

Development Variance Permit DVP20-0129

ATTACHMENT A	
This forms part of application # DVP20-0129	
Planner Initials	CD
City of Kelowna DEVELOPMENT PLANNING	



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

2700 Abbott Street

and legally known as

Lot 4, District Lot 14, ODYD Plan 14499

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

RU6 – Two Dwelling Housing

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

Date of Council Decision July 14, 2020

Decision By: COUNCIL

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: Single/Two Unit Residential (S2RES)

This is NOT a Building Permit.

In addition to your Development 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: Tom and Debra Mauro

Applicant: Hauge Construction Ltd.

Dean Strachan, RPP, MCIP
Community Planning and Development Manager
Development Planning Department

Date

1. SCOPE OF APPROVAL

This Development 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 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 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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance to Schedule "A"

Section 6.11.1: Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 43.5 degrees proposed along the north side;

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

3. PERFORMANCE SECURITY

Not Required

5. INDEMNIFICATION

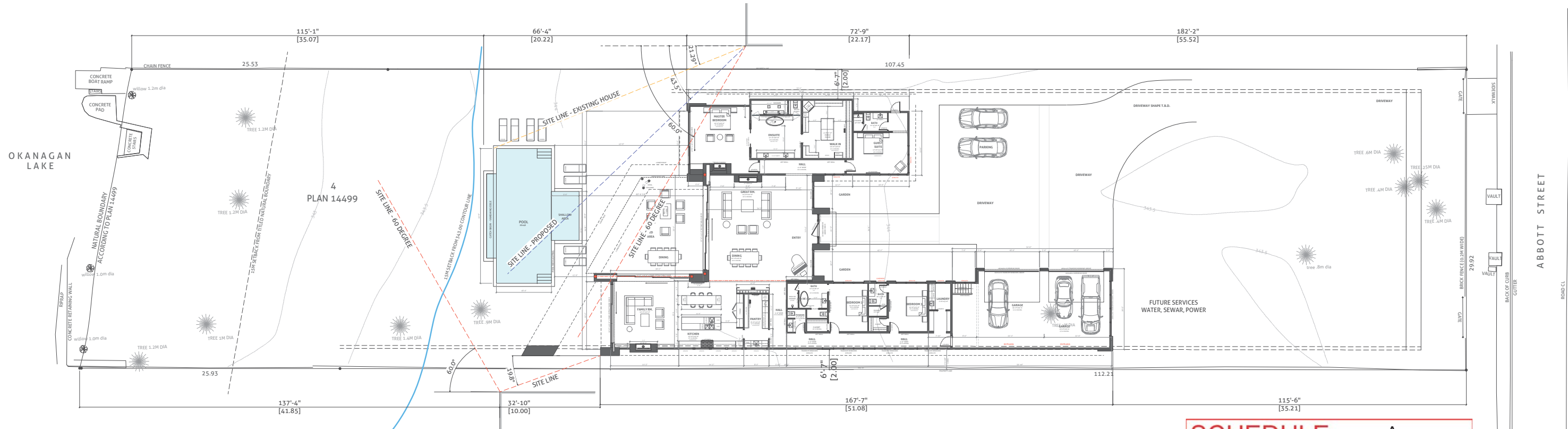
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- 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.**

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 City of Kelowna DEVELOPMENT PLANNING	



