

Development Variance Permit DVP21-0003

| | | |
|--------------------------------|----|---|
| ATTACHMENT | | A |
| This forms part of application | | |
| # DVP21-0003 | | |
| Planner Initials | SS |  City of Kelowna DEVELOPMENT PLANNING |



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

377 Uplands Crt

and legally known as

Lot 1 Section 23 Township 28 SDYD Plan KAP66197

and permits the land to be used for the development with a variance to the following section of the Zoning Bylaw 8000:

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

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

Date of Decision: June 22, 2021

Decision By: CITY COUNCIL

Issued Date: DATE

Development Permit Area: NA

File Manager: SS

This permit will not be valid if development has not commenced within 2 years of the council approved Date of Decision.

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 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: Dale and Kimberly Loewen

Address: 4 Citadel Manor N.W

City: Calgary, AB

Phone: 403-650-9297

Dean Strachan, Suburban and Rural Planning Manager
Planning & Development Services

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

- a) The dimensions and siting of the retaining wall to be constructed on the land be in accordance with Schedule "A";
- b) Landscaping to be provided on the land be in accordance with Attachment "B"; and
- c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as shown on Schedule "A";

Section 7.5.9 – Landscaping and Screening, Fencing and Retaining Walls

To vary the maximum height of the retaining wall from 1.2 m required to 4.8m proposed.

This Development Permit is valid for two (2) years from the Council Date of Decision if applicable, or Community Planning Department Manager approval, with no opportunity to extend.

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) A Certified Cheque in the amount of, \$9896.00

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.

4. 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.**

LOT 1 UPLANDS COURT

PROPERTY DESCRIPTION

CMC: 377 UPLANDS COURT, KELOWNA, BC
 LEGAL: LOT 1, PLAN 66197

BC ENERGY STEP CODE COMPLIANCE: STEP 1

ZONING CALCULATIONS:

CURRENT: CITY OF KELOWNA RU1 ZONING
 SITE INFORMATION:

| | ALLOWED | PROPOSED |
|---------------------------------------|---------------------------------|------------------|
| GROSS SITE AREA= | 14,070 SF (1,307 SM) | |
| ALLOWABLE SITE COVERAGE= | 40% (5,628 SF) | 21% (2,974 SF) |
| COVERAGE + HARDSCAPING= | 50% (7,035 SF) | 26% (3,589 SF) |
| UNIT AREA CALCULATIONS: | | |
| WALKOUT LEVEL: | 1,814 SF (EXCLUDING STAIRS) | |
| ENTRY LEVEL: | 2,047 SF | |
| GARAGE: | 912 SF | |
| UPPER LEVEL: | 422 SF (EXCLUDING STAIRS) | |
| TOTAL: | 5,195 SF | |
| MAX. HEIGHT = | | |
| YARD SETBACKS: | 9.5M (31.2 FT) OR 2-1/2 STOREYS | 6.6M (2 STOREYS) |
| FRONT YARD - | 4.5M | 17.2M |
| SIDE YARD - | 2.3M | 2.4M |
| SIDE YARD SETBACK (FLANKING STREET) - | 4.5M | 7.0M |
| SIDE YARD SETBACK (GARAGE) - | 6.0M | 11.1M |
| REAR YARD - | 7.5M | 7.7M |
| PARKING CALCULATIONS: | | |
| SINGLE DETACHED HOUSING | REQUIRED 2 | PROPOSED 3 |

GENERAL NOTES - ARCHITECTURAL:

- ALL WORK SHALL CONFORM TO THE STANDARDS OF THE N.B.C. OF CANADA 2015 (ALL APPLICABLE SECTIONS), THE B.C. BUILDING CODE (BCBC) 2018 AND ALL LOCAL CODES, BYLAWS AND AMENDMENTS.
- DO NOT SCALE DRAWINGS; DIMENSIONS ALWAYS TAKE PRECEDENCE.
- ALL TRADES SHALL VERIFY ALL DATUMS, DIMENSIONS AND LEVELS PRIOR TO COMMENCEMENT OF WORK.
- ALL ERRORS AND OMISSIONS TO BE REPORTED IMMEDIATELY TO LIME ARCHITECTURE.
- VARIATIONS AND MODIFICATIONS TO THE WORK SHOWN ON DRAWINGS SHALL NOT BE CARRIED OUT WITHOUT THE EXPRESS WRITTEN PERMISSION OF LIME ARCHITECTURE.
- THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF LIME ARCHITECTURE AND CANNOT BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF LIME ARCHITECTURE.
- ALL WORK TO BE PERFORMED TO CURRENT GOOD TRADE PRACTICE STANDARDS BY WORKMEN SKILLED IN THEIR TRADES.
- ALL MATERIALS TO BE OF GOOD QUALITY, PROPERLY TRANSPORTED, STORED AND PROTECTED.
- ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE FACE OF WOOD STUDS AND EXTERIOR FACE OF CONCRETE UNLESS NOTED OTHERWISE.
- ALL INTERIOR DIMENSIONS TAKEN FROM CENTER LINE OF STUDS U.N.O.
- ALL LOAD BEARING LUMBER TO BE SPF #2 OR BETTER U.N.O.
- ALL LOAD BEARING WOOD BEAMS TO BE SPF #2 OR BETTER U.N.O.
- ALL EXTERIOR WALLS TO BE 2 X 4 WITH EXTERIOR RIGID INSULATION @ 24" O.C., U.N.O.
- INTERIOR WALLS TO BE 2 X 4 @ 24" O.C., U.N.O.; INTERIOR LOAD BEARING WALLS TO BE 2X @ 16" O.C., U.N.O. (SHOWN SHADED ON PLAN DRAWINGS)
- USE DOUBLE JOISTS UNDER PARTITIONS PARALLEL TO JOISTS UNLESS NOTED OTHERWISE (U.N.O.).
- ALL LOAD BEARING COLUMNS TO BE AT LEAST EQUAL TO WIDTH OF BEAMS AND OF SOLID LUMBER OR LAMINATED STUDS.
- UNTELS UP TO 6'-0" WIDE TO BE 2-2 X 10 SPF #2 OR BETTER U.N.O. - TO BE BUILT UP TO EQUAL WIDTH OF WALL FRAMING.
- UNTELS OVER 6'-0" TO BE 2-2 X 12 SPF #1 OR BETTER OR ENGINEERED UNLESS NOTED OTHERWISE (U.N.O.).
- FRAMING TRADE TO PROVIDE MIN. 2 X 2 CROSS BRACING OR SOLID BLOCKING BETWEEN JOISTS AND RAFTERS @ 7'-0" O.C. MAXIMUM, MINIMUM ONE ROW UNLESS NOTED OTHERWISE BY FLOORING ENGINEER.
- ALL FOOTINGS TO BEAR ON UNDISTURBED NATIVE SOIL, APPROVED ENGINEERED FILL OR BEDROCK AND EXTEND A MINIMUM DEPTH 300MM BELOW FROST LINE FROM FINISHED GRADE.
- MINIMUM CONCRETE STRENGTH AT 28 DAYS : FOOTINGS, SLABS, FOUNDATION WALLS: 3000PSI, LIGHTWEIGHT CONCRETE TOPPING: 4000PSI.
- MINIMUM PAD FOOTING SIZES AS PER STRUCTURAL NOTES BELOW AND/OR AS NOTED ON PLAN DRAWINGS (LARGEST PAD AND REINFORCING SIZES TO TAKE PRECEDENCE WHERE CONTRADICTION EXISTS).
- SECURE SILL PLATES TO FOUNDATION WALLS WITH 1/2" DIAM. X 10" ANCHOR BOLT @ 4'-0" O.C. FOR EXTERIOR WALLS AND 6'-0" FOR INTERIOR WALLS.
- ALL WOOD MEMBERS IN CONTACT WITH CONCRETE TO BE PROTECTED WITH SILL PLATE GASKET.
- PROVIDE DAMPROOFING TO ALL EXTERIOR FOUNDATION WALLS (INCLUDING RE-DAMP-PROOFING) IN ACCORDANCE WITH BCBC 2018.
- PROVIDE A MINIMUM OF 6" CLEARANCE BETWEEN SOIL AND ANY WOOD MEMBERS.
- ALLOWABLE SOIL BEARING PRESSURE 2000 PSF ASSUMED FOR DESIGN AND TO BE CONFIRMED AT EXCAVATION BY A QUALIFIED ENGINEER.
- PROVIDE ALUMINUM FLASHINGS OVER ALL EXTERIOR OPENINGS.
- CAULK AND SEAL ALL EXTERIOR OPENINGS IN ACCORDANCE WITH BCBC 2018.
- VENTILATION REQUIREMENTS TO CONFORM TO BCBC 9.32.3 AND TABLE 9.32.3.5.
- UNIFORMLY DISTRIBUTE VENTILATION TO ROOFS AS PER BCBC 9.19.1.2.
- PROVIDE A MINIMUM CLEARANCE BETWEEN TOP OF ROOF INSULATION AND UNDERSIDE OF ROOF SHEATHING AS PER BCBC 9.19.1.3.
- DIVELLING GLAZING SECURITY REQUIREMENTS TO CONFORM TO BCBC 9.7.6 AND APPENDIX (A)9.7.5.3.(1).
- ALL EXTERIOR AND REQUIRED GUARDS TO BE 3'-6" (1070MM) HIGH WITH MAX. 3/4" (100MM) CLEAR OPENINGS.
- ALL HANDRAILS SHALL BE A MINIMUM 2'-8" HIGH ABOVE THE NOSINGS.
- ALL STAIR TREADS TO BE 10 1/2" INCH MINIMUM AND AN 1/2" NOSING.
- ALARMS AND DETECTION SYSTEMS TO BE AS PER 3.2.4.1 OF THE BCBC.

