

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, September 10, 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 DeHart.
3. Confirmation of Minutes 1 - 9

Public Hearing - August 27, 2013
Regular Meeting - August 27, 2013
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10882 (Z13-0009) - 4770 Crighton Road, Donald Cowie & Varina Russell 10 - 10

To give Bylaw No. 10882 second and third readings and be adopted.
 - 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 11 - 12

To give Bylaw No. 10885 second and third readings.
5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Development Permit and Development Variance Permit Reports
 - 6.1 Development Variance Permit Application No. DVP13-0062 - 4770 Crighton Road, David Cowie & Varina Russell 13 - 25

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 Development Variance Permit to increase the site coverage from 10% permitted to 24.2% proposed; to increase the maximum height of the rear

building elevation from 3 storeys permitted, to 4 storeys proposed; and to permit the construction of a portion of the new dwelling within the viewshed (Okanagan Sight Line) of the property to the north.

- 6.2 Development Variance Permit Application No. DVP13-0102 - 4316 Hobson Road, Joseph Karl Huber 26 - 39

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 vary the Okanagan Lake sight line of the established abutting development to the east from a minimum of 60 degrees required to 34 degrees proposed to permit the construction of a proposed pergola on the subject property. (See attached Zoning Bylaw Section 6.11 - Okanagan Lake Sight Lines).

- 6.3 Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street 40 - 40

To adopt Bylaw No. 10872 in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.

- 6.3.1 Development Permit Application No. DP13-0082 and Development Variance Permit Application No. DVP13-0083 - 1369 & 1375 Bertram Street, Bertram Townhouses Inc. 41 - 59

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 Development Permit for the form and character of the proposed 8 unit row housing development. To consider a Development Variance Permit to vary the front, side and rear yard setbacks, the setback from parking and the maximum number of parking stalls.

- 6.4 Development Variance Permit Application No. DVP13-0123 - 1458 Ethel Street, Qiuyan Li Holding Inc. 60 - 75

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 1.9m proposed in order to construct a carriage house on the subject property.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, August 27, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Planner, James Moore; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; and Council Recording Secretary, Sandi Horning

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:02 p.m.

Mayor Gray advised that the purpose of this 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 the Public Hearing.

2. Notification of Meeting

The Deputy City Clerk advised that this Public Hearing was advertised by being posted on the Notice Board at City Hall at August 13, 2013 and by being placed in the Kelowna Capital News issues on August 16, 2013 and August 20, 2013 and by sending out or otherwise delivering 1,000 letters to the owners and occupiers of the surrounding properties between August 13, 2013 and August 16, 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. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline, Mary & Carl Maloney

Staff:

- Summarized the application before Council and responded to questions from Council.
- Confirmed that the site coverage would not change as a result of the carriage house.

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

- **Petition of Opposition:**
 - A petition of opposition signed by 11 owners/occupants of the surrounding properties as submitted by Rob and Elisha Andrews, 1366 Nelson Place.

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

Tom Matthes, Applicant

- Advised that he is applying for the carriage house zone as it is a more conducive use of what is already on the site.
- Would like to keep his options open with respect to a possible in-law suite.
- Advised that he has read the Petition of Opposition.
- Responded to the concerns raised by the proponents to the Petition of Opposition.
- Does not believe that this application will set a precedent in the neighbourhood.
- He is unaware of any complaints regarding noise and believes that he and his wife are reasonable and approachable and should be approached should any concerns arise.
- Believes that a one-bedroom carriage house is in the best interests of the neighbourhood and residents.
- Believes that this carriage home will have minimal impact on the neighbourhood.
- Clarified that some of the windows of the carriage house face his bedroom and look right into the backyard.
- Advised that the adjoining neighbours did not have any complaints about his proposal.
- Believes that there are approximately 6-7 homes in the area that have secondary suites.
- Responded to questions from Council.
- Confirmed that if an in-law suite is considered a dwelling, then it is likely that 3 dwellings (principle residence, in-law suite and carriage house) could potentially be requested for the site.

Staff:

- Confirmed that an additional application would be required for any in-law suite proposal in the principal dwelling.
- Advised that staff would not support three (3) dwellings on the subject property.

Gallery:

Dr. Brian Bittle, 1360 Guisachan Road

- Purchased his property from his in-laws.
- Believes that there are several properties in the neighbourhood that could be rezoned for a carriage house and this application could set a precedent.
- Advised that the subject property does overlook his property and expressed a concern with privacy issues.
- Advised that the subject property is very narrow and expressed a concern with the width of driveway that would lead to the carriage house.
- Expressed a concern with the lack of green space.
- Commented that there may be carriage houses in the area, but those properties are larger than this one.

- Responded to questions from Council.
- Confirmed that the buffering on his property was existing when he purchased the property.
- Advised that he was aware that the subject property was zoned to allow for an office space above the garage.
- Advised that it probably wouldn't make that much of a difference if the windows on the carriage house were tinted for privacy.
- Believes that this is an unrealistic application.
- Expressed a concern with the size of the lot and the proposal for a carriage house.
- Opposed to the rezoning.

Staff:

- Confirmed that the driveway on the subject property meets the minimum driveway width of 3 metres.

Rob Buhler, 1363 Nelson Place

- Advised that when the development was originally before Council, he was not opposed to the development but wanted the City to ensure that anything constructed on the site would be sensitively integrated into the neighbourhood.
- Expressed a concern that the original developer did not live up to his promises and commitments.
- Advised that he was verbally assured by the original developer that the properties would be developed as single-family homes with no carriage houses.
- Expressed a concern with how close the subject property is to his residence.
- Believes that the rezoning will set a precedent.
- Expressed a concern with his privacy.
- Advised that he participated, in good faith, with the previous rezoning of the subject property.
- Opposed to the rezoning as the proposed carriage house looks directly down onto his property.
- Does not believe that the existing landscape is sensitive to the area.
- Confirmed that the original developer is not the current applicant and advised that he has copies of the Minutes from the Advisory Planning Commission meeting and the Council Meeting when the development was originally before Council.

Staff:

- Responded to questions from Council regarding previous commitments with respect to the subject property.
- Responded to questions from Council regarding changes to the restrictions with respect to the design of carriage houses.
- Confirmed that the height limit of an accessory building is 4.5m.

Elisha Andrews, 1366 Nelson Place

- Advised that both her and her husband circulated the Petition of Opposition.
- Expressed a concern with the lack of privacy.
- Advised that the design of her home has the living area at the back of the residence and therefore the carriage house occupants will look directly into their living space.
- Currently her property is not affected, but expressed a concern that in the future her privacy could be impacted.
- Requested a guarantee that any tenants of the carriage house would remain quiet.
- Expressed a concern with noise issues as a result of tenants.
- Responded to questions from Council.

Tom Matthes, Applicant

- Addressed the comments made by the interveners.
- Confirmed that the corner of Dr. Bittle's property touches the corner of his property.
- Advised that the carriage house windows are set back on the structure and the property at 1366 Nelson Street can't even be seen from the subject property.

- Displayed a photo of the view from the carriage house window looking towards Dr. Bittle's property. Displayed a photo of another view from the carriage house window looking towards Dr. Bittle's property.
- Appreciated his neighbours concern with respect to privacy and advised that he is intending on putting shutters on the carriage house windows.
- Confirmed that he and his wife will be living in the principal residence and would be the most affected by the actions of any tenants.
- Advised that the garage already existed.
- Confirmed that his immediate neighbours on Wilkinson Street are not opposed to the rezoning.
- Advised that he could construct a 'pony wall' to obscure the view to 1360 Guisachan Road.
- Confirmed that the carriage house will only have one-bedroom.

There were no further comments.

3.2. Bylaw No. 10881 (Z13-0026) - 330 Taylor Road, Comfort Crafted Homes Inc.

Staff:

- Summarized the application before Council.

The Deputy 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.

Brad Farrell, Comfort Crafted Homes Inc., Applicant

- Agrees with staff's comments.
- Advised the he would like to stratify the duplex to create two (2) units so that they can be sold at a reasonable price point.
- Advised that the property is located close the elementary school.
- Advised that he held a neighbourhood consultation meeting and did not receive opposition.
- Provided an overview of the proposed development.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:12 p.m.

Mayor

/slh

Deputy City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 27, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Planner, James Moore; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; and Council Recording Secretary, Sandi Horning

(*denotes partial attendance)

1. Call to Order

Mayor Gray called to order at 7:12 p.m.

2. Prayer

A Prayer was offered by Councillor Hobson.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Basran

R583/13/08/27 THAT the Minutes of the Public Hearing and Regular Meeting of July 30, 2013 be confirmed as circulated;

AND THAT the Minutes of the Public Hearing and Regular Meeting of August 13, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline, Mary & Carl Maloney**

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R584/13/08/27 THAT Bylaw No. 10874 be read a second and third time.

Carried
Councillors DeHart, Hobson, Stack and Zimmermann - Opposed.

- 4.2. Bylaw No. 10881 (Z13-0026) - 330 Taylor Road, Comfort Crafted Homes Inc.**

Moved By Councillor Singh/Seconded By Councillor Hobson

R585/13/08/27 THAT Bylaw No. 10881 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of the amendment to the Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on August 13, 2013, and by being placed in the Kelowna Capital News issues on August 16, 2013 and August 20, 2013 and by sending out or otherwise delivering 989 letters to the owners and occupiers of the surrounding properties between August 13, 2013 and August 16, 2013.

Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 914 letters to the owners and occupiers of surrounding properties between August 13, 2013 and August 16, 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. Liquor License Application Reports

- 6.1. Liquor License Application No. LL13-0003 - 293-297 Bernard Avenue, Viewcrest Estates Ltd.**

Staff:

- Summarized the application before Council.

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

- **Letter of Support:**
 - A. Creighton, 105-1495 Graham Street
- **Letter of Opposition:**
 - Jeffrey Blower, Kelly O'Bryan's Restaurant/Carlos O'Bryan's Pub, 262 Bernard Avenue

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

Rod Butters, Applicant's Representative

- Have been in business in Kelowna for over 12 years and provided his history with respect to the restaurant business, community involvement and 'foodie' tourism.
- The subject application will compliment his nearby restaurant, RanD2, formerly known as Fresco Restaurant Ltd.
- Would like to expand to meet the needs of their customers.
- Provided an overview of the concept being proposed for the liquor license.
- Trying to create something a bit 'funky'.

Gallery:

Catherine Frechette, Communications Manager, Tourism Kelowna

- Supportive of the liquor license application.
- Confirmed that Tourism Kelowna is very supportive of this new concept.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

R586/13/08/26 In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Fresco Restaurant Ltd. 293-297 Bernard Avenue, Kelowna BC, (legally described as Lot 10, Block 13, DL 139, O.D.Y.D., plan 462 and Lot 11, Block 13 District Lot 139, ODYD Plan 462 except Plan 9892) for a Liquor Primary license with a capacity of 34 persons and hours of service from 11:00am-2:00am daily are as follows:

- a) The location of the establishment:**
The property is located within the Downtown core, and is suitable for the proposed small-scale Liquor Primary license.
- b) The proximity of the establishment to other social or recreational facilities and public buildings:**
No negative impact on surrounding facilities/buildings is anticipated.
- c) The person capacity and hours of liquor service of the establishment:**
The capacity and hours are deemed appropriate based on other establishments in the immediate area.
- d) The number and market focus of liquor-primary license establishments within a reasonable distance of the proposed location:**
The size and focus of the establishment would complement existing establishments in the Downtown area.
- e) The impact of noise on the community in the immediate vicinity of the establishment:**
The potential for noise would be compatible with surrounding land uses.
- f) The impact on the community if the application is approved:**
The proposed license would add to the continued development of a safe, vibrant Downtown area.
- g) View of residents:**
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

h) Recommendation:

Council recommends that the application for a Liquor Primary license be approved.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. Development Variance Permit Application No. DVP13-0092 - 2261 Wilkinson Street, Brian & Sonya Arrance

Staff:

- Summarized the application before Council.

The Deputy 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 by the proposed variance to come forward, followed by comments of Council.

Sonya Arrance, Applicant

- Her and her husband purchased the property last year and confirmed that the concrete on the site was already in place when they purchased the property.
- Advised that when she applied for a basement suite, she was told that she needed to apply for a variance for site coverage.
- Advised that has obtained the support of her surrounding neighbours.
- Advised that there are no water issues on the site.

Gallery:

Tom Matthes, 2253 Wilkinson Street

- Advised that he will also be required to apply for site coverage variance as his property also has a lot of concrete.
- In support of the requested variance.
- Advised that when he purchased his property, he was unaware that the property would require a variance to allow for greater site coverage.
- Advised that other property owners in the area did not have to apply for a site coverage variance even though those properties have more concrete coverage than his property or the subject property.

Acting City Manager:

- Will investigate the issue raised concerning the site coverage and why other property owners were not required to apply for a variance and report back to Council.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R587/13/08/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0092, for Lot 3, District Lot 136, ODYD, Plan KAP89721, located at 2261 Wilkinson Street, Kelowna, BC;

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

Section 13.2.6 (a): Site Coverage:

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% proposed (as per Schedule A).

