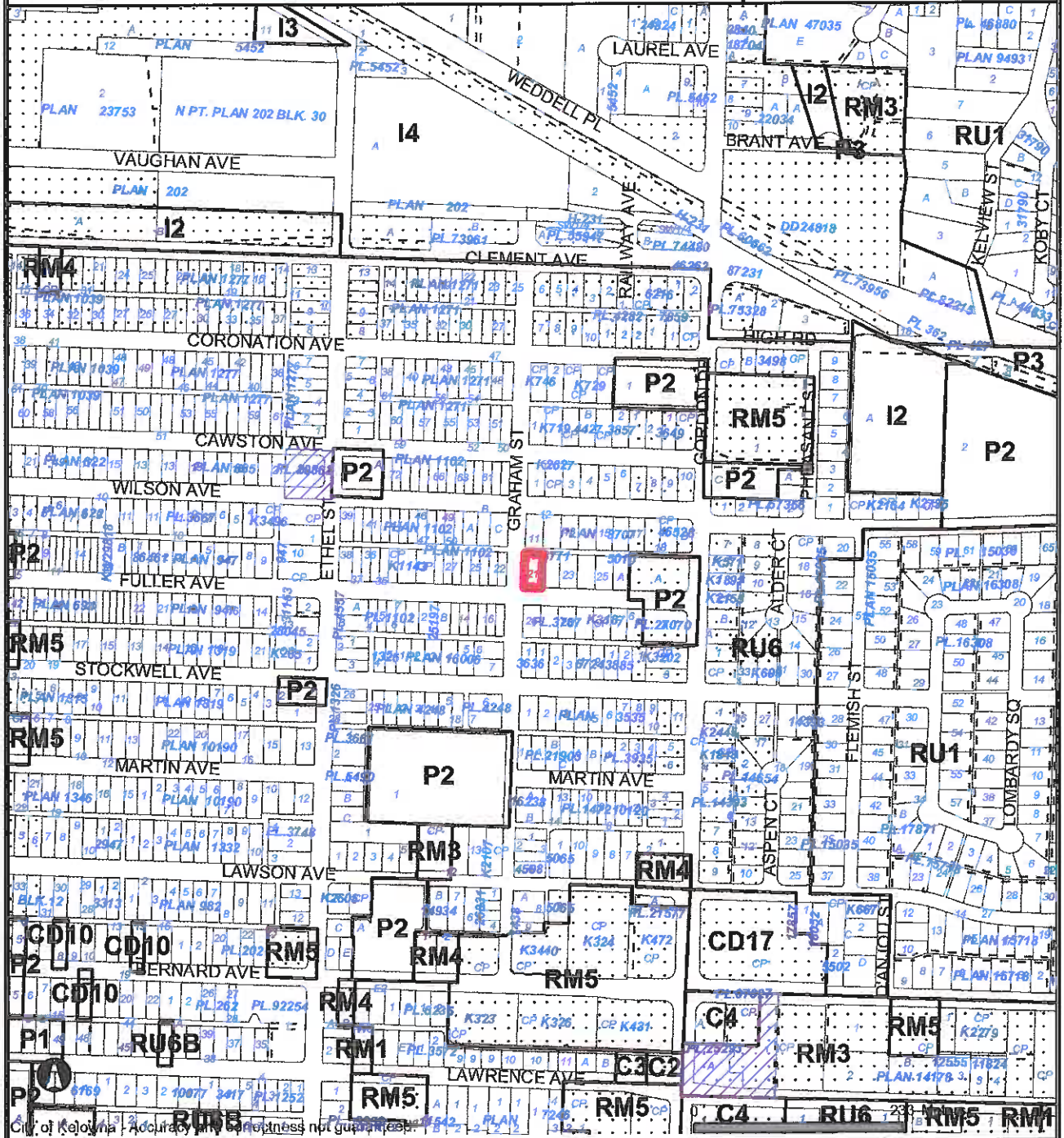
- Subject Property Map
- Schedule A - Conceptual Elevations
- Site Plan

DP3-0081/DVP13-0080

1008 FULLER AVE



Subject Property



Map: 1,167 x 537 m -- Scale 1:6,890

2013-05-28

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.