SITE PLAN - PROPOSED NEW RESIDENCE

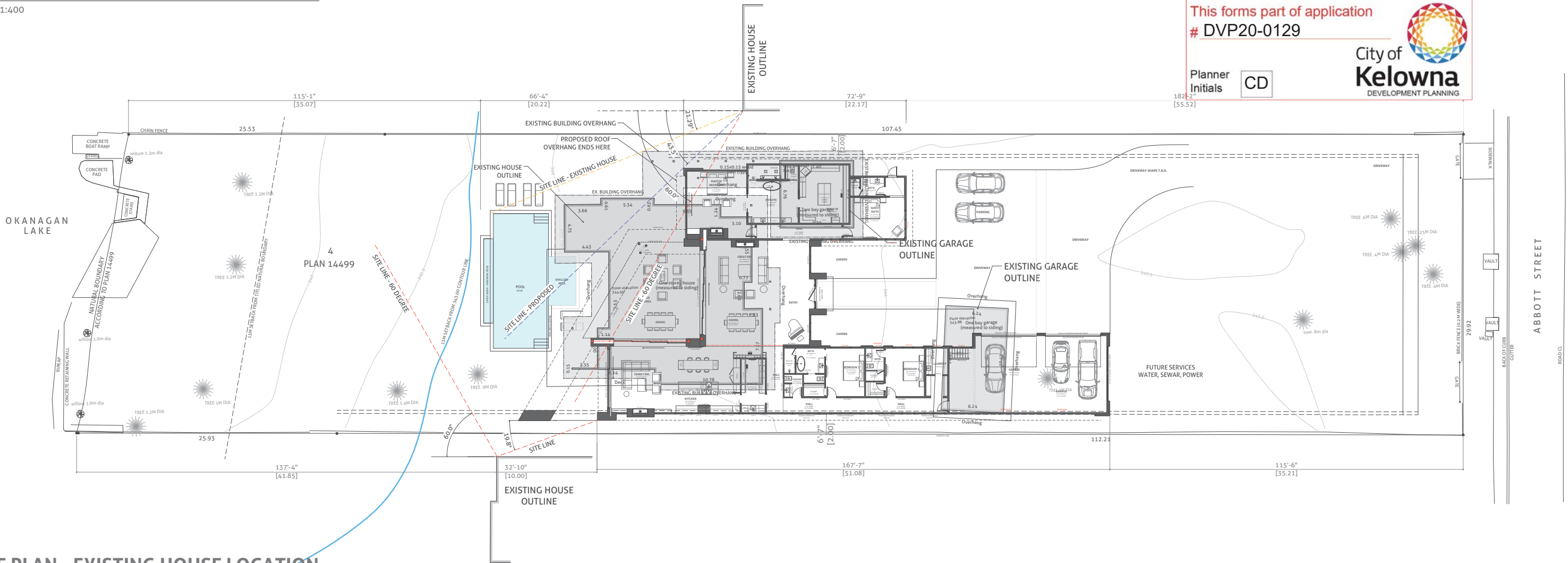
SCALE: 1:400

SCHEDULE **A**

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DEVELOPMENT PLANNING



SITE PLAN - EXISTING HOUSE LOCATION

SCALE: 1:400

A

DVP20-0129



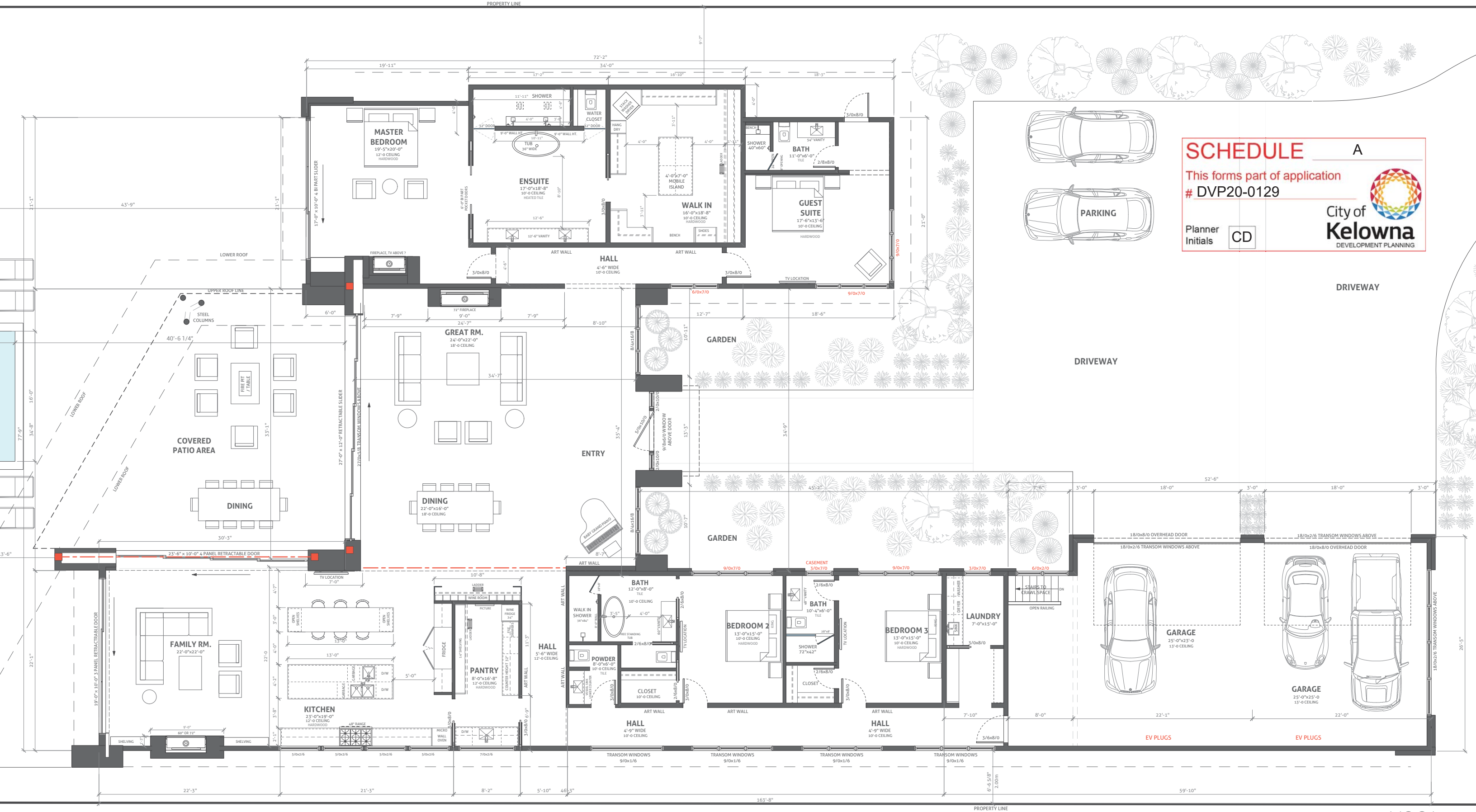
City of Kelowna
DEVELOPMENT PLANNING