Carried

8. Reminders

Councillor Basran:

- Commented on the announcement that the City of Kelowna and BC Housing have agreed to a partnership regarding affordable housing on the Central Green site.

Councillor Stack:

- Advised that his employer, the Society of Hope, may be involved in the actual development of the affordable housing components on the Central Green site and therefore he will be declaring a conflict of interest with respect to any future reports or discussions with respect to the Central Green site.
- Noted that he was interviewed by CHBC regarding the proposed tourism facility in City Park.

Mayor Gray:

- Advised that based on the community input received to date, the downsizing of the tourism facility in City Park may be supported by the public.

9. Termination

The meeting was declared terminated at 7:56 p.m.

Mayor

/slh

Deputy City Clerk

CITY OF KELOWNA
BYLAW NO. 10882
Z13-0029 - Donald Cowie and Varina Russell
4770 Crighton Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 25, Township 28, ODYD, Plan 8026 located on 4770 Crighton Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12th day of August, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10885

**Z13-0028 - Braniff Real Estate Services Inc. (Michael Hoffman)
& Crown (Ministry of Forests, Land and Natural Resource
Operations)
3935 Lakeshore Road and adjacent Bed of Mission Creek**

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361 located on 3935 Lakeshore Road, Kelowna, B.C., from the C1 - Local Commercial zone to the C3 - Community Commercial zone, and from the C1 - Local Commercial zone to the RU5 - Bareland Strata zone; and to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of All that unsurveyed Crown foreshore being part of the bed of Mission Creek adjacent to Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, containing 56.5 square metres, more or less, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26th day of August, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



609

Subject Property Notes:

Rezone a portion of the subject property from C1 Local Commercial to C3 Community Commercial.

Subject Property Notes:

Rezone a portion of the subject property from RU5 Bareland Strata Housing to C3 Community Commercial.

3935

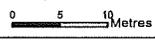
Subject Property Notes:

Rezone a portion of the subject property from C1 Local Commercial to RU5 Bareland Strata Housing.

MAP "B" PROPOSED ZONING
File #Z13-0028

-  Proposed Legal
-  C1 to C3
-  C1 to RU5
-  RU5 to C3

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Rev. Aug 13, 2013



REPORT TO COUNCIL



Date: August 16, 2013
RIM No. 0940-50
To: City Manager
From: Greg Sauer, Land Use Planner
Application: DVP13-0062 **Owner:** Donald Cowie
Varina Russell
Address: 4770 Crighton Road **Applicant:** Worman Homes
Subject: Development Variance Permit
Existing OCP Designation: Single/Two Unit Residential
Existing Zone: A1 - Agriculture 1
Proposed Zone: A1c - Agriculture 1 with Carriage House

1.0 Recommendation

THAT Council authorize 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 24.2% 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 FURTHER 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.

2.0 Purpose

To consider a Development Variance Permit to increase the site coverage from 10% permitted to 24.2% proposed; to increase the maximum height of the rear building elevation from 3 storeys permitted, to 4 storeys proposed; and to permit the construction of a portion of the new dwelling within the viewshed (Okanagan Sight Line) of the property to the north.

3.0 Land Use Planning Comments

The redevelopment proposal seeks three variances to zoning regulations. The first variance seeks to increase the site coverage above the permitted 10%. A large factor in the proposed site coverage variance is that the subject property is zoned A1 (non-conforming due to parcel size). From a land use perspective, the subject property is more consistent with the RR3 (Rural Residential 3) or RU1 (Large Lot Housing) zones which would not require a site coverage variance. However, the lack of community water and sewer to this area prevent either zoning and the non-conforming agricultural zoning will continue.

As a result of the non-conforming zone, planning staff are not overly concerned with the proposed variance though there is recognition that the proposed new dwelling and existing structures are quite extensive given the size of the subject property. That said both the Development Engineering Branch and Interior Health have flagged onsite wastewater disposal as a potential concern. The applicants/owners have been advised of this concern and accept the risk that the dwelling may not be able to be constructed with the site coverage proposed. Planning staff are however satisfied that the Building Permit provides a satisfactory checkpoint to ensure that a sewage system can be adequately developed within the remainder of the property and that a site coverage variance can be issued.

A height variance is also being sought. The zone regulations provide for a height of 9.5 metres or 2-1/2 storeys, but a general use regulation allows this height to be increased to three storeys or 12.5 metres when oriented to the rear yard as is the case with the subject property. The regulation speaks to the rear yard elevation. As proposed, the rear yard elevation is four storeys despite the fact that the uppermost storey (above the garage) is stepped back quite considerably relative to the three storey dwelling. Given the large setback and that impacts to the view to the hillside from Okanagan Lake are expected to be minimal, staff are prepared to support this request.

The third variance requested relates to the Okanagan Sight Line regulation which only applies to properties fronting Okanagan Lake. The Sight Line regulation satisfies the sole objective of protecting the use and enjoyment of lakefront properties. The regulation typically far exceeds the rear yard setback which applies to all properties.

Planning staff are generally supportive of requests to vary the sight line regulation provided that affected property owners have reviewed the development proposal and are willing to accept a reduced view relative to what is afforded them. The proposed sight line variance was a last minute design consideration. Confirmation that the affected neighbour was supportive of the proposed development was not available at the time of the authoring of this report. As such staff support for this requested variance is conditional on receipt of this confirmation.

Overall, staff are supporting the proposed development, including the three variances being requested of Council. While the Riparian Management Area will not conform to current regulations, the minor restoration will result in a net benefit, albeit small. In addition to the

DVP which must be authorized by Council, a Natural Environment Development Permit (DP) with respect to the Riparian Management Area and Hazardous Conditions (i.e. steep slopes) will need to be issued at the staff level.

4.0 Proposal

4.1 Background

The subject property is a large lot residential (non-conforming) development in an urban/rural interface area of Kelowna. At the top of slope is the principal dwelling which the owners are proposing to replace. A number of other structures including a carriage house, cabanas and sheds also exist. Much of the development is located at or near the toe of slope near Okanagan Lake. Some of the development is within the Okanagan Lake Riparian Management Area, but are considered to be grandfathered structures.

As part of the redevelopment the applicants are rezoning to the A1c - Agriculture 1 with Carriage House zone to legalize this non-conformity. Other existing non-conformities (i.e. insufficient parcel size, parcel width, location of buildings within the Riparian Management Area) will however remain non-conforming following the rezoning and issuance of the variance permit.

4.2 Project Description

The applicants are proposing to replace an existing principal dwelling. The subject property is in a sensitive lakeside location with steep slopes thought to exceed 45% in one portion, though the proposed development is in a much flatter location near the top-of-slope.

The redevelopment of the non-conforming A1 property requires a variance to the site coverage prior to construction. Further, the proposed dwelling takes advantage of the hillside topography with a three storey walk-out on the western face (permitted for the walk-out portion), but from a regulatory perspective, determined to be a four storey structure overall.

The project compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	40,000 m ²	2,460 m ² ❶
Lot Width	40.0 m	31.9 m ❶
Development Regulations		
Site Coverage	10 %	24.2 % ❷
Height	9.5 m / 2-1/2 storeys	9.45 m / 2-1/2 storeys
Height (walk-out)	12.0 m / 3 storeys	11.02 m / 4 storeys ❸
Front Yard	6.0 m	6.09 m
Side Yard (south)	3.0 m	7.66 m
Side Yard (north)	3.0 m	3.03 m
Rear Yard/Carriage House	10.0 m/3.0m	38.19 m/10.4
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30 m ²	+ 30 m ²
Okanagan Lake Sightlines	120°	105° ❹
❶ Indicates an existing non-conformance. ❷ Indicates a variance to site coverage regulations is necessary. ❸ Indicates a variance to height regulations is required. ❹ Indicates a variance to Okanagan Sight Line regulations is required.		

4.3 Site Context

The subject property is lakefront, located in the Southwest Mission in a relatively rural, agricultural setting with relatively small rural residential lots to the north and south. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Rural Residential
East	A1 - Agriculture	Orchard
South	A1 - Agriculture	Rural Residential
West	W1 - Recreational Water Use	Okanagan Lake

Subject Property Map: 4770 Crighton Road



5.0 Current Development Policies & Guidelines

5.1 Kelowna Official Community Plan (OCP)

Hazardous Condition Guidelines¹

Disturbance of steep slopes and hazardous condition areas will be avoided in accordance with City of Kelowna hillside development guidelines.

Development shall be set back a minimum of 10 metres from the top of ridgelines, cliffs or ravines. Variation of the setback may be considered if a geotechnical review can justify a reduced setback.

Require that all development have a level of safety for geotechnical failures with no more than a 2% probability of failure occurring in a 50 year period (a return period of 1:2,500 years), or adhere to the prevailing standard as set by the B.C. Building Code, whichever is greater. The City reserves the right to modify this standard to suit the proposed development.

¹ City of Kelowna Official Community Plan, Hazardous Condition Guidelines (Hazardous Condition DP Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

1. The proposed dwelling is a four storey building; the applicant should refer to the building code for defined solutions (i.e. fire separations).
2. A minimum Geodetic Elevation of 343.66 is required for all habitable spaces.
3. A Demolition Permit is required for the existing structure.
4. Geotechnical report and schedules required for any fill that will be placed to support the new structure(s).
5. No floor plans were provided to establish compliance commentary within the proposed dwelling structure. We will provide commentary once floor plan drawings are available to review.
6. A full plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

This subject parcel is currently not within the City service area. Domestic water is presently supplied by a private lake intake system. Sanitary sewage is presently handled by an on-site sewage disposal system.

On-site servicing will be reviewed by the Interior Health Authority and Building & Permitting.

Development Engineering recommends that the applicant obtains confirmation from a Wastewater Practitioner, that a system can be designed and constructed to accommodate the proposed dwelling and existing carriage house prior to issuance of a Development Permit.

6.3 Interior Health

See attached.

6.4 Fire Department

No concerns.

6.5 Fortis BC, Gas

No concerns.

6.6 Fortis BC, Electric

There are primary underground electrical distribution facilities along Crighton Road. The applicant is responsible for costs associated with servicing the proposed development as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date Application Received: July 9, 2013

Revised Drawings Received: August 15, 2013

Report prepared by:

Greg Sauer, Land Use Planner

Reviewed by:

Todd Cashin, Manager, Environment & Land Use

Approved for Inclusion:

Shelley Gambacort, Director, Subdivision, Agriculture & Environment

Attachments:

Subject Property Map

Interior Health Comments

Draft Permit Including Schedules



Interior Health

July 26, 2013

City of Kelowna
Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4

Re: Z13-0029 & DP13-0109 – 4770 Crighton Rd.

We have reviewed the above captioned rezoning and development and offer the following comments:

- It appears from the diagrams presented that the proposed buildings and associated infrastructure covers a considerable portion of the lot. Reducing area to contain sewerage dispersal areas.
- We note sloping topography from Crighton Road to Okanagan Lake. This, coupled with required setbacks from the lake and any wells placed on this or neighbouring properties, may limit the available areas for sewerage dispersal areas.

The City of Kelowna may wish to confirm there is sufficient area to contain current & future (replacement) sewerage systems, and allowance of setbacks from these installations as necessary. If Type 2 or Type 3 sewerage systems are proposed, the City may wish to ensure a bylaw addresses the continued maintenance and operation of the sewerage system to protect the lake and surrounding water supplies.

Sincerely

David Butt
Registered Environmental Health Officer
Health Protection

All information and correspondence can be sent to HBE@interiorhealth.ca Please note the file number in the subject line to ensure prompt service.

Additional information on land development can be found on our website:
<http://www.interiorhealth.ca/YourEnvironment/LandDevelopment/Pages/default.aspx>

Subject Property Map: 4770 Crighton Road



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0062

EXISTING ZONING DESIGNATION:	A1c - Agriculture 1 with Carriage House
DEVELOPMENT VARIANCE PERMIT:	<ul style="list-style-type: none">• Site Coverage• Height and Grade• Okanagan Lake Sight Lines

ISSUED TO:	Worman Homes
LOCATION OF SUBJECT SITE:	4770 Crighton Road

	PARCEL	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:		2	25	28	ODYD	8026

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 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:

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° panoramic view (required) to 105° proposed as per Schedule 'A'.

Section 11.1.6(a): A1 Development Regulations

To vary the maximum site coverage from 10% permitted to 24.2% 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'.

3. 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.

4. 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.

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 Planning & Development Services.

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 10th DAY OF SEPTEMBER, 2013.

ISSUED BY THE DIRECTOR, SUBDIVISION, AGRICULTURE & ENVIRONMENT OF THE CITY OF KELOWNA THE ___ DAY OF SEPTEMBER, 2013.

