

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, July 26, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**

The Oath of Office will be read by Councillor DeHart.
3. **Confirmation of Minutes** 1 - 12

Public Hearing - July 12, 2016  
Regular Meeting - July 12, 2016
4. **Notification of Meeting**

The City Clerk will provide information as to how the following items on the Agenda were publicized.
5. **Development Permit and Development Variance Permit Reports**
  - 5.1 **2002 Enterprise Way, DVP15-0291 - Telus Communications Inc.** 13 - 24

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 four variances to the sign bylaw for the installation of 3 signs on the subject property.
  - 5.2 **2530 Monte Vista Lane, DVP16-0112 - Yan Joseph Luc Marcel Duret & Ramona Susan Duret** 25 - 34

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 height of a retaining wall on the subject property.

**5.3    731 Royal Pine Drive, BL11248 (Z16-0013) - Richard & Jennifer Sutton** **35 - 35**

To adopt Bylaw No. 11248 in order to rezone the subject property to allow for the development of a carriage house.

**5.4    731 Royal Pine Drive, DVP16-0053 - Richard & Jennifer Sutton** **36 - 52**

**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 authorize the issuance of a Development Variance Permit to vary the maximum height of retaining walls to 2.3m, and to vary the maximum height of an accessory building (carriage house) to 5.9m on the subject property.

**6.    Reminders**

**7.    Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, July 12, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; and Legislative Systems Coordinator, Sandi Horning

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

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

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on June 28, 2016 and by being placed in the Kelowna Capital News issues of June 30, 2016 and July 6, 2016, and by sending out or otherwise delivering 83 statutory notices to the owners and occupiers of surrounding properties between June 28, 2016 and June 30, 2016.

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 5080 Lakeshore Road, BL11255 (Z16-0009 & LUC16-0001) - James Sharko

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

##### Letters of Opposition

Gord Nykiforuk, Lakeshore Road  
Scott Barnard, Uplands Drive

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

There were no further comments.

#### 3.2 815 Rose Avenue, BL11256 (Z16-0022) - Paul Neufeld & Douglas Kirk

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

##### Letters of Opposition

Patrick & Sandra Kavanagh, Rose Avenue

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present.

Gallery:

Patrick Kavanagh, Rose Avenue

- Has lived on Rose Avenue for 15 years.
- Opposed to the application.
- Massing and density is too large for the neighbourhood.
- Expressed a concern with traffic impacts in the area.
- Believes that this proposal does not meet the intent of the Official Community Plan nor does it fit with the area.
- Believes this proposal is out of context with the current zoning.



Scott MacPherson, Aberdeen Street

- Expressed a concern with the proposed height of the duplex.
- Expressed a concern with privacy impacts on his property.
- Expressed a concern with impacts on his property value and whether he could redevelop in a similar manner even though he is a corner lot.
- Responded to questions from Council.

Staff:

- Provided clarification regarding height restrictions and maximum site coverage with respect to the RM1 zone.
- Confirmed that the neighbourhood has been designated for higher density.
- Spoke to the City's Infill Housing Project Challenge.
- Responded to questions from Council.

There were no further comments.

**3.3 1251 Ladner Road, BL11257 (Z16-0021) - John Hodges**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition

Robert & Carnation St. Amand, Ladner Road

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything to add to staff's report.

Gallery:

Mike Ellebracht, Ladner Road

- Is the immediate neighbour to the subject property and has lived in the area for the last 2 years.
- Expressed a concern with traffic impacts.
- Expressed a concern with the subdivision into 3 lots.
- Expressed a concern with parking on the site.
- Clarified that he is okay with a 2 lot subdivision, but is opposed to a 3 lot subdivision.
- Believes the development will look out of place in the neighbourhood.

Robert St. Amand, Ladner Road

- Has lived in the area over the past 35 years.
- Expressed a concern with traffic impacts.
- Expressed a concern with the deteriorating conditions of the neighbourhood.
- In favour of a 2 lot subdivision, opposed to a 3 lot subdivision.
- Believes the development will look out of place in the neighbourhood.
- Expressed a concern with parking impacts to the area.
- A 2 lot subdivision would be more consistent with the neighbourhood.

Candy Bothe, Ladner Road

- Opposed to the rezoning.
- Expressed a concern with traffic in the area.
- Expressed a concern with the lack of parking in the area.
- Expressed a concern with crime in the area.
- In favour of a 2 lot subdivision, opposed to a 3 lot subdivision,
- Believes the development will look out of place in the neighbourhood.

Dale Luksts, Ladner Road

- Has lived in the area for 35 years.
- In favour of a 2 lot subdivision, opposed to a 3 lot subdivision.

John Hodges, Applicant

- Made reference to the artist rendition of the proposed homes.
- Spoke to the merits of the application and subdivision.
- Trying to address any parking concerns.
- The properties are not intended to be rental properties and will be listed for sale.
- Have created other successful developments similar to this proposal in other neighbourhoods.
- Trying to be sensitive to the neighbourhood.
- Provided the rationale for the 3 lot subdivision rather than a 2 lot subdivision.
- The current lot is wide enough to subdivide into three lots.
- Provided the rationale for the design of the roofs.
- Confirmed his wife went door-to-door in the neighbourhood.
- Responded to questions from Council.
- Confirmed that each unit will be able to accommodate 4 on-site parking stalls.

## Staff:

- Responded to questions from Council.
- Displayed the neighbourhood on the map viewer to indicate the various sizes of the lots in the area.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 7:02 p.m.

\_\_\_\_\_  
Mayor

/slh

\_\_\_\_\_  
City Clerk



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 12, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; and Legislative Systems Coordinator, Sandi Horning

### 1. Call to Order

Mayor Basran called the meeting to order at 7:02 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Mayor Basran.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R545/16/07/12 THAT the Minutes of the Public Hearing and Regular Meeting of June 28, 2016 be confirmed as circulated.

Carried

**4. Bylaws Considered at Public Hearing**

**4.1 5080 Lakeshore Road, BL11255 (Z16-0009 & LUC16-0001) - James Sharko**

Moved By Councillor Hodge/Seconded By Councillor Gray

R546/16/07/12 THAT Bylaw No. 11255 be read a second and third time.

Carried

**4.2 815 Rose Avenue, BL11256 (Z16-0022) - Paul Neufeld & Douglas Kirk**

Moved By Councillor Given/Seconded By Councillor Gray

R547/16/07/12 THAT Bylaw No. 11256 be read a second and third time.

Carried

**4.3 1251 Ladner Road, BL11257 (Z16-0021) - John Hodges**

Moved By Councillor DeHart/Seconded By Councillor Singh

R548/16/07/12 THAT Bylaw No. 11257 be read a second and third time.

Carried

Councillors Hodge & Singh- Opposed.

**5. Notification of Meeting**

Notice of Council's consideration of these Temporary Use Permit Applications were advertised by being posted on the Notice Board at City Hall on June 28, 2016 and by being placed in the Kelowna Capital News issues on Thursday, June 30, 2016 and Wednesday, July 6, 2016 and by sending out or otherwise delivering 104 statutory notices to the owners and occupiers of surrounding properties between June 28, 2016 and June 30, 2016.

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 73 statutory notices to the owners and occupiers of the surrounding properties between June 28, 2016 and June 30, 2016.

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



## 6. Development Permit and Development Variance Permit Reports

### 6.1 278 Leon Avenue and 1620 & 1630 Water Street, TUP13-0002 - Kelowna Motors Holdings Limited

#### Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

#### Letters of Support

13 letters of support submitted by the Applicant

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed temporary use to come forward, followed by comments from Council.

#### Lynn Welder, on behalf of the Property Owners

- Commented that the 3-year extension would be greatly appreciated by both the landowner and the tenant.
- Responded to questions from Council.

#### Gallery:

##### Chad Abougoush, Rocky Point Drive

- Leases the subject property and would really like to remain at that location.

##### Arlene Sloan, Okanagan Falls

- Father started Kelowna Motors in 1945.
- Believes that the business is an important part of downtown.
- Supports the application.

There were no further comments.

#### Moved By Councillor Stack/Seconded By Councillor DeHart

**R549/16/07/12** THAT Council authorizes an extension of Temporary Use Permit No. TUP13-0002 to allow 'Automotive and Equipment Repair Shop use for North ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462. And South ½ Lot 1 & 2, Block 10, District Lot 139 ODYD, Plan 462, and South ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462, and Lot 3 Block 10, District Lot 139, ODYD, Plan 462, located at 1620 & 1630 Water Street and 278 Leon Avenue, Kelowna, BC as shown on Map 'A' attached to the Report from Community Planning Department for a three (3) year period commencing from Council approval subject to the following conditions:

1. No expansion of the existing facility (or any additional buildings/structures) or parking is permitted during the term of the Temporary Use Permit.
2. The Temporary Use Permit will expire on July 12, 2019.

AND THAT Council direct staff to not accept any further extension requests.

