

# REPORT TO COUNCIL



**Date:** March 06 2018

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DVP17-0195      **Owner:** Marius Anton Scheepers  
Sandra Cornelia Keel

**Address:** 20 180 Sheerwater Court      **Applicant:** Carl Scholl Design Inc.

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential  
REP – Resource Protection

Existing Zone: RR1 – Rural Residential 1

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0195 for STRATA LOT 20 SECTION 6 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAS3129 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, located at 20 180 Sheerwater Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A" and "B":

### **Section 12.1.6(b): RR1 – Rural Residential 1 Development Regulations**

To vary the required maximum height from 9.5 m or 2 ½ storeys to 15.45 m or 3 storeys.

AND THAT approval of a Hazardous Condition Development Permit is granted by Staff;

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 maximum height on the subject property to allow the development of a Single Family Dwelling.

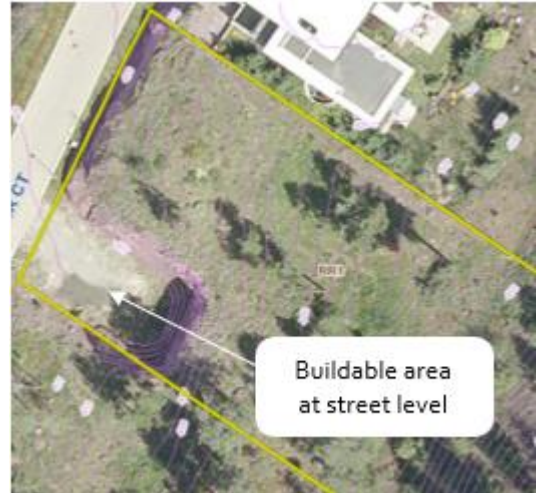


### 3.0 Community Planning

Community Planning Staff support the Development Variance Permit application. The subject property is a sloped lot with a small buildable area at street-level, surrounded by approximately a 7.44 m high cliff leading to the remaining buildable area. Although the property is visible from the lake, Sheerwater Court is a private strata road, and the proposed location of the Single Family Dwelling is not visible from any public road. Further, the architecture of the building is highly articulated and stepped back so as to minimize the massing of the building.

There is a panhandle portion of the lot that has frontage along Boppart Court to the east, however the site cannot be accessed from that frontage, due to steep slopes, and a covenant protecting the slopes that was established at the time of subdivision. Should the Development Variance Permit be supported by Council, a Hazardous Condition Development Permit will also be required prior to building permit issuance.

The applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

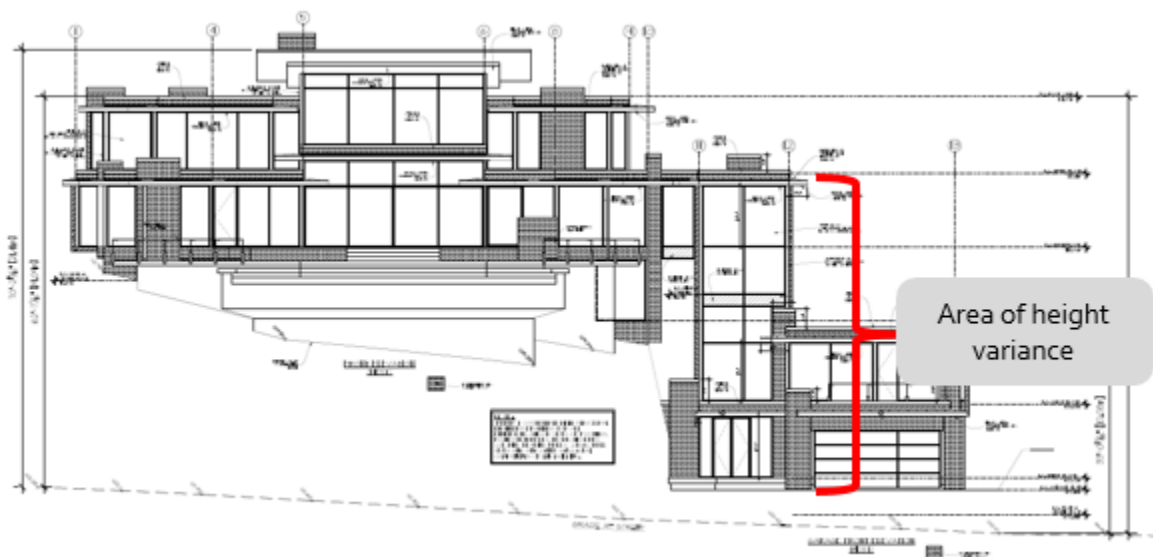


### 4.0 Proposal

#### 4.1 Project Description

The application is for a Development Variance Permit, to allow the construction of a Single Family Dwelling with a Secondary Suite. The applicant has requested one variance, to maximum height. The variance applies to the maximum vertical distance between the building grade and the highest point of the structure, as shown in Image 1 below.