Shelley Gambacort
Director, Subdivision, Agriculture & Environment

3.0 Urban Planning

Urban Planning staff is supportive of the proposed variance to the Zoning Bylaw to accommodate the development of the proposed pergola structure on the subject property, as it is anticipated to have minimal impact on the views of the east adjacent neighbour at 4310 Hobson Road. The pergola structure is designed to be fully open on all sides, with an open trellis roof, so would not substantially obscure views. Further, the vegetation on the neighbouring east property, directly adjacent to the proposed pergola structure, has grown substantially since 2009 and is sufficiently tall and dense that it would largely block the view of any visible portions of the open structure (see attached photos).

The proposed pergola structure encroaches in part on the Riparian Management Area (RMA) setback, measured 15 m upland from the Natural Boundary of Okanagan Lake. There is limited room in which to move the structure away from the RMA and towards the existing house. In addition, the area of the proposed pergola location was previously landscaped under an earlier regulatory regime, and thus the partial encroachment of the proposed pergola would not result in substantive further disruption. However, to compensate for the encroachment, staff is seeking to protect the remaining RMA with a “no build/no disturb” Section 219 Restrictive Covenant to be registered under the *Land Titles Act* against the title of the subject property.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site. Two neighbours did not indicate support for the proposed variance, notably the east adjacent neighbours at 4310 and 4294 Hobson Road.

4.0 Proposal

4.1 Background

In November 2009, Council moved to not authorize Development Variance Permit (DVP) Application DVP09-0112, which proposed to vary the sight line of the established abutting development to the east from 60 degrees required to 30 degrees proposed, as well as a further variance to the side yard setback to reduce it from 2.0 m required to 1.7 m proposed, to accommodate a pergola structure. At this time, the construction of the pergola was underway without a Building Permit, as the owner had thought it to be a landscape enhancement and not subject to permit approvals. The pergola was subsequently dismantled and removed from the site.

4.2 Project Description

The subject lakefront property presently includes a single-family house, with an in-ground swimming pool in the rear yard, and a one-storey pool house sited on the west side of the pool. A 3.65m x 4.88m (17.8 m²) pergola is again proposed to be sited on the east side of the pool, to provide a shaded patio area adjacent to the pool. The applicant has noted that in the intervening time since the 2009 DVP application, the vegetation on the east adjacent property has substantially grown such that the proposed pergola would have minimal impact on sight lines. The proposed structure will also conform to the minimum 2 m required setback from the east side property line.

The proposed pergola will be completely open on all sides. It is comprised of a trellis with four supporting columns (0.3 m diameter), with a total height of 3 m. Were the proposed structure

less than 10 m² in area, it would be exempt from Building Permit and the Okanagan Line sight line requirement.

4.3 Site Context

The subject property is located in the North Mission - Crawford area, on the north side of Hobson Road, with frontage on Okanagan Lake. The surrounding area is characterized by large residential lots with established single-family houses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1 - Recreational Water Use	Okanagan Lake
East	RU1 - Large Lot Housing	Single Family House
South	RU1 - Large Lot Housing	Single Family House
West	RU1 - Large Lot Housing	Single Family House

Subject Property Map: 4316 Hobson Road



5.0 Technical Comments

5.1 Building & Permitting Department

No comment.

5.2 Development Engineering Department

See attached Memorandum.

5.3 Fire Department

No concerns.

5.4 Environment

The patio/ pergola encroaches within the Riparian Management Area (RMA) of Okanagan Lake (The RMA is a 15 m setback from Natural Boundary). The existing patio was built sometime after 2009 without permits. To compensate for this encroachment the applicant will be required to protect the remaining riparian management area with a "no build/no disturb" Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property. The Riparian Management Area encompasses all the area from the natural boundary of Okanagan Lake to 15 m upland.

6.0 Application Chronology

Date of Application Received: July 4, 2013

Supplementary/Revised Materials Received: August 7 & 16, 2013

Report prepared by:

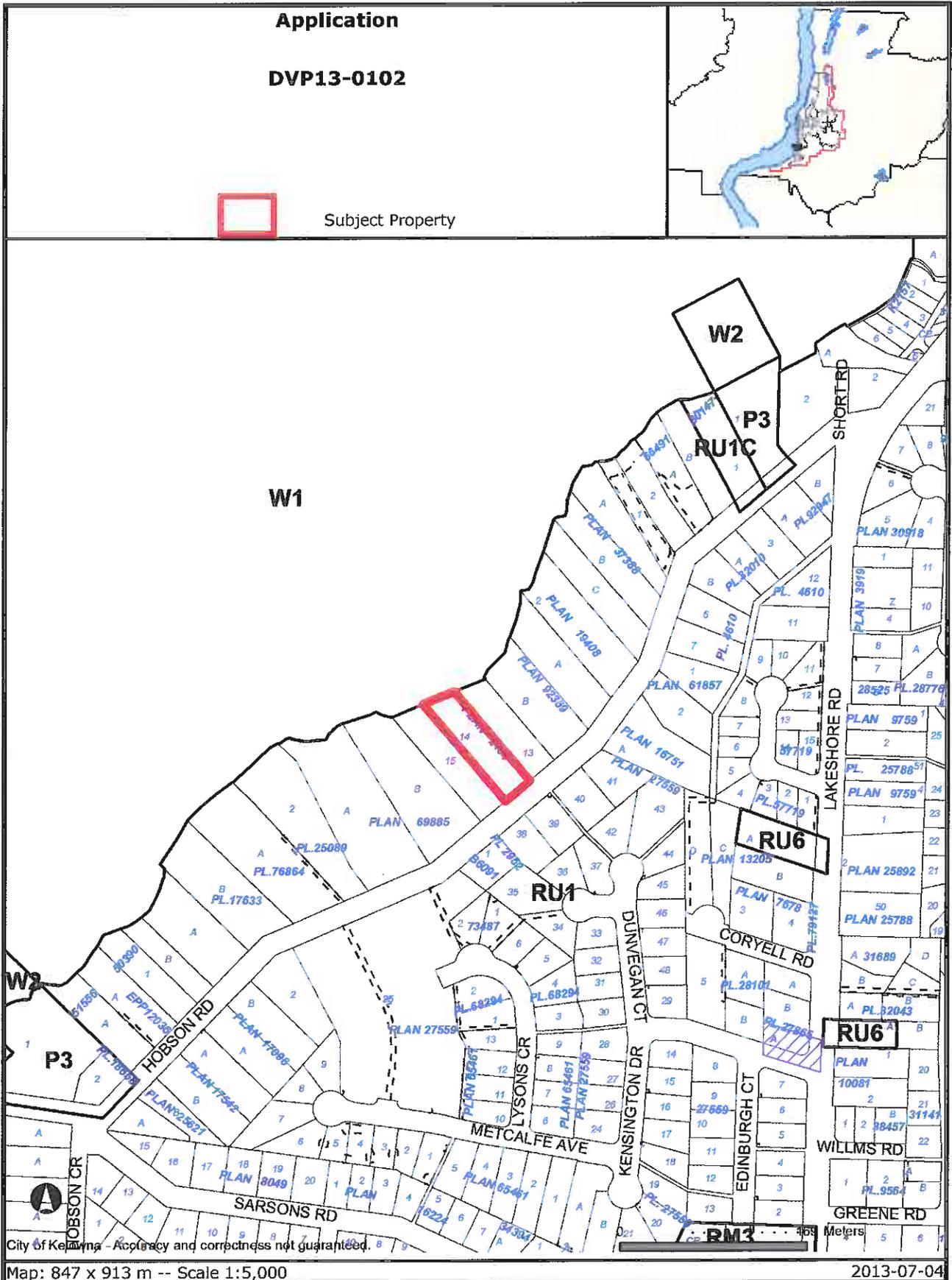
Abigail Riley, Urban Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use

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

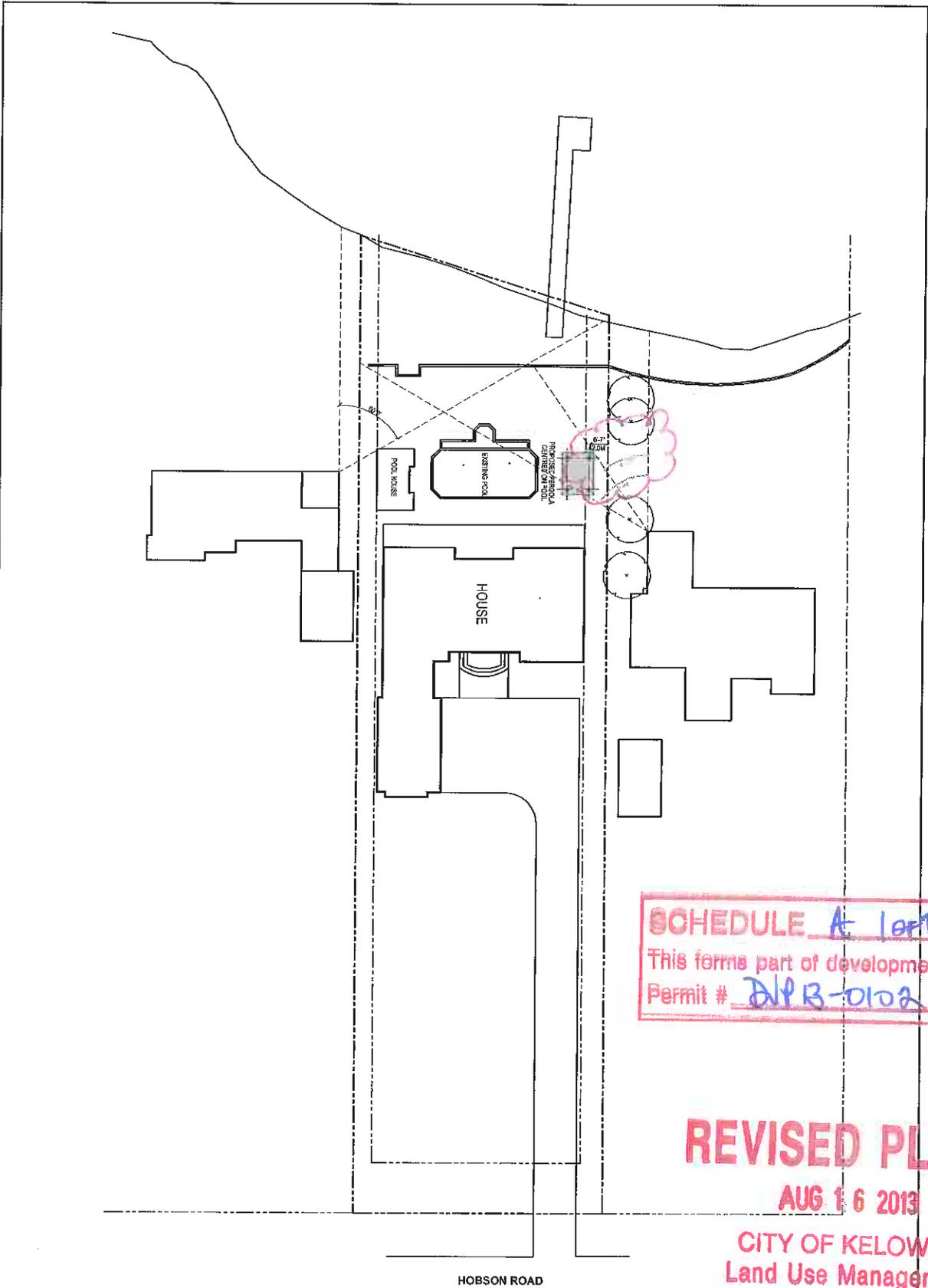
Attachments:

- Subject Property Map
- Site Plan
- Context/Site Photos
- Development Engineering Memorandum
- Zoning Bylaw Section 6.11 - Okanagan Lake Sight Lines
- Draft Development Variance Permit



City of Kelowna - Accuracy and correctness not guaranteed.

