

REPORT TO COUNCIL



Date: February 26, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (BBC)

Application: DVP18-0178

Owner: Jasbir Kaur Khunkhun

Address: 800 Highpointe Place

Applicant: Tony Khunkhun

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit DVP18-0178 for Strata Lot 22, Section 30, Township 26, Osoyoos Division Yale District, Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on 800 Highpointe Place, Kelowna, BC.

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

Section 6.4.1 - Projection Into Yard:

To vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters 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 vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters proposed.

3.0 Community Planning

Community Planning supports the requested variance to facilitate a the building's eave into the front yard setback. The variance is only for a portion of the front elevation, not the entire building length and the overall form and character of the house is in keeping with the Highpointe subdivision. As a result, the variance is not anticipated to have a negative impact to the neighbourhood.

According to the City records, a series of construction and survey related occurrences originally resulted in a second variance being required for the minimum front yard setback of an accessory building on-site (see Section 4.1 Background for details). Through the process, the applicant worked with the City Staff to eliminate this variance and conform to the bylaw.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on October 29, 2018, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

In May 2018, the applicant originally applied for two variances, which were initiated as a result of Building Inspection. Over time, discussions with the applicant resulted in meeting compliance for one of the two variances; front-yard setback for the accessory building.

Based on City records, the development history of the property to date is as follows:

- *November 16, 2017:*
 - City of Kelowna issued a building permit for a new Accessory Structure for subject property.
- *December 5, 2017:*
 - Siting and footing inspection were conducted and approved.
- *January 30, 2018:*
 - City of Kelowna Inspection Department received the survey certificate which indicated that the front yard setback did not meet the required 9.0 m, resulting in the first of two variances (front yard setback).
 - A Stop Work Order was issued and posted on the accessory structure on the same day.
 - The applicant was provided with two options at time of Stop Work Order issuance:
 1. Correct the non-conformances with the following steps:
 - cut back the foundation;
 - submit a new set of building plans addressing any structural and/or design implication the changes may pose on the building;
 - OR;
 2. Apply for development variance permit for the non-conformance.
- The applicant continued to proceed to frame and finish the exterior of the accessory building.
- *April 27, 2018:*
 - City of Kelowna received a Framing Inspection request from the applicant and was rejected by the building inspector. This is due to the fact that the City approved Permit Package which include the approved plans was not left on Site for review by the inspector.
 - Proceeding with framing and exterior finish resulted in the second variance (eave projection into front yard).
- Following the issuance of the Stop Work Order, the applicant was repeatedly prompted to address the non-compliance issues to either mitigate or apply for development variance permit, as well the City building inspector periodically checked in on the development status.
- *May 16, 2018:*
 - The applicant submitted a Development Variance Permit application in order to bring the two variances that existed at the time into compliance.

- *December 21, 2018:*
 - Discussions with the applicant resulted in concession to eliminate one of two variances (front yard setback), by cutting back the foundation, complying to the required Zoning Bylaw for front yard setback.
- *January 4, 2019:*
 - A revised property survey confirmed that the front yard setback variance complied by the existing Zoning Bylaw, returning the siting of the accessory building back to the originally approved building plan.
- *January 7, 2019:*
 - Applicant submitted a revised Development Variance Permit application, and associated documents for a single variance (eave projection into front-yard).