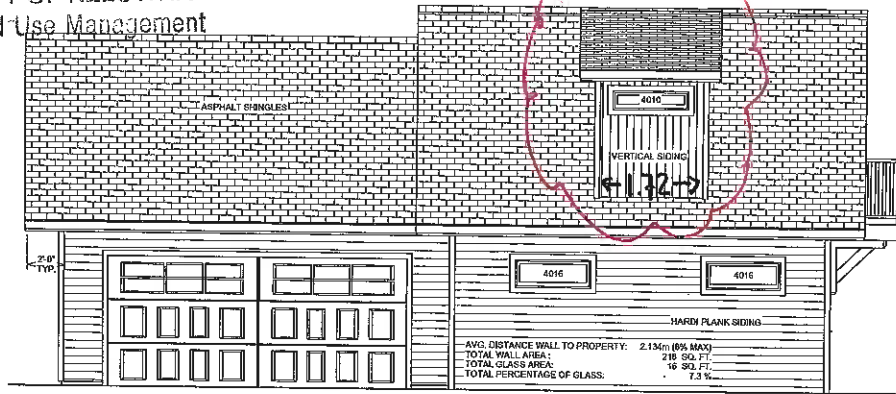
FRONT ELEVATION

****NOTE****
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

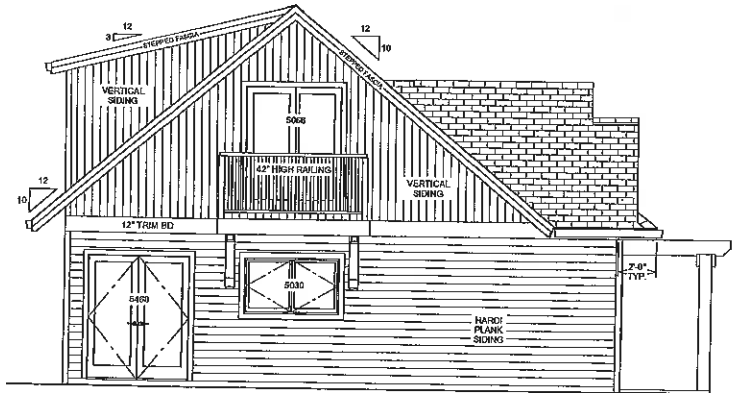
REVISED PLANS

JUN 24 2013

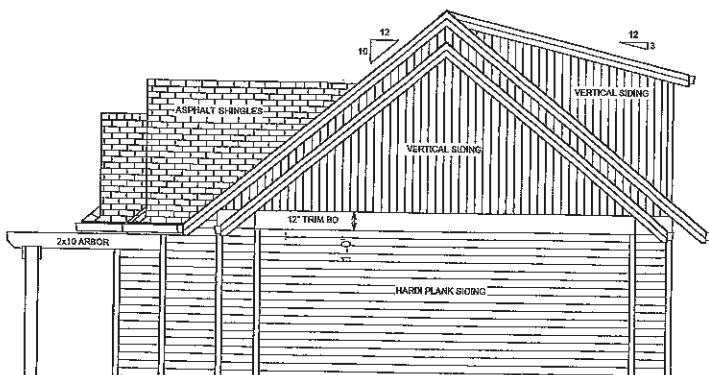
CITY OF KELOWNA
Land Use Management



REAR ELEVATION



LEFT ELEVATION



PROPOSED PROJECT FOR
LOT # 21
1008 FULLER AVE
RATHBONE CAVE

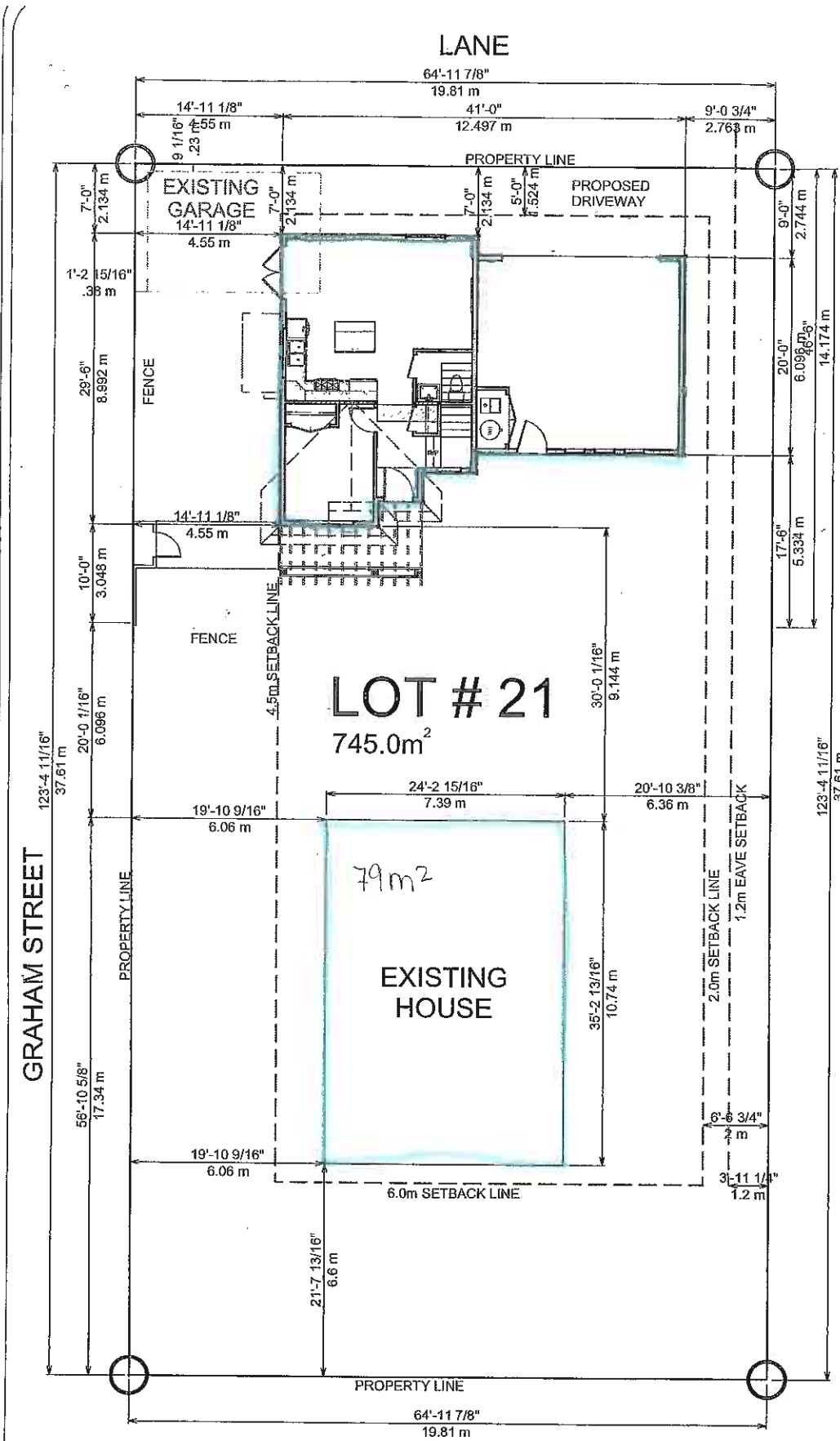
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819