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 10m²
 This forms part of development
 Permit # A1B-0102

REVISED PLANS

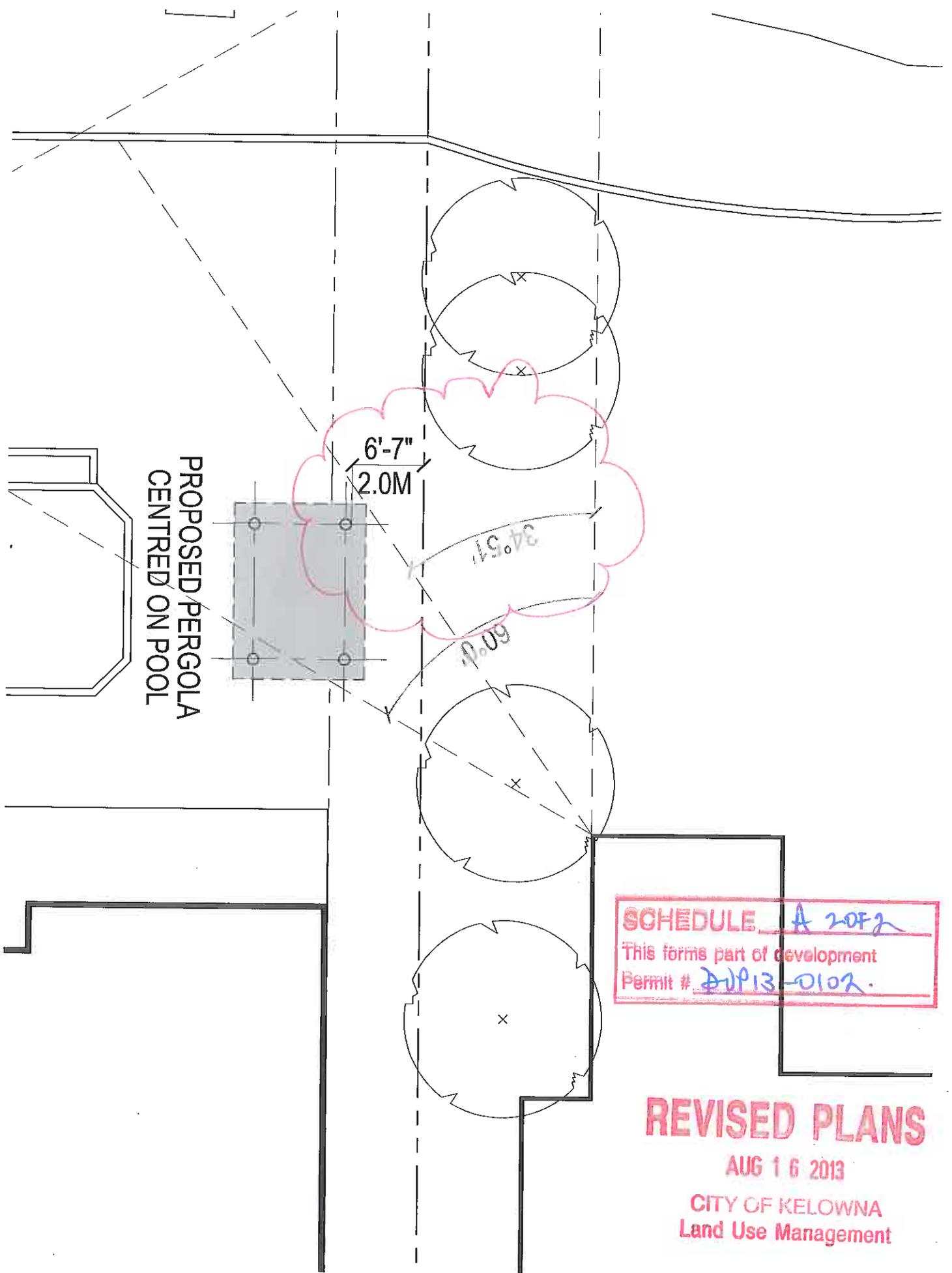
AUG 16 2013

**CITY OF KELOWNA
 Land Use Management**

HOBSON ROAD

<p>HUBER RESIDENCE POOL PERGOLA ADDITION 4316 HOBSON ROAD KELOWNA, B.C.</p>		<p>T.R.T.A. ARCHITECTURE LTD. 5,100 ST. JAMES ST. VANCOUVER, BC V6P 1K1 TEL: 604-273-1111 FAX: 604-273-1112 WWW.TRTA.VANCOUVERBC.COM CONSULTANT</p>
<p>DATE REVISION</p> <p>1 1 1 1 1 1</p>		<p>DATE REVISION</p> <p>1 1 1 1 1 1</p>
<p>SCALE DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>SCALE DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>DESIGNER DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>DESIGNER DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>DRAWN DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>DRAWN DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>CHECKED DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>CHECKED DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>APPROVED DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>APPROVED DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>SCALE DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>		<p>SCALE DATE</p> <p>AS SHOWN AUGUST 14, 2013</p>
<p>DATE REVISION</p> <p>1 1 1 1 1 1</p>		<p>DATE REVISION</p> <p>1 1 1 1 1 1</p>

A1.1R2



PROPOSED PERGOLA
CENTRED ON POOL

6'-7"
2.0M

34.57'

17.09'

SCHEDULE A 20F2
This forms part of development
Permit # DUP13-0102

REVISED PLANS

AUG 16 2013

CITY OF KELOWNA
Land Use Management



25/06/13



25/06/13

CITY OF KELOWNA
MEMORANDUM

Date: July 9, 2013
File No.: DVP13-0102

To: Land Use Management Department (AR)

From: Development Engineering Manager

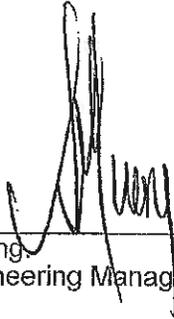
Subject: 4316 Hobson Road

Sight Lines

Development Engineering Services has the following comments associated with this application.

Site Related Issues

The requested variance to reduce the sight line angle from the required 60 degree angle, to the proposed 30 degree angle, does not compromise our servicing requirements.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

6.11 Okanagan Lake Sight Lines

6.11.1 All buildings and structures, greater than 1.2 m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° panoramic view from the corner of the house, parallel with the adjacent property lines, as shown in Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line.

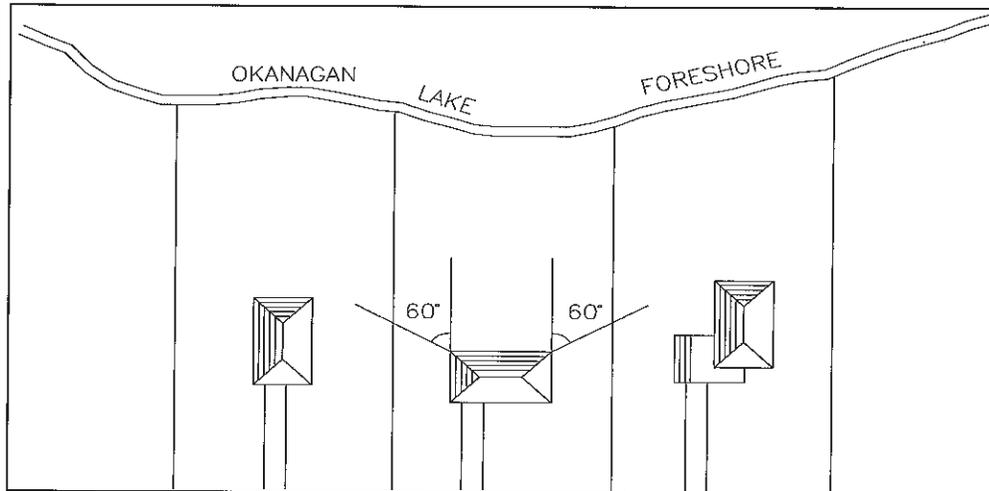


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0102

EXISTING ZONING DESIGNATION:	RU1 – Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the sight line of the established abutting development to the east from a minimum of 60 degrees required to 34 degrees provided.

ISSUED TO:	Janice Zazula (Owner: Joseph Karl Huber)
LOCATION OF SUBJECT SITE:	4316 Hobson Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	14		167		ODYD	2194

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:

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

Section 6.11 – 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'.

3. 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.

4. 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.

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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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 ___th DAY OF SEPTEMBER 2013.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ___TH DAY OF _____, 2013 BY
THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate Services

DRAFT

CITY OF KELOWNA
BYLAW NO. 10872
Z13-0022 - John Bauer, Irvin and Linda Cordes
1369 and 1375 Bertram Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, District Lot 139, ODYD, Plan 2271, located at 1369 Bertram Street, Kelowna, B.C., and Lot 14, District Lot 139, ODYD, Plan 2271, located at 1375 Bertram Street, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29th day of July, 2013.

Considered at a Public Hearing on the 13th day of August, 2013.

Read a second and third time by the Municipal Council this 13th day of August, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: August 16th, 2013
RIM No. 1250-30
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AW)
Application: DP13-0082 / DVP13-0083 **Owner:** Bertram Townhouses Inc.
Address: 1369 & 1375 Bertram Street **Applicant:** Garry Tomporowski Architect Ltd.
Subject: Development Permit and Development Variance Permit Applications
Existing OCP Designation: Multiple Unit Residential - Medium Density
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 10872 be considered by Council;

AND THAT Council authorize 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 authorize 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.

2.0 Purpose

To consider a Development Permit for the form and character of the proposed 8 unit row housing development. To consider a Development Variance Permit to vary the front, side and rear yard setbacks, the setback from parking and the maximum number of parking stalls.

3.0 Urban Planning

Staff are supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The subject property is located within the Downtown Urban Centre, within close proximity to the commercial core where residential intensification has long been anticipated. The proposed development places a clear emphasis on human scale buildings that feature strong relationships to both Fuller Avenue and Bertram Street. The buildings represent a more European form of development that has been modified to fit within the Okanagan context. The finishes are of a high quality, featuring textured stucco cut to emulate sandstone. These elevations maintain strong pedestrian orientation, with main building entrances and patios. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity. Large rooftop decks have been incorporated to provide private open space facing the street and site landscaping uses native species, where possible, and complements the building design.

The proposed variances are required in order to enable the developer to proceed with this form of project. The variances will allow for strong urban edges on Fuller and Bertram with each unit having front door access to the street. The parking is only visible from the lane as it is hidden behind the building which helps to animate the street and create a pedestrian oriented form of development. The variances do not present a concern and the form of the project is appropriate for this urban centre location. In summary, this project delivers on many aspects of both land use and urban design that are encouraged for the Downtown Urban Centre revitalization efforts.

4.0 Proposal

4.1 Project Description

The proposed development consists of a total of 8 - 4 storey row housing dwelling units split between 6 - 2 bedroom units and 2 - 3 bedroom units. Principal vehicular access is via the rear lane but the 2 - 3 bedroom units have garages facing Bertram Street. Long term bicycle parking is provided within individual storage units, and short term bicycle parking is provided near the centre of the site adjacent to the visitor vehicle parking. A new sidewalk will be provided along Bertram and Fuller. Both frontages provide a strong pedestrian orientation, with main building entrances and patios. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity.

The proposed variances are required in order to enable the developer to proceed with this form of project. The majority of the variances are setback variances that shouldn't have a negative impact on the surrounding neighbourhood. The recent set of text amendments to the multi-family zones were intended to create a stronger street edge with ground oriented housing. This project would satisfy these regulations if not for the four storey form of development, yet by stepping the 4th storey this will limit the massing impact and provide a form of housing similar to that anticipated in the zone. Although there are 5 variances they aren't significant in nature, the three building setback variances wouldn't be required for a 3 storey row housing project.

The proposal compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.3	1.3
Site Coverage - Buildings	40%	38%
Site Coverage - Buildings & Drive	65%	64%
Height	19.0m / 4.5 storeys	12.3m / 4 storeys
Front Yard	6.0m	1.5m*
Side Yard (north)	6.0m	1.5m*
Side Yard (south)	6.0m	1.5m*
Rear Yard	7.0m	1.5m*
Parking Setback	1.5m	0.5*
Other Regulations		
Minimum Parking Requirements	13 stalls 13 stalls x 125% = 17 stalls max	18 stalls*

Bicycle Parking	Class I: 4 stalls Class II: 1 stalls	Class I: 8 stalls Class II: 10 stalls
Private Open Space	62m ² per dwelling	25m ² per dwelling
<p>* To vary the front yard setback from 6.0m required to 1.5m proposed. * To vary the side yard setback from 6.0m to 1.5m (northern setback) and 1.5m (southern setback) proposed. * To vary the rear yard setback from 6.0m required to 1.5m proposed. * To vary the setback from parking from 1.5m required to 0.5 proposed. * To vary parking from 17 stalls permitted to 18 stalls proposed.</p>		

4.2 Site Context

Subject Property Map: 1369 & 1375 Bertram Street



The subject properties are located within the Downtown Urban Centre in an area designated for a townhouse form of development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple housing	Apartment Housing
East	RU6 - Two Dwelling Housing	Single Family Housing
South	RM5 - Medium Density Multiple housing	Apartment Housing
West	RM5 - Medium Density Multiple housing	Apartment Housing

5.0 Current Development Policies

5.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Objective 5.8 Achieve high quality urban design.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)

Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

Transit Infrastructure. Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

5.2 Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines

Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

Guidelines

Relationship to the Street (Objective 2.0)

- Ensure streetwall height is proportional (0.75:1 maximum) to the width of the street as measured from building face to building face. Any development that exceeds this height must utilize a podium and step back above the streetwall;
- Provide for public movement, street furniture, and building access zones to be incorporated into sidewalks adjacent to development;

- Design buildings to occupy 100% of a property’s frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots, or driveways;
- Coordinate building setbacks with adjacent sidewalks to increase the space for public use (i.e., utilize a building setback or building indentation as a patio space or seating area, incorporate corner rounding into the public realm with specialized paving treatment and street furniture);
- Provide a high quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes, and landscaping).