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SCALE: 1:200

JUNE 11, 2020

 WEST COAST DESIGN



SCHEDULE

A

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City of Kelowna

DEVELOPMENT PLANNING

MAIN FLOOR PLAN

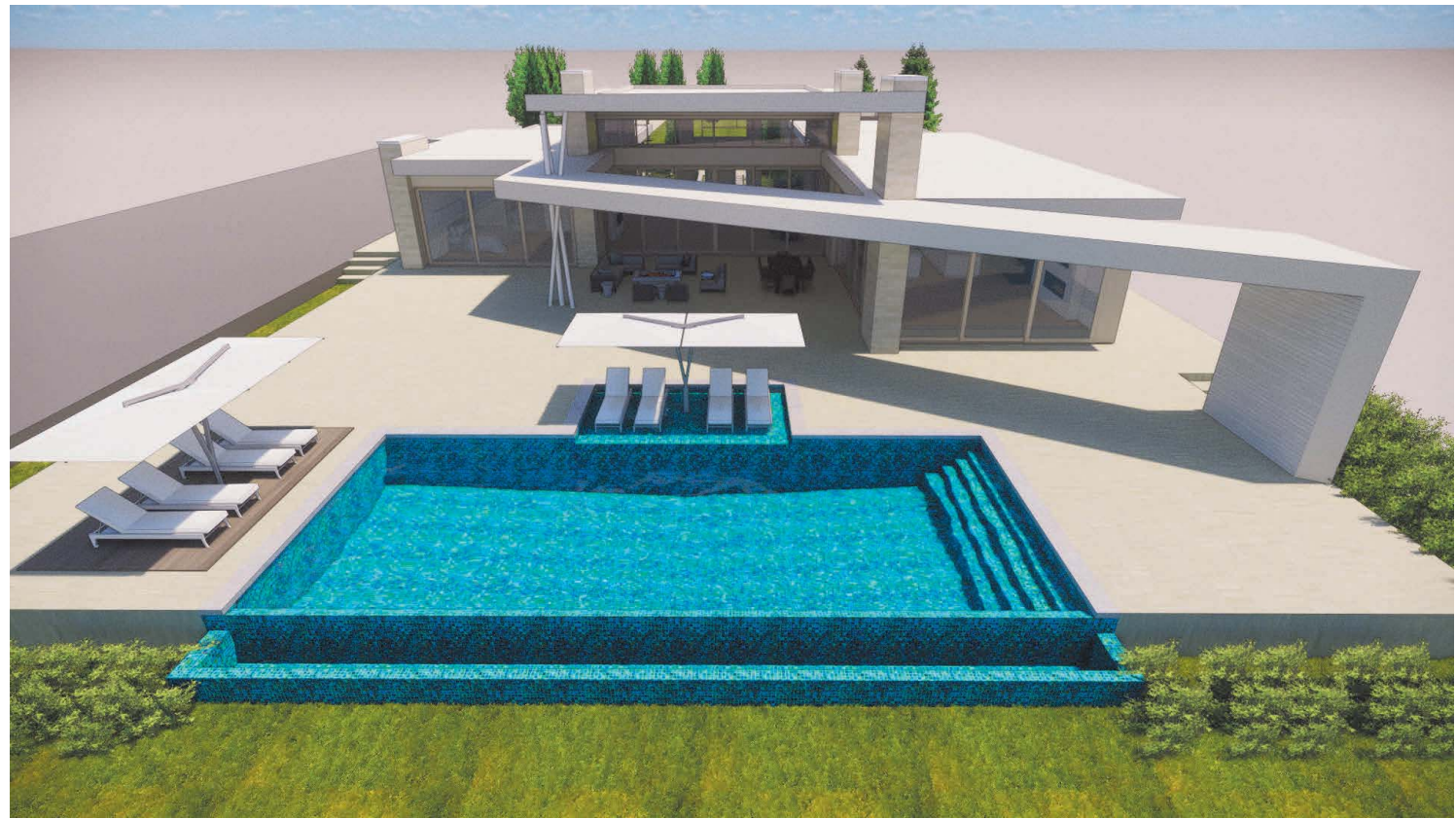
SCALE: 3/32" = 1'-0"

FLOOR AREA = 5,280 sq.ft.
GARAGE = 1,200 sq.ft.