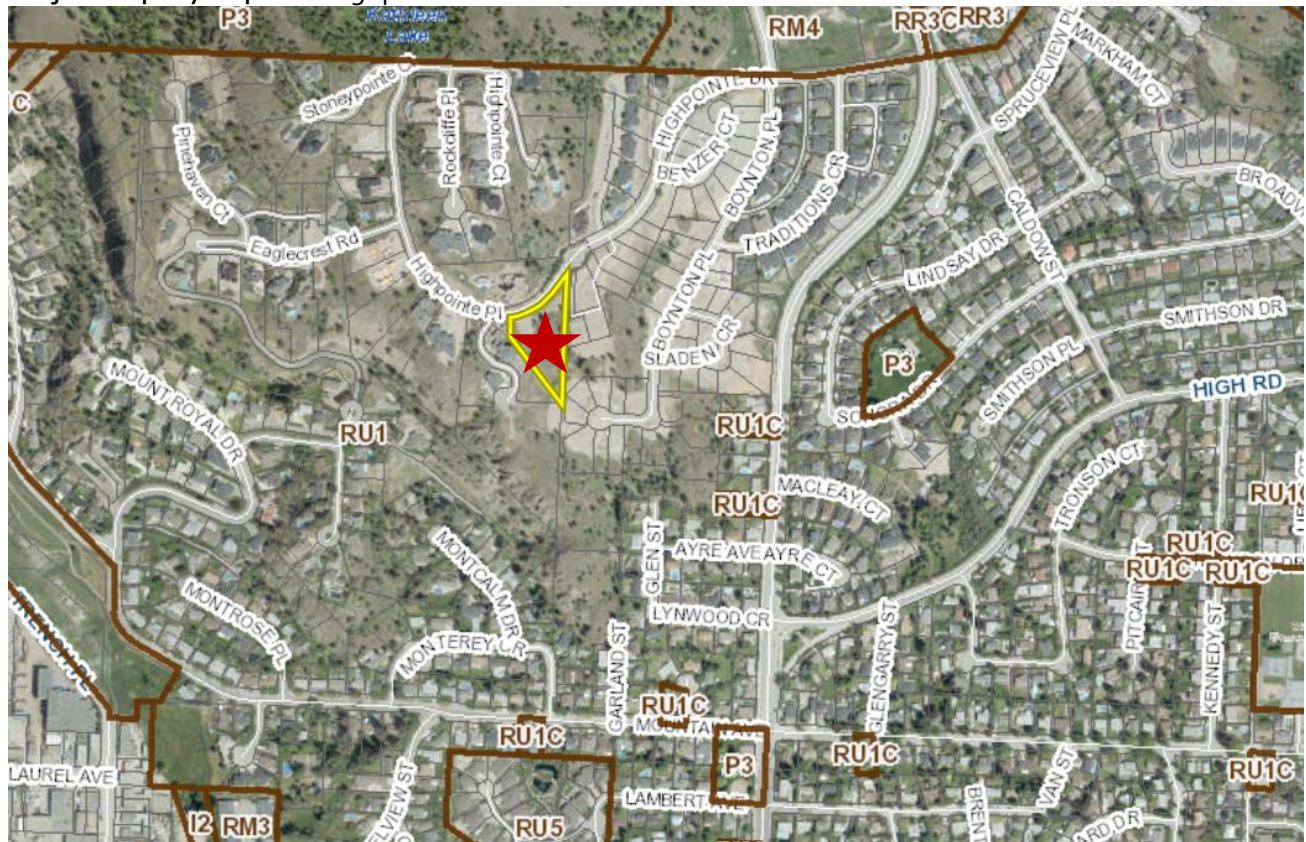
4.2 Project Description

The applicant is seeking to vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters proposed.

4.3 Site Context

The large urban lot, 1.4 acres (0.56 ha) in size, is located at Glenmore – Clifton – Dilworth area, within a gated bareland strata subdivision, and is designated as S2RES – Single Two Unit Residential.

Subject Property Map: 800 Highpointe Place



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Projection Into Front Yard	0.6 m	1.14 m ❶
❶ Indicates a requested variance to increase the projection into front yard for a portion of an accessory building's eave.		

5.0 **Current Development Policies**5.1 Zoning Bylaw No: 8000 – Section 6: General Development Regulations**Section 6.4 - Projection Into Yard**

6.4.1: Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, a cantilevered section of a building, portions of a building on a foundation or ornamental features may project into a required yard, provided such projections do not exceed 0.6 m.

Application Chronology

Accessory Structure Building Permit Issuance:	November 16, 2017
Stop Work Order:	January 30, 2018
Date of Development Variance Application Received:	May 16, 2018
Date Public Consultation Completed:	October 29, 2018
Date of Front Yard Setback Compliance:	January 5, 2019
Date of Revised Variance & Associated Site Plan Received:	January 7, 2019

Report prepared by:	Barbara B. Crawford, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Applicant Rational Letter
 Schedule A – Site Plans