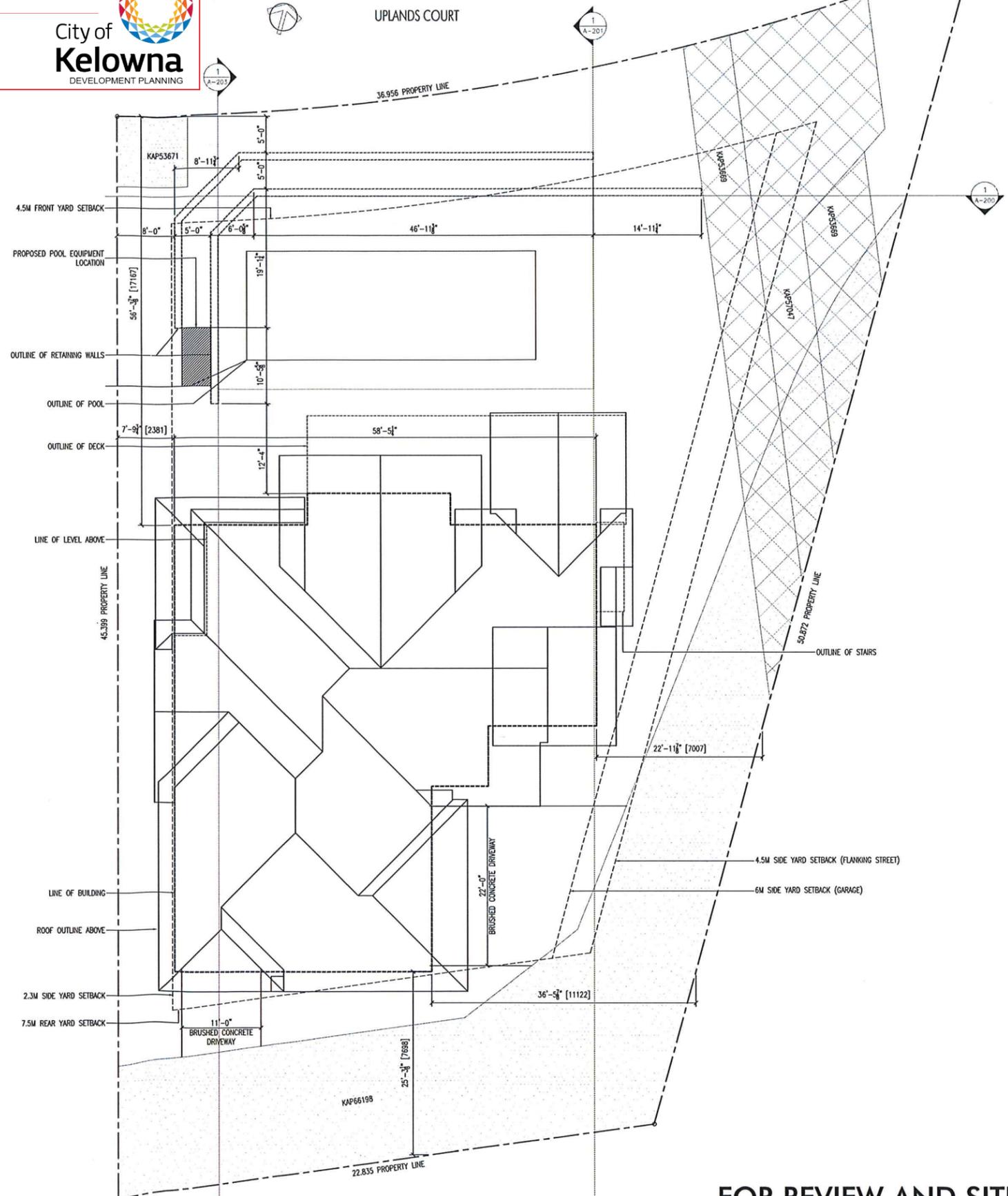
SCHEDULE A

This forms part of application
 # DVP21-0003



City of Kelowna
 DEVELOPMENT PLANNING

Planner Initials **SS**



1 SITE/ROOF PLAN
 A-501 1/8" = 1'-0"

LIME ARCHITECTURE INC.
 PHONE: 250-448-7801
 295-1826 Risher Street, Kelowna, BC V1Y 1S3