Carried

**6.2 1629-1649 KLO Road, TUP16-0001 - Western Global Enterprises Inc.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed temporary use to come forward, followed by comments from Council. The Applicant was present, but did not have anything to add to staff's comments.

Gallery:

Alan Walisser, Kelowna Resident

- In the process of purchasing the business at the location and will be seeking a 10-year lease agreement with the existing landowner.
- Supportive of the application.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R550/16/07/12 THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0001 to allow a Non-Farm Use of agricultural land in the Agricultural Land Reserve as per ALC Resolution #67/2015 for Parcel A (Plan B1813) Block 57 District Lot 131 ODYD Plan KAP186, Except Parcels C and D Plan B1813 and Plan KAP78678, located at 1629 - 1649 KLO Road, Kelowna, BC, and Parcel A (DD146178F & PL B6796) Block 58 District Lot 131 ODYD Plan DAP186, located at 3350 Benvoulin Road, Kelowna BC for a three (3) year period ending October 1, 2019 subject to the following condition:

1. The use on the land be in accordance with Schedule "A" (Better Earth Garden Site Plan);
2. The use on the land be in accordance with Schedule "B" (ALC File 54508, Resolution #67/2015)

AND THAT any application to extend the permit must be approved by the Agricultural Land Commission and by Council prior to this permit expiring.

Carried

**6.3 565 Coronation Avenue, BL11184 (Z15-0025) - Christian Lee Bond**

Moved By Councillor Stack/Seconded By Councillor DeHart

R551/16/07/12 THAT Bylaw No. 11184 be adopted.

Carried

**6.4 565 Coronation Avenue, DP15-0112 & DVP15-0113 - Christian Lee Bond**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

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

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R552/16/07/12 THAT final adoption of Rezoning Bylaw No. 11184 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0112 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule 'A';
- b) The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0113 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, Kelowna, BC;

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

**Section 9.5b.14: Carriage House Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.46 m and 1.81 m proposed.



**Section 13.2.6(d): RU2 - Medium Lot Housing Development Regulations**

To vary the required minimum side yard from 1.5 m permitted to 1.41 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule 'A' attached to the Report from Community Planning Department dated July 3, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit in order for the permits to be issued;

AND THAT the applicant be required to register on the subject property a section 219 no occupancy covenant to not allow the dwellings to be habitable until all building permit life safety requirements have been completed;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**

**6.5 3077 Lowe Court, DVP15-0081 - Scott Grant**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

There were no further comments.

**Moved By Councillor Donn/Seconded By Councillor Hodge**

**R553/16/07/12** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0081 for Lot 6 District Lot 135 ODYD Plan 30518, located at 3077 Lowe Court, Kelowna, BC;

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

**Section 8.1.2: Parking and Loading - Number of Spaces**

To vary the minimum number of parking spaces required from 4 stalls required to 2 stalls proposed.

**Section 8.1.9(b): Parking and Loading - Location**

To allow required off-street parking to be located within the required front yard.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council Approval, with no opportunity to extend.

**Carried**

**6.6 1800 Gallagher Road, DVP16-0049 - Arthur & Una Mak**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

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

There were no further comments.

**Moved By Councillor Sieben/Seconded By Councillor DeHart**

**R554/16/07/12** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0049 for Lot B Section 18 Township 27 ODYD Plan KAP46685, located at 1800 Gallagher Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

**Section 12.2.6(b) RR2 - Rural Residential 2, Development Regulations**

To vary the maximum allowable height of an accessory structure from 4.5 m permitted to 6.0 m proposed.

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to compliance with Subdivision, Development and Servicing Bylaw No. 7900, Section 4.6 with respect to "the restriction of one (1) driveway access per road frontage" on the subject property;

AND THAT the applicant be required to complete the above noted condition of Council's approval of this Development Variance Permit Application in order for the permits to be issued;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the issuance of a demolition permit with a bond amount of \$12,000 for the removal of the un-permitted storage structures on the subject parcel;

AND THAT the applicant will have 30 days from partial occupancy of the proposed structure to fulfil the demolition permit;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7. Reminders - Nil.

8. Resolution Closing the Meeting to the Public

Moved By Councillor Sieben/Seconded By Councillor Singh

R555/16/07/12 THAT this meeting be closed to the public pursuant to Section 90(2) (b) of the *Community Charter* for Council to deal with matters relating to the following:

- Negotiations with another level of Government (Province).

Carried

9. Adjourn to Closed Session

The meeting adjourned to a closed session at 7:56 p.m.

10. Termination

The meeting was declared terminated at 8:04 p.m.

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Mayor

/slh

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*Steph Steiner*  
City Clerk

# REPORT TO COUNCIL



Date: July 26, 2016

RIM No. 0940-30

To: City Manager

From: Community Planning Department (TB)

Application: DVP15-0291

Owner: Telus Communications Inc.,  
Inc.No. A55547

Address: 2002 Enterprise Way

Applicant: Ryan Matthews,  
Priority Permits Ltd

Subject: Development Variance Permit

Existing OCP Designation: MXR - Mixed Use (Residential/Commercial)  
PARK - Major Park/Open Space (Public)  
PSU - Public Services/Utilities

Existing Zone: P4 - Utilities

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0291 for Lot B DL 140 ODYD Plan KAP76401 located at 2002 Enterprise Way, Kelowna, BC;

AND THAT variances to the following section of Sign Bylaw No. 8235 be granted:

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum number of signs per building frontage from 1 (allowed) to 2 (proposed) on Enterprise Way

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #1 from 18.3m<sup>2</sup> (allowed) to 35.93m<sup>2</sup> (proposed)

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #2 from 18.3m<sup>2</sup> (allowed) to 30.58m<sup>2</sup> (proposed)

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #3 from 9.14m<sup>2</sup> (allowed) to 33.64m<sup>2</sup> (proposed)

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To consider four variances to the sign bylaw for the installation of 3 signs on the subject property.

## 3.0 Community Planning

Telus Communications is proposing variances to the maximum signage area and to increase the number of fascia signs in order to accommodate their corporate marketing efforts. This approach is an alternative to the traditional pylon signage that many other businesses in the area utilize. Should the variance be approved by Council, Telus will have maximized their signage capacity under the Sign Bylaw and would not be able to install a pylon signage or any other entry signage. However, should the variance be declined by Council, Telus would have the ability to construct a pylon sign with only a building permit required.

The proposed fascia signage will be incorporated well into the architecture of the building and complements the overall character. The signage will be predominately located on the second floor windows as well as covering up a blank 3 storey vertical wall. The graphic design of the signage is relatively modest and communicates a simple marketing message. The corporate logos are minimal in size and only repeated a few times on the signage.

The City's Development Permit Guidelines do not apply to the subject property due to its specific location and existing institutional zoning designation. However, using them as a general reference they do promote concise messaging and simple graphics consistent with Telus' proposal.

It is for these site specific reasons that Community Planning supports the requested variances and it is unlikely that it will set a precedent for others.

## 4.0 Proposal

### 4.1 Background

The subject property is owned by Telus and has a business license as a Public Utility Company. The fascia signs were initially installed in 2010 without required Development Variances Permits or Building Permit. In 2011 a bylaw investigation was commenced that did not resolve the issues of the illegal signs. Over the course of the years the graphics on the signs have changed occasionally however proper permits were never obtained. In an effort to comply with the City bylaws Telus applied for a building permit and variance permit in late 2015 to replace the existing signs with new graphics.

### 4.2 Project Description

The proposed signage is composed of three fascia signs, two of which are window signs on the 2<sup>nd</sup> floor, and one of which is a wall sign. The signs are consistent with the architectural style of the building and the general atmosphere of the surrounding area. They are of a modest font and style and are predominantly white with minimal graphics to advertise Telus' fibre optic infrastructure in the region. None of the signs are lit and they contain no element of motion or LED display. The signs are not visible from any residential developments.

Sign 1 is a banner sign that affixes to the side of the building on a large blank concrete wall. It is located above the 2<sup>nd</sup> storey and is 35.93m<sup>2</sup> where 18.3m<sup>2</sup> is allowed. The sign faces Enterprise Way and has no impact on vehicle or pedestrian sight lines.

Sign 2 is on Enterprise Way as well and is a vinyl window sign that features a Telus slogan and is 30.58m<sup>2</sup>. The sign bylaw states that only one sign per building frontage is allowed, and the



maximum size of sign is 18.3m<sup>2</sup>. This sign is located on the second story windows and does not impact the ground floor windows or the relationship between the public and private realm at street level.

Sign 3 is on Hardy Road and is a similar design to Sign 2, located on the second storey windows. The proposed sign is 33.64m<sup>2</sup> and the maximum allowable size is 9.14m<sup>2</sup>.

The sign bylaw considers fascia signs and free-standing signs under the same requirements, so should Council approve this variance, the subject property would not be allowed a free-standing sign without removing the 3 fascia signs.

Should Council approve this variance, no development permit will be required and the applicant will proceed with obtaining a Building Permit.