SCHEDULE A

This forms part of development

Permit # DIP13-0080

LINS & DESIGN



All work in building per
 At the time current and owners bill and all work shall proceed
 Prior to per information dimension
 Any work conditions builder an

All corner masonry at 2
 Concrete an elevat have low bearing a builder 1 existing
 All found 10 mm re lapped in
 All footing to be all bottom c
 Grades : Retaining beyond 1

ROOF
 ASPHALT SHINGLES
 7/16" ROOF SHEATHING
 ENGINEERED ROOF TR
 R-44 INSULATION
 6 MIL UV POLY
 5/8" DRYWALL

SOFFIT & FASCIA
 5" FASCIA GUTTER
 2x4 SUB FASCIA
 2x6 FASCIA BOARD
 VENTED SOFFIT

EXT. WALL
 HARDI PLANK SIDING
 3/8" WALL SHEATHING
 2x6 STUDS 16" o/c
 R-20 BATT INSULATION
 6 MIL UV POLY
 1/2" DRYWALL

FULLER AVENUE

PLOT PLAN

SCALE: 1/8" = 1'

LOT COVERAGE	
CARRIAGE MAIN FLOOR	= 548 SQ.FT.
GARAGE	= 420 SQ.FT.
TOTAL FOOTPRINT	= 968 SQ.FT.
TOTAL LOT SQ.FT.	= 8,019.76 SQ.FT.
CARRIAGE COVERAGE	= 12.07%
EXISTING HOUSE	= 448 SQ.FT.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0080

EXISTING ZONING DESIGNATION:	RU6-Two Dwelling Housing
DEVELOPMENT VARIANCE PERMIT:	Section 6.6.4 Height and Grade – Dormer width & Section 9.5b.1(d) Carriage House regulations - height

ISSUED TO:	Gwendolyn Rathbone and Alan Nordstrom
LOCATION OF SUBJECT SITE:	1008 Fuller Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	21		138		ODYD	3707

<u>SCOPE OF APPROVAL</u>
<ul style="list-style-type: none"> <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 a Development Permit and/or 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:

Section 6.6.4 Height and Grade – Dormer width:

To vary the maximum permitted dormer width from 1.2m permitted to 1.85m proposed (as per Schedule 'A').

Section 9.5b.1(d) Carriage House regulations - height:

To allow the carriage house to be higher than the existing principal dwelling to a maximum of 4.5 (Schedule 'A').

2. **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.

3 PERFORMANCE SECURITY: Not applicable.

4. 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 THE COUNCIL ON THE ____ DAY OF SEPTEMBER, 2013.

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA ON THE ____ DAY OF SEPTEMBER, 2013.

Doug Gilchrist
Divisional Director, Community Planning & Real Estate

REPORT TO COUNCIL



Date: August 29, 2013
RIM No. 0940-40
To: City Manager
From: Urban Planning, Community Planning and Real Estate (BD)
Application: DVP13-0107 **Owner:** Cynthia Caroline Stevenson
Address: 1510 Lawrence Avenue **Applicant:** Rayburn Construction Services
Subject: Development Variance Permit
Existing Zone: RU1 - Large Lot Housing Zone

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0107, for Lot C, Section 20, Township 26, ODYD Plan 19841 located on Lawrence Avenue, Kelowna, BC;

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

Section 13.1.6(d) Development Regulations Side Yard Setbacks:

To vary the maximum permitted east side yard setback from 2.0 m required to 1.12m proposed and west side yard setback from 2.0m permitted to 1.52m proposed(as per Schedule 'A').

2.0 Purpose

This application seeks to vary the required east and west side yard setbacks to facilitate an addition to accommodate a secondary suite.

3.0 Urban Planning Department

The applicant is seeking to construct an addition to a single family dwelling in the place of an existing deck to contain a secondary suite. Variances are triggered to both side yard setbacks. Currently, the west side yard setback is considered existing non-conforming. The east side yard setback is adequate for a deck, however, with the proposed building addition, a 2.0m setback is required which triggers a variance. The variance is considered a modest relaxation and is not anticipated to affect the general rhythm of irregular shaped lots in the neighbourhood.

It is expected that the neighbours' privacy will be maintained, as the only additional planned glazing is in the form of two ground floor windows for a laundry room and bathroom. As the building has a deep front yard setback, it is expected that the windows will not be visible from the immediate neighbour because of the mature landscaping. Given the location and that the

addition can be incorporated seamlessly to the existing built form, it is a good candidate for densification.

4.0 Proposal

4.1 Project Description

The applicant is seeking to construct a single storey addition to the east side of the dwelling to facilitate a portion of a proposed secondary suite. The addition will incorporate a bedroom, bathroom and laundry room for the suite. A portion of the dwelling will be renovated for the suite’s living space. The addition triggers the east side yard setback, and the applicant wishes to legitimize the existing non-conforming west side yard setback simultaneously.