 www.limearchitecture.com

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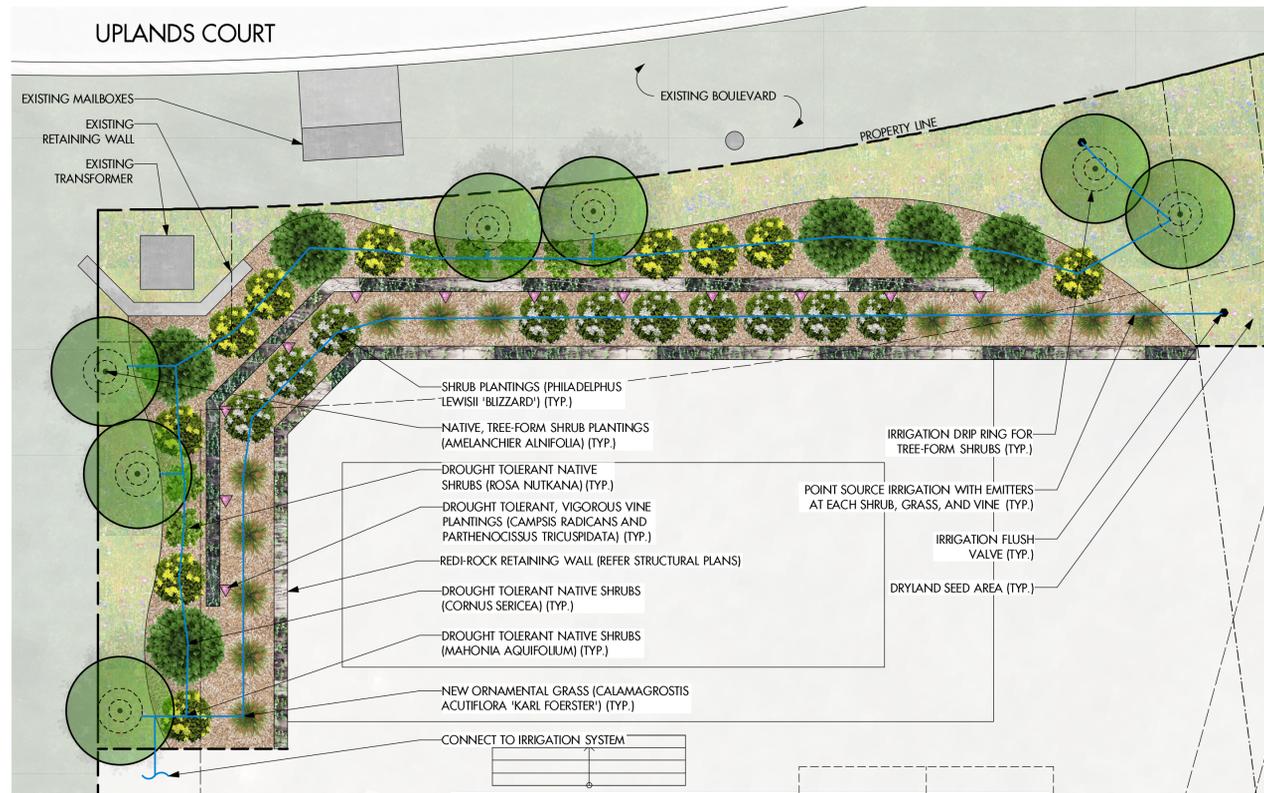
All trades are to execute the work in accordance with the current municipal building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