2700 ABBOTT STREET LOT 4, DISTRICT LOT 14, ODYD, PLAN 14499

JUNE 11, 2020

WEST COAST DESIGN



SCHEDULE

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City of Kelowna

DEVELOPMENT PLANNING

June 10, 2020

City of Kelowna
1435 Water Street
Kelowna, B.C.
V1Y 1J4

ATTACHMENT		B
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Dear Mayor, Council Members and City Staff:

Subject: Development Variance Permit Application No. DVP20-0129
 2700 Abbott Street – Tom and Debra Mauro

We are the owners of the subject property located 2700 Abbott Street. While we have only owned the property since March of this year, we first met the previous owner eight years ago. We have had a long connection with the Okanagan, and Kelowna in particular, and acquiring this property became our dream. We are fortunate to have the opportunity to design and build our dream home and property.

We have been in consultation with all of the immediate neighbours since early March as best as we could with the COVID-19 social distancing rule. We wanted to share our overall plans and to explain that we would need one variance to complete the project. We are requesting a variance to the 60 Degree Okanagan Lake Sight Lines provision (Section 6.11 of the Zoning Bylaw). Our original request was to reduce the view angle from 60 degrees to 27 degrees for the property to the north of us. We have been able to get support from all the neighbours but one, the property owner to the north.

We have recently decided that we can work with a further compromise to create a view angle of 43.5 degrees for the property owner to the north. We have also used design elements such as using only a single storey and incorporating a flat versus pitched roof – all in the effort to try and minimize the impact.

Our rationale for the requested variance are as follows:

1. We are improving the situation from the previous house location. We have already removed the previous home from the property, but its location was such that the view angle to the property to the north was 21.3 degrees. We are now proposing 43.5 degrees. We now realize that we could have left a portion of the previous house in place and been grandfathered or considered a legal non-conforming placement for that portion of the old house, but we really wanted to start with all new construction and felt that the new proposed design would merit the siting we have requested.
2. There is significant mature landscaping on our property. The neighbor to the north also has mature landscaping adjacent to his north property line. The resulting effect is this landscaping prevents any clear sight lines to the lake other than their direct view straight down their lot. The placement of our home will not have a significant impact to the potential view and again, is an improvement over the previous house placement.
3. The bylaw provision would be very effective and prudent if you were dealing with a row of vacant lots. However, when considering new infill construction in an established area, there will

always be some sort of compromise. In order to meet the bylaw provisions for the neighbor to the north, we would be creating a non-conforming situation for our own house with the neighbor to the south. In situations like this where our lot is transitioning from homes closer to the lake and those further way, there should be some leeway to find that compromise. Even with this compromise of 43.5 degree view line for the property to the north, we are creating a view angle of 19.8 degrees between our home and the property owner to the south.

4. Typically, the house placement on a Lakefront lot is predicated on riparian setback limits. We have already exceeded the minimum lake setback by at least a factor of 3. We do not feel that a sight line provision that has limited results due to landscaping and trees should dictate that we have move the house any further back from the lakefront.

We have contacted the neighbours to the north several times to propose different house placements that would be a compromise. His feedback to us has been that he would not support any variance to the bylaw provisions. While we respect his position, we feel that what we propose is an acceptable compromise and has taken his position into consideration. We are sharing the burden by not gaining our 60 degree view angle to the neighbor to the south. In fact, are imposing a view angle of 19.8 degrees on our own view angle relative to the property to the south. We really do not want to move the house any closer to the street.

We love Kelowna and feel very fortunate to have been able to acquire our dream property. We have owned homes here in Kelowna for many years and are excited with our plan to finally retire here.

We have been involved in the Kelowna community, most notably in the efforts to help with the Kelowna Child Advocacy Center. We have been fortunate to have founded the CAC in Calgary and were happy to assist in an advisory capacity with the CAC here.

We plan on being involved in Kelowna as we feel it is important to contribute to the Community we proudly call Home.

We hope you will support our proposal of this variance. We look very forward to beginning the construction of our new home.

Sincerely,

Tom and Debra Mauro
2700 Abbott Street

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