Council Policy No. 367 requires that the applicant undertake Neighbour Consultation in advance of the Council meeting. In this case, the applicant was able to provide support from fifteen out of the nineteen neighbours within a 50m radius.

4.2 Site Context

The subject property is located on the north side of Lawrence Avenue in the Central City sector of Kelowna. The area is characterized by single family dwellings and is close to Parkinson Recreation Centre, shopping and amenities. The properties to the north are zoned RU6 - Two Dwelling Housing utilizing the duplex form. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Duplex Residential
East	RU1 - Large Lot Housing	Residential
South	RU1c - Large Lot Housing with Carriage House	Residential with Carriage House
West	RU1 - Large Lot Housing	Residential

4.3 Subject Property Map: 1510 Lawrence Avenue



4.4 Zoning Analysis Table

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

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	872.2 m ²
Lot Width	16.5m	18.3 m
Lot Depth	30m	37.3 - 46.2m
Development Regulations		
Front Yard	4.5 m to dwelling	18.4 m
Side Yard (east)	2.0m (1 - 1 ½ storey)	1.12 m ^①
Side Yard (west)	2.0m (1 - 1 ½ storey)	1.52 m ^②
Rear Yard	7.5m	7.83 m
① & ② Variance sought to reduce the east and west side yard setbacks.		

5.0 Technical Comments

5.1 Development Engineering Department

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

6.0 Application Chronology

Date of Application Received: July 5, 2013

Report prepared by:

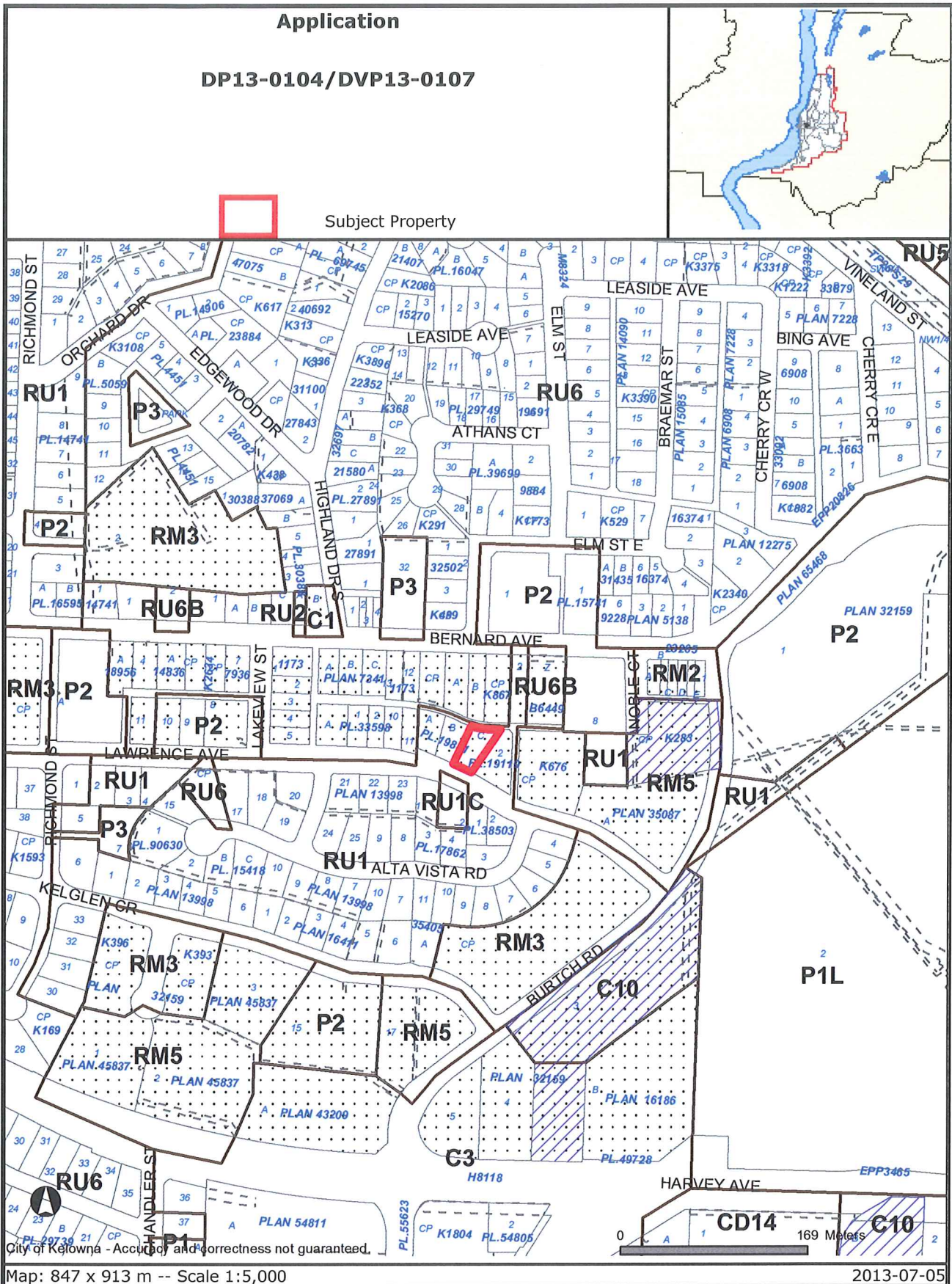
Birte Decloux, Urban Planner

Reviewed by: Danielle Noble-Brandt, Urban Planning Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning and Real Estate

Attachments:

- Subject Property Map
- Site Plan
- Conceptual Rendering
- Conceptual floor plan
- Letter of rationale
- Site photos
- Draft 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.