| Revision No., Date and Description |
|---|
| 12.20.19 - PROGRESS REVIEW |
| 02.11.20 - Client Coordination |
| 04.10.20 - Client Coordination |
| 08.01.20 - Client Coordination |
| 06.11.20 - Client Coordination |
| 07.02.20 - 99% DD Review |
| 07.16.20 - Client Review |
| 08.12.20 - Client Review |
| 08.13.20 - Client Review |
| 09.03.20 - For Review and Site Coordination |
| 09.04.20 Client Review |
| 09.10.20 Client Review |
| 10.22.20 Client Review |
| 11.06.20 - Site Section Info |

| Plot Date | Drawing No. |
|-----------|-------------|
| 6-Nov-20 | A-001 |

PROJECT
 377 UPLANDS CT., KELOWNA
 THE LOEWEN RESIDENCE
DRAWING TITLE
 PROJECT INFORMATION

FOR REVIEW AND SITE COORDINATION



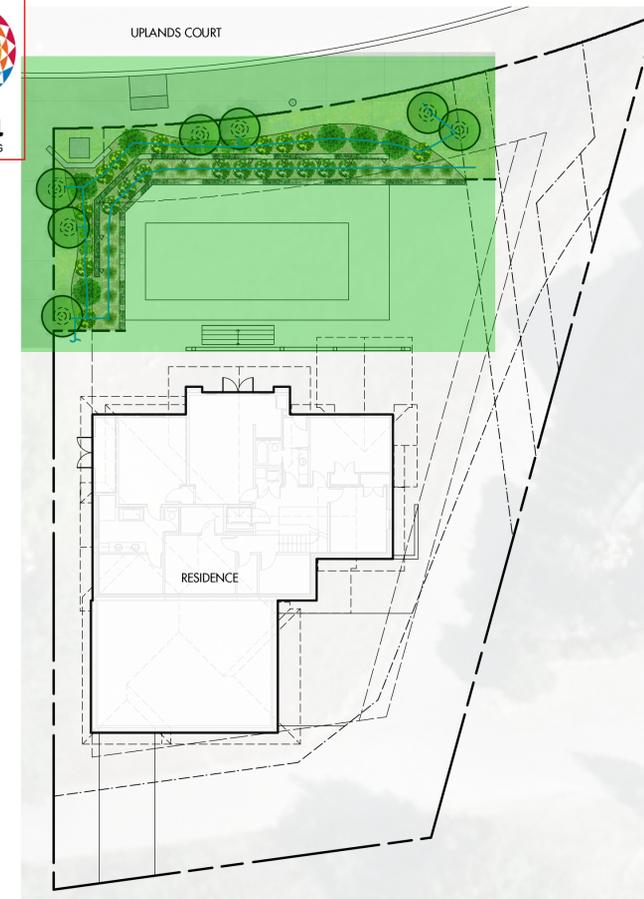
RETAINING WALL LANDSCAPE PLAN
SCALE 1:75

SCHEDULE B

This forms part of application # DVP21-0003

Planner Initials **SS**

City of Kelowna
DEVELOPMENT PLANNING



SITE PLAN
SCALE 1:200



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

303-590 KLO Road
Kelowna, BC V1Y 7S2
T (250) 868-9270
www.outlanddesign.ca



PROJECT TITLE
377 UPLANDS COURT

Kelowna, BC

DRAWING TITLE

**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION

| | | |
|---|----------|--------|
| 1 | 21.04.30 | Review |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

PROJECT NO. 21-073
DESIGN BY KM
DRAWN BY SIP
CHECKED BY FB
DATE APR. 30, 2021
SCALE AS NOTED

SEAL



DRAWING NUMBER

L1/1

ISSUED FOR REVIEW ONLY
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PHILADELPHUS LEWISII 'BLIZZARD'



MAHONIA AQUIFOLIUM



ROSA NUTKANA



CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'



AMELANCHIER ALNIFOLIA



CAMPSIS RADICANS



CORNUS SERICEA

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED C.N.L.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST

| BOTANICAL NAME | COMMON NAME | QTY | SIZE / SPACING & REMARKS |
|--|----------------------------------|-----|--------------------------|
| TREEFORM SHRUBS | | | |
| AMELANCHIER ALNIFOLIA | SASKATOON | 7 | #1.5 CONT. |