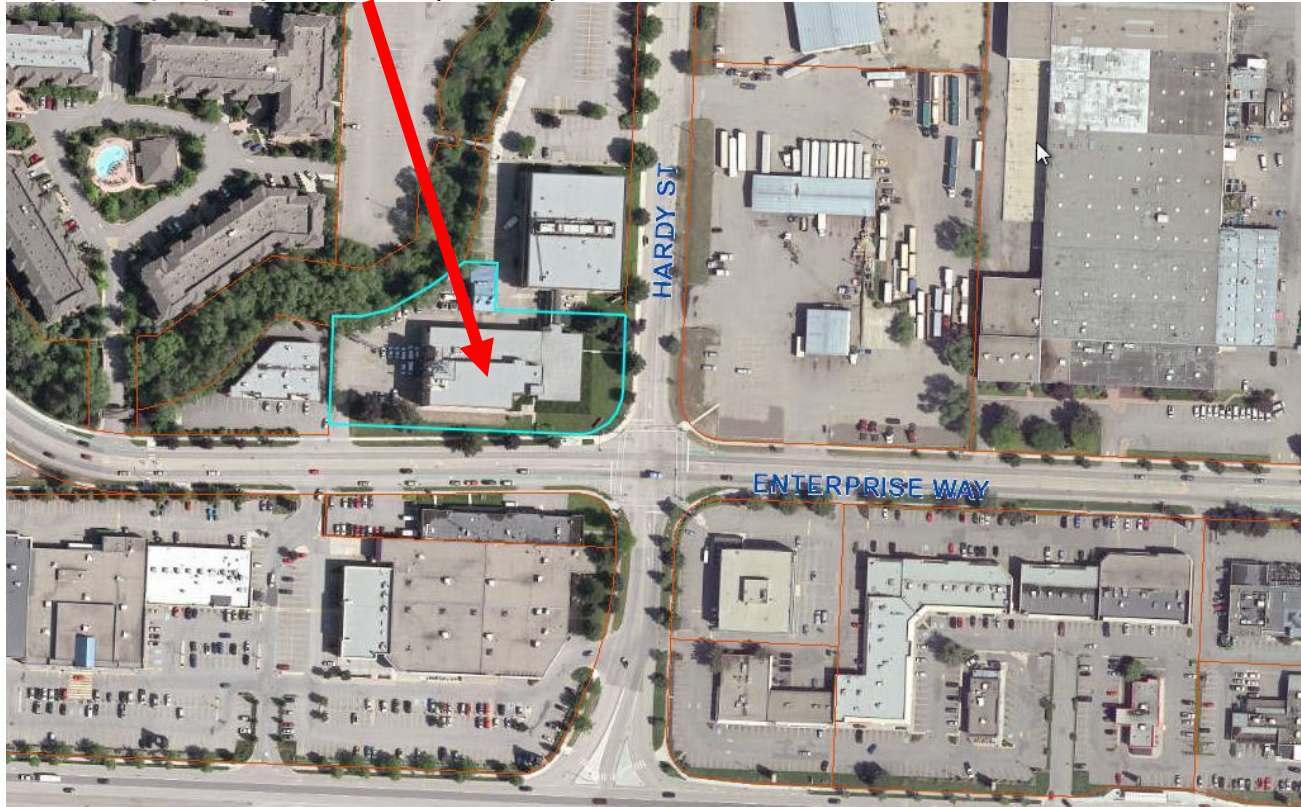
#### 4.3 Site Context

The Telus building is located on the corner of Enterprise Way and Hardy Road in Midtown Urban Centre. The area is predominantly commercial and industrial with one multi-family complex across Mill Creek from the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Commercial
East	I2 - General Industrial	Industrial
South	C4 - Urban Centre Commercial	Commercial
West	C4 - Urban Centre Commercial	Commercial

Subject Property Map: 2002 Enterprise Way



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 14 - Urban Design DP Guidelines

##### Revitalization Guidelines - Signage<sup>1</sup>

- Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design and are suitable scaled to the façade composition.
- Minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

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

### 6.2 Development Engineering Department

- Please see attached memorandum dated December 14, 2014.

## 7.0 Application Chronology

Date of Application Received: November 24, 2015

Date Public Consultation Completed: June 1, 2016

### Report prepared by:

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Trisa Brandt, Planner I

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

### Attachments:

Development Engineering Memorandum dated December 14, 2015

Draft Development Variance Permit DVP15-0291

Site Plan

Elevations

Sign Plans

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<sup>1</sup> City of Kelowna Official Community Plan Section 14.B.7 (Urban Design DP Guidelines)



# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP15-0291

Issued To: Telus Communications Inc., Inc.No. A55547  
Site Address: 2002 Enterprise Way  
Legal Description: Lot B DL 140 ODYD Plan KAP76401  
Zoning Classification: P4 - Utilities

### 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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP15-0291 for Lot B DL 140 ODYD Plan KAP76401 located at 2002 Enterprise Way, Kelowna, BC to allow 3 fascia signs be approved;

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

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum number of signs per building frontage from 1 (allowed) to 2 (proposed) on Enterprise Way

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #1 from 18.3m<sup>2</sup> (allowed) to 35.93m<sup>2</sup> (proposed)

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #2 from 18.3m<sup>2</sup> (allowed) to 30.58m<sup>2</sup> (proposed)

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #3 from 9.14m<sup>2</sup> (allowed) to 33.64m<sup>2</sup> (proposed)

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2. PERFORMANCE SECURITY

None required.

## 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 that shall form a part hereof.

If the Permit Holder does not commence the construction permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

I hereby declare that all of 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 and/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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community 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.

## 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

\_\_\_\_\_  
Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**

---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** December 14, 2015  
**File No.:** DVP15-0291  
**To:** Community Planning (AR)  
**From:** Development Engineer Manager (SM)  
**Subject:** 2002 Enterprise Way

---

The Development Engineering comments and requirements regarding this development variance application for a signs along the frontage of the property and on the building are as follows:

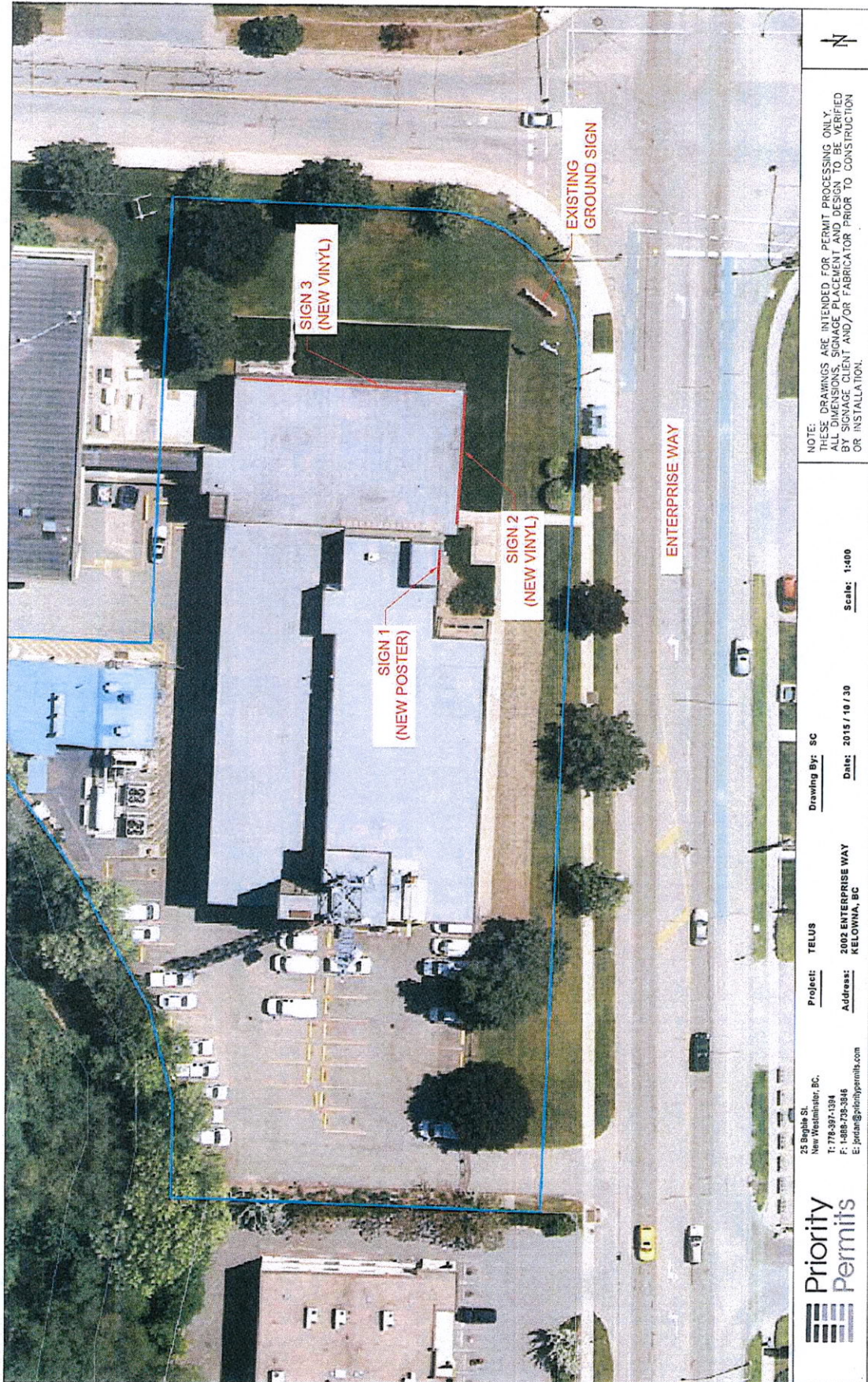
1. General.
  - a) To vary the number of signs per frontage from 1 to 2 on Enterprise Way does not compromise any Municipal Infrastructure nor sight traffic sight lines.
  - b) To vary the maximum sign areas does not compromise any Municipal infrastructure.