British Columbia Land Surveyors Building Location Certificate

This is to state that on the 16th day of May, 2013 a survey was performed under my superintendence, on the property described as follows:

1510 - Lawrence Avenue Lot C Sec 20 Tp 26 ODYD Plan 19841

The garage located on the said property is not wholly within the boundaries thereof, and does encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building(s) and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

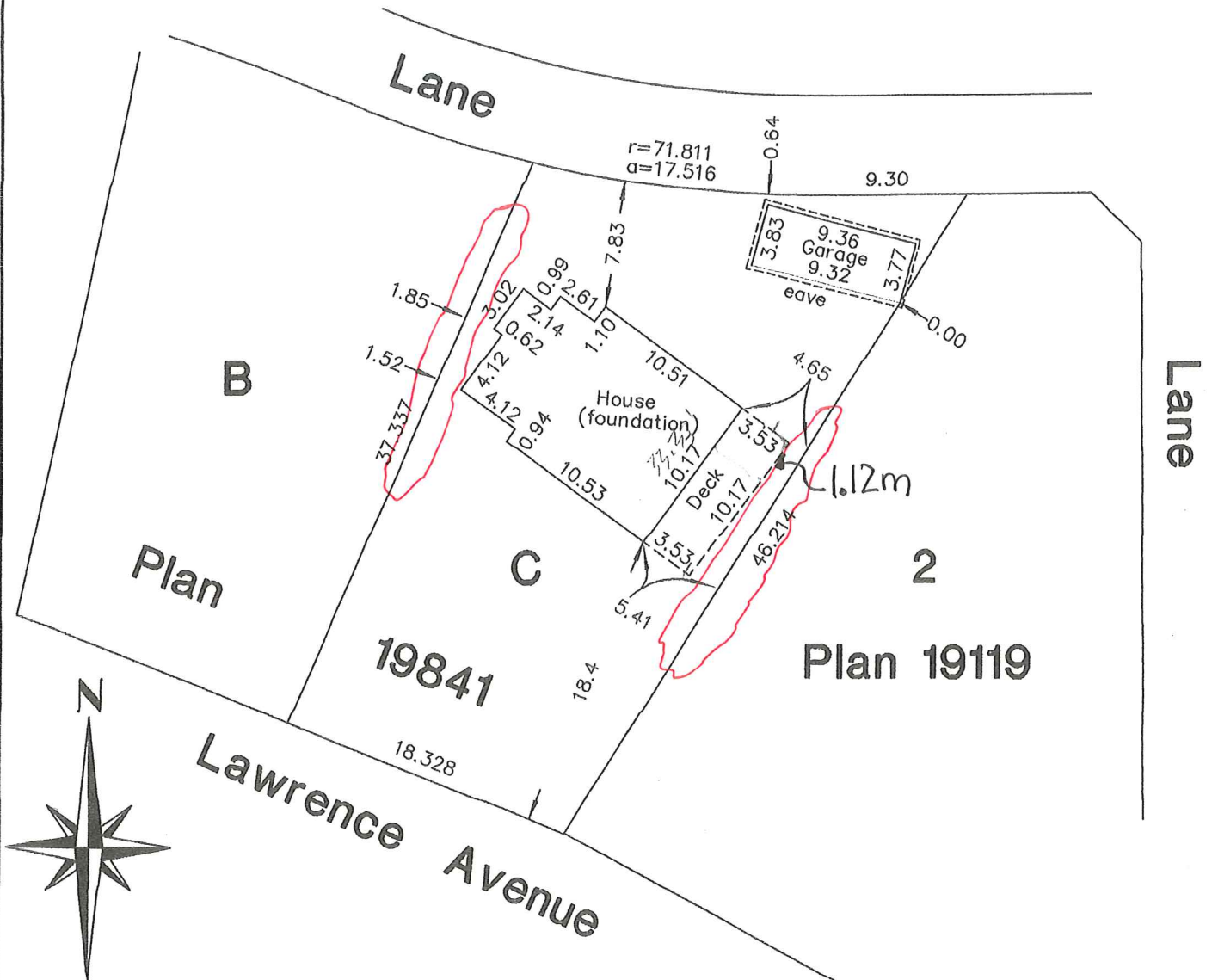
Property boundary dimensions shown are derived from field survey derived dimensions.

This certificate is intended for building purposes only.

Scale 1:400 Metric.

Charges On Title:

Mortgage CA2579121



Certified Correct this 16th day of May, 2013

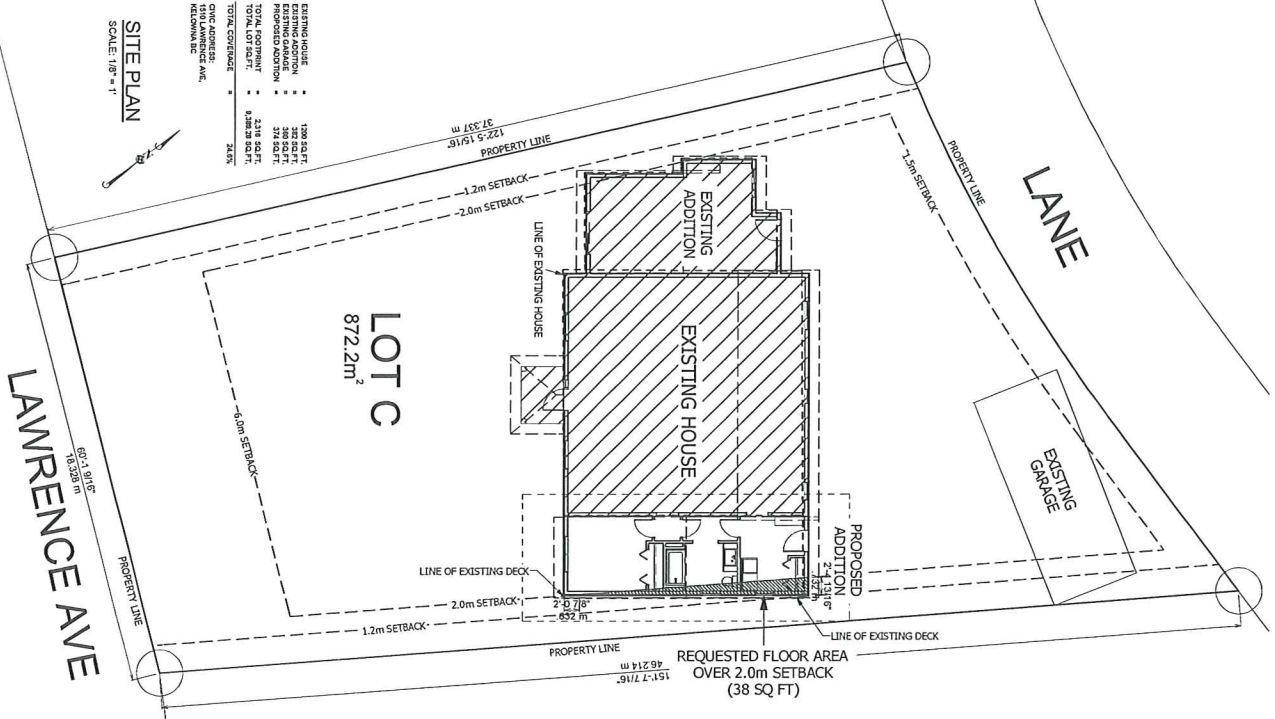
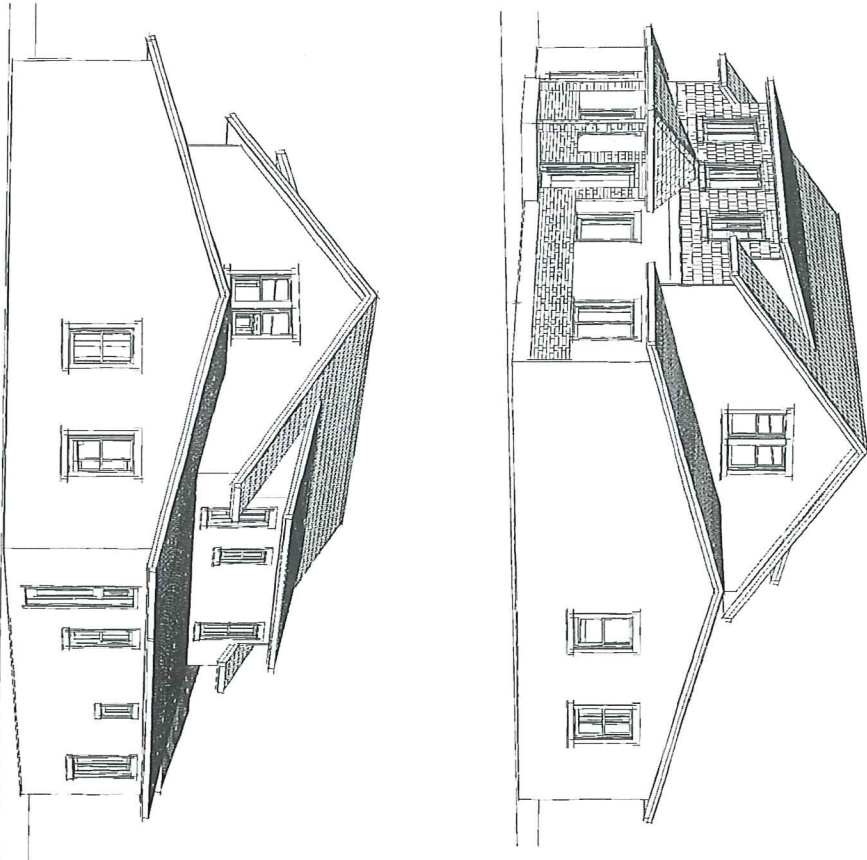
FRITSCH LAND SURVEYING INC.
Legal & Engineering Survey Consultants

Copyright © No part of this drawing may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying recording, or otherwise, without the prior written permission of Fritsch Land Surveying Inc.

"This document is not valid unless originally signed and sealed."