| SHRUBS & ORNAMENTAL GRASSES | | | |
| CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' | KARL FOERSTER FEATHER REED GRASS | 13 | #01 CONT./PER PLANS |
| CORNUS SERICEA | RED OSIER DOGWOOD | 6 | #02 CONT./PER PLANS |
| MAHONIA AQUIFOLIUM | OREGON GRAPE HOLLY | 10 | #02 CONT./PER PLANS |
| PHILADELPHUS LEWISII 'BLIZZARD' | BLIZZARD MOCKORANGE | 10 | #02 CONT./PER PLANS |
| ROSA NUTKANA | NOOTKA ROSA | 7 | #02 CONT./PER PLANS |
| VINES | | | |
| CAMPSIS RADICANS | TRUMPET VINE | 6 | #01 CONT./PER PLANS |
| PARTHENOCISSUS TRICUSPIDATA | BOSTON IVY | 6 | #01 CONT./PER PLANS |

CITY OF KELOWNA

MEMORANDUM

Date: February 11, 2021
File No.: DVP21-0003
To: Community Planning (SS)
From: Development Engineering Manager (JK)
Over Height
Subject: 377 Uplands Court . Over Height Retaing Wall Construction

The Development Engineering Branch has the following comments and requirements regarding this Development Variance Permit application to vary the height of a retaining wall from 1.2 m (permitted) to 4.8 m (proposed).

Engineers and Geoscientists BC's Quality Management Guidelines: Documented Independent Review of Structural Designs shall be followed / implemented:
"Retaining walls including but not limited to, gravity, piling, cantilever, anchored, mechanically stabilized earth (MSE), and geosynthetic reinforced soil (GRS) walls when over 3.0 m high or deemed to be high risk are included in the requirement to have documented independent reviews conducted by a qualified professional, as retaining walls fulfill the important structural function of safely retaining soil."

Further, while the City Zoning Bylaw allows for walls of up to 1.2m and requires setbacks and tiers for higher, and Bulletin 07-05 prescribes a Development Variance Permit for overheight walls after subdivision, any wall greater than two tiers or 2.4m shall be based on Professional Reliance and require geotechnical/structural design and Schedules at time of approval.



James Kay, P.Eng.
Development Engineering Manager
JF