---

Steve Muenz, P.Eng.  
Development Engineering Manager

SS





25 Bagley St.  
New Westminster, BC  
T: 778-397-1394  
F: 1-888-788-3846  
E: jordan@prioritypermits.com

Project: TELUS  
Address: 2002 ENTERPRISE WAY  
KELOWNA, BC

Drawing By: SC  
Date: 2015 / 10 / 30





Date: September 2, 2015  
 Job: 005875 VI

Client: Telus  
 Project: Windows - Kelowna  
 (2002 Enterprise Way)

Site Rep: CR  
 AR: TJ

Product: Roland  
 Free Materials: Window Perf (60/40)  
 Laminated: Optically Clear

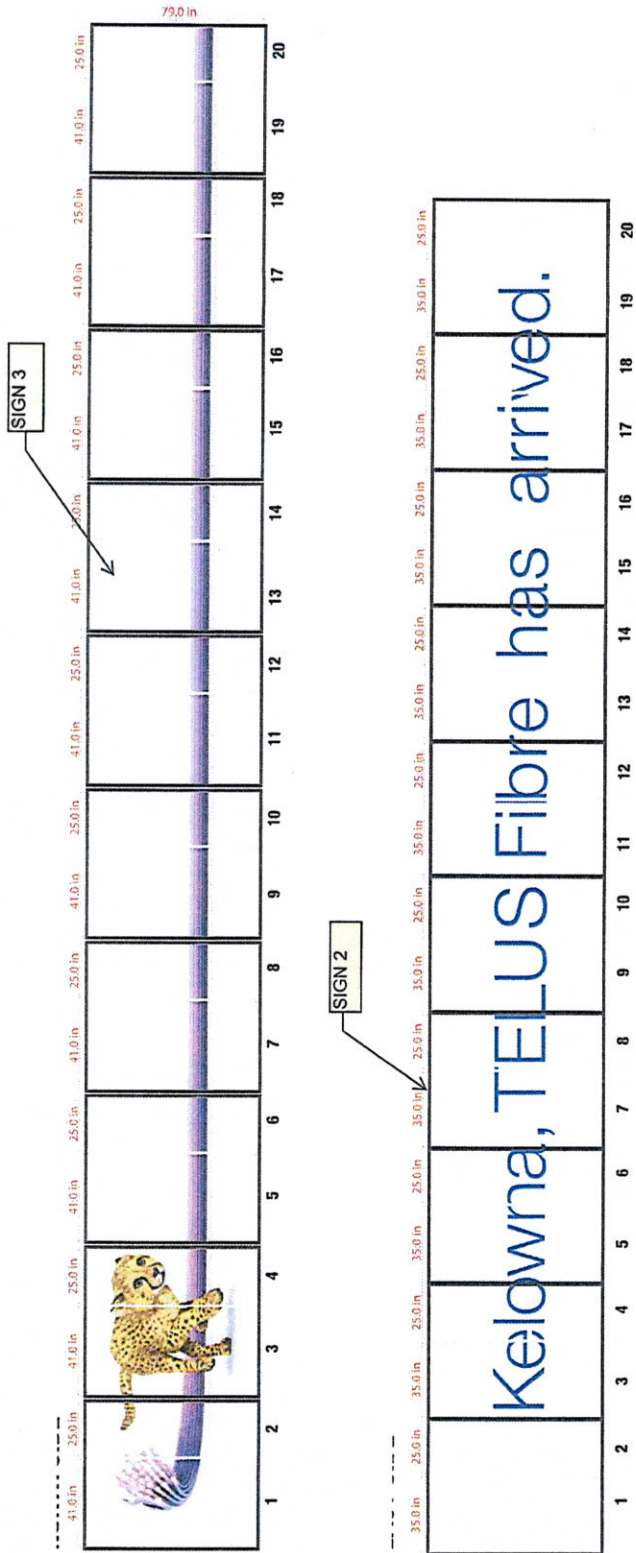
Notes: Railings not covered

Wide band of plaster approx 1' out from building.

Sprinkler System in place for hours. Caution needed when moving beam.

Shift or Lateral Beam Lift Needed.

Copyright © 2015 Telus Corporation. All rights reserved. Telus is a registered trademark of Telus Corporation. Windows is a registered trademark of Microsoft Corporation. All other trademarks are the property of their respective owners.





**EPIC**  
IMAGING

Date: September 1, 2015  
Ver: 005874 V1

Client: TELUS  
Project: Banner - Kelowna

Sales Rep:	CR
Alt:	TJ
Progress:	II

Form#: **SCITEX**  
 Profit Materials:  
**Accord 13oz Matte Flex**

\_\_\_\_\_

Name:

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SIGN 1  
(NEW POSTER)



23





# REPORT TO COUNCIL



**Date:** July 26, 2016

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (DB)

**Application:** DVP16-0112      **Owner:** Yan Joseph Luc Marcel Duret  
& Ramona Susan Duret

**Address:** 2530 Monte Vista Lane      **Applicant:** Millennium Home &  
Renovation

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU1H - Large Lot Housing (Hillside Area)

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0112 for the property legally known as Lot 16, Section 12, Township 26, ODYD, Plan KAP88598, located on 2530 Monte Vista Lane, Kelowna, BC;

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

### Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of a side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "A"

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To vary the height of a retaining wall on the subject property.

## 3.0 Community Planning

Permitting a variance after a building or structure is built is typically not supported; however, due to the grade of the street and adjacent property being undeveloped and for sale, this retaining wall was placed without a permit to hold the lot in place and provide safe access to a basement suite. Once the adjacent property to the north develops, at least 50% of the subject retaining wall will be backfilled reducing the variance to approximately 1.5m.



## 4.0 Proposal

### 4.1 Background

The City of Kelowna issued a Single Family Dwelling building permit for subject property on September 23, 2015. On March 23, 2016, through a routine building inspection, the building inspector noticed an over height retaining wall across the northern property line. A stop work order was immediately placed on the property and the owner was asked to apply for a Development Variance Permit or remove the structure.

The owner's agent made a Development Variance Permit application on April 22, 2016 lifting the stop work order and making the variance a condition of final occupancy. It is understood that when the property located to the north develops, the wall will be backfilled and the exposed area of the wall will be approximately 1.5 m.

Should the development variance permit be approved by Council, the applicant will be required to apply for a building permit for the wall and provide supporting structural and geotechnical engineering documentation. It is staff's understanding that the wall was engineering and supervised throughout its construction.

### 4.2 Project Description

The applicant has installed an over height retaining wall on their property and is seeking a height variance.

### 4.3 Site Context

The subject property is located in the Black Mountain area and is designated as S2RES - Single Two Unit Residential. All the surrounding properties are large single family lots and zoned RU1H - Large Lot Housing (Hillside Area).

Subject Property Map: 2530 Monte Vista Lane



## 5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	3 ●
● Indicates a requested variance to increase the maximum retaining wall height.		

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- No comments

### 7.2 Development Engineering Department

- No comments

## 8.0 Application Chronology

Single Family Dwelling Building Permit Issuance:  
 Stop Work Order:  
 Date of Development Variance Application Received:  
 Date Public Consultation Completed:

September 23, 2015  
 March 28, 2016  
 April 22, 2016  
 May 30, 2016

Report prepared by:

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

---

Damien Burggraeve, Planner

**Reviewed by:**



Todd Cashin, Suburban and Rural Planning

**Attachments:**

Site Plan and Site Photos

DVP16-0112 permit

Public Notification

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP16-0112

EXISTING ZONING DESIGNATION: RU1H - Large Lot Housing (Hillside Area)  
WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: Millennium Home & Renovation  
LOCATION OF SUBJECT SITE: 2530 Monte Vista Lane

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	16		KAP88598	12	26	ODYD

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of the side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings described in Schedule "A":

2. PERFORMANCE SECURITY:

none

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.