[Signature]
British Columbia Land Surveyor

13-228(289/65)



EXISTING HOUSE	1500 sq ft
EXISTING ADDITION	380 sq ft
PROPOSED ADDITION	374 sq ft
TOTAL LOT FRONT	2,254 sq ft
TOTAL GARAGE	8,200 sq ft
TOTAL SETBACK	24,275

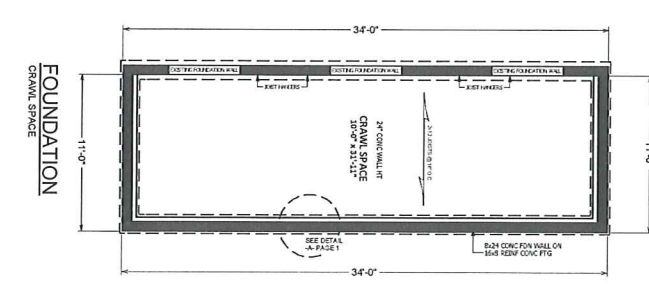
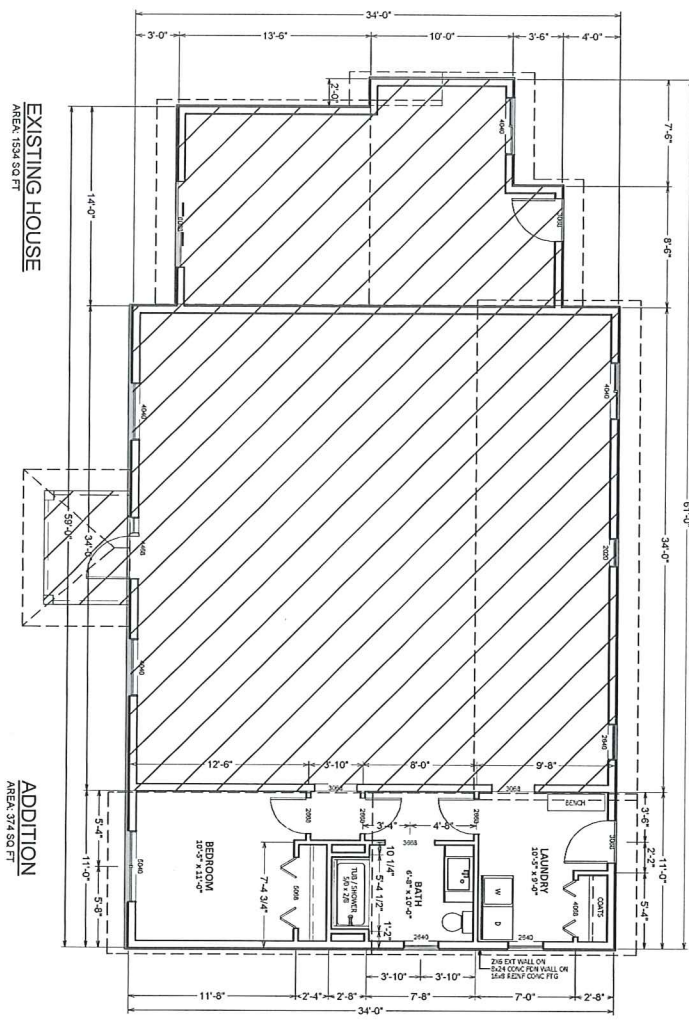
SITE PLAN
SCALE: 1/8" = 1'

SCALE AS NOTED
DATE: JUL-02-2013
PAGE
2
OF
3

-PROJECT-
LOT # 4
1515 LAWRENCE AVE
ADDITION (11' x 34')

NOT FOR CONSTRUCTION
ISSUED FOR VARIANCE
APPLICATION
AND ESTIMATES ONLY

RAYBURN
CONSTRUCTION SERVICES
250-863-5245
RAYBURNSERVICES@TELUS.CA

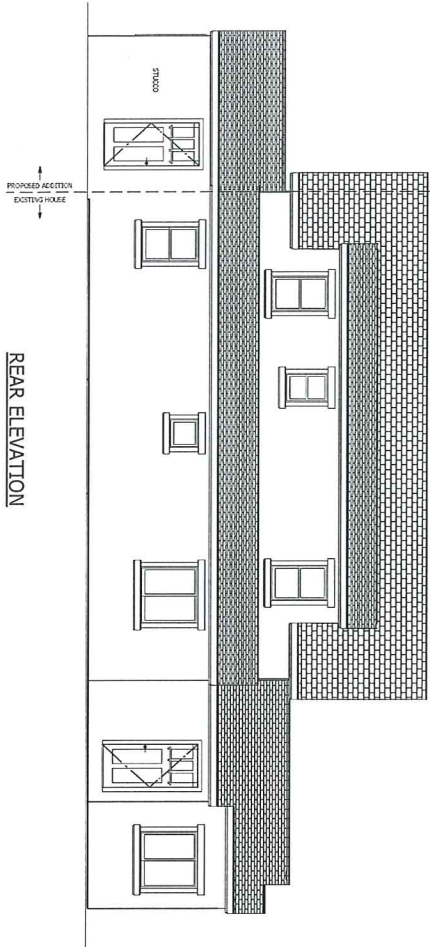


-PROJECT-
LOT # 4
1515 LAWRENCE AVE
ADDITION (11' x 34')