6.0 Technical Comments

6.1 Building & Permitting Department

- Demolition permits are required for any existing building(s).
- Development Cost Charges (DCC’s) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- The Architect to provide spatial calculations per BCBC 12 since this may affect the form and character of the units if the glazing is required to be reduced or removed prior to the release of the Development Permit.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- The drawings submitted for Building Permit application are to indicate the method of fire separation between suites. This entails how the plumbing and heating system will be installed without affecting the fire separation between units. This also includes the windows in the west wing units (Studio Level) and the fire separation / privacy wall (structural & FRR)
- Drawings submitted for Building Permit application to indicate the method of venting the exterior deck floors above the garages.
- This is an area with a potentially high ground water table, a geotechnical engineer will be required to establish a safe building elevation and safe bearing capacities.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

Satisfied as part of Z13-0022.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw #7900 requires a minimum of 150ltr/sec fire flows. Additional comments will be required at the building permit application.

6.4 Fortis BC - Gas

FortisBC gas division has reviewed the above mentioned referral and has no issues or concerns

7.0 Application Chronology

Date of Application Received: May 20th, 2013

Public Hearing for Zone Amending Bylaw: August 13th, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Planning

Approved Inclusion: D. Gilchrist, Community Planning & Real Estate Divisional Director

Attachments:

DRAFT Development Permit / Development Variance Permit No. DP13-0082 / DVP13-0083

Site Plan

Elevations

Renderings

Landscape Plan

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.: **DP13-0082 & DVP13-0083**

EXISTING ZONING DESIGNATION:	RM5 - Medium Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA:	Revitalization Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	To vary the front yard setback from 6.0m required to 1.5m proposed. To vary the side yard setback from 6.0m to 1.5m (northern setback) and 1.5m (southern setback) proposed. To vary the rear yard setback from 6.0m required to 1.5m proposed. To vary the setback from parking from 1.5m required to 0.5m proposed. To vary parking from 17 stalls permitted to 18 stalls proposed.

ISSUED TO:	Bertram Townhouses Inc.
LOCATION OF SUBJECT SITE:	1369 & 1375 Bertram Street

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	13	139		ODYD	2271
	14	139		ODYD	2271

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 Heritage Alteration 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:

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";

AND 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 permitted to 18 stalls proposed.

- 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. 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:

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 \$ TBD .

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.

- 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 Planning & Development Services.

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

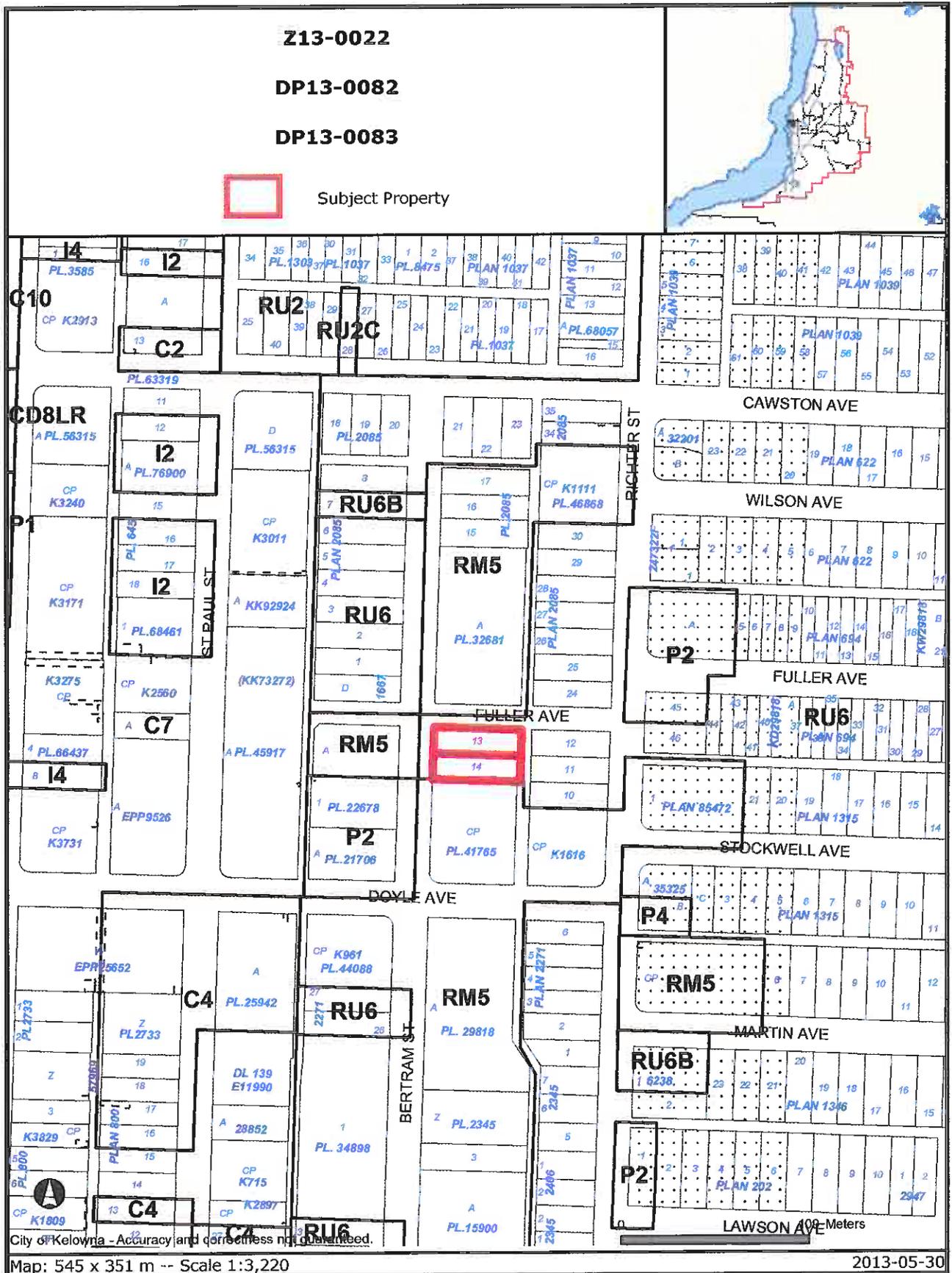
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 10th DAY OF SEPTEMBER, 2013

ISSUED BY THE GENERAL MANAGER OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE _____ DAY OF SEPTEMBER, 2013.

Doug Gilchrist
GM, Community Planning & Real Estate

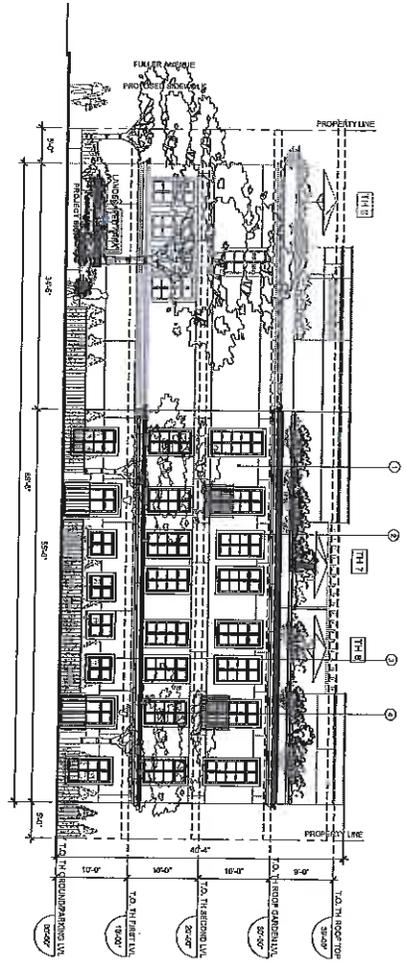


City of Kelowna - Accuracy and correctness not guaranteed.

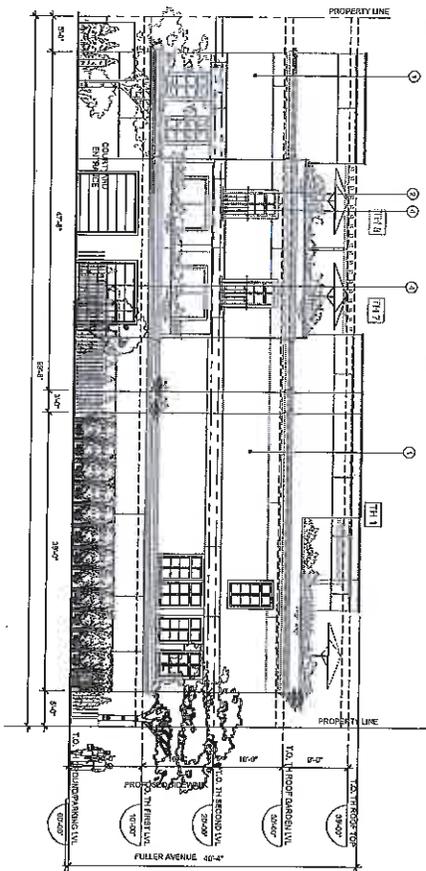
Map: 545 x 351 m -- Scale 1:3,220

2013-05-30

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.



1 BERTRAM STREET ELEVATIONS
Scale: 1/8"=1'-0"



2 LANE ELEVATIONS
Scale: 1/8"=1'-0"

MATERIAL LEGEND

1	STUCCO	MADE IN CANADA/USA
2	WINDOW FRAME	MADE IN CANADA/USA
3	WOOD	MADE IN CANADA/USA

SCHEDULE A
This forms part of development
Permit # DR13-0082 / DUP13-0083

NOT FOR CONSTRUCTION

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT FOR ANY OTHER PROJECT OR SITE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

gta

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Kensington
Fidler & Bortman
ARCHITECTS
KELOWNA, BC

ELEVATIONS

DATE: 2013.08.23 FILE: A3.2



1 FULLER AVENUE CONCEPTUAL RENDERING

Scale: N.T.S.



3 BERTRAM STREET CONCEPTUAL RENDERING

Scale: N.T.S.



2 FULLER & BERTRAM CONCEPTUAL RENDERING

Scale: N.T.S.



4 COURTYARD CONCEPTUAL RENDERING

Scale: N.T.S.

SCHEDULE B

This forms part of development Permit # D03-002/D03-002B

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	2023-08-22
2	REVISED FOR PERMIT	2023-08-22
3	REVISED FOR PERMIT	2023-08-22
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5	REVISED FOR PERMIT	2023-08-22
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Kennington
 Services
 Fuller's Barran
 KELOWNA, BC
 250-860-8888

BUILDING PERSPECTIVES

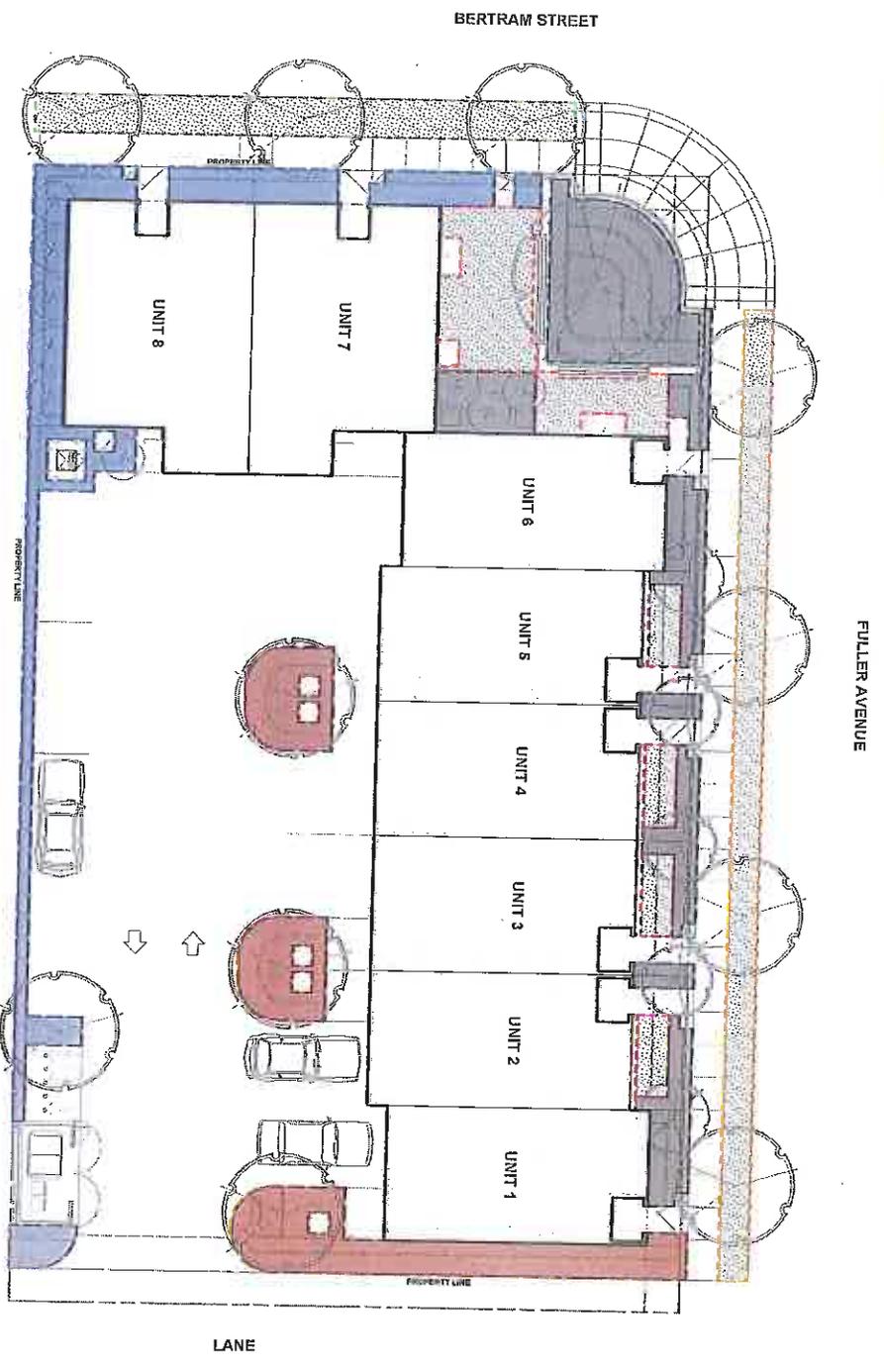
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FILE INVENTORY MANAGERS	None
FILE ORDER MANAGERS	None
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FILE SOCIAL MANAGERS	None