This Permit is not transferable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community & Real Estate.

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:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Ryan Smith, Manager - Urban Planning Branch  
Community Planning and Real Estate



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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** June 13, 2016  
**File No.:** DVP16-0112  
**To:** Suburban and Rural Planning (DB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2530 Monte Vista Lane      Lot 16      Plan 88598

---

The Development Engineering comments and requirements regarding this Development Variance Permit are as follows:

1. This Development Variance Permit to vary the height of the side retaining wall from 4 ft to approximately 10 ft. does not compromise any municipal services.

---

Steve Muenz, P.Eng.  
Development Engineering Manager

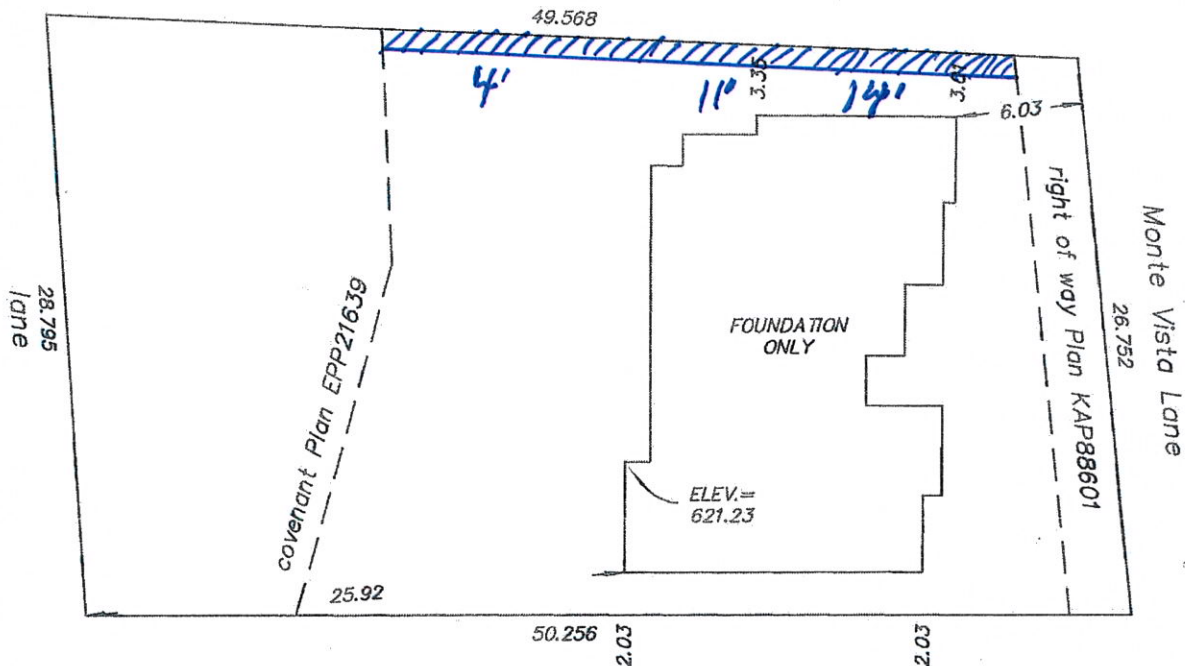
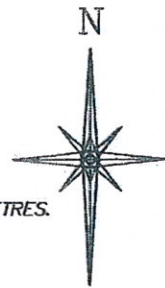
jo

# **B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 16 SEC. 12 TP. 26 O.D.Y.D. PLAN KAP88598**

Civic Address:  
2530 Monte Vista Lane  
Kelowna, BC

SCALE 1:300

DISTANCES ARE IN METRES.



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

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

**CERTIFIED CORRECT**  
this 13th day of November, 2015.

*[Signature]*  
D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

**FILE 16834 FB 380**  
**Millennium Home and Reno**

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733

**SCHEDULE A**  
This forms part of development  
Permit # DVP16-0112

May 21, 2016

Dear Kirschner Mountain Residents

**RE: Variance application for retaining wall at 2530 Monte Vista Lane**

My clients Yvan & Ramona Duret are seeking a variance from the City of Kelowna on a retaining wall that is facing the north side of the property. The construction of this retaining wall started in early November 2015 and was completed April 2016.

The retaining wall was engineered by Horizon Geotechnical LTD - Geotechnical Engineers.

The retaining wall is necessary in order to provide a walkway for safe access to the legal suite and back yard, and for essential services (ie: fire department, ambulance services, right of ways, etc.)

The lot next to the above property is currently for sale. The retaining wall will provide safe retention of the sloping embankment of both properties. Once a home is constructed on the vacant lot the retaining wall will be partially backfilled, enhancing the esthetics of both properties.

A fence will be erected and cemented on top of the retaining wall to provide proper safety along the whole perimeter of the engineered wall.

Should you have any questions regarding the above, please contact myself at Millennium Homes @ 250-864-1830.

Yours truly,



Millennium Homes  
Scott Zarr

Cc: Ramona & Yvan Duret  
Home owners

Damien Burggraefe RPP, MCIP  
Deputy Approving Officer  
City of Kelowna



WALL WILL BE BURIED IN THE  
FUTURE BY ADJACENT  
PROPERTY OWNER

SCHEMATIC  
This forms part of development  
Permit  
A'  
DVP 16-0112





**CITY OF KELOWNA**  
**BYLAW NO. 11248**  
**Z16-0013 - Richard & Jennifer-Lyn Sutton**  
**731 Royal Pine Drive**

---

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 25, Section 30, Township 26, ODYD, Plan 40293 located on Royal Pine Drive, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing 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 30<sup>th</sup> day of May, 2016.

Considered at a Public Hearing on the 13<sup>th</sup> day of June, 2016.

Read a second and third time by the Municipal Council this 13<sup>th</sup> day of June, 2016.

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** July 26, 2016

**RIM No.** 0900-50

**To:** City Manager

**From:** Community Planning Department (PMc)

**Application:** DVP16-0053      **Owner:** Richard A. & Jennifer-Lyn A. Sutton

**Address:** 731 Royal Pine Dr.      **Applicant:** Mario Emond/Center Construction

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single Two Unit Residential (S2RES)

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RU1c - Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11248 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0053 for Lot 25, Sec. 30, Twp. 26, O.D.Y.D., Plan 40293, located at 731 Royal Pine Dr., Kelowna, BC;

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

- **Section [7.5.9]: [Fencing and Retaining Walls]**

To vary the maximum permitted height of a retaining walls from 1.2m permitted to 2.3m proposed.

- **Section [13.1.6(b) iii.]: [RU1 - Large Lot Housing Development Regulations]**

To vary the maximum permitted height of an accessory building from 4.5m permitted to 5.92m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To authorize the issuance of a Development Variance Permit to vary the maximum height of retaining walls to 2.3m, and to vary the maximum height of an accessory building (carriage house) to 5.9m on the subject property.

## 3.0 Community Planning

The associated Rezoning Bylaw 11248 was considered at a Public Hearing on June 14, 2016, and given second and third reading at the following Regular Meeting.

Community Planning Staff do not have concerns with the proposed Development Variance Permit application to vary the maximum height of retaining walls to 2.3m, and to vary the maximum height of an accessory building (carriage house) to 5.92m. There were no concerns raised at the Public Hearing regarding the proposed building height variance or the over height retaining walls. The proposed carriage house use is consistent with the OCP policy for Sensitive Infill and Compact Urban Form. The proposed carriage house also meets the Development Permit guidelines. As well, the visibility of the carriage house from the road is limited and will have little impact on the neighbourhood.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50m radius were provided with a circulation package in regards to the development.

The applicant has reduced the size of the proposed carriage house to a 1 bedroom unit. This has reduced the overall footprint of the building, as well as reducing the overall length of the carriage house. The revised landscape plan also notes additional plantings along the northwest property line.

## 4.0 Proposal

### 4.1 Background

The subject property was registered in 1988 and developed with single unit dwelling in 1989. In 1993 a swimming pool was added to the property. There had been a number of retaining walls constructed in the rear yard to create a level area for the pool, as well as a level area to the rear of the dwelling. In 2013, there was a major renovation to the kitchen.

### 4.2 Project Description

The applicant is proposing to replace the existing pool house, located behind the existing dwelling and adjacent to the pool, with a new structure that will have a carriage house developed on the upper level, and a mechanical room on the lower level to service the adjacent pool. As part of the redevelopment plan, the applicant is proposing to repair or replace the existing retaining walls as several of the existing walls are showing signs of cracking and failure.

The proposed carriage house is designed as a single storey unit to be constructed on the level area adjacent to the swimming pool, created by a retaining wall. The southwest end of the carriage house is designed to be constructed on top of the exposed foundation for the mechanical room for the pool area. Owing to this configuration, the measured height of the carriage house is 5.92m. when measured from grade, which is greater than the maximum 4.5m height permitted. This application for a Development Variance Permit has been made to address both the retaining walls that are greater in height than the maximum permitted wall height of 1.2m. and the accessory building height greater than 4.5m.