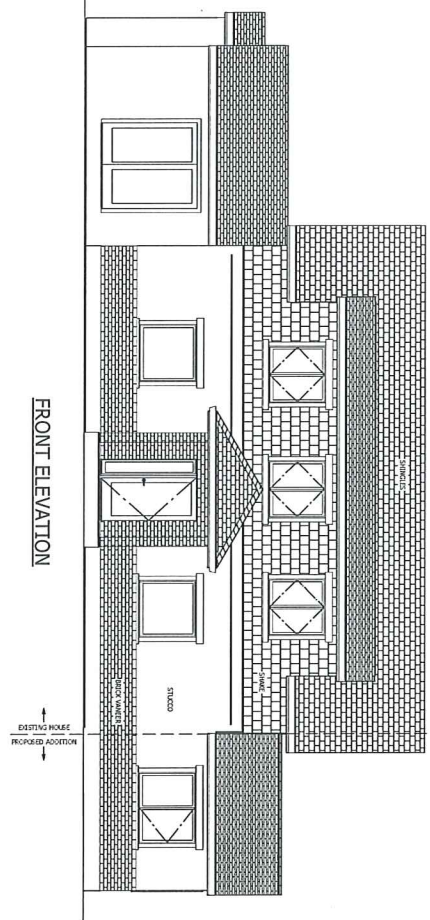
RAYBURN
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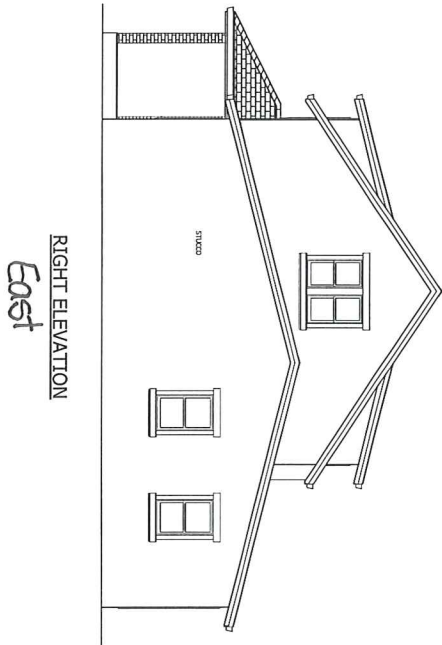
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 PAGE 3 OF 3



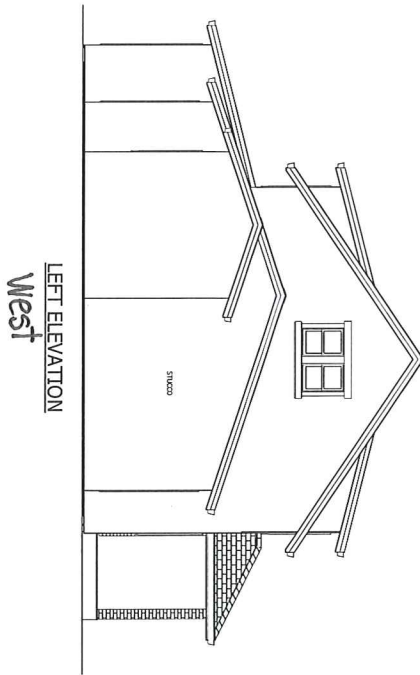
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION
East



LEFT ELEVATION
West

SCALE: 1/4" = 1'
DATE: JUL-02-2013
PAGE
1 OF 3

NOT FOR CONSTRUCTION
ISSUED FOR VARIANCE
APPLICATION
AND ESTIMATES ONLY

-PROJECT-
LOT # 4
1515 LAWRENCE AVE
ADDITION (11' x 34')

RAYBURN
CONSTRUCTION SERVICES
250-863-5245
RAYBURNSERVICES@TELUS.CA

The development proposal for the property at 1510 Lawrence Ave. is as follows:

Remove existing sundeck

Build a permanent single story structure attached to the house, using the footprint of the existing sun deck structure, meeting or exceeding the building code requirements. The purpose of the addition is to accommodate a bedroom, bathroom, and laundry / mudroom. This will become part of a one bedroom legal suite, which will require using some of the existing space in the home, and the development of an outdoor space designated for the tenants primary use, along with a designated parking space and a lighted walkway to the main entrance of the suite.

The scope of the addition will be to tie in with the existing exterior finishes, which will allow the addition to look like it is part of the original build. The reason for a variance request for the setback requirements is to allow for the footprint to be straight without the need to step back along the required setback line; this will make for a more uniform roof line, and a side wall that is without the need of a cantilever. The metal wood burning stove pipe will also be removed. The electrical service will be moved to the back of the house and upgraded to accommodate the addition, this will correct an existing problem with the existing service, and Fortis power authority personal has done a site inspection and will support the proposed service change.

The landscaping that will be required to accommodate the new structure will be done using the zero scape design methods with the goal of blending in with the existing landscaping, but keeping the water usage requirements to a minimum.

The neighbourhood survey has been completed having made contact with the majority of the residents in the survey area, and there is no apparent opposition to the addition.







CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0107

EXISTING ZONING DESIGNATION:	RU1 – Large Lot Housing Zone
DEVELOPMENT VARIANCE PERMIT:	Section 13.1.6(d) - Development Regulations

ISSUED TO:	Cynthia Stevenson (Rayburn Construction Services)
LOCATION OF SUBJECT SITE:	1510 Lawrence Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	C	20		26	ODYD	19841

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 a Development Permit and/or 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:

Section 13.1.6(d) Development Regulations Side Yard Setbacks:

To vary the maximum permitted east side yard setback from 2.0 m required to 1.12m proposed and west side yard setback from 2.0m permitted to 1.52m proposed(as per Schedule 'A').

2. 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.

3 PERFORMANCE SECURITY: Not applicable.

4. 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.

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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 THE COUNCIL ON THE ____ DAY OF SEPTEMBER, 2013.

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA ON THE ___ DAY OF SEPTEMBER, 2013.

Doug Gilchrist
Divisional Director, Community Planning & Real Estate