SCHEDULE B
This forms part of development
Permit # DP13-0082/DP13-0083



SCHEDULE B
This forms part of development
Permit # DP13-0083 13-0083

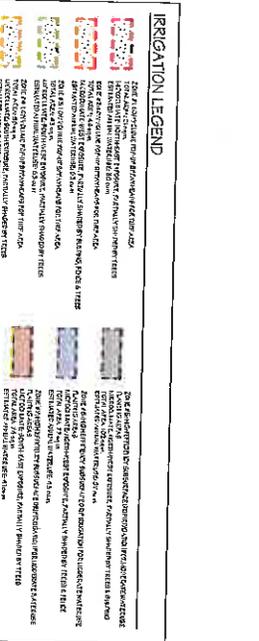


IRRIGATION NOTES

1. IRRIGATION SYSTEMS SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
4. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
7. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.
8. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.01, AND THE IRRIGATION SYSTEMS MANUAL, 2008 EDITION, CHAPTER 10, SECTION 10.02.

WATER CONSERVATION CALCULATIONS

APPROXIMATE WATER CONSERVATION CALCULATIONS:
 1.000 GPM (7.5 GPD) PER UNIT
 8 UNITS = 8.000 GPM (60.000 GPD)
 1.000 GPM PER CAR
 4 CARS = 4.000 GPM (30.000 GPD)
 TOTAL WATER CONSUMPTION = 12.000 GPM (90.000 GPD)



SCHEDULE C
 This forms part of development
 Permit # DL13-0082 / DL13-008

FULLER & BERTRAM URBAN TOWNHOMES

WATER CONSERVATION & IRRIGATION PLAN

NO.	DESCRIPTION	DATE
1	DESIGNED BY	11/10
2	CHECKED BY	11/10
3	DATE	11/10



L2/12

ISSUED FOR REVIEW ONLY

REPORT TO COUNCIL



Date: August 16, 2013
RIM No. 0940-50
To: City Manager
From: Urban Planning Department (JM)
Application: DVP13-0123 **Owner:** Qiuyan Li Holding Inc. (Qian Xiang, Qiuyan Li)
Address: 1458 Ethel Street **Applicant:** Qian Xiang
Subject: 2013-09-10 Report DVP13-0123 1458 Ethel St
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

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.

2.0 Purpose

To consider a request to vary the maximum width of a dormer from 1.2m permitted to 1.9m proposed in order to construct a carriage house on the subject property.

3.0 Urban Planning Department

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. Overall, the proposed carriage house is consistent in form and character with the existing principal dwelling, resulting in a cohesively developed site that respects the surrounding neighbourhood context.

Should this application receive favourable consideration by Council, staff will be bringing forward an amendment to the Zoning Bylaw to provide additional flexibility in the regulation of dormers for carriage houses.

4.0 Proposal

4.1 Background

Dormers are a key element in successfully achieving carriage house designs in Kelowna. The maximum height of a carriage house is the lesser of 4.5m or 1 ½ storeys. Combined with regulations respecting carriage house size, such as maximum footprints, most carriage house designs are forced to split living space between the main floor and a ½ storey above. This upper ½ storey is typically contained within the peak of a sloped roof. In order to provide functional living space in this area, dormers are critical, as illustrated in the applicant's attached floor plans.

In April of 2013, the Zoning Bylaw provisions respecting dormer width were amended in response to some concerns about carriage house massing. Prior to these changes, dormer width was limited to 50% of the width of the building face. In some cases, this 50% rule resulted in very large dormers that proposed challenges in terms of massing and privacy for neighbouring properties. In response to this, the amended provisions for dormer width used the 50% rule and further limited dormer development within that 50% by setting the maximum width of any one dormer to 1.2m, and allowing only a maximum of 2 dormers per building elevation. At present the regulation reads:

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.

While the intention of this regulatory change was to reduce carriage house massing and to ensure that carriage houses remain good examples of "sensitive infill", the 1.2m restriction has proven to be challenging in implementation. Specifically, the living space on the upper ½ storey of a carriage house is severely hampered by a dormer width of 1.2m.

Given this challenge, staff will be bringing forward a text amendment to the Zoning Bylaw for Council consideration in the near future to provide greater flexibility in dormer width. However, in this case, the applicant is not prepared to wait for the conclusion of this amendment process.

Council Policy No. 367 requires that the applicant undertake Neighbour Consultation in advance of the Council meeting. In this case, the applicant has chosen not to fulfill this requirement. In support of this position, the applicant has noted that the proposal is very minor in nature, and that it will be followed up by a similar bylaw amendment proposal in coming months by City staff.

4.2 Project Description

The applicant is proposing to construct a 1 ½ storey carriage house at the rear of the subject property. Parking for the carriage house is located in the garage at the main floor level. Living space is split between the main floor, which contains the kitchen, living and dining space, and the upper ½ storey, which contains two bedrooms and a bathroom.

In order to accommodate the living space on the upper ½ storey, the applicant is requesting a variance from 1.2m permitted to 1.9m proposed. This will allow one of the dormers to be wide enough to accommodate a modest full bathroom, while still providing privacy for neighbours.

Access for the carriage house is taken via the existing lane, and access for the principal dwelling will remain off Lawson Avenue.

While landscaping for the principal dwelling is mostly turf, the landscaping proposed for the carriage house will focus on lower maintenance plantings, and a large patio area for residents. A fence running north-south is proposed to divide the property and provide the carriage house with privacy.

To provide a detailed assessment of the form and character of the proposed carriage house, a Development Permit is required, which will be executed at a staff level.

4.3 Site Context

The subject property is located on the northwest corner of the intersection of Ethel Street and Lawson Avenue. The lot is approximately 793m² in area, and presently contains one single detached dwelling that is also 1 ½ storeys in height.

The surrounding neighbourhood is characterized by an older stock of single detached dwellings, with multiple examples of carriage houses or secondary suites in the immediate vicinity.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Detached Dwelling with Secondary Suite
East	RU6 - Two Dwelling Housing	Single Detached Dwelling with Secondary Suite
South	RU6 - Two Dwelling Housing	Single Detached Dwelling
West	RU6 - Two Dwelling Housing	Single Detached Dwelling

Subject Property Map: 1458 Ethel Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	440 m ²	793 m ²
Lot Width	15.0 m	16.46 m
Lot Depth	30.0 m	Approx. 48.0 m
Development Regulations		
Site Coverage (buildings)	40%	25%
Site Coverage (buildings, driveways & parking)	50%	42.1%
Principal Dwelling (existing)		
Gross Floor Area	-	Approx. 194 m ²
Height	9.5 m or 2 ½ storeys	Approx. 4.9 m / 1 ½ storeys
Front Yard	4.5 m	8.54 m
Side Yard (south)	4.5 m	4.24 m
Side Yard (north)	2.0 m	3.60 m
Rear Yard	6.0 m	exceeds
Carriage House		
Height	4.5 m or 1 ½ storeys	4.5 m
Building Separation	4.5 m	13.9 m
Side Yard (north)	2.0 m	2.0 m
Side Yard (south)	4.5 m	6.0 m
Rear Yard	1.5 m	1.5 m
Maximum Footprint	90 m ²	89.2 m ²
Maximum Gross Floor Area (GFA)	90 m ²	89.84 m ²
Max GFA as % of Principal Dwelling GFA	75%	44.7%
Maximum Dormer Width	1.2m	1.9m ^①
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30 m ²	58.1 m ²

① Indicates a requested variance to the maximum width of a dormer from 1.2m permitted to 1.9m proposed.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property is designated S2RES - Single / Two Unit Residential in the OCP, and is situated within the Permanent Growth Boundary in the Central City Sector.

Development Process

5.22.6. Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

5.22.7. Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

5.22.12. Carriage Houses & Accessory Apartments. Support carriage houses and accessory apartments through appropriate zoning regulations.

6.0 Technical Comments

6.1 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 2012 edition of the British Columbia Building Code (BCBC 12).
- 3) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Fire Department

Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open without special knowledge. Additional visible address is required from Ethel Street. Emergency access is from the main roadway and not the lane.

6.3 Shaw Cable

Shaw cable approves proposed DVP application.

6.4 Telus Communications

No comment.

6.5 Fortis BC

There are no primary distribution facilities adjacent to the subject property. The current structure appears to be serviced via secondary underground. Based on the preceding, the cost to extend service to the proposed carriage house will likely be significant. The applicant is responsible for costs associated with any change to the subject property's existing service as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: August 2, 2013

Public Notification & Consultation by Applicant: None

Report prepared by:

James Moore, Urban Land Use Planner

Reviewed by:

Danielle Noble, Manager, Urban Planning

Approved for Inclusion:

D. Gilchrist, Divisional Director
Community Planning & Real Estate

Attachments:

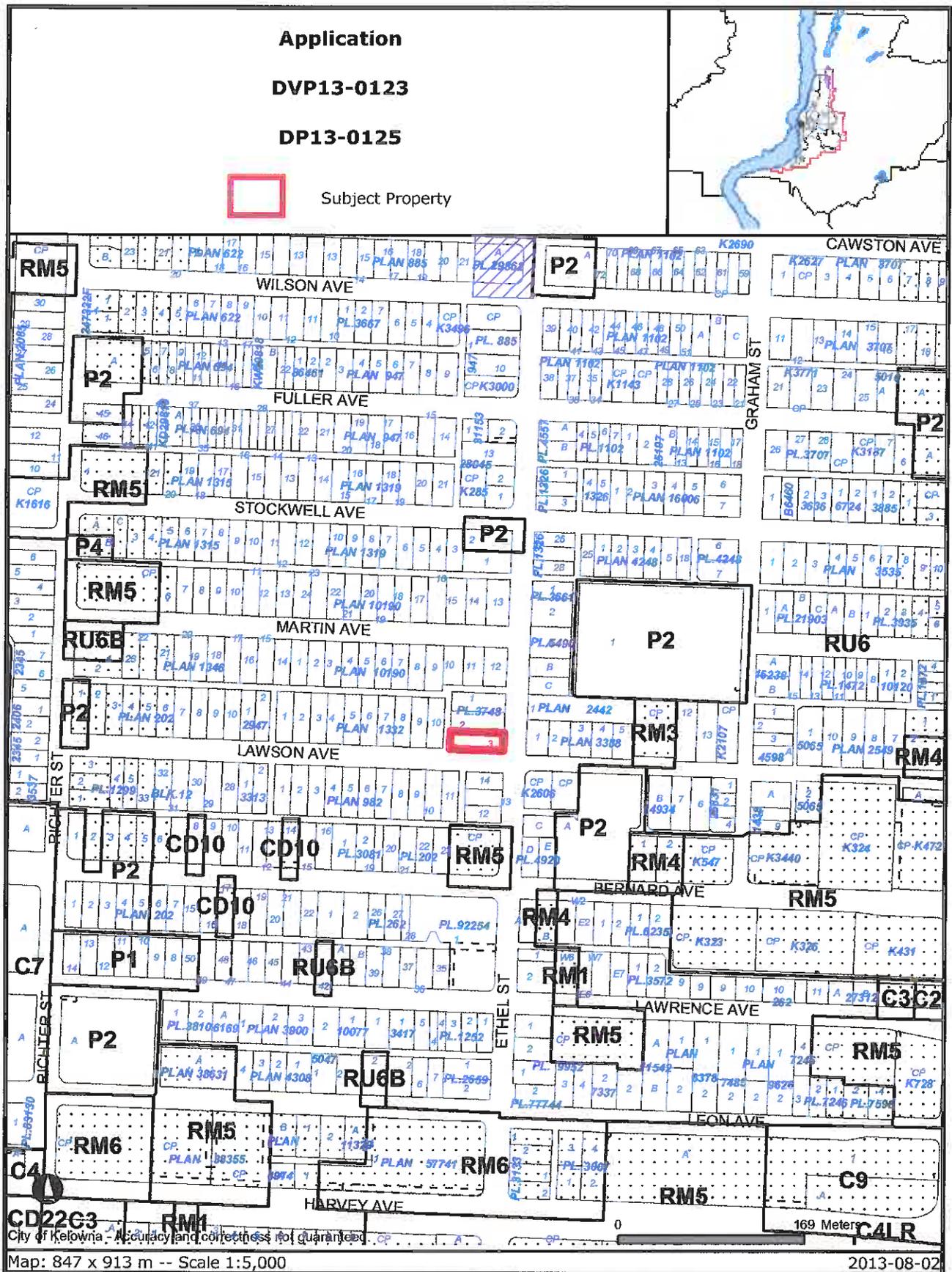
Subject Property Map

Site Plan/Landscape Plan

Conceptual Elevations

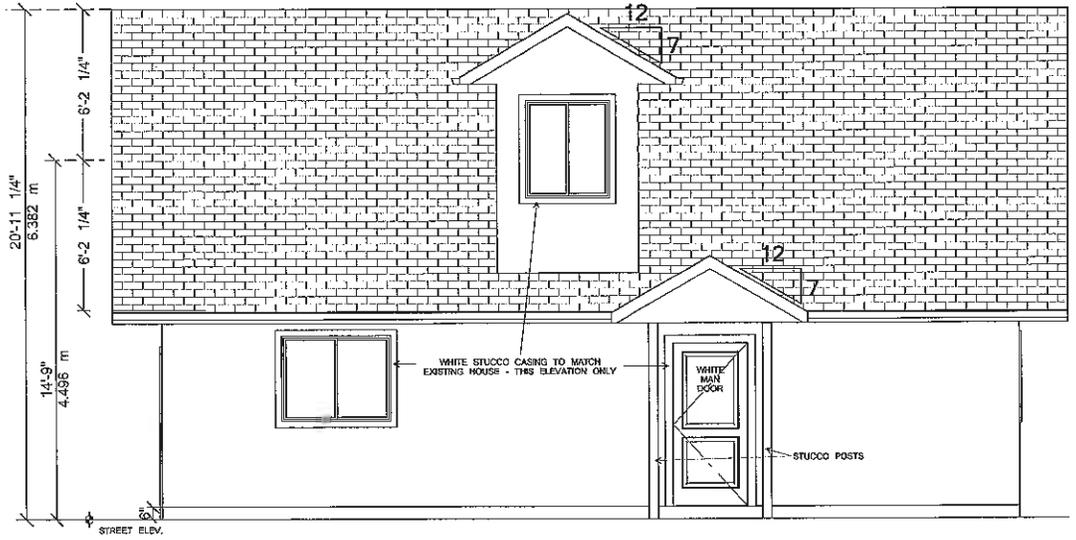
Floor Plans

DRAFT Development Variance Permit No. DVP13-0125

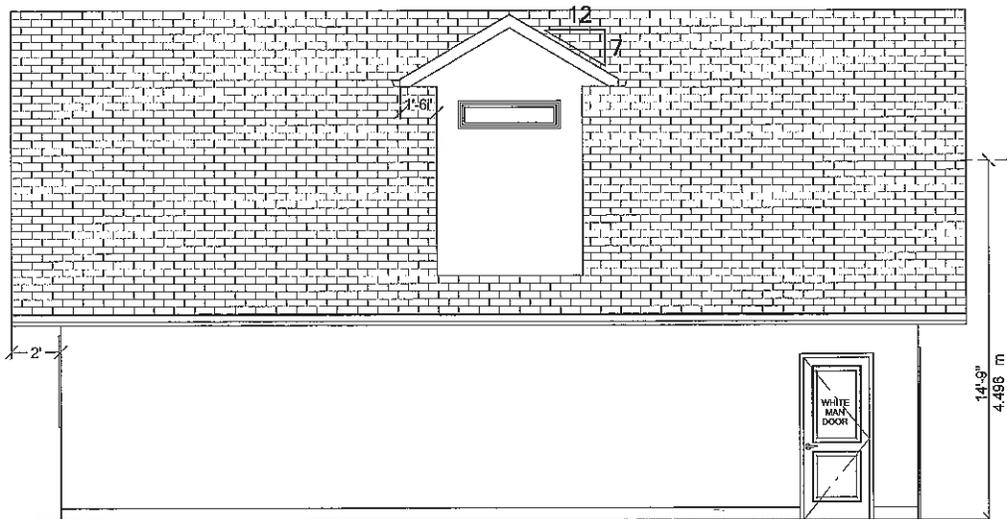


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

SOUTH ELEVATION

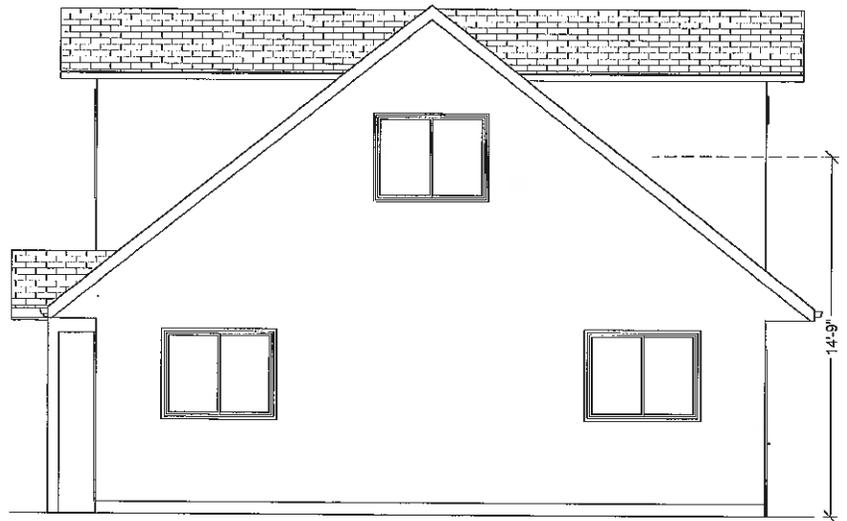


NORTH ELEVATION

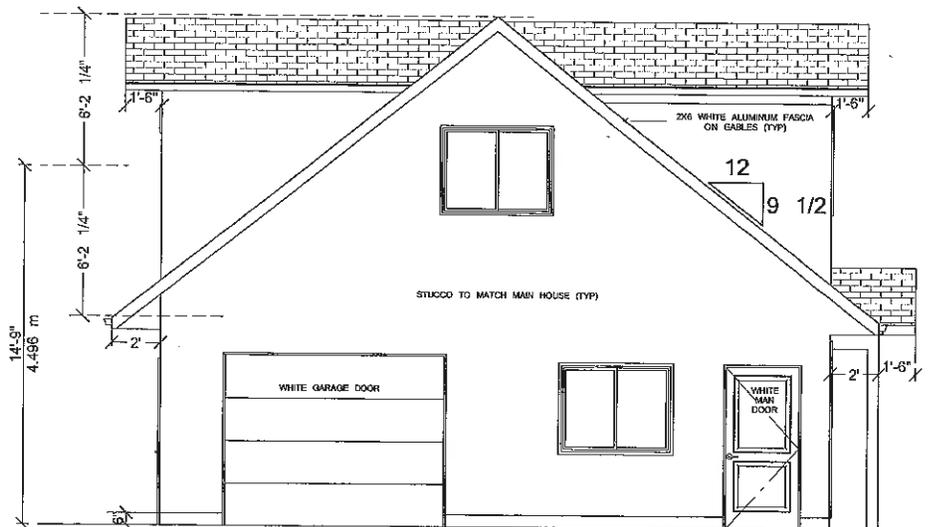


Drawing Title: Elevations	Scale: 5/16" = 1'	Date: July 22nd 2013	Project: 1458 Ethel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 1 of 6
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EAST ELEVATION



WEST ELEVATION

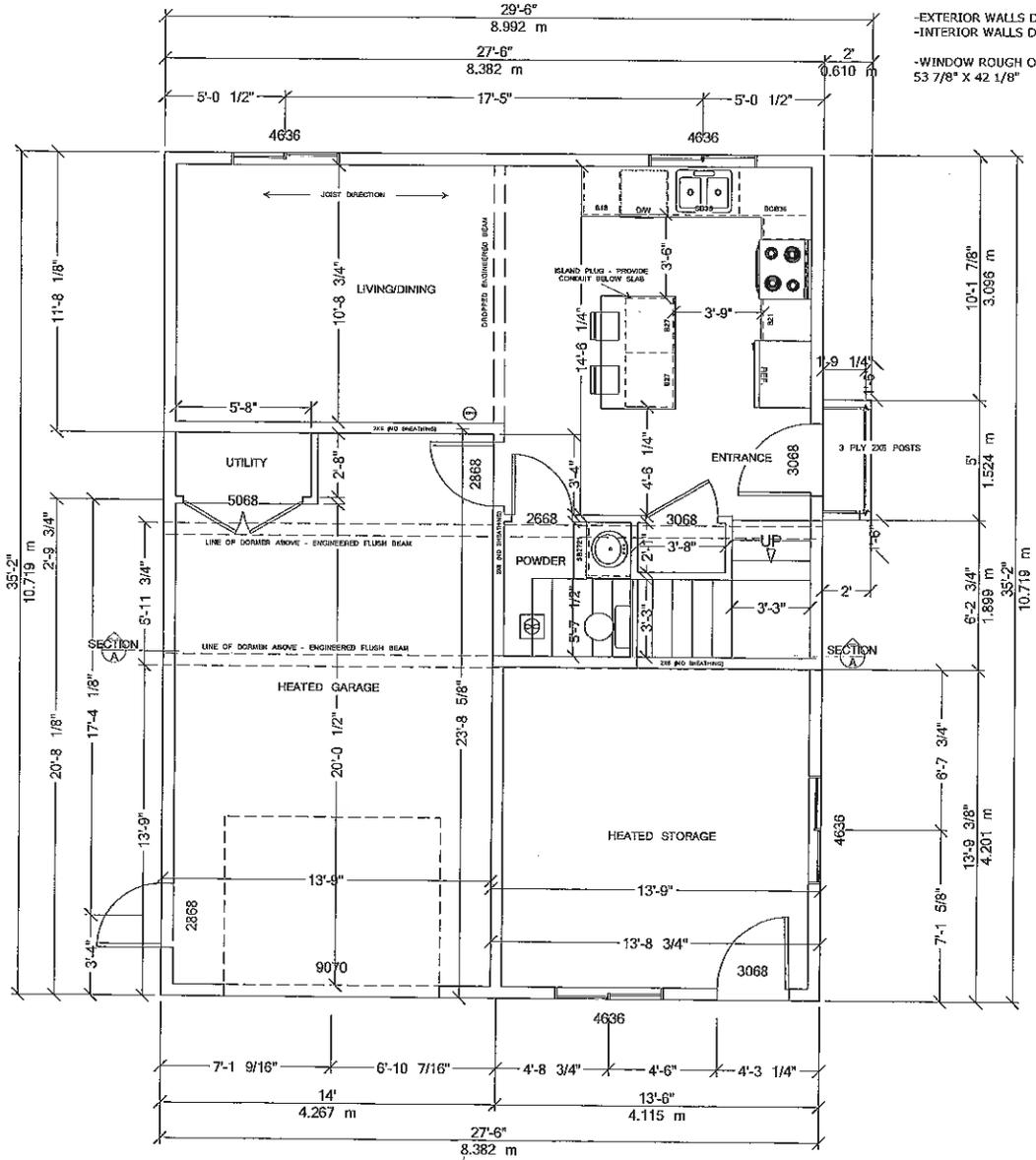


Drawing Title: Elevations	Scale: 5/16" = 1'	Date: July 22nd 2013	Project: 1458 Ethel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 2 of 6
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CARRIAGE HOUSE MAIN FLOOR
 8' CEILINGS
 469 SQ.FT
 43.57 SQ.M
 (INCLUDING STAIRWELL)

NOTES:

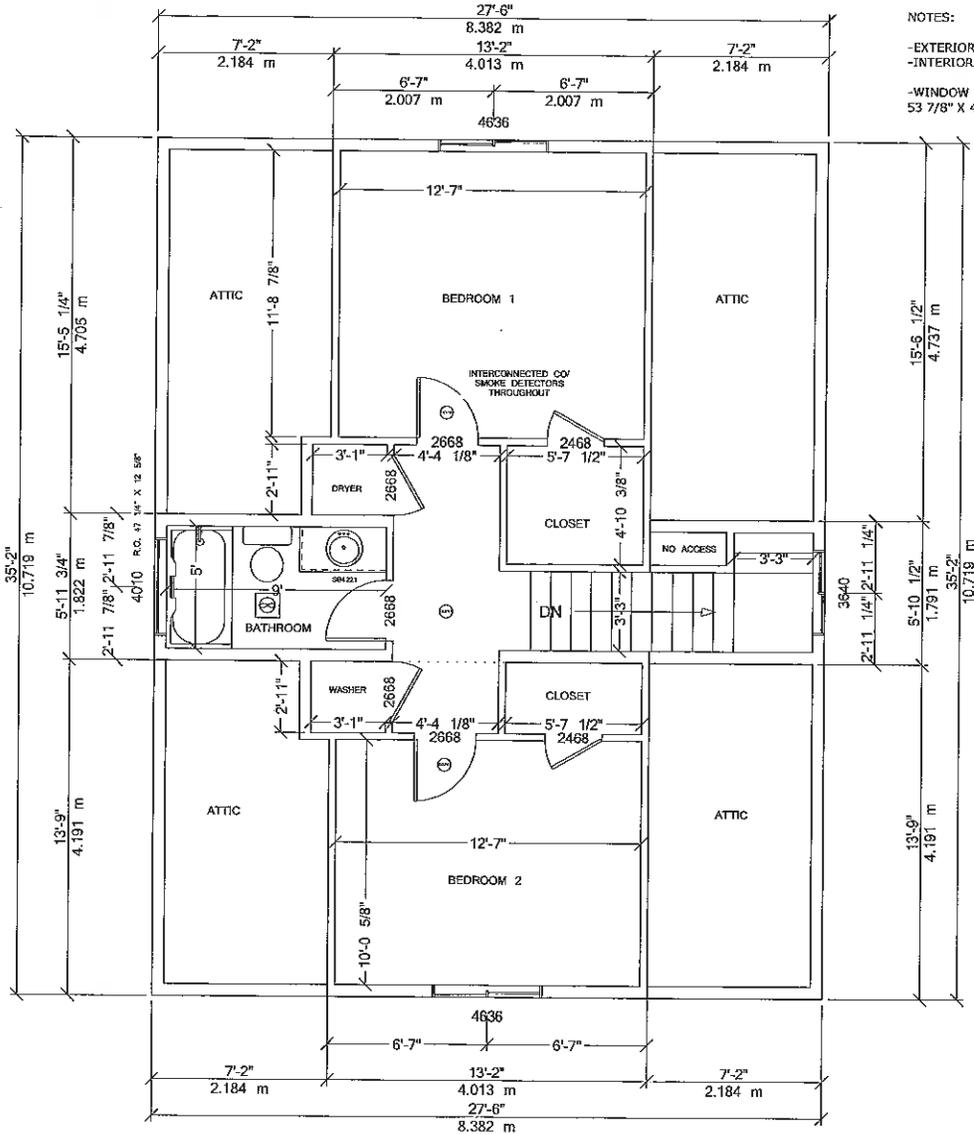
- EXTERIOR WALLS DRAWN 5 7/8"
- INTERIOR WALLS DRAWN 3 1/2"
- WINDOW ROUGH OPENINGS
53 7/8" X 42 1/8"



CARRIAGE HOUSE TOTALS
 967 SQ.FT
 89.84 SQ.M

Drawing Title: Main Floor Plan	Scale: 5/16" = 1'	Date: July 22nd 2013	Project: 1456 Ethel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 3 of 6
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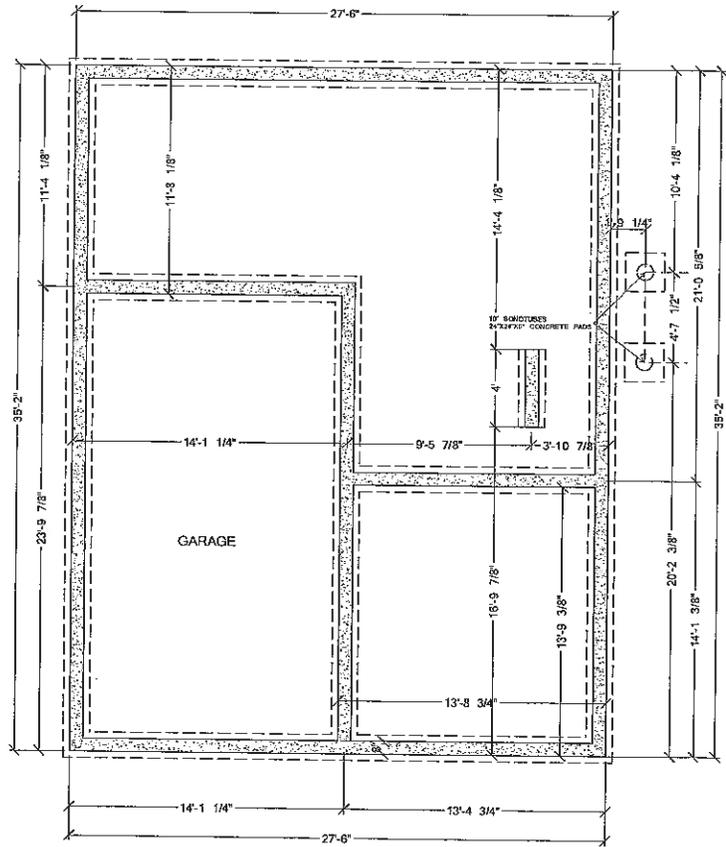
CARRIAGE HOUSE UPSTAIRS FLOOR PLAN
 8' CEILINGS
 498 SQ.FT
 46.27 SQ.M



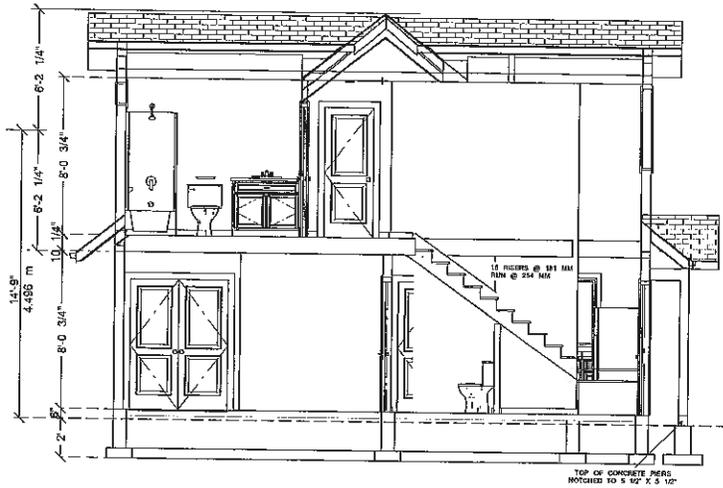
- NOTES:
- EXTERIOR WALLS DRAWN 5/8"
 - INTERIOR WALLS DRAWN 3/12"
 - WINDOW ROUGH OPENINGS 53 7/8" X 42 1/8"

Drawing Title: Upstairs Floor Plan	Scale: 5/16" = 1'	Date: July 22nd 2013	Project: 1458 Ethel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 4 of 6
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FOUNDATION PLAN



CROSS SECTION A-A



ROOF SYSTEM

- ASHPHALT SHINGLES
- BUILDING PAPER
- 7/16" SHEATHING
- H CLIPS
- 2X4 CROSS VENTILATION
- 2X10 ROOF JOISTS @ 24" O.C.
- MIN R-28 INSULATION
- 6 MIL POLY V.B.
- 1/2 CEILING DRYWALL

CONCRETE FOUNDATION

- 16" X 6" STRIP FOOTING
- 10M BARS (X2)
- 2' X 8" CONCRETE WALL
- 10M BARS (X2) @ TOP
- 10M BARS VERT @ 6' O.C.
- R-12 RIGID INSULATION BELOW GRADE
- ANCHOR BOLTS @ 6' O.C.
- 4" CONCRETE SLAB

FLOOR SYSTEM

- INTERIOR FLOOR COVERINGS
- 3/4" T&G O.S.B. SUBFLOOR
- 9 1/2" TJI FLOOR JOISTS @ 24" O.C.

EXTERIOR WALL

- STUCCO (WIRE MESH)
- BUILDING PAPER
- 3/8" SHEATHING
- 2 X 6 STUD WALL @ 24" O.C.
- R-20 BATT INSULATION
- 6 MIL POLY V.B.
- 1/2" DRYWALL

Drawing Title: Foundation / Cross Section	Scale: 1/4" = 1'	Date: July 22nd 2013	Project: 1458 Eihel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 5 of 6
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CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0123

EXISTING ZONING DESIGNATION:	RU6 – Two Dwelling Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the maximum width of a dormer from 1.2m permitted to 1.8m proposed;

ISSUED TO:	Qiuyan Li Holding Inc. (Qian Xiang & Qiuyan Li)
LOCATION OF SUBJECT SITE:	1458 Ethel Street

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	3	-	138	-	ODYD	3748

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:

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

Section 6.6.4: Height and Grade

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

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 Planning & Development Services.

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:

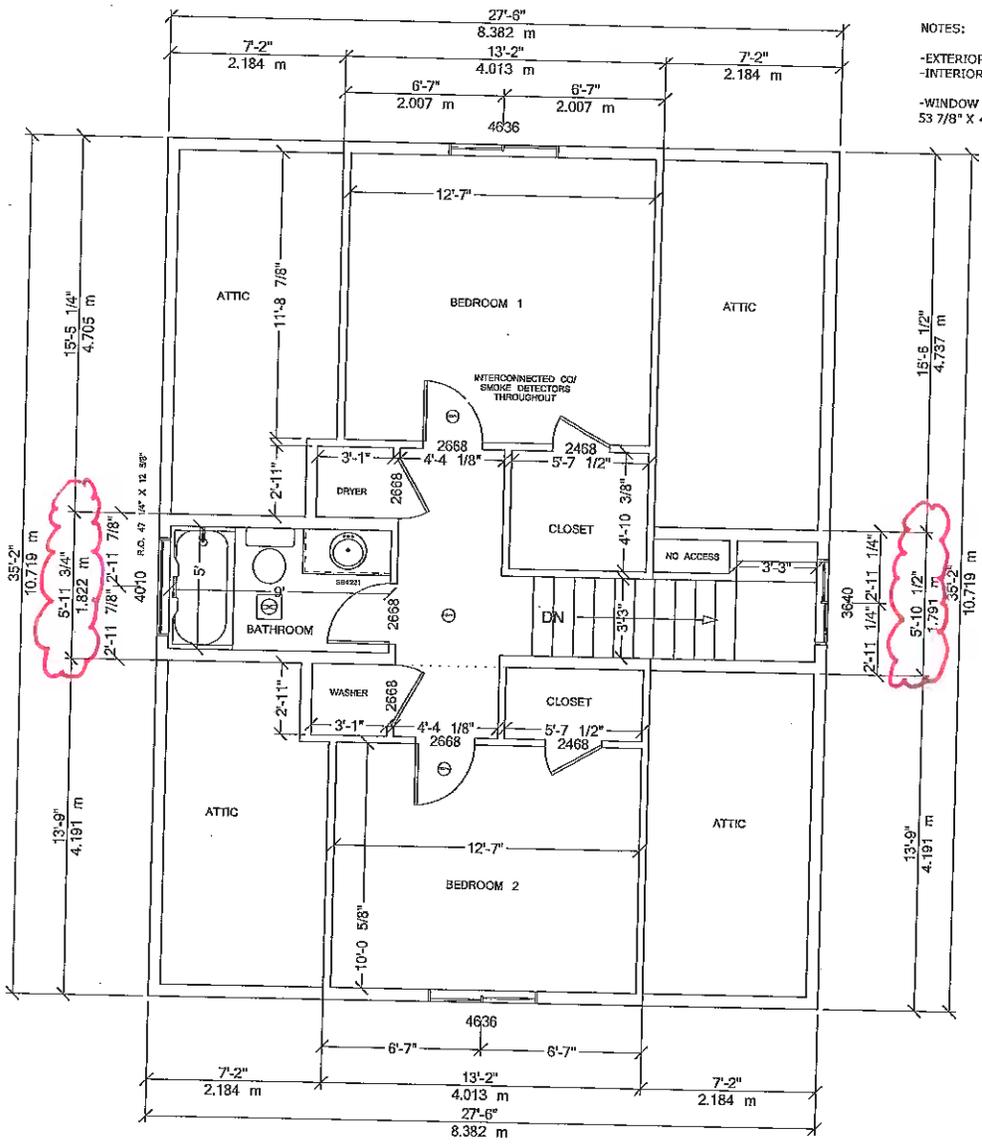
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____, 2013.

ISSUED BY THE GENERAL MANAGER OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2013.

Doug Gilchrist,
Divisional Director, Community Planning & Real Estate

SCHEDULE A
 This forms part of development
 Permit # **DVP13-0123**

CARRIAGE HOUSE UPSTAIRS FLOOR PLAN
 8' CEILINGS
 498 SQ.FT
 46.27 SQ.M



NOTES:
 -EXTERIOR WALLS DRAWN 5/8"
 -INTERIOR WALLS DRAWN 3/12"
 -WINDOW ROUGH OPENINGS
 53 7/8" X 42 1/8"

Drawing Title: Upstairs Floor Plan	Scale: 5/16" = 1'	Date: July 22nd 2013	Project: 1458 Ethel Street Carriage House	Notes: All work to be completed in accordance with the current BC Building Code.	Drawn By: VOLK CONSTRUCTION DESIGN & BUILD	Sheet: 4 of 6
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