**Image 1:** Location of height variance under consideration

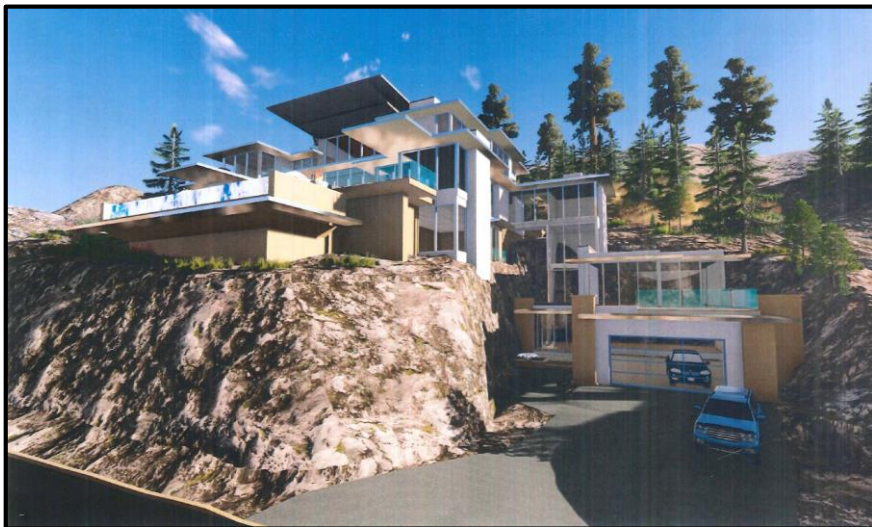




A small portion of the lot, approximately 300 m<sup>2</sup> in area, is accessible by vehicle off Sheerwater Court. This area is surrounded by steep cliffs on the adjacent north and east portions of the lot. There is a larger buildable area above these cliffs, however due to the height of the cliffs, the buildable area is challenging to access. The proposed design allows for access to the upper portion of the lot, from the lower street-level area.

The applicant has designed an entry foyer and garage to fit within the buildable area at street-level, with the secondary suite located on the first level above the garage. There is an enclosed staircase and elevator, and on the upper storey, a bridge, which connects to the main portion of the dwelling.

**Image 2:** Conceptual rendering of the dwelling as viewed from Sheerwater Court.



#### 4.2 Site Context

The subject property is located on the east side of Sheerwater Court in the Glenmore – Clifton – Dilworth City Sector. It is currently a vacant lot located within a private strata community known as “Sheerwater”. It is located inside the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1	Single Dwelling Housing
East	RR1 – Rural Residential 1	Single Dwelling Housing
South	RR1 – Rural Residential 1	Single Dwelling Housing and Vacant Land
West	RR1 – Rural Residential 1	Single Dwelling Housing and Vacant Land



**Subject Property Map: 20 180 Sheerwater Court****4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Site Coverage	10%	6.75 %
Maximum Height	9.5 m / 2 ½ storeys	15.45 m / 3 storeys ❶
Front Yard	6.0 m	6.0 m
Side Yard (north)	3.0 m	3.0 m
Side Yard (south)	3.0 m	3.0 m
Rear Yard	10.0 m	> 10.0 m
❶ Indicates a requested variance to vary the required maximum height from 9.5 m or 2 ½ storeys to 15.45 m or 3 storeys.		

**5.0 Current Development Policies****5.1 Hillside Development Guidelines (October 2009)****Principles for Hillside Development**

Development applications within hillside areas should work to achieve the vision for hillside development by focusing on the following principles:

- Damage to the environment and natural features should be avoided
- Suitable density and diversity of housing type mitigates impacts
- All users are accommodated on neighbourhood streets
- Views are preserved for residents and visitors
- Locally appropriate, drought tolerant plants are used
- Building sites are safe.



Grading/Retaining Objectives

- Site grading and retaining walls respect existing terrain; that is, large cuts/fills are not used to create 'build-able lots' or flat yards. Driveway grades follow the natural terrain, large single level building platforms are avoided, final lot grades mimic the natural slope and slopes are promptly re-vegetated

**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**

This Development Variance Permit application does not compromise any municipal services.

**7.0 Application Chronology**

Date of Application Received: July 21, 2017  
Date Public Consultation Completed: February 13, 2018

**Report prepared by:** Kimberly Brunet, Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Draft Development Permit No. DVP17-0195  
Schedule "A" - Site Plan  
Schedule "B" - Elevation