There has also been application made for a form and character Development Permit for the carriage house which will be processed at a staff level should these variances be authorized. The proposed Carriage house design is consistent with Development Permit guidelines.

As part of the proposed site redevelopment, the applicant is also proposing to improve the landscaping of the property by cleaning up the existing landscaped areas, and introducing new plantings to the northwest and southeast property lines adjacent to the pool areas.

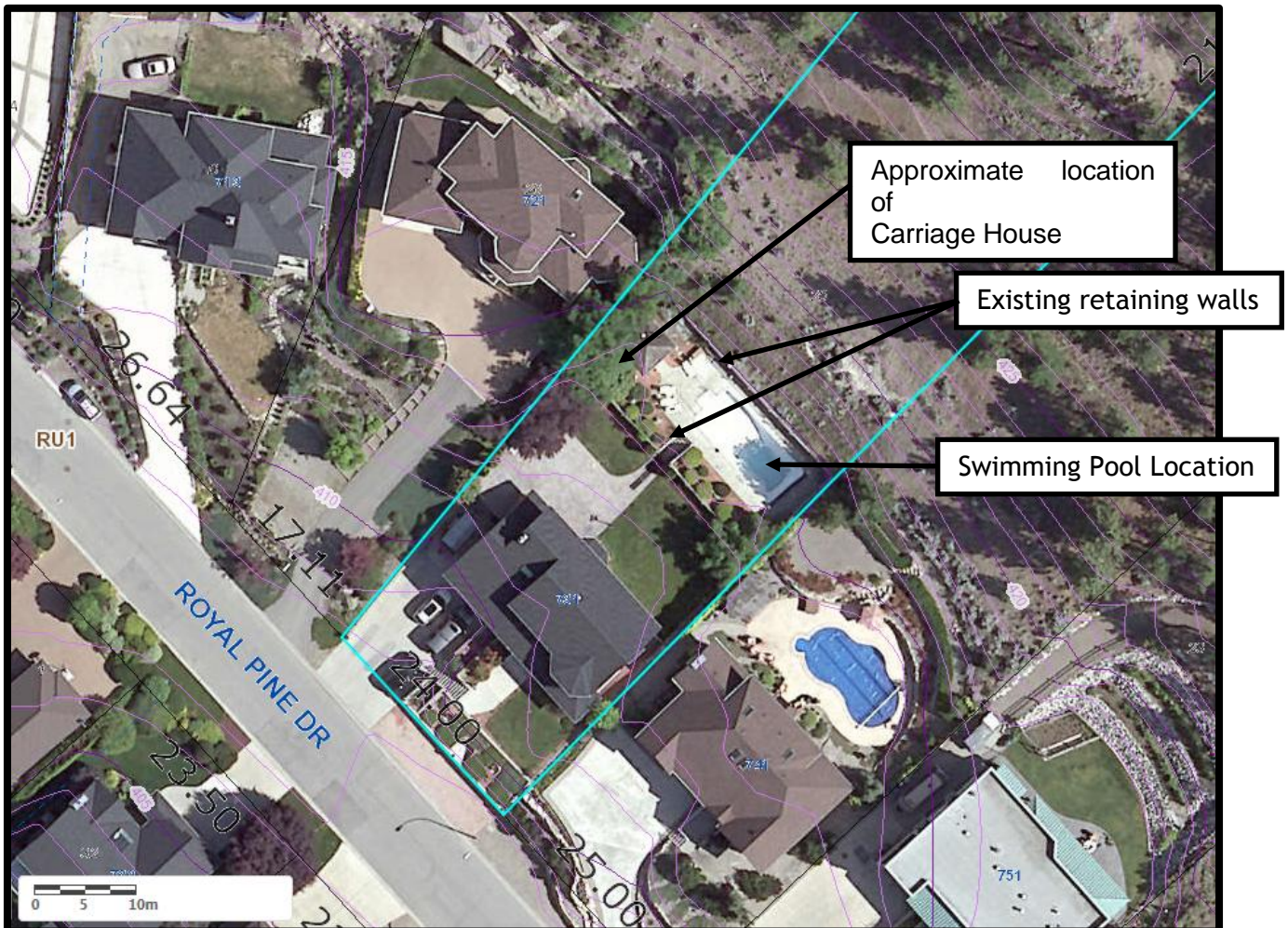
As was noted in the notification letter, the owners are not intending to rent out the unit, but wish to use the carriage house as a guest house for friends and family.

#### 4.3 Site Context

The subject property is located on the north side of Royal Pine Dr. The subject property has a gently sloped area adjacent to the road, and several level areas created by retaining walls. The remainder of the lot is steeply sloped up to Knox Mountain Park.

Subject Property Map:

731 Royal Pine Dr.





Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Knox Mountain Park
South East	RU1 - Large Lot Housing	Single Unit Housing
South West	RU1 - Large Lot Housing	Single Unit Housing
North West	RU1 - Large Lot Housing	Single Unit Housing

#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m <sup>2</sup>	6,462m <sup>2</sup>
Lot Width	16.5m	24m
Lot Depth	30m	180m
Development Regulations		
Maximum Site Coverage (buildings)	40%	7.4%
Maximum Site Coverage (bldg, driveways and parking)	50%	8.2%
Site coverage carriage house	20%	1.2%
Floor area of carriage house	100m <sup>2</sup>	79.5m <sup>2</sup>
% carriage house to dwelling	75%	28%
Setback to principal dwelling	3m	6m
Carriage House Regulations		
Max. Height	4.5m	①5.92m
Min. Side Yard (west)	2.0m	2.0m
Min. Side Yard (east)	2.0m	5.4m
Min. Rear Yard (no lane)	2.0m	40m
Height (carriage house shall not be higher than existing primary dwelling unit)	2½ storey ext'g house	1 storey carriage house
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30 m <sup>2</sup>	+ 30 m <sup>2</sup>
Max. height retaining walls	1.2m.	②2.3m
Requested Variances		
① Indicates a requested variance to carriage house building height from 4.8m proposed to 5.97m proposed		
② Indicates a requested variance to retaining wall height from 1.2m permitted to 2.3m proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 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 Permit(s).
- 2) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. At least one door must open with a vertical hinge. (added to revised drawings).
- 3) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 4) Structural Engineering is required for retaining walls at time of permit application.
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation are being applied to this structure.

### 6.2 Development Engineering Department

- See attached Development Engineering memo dated March 16, 2016.

### 6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Royal Pine Dr. for emergency response  
Do not release BP until all life safety concerns are completed.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

## 7.0 Application Chronology

Date of Application Received:	February 19, 2016
Date Public Consultation Completed:	March 15, 2016
Revised Drawings received:	April 19, 2016
Updated Consultation received:	April 26, 2016
Public Hearing	June 14, 2016

### Report prepared by:

---

Paul McVey, Urban Planner

### Reviewed by:

☐

Ryan Smith, Community Planning Department Manager

### Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

### Attachments:

Subject Property Map  
Site Plan  
Development engineering memo dated March 16, 2016  
Conceptual Elevations  
Landscape Plan  
Context/Site Photos  
Notification letter





# Legend

- Easements
- Legal Lots Text
- Zoning
- Contours 5m Text
- Contours 5m
- Contours 1m



## Notes

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

0 50 100Meters

May 3, 2016



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# ERRORS AND OMISSIONS

SCHUSTER HOME DESIGN SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENTS REQUIRED RESULTING FROM CONDITIONS ENCOUNTERED AT THE JOB SITE, AND IS THE SOLE RESPONSIBILITY OF THE OWNER OR CONTRACTOR.

SCHUSTER HOME DESIGN MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE CONSTRUCTION DRAWINGS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION. THE CONTRACTOR SHALL MAKE HIMSELF FAMILIAR WITH THE SITE CONDITIONS BEFORE COMMENCING CONSTRUCTION. IT IS THE RESPONSIBILITY OF ALL TRADES AND SUB-TRADES TO CHECK AND VERIFY ALL DIMENSIONS AND DETAILS BEFORE COMMENCING WITH THEIR PORTION OF THE CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS PLEASE ADVISE OUR OFFICE SO WE CAN MAKE THE NECESSARY CORRECTIONS.

3	REVISED DESIGN	APR. 18, 2016
2	REVISED B.P.	FEB. 17, 2016
1	ISSUE FOR B.P.	OCT. 21, 2015
NO	REVISION/ISSUE	DATE

REPRODUCTION IS NOT PERMITTED WITHOUT WRITTEN PERMISSION OF THE DESIGNER.  
DO NOT SCALE THIS DRAWING.



STEFAN SCHUSTER  
250.215.2919

STEFAN@SCHUSTERHOMEDSIGN.COM

## PROJECT TITLE:

CARRIAGE HOUSE ADDITION  
BUTTON RESIDENCE  
731 ROYAL PINE DRIVE  
KELOWNA B.C.

