

# Development Variance Permit

## DVP20-0029



This permit relates to land in the City of Kelowna municipally known as

2455 Abbott Street

and legally known as

Lot 5 District Lot 14 ODYD Plan 5101

and permits the land to be used for the following development:

### Single Dwelling Housing as per Zoning Bylaw

With variances to the following sections of Zoning Bylaw No. 8000 in general accordance with Schedule "A":

#### Section 13.1.6(c) - RU1 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 6.0 m required to 4.0 m proposed.

#### Section 13.1.6(d) - RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 4.5 m required to 3.1 m proposed.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision April 7, 2020

Decision By: COUNCIL

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S2RES – Single / Two Unit Residential

## This is NOT a Building Permit.

In addition to your Development Variance Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Susan Jaeger & David Miller

Applicant: David Miller

Terry Barton  
Development Planning Department Manager  
Planning & Development Services

Date

**ATTACHMENT** A

This forms part of application

# DVP20-0029

Planner  
Initials

HR



## 1. SCOPE OF APPROVAL

This Development Variance 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 Development Variance 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 Development Variance 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.

## 2. CONDITIONS OF APPROVAL

- 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";

**This Development Variance Permit is valid for two (2) years from the date of approval, with no opportunity to extend.**

## 5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees 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 said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# <b>DVP20-0029</b>		
Planner Initials	<b>HR</b>	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

# SCHEDULE

A

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City of

**Kelowna**

DEVELOPMENT PLANNING

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SIDEWALK

47.549

S 88° 03' 50" E

12'-2" [3700mm]

10'-2" [3099mm]

HOUSE

LOT 5

POOL

DRIVEWAY

13'-1 1/2" [4000mm]

32'-2" [9800mm]

ABBOTT STREET

**2455 Abbott Street – Property Detail - Preliminary Design (w/variance changes)**



# Variance Request for Residential Property - Design Rationale

Submitted January 7, 2020

for

**2455 Abbott Street** (S.E. Corner of Abbott St. & Francis Ave.)

This document provides supporting information for our attached “Development Variance Permit Application Form”. We are requesting variances to current side and front yard setbacks.

- 1) Property and Development Overview
- 2) Variance Requests
- 3) Proposed Design and Finishes
- 4) Changes to Landscape
- 5) Property Lines and Neighbors Related to Setback Request:
- 6) Supporting Materials


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## 1) Property and Development Overview:

Our home was originally built in 1954, although it is evident that there have been several renovations since that time. Currently the house is approximately 1,809 sq.ft. and features 3 bedrooms and 1.5 bathrooms . There is a single detached garage at the far edge of back yard, separated from the house by a swimming pool. The original structure included a car port which ran along the full southern side of residence - with its associated driveway extending to Abbott Street. While the car port was eventually framed in to add living space to the structure, the driveway remains – and continues to be our primary parking area.

The requested front and side setback variances will allow us to add usable space to the front of residence. We plan to use that expanded footprint to reconfigure rooms in order to create a more functional and contemporary floorplan and to add a compact, attached, single-car (single-story) garage. Once renovations are complete, the resulting structure will include 3 bedrooms and 3 bathrooms.

See “Supporting Materials” section for related maps, drawings and photographs.

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# DVP20-0029		
Planner Initials	HR	 City of <b>Kelowna</b> DEVELOPMENT PLANNING



## 2) Variance Requests:

We are requesting two variances, as detailed below:

### a) Side-Yard Setback: Reduce side yard setback from 4.5 m to 3.7 m

This variance is related to our proposal to extend/bump-out our Abbott-facing living room, located on the west side of residence. The main living structure was originally built in 1954 with a 3.1 m side yard setback. We are not asking to continue the current (3.1 m) side yard setback, but to instead construct the side wall of front extension with a 3.7 m setback. This will result in a slightly staggered side wall, which will be more visually pleasing for pedestrians on Francis Ave, (versus extending the wall at the existing 3.1 m setback) and allow for a functional interior design – which would be much more challenging at the current 4.5 m requirement.

### b) Front Yard Setback: Reduce front yard setback from 6.0 m to 4.0 m

This variance is related to our proposal to add a small, attached, single-car garage, also on the west side of residence (facing Abbott). Please note that the planned garage will not only be attached to the front of house (to right of entry) – but it will be literally integrated into the front of our house – taking approximately 1 m from existing living space (front-facing den). This integrated design has been selected to allow us to reduce our set-back request and allow for a more appealing street-view, by creating a visual balance with the proposed living room extension, as described above. (Note: As there are no sidewalks currently on this section of Abbott, the requested 4.0 m setback results in an almost 10 m distance between face of structure and edge of paved road.)

See “Supporting Materials” section for related maps, drawings and photographs.

## 3) Proposed Design and Finishes:

The proposed addition to the west side of the residence will be respectful of the neighboring homes and sightlines and will have appropriate details and finishes befitting of the neighborhood and area.

While our request includes some computer-generated designs to better illustrate our development proposal, please note that these are preliminary designs to be used for set-back variance review and determination of structural footprint. Other depicted elements (i.e. design of second story and roof, upper decks or balconies, exterior finishes, etc.) may change. Once variance setbacks are determined (which will allow us

to confirm structural footprint), our design process will continue, and a more complete design proposal will be submitted to the City as part of building permit application process.

See “Supporting Materials” section for related drawings and photographs.

#### **4) Changes to Landscape:**

While there are several very small shrubs which will be removed from the front yard as part of the construction phase, NO trees will be impacted. (In particular, we plan to retain the large spruce tree adjacent to the northwest corner of the residence.)

However, we do plan to substantially change the landscaping of front yard facing Abbott. While the design is not yet finalized, we do plan to remove the lawn from front yard and take a “naturescaping” approach which relies largely on the use of native plants in order to create a natural-looking environment which attracts beneficial insects and birds. The end-result is a garden which is attractive while reducing the need for irrigation and/or chemicals – which helps to protect our river and lake resources.

#### **5) Property Lines and Neighbors Related to Setback Request:**

The neighboring structure nearest the front yard setback (and specifically the side wall of proposed compact garage) is 2475 Abbott Street. It’s important to remember that the garage length is considerably smaller than most other single car garages, as a portion of it (approximately 1m) will be integrated into the existing structure, making it noticeably smaller/shorter than a standard garage. While some small windows may be added to the south facing wall to provide natural light and enhance exterior design, they will be non-view windows - and will not impact neighbor privacy. Additionally, there will be no obstruction of sunlight experienced by neighbor, as our property is to the north of the shared property line. While there is another neighbor to the north of Francis (2435 Abbott), given the separation provided by the road (Francis Ave), as well as the north-west angle of Abbott, there will be little visual impact associated with our proposed renovations.

The neighboring structure nearest the side yard setback is 2435 Abbott Street. Again, given the separation provided by Francis Avenue, there will be little visual impact associated with our proposed renovations.

See “Supporting Materials” section for related maps, drawings and photographs.

### Summary and Supporting Materials:

Hopefully, we have provided you with all necessary information. We have also prepared an assortment of supporting maps, drawings and images which follow.

We look forward to hearing your comments and feedback – and are available to answer any questions whatsoever.

Sincerely,



David Miller



Susan Jaeger