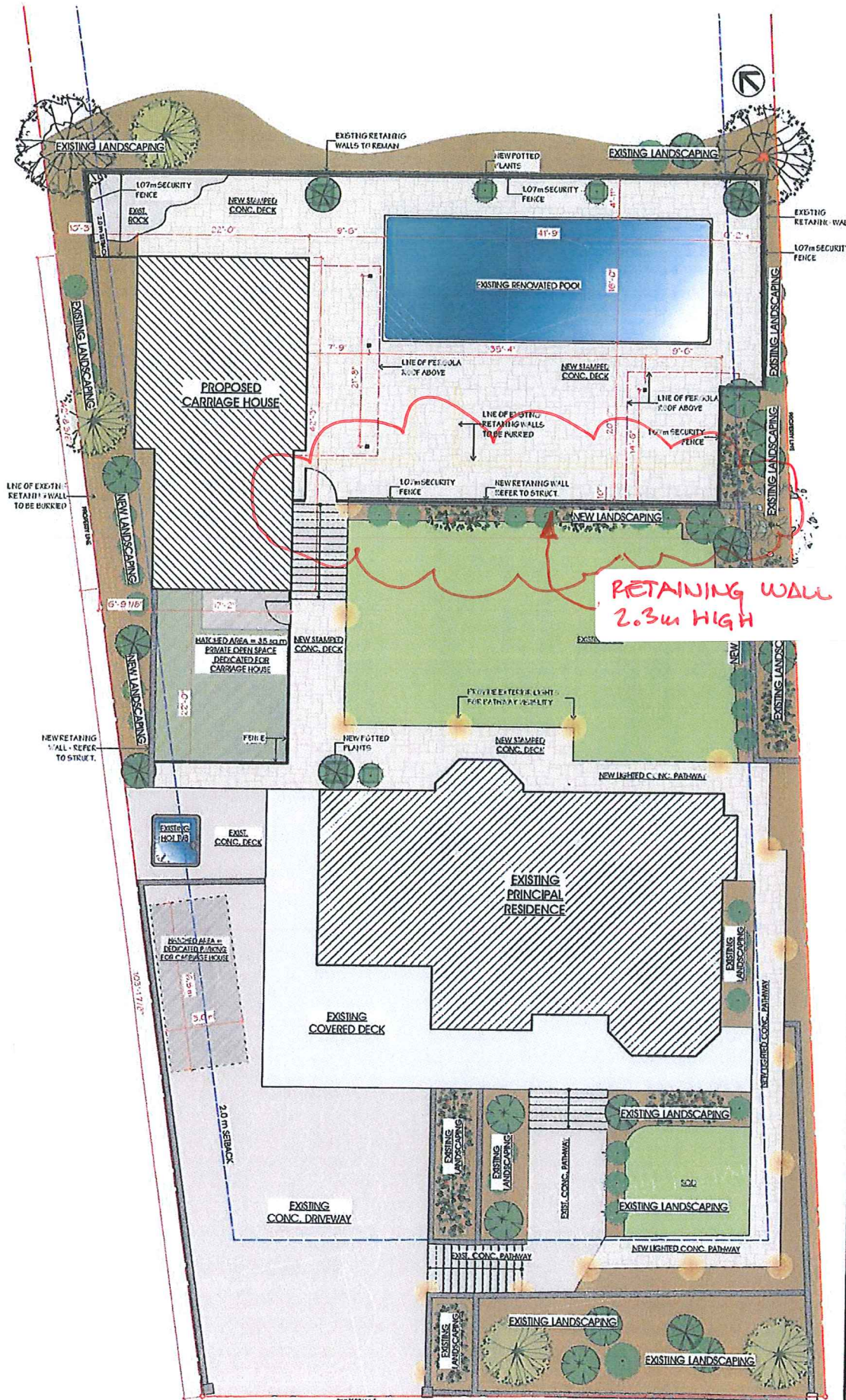
## SHEET TITLE:

FULL SITE / LOCATION PLAN  
PARTIAL SITE PLAN  
ASSEMBLIES  
THERMAL RESISTANCE CALCS

SWIT DATE:  
OCT. 2015  
SCALE:  
AS NOTED  
DRAWN BY:  
S.S.  
PROJECT NO.  
15.30

SHEET NO.

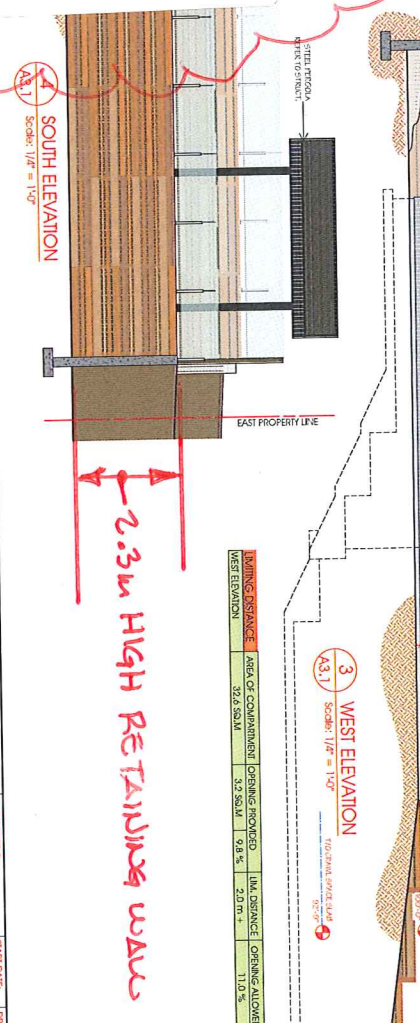
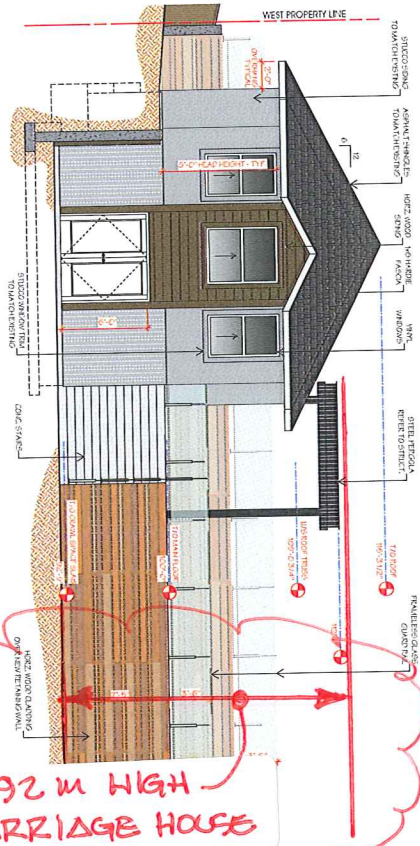
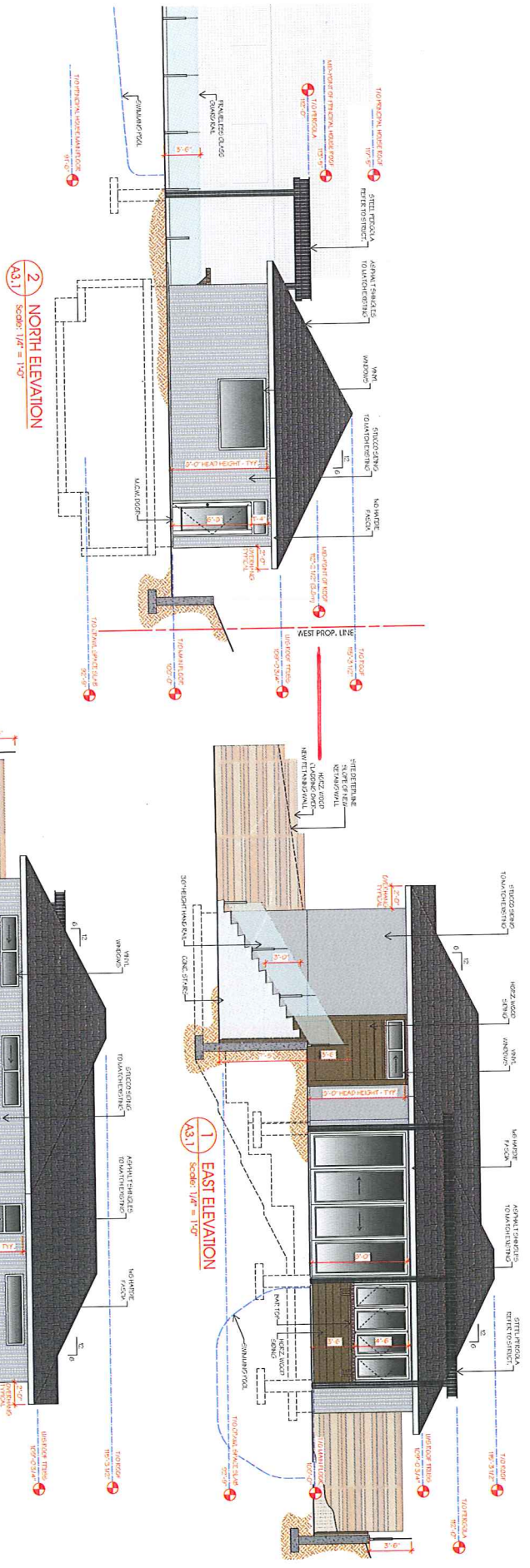
**A1.1**



**1 PARTIAL SITE PLAN**  
A1.1 Scale: 1/8" = 1'-0"

ROYAL PINE ROAD



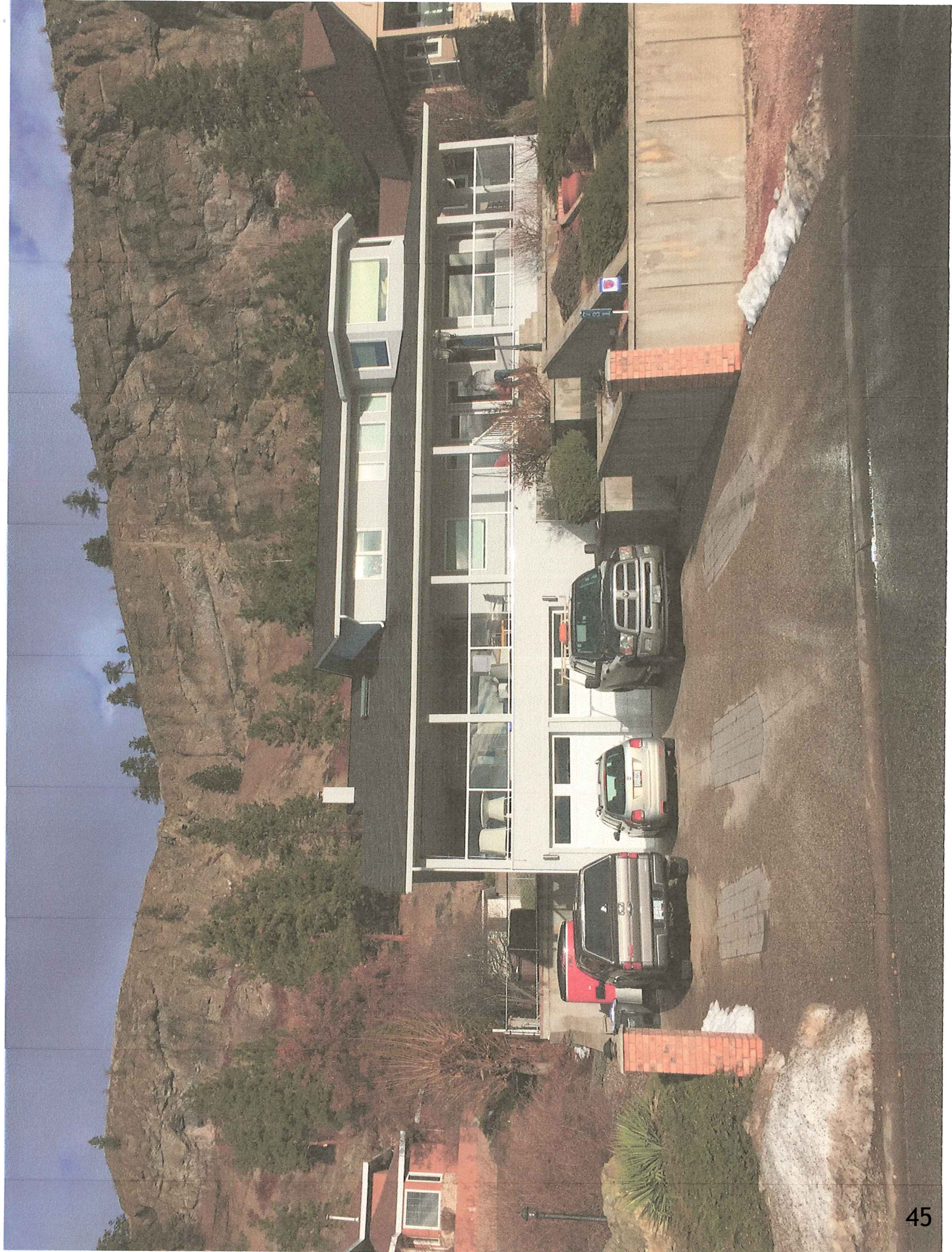


5.92 m HIGH  
CARRIAGE HOUSE

2.3m HIGH RETAINING WALL

<p>SCHEUTER HOME DESIGN SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENTS REQUIRED RESULTING FROM CONDITIONS ENCOUNTERED AT THE JOB SITE, AND IS THE SOLE RESPONSIBILITY OF THE OWNER OR CONNECTION.</p> <p>SCHEUTER HOME DESIGN MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE CONSTRUCTION DRAWINGS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND DETAILS BEFORE COMMENCING WITH THEIR PORTION OF THE CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS, PLEASE ADVISE OUR OFFICE SO WE CAN MAKE THE NECESSARY CORRECTIONS.</p>		<p>5.0 CA</p>	
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April 26, 2016.

Re: Update @731 Royal Pine Drive-Rezoning and Development Permit

Dear Neighbour,

This letter is to inform you of our development application at 731 Royal Pine Drive. Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RU1c (large lot housing with carriage house)

As you can see from the pictures below, we desperately need to construct a new retaining wall. The existing retaining walls were never properly engineered, using a 4 foot wall and then a couple rows of unfilled concrete blocks. The result is unsightly, unsafe and at this point, barely functional.

This will be corrected so that it is safe, is aesthetically pleasing without losing too much green space, but requires a height variance for the wall.

As luck would have it, the liner of the pool collapsed and the old pool boiler finally quit working last season. Between equipment and labour for the pool and retaining wall we thought it was a good idea to bring the whole backyard up to current standards.

The old pool house had a change area, 3 piece bathroom and equipment area. We want to construct a brand new pool house. This is a downsize from what we proposed initially. The previous plan was a 1074 sq.ft pool house that would have required a size variance. At 856 sq.ft., no size variance will be required. A height variance will be required, but it's only 4 feet higher than the current pool house and many, many feet lower than the existing building and trees adjacent to it.

We truly wish the City had a RU1 (ph-pool house) designation as carriage house often has the connotation of rental associated with it, but we will not be renting the pool house. As most of you know, we host family and friends and it'll be so nice to have the extra space and a bit more privacy.

If you have any questions or concerns, please contact either Rich or Jenn @ 250.869.2655 or email [Jennifer.sutton@apexgcs.ca](mailto:Jennifer.sutton@apexgcs.ca) or [Richard.sutton@apexgcs.ca](mailto:Richard.sutton@apexgcs.ca)

If you are in support of our application, it would be appreciated if you could call or email us with confirmation. If you have any questions or concerns, please don't hesitate to contact us.

Thank you for your consideration,

*Rich Sutton*



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 16, 2016  
**File No.:** DVP16-0053

**To:** Land Use Management Department (PMcV)

**From:** Development Engineering Manager


**Subject:** 731 Royal Pine Drive Lot 25 Plan 40293 RU1C Carriage House

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Development Engineering has the following requirements associated with this application.

Requirements addressed in rezoning file Z16-0013 must be satisfied prior to the issuance of this Development Variance Permit.

The Development Variance Permit to allow increased accessory building size from 90m<sup>2</sup> to 100m<sup>2</sup> proposed, increase building height from allowed 4.8m to proposed 5.97m and increase retaining wall height from permitted 1.2m does not compromise municipal servicing requirements.

  
\_\_\_\_\_  
Steve Muenz, P. Eng,  
Development Engineering Manager  
JF/jf

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0053

**Issued To:** Richard A. and Jennifer-Lyn A. Sutton  
**Site Address:** 731 Royal Pine Dr.  
**Legal Description:** Lot 25 Section 30 Township 26 ODYD Plan 40293  
**Zoning Classification:** RU1c - Large Lot Housing with Carriage House  
**Development Permit Area:** Intensive Residential - Carriage House

### 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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0053 for Lot 25, Sec. 30, Twp. 26, O.D.Y.D., Plan 40293, located at 731 Royal Pine Dr., Kelowna, BC;

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

- **Section [7.5.9]: [Fencing and Retaining Walls]**

To vary the maximum permitted height of a retaining walls from 1.2m permitted to 2.3m proposed.

- **Section [13.1.6(b) iii.]: [RU1 - Large Lot Housing Development Regulations]**

To vary the maximum permitted height of an accessory building from 4.5m permitted to 5.92m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.



## 2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) A Certified Cheque in the amount of \$\_\_\_\_\_ OR
- b) An Irrevocable Letter of Credit in the amount of \$\_\_\_\_\_

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.

## 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 that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

I hereby declare that all of 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 and/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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community 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

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Date

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Print Name in Bold Letters

---

Telephone No.

#### 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.